PEXA and Registration of By-Laws

From 22 March 2021, Consolidation/Change of By-Laws dealings must be lodged electronically through Property Exchange Australia ("PEXA"), unless a waiver applies. This means that the majority of Consolidation/Change of By-Laws forms can no longer be lodged by paper.

What is PEXA?

PEXA is an electronic platform which allows property transactions to take place in a short space of time. It streamlines the process of dealing with property through the use of electronic forms, which are lodged with Land Registry Services ("LRS") in real-time and removes the requirement to lodge original documents over the counter.

How will PEXA affect the way Consolidation/Change of By-Laws are lodged?

Through PEXA, a "wet-signed" version of the consolidated by-laws are no longer required. Instead, the client can send a scanned copy of the pages to be registered. To ensure the process is secure and there are no fraudulent signatures, to lodge documents via PEXA a Client Authorisation Form ("CAF") is required and a Verification of Identity ("VOI") process must be undertaken.

The CAF is a form by which the client authorises the electronic transaction to take place via PEXA and can be signed electronically. VOI is an identification process which lasts for two years and may be completed in person or remotely on a mobile device. The remote process requires the client to record a short video of themselves and provide copies of their drivers licence and passport. This video and documents are then compared with records held by other government offices to remotely verify an identity.

What is the process now for lodging Consolidation/Change of By-Laws?

After the Consolidation/Change of By-Laws form has been completed, the client will follow the instructions for signing provided by our team and provide a scanned copy version of the form as well as **the original Certificate of Title**. Instructions to complete the CAF and VOI remotely will also be provided to allow clients to authorise the transaction to take place via PEXA. Our team will then lodge the documents via PEXA.

What is the difference between the old system and lodging via PEXA?

The main difference between PEXA and lodging paper documents is that it is now lodged electronically. This electronic lodgement via PEXA requires a CAF and VOI, thereby reducing identity theft and land title fraud as clients must verify and authorise the lodgement of the documents before they are lodged.

What is the exception to lodging via PEXA?

On 1 March 2021, the Registrar-General issued Waiver No. CR 1/2021, which allows the Consolidation/Change of By-Laws form to lodged physically with LRS if an Owners Corporation is not legally represented or is simply seeking to consolidate existing by-laws registered on the common property Certificate of Title.

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Key takeaways

- From 22 March 2021, by-law dealings must be lodged electronically via PEXA.
- PEXA streamlines property transactions by allowing electronic lodgement in real-time.
- A Client Authorisation Form and Verification of Identity process are now required for electronic lodgement.
- The new process reduces identity theft and land title fraud.
- A waiver allows for physical lodgement if an Owners Corporation is not legally represented.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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