



# Using Audio Visual Links for Witnessing Documents

College Chronicle  
Newsletter

May 29<sup>th</sup>



Australian College  
of Professionals

RTO 91513



# Using Audio Visual Links for Witnessing Documents

Social distancing and isolation have become the new way of our world.

With these new words that have quickly become part of our vernacular also comes changes in the way that we conduct our business, particularly the business of not touching documentation, and not undertaking visits to the houses of our clients. This is particularly the case when we don't necessarily know the hygiene and distancing measures that others have been undertaking, which means the necessity to keep ourselves safe must be paramount.

The Government has recognised that there may be risks associated with those close contact client appointments, particularly for the witnessing of legal documents. To address this, they have

introduced The Electronic Transactions Amendment (COVID-19 Witnessing of Documents) Regulation 2020 which makes the following changes:

- » Documents that require a witness may be witnessed by audio visual link (AVL)
- » Tasks in relation to witnessing a document may be performed by AVL

So what is actually meant by witnessing documents being signed by AVL? Under the new regulation, a witness must see a person signing the document in real time to confirm the signature is legitimate, which they can now do by viewing the act of signing by one of the many face to face video conferencing methods. The witness



can then sign the document, or a copy of the document, to confirm they witnessed the signature.

This could be done on a hard copy that is scanned and sent to the witness or on an identical counterpart of the document that the signatory signs. 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. Also, 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 the new regulation.

Written oaths, declarations or affidavits required for a purpose specified in

section 26 of the Oaths Act 1900 may be taken or made before an Australian legal practitioner.

What is meant by this amendment is that a New South Wales Legal Practitioner will not be the only legal practitioner that can witness an Oath, Declaration or Affidavit in New South Wales, any licensed Australian Legal Practitioner will be accepted.

Statutory declarations may be made before the Commonwealth's expanded definition of whom a statutory

declaration under the Statutory Declarations Act 1959 (Cth) may be made. This list includes:

- » architect
- » Justice of the Peace
- » chiropractor
- » optometrist
- » dentist
- » occupational therapist
- » financial advisor or planner
- » nurse
- » legal practitioner, with or without a practising certificate
- » migration agent registered under the Migration Act 1958
- » medical practitioner
- » pharmacist
- » midwife

- » physiotherapist
- » psychologist
- » trade mark attorney
- » veterinary surgeon
- » patent attorney

Agents need to be sure that documents that they are collecting or preparing for property transactions have been witnessed by an appropriate person, to ensure the validity of the process.

These temporary regulation changes will expire on 26 September 2020, unless changed by further regulation or resolution of Parliament.

**'Til next time, wishing you every success in your business ventures,**

[Rosy Sullivan](#)  
Director | College Principal

## UPCOMING CPD WEBINARS

### 3 HOUR COMPULSORY CPD

Sales & Leasing	TUE 9 <sup>TH</sup> JUN
Strata Management	THU 23 <sup>RD</sup> JUN

### 3 HOUR ELECTIVE CPD

Strata Management	TUE 2 <sup>ND</sup> JUN
Property Sales	TUE 30 <sup>TH</sup> JUN

## UPCOMING FACE TO FACE CPD COURSES

### 3 HOUR COMPULSORY CPD

Sales & Leasing	WED 17 <sup>TH</sup> JUN
Strata Management	FRI 26 <sup>TH</sup> JUN

### 3 HOUR ELECTIVE CPD

Residential Property Management	THU 18 <sup>TH</sup> JUN
Property Sales	WED 24 <sup>TH</sup> JUN
Strata Management	THU 25 <sup>TH</sup> JUN

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*Please note: All face to face courses will be held at our Town Hall premises in the Sydney CBD*

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**WED  
8<sup>TH</sup>  
JUL**

**Lead and manage team  
effectiveness**

**22<sup>ND</sup>  
JUL  
-  
8<sup>TH</sup>  
AUG**

**Manage operational plan**

**WED  
19<sup>TH</sup>  
AUG**

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## From the office

### And another fortnight passes by in our new flexible workforce arrangements.

Every business is dealing with the “new normal” in a different way, including temperature checks, social distancing, increased sanitation rituals, not to mention use of audio visual meetings on systems such as zoom and google meetings – and all of this whilst working from home for many people. Some agencies are looking at staggered start and finish times for work and in commercial buildings, people are opting for using the stairs rather than waiting extended periods of time to access lifts. We hope that you are coping with all of these changes and incorporating common sense and kindness into your new procedures in your office.

Here at the College, we are running more and more interactive webinars, which still gives our trainers the opportunity to speak directly with students and answers questions, without the need for social distancing. We are now conducting up to 2 or 3 webinars per day to meet the training requirements for our students. With the commencement of the new property qualifications, the changes to residential property management legislation and all of the temporary legislation relating

to COVID-19, our trainers are conducting more and more sessions to provide CPD, licensing and general clarification of current issues. At the conclusion of the sessions, it is great to hear our trainers so happy to have had meaningful interaction with their students.

On an office front, we have limited numbers of the team back in the office on a daily basis. This will increase gradually, until the return of all staff by 9th June. Why 9th June you ask – mostly because this is the date that we commence running small face-to-face classes again. All staff have completed their Infection Control training, and we have many new procedures in place to ensure that social distancing and hygiene protocols will be adhered to by both staff and students whilst in the College premises. During this past fortnight, we have only celebrated one birthday, and that is Chanelle’s, who enjoyed the Zoom singing and celebrations that were held for her. We have missed opportunities for so many cakes over these past couple of months – keep watching for one huge celebration when we are all back in the office in June.

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