

## Electronic and Digital Signatures on Contracts

This factsheet provides information about electronic and digital signatures and when you can use them on documents signed on behalf of the University.

### 1 What is the difference between electronic and digital signatures?

An “electronic signature” is the insertion, in an electronic version of a document, of a person’s signature or other mark by electronic means. It includes such things as typing your name at the end of an email or into a form, inserting a scanned image of a signature into a document, and password or phone PIN linked signing.

A “digital signature” is a special type of electronic signature which is created using cryptographic authentication technology. Digital signature products demonstrate proof of signing by binding each signature to the document with encryption, with signers authenticating their identity using a certificate-based digital ID. Griffith’s preferred digital signing product is Adobe Sign.

### 2 Are electronic signatures legally binding?

In most cases, yes. However, the legal requirements differ depending on the type of signatory (individual, company or other body) and the place where the document is signed.

An electronic signature made by an individual in Queensland will be valid if it clearly identifies the person signing the document, if the person signing has indicated that they agree to be bound by the document, if the method is reliable, and if the other parties have agreed to the method of signing.

It is now generally accepted that digital signing platforms such as Adobe Sign and DocuSign provide an accepted method of signing. Methods such as inserting a scanned image of a signature into a document or typing the sender’s name at the bottom of an email, have also been accepted as valid “electronic signatures”. However, Griffith prefers that staff use a more secure digital signing method such as Adobe Sign.

Not all countries have legislation which accepts electronic signatures – check [Adobe's Global Guide to Electronic Signature Law](#) to make sure that the country you need to obtain a signature in recognises electronic signatures. If not, documents must be signed in the traditional way (in hard copy with wet ink) to be validly binding.

### 3 Can someone else sign a document on my behalf?

Griffith does not recommend this practice. However, if it is unavoidable, the person inserting an electronic or digital signature on behalf of someone else must not do so unless they have first obtained the **express consent** of the signatory to the signing of that document on that particular occasion. Standing approvals to sign should not be given.

Express consent can be given verbally or by email and must acknowledge that the signatory has reviewed the document, approves that it should become legally binding on the University, and requests the application of their signature to it.

#### 4 Which documents cannot be signed electronically?

Certain transactions are excluded from the legislation which recognises electronic signing, including documents which need to be filed in a court or tribunal. This means that some documents will still need to be signed in the traditional way.

If the document is with an international partner, you must ask the other party whether electronic or digital signatures are valid and acceptable in their jurisdiction, or whether the document must be signed by either or both parties in the traditional way. It is important this step is followed, to ensure the document is enforceable. For information on signing documents with international partners, please contact Legal Services or Information Management.

#### 5 What about deeds?

A deed is a special form of legal document which is required when a promise is given by one party (the promisor) without the beneficiary of the promise (the promisee) giving anything in return (consideration).

Traditionally, deeds had to be signed by hand in the presence of a witness. However, changes to Queensland law made in 2022 mean that a document which is intended to be a deed:

- may now be in electronic form and may be electronically signed using an accepted method.
- no longer needs to be sealed (or stated to be sealed), but it must contain a clear statement that it is executed as a deed; and
- does not need to be signed in the presence of a witness (regardless of whether it is signed by hand or electronically).

Deeds may also be made in counterparts – i.e. each signatory can sign an identical copy of the deed, and it does not need to contain a signature of any other party. However, it is preferable that each signatory return an entire copy of their signed counterpart; not just the page which bears their signature.

These important changes mean that most deeds can now be signed electronically by an authorised University delegate, without the need for a witness. If you have concerns about whether other parties have properly signed a deed, please contact Legal Services.

#### 6 Is a witness really required?

Sometimes, legal agreements and other documents include a place for a witness to sign, even when this is not strictly necessary. If you receive a document like this, you may wish to contact the other party to explain that a witness is no longer required in Queensland (even for deeds) and ask if they are comfortable with the witnessing block not being completed. If the other party agrees, the University can then sign the document (agreement or deed) electronically, while leaving the witness panel blank. If you have any questions about this, please contact Legal Services.

#### 7 Do I need an Adobe Sign licence to execute a document?

You do not need an Adobe Sign licence to sign a document digitally. However, you must ensure that you have delegated authority to sign the document under the Delegations Policy. To check who is a delegated authority, please review [Griffith University's Delegation Register](#) or contact [delegations@griffith.edu.au](mailto:delegations@griffith.edu.au) for assistance.

An Adobe Sign licence is required to upload a document into the Adobe Sign system, prepare it for signing and

send it out to all relevant parties for signing.

## **8 Remember!**

Before you sign a document using Adobe Sign:

1. you must first check that you have been properly delegated authority to sign the document under the [Griffith University's Delegation Register](#).
2. the other parties to the document must consent to the document being signed using Adobe Sign; and
3. if it is a deed, it must contain a clear statement that it is executed as a deed (for it to be effective under Queensland law).

For more information contact:

**Legal Services | Corporate Services**

Ph (07) 373 55586 Email [legalservices@griffith.edu.au](mailto:legalservices@griffith.edu.au)

