

Guide to electronic execution of documents in Australian States and Territories¹ ©

Terms in this guide which are *italicised* are described in the Glossary of Terms attached.

No.	Type of document	Individual	Company	Partnership
1.	Deeds in NSW (e.g. Deed of Indemnity or Confidentiality Deed)	<p>May be executed electronically by the individual inserting their own² electronic signature onto the deed and can be witnessed by the witness inserting their own <i>electronic signature</i> onto the deed.</p> <p>However, parties should take care in ensuring the requirements for <i>remote witnessing</i> of the execution of deeds (if witnessed remotely) are properly complied with.³ This includes ensuring that the deed contains a statement that it has been signed in counterpart and witnessed over audio visual link in accordance with section 14G of the <i>Electronic Transactions Act 2000</i> (NSW).</p> <p>Parties to the deed should ensure that the <i>Identification, Reliability and Consent Requirements</i> are complied with in relation to electronic execution.</p>	<p>Execution under section 126 and 127 of the Corporations Act⁴</p> <p>May be signed in accordance with:</p> <p>(a) section 126 by an agent (individual acting with the company's express or implied authority and on behalf of the company) without having to be appointed by deed⁵; or</p> <p>(b) section 127 by 2 directors or a director and the company secretary, or by a sole director (if the sole director is also the sole company secretary, or there is no company secretary):</p> <p>by:</p> <p>(c) <i>electronic signing⁶</i>; or</p> <p>(d) <i>wet ink signing</i>.</p> <p><i>Split execution</i> is permitted.</p> <p>The document signed does not need to include the entire contents of the deed (e.g. the document signed could be the signature page), but care must be taken to ensure that there is clear and unambiguous evidence of an intention to be bound by the entire contents of the deed.</p> <p>Parties to the deed should ensure that the <i>Technology neutral signing requirements</i> are complied with.</p> <p>A deed may also be executed by an individual under a power of attorney.⁷</p>	<p>Depends on who is signing on behalf of the partnership:</p> <p>(a) If agent (for and on behalf of the partnership) or partner signing is an individual, then as for signing by individual.</p> <p>(b) If agent (for and on behalf of the partnership) or partner signing is a company (in its own right or as trustee), then as for signing by company.</p>

¹ Current as at 1 March 2022. This guide contains general information and is not legal advice on which you may rely. Consult your Addisons lawyer for advice on the proper execution of a particular document.

² As the *Conveyancing Act 1919* (NSW) requires that a signature to a deed be witnessed, we do not consider that this requirement will be met where another person affixes a signing party's signature to a deed.

³ Please see the requirements for audio visual witnessing under section 14G of the *Electronic Transactions Act 2000* (NSW) set out on page 8.

⁴ If the document being signed is regulated by State or Territory conveyancing/property legislation, check if there are additional requirements that need to be met.

⁵ Section 126 does not affect the operation of other laws that require a particular procedure to be complied with in relation to the contract or document, other than to the extent that the law is inconsistent with section 126 (see section 126(3) of the *Corporations Act 2001* (Cth)). Ensure relevant State/Territory laws are considered.

⁶ Please see the *Technology neutral signing requirements*, which must be satisfied under section 110A of the *Corporations Act 2001* (Cth) for electronic signing to be permitted.

⁷ Refer to State and Territory based legislation requirements for signing under a power of attorney.

No.	Type of document	Individual	Company	Partnership
2.	Deeds in VIC	<p>May be <i>electronically signed</i> by the individual:</p> <p>(a) inserting their own <i>electronic signature</i> onto the deed; or</p> <p>(b) another person inserting the signing party's <i>electronic signature</i> onto the deed.</p> <p>Where another person affixes the electronic signature of a signing party, there must be evidence that the signatory authorised the affixing of their <i>electronic signature</i>.⁸</p> <p>Although it is not required that a deed be witnessed in Victoria, the <i>Electronic Transactions Act 2000</i> (VIC) outlines requirements for <i>remote witnessing</i> which should be complied with if a party's signature is being witnessed remotely in VIC.⁹ This includes ensuring that the deed contains a statement that all the requirements of witnessing by audio visual link have been met.</p> <p>Parties to the deed should ensure that the <i>Identification, Reliability and Consent Requirements</i> are complied with in relation to electronic execution.</p>	As above for NSW.	As above for NSW.
3.	Deeds in QLD	<p>May be <i>electronically signed</i> by the individual:</p> <p>(a) inserting their own <i>electronic signature</i> onto the deed; or</p> <p>(b) another person inserting the signing party's <i>electronic signature</i> onto the deed.</p> <p>Where another person affixes the electronic signature of a signing party, there must be evidence that the signatory authorised the affixing of their <i>electronic signature</i>.¹⁰</p> <p>Although it is not required that a deed be witnessed in Queensland, the <i>Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020</i> (QLD) outlines requirements for <i>remote witnessing</i> which should be complied with if a party's signature is being witnessed remotely in that State.¹¹</p>	As above for NSW.	As above for NSW.

