

23 December 2020

Our ref: LP-MC

Hon Shannon Fentiman MP  
Attorney-General and Minister for Justice, Minister for Women and  
Minister for the Prevention of Domestic and Family Violence  
GPO Box 149  
Brisbane Qld 4001

By email: [REDACTED]

Dear Attorney

**Legislative response to COVID-19 pandemic - Retaining reforms to support business and the community and facilitate e-commerce - electronic signing and witnessing of documents, facilitating commercial transactions and virtual corporate and association meetings**

As recently discussed I set out below the Society's comments on the substantial reforms introduced in response to the COVID-19 pandemic, including those in the *Justice Legislation (COVID-19 Emergency Response- Documents and Oaths) Regulation 2020* (the **Regulation**) made under the *COVID-19 Emergency Response Act 2020* (the **Act**).

I again extend the Queensland Law Society's (QLS) thanks and appreciation to the State Government and your department for the changes made under this and other legislation that allowed for flexibility and compliance with the health directives arising from the pandemic and consequential closures and restrictions. These measures have been of great assistance to our members and their clients and we support the retention of many of these reforms on a permanent basis.

We also welcome the passage of the *COVID-19 Emergency Response and Other Legislation Amendment Act 2020* which has broadly extended the expiry date of most COVID-19 emergency legislation to 30 April 2021.<sup>2</sup> This extension will allow time for discussion and consultation about the permanent retention of some of these measures. This correspondence is drawn on the basis it will assist that discussion and consultation process.

The benefits of the amendments are of course not limited to just issues arising from the pandemic. There has been a longstanding need to modernise the way in which some legal documents are created and used and this need has been partially addressed by these amendments.

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<sup>2</sup> Or another day prescribed by regulation as the COVID-10 legislation expiry day – section 4A *COVID-19 Emergency Response and Other Legislation Amendment Act 2020*.



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**A. Executive summary**

1. The ability to electronically sign and witness, if required, the following documents should be retained on a permanent basis:
  - affidavits (used in all State courts and jurisdictions);
  - statutory declarations;
  - deeds;
  - general powers of attorney; and
  - mortgages as described under Part 3F of the Regulation.
2. The recommendations contained in this submission will, if adopted, necessitate the amendment of a number of primary Acts, including the *Oaths Act 1867* (**Oaths Act**) and the *Property Law Act 1974* (**PLA**). If the necessary legislative changes cannot be made permanently before 30 April 2021 (when the emergency legislation expires), we would advocate for the temporary arrangements under the Act and the Regulation to be further extended for a period of 6 months or an appropriate period to allow the legislative changes to be made.
3. QLS does not support continuing the reforms by way of Regulation in relation to enduring documents such as wills and enduring powers of attorney given the risks arising with these documents for vulnerable people in our community. This is addressed in further detail below.
4. Maintaining electronic signing and witnessing, if required, for the documents in paragraph 1 above will improve access to justice from both a cost and efficiency aspect for the general population. Importantly, it is of particular benefit for vulnerable people and people who live and work regionally or remotely. The measures introduced by the Regulation and other reforms allow these people to create and execute documents without the significant impost on their health, time, caring responsibilities and finances (travel and other costs) that physically attending an office necessitates. Further, dealing with documents in this manner greatly improves efficiency for law firms and their clients and reduces costs.
5. More broadly, the flow on effects for courts, government departments, other agencies and the community of a more cost effective and timely delivery of documents and progression of court matters will be significant.
6. Our members, who create and use the documents in paragraph 1 on a daily basis, have not reported issues around the validity of these documents or any other issues that may cause concern or hesitation. The process for making a document in this way is outlined in the Regulation and we have also taken steps to educate the profession in this regard.



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7. Given the benefits of electronically signing and witnessing these documents, we suggest the amendments made by the Regulation to the Oaths Act and the PLA to be adopted permanently prior to the expiration of the Regulation on 30 April 2021.<sup>3</sup>
8. We also ask that these amendments be accompanied by increased resources for the Queensland Courts so that the benefits of the amendments can be utilised throughout the court process. This too will have a substantive positive impact on access to justice and the expeditious resolution of matters with consequential cost savings.
9. Our members have also expressed consistent support for the retention of the changes introduced at the federal level in the *Corporations (Coronavirus Economic Response) Determination (No. 1) 2020* (the **Determination**) which were recently extended to March 2021.<sup>4</sup> The Determination has provided long-overdue reform needed in the commercial sphere and for the benefit of not-for-profits and charities. The Federal Treasurer has announced consultation on whether these reforms should be made permanent and exposure draft legislation was released for comment in October 2020.<sup>5</sup> We seek your support, to any extent possible, for implementing these changes on a permanent basis.

