



# eConveyancing – lessons for practitioners

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Lawyer, eConveyancing  
25 March 2020

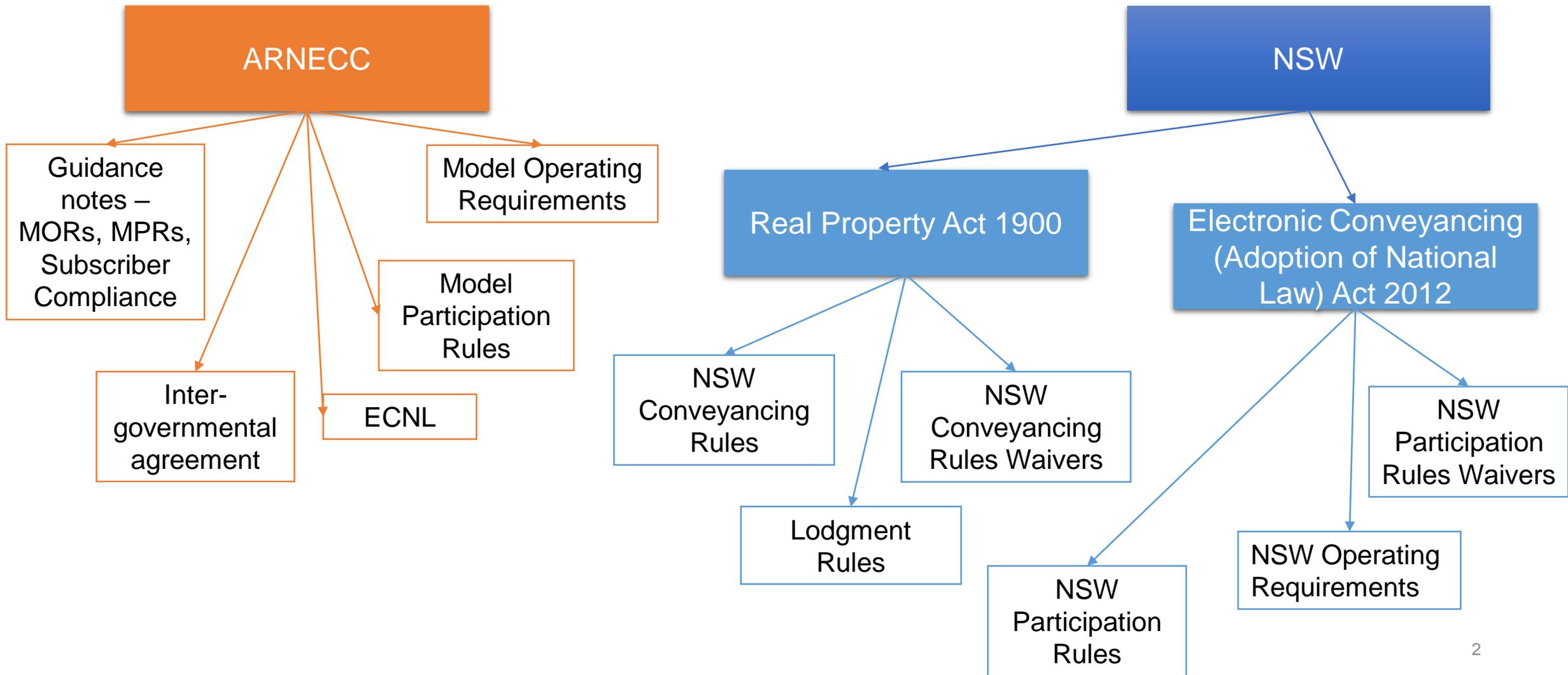


Office of the  
Registrar General

# Role of the Office of the Registrar General

<b>Regulator</b>	Overseeing NSW LRS operations and connections with other public and private parties
<b>Torrens Assurance Fund</b>	Maintenance of the TAF, including administering and defending claims
<b>Policy and Reform</b>	Advising on land title policy matters and driving reforms in land titling, eConveyancing and digital survey plans
<b>Review Body</b>	Review of NSW LRS decisions under s 121 RPA (administrative reviews)
<b>Independent Arbitrator</b>	Arbitration of disputed title boundaries