⁸ There is no requirement for the witnessing of a deed signed by an individual in Victoria, though note requirements for witnessing under a power of attorney in section 74(3) of the *Property Law Act 1958* (VIC). *Bendigo and Adelaide Bank Ltd v DY Logistics Pty Ltd* [2018] VSC 558 as authority for the electronic signing of deeds in Victoria with proper authentication.

⁹ Please see the requirements for audio visual witnessing under section 12 of the *Electronic Transactions Act 2000* (VIC) set out on page 9.

¹⁰ There is no requirement for the witnessing of a deed in Queensland. Section 12P of the *Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020* (QLD) provides that a deed may be signed or *electronically signed* by an individual's agent.

¹¹ Please see the requirements for audio visual witnessing under Division 2 of the *Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020* (QLD) set out on page 10.

No.	Type of document	Individual	Company	Partnership
		<p>Parties to the deed should ensure that the <i>Identification, Reliability and Consent Requirements</i> are complied with in relation to electronic execution.</p> <p>Note that the legislation that <i>permits electronic signing of deeds and remote witnessing</i> currently expires on 30 April 2022, however the QLD government has passed legislation to make these changes permanent.¹²</p>		
4.	Deeds in TAS, SA, WA, NT and ACT	<p><i>Wet ink signing</i> only. To be witnessed as required by the relevant State and Territory based legislation. See page 7 for further resources.</p> <p>As these States and Territories have not amended the common law paper, parchment or vellum rule, the electronic signing of deeds is not permitted.</p>	As above for NSW.	As above for NSW.
5.	Agreements in all Australian states and territories	<p>May be signed by <i>electronic signature</i> (and can be witnessed by <i>electronic signature</i> if required) but where another person affixes the electronic signature of a signing party, there must be evidence that the signatory and witness authorised the affixing of their electronic signature.¹³</p> <p>Where an agreement is required to be witnessed, parties should take care in ensuring State-based requirements for remote witnessing (if witnessed remotely) are properly complied with.¹⁴</p> <p>Parties to the agreement should ensure that the <i>Identification, Reliability and Consent Requirements</i> are complied with in relation to electronic execution.</p>	<p>Execution under section 126 and 127 of the Corporations Act</p> <p>May be signed in accordance with:</p> <p>(a) section 126 by an agent (individual acting with the company's express or implied authority and on behalf of the company) without having to be appointed by deed¹⁵; or</p> <p>(b) section 127 by 2 directors or a director and the company secretary, or by a sole director (regardless of whether or not that director is also the company secretary),</p> <p>by:</p> <p>(c) <i>electronic signing</i>¹⁶; or</p> <p>(d) <i>wet ink signing</i>.</p> <p><i>Split execution</i> is permitted.</p> <p>The document signed does not need to include the entire contents of the agreement (e.g. the document signed could be the signature page), but care must be taken to ensure that there is clear and unambiguous evidence of an intention to be bound by the entire contents of the agreement.</p>	<p>Depends on who is signing on behalf of the partnership:</p> <p>(a) If agent (for and on behalf of the partnership) or partner signing is an individual, then as for signing by individual.</p> <p>(b) If agent (for and on behalf of the partnership) or partner signing is a company (in its own right or as trustee), then as for signing by company.</p>

¹² To commence on the day to be fixed by proclamation under *Justice and Other Legislation Amendment Act 2021* (QLD).

¹³ Please see further information in the section titled "*Further resources related to electronic execution of documents*".

¹⁴ Please see the requirements for audio visual witnessing in NSW, VIC and QLD set out on pages 8-13.