**B. Affidavits (used in all State courts and jurisdictions) and statutory declarations – Oaths Act 1867 reforms**

Our members strongly support the retention of the electronic signing and witnessing capabilities in the Regulation for affidavits and declarations.

Prior to the Regulation's passing, our members had expressed concerns about how to witness documents in circumstances where deponents may be in quarantine/self-isolation or for other reasons related to this crisis, may be unable to be in the presence of a qualified witness.

These concerns were not however held for the first time due to COVID-19.

Our members regularly experience similar difficulties during natural disasters and also due to regional remoteness of many clients in Queensland. The processes that were implemented assist vulnerable clients who find it difficult to travel to the offices of a solicitor or other qualified witness, including those with health challenges or victims of domestic violence. They also help clients who have caring responsibilities or work commitments which limit their ability to attend on a solicitor.

The changes made in the Regulation should be enacted permanently in primary legislation. Although the courts have capacity to accept some electronically signed or witnessed documents by way of court rule changes, practice directions or protocols, the Society's very strong preference is for these changes to be enshrined in legislation.

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<sup>3</sup> Or another day prescribed by regulation as the COVID-10 legislation expiry day – section 4A *COVID-19 Emergency Response and Other Legislation Amendment Act 2020* and section 27 of the Regulation

<sup>4</sup> <https://www.legislation.gov.au/Details/F2020L01194>

<sup>5</sup> Exposure draft of proposed amending legislation for the *Corporations Act 2001* in relation to virtual meetings and electronic document execution available at <https://treasury.gov.au/consultation/c2020-119106> - also see media release available at <https://www.pm.gov.au/media/digital-business-plan-drive-australias-economic-recovery>



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The reason for legislative enactment can be highlighted by the following example:

Uniform Civil Procedure Rule (UCPR) 433(2) seems broadly applicable to some circumstances encountered during the pandemic (i.e. where the person is "physically incapable of signing (the document)"). However, it is unclear whether the certification process is permitted to be electronic and whether it still requires the affidavit to be read or otherwise communicated in the person's presence. Accordingly, alternatives to physical presence had to be specifically permitted and the Regulation provided the necessary certainty.

The process of reviewing and amending the relevant legislation to retain the option to execute these documents electronically should be comprehensive and considered – we note the process followed to make the Regulation was necessarily urgent. The opportunity for consultation through the legislative process should be undertaken with relevant stakeholders and will be beneficial.

We welcome the approach adopted by the Regulation which was not a restrictive 'one size fits all' approach, but was instead technology neutral, non-prescriptive, and broadly consistent with the *Electronic Transactions (Queensland) Act 2001*.

In addition to reviewing the emergency legislation, certain existing provisions of the Oaths Act are ambiguous or difficult to reconcile with some provisions of the *Uniform Civil Procedure Rules 1999* and existing practices. There would be benefit in a review and modernisation of this statute. We are happy to expand on these concerns if you wish us to.

QLS would also welcome reform to ensure that documents created electronically can be served via appropriate and economic means. We will address our preference for amendments to the *Acts Interpretation Act 1954* in separate correspondence, but consider that these issues should be considered together with amendments to facilitate electronic signing and witnessing of documents.

### **C. Transactional and property documents – deeds, general powers of attorney made by corporate entities and certain mortgages**

QLS recommends that the following amendments made under the Regulation be retained:

- Part 3D – Deeds – electronic execution
- Part 3E - General powers of attorney – electronic execution
- Part 3F - regarding electronic mortgages, which clarifies the execution requirements for the copy of a mortgage retained after lodgement of the mortgage through an Electronic Lodgement Network (as defined under the Electronic Conveyancing National Law (Queensland))

Our members consider that there are many advantages and no significant disadvantages to retaining these reforms.

QLS also seeks your assistance in advocating to the Federal Government to retain changes introduced by the *Corporations (Coronavirus Economic Response) Determination (No. 1) 2020* regarding the execution of documents by corporations.



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As noted earlier, facilitating the electronic execution of documents assists vulnerable clients who may find it difficult to travel to a solicitor's office, for example, due to health issues, domestic violence or caring responsibilities for children or elderly parents. Retaining these changes will improve access to justice, significantly reduce costs to clients and create significant efficiencies for business.

