TEMPORARY MEASURES IN RESPONSE TO COVID-19 – Electronic Signatures – expires 6 November 2020

This temporary measures note is to be read in conjunction with the NOPTA Fact Sheet on *Signatures – Execution of NOPTA forms by companies*: [**https://www.nopta.gov.au/factsheets/signatures-execution-of-nopta-forms-by-companies.html**](https://www.nopta.gov.au/factsheets/signatures-execution-of-nopta-forms-by-companies.html)

**Australian Registered Companies**

On 5 May 2020 the Treasurer of Australia issued the Corporations (Coronavirus Economic Response) Determination (No 1) 2020 (the **Determination**), to facilitate the conduct of business in the circumstances of COVID-19.

The Determination permits Australian registered company executions under 127 of the *Corporations Act* by to be signed on separate counterparts, in either physical or electronic form.

In response to the Determination, NOPTA will be accepting electronic signatures on applications and notices to NOPTA, executed by officeholders under subsection 127(1) of the *Corporations Act*, **between 6 May 2020 and 6 November 2020.**

In the circumstances of company officers signing NOPTA forms and notices under subsection 127(1) of the *Corporations Act*, the Determination requires that the method used for electronic signing

* identifies the person;
* indicates their intention to be bound; and
* is as reliable as appropriate for the circumstances.

NOPTA has decided that the electronic signatures that will meet the requirements above for NOPTA forms are those created with the use of electronic signature platforms that have system processes to verify the identity of the signee by multiple authentication methods, secure the signature by encryption, and prevent alterations to the document after signing, such as for example, DocuSign and Adobe Sign.

Please note that copy and pastes of PDFs of signatures are not considered to be sufficiently reliable for electronic signatures on NOPTA forms, and will be returned.

**Foreign Companies and State Entities**

The requirements for signing by foreign companies and State entities are not affected by the Determination.

**Powers of Attorney**

To facilitate the conduct of business in the circumstances of COVID-19, during the period 6 May 2020 and 6 November 2020 attorney’s signing NOPTA forms for Australian registered companies under a power of attorney may use electronic signatures created by the use of electronic signature platforms, such as for example DocuSign and Adobe Sign.

These electronic signatures will be accepted by NOPTA without the need for the attorney’s signature to be witnessed, as NOPTA will rely on the evidentiary weight of the electronic signature platform processes to verify the identity of the signee.

‘Wet ink’ signatures by attorney’s on NOPTA forms will continue to need to be witnessed.