

## Subscriber compliance



Ensuring that all users of the eConveyancing system are aware of and compliant with their legal obligations is paramount to maintaining the integrity and security of the Torrens Register in NSW. Compliance with these obligations is checked via Compliance Examinations.

### What is a Compliance Examination?

A Compliance Examination is an auditing process conducted to ascertain whether a Subscriber has complied with the NSW Participation Rules for Electronic Conveyancing, or to investigate any suspected or alleged misconduct by a Subscriber.

Four key elements of eConveyancing are assessed in a Compliance Examination:

- verification of identity;
- verification of the right to deal;
- client authorisation; and
- supporting evidence.

ARNECC Guidance Note #6: Compliance Examinations provides guidance for Subscribers about Compliance Examinations, including information about the process and what documents are required to be produced.

ARNECC Guidance Notes #1, 2, 4 and 5 provide further information about the key elements of eConveyancing. These guidance notes can be found on the [ARNECC website](https://www.arnecc.com.au/).

### Who conducts Compliance Examinations in NSW and what is the process?

NSW Land Registry Services (NSW LRS) conducts Compliance Examinations on behalf of the Registrar General in NSW.

When a Subscriber is selected for a Compliance Examination, NSW LRS will send a notice to the Subscriber's email address registered with the Electronic Lodgment Network Operator (ELNO). It is important that a Subscriber keeps its details, including email addresses, up to date with the ELNO. The notice is sent from [eCompliance@nswlrs.com.au](mailto:eCompliance@nswlrs.com.au), through their Kiteworks system.

Subscribers have 10 business days to respond to NSW LRS' Compliance Examination request. To satisfy the request, Subscribers must upload the requested compliance documentation using the "Upload Files" link sent in the notice email. NSW LRS will then conduct an audit of the documents supplied and will notify the Subscriber of the outcome.

### What happens if a Subscriber is non-compliant or doesn't respond to NSW LRS?

NSW LRS will refer the Subscriber to the Office of the Registrar General (ORG) for further action.

ORG may then send a show cause notice to the Subscriber which includes actions the Subscriber is requested to take to avoid ORG taking further action.

In some cases, the Registrar General may direct all ELNOs to restrict, suspend or terminate the Subscriber's access to their systems.

### More information

For questions about your Compliance Examination notice or Kiteworks, please contact NSW LRS at [eCompliance@nswlrs.com.au](mailto:eCompliance@nswlrs.com.au) or 02 8776 3575.

For questions about show cause notices or suspensions, please contact ORG at [org-econveyancing@customerservice.nsw.gov.au](mailto:org-econveyancing@customerservice.nsw.gov.au).

**Disclaimer:** This information is correct at the date of publication; changes after the time of publication may impact upon the accuracy of the material. This fact sheet must not be relied on as legal advice. © May 2023

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If you are selected for a compliance examination, you will receive a notice via email from NSW Land Registry Services (NSW LRS).

Elements assessed:

1. Verification of identity
2. Verification of right to deal
3. Client Authorisation form
4. Supporting evidence

NSW LRS refers non-compliant outcomes to the Office of the Registrar General (ORG).

ORG may take further action, including asking a subscriber to show cause and potentially suspending or terminating a subscriber's access to an electronic lodgment network.

Link to the info sheet:

<https://www.registrargeneral.nsw.gov.au/news/subscriber-compliance-information-sheet>



# Top tips for subscriber compliance examinations



1. Keep your subscriber details in PEXA up to date, including your email address for land registry correspondence.
2. Client Authorisation form - use the latest version of the form (Version 6\*).
3. Client Authorisation - ensure it is completed and signed by the client and the representative. Take care with the Transaction Details (e.g. authority type, conveyancing transaction).
4. If you have questions about responding, contact NSW LRS (Subscriber Compliance Audit Team) - 02 8776 3575 or [eCompliance@nswlrs.com.au](mailto:eCompliance@nswlrs.com.au)

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\*the latest version as at 14 June 2023 is Version 6, which became effective on 21 April 2021.