Further comments in support of these recommendations are outlined below.

We have also highlighted some clarifications required and further amendments for consideration.

### ***Deeds***

The provisions allowing electronic execution of deeds have removed concerns for parties about distinguishing between contracts and deeds and created efficiencies for execution of deeds by clients, especially if located outside the jurisdiction.

The Regulation is a clear statement of law that the deed can be electronic and signed electronically without a witness. Our members report that this has made transactional processes much simpler.

The amendments facilitating 'split execution' by companies (section 12R) and the lodgement of documents signed in counterpart at the Titles Registry (section 12T) have been particularly welcomed.

QLS is also aware that the provisions facilitating the electronic execution of deeds reflect the changes to the PLA that were recommended as part of the extensive review by the Commercial and Property Law Research Centre of the Queensland University of Technology.<sup>6</sup> Those recommendations were arrived at after reviewing the position nationally and internationally and should be embraced permanently.

#### *Clarification of existing regulation required*

The temporary amendments apply to both deeds in paper and electronic form.

When drafting the legislative changes, QLS strongly recommends that this approach be maintained and any amendments should harmonise the rules for paper and electronic deeds.

This requires a consideration of whether the signature of an individual needs to be witnessed. Section 12S of the Regulation presently has the effect that no witness is required.

The final report prepared by the QUT review team recommended that the witnessing requirement be removed to facilitate the creation of deeds electronically. Any permanent legislative amendments must clearly deal with this aspect of the current PLA requirements.

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<sup>6</sup> See *Property Law Review Issues Paper 6 – Property Law Act 1974 (Qld) – PLA Parts 1-4, Part 6 (Deeds) and Part 20 (Notices)* (2016) and *Property Law Review Final Report - Property Law Act 1974 (Qld)* (2018) <https://www.justice.qld.gov.au/community-engagement/community-consultation/community-consultation-activities/past-activities/review-of-property-law-in-queensland>



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We also recommend that the amendments should make clear that an agent can sign a deed even if the agent was not appointed by deed. This would be consistent with the long-standing position in Victoria (under s74B *Property Law Act 1958* (Vic)).

***Electronic mortgage provisions***

The amendment in the Regulation, if made permanent, would clarify the position in relation to the copy of the mortgage retained by the mortgagee. This will reduce disputes and save costs.

The provisions in relation to the copy being evidence of the mortgage should be retained.

There is some debate as to whether the position at law is that the copy of the mortgage retained by the mortgagee may be signed electronically and does not require witnessing. Retaining the Part 3F amendments would clarify this position.

***Clarification of existing regulation required***

Further consideration is needed as to which Act should be amended to ensure the clarification works appropriately. We understand that there are two views:

- The mortgagee's retained copy of the mortgage is an instrument under the *Land Title Act 1994* (LTA). If so, then the amendment needs to be to the LTA.
- The retained copy is not an instrument. If this is the case, then the amendment could appear in the PLA on the basis the copy signed by the mortgagor is necessary for the valid grant of an interest under s 11 of the PLA.

***Corporations (Coronavirus Economic Response) Determination (No. 1) 2020***

We seek your support as Attorney-General to advocate for the retention of the changes introduced at the federal level in the *Corporations (Coronavirus Economic Response) Determination (No. 1) 2020* (the **Determination**).

QLS is also working with its federal associate, the Law Council of Australia, to seek the retention of these reforms.

The Determination has provided long-overdue reform needed in the commercial sphere. However, it is only a temporary solution, initially with effect until 5 November 2020, but now extended to 21 March 2021. As noted earlier, exposure draft legislation to extend these measures was released for consultation during October 2020.<sup>7</sup>

The Determination has clarified processes in relation to the electronic execution of documents by corporations. This was critical as there was some doubt as to whether such electronic execution would meet the requirements of section 127 of the *Corporations Act 2001*.

Under the Determination:

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<sup>7</sup> Making permanent reforms in respect of virtual meetings and electronic document execution - <https://treasury.gov.au/consultation/c2020-119106>



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- a document may be in electronic form and electronically executed under s 127(1) of the *Corporations Act 2001*, and
- two directors or a director and company secretary can sign two separate copies or counterparts of a document under s 127(1).

