

Electronic Signatures – Finding the Balance Between Efficiency, Compliance and Luddites

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Overview

- Some examples
- Electronic signatures
- The law
- Application in Local Government
- Practical issues

Examples

- Council executing a deed with a company
- Council executing an agreement with an association
- Council accepting a deed poll from an individual
- Regulatory instruments

Electronic signatures

- Electronic signatures / digital signatures
- Copy and paste?
- DocuSign / Adobe
- Requirements:
 - Identity
 - Reliability
 - Consent

The law

- Electronic Communications Act 2000
- Electronic Transactions Regulations 2000
- Electronic Transactions Act (Cth) 1999
- Law of Property Act 1936
- Local Government Act 1999
- Associations Incorporation Act 1985
- Corporations Act (Cth) 2001

Application

- Common sense approach
- Be aware of your surroundings
- Need to suit all parties to the transaction

Practical issues

- How do you satisfy the requirements?
- Inclusion of signature by an assistant or delegate
- Part performance
- Record keeping requirements

Examples revisited

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Questions



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