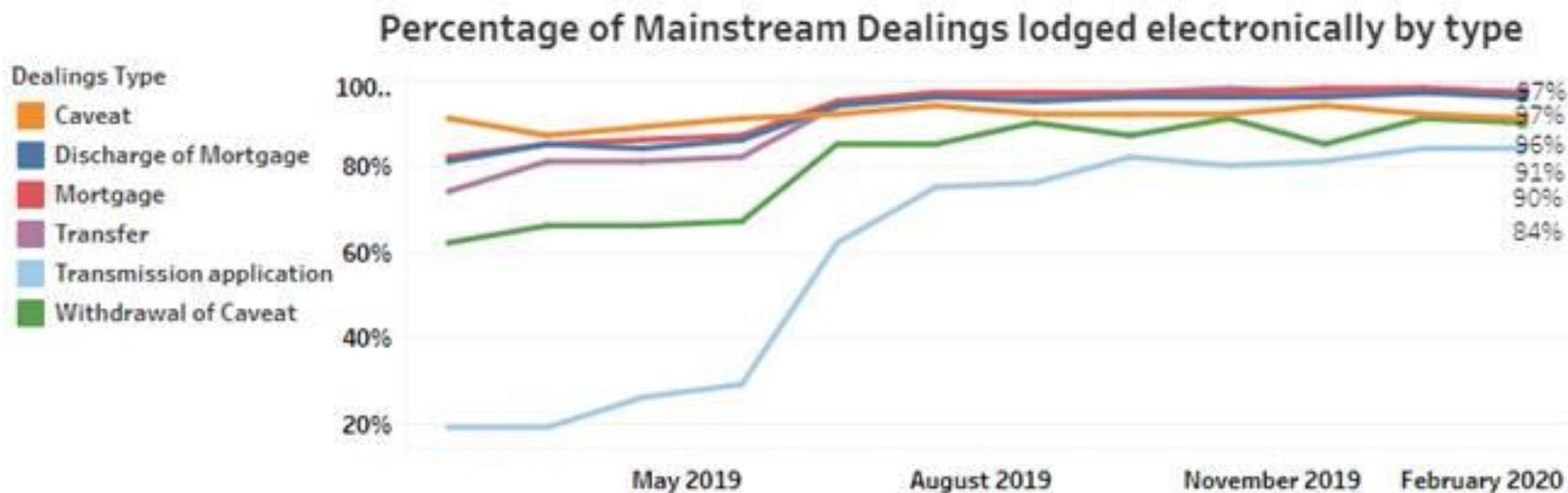
# eConveyancing legislative framework (NSW)



## eConveyancing statistics for February 2020

In February 2020, **96 per cent** of mainstream dealings in NSW were lodged electronically. Specifically:

- 97 per cent of mortgages
- 91 per cent of caveats
- 96 per cent of discharges of mortgage
- 97 per cent of transfers
- 90 per cent of withdrawals of caveat
- 84 per cent of transmission applications



# NSW Participation Rules

- The NSW Participation Rules are made by the Registrar General under s 23 of the ECNL
- The rules govern the role and obligations of Subscribers when transacting and participating on an electronic lodgment network
- Version 5 of the Model Participation Rules
- <https://www.registrargeneral.nsw.gov.au/publications-and-rules/nsw-participation-rules>



## Electronic Conveyancing National Law (NSW)

Section 23

## NSW Participation Rules

for

## Electronic Conveyancing

Determined by the  
**Registrar General**

VERSION 5

Effective: 25 February 2019

## Four pillars of eConveyancing

**VOI**

VOI Standard was carried out or evidence of reasonable steps

**Right to deal**

Entitlement of a person to be a party to a conveyancing transaction

**Client  
authorisations**

Authorisation given to the Subscriber to transact on behalf of the client

**Supporting  
evidence**

Supporting evidence to support the steps are kept for at least seven years

## Verification of identity

- You must take reasonable steps to verify the identity of your client either by:
  - applying the VOI Standard (deemed to be reasonable steps)
    - The VOI standard requires a face-to-face in-person interview
  - in some other way that constitutes reasonable steps
- See ARNECC Guidance Note #2
- [https://www.arnecc.gov.au/publications/mpr\\_guidance\\_notes](https://www.arnecc.gov.au/publications/mpr_guidance_notes)



## When are further checks required?

- Where you know or ought reasonably to know that:
- any identity Document produced by the Person Being Identified is not genuine;
- any photograph on an identity Document is not a reasonable likeness of the Person Being Identified
- the Person Being Identified and/or the Identity Declarant does not appear to be the Person to which the identity Document(s) relate;
- it would otherwise be reasonable to do so



# Examples of further steps that could be taken:



Obtaining more identity documents;



Making enquiries with the Client or Client Agent or third parties;



Where the identity Documents are Australian using electronic verification services;



Where it is a foreign identity Document, checking the Document looks the same as those on the respective country's government website;



Where the identity Document is in another language, having the identity document translated by an authorised translator.