Our members consider that these reforms are necessary, sensible and overdue in the modern world. Businesses are experiencing significant benefits and efficiencies as a result of these reforms.

### D. Land Titles Registry and documentation reforms

Our members have identified a number of potential further reforms in respect of land title documents and related processes, including verification of identity. QLS will also write directly to the Minister for Resources and the Registrar of Titles in relation to the comments below.

However, to the extent that these comments are likely to affect the amendments to be made to the PLA, we raise them for consideration by your office.

- There remains uncertainty whether a "wet ink" signed document still needs to be obtained, in any event (for example, with land titles dealings). Clarification of these issues would be welcomed, as until the law is clear, there will be ongoing defaulting to "wet ink", which avoids doubt, but increases legal costs and reduces efficiency.
- The need to have a witness for certain land registry dealings (e.g. where a person signs as attorney for another) is still cumbersome (and works against a move towards electronic documentation).
- QLS considers that further investigation of alternative options for verification of identity (VOI), including the ability to conduct VOI without a face-to-face meeting, given the ever-increasing improvements in technology should now be undertaken.
- The Australian Registrars' National Electronic Conveyancing Council (ARNECC) has recently issued guidance in relation to VOI conducted without a face-to-face meeting. The guidance confirms that this is outside the VOI standard but could be done if done in a way that constituted "reasonable steps" for the purposes of the standard.<sup>8</sup>
- The UK Land registry is looking at cryptographic combined with biometric identity solutions (see [Facing up to the digital identity challenge](#)). Interestingly, there is some evidence (referenced in the article) that these systems may be more accurate than person to person verification. [This](#) is an example of a commercially available solution in Australia.
- QLS considers the land registries are best placed to consider whether/which digital solutions are appropriate, rather than placing the obligation on conveyancing practitioners and banks/brokers to assess how reliable/accurate a commercially

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<sup>8</sup> ARNECC – Client Authorisation and verification of identity as a result of COVID-19 - [https://www.arnecc.gov.au/data/assets/pdf\\_file/0004/1477075/position-statement-covid19.pdf](https://www.arnecc.gov.au/data/assets/pdf_file/0004/1477075/position-statement-covid19.pdf), accessed 4 August 2020



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available VOI system is and whether it will meet ARNECC's or the Titles Registry's requirements.

- QLS suggests that the Registry could consider an accreditation system for particular digital solutions or a "digital VOI standard" so that practitioners are able to identify with certainty which digital solutions are appropriate. Use of these systems should then be elevated to the safe harbour protection under the VOI standard.

Although these issues will require further investigation by government, we ask they be added to the agenda of reforms needed in this area.

### **E. Enduring documents – execution and witnessing of wills, enduring powers of attorney**

While QLS and its members appreciate the ability to serve the community by witnessing wills and enduring documents via audio-visual link during the pandemic, we are **not** supportive of retaining that option beyond the expiry of the regulation at this stage. We do, however, believe change is needed in this area but for the reasons below consider greater consultation is needed.

Wills and enduring documents are in a special category in that, apart from the extent to which an enduring power of attorney may grant financial powers immediately, it is impossible to take evidence from the maker of the document once the document is sought to be relied upon, which may be years or decades after the document is made.

The risks that arise in relation to witnessing wills and enduring documents via audio-visual link as regards difficulties in assessing capacity and mitigating the risk of coercion and undue influence must be further considered before any permanent reform can be contemplated.

Our members practising in this area have raised concerns about the continuation of this Regulation inadvertently enabling financial elder abuse of vulnerable Queenslanders. Particularly older Queenslanders who live in regional and remote areas and who are experiencing declining capacity.

Furthermore, according to the 2019 Digital Inclusion Index<sup>9</sup>, whilst digital inclusion is improving overall for Australians, people aged 65+ are Australia's least digitally included age group.

Therefore, older Australians are relying upon a family member or carer to facilitate the technology required to remotely sign an enduring document or a will. This scenario presents a significant increased risk of financial elder abuse.

In relation to enduring documents, the final content of the Queensland Capacity Guidelines will be relevant to any future reforms directed to audio-visual witnessing. Further changes to the enduring document forms may be required to account for such witnessing.

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<sup>9</sup> "Measuring Australia's Digital Divide The Australian Digital Inclusion Index 2019" (Roy Morgan, 2019), pages 6, 16-17. <https://digitalinclusionindex.org.au/the-index-report/report/>. Accessed 4 August 2020.



