



AUSTRALIAN REGISTRARS NATIONAL ELECTRONIC CONVEYANCING COUNCIL

ENTITLEMENT TO DIGITALLY SIGN REGISTRY INSTRUMENTS AND OTHER ELECTRONIC DOCUMENTS

Regulators and/or practitioner disciplinary bodies have provided information on who is entitled to digitally sign. This information is provided for general guidance only. No representation or warranty is given as to its accuracy or completeness, and users must undertake their own due diligence before relying on the information or any legal requirements referred to.

In relation to Tasmania, the Registrar has provided a statement regarding entitlement to digitally sign Registry Instruments¹.

Specific information is provided for the two practitioner categories (see definition of each category below):

- A. Australian Legal Practitioners and Law Practices.
- B. Licensed Conveyancers, including Conveyancing Practices.

¹ The Legal Profession Board of Tasmania as the disciplinary body of the legal profession has, to the Registrar's knowledge, no position on who within a firm of a Subscriber may utilise the digital signature.

The Consumer Building and Occupational Services (CBOS) as the disciplinary body for licensed conveyancers has no position, to the Registrar's knowledge, on who within a conveyancing firm of a Subscriber may utilise a digital signature.

Definitions²:

- **Australian Legal Practitioner** has the meaning given to it in the relevant legislation of the Jurisdiction in which the land the subject of the Conveyancing Transaction is situated and in South Australia is a legal practitioner for the purposes of the Legal Practitioners Act 1981 (SA).
- **Law Practice** has the meaning given to it in the relevant legislation of the Jurisdiction in which the land the subject of the Conveyancing Transaction is situated.
- **Licensed Conveyancer** means a Person licensed or registered under the relevant legislation of the Jurisdiction in which the land the subject of the Conveyancing Transaction is situated and in Western Australia is a real estate settlement agent for the purposes of the Settlement Agents Act 1981 (WA).
- **Conveyancing Practice** means a business that employs a Licensed Conveyancer that provides conveyancing services in the Jurisdiction in which the land the subject of the Conveyancing Transaction is situated.

² Source of Definitions: ARNECC Model Participation Rules

A. Australian Legal Practitioners and Law Practices

Jurisdiction	Regulator and/or practitioner disciplinary bodies	Category	Allowed to Sign
Australian Capital Territory	ACT Law Society	Australian Legal Practitioner	Yes
		Supervised non-practitioner employee	No
		Australian Legal Practitioner locums and contractors	Yes
		Interstate-registered Australian Legal Practitioners	Yes
New South Wales	Law Society of NSW / NSW Office of Legal Services Commissioner	Australian Legal Practitioner	Yes
		Supervised non-practitioner employee	No
		Australian Legal Practitioner locum	Yes
		Australian Legal Practitioner contractor	Yes, provided appropriate insurance and legal requirements are satisfied.
		Interstate-registered Australian Legal Practitioners	Yes
Queensland	Queensland Law Society / Legal Services Commission	Australian Legal Practitioner	Yes
		Supervised non-practitioner employee	No
		Australian Legal Practitioner locums and contractors	Yes
		Interstate-registered Australian Legal Practitioners	Yes
		Australian Legal Practitioner	Yes
		Supervised non-practitioner employee	No
		Licensed Conveyancer employee	Yes
		Australian Legal Practitioner locums and contractors	Yes

South Australia	Law Society of SA	Interstate-registered Australian Legal Practitioners	Yes
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Jurisdiction	Regulator	Category	Allowed to Sign
Victoria	Victorian Legal Services Board/Commissioner	Australian Legal Practitioner	Yes
		Supervised non-practitioner employee	Yes, subject to the employer law practice's compliance with the VLSB+C's Electronic Conveyancing Regulatory Guide
		Supervised Licensed Conveyancer employee	Yes
		Australian Legal Practitioner locums and contractors	Yes
		Interstate-registered Australian Legal Practitioners	Yes
Western Australia	WA Legal Practice Board	Australian Legal Practitioner	Yes
		Supervised non-practitioner employee	Yes
		Australian Legal Practitioner locums and contractors	Yes
		Interstate-registered Australian Legal Practitioners	Yes
Tasmania	N/A	<p>The Tasmanian Participation Rules state nothing about who within the business of a Subscriber can utilise the digital signature. The Tasmanian Participation Rules defines a Signer to be a "user authorised by the Subscriber to Digitally Sign electronic Registry Instruments and other electronic Documents on behalf of the Subscriber".</p> <p>It is up to each Subscriber to decide within its own business who or who may not utilise the digital signature issued by ELNO to a Subscriber</p>	

B. Licensed Conveyancers, including Conveyancing Practices

Jurisdiction	Regulator	Category	Allowed to Sign
New South Wales	NSW Fair Trading	Licensed Conveyancer	Yes
		Supervised non-practitioner employee	No
		Licensed Conveyancer Practitioner locum	Yes
		Licensed Conveyancer contractor	Yes
		Interstate-registered Licensed Conveyancers	Yes, if granted mutual recognition
Queensland	None	Licensed Conveyancer	No
		Supervised non-practitioner employee	No
		Licensed Conveyancer Practitioner locums and contractors	No
		Interstate-registered Licensed Conveyancers	No
South Australia	Consumer and Business Services	Licensed Conveyancer	Yes
		Supervised non-practitioner employee	No
		Licensed Conveyancer Practitioner locums and contractors	Yes
		Interstate-registered Licensed Conveyancers	Yes, if registered in SA
Victoria	Consumer Affairs Victoria	Licensed Conveyancer	Yes
		Supervised non-practitioner employee	Yes
		Licensed Conveyancer locums and contractors	Yes
		Interstate-registered Licensed Conveyancers	Yes, if granted mutual recognition
		Licensed Conveyancer	Yes
		Supervised non-practitioner employee	Yes

Western Australia		Licensed Conveyancer locums and contractors	Yes
		Interstate-registered Licensed Conveyancers	Yes, if registered in WA
Tasmania	N/A	<p>The Tasmanian Participation Rules state nothing about who within the business of a Subscriber can utilise the digital signature. The Tasmanian Participation Rules defines a Signer to be a “user authorised by the Subscriber to Digitally Sign electronic Registry Instruments and other electronic Documents on behalf of the Subscriber”.</p> <p>It is up to each Subscriber to decide within its own business who or who may not utilise the digital signature issued by ELNO to a Subscriber</p>	