

Urgent changes sought for 'wet ink' signings

DOCUMENTS

NICOLA BERKOVIC

Urgent legal changes are needed to allow for electronic signatures on all agreements and deeds to enable commercial transactions to continue during the pandemic.

Leading law firm Arnold Bloch Leibler has written to all federal, state and territory attorneys-general urging them to amend the law so that individuals and businesses are no longer required to sign documents in "wet ink".

The letter, dated April 14 and signed by the firm's lead commercial partner Jonathan Wenig, said the pandemic had exposed the "long-apparent need" for the law to keep pace with modern commercial realities. It said despite technology becoming commonplace in commercial transactions, there remained significant uncer-

tainty as to whether electronic signatures could be used lawfully for agreements entered into by companies, the execution of deeds and witnessing of documents.

"As COVID-19 has forced many individuals to self-isolate or work from home, clarification of these ambiguities is critical to facilitate the efficacy of commercial transactions at a time where it may no longer be feasible for many individuals, businesses and organisations to sign original documents in 'wet ink'," the letter says.

NSW Law Society president Richard Harvey said his organisation was working with the state government to ensure electronic signing could occur in a secure way. "The solutions have to be robust," he said.

NSW opposition legal spokesman Paul Lynch said he backed the move to electronic signatures and the NSW government already had the power to make the change.