

# Witnessing legal documents remotely

## Factsheet

Remote witnessing of legal documents will continue to be permitted until the end of 2021, under arrangements by the NSW Government.

### What does this mean?

- Arrangements allowing legal documents to be witnessed in real time via audio-visual link (AVL) have been continued until the end of 2021.
- The categories of people authorised to witness NSW statutory declarations continues to include those who may witness Commonwealth statutory declarations until the end of 2021. For example, health professionals may witness statutory declarations in NSW, making it easier for the public to execute legal documents. For more information on who may witness Commonwealth statutory declarations, see the [Federal Government Guidelines](#).
- Australian legal practitioners continue to be included in the categories of people authorised to witness written oaths, declarations or affidavits under section 26 of the *Oaths Act 1900 (NSW)*, until the end of 2021.
- Witnesses can continue to provide services in person, provided they follow [NSW public health orders and social distancing guidelines](#).

### How does witnessing via AVL work?

- The witness must see the signatory signing the document in real time over AVL.
- The witness will sign the document, or an exact copy of the document, as evidence that they witnessed the signature. The witness may sign a hard copy of the document that has been signed by the signatory and then scanned and emailed to the witness, or they may sign a counterpart of the document signed by the signatory.
- The witness must be reasonably satisfied that the document they sign is the same document, or a copy of the document signed by the signatory.
- The witness must endorse the document with a statement that specifies the method used to witness the signature and that it was witnessed in accordance with section 14G of the *Electronic Transactions Act 2000 (NSW)*.
- All tasks that may be associated with witnessing certain documents, for example where a witness is required to confirm the identity of the signatory or to certify that the signatory appeared to understand the effect of the document, can now also be satisfied via AVL.

For more information on these changes, contact the Department of Communities and Justice at [policy@justice.nsw.gov.au](mailto:policy@justice.nsw.gov.au)