



USE OF DIGITAL SIGNATURES

In Australia, the [Electronic Transactions Act 1999](#) (Cth) states that electronic signatures are acceptable whenever a signature is required by law, with the exception of migration and citizenship documents, bills of exchange, wills, power of attorney, and some real estate transactions.

How do electronic signatures work?

In Australia, an **electronic signature** is sometimes used to sign documents, instead of using pen and paper (known as a *wet ink signature*).

The parties (signatories) to a contract, deed or other agreement can agree whether it's appropriate to sign the document electronically.

The electronic signature must:

- Represent the person's name (or mark)
- Represent the person's agreement to the terms in the document
- Be in the appropriate place on the document

It must do the **same things as a wet ink signature**.

There are various ways to put an electronic signature on an electronic document. For example, the signatory may:

- **Type** their name
- **Paste** an image of their signature
- Use a **touch screen** to sign

There are laws which require signatories to meet certain criteria for the electronic signature to be valid. For example, they must:

- Properly **identify** themselves
- Show their **intention** to enter into the agreement
- **Agree** to use electronic signatures

Using an electronic signature must be appropriate for the agreement.

How does this effect QBLAI online forms?

QBLAI forms signed with an e-signature are legally binding if:

- The form clearly states that by signing you are agreeing with any terms or conditions listed on the form;
- A tick box stating that you agree with the use of electronic signatures has been checked;
- The person signing the form has typed their full name next to or under their signature.



When can't electronic signatures be used?

Depending on the laws that apply in your State or Territory, individuals may be prohibited from using electronic signatures to sign certain documents. Documents that need to be witnessed generally can't be signed electronically. This is because the witness and signatory must be physically present in the same room at the time of signing.

Documents that need to be witnessed include:

- wills and powers of attorney;
- affidavits and statutory declarations;
- deeds;
- mortgage documents and guarantees; and
- transfer of land documents.

If you're unsure whether you can sign a document electronically by law, the safest option is to use old-fashioned pen and paper.

Company directors and secretaries should also be cautious about executing documents under the *Corporations Act* with electronic signatures. Parliament and the courts have not yet made it clear whether electronic signatures in this context are valid, therefore they should be avoided.