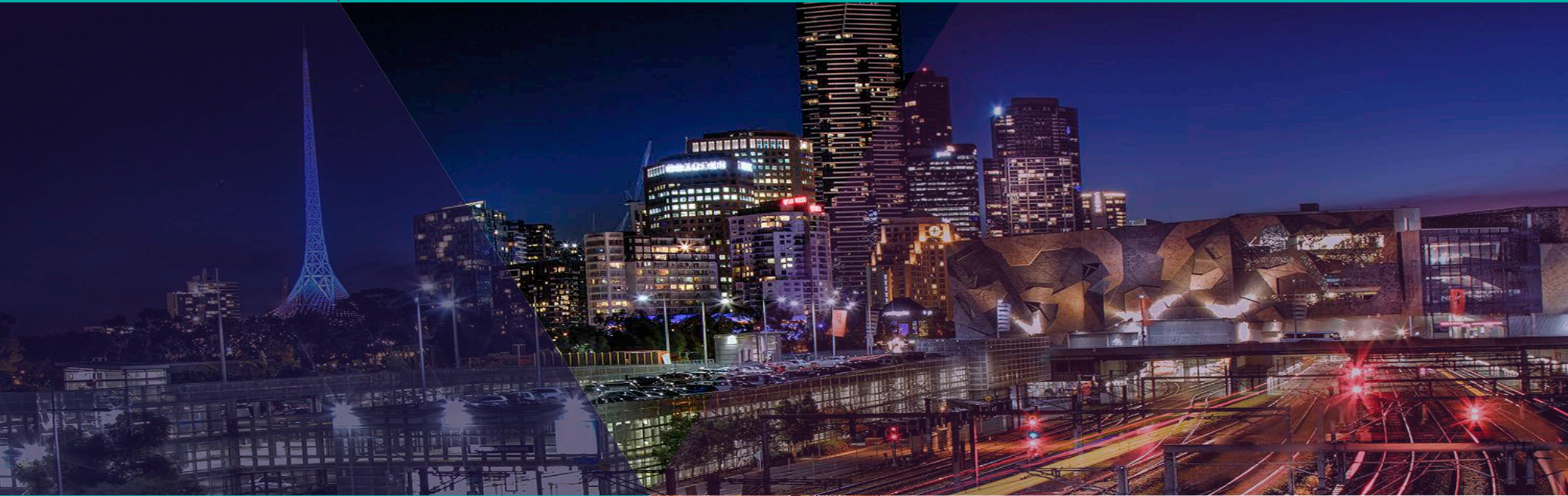


Subscriber Compliance

Presentation to Legal Practitioners' Liability Committee

August 2022



Michael Debono
Manager Audit/Legislative Compliance
Land Registry Services



Environment,
Land, Water
and Planning



WELCOME

Michael Debono

Manager, Audit/Legislative Compliance

Michael is a manager who has worked across the Financial Services Industry, Federal & State Public Service since joining the workforce after obtaining a Bachelor of Business from Monash University in 1994. He grew up in Gippsland in regional Victoria working at SEC Credit Union until 2003. He then joined Australian Securities & Investment Commission (ASIC) working in the Registry area in Traralgon before moving to Melbourne and taking up a national role managing ASIC's Evidence Management Operations. In 2018, he joined DELWP and started in the newly formed Compliance Team as part of Land Registry Services. The team has grown with its primary focus of undertaking Subscriber Compliance.

Subscriber Compliance

Australian Registrars' National Electronic Conveyancing Council (ARNECC)

