

**Statutory and Evidentiary  
Requirements for E-Dealing Standard**

**Submissions on behalf of  
The Law Association of New Zealand  
by the  
Property Law Committee**

## **INTRODUCTION**

The Law Association of New Zealand (“TLANZ”) is an independent membership organisation for the New Zealand legal profession with more than 7,500 members. TLANZ maintains expert law committees that support legal review and policy advocacy on important issues.

This submission is made on behalf of the Property Law Committee on the Statutory and Evidentiary Requirements for E-Dealing Standard (“the Standard”) consultation by the Registrar-General of Land.

TLANZ is responsible for drafting many of the standard forms and property agreements used by most people in New Zealand for the sale and purchase of land and leasing, often in consultation with the Real Estate Institute of New Zealand (“REINZ”).

Many of our members transact with the Landonline E-Dealing platform for property transactions.

## **SUBMISSIONS**

### **1. Title**

1.1. We support the alignment of the Title with that used for the recent Authority and Identity Requirement E-Dealing Standard 2024.

### **2. Commencement**

2.1. No comment.

### **3. Purpose**

3.1. The Standard sets out the evidentiary requirements for certifications by Practitioners. We therefore query if clause 3 ought to also refer to section 236(1)(b) of the Land Transfer Act 2017 (“the Act”), as that paragraph empowers the Registrar to set standards in relation to dealings by practitioners and other persons authorised to give certificates under the Act.

### **4. Interpretation**

4.1. We support the alignment of the definitions with the parent legislation.

### **5. Practitioner’s certificate obligation**

5.1. We suggest that subclauses 5(1) and 5(2) are transposed so that subclause 5(2) is subclause 5(1) and subclause 5(1) is subclause 5(2).

5.2. Current subclause 5(2) sets out the overarching legislative basis for the certification, with current subclause 5(1) setting out the specific requirements that a practitioner must then adhere to for certifying a specified class of instrument.

### **6. Evidentiary requirements**

6.1. We suggest that current subclause 7(3) become subclause 7(1), with current subclauses 7(1) and 7(2) to become subclauses 7(2) and 7(3) respectively.

- 6.2. Current subclause 7(3) sets out the overarching legislative basis for the certification, with current subclauses 7(1) and 7(2) setting out the specific evidentiary requirements that a practitioner must then adhere to when certifying a specified class of instrument.
- 6.3. We suggest clarifying in subclause 7(2) that retaining evidence for 10 years may be satisfied by keeping digital copies or records, as well as paper originals.

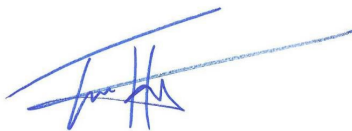
## CONCLUSION

We would like to thank the Registrar-General of Land, for the opportunity to make submissions.

We would like to thank the Subcommittee of the Committee for working on these submissions, particularly Todd Whitcombe and Ben Thomson, on behalf of the Committee.

If you have any questions or queries please contact the Committee Executive, Gandhya Senanayake by email at [gandhya.senanayake@thelawassociation.nz](mailto:gandhya.senanayake@thelawassociation.nz).

Ngā mihi

A handwritten signature in blue ink, consisting of several stylized, overlapping strokes.

**Tina Hwang**

**Convenor, The Law Association of New Zealand Property Law Committee**

**Member, The Law Association of New Zealand Property Disputes Committee**

**Member, The Law Association of New Zealand Civil Litigation Committee**

*The views represented in this submission are not necessarily representative of the views of all TLANZ members but are those of individual TLANZ members or TLANZ committees who have responded to the consultation.*