¹⁵ Section 126 does not affect the operation of other laws that require a particular procedure to be complied with in relation to the contract or document, other than to the extent that the law is inconsistent with section 126 (see section 126(3) of the *Corporations Act 2001* (Cth)).

¹⁶ Please see the *Technology neutral signing requirements*, which must be satisfied under section 110A of the *Corporations Act 2001* (Cth) for electronic signing to be permitted.

No.	Type of document	Individual	Company	Partnership
			<p>Parties to the agreement should ensure that the <i>Technology neutral signing requirements</i> are complied with.</p> <p>An agreement may also be executed by an individual under a power of attorney.¹⁷</p>	
6.	Internal corporate governance documents¹⁸ in all Australian states and territories	<p>May be <i>electronically signed</i>, though the company should ensure that a record of these documents is kept.</p> <p>If another person affixes the <i>electronic signature</i> of the signing party (i.e. company secretary on behalf of a director), there must be evidence that the signatory authorised the affixing of their electronic signature.</p>		

¹⁷ Refer to State and Territory based legislation requirements for signing under a power of attorney.

¹⁸ E.g., director's consent to act, or documents relating to a shareholders or directors meeting.

Glossary of Terms

The following contains a glossary of some terms commonly used in this guide.

Term	Description
Electronic signing or electronic signature	<p>Any form of digital or electronic signing (i.e. not on a physical hard copy document), including:</p> <ul style="list-style-type: none"> • pasting a copy of a signature into a soft copy document; • signing a PDF on a tablet, smartphone or laptop using a stylus or finger; and • cloud-based signature platforms like DocuSign.
Identification, Reliability and Consent Requirements	<p>Requirements in each of the <i>Electronic Transactions Act 2000</i> (NSW) and <i>Electronic Transactions Act 1999</i> (Cth) which are broadly as follows</p> <ul style="list-style-type: none"> • Identification Requirement – a method is used to identify the person and to indicate the person's intention in respect of the information communicated. <ul style="list-style-type: none"> ○ In other words, the recipient (counterparty relying on the signature) must be able to identify from the method of signing, the person signing and confirm that the signatory intends to be bound by the information communicated. <ul style="list-style-type: none"> ▪ An electronic signature that is accompanied by the signatory's name (and, if applicable, position) would meet this requirement. • Reliability Requirement – the method used was either: <ul style="list-style-type: none"> ○ as reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in light of all the circumstances, including any relevant agreement; or ○ proven in fact to have fulfilled the functions described in the dot point immediately above, by itself or together with further evidence. <p>In other words, the method used for the electronic signature must be reliable, which is objectively determined by considering all relevant circumstances and the purpose for which the signature is required. For example:</p> <ul style="list-style-type: none"> ▪ it should be sufficiently reliable that the communication is sent from the signatory's personal email address, or that software is used which requires a password or authentication before a digital signature is inserted; or ▪ where an individual's electronic signature has been applied by someone other than the signing party, evidence of the signing party's personal authentication for the affixation of their electronic signature to that particular document (and not a class of documents) is provided to the counterparty. This might be satisfied by approval by way of email to the person applying the electronic signature (CC'ing the counterparty) from the signatory with the following words: <p style="margin-left: 40px;"><i>"I, [signatory], confirm that (i) I authorise [person applying electronic signature] to affix my electronic signature to the attached [deed/agreement] for the purpose of signing the [deed/agreement]; and (ii) the electronic signature appearing on the [deed/agreement] so executed is to be treated as my original signature."</i></p> • Consent Requirement – the person to whom the signature is required to be given consents to that requirement being met by way of the use of the method mentioned in the Identification Requirement. <ul style="list-style-type: none"> ○ In other words, the counterparty to the document being electronically signed must agree to the document being signed electronically in the proposed method. <p>For example, use of DocuSign would satisfy the above requirements:</p> <ul style="list-style-type: none"> • Identification – The contract to be signed is sent to the individual's email address, satisfying the identification requirement. • Reliability – this is a subjective test, but one which we consider to be satisfied by use of DocuSign. • Consent – upon being provided with a contract for signing through document, each signatory consents to the use of electronic signing by way of DocuSign. <p>We further note that, in the explanatory statement to the now expired <i>Corporations (Coronavirus Economic Response) Determination (No.3) 2020</i> (Cth), cloud-based signature platforms such as DocuSign were considered to satisfy the identification, reliability and consent requirements under that determination.</p>

