



AUSTRALIAN REGISTRARS NATIONAL ELECTRONIC CONVEYANCING COUNCIL

## NOTICE TO SUBSCRIBERS

<b>Number</b>	2016-NS1
<b>Subject</b>	Signing of Electronic Instruments
<b>Purpose</b>	To clarify the capacity in which Subscribers can sign electronic instruments
<p>In accordance with Participation Rule 5.1.1, a Subscriber can either act on its own behalf or, if it is a Representative, it can act on behalf of its Clients in using an electronic lodgment network.</p> <p>When acting for itself, the Subscriber and its Signers can only sign electronic instruments on the Subscriber's own behalf.</p> <p>When the Subscriber is acting as a Representative, the Subscriber and its Signers can only sign electronic instruments on behalf of <u>that Subscriber's</u> Clients. Unless it is optional, the Subscriber must have a properly completed Client Authorisation signed by its Client (see Participation Rule 6.3 and 6.14). A power of attorney is not a substitute for a Client Authorisation. The Subscriber will also need to take reasonable steps to verify the identity of its Client (see Participation Rule 6.5.1(a)). Under Participation Rule 7.10 and Schedule 3 of the Participation Rules, certifications regarding verification of identity and the Client Authorisation (where applicable), together with those relating to retention of evidence and correctness, need to be given.</p> <p>Recently a Subscriber acting on behalf of a registered proprietor received a paper withdrawal of caveat from the caveator or the caveator's representative. The Subscriber created an electronic withdrawal of caveat, and lodged it via Property Exchange Australia Ltd (PEXA), purportedly on behalf of the caveator. This meant that false certifications were given. Instead, the Subscriber should have either lodged the paper withdrawal of caveat or asked the caveator's representative to submit an electronic withdrawal of caveat using an electronic lodgment network.</p> <p>Subscribers are reminded of the importance of complying with the Electronic Conveyancing National Law and the Participation Rules when submitting documents for lodgment using an electronic lodgment network. Failure to do so could result in the Subscriber being suspended or terminated from use of the electronic lodgment network.</p>	
<b>Date of Issue</b>	14 March 2016
<b>Enquiries</b>	The Land Registry in your State or Territory

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