



Frequently Asked Questions

What is DocuSign®?

DocuSign® is an electronic signature system that allows Forms Live users to electronically sign documents and bypass paper-based methods of signing certain forms and documents.

What is an electronic signature?

An electronic signature, or e-signature, is an electronic method of signing a document and substitutes a handwritten signature. E-signatures are often included as part of electronic transactions, which are governed by Commonwealth and State legislation.

Should a policy be adopted within each member Agency?

REINSW recommends that each Principal of an agency establishes its own agency policy for the use of DocuSign® within the practice, and that such policy considers issues such as:

- who has authority to use the functionality,
- under what circumstances should remote signing be used,
- what procedures should be adopted for the use of remote signing, and
- which documents the agency elects to apply DocuSign® to.

How do we sign up for and use DocuSign®?

DocuSign® is simple to use. After completion and finalisation of a form, you should:

1. Click on the electronic signing icon,
2. Choose the DocuSign® option. You will automatically be directed to the DocuSign® sign up process.
3. Sign up to DocuSign®. You only need to sign up once (i.e. this sign up process will not appear again). You will then be returned to the email instruction page of the relevant form you have completed.
4. If you have obtained consent to serve and send documents and notices by email, insert the relevant email addresses required for sending and executing the relevant document or notice, then proceed to send those to the recipient.

What if I do not have the email address of the recipient?

The recipient's email address is required for DocuSign® and should be obtained in advance. Prior to completing any form, document or notice, you should always check to ensure that you have written consent from the recipient to send and serve documents, forms and notices by email.

Can all transactions use DocuSign®?

With the exception of forms or documents that have certain requirements, for example, execution to be witnessed, execution under a Power of Attorney or execution which requires the affixing of a seal, the majority of forms and documents can be used with DocuSign® and are accessible through REI Forms Live. Where one or more party is a corporation, we recommend that traditional wet ink signatures be used.

Does a party an agent is dealing with have to register to use DocuSign®?

No, there is no requirement for a participant to register to use DocuSign®. When a document is signed through DocuSign® and issued to the other party, the other party will receive an email request to review the document. They can then elect to either sign the document through traditional methods or register to use electronic signing.

What happens if the signature on screen does not look like a person's normal pen-and-paper signature?

It does not matter. The person's intention to be bound is sufficient through use of their email address and electronic signature. However, to avoid potential confusion, an executing party should satisfy itself that the electronic signature stored with DocuSign® upon registration appears as similar as possible to their normal unique signature.

Will the parties executing an agreement be given a copy?

Yes. Whenever a document is signed using the DocuSign® facility, a copy is immediately issued by email. Once the last party executes a document, all parties will receive by email a fully executed document.

Why use the DocuSign® facility rather than post?

In effect, DocuSign® is your electronic courier (think of it as the equivalent of your personal courier coming to you to pick up a document, deliver it, get it executed and then return it to your office) that achieves delivery for execution to the person at a particular email address, along with ensuring the integrity of the document whilst in delivery mode and upon return of that documentation. The anti-tampering functionality within DocuSign® prevents any changes to a document at any time whilst in transit or post execution.

Go to <https://trust.DocuSign.com/en-us/trust-certifications/> to view the various functionalities that will give you confidence in the DocuSign® methodology, including certifications, privacy levels and anti-tampering measures to protect your documentation.

Should I use DocuSign® for every transaction?

It is prudent to adopt a policy that requires your agency encourage face to face signing at every opportunity. DocuSign® does not verify a party's identification or ensure that the party executing is the relevant party on the document or form. It is your responsibility to undertake necessary identification verifications for your file. If you elect to use DocuSign®, you must have confidence in the capacity and identity of the person you are

sending a document to. This approach is highly recommended and supported by NSW Fair Trading, as specifically referenced in this article regarding Real Estate Fraud Prevention Guidelines:

http://www.fairtrading.nsw.gov.au/ftw/Property_agents_and_managers/Agency_responsibilities/Fraud_prevention_guidelines.page

Whilst conveyancers and solicitors are required to carry out verification of identification for transfer of property to meet NSW Land and Property Information requirements, it should not mean agents can take a casual approach with parties executing a contract of sale. In all instances, you should ensure that you have fulfilled all of the usual requirements in terms identifying and verifying all parties to the transaction prior to inviting them to sign via DocuSign®.

Why DocuSign®? Can we use other commercially available remote signing software?

REINSW has enabled selected REI Live forms and documents to be compatible with DocuSign® because of the level of confidence provided by DocuSign®. REINSW will continue to review other software options for integration with REI Forms Live in New South Wales.

Given DocuSign® comes at a cost to Agents, is REINSW going to provide or include this functionality as part of REI Forms Live at no additional cost to agents into the future?

It remains REINSW's intention to continue partnering with the best in the business rather than investing in and reinventing the functionality already available

from a well-respected and compliance-certified organisation.

The face to face on-screen signing of documentation will continue to be made available at no additional cost to Members as part of the REI Forms Live functionality.

Can I sign in counterparts?

Yes. If the document incorporates a "counterpart clause" then it can be sent to individuals for signing in counterparts. Documents can also be executed in counterparts through a combination of either pen-and-paper signing and remote electronic signing. After all, whether counterparts are signed electronically or by pen-and-paper, the combination of all counterparts make up the executed agreement.

What if I have a couple wanting to buy/sell, can I send the DocuSign® document to both individuals at the same email address?

Each party MUST have their own unique email address which should only be accessible to that particular person using DocuSign® login and password details.

Please:

- Do not send DocuSign® requests to email addresses that indicate they are not unique, for example info@reinsw.com.au; and
- Ensure that any DocuSign® requests or documents to be electronically signed are only issued to the person registered to use DocuSign® and not to any other person. They should not under any circumstances be passed onto a person other than a party to the document to sign.

How long do documents in the cloud need to be stored for?

Whether you store hard copies or in the 'Cloud', we recommend that Sales and Leasing related documentation be kept for a minimum of seven years. This is to ensure adequate records are kept in the event that a dispute arises. If a dispute does arise, we recommend keeping all documentation until the matter is fully resolved.

I'm an existing REI Forms Live user and need some technical help.

Please see:

<http://help.reiformslive.com.au/index.html#remote-signing-setup>.

Otherwise please call the REI Forms Live support team at REINSW on 02 9264 2343.