

Guidance note

Executing plan documents electronically

June 2026

This guidance note sets out requirements for electronically signing plans and associated plan documents, remote witnessing, and the retention of signed documents that are electronically lodged for registration.

Signing electronically

All plans and associated documents (like administration sheets, section 88B instruments, and strata plan by-laws) require an authorised signature. This signature can be electronic.

To be valid, the electronic signature must comply with the requirements of section 9 of the *Electronic Transactions Act 2000*. An electronic signature will be taken to have met the requirements for a signature if it satisfies the requirements for –

1. **Identity** – a method is used to identify the person and to indicate the person’s intention in respect of the information communicated, and
2. **Reliability** – the method used must be as reliable as appropriate for the purpose for which the electronic communication was generated or communicated, and
3. **Consent** – the parties must agree to the use of electronic signatures and to the method used.

The *Conveyancing Rules* allow a signer to be identified and indicate their intention by accompanying their electronic signature on the instrument with a statement to the following effect:

Electronic signature of me, [...insert name...] affixed by me, or at my direction, on [...insert date...]

These words do not need to be included if a digital signing platform has been used that indicates that an electronic signature has been applied and the date when this occurred (see Rule 12.1.2).

Before agreeing to accept an electronic signature, the parties should consider whether the method used is reliable and sufficient to ensure that the correct person is signing the document.

Note: Parties can still wet-sign paper documents, which can then be scanned for electronic lodgment.

Signing from different locations

It is acceptable for separate signed copies of the same document to be collated into one document (counterpart) with multiple signature pages.

When the plan is lodged with NSW Land Registry Services, the lodging party must verify that the correct version of all plan documents is lodged.

Retention of signed documents

A lodging party may be compelled by the Registrar General to produce certain documents that have been lodged electronically (see section 196AB *Conveyancing Act 1919* and section 196 *Strata Schemes Development Act 2015*). For this reason, lodging parties must retain originally signed plans and documents for at least 7 years after the date of registration. This includes documents bearing electronic signatures, which can be retained electronically for the prescribed period.

Where documents that have been wet-signed, scanned and emailed to the lodging party, it is recommended that the lodging party also obtains the hard copy bearing original signatures to meet any future production obligations under legislation.

Witnessing via audiovisual link

Signatures on some plan documents (like section 88B instruments) need to be witnessed. A signature witnessed via audiovisual link can satisfy a legal requirement for a document to be signed 'in the presence of' a witness.

The requirements for remote witnessing are set out in section 14G of the *Electronic Transactions Act 2000*, which provides:

- The witness must see the signer signing the document in real time over audiovisual link.
- The witness must sign the document, or an exact copy of the document, as evidence that they witnessed the signature. The witness may sign a hard copy of the document that has been signed by the signatory and then scanned and emailed to the witness, or they may sign a counterpart of the document signed by the signer.
- The witness must be reasonably satisfied that the document they sign is the same document, or a copy of the document signed by the signer.
- The witness must endorse the document with a statement that specifies the method used to witness the signature and that it was witnessed in accordance with section 14G of the *Electronic Transactions Act 2000*.

Note: An 'audiovisual link' in this context means technology that allows *continuous* and *contemporaneous* audio and visual communication between the signer and the witness at different places, including videoconferencing.

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