

Notice

To Lodging Parties

6 June 2016 No 187

• Client Authorisations

Once the *Real Property (Electronic Conveyancing) Amendment Bill 2016 (the Bill)* becomes law, parties will no longer sign their own Lands Titles Office (LTO) instruments. Instead, legal practitioners and registered conveyancers will execute instruments on behalf of their clients (with some exceptions).

The Bill will introduce Client Authorisations. A Client Authorisation is a document that is used by a party to a conveyancing transaction. It authorises a legal practitioner or registered conveyancer to execute and lodge instruments on that party's behalf.

A Client Authorisation can provide authorisation for a practitioner to execute and lodge a specific instrument, a batch of instruments, or instruments for a specified period.

It will be an offence under Part 20A of the *Real Property Act 1886* for a legal practitioner or registered conveyancer to execute an instrument other than in accordance with a properly completed Client Authorisation.

The Client Authorisation Form

The [Client Authorisation Form](#) has now been published and will become operative when the Bill becomes law. A Client Authorisation **must be** in the prescribed form and properly completed to have effect.

I have adopted the Client Authorisation Form prescribed under the *Electronic Conveyancing National Law (South Australia) Act 2013*. This form is to be used for both paper and electronic transactions.

The Client Authorisation needs to be signed by the client and the legal practitioner or registered conveyancer (or their agent). The legal practitioner or registered conveyancer (or their agent) signs the form to certify that they have taken reasonable steps to verify the identity of their client and their client's authority to enter into the transaction specified in the Client Authorisation.

Ideally, [Verification of Identity](#) and [Verification of Authority](#) occur at the same time the client signs the Client Authorisation.

The completed Client Authorisation must be retained as supporting evidence of authority for the transaction, for 7 years from the date the last relevant instrument is lodged in the LTO.

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When a Client Authorisation is required

A Client Authorisation is required when a legal practitioner or registered conveyancer acts for a client in most conveyancing transactions. However, the use of a Client Authorisation for Caveats and Priority Notices is **optional**.

A Client Authorisation is **not** required for instruments relating to applications:

- for title by possession to land
- for land division and applications for amalgamation of titles
- under the *Community Titles Act 1996* and *Strata Titles Act 1988*.

The Australian Registrars National Electronic Conveyancing Council (ARNECC) has published a Guidance Note on the Client Authorisation. This includes a number of Frequently Asked Questions which may be of assistance to you.

This [Guidance Note](#), along with the [Client Authorisation Smartform](#) can be found on the [ARNECC website](#).



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