## What if you can't meet the VOI Standard?

- Take reasonable steps
- You have to judge what is reasonable in the particular circumstances
- If your client doesn't have full documents consider Category 5 an Identifier declaration - essentially a referee
- Consider using an Identity Agent, such as
  - Australia Post
  - ZipID
  - IDSecure

# ARNECC AND NSW GUIDANCE

# COVID-19

Coronavirus Disease 2019

- ARNECC guidance for Subscribers:
  - Client Authorisation
  - VOI
  - Retaining evidence

[https://www.arnecc.gov.au/\\_data/assets/pdf\\_file/0004/1477075/position-statement-covid19.pdf](https://www.arnecc.gov.au/_data/assets/pdf_file/0004/1477075/position-statement-covid19.pdf)

- ORG guidance

<https://www.registrargeneral.nsw.gov.au/news/covid-19-guidance-for-econveyancing>

- LRS announcement

<https://www.nswlrs.com.au/About/About/Announcements/76>

## Right to deal

- Entitlement of a person to be a party to a conveyancing transaction
- Verification of right to deal is closely linked to VOI
- Must ensure that the person who is your client or the intended mortgagor has the right to deal with the subject property
- Evidence of possession of rates notice, contract for sale, CT
- Ensure client is a legal person (not, for example, a superannuation fund)
- See ARNECC Guidance Note #4
- [https://www.arnecc.gov.au/publications/mpr\\_guidance\\_notes](https://www.arnecc.gov.au/publications/mpr_guidance_notes)



# Client Authorisation

- Authorisation for solicitor to digitally sign documents, lodge electronically and authorise the associated financial transaction
- Must be signed by the client/client agent before a Subscriber can digitally sign any documents
- It is separate to a retainer (may need to be produced for Subscriber compliance examination purposes)
- It is not a power of attorney (so no registration is required)
- Must be substantially in the form set out in the NSW PRs (schedule 4)

CLIENT AUTHORITY		
When this form is signed, the Representative is authorised to act for the Client in a Conveyancing Transaction(s).		
Privacy Collection Statement: The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.		
Representative Reference: BLOGGS-16-4-15		
CLIENT DETAILS	NAME	FREDERICK BLOGGS
	ACN/ARBN	
	ADDRESS	11/53 ALBERT ST, BRISBANE
AUTHORITY TYPE	<input checked="" type="checkbox"/> SPECIFIC AUTHORITY (set out conveyancing transaction details below) <input type="checkbox"/> STANDING AUTHORITY (ends on revocation or expiration date: ___/___/___) (tick relevant conveyancing transaction(s) below) <input type="checkbox"/> BATCH AUTHORITY (attach details of conveyancing transactions)	
TRANSACTION DETAILS	CONVEYANCING TRANSACTION(S) 1	CONVEYANCING TRANSACTION(S) 2
	PROPERTY ADDRESS	11/53 ALBERT ST, BRISBANE
	LAND TITLE REFERENCE(S) (and/or property description)	71011681 LOT 1 ON RP 1569
	CONVEYANCING TRANSACTION(S)	<input checked="" type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY/ SETTLEMENT NOTICE <input type="checkbox"/> DISCHARGE/ RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER
ADDITIONAL INSTRUCTIONS	SALE OF THIS PROPERTY	
AUTHORISATION AND SIGNING	CLIENT 1 / CLIENT AGENT 1	CLIENT 2 / CLIENT AGENT 2
	I CERTIFY that: (a) I am the Client or Client Agent; and (b) I have the legal authority to instruct the Representative in relation to the Conveyancing Transaction(s); and (c) If I am acting as a Client Agent that I have no notice of the revocation of my authority to act on behalf of the Client. I AUTHORISE the Representative to act on my behalf, or where I am a Client Agent to act on behalf of the Client, in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to: (a) sign Documents on my behalf as required for the Conveyancing Transaction(s); and (b) submit or authorise submission of Documents for lodgment with the relevant Land Registry; and (c) authorise any financial settlement involved in the Conveyancing Transaction(s); and (d) do anything else necessary to complete the Conveyancing Transaction(s).	
	HERE	HERE

# How to complete a Client Authorisation

- Watch the ‘How to complete a Client Authorisation’ video <https://www.registrargeneral.nsw.gov.au/news/how-to-complete-a-client-authorisation-form>
- [ARNECC MPR Guidance Note #1](#)



## MODEL PARTICIPATION RULES GUIDANCE NOTE

1

### CLIENT AUTHORISATION

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#### 1 INTRODUCTION

This guidance note aligns with Version 4 of the Model Participation Rules and explains:

- what a Client Authorisation is;
- why a Client Authorisation is required;
- when a Client Authorisation is required; and
- how a Client Authorisation is completed.

