

COVID-19: Guidance for eConveyancing

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Over recent days in light of the rapidly evolving situation around the outbreak of COVID-19 coronavirus we are aware that many of you cannot or are choosing not to conduct a face-to-face VOI. ARNECC has provided guidance on this and is available [here](#).

Client authorisation form (CAF)

The ARNECC statement suggests that a CAF may be electronically signed, depending on whether your jurisdiction allows for this. To make it clear, in NSW a CAF can be signed electronically – see section 107(1A) of the *Real Property Act 1900*, which says: *(1A) To avoid doubt, a client authorisation produced in electronic form may be electronically signed.*

Reasonable steps for verifying identity

To reiterate ARNECC's statement, a Subscriber does not have to conduct a face-to-face interview with their Client to verify their identity if they choose not to. A Subscriber is, and has always been, able to verify the identity of their client in a way which constitutes reasonable steps. For the purposes of a Subscriber compliance examination, the Registrar General makes no determination on whether those steps taken were reasonable or not. Only a court can make that determination.

However, it is important that the evidence of those steps taken must be recorded (in writing). If you are selected for a compliance audit you will need to produce this evidence to comply with the requirement that you have verified the identity of your client. For example, in the current COVID-19 environment practitioners may find it reasonable to conduct verification of identity of their clients remotely using technology. That's fine – as long as you have evidence to back up that those were the steps you took.

For more information on the Office of the Registrar General's coronavirus update, click [here](#).