



# SUBMISSION

## Modernising Document Execution: Consultation on proposed reform to the execution of Commonwealth statutory declarations

---

28 July 2023

**The Association of Superannuation  
Funds of Australia Limited**  
Level 11, 77 Castlereagh Street  
Sydney NSW 2000

PO Box 1485  
Sydney NSW 2001

**T** +61 2 9264 9300  
1800 812 798 (outside Sydney)

**F** 1300 926 484

**W** [www.superannuation.asn.au](http://www.superannuation.asn.au)

ABN 29 002 786 290 CAN 002 786 290

File: 2023/28

Attorney-General's Department  
3/5 National Circuit  
BARTON ACT 2600

Via email: [ModernisingDocumentExecution@ag.gov.au](mailto:ModernisingDocumentExecution@ag.gov.au)

28 July 2023

Dear Sir/Madam

**Modernising Document Execution: Consultation on proposed reform to the execution of Commonwealth statutory declarations**

The Association of Superannuation Funds of Australia (ASFA) is pleased to provide this submission in response to the consultation on Modernising document execution.

ASFA is a non-profit, non-partisan national organisation whose mission is to continuously improve the superannuation system, so all Australians can enjoy a comfortable and dignified retirement. We focus on the issues that affect the entire Australian superannuation system and its \$3.5 trillion in retirement savings. Our membership is across all parts of the industry, including corporate, public sector, industry and retail superannuation funds, and associated service providers, representing almost 90 per cent of the 17 million Australians with superannuation.

If you have any queries or comments in relation to the content of our submission, please contact Helena Gibson, Senior Policy Adviser on 0423 175 385 or by email [hgibson@superannuation.asn.au](mailto:hgibson@superannuation.asn.au).

Yours sincerely

Julian Cabarrus

Director- Policy Operations, Member Engagement and External Relations

## Statutory Declarations

ASFA supports the Attorney General's proposal to enable a Commonwealth statutory declaration to be executed in any of the following ways:

- traditional paper-based execution (requiring wet-ink signatures and in-person witnessing)
- e-execution (allowing electronic signatures and witnessing via audio-visual link)
- digital execution (end-to-end online execution, with digital identity providers to verify identity and satisfy witnessing requirements)

Superannuation funds are reliant on their members completing statutory declarations to satisfy the requirements for a range of transactions including death benefit claims, change of names, proof of interdependency relationships, financial dependency, and Trans-Tasman requests to transfer to New Zealand Kiwi Saver schemes. Funds are managing these requirements for members living in Australia and abroad, including some in remote locations.

The proposed reforms will provide savings to members and beneficiaries through time and cost reduction, as well as increasing accessibility for those members who may experience difficulties in fulfilling paper-based execution requirements, such as those experiencing low mobility, disability, or those located in rural, regional, or remote areas.

It will be important that the Australian Government Digital Identity system has sufficient capacity to service large numbers of users at the same time and in different time zones. In addition to the proposed recommendation to utilise this system, to increase efficiency and reduce risk and cost we recommend that the electronic mechanism leverages other existing identity and verification systems (for example, GreenID and DocuSign), and enables superannuation funds and other stakeholder to tap into established protocols.

## Other documentation

ASFA would also welcome the extension of electronic and digital execution processes to other documents used in superannuation including deeds and contracts, subject to the relevant legal requirements being complied with.

## Transition period

ASFA recommends a transitional period of 12 months be applied to provide superannuation funds with sufficient time to implement the options, including updates to systems, risk controls and communication materials (for example fact sheets and forms).