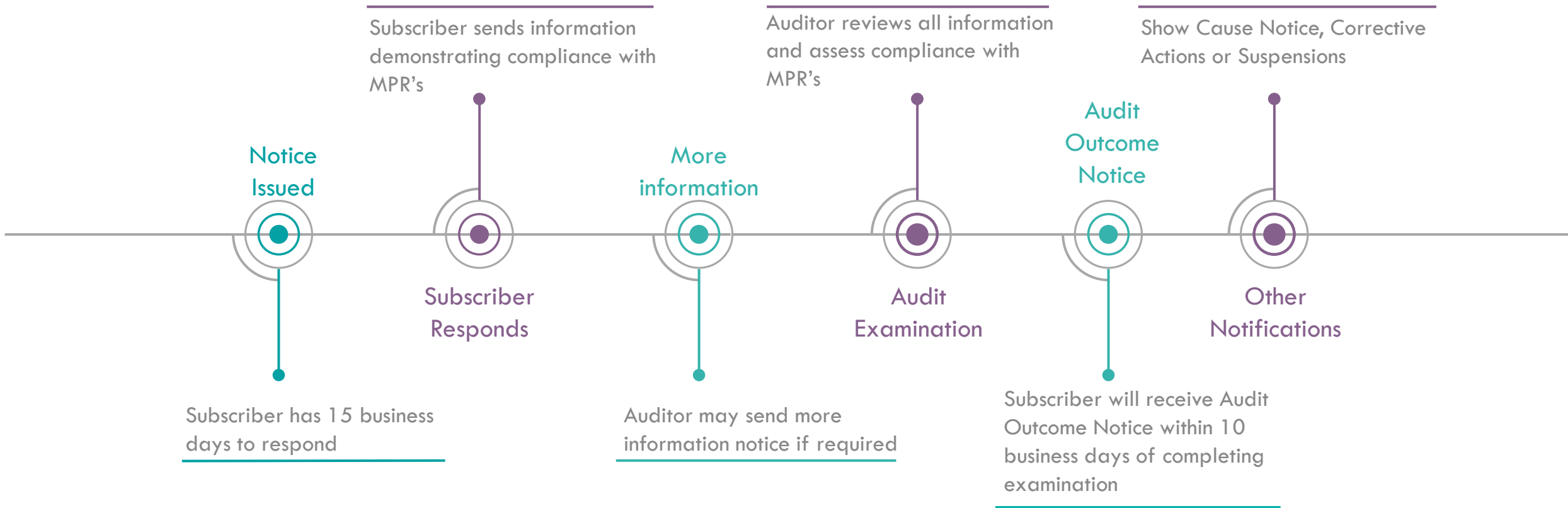
- Key Objective is Subscribers meeting their obligations and responsibilities under the Participation Rules and build trust and confidence with Users of an ELN
- Section 33 of the ECNL provides the Registrar in each Jurisdiction with the power to conduct a Compliance Examination
- Subscribers examined may be selected at random or may be part of a targeted program

The scope of the program is to monitor that the obligations and practices that support the certifications of a Subscriber acting on its own behalf, or on behalf of a Client, are being met in the following areas:

- **Client Authorisation** – a document that enables a party to a transaction (the client) to authorise a Representative such as a conveyancer or lawyer to act on their behalf in that transaction.
- **Verification of Identity** – verification of the identity of a client or mortgagor.
- **Right to Deal** – is the entitlement of a person to be a particular party to a conveyancing transaction.
- **Retention of Evidence** – is evidence supporting a conveyancing transaction including storage of that evidence.

Compliance Examination Steps

Schedule 5 of the Model Participation Rules outlines the procedure for the conduct of a Compliance Examination



Milestones

- The program started June 2017 and ramped up in November 2019 as the team increased in size
- We have completed over 1,400 compliances
- We have had a 90% compliance rate over the course of the program
- We reached a pre-COVID peak of undertaking approximately 1,000 examinations per year with our paper-based system
- During COVID program was suspended and our new online web-based Land Registry Compliance System (LRCS) was built and released in October 2020
- We have completed 240 compliances post-COVID in the new system

Land Registry Compliance System (LRCS)

The main benefits of the LRCS include:

- No documents sent through mail
- All required evidence directly uploaded in the LRCS
- Examinations completed in a timely manner
- Enhanced reporting capabilities for Land Use Victoria and ARNECC
- All provided evidence securely filed in the LRCS

Welcome to Land Use Victoria

Login ➔



About Compliance

Accessing the Electronic Conveyancing National Law (Victoria), the Participation Rules and the Model Participation Rules Guidance Note #6 Compliance Examinations

Information & Assistance

Land Use Victoria follows a nationally consistent Subscriber Compliance Program under the following:

- i. Section 33 of the Electronic Conveyancing National Law (Victoria) (ECNL) which allows the Registrar of Titles (Registrar) to undertake Compliance Examinations to ascertain compliance with the Participation Rules
- ii. Section 34 of the ECNL requires Subscribers to cooperate fully with Compliance Examinations
- iii. Schedule 5 of the Participation Rules sets out the procedure for Compliance Examinations
- iv. Model Participation Rules Guidance Note #6 Compliance Examinations provides more guidance on Compliance Examinations.

A key objective of the Subscriber Compliance Program is to assist Subscribers in meeting their obligations and responsibilities under the Participation Rules and to build trust and confidence in Electronic Lodgment Networks.

Under section 104 of the Transfer of Land Act 1958, the Registrar may require documents and information to be produced.

The Registrar's Requirements for paper conveyancing transactions sets out further requirements.