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QLS is supportive of audio-visual witnessing powers being enacted again in future if necessitated by, say, another pandemic, provided the special witness requirement is retained.

Whilst QLS does not support permanent implementation of the audio-visual witnessing provisions of the Regulation for these documents at this stage, some members have acknowledged there are potential ongoing benefits of virtual signing and witnessing for clients who are unable to attend at a solicitor's office (for example, remote location, travelling overseas or unable to travel due to natural disasters).

The Regulation was drafted and implemented on an urgent basis. However, it would be worthwhile commencing a considered consultation process about a virtual execution process which might work on a more permanent basis. QLS would be very willing to participate in a consultation.

Permanent reform of this kind would be radical and must carefully balance the need to protect vulnerable Queenslanders with a process that is robust, practical and defensible.

***Clarification of existing regulation required***

QLS has identified some technical difficulties in the use of the regulation. Our members have reported the following aspects may require amendment to make the regulation more workable for the remainder of its operation and as a precedent if such regulations are again required in the future.

We have written to you separately with further detail regarding these issues. However, in summary:

1. Some of the provisions around providing documents and the certificate of witness to the document maker are overly cumbersome and difficult to reconcile with usual practice, say where a law firm is to hold the client's original will and enduring documents in safe custody.
2. The provisions around *originating* and *official* versions of the document are overly complicated and our members anticipate that there may be future difficulties or delay in probate applications or when enduring documents are sought to be relied upon if all counterparts with 'wet ink' signatures are not required to be kept together and lodged. There is also a gap in the originating and official version regime in that the potential intermediate copy of a will that is awaiting signature by the second witness is not accounted for.
3. The regulation is silent as to when, how and which version an attorney can sign to accept their appointment.



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**F. Virtual meetings –corporations under the *Corporations Act 2001* (Cth)**

QLS strongly supports the retention of the changes introduced at the federal level in the [Corporations \(Coronavirus Economic Response\) Determination \(No. 1\) 2020](#) (the **Determination**) in relation to the clarity provided for holding virtual meetings.

We seek your support as Attorney-General and as a member of the Council of Attorneys-General to advocate for these changes to be implemented on a permanent basis at the Commonwealth level.

The Federal Treasurer has announced consultation on whether these reforms should be made permanent and exposure draft legislation was released for comment in October 2020.<sup>10</sup> We seek your support, to any extent possible, for implementing these changes on a permanent basis.

The changes in Part 2 of the Determination regarding meetings have provided much needed certainty about properly convened virtual meetings and the proper processes for conducting those meetings.

In practice, while constitutions of corporations may provide some mechanics about the holding of meetings with the use of technology, there are usually gaps in them, given that they were drafted long before current platforms and though a lens of seldom being used, with little or no detail about procedure for the conduct of the meeting and how the voting needs to take place.

This has often meant that clients have needed to take specific advice for their circumstances. Continuing regulation similar to that in Part 2 of the Determination would provide welcome certainty.

There are potential improvements which we raise for consideration:

- Providing additional guidance about the practical operation of the Determination for larger group meetings. Guidance around identification of participants, monitoring who might leave the meeting, recording of meetings, and the steps to be taken to ensure all participants to hear and be heard would be welcomed. For example, on the issue of being able to participate, there seems to be no shortcut to taking the participants one by one and testing their audio.
- Reconsidering the voting process required at meetings. Requiring voting by poll seems unnecessary, particularly if a meeting is being held in a hybrid manner and there are not many members. This procedural matter should be left to the usual mechanisms about whether a poll is demanded.
- The issue of how inconsistencies between the regulation and what a particular entity's constitution might provide also need to be addressed.
- In due course regulation allowing direct voting by the use of voting papers, web sites or Apps without the need to convene an actual meeting would also be welcome.

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<sup>10</sup> Exposure draft of proposed amending legislation for the *Corporations Act 2001* in relation to virtual meetings and electronic document execution available at <https://treasury.gov.au/consultation/c2020-119106> - also see media release available at <https://www.pm.gov.au/media/digital-business-plan-drive-australias-economic-recovery>



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In practice our members are reporting that there has been little to no risk of these mechanisms being used inappropriately and they allow the appropriate decision making organs of corporations to meet and make decisions.

### **G. Managing and mitigating risks with these changes**

QLS acknowledges that some stakeholders have expressed concerns about the potential for fraud or abuse of the electronic signing and witnessing mechanisms under the Regulation.