This guide does not constitute legal advice nor does it replace prudent conveyancing practice. Nothing written in this guide overrides the Electronic Conveyancing National Law, Participation Rules, any other relevant legislation or Registrar's Prescribed Requirements.

#### 2 WHAT IS A CLIENT AUTHORISATION?

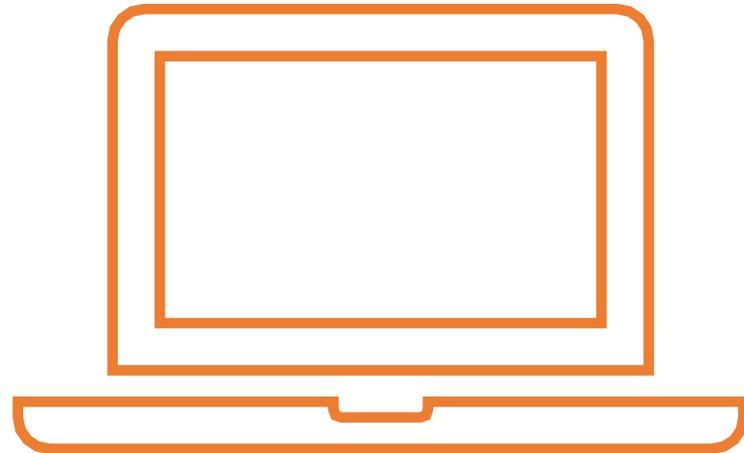
A Client Authorisation is a document that enables a party to a transaction (the client) to authorise a conveyancer or lawyer to act on their behalf in that transaction. While the Client Authorisation empowers a Representative to act for a client in a similar way to a power of attorney, legislation specifically states that the Client Authorisation is NOT a power of attorney. Accordingly a Client Authorisation does not need to comply with any legislative requirements relating to powers of attorney or to be registered in those jurisdictions where registration of powers of attorney is required.

While acting on behalf of the client under a Client Authorisation, the conveyancer or lawyer can:

- sign registry instruments or other documents;
- present registry instruments or other documents for lodgment with the Land Registry; and
- authorise or complete any associated financial aspects of the transaction.

## Retention of evidence

- You must retain evidence supporting:
  - Client Authorisation
  - Verification of identity
  - Right to deal
  - Any other Prescribed Requirements; and
  - any evidence required by the Duty Authority.
- See ARNECC Guidance Note #5
- [https://www.arnecc.gov.au/publications/mpr\\_guidance\\_notes](https://www.arnecc.gov.au/publications/mpr_guidance_notes)



# Guidance notes to the Model Participation Rules (ARNECC)



CLIENT  
AUTHORISATIONS



VERIFICATION  
OF IDENTITY



CERTIFICATIONS



RIGHT TO DEAL



RETENTION OF  
EVIDENCE



COMPLIANCE  
EXAMINATIONS

## Version 6 of the MPRs

- ARNECC has released the draft of Version 6 and the consultation process ended on 2 March 2020
- The proposed changes include changes to Client Authorisations and to the verification of identity process

The image shows the cover of a document titled 'MODEL PARTICIPATION RULES Consultation Draft Version 6'. The cover features a large, light blue diamond shape on the left side, which is part of a larger, overlapping diamond pattern. The text 'MODEL PARTICIPATION RULES' is written in bold, black, uppercase letters, and 'Consultation Draft Version 6' is written in a smaller, black, sans-serif font below it.

**MODEL PARTICIPATION RULES**  
Consultation Draft Version 6

## Subscriber compliance examinations



- Section 33 of the Electronic Conveyancing National Law allows for Registrar General to audit users of the eConveyancing system
- Purpose is to assist Subscribers in meeting their obligations and responsibilities under the Participation Rules and to build trust and confidence in the electronic lodgment network.
- Post-registration check
- Random audit conducted by NSW Land Registry Services on behalf of the Registrar General
- Failure to comply with a compliance request can result in suspension or termination of a Subscriber.

# What are we checking for?

- [ARNECC MPR Guidance Note 6](#) gives comprehensive guidance into the subscriber compliance examination
- Checking that VOI, right to deal and client authorisation form are done correctly
- Checking that subscriber has retained the evidence of support
- Section 34 imposes an obligation on Subscribers to cooperate fully with any such investigation



# 6

## MODEL PARTICIPATION RULES GUIDANCE NOTE

### COMPLIANCE EXAMINATIONS

#### 1. INTRODUCTION

This guidance note aligns with Version 1 of the Model Participation Rules and explains:

- what a Compliance Examination is;
- why a Compliance Examination is necessary;
- when a Compliance Examination will be conducted; and
- how a Compliance Examination will be conducted.

