LEGAL GUIDANCE NOTE FOR MACQUARIE UNIVERSITY

SIGNING DOCUMENTS
DURING SOCIAL DISTANCING RESTRICTIONS

4 May 2020

This document has been prepared to provide staff members at Macquarie University with guidance regarding how to sign legal documents related to Macquarie University during the current social distancing restrictions. Please note that this guidance is intended solely for members of the Macquarie University community.

If you have a document that does not fall within the criteria set out below or you have any issues or queries in implementing the below guidance, please contact Legal Services.

### SIMPLE AGREEMENTS

**What is a simple agreement?**

A simple agreement in this guidance refers to any document which the parties intend to be legally binding, that is not subject to specific signing requirements (such as deeds or property documents). Examples of simple agreements include agreements to provide or acquire goods or services, confidentiality agreements and international agreements.

**Can Macquarie University sign simple agreements electronically?**

Yes. Simple agreements (which are not expressed to be a deed) can be signed electronically in accordance with the Delegations of Authority. A digital or electronic signature will be adequate, provided the individual has the requisite authority.

**Is a witness required for simple agreements?**

No. It is not a legal requirement for the parties to a simple agreement to have their signatures witnessed.

### DEEDS

**What is a deed?**

A deed is a special type of binding commitment to carry out an act. To be valid, documents described as deeds must comply with specific requirements. A deed must be in writing and signed in wet ink by all parties to it. Each signature must also be witnessed* by an individual.

**Can Macquarie University sign deeds electronically?**

No. Deeds must be signed in wet ink under power of attorney with a witness present*. Deeds must not be signed electronically.

**Is a witness required for deeds?**

Yes. All deeds must be signed in the presence of a witness. During the COVID-19 social distancing restrictions, it is possible for an individual to witness a signature via electronic means such as zoom or skype or to insert an electronic or digital signature. If a document is witnessed electronically, the execution block should be amended as indicated in mark-up below.
What are my options during social distancing?

The requirements for signing deeds are strict. If you are unable to comply with the requirements set out above, please contact Legal Services for assistance.

### STATUTORY DECLARATIONS

**What is a statutory declaration?**
A statutory declaration is a statement of facts(s) that you declare to be true. It can be used for evidentiary purposes. For example, a statutory declaration may be used as evidence to confirm personal details, financial matters or health matters.

It is an offence to make a false statement.

**Can statutory declarations be signed electronically?**
No. Statutory declarations must be signed in wet ink by the declarant in the presence of an authorised witness (see comments below regarding witnessing).

Yes. The authorised witness must see you sign a statutory declaration. The authorised witness must also sign the statutory declaration. During the COVID-19 social distancing restrictions, it is possible for the authorised witness to witness a signature via electronic means such as zoom or skype or to insert an electronic or digital signature.

**Is a witness required?**
Macquarie University often requires statements of fact to be made in the form of a statutory declaration as a matter of policy. For example, where making a request for financial reimbursement for credit cards without a receipt.

During the current social distancing restrictions, it is possible for a statutory declaration to be declared in the presence of an authorised witness via electronic means such a zoom or skype. It may also be possible for the University to accept a statement of fact, which is signed by the relevant individual, instead of a statutory declaration. Whether this will be acceptable, will ultimately depend on the circumstances and relative importance of the statement of fact.

**What are my options during social distancing?**

### PROPERTY DOCUMENTS

**What is a property document?**
Property documents are any documents dealing with land. This includes leases and other real estate documents. Property transactions are subject to specific signing requirements. These are generally imposed by statute and are required for the purpose of registration.

**Can Macquarie University sign property documents electronically?**
No. All property documents must be signed in wet ink under power of attorney with a witness present (but see comments below regarding witnessing).
Yes. All property documents must be signed in the presence of a witness. During the COVID-19 social distancing restrictions, it is possible for an individual to witness a signature via electronic means such as zoom or skype or to insert an electronic or digital signature. If a document is witnessed electronically, the execution block should be amended as indicated in mark-up below.

SIGNED, SEALED AND DELIVERED
by [INSERT NAME] in counterparts and witnessed over audio visual link in accordance with clause 2 of Schedule 1 to the Electronic Transactions Regulation 2017 in the presence of:

The requirements for signing property documents are strict. If you are unable to comply with the requirements set out above, please contact Legal Services for assistance.