Like all changes there are issues with either compliance or in understanding the potential risks. However, QLS considers that many similar risks also arise in the paper environment and that the risks generally can be managed and mitigated.

The Regulation (consistent with the ETQA) refers to the requirements, in paraphrase, for the electronic signature to reliably identify the signer and indicate their intention to be bound. Some further education is required about how a practitioner ensures compliance with these requirements. In each case it depends on the type of electronic signature that is used, previous dealings between the parties, and what additional evidence you have collected as part of the transaction as to whether the signature method is reliable to identify the party.

To date, the electronic signing cases which have been considered by the courts have generally involved a dispute as to whether the party named in the deed did actually sign the deed. However, in each case, the respondents have not been able to present any evidence to rebut the claims as they have failed to undertake any steps to verify identity and have not used the two factor authentication process (and other mechanisms) available to them.

As a consequence the court has then analysed the whereabouts of the contracting party and whether they were likely to have used a certain computer to sign the document. To date, in each case the party alleging they did not sign has succeeded.

However, QLS considers that this should not prevent retaining the electronic signing reforms.

There are many examples where similar cases have been made in relation to wet-ink signing. The risks are similar but the risk mitigation strategies are different.

For wet-ink signing, we rely on witnessing and handwriting experts and for some instruments verification of identity (VOI). For electronic signing, "Know your customer" (KYC) steps, VOI, two factor authentication and computer forensics may be used instead.

QLS considers that while there might be risks, the approach is satisfactory. If appropriate risk mitigation steps are taken, the risk is not materially higher than paper. Education is key and there is constant change in the commercial and legal sphere.

To provide comfort to those using the provisions, it may also be beneficial to consider introducing some guidance as to the types of technologies which have passed objective standards for being sufficiently reliable and provide for a 'safe harbour' (similar to that in the Land Titles Practice Manual and the verification of identity standards). This guidance could establish what a person should look for or do to determine that the execution is valid and has been performed by the appropriate person.



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**H. Harmonisation of national legislative frameworks for deeds and electronic transactions**

We also seek your support for national harmonisation of the following legislative frameworks:

- **Consistency in State-based requirements for deeds:** In addition to retaining the changes implemented by the Regulation, QLS strongly supports national consistency in relation to the execution of deeds. If all the parties to the deed are companies then the Corporations Act governs the execution of the deed giving the necessary consistency. However, where one of the parties is an individual, the relevant State legislation applies.

The state legislation governing deeds is different in each State. QLS considers that the Queensland approach is the most straightforward and harmonises with the Corporations Act approach and would therefore form a sensible basis for national harmonisation.

Our members report difficulties during the pandemic due to the inconsistency of different State approaches to electronic signing of deeds. Law firms from other States have been uncertain about accepting a document that has been electronically executed in Queensland, even though the Queensland legislation is very clear.

The speed with which the emergency measures were implemented seems to have resulted in some uncertainty among many large national firms as to the efficacy of the laws. Many firms have continued to be very reluctant to accept electronically (or soft) executed documents, without a number of other confirmations, or authentications. Some members report that reverting to "wet ink" signatures has been the easiest way to solve these issues, which undermines the efficacy of the reforms.

- **Electronic transactions legislation:** Each State has enacted electronic transactions legislation but there are inconsistencies in the individual approaches. Harmonisation will benefit businesses and consumers nationwide by reducing any risks of non-compliance for entities which operate across more than one State jurisdiction.

**Other comments – further consultation**

QLS supports the retention of the reforms discussed above, but it is also critical that permanent changes are done in a careful and considered way.

Draft legislation must be prepared as a matter of urgency to allow for an appropriate period of consultation. Public consultation improves the quality of the reform by ensuring that a wide range of stakeholders can consider and contribute to the drafting.

In addition to retaining the specific measures outlined above there may also be additional amendments flowing from the widespread adoption of electronic documents and signatures, such as any consequential amendment to the *Evidence Act 1977* to deal with electronic evidence.




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We welcome the opportunity to consult with you further about extending the operation of these changes beyond the current Regulation. Our members would be pleased to have certainty that the improvements to these processes will not be eroded when the effects have been so positive for both the community and our profession.

Should you require any further information, please do not hesitate to contact our Legal Policy Team, by phone on 07 3842 5930 or email to [policy@qls.com.au](mailto:policy@qls.com.au).

Yours faithfully,

  
**Luke Murphy**  
**President**