Login

Username / Email

michael.debono@delwp.vic.gov.au

Password

.....

I accept the [terms & conditions](#)

Login →

[Forgot your password?](#)

Verification Code

Select Two-Factor Authentication Provider:

Email SMS

Submit

Auditor Dashboard

All Assigned to Me

Refresh

SCE ID ↓	VOTS Cust. Code	Subscriber Name	Dealing Number	Status	Overdue	Time Extension	Status Type	Auditor Name	Action
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select...	Select...	<input type="text"/>	<input type="text"/>	
SCE-01490	9531	FIRM ABC	AS66255	In progress			Referred to Legal	SCO 123	
SCE-01457	1507	LAWYER FIRM	AV61201	Completed				SCO 075	
SCE-01426	9102	CONVEYANCING 123	AV55664	Completed				SCO 123	
SCE-01424	8727	LAW PTY LTD	AV60585	Completed				SCO 075	
SCE-01394	4391	COMPANY 123	AV58469	Completed				SCO 546	
SCE-01393	8252	EZY SETTLEMENT	AV54924	Completed				SCO 002	
SCE-01391	8634	LAWYERS 123	AV60147	Completed				SCO 879	
SCE-01380	7182	PROPERTY LAW PTY	AV91779	Awaiting Info			Notice Sent- Assigned	SCO 001	

Details

SCE ID	SUBSCRIBER ID	SUBSCRIBER NAME	DEALING TYPE	DEALING NUMBER	STATUS	STATUS TYPE	LAST UPDATED BY
SCE-01426	1910	NO 6 CONVEYANCING	TRANSFER	AV55664	Completed		SCO 001 6 Jun 2022, 4:18:39 PM

- Client Authorisation
- Verification of Identity
- Right to Deal
- Supporting Evidence
- Attachments
- Notifications/Comments
- Audit Log

Subscriber Response ▲

- Copy of Client Authorisation provided
- Written details of the steps (including the timing of the steps) taken to ensure Client Authorisation form signed by the Client/Client Agent
- Any supporting evidence of the steps taken provided
- Written details of the steps taken (including the timing of the steps) to verify the authority of each Person entering into a Client Authorisation on behalf of a Client to both bind the Client to the Client Authorisation and to the Conveyancing Transaction(s) the subject of the Client Authorisation
- Any supporting evidence of the steps taken provided

Assessment

Select All to 'Yes'

	YES	NO	N/A	
Q1. Copy form provided	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
Q2. Correct version of Participation Rules form used	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>
Q3. Participation Rules form used	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>

Client Authorisation

Verification of Identity

Right to Deal

Supporting Evidence

Attachments

Notifications/Comments

Audit Log

CATEGORY *

Select categor...

DESCRIPTION NB: This will be viewable
by the Subscriber

COMMENTS

SUBSCRIBER
TO VIEW

max. 20MB allowed per attachment

Select files...

Drop
files
here to
upload

CATEGORY

Client Authorisation

DESCRIPTION

COMMENTS

DOCUMENTATION

Client Authorisation
Form.pdf

UPLOAD DATE

6 Jun 2022, 3:55:40
PM

Supporting Evidence

Original paper title de
stroyed

ORIGINAL PAPER CT
DESTROYED.pdf

2 Jun 2022, 4:11:27
PM

Comments (Internal)

VOI and CA completed by Aust
Post

Back


[Client Authorisation](#)[Verification of Identity](#)[Right to Deal](#)[Supporting Evidence](#)[Attachments](#)[Notifications/Comments](#)[Audit Log](#)

DATE	ACTIONED BY	ACTION DETAILS
6 Jun 2022, 4:18:39 PM	SCO 001	Status 'In progress' changed to 'Completed'.
6 Jun 2022, 4:17:47 PM	SCO 001	The attachment 'Verification of ID and Client Authorisation Form.pdf' was removed.
6 Jun 2022, 4:17:42 PM	SCO 001	The attachment 'VERIFICATION STEPS.docx' was removed.
6 Jun 2022, 4:17:37 PM	SCO 001	The attachment 'statement-11080225_TRANSFEROR_MrRuggeroFacchi_SIGNED.pdf' was removed.
6 Jun 2022, 4:17:32 PM	SCO 001	The attachment 'Verification of ID and Client Authorisation Form.pdf' was removed.
6 Jun 2022, 4:17:27 PM	SCO 001	The attachment 'SOLD COS - 15 condor plc taylors lakes.pdf' was removed.
6 Jun 2022, 4:17:04 PM	SCO 001	The attachment 'Vendor's check List.pdf' was removed.
6 Jun 2022, 4:16:50 PM	SCO 001	The attachment 'Vendor's check List.pdf' was removed.
6 Jun 2022, 4:11:03 PM	SCO 001	The attachment 'Settlement funds authority signed and checked confirmation of account details and signature.pdf' was removed.
6 Jun 2022, 3:59:03 PM	SCO 001	Examination updated.