Capitalised terms have the meaning given to them in the Model Participation Rules, Model Operating Requirements or Electronic Conveyancing National Law.

This guide does not constitute legal advice nor does it replace prudent corresponding practice. Nothing written in this guide overrules the Electronic Conveyancing National Law, Participation Rules, any other relevant legislation or Registrar's Prescribed Requirements.

This guidance note does not apply to the Subscriber as Attorney provisions.

#### 2. WHAT IS A COMPLIANCE EXAMINATION?

Section 33 of the Electronic Conveyancing National Law provides the Registrar in each Jurisdiction with the power to undertake a Compliance Examination for the purpose of ascertaining whether or not the Participation Rules have been complied with, or investigating any suspected or alleged case of misconduct by a Subscriber (including a former Subscriber).

Under section 33 of the Electronic Conveyancing National Law, a Subscriber is obliged to cooperate fully in a Compliance Examination and comply with any reasonable requirement by the Person conducting the Compliance Examination.

Schedule 1 of the Participation Rules sets out a procedure for the conduct of a Compliance Examination. The procedure is outlined further in Section 5 below.

## How are compliance examinations conducted?

- As part of the audit process, subscribers are required to provide documents and evidence that they have complied with the NSW Participation Rules
- To assist with this ORG has created a checklist in order to help subscribers meet their obligations



## SUBSCRIBER CHECKLIST

### Client Authorisation

Has the client authorisation form been fully completed **before** transacting?

- Have you ensured that the client(s) and yourself have signed and dated the form?
- Have you selected the appropriate Authority Type?
- Do the transaction details match the documents to be lodged?
- Does the land description match the dealing form? (Specific Authority only)
- Have you or your agent conducted verification of identity of client(s)? (See below)

### Verification of Identity

How have you verified the identity of your client(s)?

- Have you used the Verification of Identity Standard to verify the identity of your client(s)?
- or**
- Did you otherwise take reasonable steps?
  - Reasonable steps are defined Participation Rule 6.5.1;
- Do you have any doubts regarding the identity of you clients?
  - If so further investigation is required.
- Did you use a 3<sup>rd</sup> party identity agent?
  - Did you retain any evidence?
- Do the names of your clients match the lodged registry instruments?

### Right to Deal

Have you checked that your client(s) have the legal entitlement to be a particular party to the conveyancing transaction?

Acting for a Transferor

- What documents have you obtained to establish right to deal?
  - Refer to Guidance Note #4 point 5.2 for suggested documents

Acting for a transferee

- Have you retained a copy of the contract of sale?

Acting for a mortgagee

- Have you retained copies of the loan documentation?
- Do you, or the mortgagee, hold a counterpart mortgage?

# Examples of common errors

## **TAKE THIS SCENARIO**

Sam Simon, principal at law firm ABC Pty Ltd is representing Frederick Albert Bloggs and Freda Amy Bloggs in the transfer of a property to them. Sam will also be withdrawing a caveat on this property on behalf of his clients.

# Spot the errors

<b>CLIENT AUTHORISATION</b>		Version 5.0		
<p>When this form is signed, the Representative is authorised to act for the Client in a Conveyancing Transaction(s).</p> <p><b>Privacy Collection Statement:</b> The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.</p> <p>Representative Reference: <b>BLOGGS-16-4-15</b></p>				
<b>CLIENT DETAILS</b>	CLIENT 1	CLIENT 2		
	NAME	<b>FREDERICK BLOGGS</b>		
	ACN/ARBN			
ADDRESS	<b>11/53 ALBERT ST, SYDNEY</b>			
<b>TRANSACTION DETAILS</b>	AUTHORITY TYPE	<input checked="" type="checkbox"/> <b>SPECIFIC AUTHORITY</b> <small>(set out conveyancing transaction details below)</small>	<input type="checkbox"/> <b>STANDING AUTHORITY</b> <small>ends on revocation or expiration date: ___/___/___</small> <small>(tick relevant conveyancing transaction(s) below)</small>	<input type="checkbox"/> <b>BATCH AUTHORITY</b> <small>(attach details of conveyancing transaction(s))</small>
		<b>CONVEYANCING TRANSACTION(S) 1</b>	<b>CONVEYANCING TRANSACTION(S) 2</b>	
	PROPERTY ADDRESS	<b>10/100 QUEEN ST, SYDNEY</b>		
	LAND TITLE REFERENCE(S) <small>(and/or property description)</small>	<b>71011681 LOT 1 ON RP 1569</b>		
	CONVEYANCING TRANSACTION(S)	<input checked="" type="checkbox"/> TRANSFER <input type="checkbox"/> PRIORITY NOTICE  <input type="checkbox"/> OTHER	<input type="checkbox"/> MORTGAGE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE  <input type="checkbox"/> CAVEAT <input type="checkbox"/> WITHDRAWAL OF CAVEAT	<input type="checkbox"/> TRANSFER <input type="checkbox"/> PRIORITY NOTICE  <input type="checkbox"/> OTHER
ADDITIONAL INSTRUCTIONS	<b>SALE OF THIS PROPERTY</b>			

