

Epidemic Preparedness (COVID-19) Notice

In June 2021, the Government [renewed the Epidemic Preparedness \(COVID-19\) Notice 2020](#). This means that the temporary changes to the Oaths and Declarations Act 1957 outlined in the Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020 are still in force. Justices of the Peace are still able to meet clients using audio-visual/ audio only means such as Skype, Zoom or telephone to administer statutory declarations and affidavits.

What tasks can be undertaken using Audio Visual communications such as Skype, or Zoom?

There are a number of tasks which can be undertaken by audio visual means. They are likely to take longer than what would normally be expected for a similar document in a face-to-face interaction. They are also reliant on the Justice and the client having suitable safe access to systems such as:

- i. A device with a camera, microphone and speaker – computer, laptop, tablet or mobile phone.
- ii. A printer
- iii. Most likely a scanner or device capable of creating an image
- iv. Software to facilitate the scanned/photographed document being converted into a “pdf” – to prevent alteration of the document after it has been returned to the client

The suggestions below may not suit every situation. You will need to assess each task as they come and decide on the most appropriate action.



When administering documents in this way, it is always important to ensure that the receiving agency will accept the document complete in this form.

Statutory Declarations and Affidavits

A short-term modification of the Oaths and Declarations Act allows for Statutory Declarations and Affidavits to be taken when the person is not standing before the administrator. The preferred method is via Audio Visual means, but where this is not possible an audio only declaration may be taken.



You will need to be careful that person you are speaking with is the person who is named as the declarant/deponent and they are aware of what is in the document. You may need to see a copy of their identification over video conferencing or to ask sufficient questions to satisfy you.

- If possible, request the client sends a copy of the documents before the video call so you can check the documents and familiarise yourself with what needs to be done.
- If using video conferencing, agree on a form of video conferencing with the client. You both must be able to access the same video conferencing programme.

- Ensure that you can hear and see (if using video) the client and that the client can clearly see and hear you.
- Confirm that the client is in an appropriate private space and ask them to identify if someone is in the room with them.
- Take steps to identify the client, such as by asking them questions or having them hold identification up to the camera.
- Confirm that the client has the declaration/affidavit before them.
- Ask the client the usual questions, such as confirming that the document belongs to them and their knowledge of what is written in the document.
- Take the client's oath/affirmation/declaration.
- Ask the client to sign the document in the correct space.
- Have the document emailed to you immediately by the client.
- Confirm that the document you have received is the correct document.
- Print the document and complete the jurat/attestation. Specify that you took the oath/affirmation/declaration via video conference.
- Scan the document and ensure the document is in PDF format.
- Email the document to the client, being careful to send the document to the correct address. It is the clients responsibility to send the document on to the agency.
- Confirm that the client received the completed document from you.
- Delete any electronic copies in your email box, computer files, phone files and destroy the physical copy.
- **You should make a note in your logbook that you took the declaration/ affidavit by video conference/ telephone in accordance with temporary Covid-19 legislation.**

Certified Copies of Original Documents

A client may send you a scanned copy of a document to be stamped and signed once you have observed the original via an audio visual tool.

Unlike statutory declarations and affidavits, certified copies are not prescribed by law. This means that no law change is required to enable Justices to take certified copies via video link.

Always ensure that the receiving agency will accept a document certified in this way before beginning the process.



It may be too difficult to ascertain the originality of a document viewed via an audio visual tool. If this situation arises, a Statutory Declaration could be an appropriate alternative. Likewise, if the document has multiple pages a Statutory Declaration may be the most appropriate solution.

- If possible, request the client sends a copy of the documents before the video call so you can check the documents and familiarise yourself with what needs to be done.
- Agree on a form of video conferencing with the client. You both must be able to access the same video conferencing programme.

- Check you and the client have sufficient internet connectivity to ensure good picture quality.
- Have the client email you the copy of the document so you can print it to compare.

For an ordinary certified copy - printed

- Ask the client to show you their original document by holding it to the camera. You may ask the client to move the document into different positions.
- Compare the original document to the copy that you have in person.

For an ordinary certified copy – electronic document (such as power/internet bill)

- Ask the client to share their screen with you.
- Watch the client log into their providers website or access the bill from the email sent to them via the provider.
- As them to open the document so you can see it while you compare, you may need them to scroll the document on the screen so you can view it in full.
- Compare the original document to the copy that you have in person.

For a copy required for AML purposes

- Also ask the client to place themselves within good view of the camera.
- Compare the client to their image in the copy of the identity document that you have before you.

Once you have compared the copy and satisfied yourself that it is a genuine copy (and that the image resembles the client)

- Write the certification statement on the copy of the document. Make sure you include the circumstances of certification. For instance, for an ordinary certified copy you might write “This is a certified copy of a document presented to me as an original via video-conference”. You could use your stamp and amend the appropriate section.
- Scan the document.
- Email the document to the client, taking care to send it to the correct address. It is the clients responsibility to send the document on to the agency.
- Confirm the client has received the document and that the certification is correct.
- Delete the original email from the client.
- Delete any downloads of the copy emailed to you.
- Delete the file of the certified copy that you scanned.
- Delete the email that you sent to the client with the certified copy document attached.
- Destroy the certified copy of the document that you printed, certified, and scanned.
- **You should make a note in your logbook that you met the client via audio visual means.**

FAQs

[Will I have to provide my email address to a caller who wants a document handled electronically?](#)

Yes, you will have to supply an email address for documents to be sent to and for you to return the signed copy from. You may choose to set up a separate email address with your provider to protect your personal email address.



It can be very easy to send an email to the incorrect address – where possible use the incoming email to send a reply and attach the completed documents to this, rather than creating a whole new email.

Do I need to have video capability to carry out this task?

Although the modification order allowed authorised persons to take affidavits and statutory declarations using audio means (such as a telephone) it is recommended that you use audio-visual means (such as Skype or Zoom) wherever possible because they provide clearer communication between you and your client. Where this is not possible and audio only declaration may be taken.

Essential tips to remember.

Check the receiving agency is aware of this method and will accept it.

Ensure you have noted on the document that the stat declaration, affidavit, or certification was completed online via audio visual or visual means.

Once you have completed the task required by the client, it is their responsibility to send the document on to the agency.

Confirm what the client is sending you and how many pages you will receive when the appointment is made.

If you do not feel comfortable administering documents in this way, or do not have the appropriate equipment to do so, advise the client on how to find another Justice of the Peace who can help.

If you can administer documents online, please update your profile.

We have added an additional option to the availabilities for “Find a JP” Listings.

The new option is: *“During Lockdown I may be able to assist with electronic certifications”*

The option is at the bottom of the list under “Address details”:

Address Details

Address

Place, Newlands, Wellington

[Click here to enter a PO Box, or to add an apartment/flat number and building name](#)

Country

New Zealand

Availability

During Lockdown I may be able to assist with electron ▼

Once you have updated your profile as above, you will be added to the search option for 'online' Justice of the Peace services (please note this will not be automatic).