Subscriber Dashboard

Subscriber Dashboard

Refresh

SCE ID ↓	Dealing Type	Dealing Number	Status	Action
SCE-02128	CONV PCT & NOM ECT TO LC	AU507423A	Awaiting Info	
SCE-02065	NOMINATION OF ECT TO LC	AU468510T	Awaiting Info	
SCE-02057	REMOVAL OF NOMINATION	AU468453D	In progress	
SCE-01895	CONV PCT & NOM ECT TO LC	AU429410T	Awaiting Info	
SCE-01894	CONV PCT & NOM ECT TO LC	AU468328G	Awaiting Info	
SCE-01893	CONV PCT & NOM ECT TO LC	AU549872G	Awaiting Info	
SCE-01890	CONV PCT & NOM ECT TO LC	AU556206G	Awaiting Info	
SCE-01884	CONV PCT & NOM ECT TO LC	AU556175Q	Awaiting Info	
SCE-01881	CONV PCT & NOM ECT TO LC	AU556163X	Awaiting Info	
SCE-01282	COVID 19 BCP	AT476234E	In progress	

Subscriber Tabs

Details

SCE ID	SUBSCRIBER ID	SUBSCRIBER NAME	DEALING TYPE	DEALING NUMBER	STATUS
SCE-02057	704	COMANY PTY LTD	REMOVAL OF NOMINATION	AU468	In progress

Details

Notifications/Comments

CLIENT AUTHORISATION - refer to [MPR guidance note # 1](#)

- Copy of Client Authorisation provided
- Written details of the steps (including the timing of the steps) taken to ensure Client Authorisation form signed by the Client/Client Agent
- Any supporting evidence of the steps taken provided
- Written details of the steps taken (including the timing of the steps) to verify the authority of each Person entering into a Client Authorisation on behalf of a Client to both bind the Client to the Client Authorisation and to the Conveyancing Transaction(s) the subject of the Client Authorisation
- Any supporting evidence of the steps taken provided

VERIFICATION OF IDENTITY - refer to [MPR guidance note # 2](#)

RIGHT TO DEAL - refer to [MPR guidance note # 4](#)

SUPPORTING EVIDENCE

ATTACHMENTS * **At least one attachment must be included**

* I certify the documents and/or information provided in accordance with this checklist are to the Subscriber's knowledge information and belief correct, complete and not false or misleading.

Notifications

Details

SCE ID	SUBSCRIBER ID	SUBSCRIBER NAME	DEALING TYPE	DEALING NUMBER	STATUS
SCE-02057	704	COMANY PTY LTD	REMOVAL OF NOMINATION	AU468	In progress

Details

Notifications/Comments

Audit Test Officer1 - Notification (Show Cause) - 19 Jan 2022, 11:56 AM

 Download PDF




Audit Test Officer1 - Notification (More Information Required) - 19 Jan 2022, 11:49 AM

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Audit Test Officer1 - Notification (Subscriber Compliance Examination) - 19 Jan 2022, 11:41 AM

 Download PDF



 Add Comment

Notifications Letter

Audit Test Officer1 - Notification (Subscriber Compliance Examination) - 19 Jan 2022, 11:41 AM

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Department of Environment, Land, Water and Planning

Land Use Victoria
GPO Box 527 Melbourne Victoria 3001
DX 250639
delwp.vic.gov.au

MR NAME
COMPANY PTY LTD
2 LONSDALE STREET, MELBOURNE, VIC 3000

19 January 2022

Dear Sir/Madam

Electronic Conveyancing National Law (Victoria) (ECNL) - Compliance Examination

Subscriber: COMPANY PTY LTD (you)

Under section 33(b) of the ECNL the Register of Titles (**Registrar**) may conduct an investigation, called a compliance examination, in relation to a Subscriber for the purpose of ascertaining whether or not the Participation Rules determined by the Registrar under section 23 of the ECNL are being, or have been, complied with.

A procedure to be followed for a compliance examination (the Compliance Examination Procedure) is set out in Schedule 5 of the Participation Rules. Further information is provided in Model Participation Rule Guidance Note #6: Compliance Examinations, which can be found at:

https://www.amecc.gov.au/publications/mpr_guidance_notes.



Questions