Term	Description
Technology neutral signing requirements	<p>Requirements in the <i>Corporations Act 2001</i> (Cth), which mirror the Identification and Reliability requirements above, are that the method of signing must satisfy the following:</p> <ul style="list-style-type: none"> • Identification requirement – the method identifies the person and indicates the person’s intention in respect of the information recorded in the document. • Reliability requirement – the method used was either as reliable as appropriate for the purpose for which the information was recorded, or proven in fact to have fulfilled the functions described in the identification requirement. <p>No particular technology is mandated, and it is acknowledged that there are a range of different technologies that are currently in use, such as, online platforms or using stylus tools to sign PDF.</p>
Remote witnessing	<p>This refers to the witnessing by audio visual link (e.g. Zoom) of an individual apply their signature. See the requirements for remote witnessing in NSW, VIC and QLD on pages 8-13.</p>
Split execution	<p>This involves one officer of the company signing a document (with a wet ink signature or electronically) and the second officer in a different location signing a counterpart of the document (with a wet ink signature or electronically).</p> <p>The end result is that there are two documents, each with one officer’s signature (but there is no one document with both their signatures on the same execution block).</p>
Wet ink signing	<p>Handwritten signing on a physical hard copy document (usually pen on paper).</p>

Further resources related to electronic execution of documents

The below table provides further resources referred to in Addisons' guide to electronic execution of documents in Australian States and Territories.

Information is current as at 1 March 2022.

Electronic execution – Further resources ¹⁹	
<p>1. Electronic execution by companies</p> <p>As at 1 March 2022</p>	<p>Corporations Act 2001 (Cth), sections 110-110B, 126 and 127.</p>
<p>2. Electronic Transactions Legislation</p> <p>As at 20 February 2022</p>	<p>Electronic Transactions Act 1999 (Cth) and similar legislation in each State and Territory (and their related regulations):</p> <ul style="list-style-type: none"> • NSW – Electronic Transactions Act 2000 (NSW) • VIC – Electronic Transactions Act 2000 (VIC) • QLD – Electronic Transactions Act 2001 (QLD) • WA – Electronic Transactions Act 2011 (WA) • ACT – Electronic Transactions Act 2001 (ACT) • SA – Electronic Communications Act 2000 (SA) • NT – Electronic Transactions Act 2001 (NT) • TAS – Electronic Transactions Act 2000 (TAS)
<p>3. State based legislation dealing with deeds</p> <p>As at 20 February 2022</p>	<p>State based legislation dealing with deeds and relevant sections:</p> <ul style="list-style-type: none"> • NSW – Conveyancing Act 1919 (NSW), sections 38 and 38A. • VIC – Property Law Act 1958 (VIC), section 73 and 73A. • VIC – Electronic Transactions Act 2000 (VIC), section 12A. • QLD – Property Law Act 1974 (QLD), sections 45, 46 and 47. • QLD – Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020, sections 12N and 12O. • WA – Property Law Act 1969 (WA), sections 9 and 10. • ACT – Civil Law (Property) Act 2006 (ACT), sections 219 and 220. • SA – Law of Property Act 1936 (SA), section 41. • NT – Law of Property Act 2000 (NT), sections 46, 47, 48 and 49.

¹⁹ This document contains general information and is not legal advice on which you may rely. Consult your Addisons lawyer for advice on the proper execution of a particular document.