# Spot the errors

		CLIENT 1 / CLIENT AGENT 1	CLIENT 2 / CLIENT AGENT 2
CLIENT AUTHORISATION AND SIGNING		<p><b>I CERTIFY that:</b></p> <ul style="list-style-type: none"> <li>(a) I am the Client or Client Agent; and</li> <li>(b) I have the legal authority to instruct the Representative in relation to the Conveyancing Transaction(s); and</li> <li>(c) if I am acting as a Client Agent that I have no notice of the revocation of my authority to act on behalf of the Client.</li> </ul> <p><b>I AUTHORISE the Representative to act on my behalf, or where I am a Client Agent to act on behalf of the Client, in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to:</b></p> <ul style="list-style-type: none"> <li>(a) sign documents on my behalf as required for the Conveyancing Transaction(s); and</li> <li>(b) submit or authorise submission of documents for lodgment with the relevant Land Registry; and</li> <li>(c) authorise any financial settlement involved in the Conveyancing Transaction(s); and</li> <li>(d) do anything else necessary to complete the Conveyancing Transaction(s).</li> </ul>	
		<p><b>Frederick Albert Bloggs</b>      <b>DATE / /</b>      <b>SIGN HERE</b></p> <p>CLIENT/CLIENT AGENT NAME: <u>FREDERICK BLOGGS</u></p> <p>CAPACITY: _____</p> <p>If applicable AUSTRALIAN CONSULAR OFFICE <u>WITNESS</u> or IDENTITY AGENT (if not a Representative Agent)</p> <p>NAME: _____ DATE: _____</p>	
REPRESENTATIVE DETAILS AND SIGNING	NAME	<u>ABC Pty Ltd</u>	
	ACN/ARBN	<u>101 469 148</u>	
	ADDRESS	<u>1/100 KING STREET, BRISBANE</u>	
		<p><b>I/We CERTIFY that reasonable steps have been taken to ensure that this Client Authorisation was signed by each of the persons named above as Client or Client Agent.</b></p> <p>SIGNATURE OF REPRESENTATIVE OR REPRESENTATIVE AGENT IF APPLICABLE:</p> <p><b>Sam Simon</b>      <b>DATE 18/11/19</b>      <b>SIGN HERE</b></p> <p>SIGNATORY NAME: <u>SAM SIMON</u></p> <p>CAPACITY: _____</p>	<p>REPRESENTATIVE AGENT (if applicable)</p> <p>_____ _____ _____</p> <p><b>SIGN HERE</b></p> <p>DATE / /</p> <p>SIGNATORY NAME: _____</p> <p>CAPACITY: _____</p>

# Spot the errors

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<b>CLIENT DETAILS</b>	CLIENT 1	CLIENT 2
	NAME <b>FREDERICK BLOGGS</b> ACN/ARBN _____ ADDRESS <b>11/53 ALBERT ST, SYDNEY</b>	_____ _____ _____
	AUTHORITY TYPE <input checked="" type="checkbox"/> SPECIFIC AUTHORITY (set out conveyancing transaction details below) <input type="checkbox"/> STANDING AUTHORITY (ends on revocation or expiration date: ___/___/___) (tick relevant conveyancing transaction(s) below) <input type="checkbox"/> BATCH AUTHORITY (attach details of conveyancing transaction(s))	
<b>TRANSACTION DETAILS</b>	CONVEYANCING TRANSACTION(S) 1	CONVEYANCING TRANSACTION(S) 2
	PROPERTY ADDRESS <b>10/100 QUEEN ST, SYDNEY</b> LAND TITLE REFERENCE(S) (and/or property description) <b>71011681 LOT 1 ON RP 1569</b>	_____ _____
	CONVEYANCING TRANSACTION(S) <input checked="" type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY NOTICE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER	<input type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY NOTICE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER
	ADDITIONAL INSTRUCTIONS <b>SALE OF THIS PROPERTY</b>	_____ _____

