

WHO CAN SIGN A STATUTORY DECLARATION AS A SUBSTITUTE SIGNATORY

This information is general in nature and cannot be used as a substitute for appropriate professional legal advice about your particular circumstances.

A substitute signatory is a person directed by the signatory to sign the statutory declaration on their behalf. The person who witnesses the statutory declaration must also observe the signatory giving the direction to the substitute signatory – this may occur in person or by audio visual link.

Who can't be a substitute signatory

If your declaration is to be witnessed over audio visual link or you are directing another person by audio visual link to sign the document for you, the following persons are excluded from signing as a substitute signatory:

- If the statutory declaration is to be used in a court or tribunal proceeding – a person who is another party to the proceeding, or a relation of a person who is another party to the proceeding.
- The person who witnesses the statutory declaration
- A person excluded under any other law from signing the document as a substitute signatory.

Who can be a substitute signatory

- Any adult with capacity can be a substitute signatory, except for those persons excluded above.
- If the signatory directs the substitute signatory over audio visual link to sign the document (i.e. they are not physically in each other's presence when the direction is given), then the substitute signatory must be:
 - any Australian legal practitioner
 - a government legal officer who is an Australian lawyer and who witnesses documents in the course of the government work engaged in by the officer
 - an employee of the Public Trustee of Queensland.

Note that whenever audio visual links are used to make, sign or witness a document (regardless of whether the witness or substitute signatory is present by audio visual link), the document must be witnessed by a **special witness** (refer above).