Electronic execution – Further resources¹⁹

	<ul style="list-style-type: none"> TAS – Conveyancing and Law of Property Act 1884 (TAS), section 63.
<p>4. Audio Visual Witnessing Requirements in NSW</p> <p>Section 14G of the <i>Electronic Transactions Act 2000</i> (NSW) as at 20 February 2022.</p>	<p>Part 2B - Section 14G - Witnessing and attestation of documents by audio visual link</p> <p>(1) Despite any other Act or law—</p> <p>(a) if the signature of a document is required under an Act or another law to be witnessed, the signature may be witnessed by audio visual link, and</p> <p>(b) arrangements in relation to witnessing signatures and the attestation of documents may be performed by audio visual link.</p> <p>(2) person witnessing the signing of a document by audio visual link (the witness) must—</p> <p>(a) observe the person signing the document (the signatory) sign the document in real time, and</p> <p>(b) attest or otherwise confirm the signature was witnessed by signing the document or a copy of the document, and</p> <p>(c) be reasonably satisfied the document the witness signs is the same document, or a copy of the document signed by the signatory, and</p> <p>(d) endorse the document, or the copy of the document, with a statement—</p> <p>i. specifying the method used to witness the signature of the signatory, and</p> <p>ii. that the document was witnessed in accordance with this section.</p> <p>Note – A document may be endorsed under paragraph (d) with a statement, for example, that the document was signed in counterpart and witnessed over audio visual link in accordance with section 14G of the <i>Electronic Transactions Act 2000</i>.</p> <p>(3) Without limiting the ways a witness may confirm the signature was witnessed, the witness may—</p> <p>(a) sign a counterpart of the document as soon as practicable after witnessing the signing of the document, or</p> <p>(b) if the signatory scans and sends a copy of the signed document electronically—countersign the document as soon as practicable after witnessing the signing of the document.</p> <p>(4) Without limiting subclause (1)(b)—</p>

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	<ul style="list-style-type: none"> (a) arrangements in relation to witnessing signatures by audio visual link include the following— <ul style="list-style-type: none"> i. certification of matters required by an Act or another law, ii. confirming or verifying the identity of the signatory to a document, iii. attestation of a signature, iv. swearing or affirming the contents of an affidavit, v. seeing the face of the signatory, and (b) a requirement in an Act or another law for the presence of a witness, signatory or other person is taken to be satisfied if the witness, signatory or other person is present by audio visual link.
<p>5. Audio Visual Witnessing Requirements in VIC</p> <p>Section 12 of the <i>Electronic Transactions Act 2000</i> (VIC) as at 20 February 2022.</p>	<p>Section 12 – Witnessing by audio visual link</p> <p>(1) A law of this jurisdiction in relation to a requirement for the presence of a witness, signatory or other person may be met by the witness, signatory or other person being present by audio visual link.</p> <p>Examples:</p> <ul style="list-style-type: none"> 1 A person observing another person by audio visual link in order to sign a document confirming that person's identity 2 A person observing, by audio visual link, another person writing that other person's signature in order to sign a document as a witness to that other person's signature <p>(2) For the purposes of this section, the following requirements must be met—</p> <ul style="list-style-type: none"> (a) if the transaction involved a person signing a document, the witness saw the signatory sign the document; and (b) the witness must be reasonably satisfied that the document signed as a witness is the same document or a copy of the document; and (c) all requirements for witnessing by audio visual link occurred on the same day; and (d) any other prescribed requirements (if any); and (e) the witness must ensure a statement is included on the document the witness signs that all the requirements of this section have been met. <p>(3) A witness need not be physically located in Victoria, unless otherwise required by a law of this jurisdiction.</p>

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	<p>(4) Nothing in this section is taken to interfere with any Act or law, including the common law or equitable duties or interests arising out of the law of misrepresentation, unconscionability, duress or undue influence.</p> <p>(5) This section does not affect the operation of any other law of this jurisdiction that makes provision for or in relation to—</p> <p>(a) a witnessing requirement which could not be met by witnessing by audio visual link; or</p> <p>(b) a particular method to be used to witness a document by audio visual link.</p>
<p>6. Audio Visual Witnessing Requirements in QLD</p> <p>Division 2 of the <i>Justice Legislation (COVID-19 Emergency Response— Documents and Oaths) Regulation 2020</i> (QLD) as at 20 February 2022</p> <p>These provisions expire on 30 April 2022, however the QLD government has passed legislation to make these changes permanent which will commence on the day fixed by proclamation.²⁰</p>	<p>Division 2 – Requirements about witnessing documents by audio visual link</p> <p>Section 16 – Witnesses must be or include special witness</p> <p>(1) A document may be witnessed by audio visual link only if the witness is a special witness for the document.</p> <p>(2) This section does not—</p> <p>(a) affect any requirement under an Act or other law about the number of witnesses required or permitted to witness a document; or</p> <p>(b) authorise or permit a person who is excluded from witnessing a document under an Act or other law to witness the document.</p> <p>Section 17 – General requirements for witnessing documents</p> <p>(1) A document may be witnessed by audio visual link only if—</p> <p>(a) if applicable, the witness observes the signatory direct the substitute signatory to sign the document; and</p> <p>(b) the audio visual link enables the witness to be satisfied, by the sounds and images made by the link, that the signatory or substitute signatory is signing the document; and</p> <p>(c) the witness forms the satisfaction under paragraph (b) in real time; and</p> <p>(d) the signatory or substitute signatory signs each page of the document; and</p> <p>(e) the witness is satisfied that the signatory is freely and voluntarily signing the document or directing the substitute signatory to sign the document.</p> <p>(2) Subsection (1)(d) does not apply to an affidavit or a declaration.</p> <p>Section 18 – Witness must verify particular matters</p>