# Spot the errors

		CLIENT 1 / CLIENT AGENT 1	CLIENT 2 / CLIENT AGENT 2
CLIENT AUTHORISATION AND SIGNING	<p><b>I CERTIFY that:</b></p> <ul style="list-style-type: none"> <li>(a) I am the Client or Client Agent; and</li> <li>(b) I have the legal authority to instruct the Representative in relation to the Conveyancing Transaction(s); and</li> <li>(c) if I am acting as a Client Agent that I have no notice of the revocation of my authority to act on behalf of the Client.</li> </ul> <p><b>I AUTHORISE the Representative to act on my behalf, or where I am a Client Agent to act on behalf of the Client, in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to:</b></p> <ul style="list-style-type: none"> <li>(a) sign documents on my behalf as required for the Conveyancing Transaction(s); and</li> <li>(b) submit or authorise submission of documents for lodgment with the relevant Land Registry; and</li> <li>(c) authorise any financial settlement involved in the Conveyancing Transaction(s); and</li> <li>(d) do anything else necessary to complete the Conveyancing Transaction(s).</li> </ul>		
	<p><b>Frederick Albert Bloggs</b></p> <p>DATE / /</p> <p>CLIENT/CLIENT AGENT NAME: <b>FREDERICK BLOGGS</b></p> <p>CAPACITY:</p> <p>If applicable AUSTRALIAN CONSULAR OFFICE <u>WITNESS</u> or IDENTITY AGENT (if not a Representative Agent)</p> <p>NAME DATE</p>		
REPRESENTATIVE DETAILS AND SIGNING	<p><b>REPRESENTATIVE</b></p> <p>NAME: <b>ABC Pty Ltd</b></p> <p>ACN/ARBN: <b>101 469 148</b></p> <p>ADDRESS: <b>1/100 KING STREET, BRISBANE</b></p> <p><b>I/We CERTIFY that reasonable steps have been taken to ensure that this Client Authorisation was signed by each of the persons named above as Client or Client Agent.</b></p> <p>SIGNATURE OF REPRESENTATIVE OR REPRESENTATIVE AGENT IF APPLICABLE:</p> <p><b>Sam Simon</b></p> <p>DATE: <b>18/11/19</b></p> <p>SIGNATORY NAME: <b>SAM SIMON</b></p> <p>CAPACITY:</p>		<p><b>REPRESENTATIVE AGENT (if applicable)</b></p> <p>NAME:</p> <p>DATE / /</p> <p>SIGNATORY NAME:</p> <p>CAPACITY:</p>
	<p>SIGN HERE</p>		<p>SIGN HERE</p>

# Common errors

## Client Authorisation

No Client Authorisation form at all

Client name

- Not including the full legal name (e.g. leaving out a middle name or using the shortened business name rather than the full registered body corporate name).
- Naming the client as persons (directors) when the actual client was a company

Signing

- Form not signed by Client
- Form not signed by Subscriber
- Practitioner who signed the certifications was not the same practitioner who completed the representative details panel on the form

Compliance with prescribed form

- Incorporation of the client authorisation into their authority to act rather than a standalone form that complies with the prescribed form

Details:

- Not dated
- Not specifying the authority type
- Lack of specific detail under 'conveyancing transaction', such as not specifying all transactions/dealings taking place – e.g. not specifying a TA on the form where a TA was required to precede a transfer

## Common errors

### VOI

- Reliance on evidence short of the VOI standard when indicating they applied the standard
- No evidence produced as to who is authorised to sign on behalf of the company

### Right to Deal

- Reliance on fewer documents than is recommended, but this comes down to reasonable steps

### Evidence

- Not enough evidence supporting VOI or Right to Deal
- Evidence for the dealing not produced
- Lost documents



## Suspension events

Subscribers can be suspended if the Registrar knows or has reasonable grounds to suspect that the Subscriber:

- is in material breach of any of the Subscriber's obligations under the Participation Rules; or
- has or may have acted fraudulently in a way which may impact on a Conveyancing Transaction; or
- has or may have acted negligently in a way which may impact on a Conveyancing Transaction; or
- poses a threat to the operation, security, integrity or stability of the ELN; or
- has otherwise engaged in conduct contrary to the interests of other Subscribers or the Registrar, which may impact on a Conveyancing Transaction; or
- the Subscriber's purported payment of any LRS Fees is unpaid, dishonoured or Subscriber fails to remedy the non-payment;
- the Subscriber fails to comply with a notice served under the Compliance Examination Procedure; or
- the Subscriber fails to produce Documents within a time specified in a written request from the Registrar; or
- the Subscriber fails to comply with a written direction of the Registrar given to the Subscriber or to a class of Subscribers to which the Subscriber belongs; or
- the Subscriber fails to comply with the ELNO's Subscriber Review Process.



