



Queensland

# Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Amendment Regulation (No. 2) 2021

## Subordinate Legislation 2021 No. 55

made under the

*COVID-19 Emergency Response Act 2020*

*Oaths Act 1867*

*Powers of Attorney Act 1998*

*Property Law Act 1974*

*Succession Act 1981*

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**1 Short title**

This regulation may be cited as the *Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Amendment Regulation (No. 2) 2021*.

**2 Commencement**

This regulation commences on 1 July 2021.

**3 Regulation amended**

This regulation amends the *Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020*.

**4 Amendment of s 5 (Special witnesses)**

Section 5(3)—

*omit, insert—*

- (3) For subsection (1)(e), a person is also a special witness for a document if the document is prepared by the public trustee and the person is a justice or commissioner for declarations who is an employee of the public trustee.

**5 Omission of pt 2 (Wills)**

Part 2—

*omit.*

**6 Omission of ss 10 and 12**

Sections 10 and 12—

*omit.*

**7 Amendment of s 13 (Persons who may be directed to sign)**

(1) Section 13(2)(b)(i) and (ii)—

*omit.*

(2) Section 13(2)(b)(iii) and (iv)—

*renumber* as section 13(2)(b)(i) and (ii).

**8 Amendment of s 14 (Signing in physical presence requires special witness)**

Section 14(2)—

*omit, insert—*

(2) The signing of the document by the substitute signatory must be witnessed by a special witness.

**9 Amendment of s 16 (Witnesses must be or include special witness)**

Section 16(1)—

*omit, insert—*

(1) A document may be witnessed by audio visual link only if the witness is a special witness for the document.

**10 Amendment of s 20 (Action after witness confirms document)**

(1) Section 20(1)—

*omit, insert—*

(1) After a witness confirms a document witnessed by the witness by audio visual link, the witness must give the document or a true copy of the document to the relevant person for the document.

*Examples of giving a true copy of a document to a person—*

- scanning the document and emailing the scanned copy to the person

- giving a hard copy printout of the document to the person
- (2) Section 20(3), definition *relevant person*, paragraphs (a) and (b)—  
*omit.*
- (3) Section 20(3) definition *relevant person*, paragraphs (c) and (d)—  
*renumber* as paragraphs (a) and (b).

## 11 Amendment of s 21 (Certificate by special witness)

Section 21(3)—

*omit.*

## 12 Amendment of s 24 (Official and originating versions of document)

- (1) Section 24(1). ‘section 20(1)(b)’—

*omit, insert—*

section 20(1)

- (2) Section 24(5), examples—

*omit, insert—*

*Example for subsection (5)—*

The official version of a general power of attorney may be given to a bank or other entity, and relied on by the bank or other entity, as evidence of the general power of attorney.

## 13 Amendment of sch 1 (Dictionary)

Schedule 1, definition *will*—

*omit.*

#### ENDNOTES

- 1 Made by the Governor in Council on 10 June 2021.
- 2 Notified on the Queensland legislation website on 11 June 2021.
- 3 The administering agency is the Department of Justice and Attorney-General.

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