²⁰ *Justice and Other Legislation Amendment Act 2021* (QLD).

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A person who witnesses a document by audio visual link must take reasonable steps to verify each of the following matters —

- (a) the identity of the signatory;
- (b) that the name of the signatory matches the name of the signatory written on or in the document.

Section 19 – Confirmation of signed document by witness

(1) A person who witnesses a document by audio visual link may confirm a document as the document witnessed by the person only if the person is satisfied the document—

- (a) is the document signed by the signatory or substitute signatory; or
- (b) is a true copy of the document signed by the signatory or substitute signatory; or

Examples for paragraph (b)—

- a scanned copy of a signed document sent electronically to the witness
- a hard copy of a signed electronic document printed by the witness

(c) if the document is an affidavit or a declaration made using counterparts—is a counterpart for the document signed by the signatory or substitute signatory.

Note—

Affidavits and declarations in the form of electronic documents may be electronically signed—see sections 12C (for affidavits) and 12H (for declarations).

(2) The person must confirm the document—

- (a) as soon as practicable after witnessing it, which may or may not be the day on which the document is witnessed; and
- (b) by signing each page of the document.

(3) Subsection (2)(b) does not apply to an affidavit or a declaration.

(4) If a justice or commissioner for declarations confirms an electronic document, the justice or commissioner for declarations is not required to insert on the document the imprint of a seal of office issued to the person under the *Justices of the Peace and Commissioners for Declarations Act* 1991.

Section 20 – Action after witness confirms document

(1) After a witness confirms a document witnessed by the witness by audio visual link, the witness must give the document or a true copy of the document—

- (a) if the document is to be confirmed by another witness—to the other witness; or
- (b) otherwise—to the relevant person for the document.

Examples of giving a true copy of a document to a person—

- scanning the document and emailing the scanned copy to the person
- giving a hard copy printout of the document to the person

(2) If a certificate under section 21 has been signed for the document, the certificate or a true copy of the certificate must accompany the document or a true copy of the document given under subsection (1).

Note— The certificate must be kept with the official version of the document under section 24(4A).

(3) In this section:

give includes:

- (a) give by electronic means; and
- (b) give by allowing online computer access.

Example for paragraph (b) – allowing a person to access and download a document from an online file-sharing website

relevant person means:

- (a) for a will or document altering, revoking or reviving a will—the testator of the will or a person to whom the testator directs the will or document be given; or
- (b) for an enduring document or a document revoking all or part of an enduring document—the principal for the enduring document or a person to whom the principal directs the enduring document or document be given; or
- (c) for an affidavit or declaration—the person making the affidavit or declaration or a person to whom that person directs the affidavit or declaration be given; or
- (d) for a general power of attorney or a document revoking a general power of attorney—the principal for the general power of attorney or a person to whom the principal directs the general power of attorney be given.

Electronic execution – Further resources¹⁹**Section 5 – Special witnesses**

- (1) A special witness, for a document, is a person who is—
- (a) an Australian legal practitioner; or
 - (b) a justice or commissioner for declarations approved by the chief executive under subsection (2); or
 - (c) a justice or commissioner for declarations—
 - i. employed by the law practice that prepared the document; and
 - ii. who witnesses documents in the course of that employment; or
 - (d) a notary public; or
 - (e) a person mentioned in subsection (3) for the document.
- Note: See sections 14 and 16 for further provision about special witnesses.
- (2) The chief executive may approve a justice or commissioner for declarations to be a special witness for this regulation if the chief executive is satisfied the justice or commissioner for declarations is an appropriate person for witnessing documents under this regulation.
- (3) For subsection (1)(e), a person is also a special witness for a document if the document is prepared by the public trustee and the person is a justice or commissioner for declarations who is an employee of the public trustee.