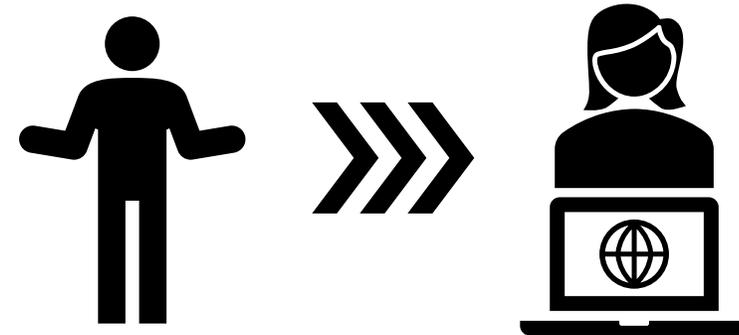
## Termination events

The Registrar knows or has reasonable grounds to believe that the Subscriber:

- is in material breach of any of the Subscriber's obligations under the Participation Rules; or
- has or may have acted fraudulently in a way which may impact on a Conveyancing Transaction; or
- has or may have acted negligently in a way which may impact on a Conveyancing Transaction; or
- poses a threat to the operation, security, integrity or stability of the ELN; or
- has otherwise engaged in conduct contrary to the interests of other Subscribers or the Registrar, which may impact on a Conveyancing Transaction; or
- the Subscriber is subject to an order or directions of a court, tribunal, professional regulator or disciplinary body, which may impact on a Conveyancing Transaction; or
- the Subscriber is not reinstated within a reasonable time following a suspension of the Subscriber.

## eSettlement Subscribers

- A conveyancer or lawyer (Instructing Practitioner) may instruct a conveyancer or lawyer who is a Subscriber to act on their behalf in the electronic workspace
- This includes creating and digitally signing electronic Registry Instruments and other electronic instruments
- The Subscriber that is instructed is referred to as the 'eSettlement Subscriber'.





## Things to keep in mind

- Remember that the eSettlement Subscriber is subject to the requirements of the ECNL, the Participation Rules and the professional regulatory framework
- Ensure that the person/organisation you appoint is a current registered Subscriber and carries the appropriate insurance required by ARNECC – request a Certificate of Currency
- Ensure that all relevant documents connected to the transaction are provided to the eSettlement Subscriber along with written details
- Ensure that the client understands they must engage directly with the eSettlement Subscriber to establish a relationship that is clear and separate to the relationship with you, necessitating a fresh VOI and a separate Client Authorisation.

## What we do



### Strata renewal

→ Find out more about Strata Renewal



### Boundary determinations

→ Policy and Legislation



### eConveyancing

→ Transition to eConveyancing



### Title guarantee

→ Policy and Legislation

## Our updates

**Events** 12 Apr

Register for our eConveyancing workshops.

**Publications** 13 Apr

Conveyancing Rules Version 4 republished to commence on 15 May 2018

**Announcements** 16 Mar

Provide feedback on MOR and MPR Consultation Drafts Version 5

**News** 23 Feb

**Publications** 19 Feb

Analysis of the benefits of electronic conveyancing to conveyancers and lawyers in NSW

**Publications** 19 Apr

Property Council of Australia - NSW Member Briefing eConveyancing

**Publications** 23 Mar

The Guardian Role in a Commercialised Cadastre

**Publications** 16 Feb

Property Council of Australia's eConveyancing update

**Publications** 16 Feb

Law Society Journal Article - Preparing for mandated electronic conveyancing

## Resources

### Office of the Registrar General:

- Visit the ORG website
- [www.registrargeneral.nsw.gov.au](http://www.registrargeneral.nsw.gov.au)
- Email ORG
- [ORG-Admin@customerservice.nsw.gov.au](mailto:ORG-Admin@customerservice.nsw.gov.au)
- Subscribe to ORG emails
- <http://www.registrargeneral.nsw.gov.au/contact-us>

### ARNECC:

- Model Participation Rules: [https://www.arnecc.gov.au/regulation/participation\\_rules\\_by\\_jurisdiction/new\\_south\\_wales](https://www.arnecc.gov.au/regulation/participation_rules_by_jurisdiction/new_south_wales)
- Model Participation Rules Guidance Notes: [https://www.arnecc.gov.au/publications/mpr\\_guidance\\_notes](https://www.arnecc.gov.au/publications/mpr_guidance_notes)



Thank you & questions  
Contact me at [bianca.uyi@customerservice.nsw.gov.au](mailto:bianca.uyi@customerservice.nsw.gov.au)