

AUSTRALIAN DEEDS LEGISLATION

	CTH	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
APPLICABLE LEGISLATION	Corporations Act 2001 (companies only)	Civil Law (Property) Act 2006	Conveyancing Act 1919	Law of Property Act 2000	Property Law Act 2023	Law of Property Act 1936	Conveyancing and Law of Property Act 1884	Property Law Act 1958	Property Law Act 1969
Execution (signing) by individual	NA	s 219(1)(a)	s 38(1)	s 47(1)	s 51(1)	s 41(1)(a)	s 63(1)(a)	s 73(1)	s 9(1)(a)
Seal by individual	NA	Yes s 219(1)(a) Taken to be sealed if document is expressed to be a deed or indenture or as being sealed s 219(3).	Yes s 38(1) Taken to be sealed if document is expressed to be a deed or indenture or as being sealed s 38(3).	Seal not sufficient s 47(1). Taken to be sealed if document is expressed to be a deed or indenture or as being sealed and witnessed s 47(2)(b).	No s 49(2)(c)	No but a valid deed if document is expressed to be a deed or indenture or as being sealed and delivered or, for individual, sealed s 41(5).	No but a valid deed if document is expressed to be a deed or indenture or as being sealed and delivered or, for individual, sealed s 63(5).	No if expressed to be sealed s 73A.	No s 9(2)
Individual's signature witnessed	NA	Yes s 219(1)(b)	Yes s 38(1)	Yes s 47(2)	No unless non-commercial PoA executed by individual s 47. No witness required for partnership, unincorporated association (s 53(2), corporation (s 52(6) and State (s 54(2) deeds.	Yes 41(2)	Yes s 63(2)	No s 73(1)	Yes s 9(1)(b)
Must be delivered (individual and corporations)	No ss 126(7), 127(3B)	Common law	Common law	Delivery not to be presumed from execution but can be inferred s 49.	Delivery not to be presumed from execution but can be inferred s 56.	No s 41(3)	No s 63(3)	Common law. Common law rule that agent must be authorised under seal to deliver on behalf of the principal revoked s 73B.	Yes 'Formal delivery' is not necessary, but the intention to be immediately bound is still required – s 9(3). See <i>Monarch Petroleum NL v Citco Australia Petroleum Ltd</i> [1986] WAR 310.

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Words to be included in deeds of individuals	NA	Expressed to be an indenture or deed or to be sealed s 219(3).	Expressed to be an indenture or a deed, or to be sealed s 38(3).	Expressed to be an indenture or a deed or to be sealed s 47(2).	Clear statement that the document is a deed s 49(1)(b).	Expressed to be an indenture or deed or to be sealed or intention can be inferred s 41(5).	Expressed to be an indenture or deed or to be sealed or intention can be inferred s 63(5.)	Expressed to be sealed effective as if sealed s 73A.	Expressed or purporting to be an indenture or a deed or an agreement under seal or otherwise purporting to be a document executed under seal is effective as a deed s 9(4).
Execution by companies	Signature of single director or director and director or director and secretary s 127(1) and (3), stating in what capacity if signing in more than one capacity s 110A(5); Use of corporate seal witnessed by single director or director and director or director and secretary s 127(2).								

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Execution by agent/attorney of company	<p>Authorised individual signs s 126(1), stating in what capacity s 110A(5); no need for common seal s 126(2); no need to be appointed by deed s 126(4); document may be expressed to be executed as a deed s 126(5); no need for witnessing s 126(6)(a); document hard copy or electronic s 126(6)(b); delivery is not required s 126(7). Person is identified and indicates the person's intention in respect of the information recorded in the document s 110A(2).</p>								

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Execution by, or on behalf of, corporations other than companies	NA	Affixing of seal is attested by secretary or officer and by board member s 227(1). Board may appoint an agent to execute deed on behalf of corporation s 227(3). Agent as an individual executes deed as an individual under s 219 s 227(4). Corporate agent must appoint an individual to act who then executes as an individual s 227(5).	Affixing of seal is attested by corporate officer and board member s 51A(1)(a). Board may appoint an agent to execute deed on behalf of corporation s 51A(3). Agent as an individual executes deed as an individual under s 38 s 51A(3). Corporate agent must appoint an individual to act who then executes as an individual s 51A(4).	Affixing of seal is attested by corporate officer and board member s 48(1). Board may appoint an agent to execute deed on behalf of corporation s 48(3). Agent as an individual executes deed as an individual under s 47 s 48(3). Corporate agent must appoint an individual to act who then executes as an individual s 48(4).	s 52(1)-(2) mirror s 127 of <i>Corporations Act</i> (absent s 129 assumptions but see s 59 below). Statutory and sole corporations authorised individual signs or corporate seal is attested s 52(3). Authorised individual agent signs s 52(7)(b). Authorised corporate agent signs under s 52(7)(c). Foreign corporation authorised person can sign or as otherwise required by foreign law s 52(5). A third party may assume that a document has been duly executed by a corporation if it appears to have been executed under above provisions s 59.	Affixing of seal according to rules governing use of seal s 41(1)(b) which must be attested s 41(2).	A corporate seal is not required unless stipulated under a law s 63(1)(b).	Affixing of seal is attested by corporate officer and board member s 74(1). Board may appoint an agent to execute deed on behalf of corporation s 74(3). Agent as an individual executes deed as an individual s 74(3). Corporate agent must appoint an individual to act who then executes as an individual s 74(4).	Affixing of seal is attested by corporate officer and board member s 10(1). Board may appoint an agent to execute deed on behalf of corporation s 10(4). Agent as individual executes by inserting name of corporation and adding “by its attorney” s 10(4). Corporate agent must appoint an individual to act who then executes as an individual s 10(5).

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Execution by partnership or unincorporated association					s 53				
Execution by government					s 54 "State" meaning Queensland.				
Saving provision for defectively executed deed						Yes provided that it appears from evidence external to the deed that the party intended to be bound by it s 41(4).	Yes provided that it appears from evidence external to the deed that the party intended to be bound by it s 63(4).		
Provisions for electronic deeds	Yes ss 110, 110A, 127(3A). Paper requirement expressly abolished s 110A(1) Note, s 126(6) Note, s 127(3A) Note.	No	Yes s 38A. This applies to deeds executed by individuals and by corporations s 38A(2).	No	Yes s 50. Paper requirement expressly abolished s 49(2)(a). POA for individual for non-commercial purpose must be hard copy s 47.	No	No	Yes <i>Electronic Transactions (Victoria) Act 2000</i> s 12A	No
Witnessing via video	Yes s 127(2A)	No	Yes <i>Electronic Transactions Act 2000</i> ss 14F-14L	No	Yes s 52(4) for corporate seal.	No	No	Yes <i>Electronic Transactions (Victoria) Act 2000</i> s 12	No
Abolition of rule in <i>Pigot's case</i>			s 184		s 60				