

Compliance of Evia Sign with Australian Electronic Signature Laws



Introduction to Australian Electronic Signature Laws

Electronic signatures hold legal validity in Australia under the **Electronic Transactions Act 1999 (ETA)** and its associated regulations, the **Electronic Transactions Regulations 2020 (ETR)**. These regulations ensure that digital transactions carry the same legal standing as traditional paper-based agreements, making electronic signatures enforceable within the country.

The ETA defines key requirements for an electronic signature to be legally binding, including the need for explicit consent and proper document retention. These requirements mainly apply to transactions involving Commonwealth government agencies or dealings governed by specific federal legislation.

Since Australia follows a federal system, individual States and Territories have established their own electronic signature laws, often referred to as Local ETA. While these laws generally align with the federal ETA, they also introduce specific exemptions and conditions that vary by jurisdiction. Any document submitted to State or Territory governments must comply with the relevant Local ETA provisions.

Legal Requirements for Electronic Signatures in Australia

To ensure legal validity under the ETA and Local ETA, electronic signatures must meet the following key requirements:

1. Identification of the Signatory

The electronic method used must adequately identify the person signing and indicate their intent to approve the information communicated. The identity verification method should be reliable and appropriate for the purpose of the transaction.

2. Reliability of the Signature Method

The electronic signature method must be reliable and meet appropriate security standards. The level of reliability required depends on the nature of the transaction and the associated risks.

3. Consent to Electronic Transactions

All parties involved in a transaction must provide explicit or implied consent to conduct the transaction electronically.

4. Record Retention

Electronic documents must be retainable and accessible for future reference, ensuring that they can be reproduced in a usable form.

Alignment of Evia Sign with Australian Legal and Compliance Standards

Evia Sign is designed to comply with Australian legal requirements for electronic signatures, ensuring that businesses can confidently utilize its features within the framework established by the ETA and ETR. Here's how Evia Sign aligns with these standards:

- **Identification and Intent**

Evia Sign ensures signatory identification through multiple authentication mechanisms:

- **Authentication Mechanisms:**

Email and SMS OTP: Before signing, signatories receive a one-time password (OTP) via email or SMS to verify their identity.

Access Codes: Users can manually set access codes for additional security.

Microsoft O365 Integration: For organizations using Microsoft services, Single Sign-On (SSO) and Multi-Factor Authentication (MFA) enhance identity verification.

- **Explicit Consent:**

Before signing, external users are required to accept terms, and internal users adhere to predefined policies, ensuring that all parties have explicitly consented to the electronic transaction.

- **Reliability and Security of the Signature Method**

Evia Sign employs secure, tamper-proof technology to ensure the reliability of electronic signatures:

- **End-to-End Encryption:** Documents are protected during transit with SSL encryption and secured at rest using AES 256-bit encryption within Microsoft Azure's trusted infrastructure.
- **ISO 27001:2022 Certification:** Evia Sign adheres to internationally recognized protocols for information security management, demonstrating a commitment to robust security practices.
- **Tamper-Proof Audit Trails:** Detailed logs capture critical details such as timestamps, IP addresses, and user actions. Each audit trail is digitally sealed with a GlobalSign certificate, ensuring its authenticity and reliability for future reference.
- **Digital Seals:** Every signed document is digitally sealed using globally trusted digital certificates, making any post-signature modifications detectable.
- **Integration with Microsoft O365:** Evia Sign seamlessly integrates with Microsoft O365, enabling Single Sign-On (SSO) and Multi-Factor Authentication (MFA). This integration enhances security and ensures that the signature method is reliable and appropriate for various transactions.

- **Consent to Electronic Transactions**

Evia Sign ensures explicit consent from all parties before proceeding with electronic transactions:

- **Pre-Signature Agreements:** External users must accept terms before signing, ensuring informed consent.
- **Internal Policy Compliance:** Organizations can configure predefined policies to govern internal electronic transactions.
- **Unambiguous Actions:** Signatories explicitly confirm their intent by clicking the 'Finish' button before finalizing their signature.

- **Record Retention**

Evia Sign ensures long-term document accessibility and compliance with record-keeping requirements:

- **Long-Term Accessibility:** Signed documents are preserved in their original format and remain accessible for future reference, ensuring compliance with record retention requirements.
- **Document Tracking:** Transparent tracking logs each document's journey from creation to completion, facilitating easy retrieval and auditability.
- **Audit-Friendly Features:** Every signed document includes an audit trail with key transaction details. Clear, detailed records simplify audits, save businesses time and reduce compliance risks:
 - Identity of signatories
 - Time and date of signing
 - IP addresses used,
 - And more

Types of Permitted Electronic Signatures

The Electronic Transactions Act (ETA) doesn't define an electronic signature outright, but it does set rules for when one is legally valid. To be enforceable, an e-signature must:

1. Identify the signer and show their intent to sign.
2. Be reliable for the purpose or proven to confirm identity and intent.
3. Have the signer's consent, either explicitly or implied by the situation.

Some government-related transactions or specific legal cases may require an e-signature that meets ETA standards. However, even if an e-signature doesn't fully comply with ETA rules, it may still be valid under common law, especially if there's clear evidence that both parties agreed to the terms and intended to be bound by them. Courts generally use the ETA as a guide in these cases, ensuring there's no fraud or misunderstanding.

Where Electronic Signatures Can Be Used

Electronic signatures are widely accepted across various industries, making document execution faster, more secure, and legally binding. The following types of transactions are generally eligible for electronic signatures:

- **HR & Procurement:** Employment contracts, policy agreements, and supplier contracts can be signed electronically, simplifying administrative workflows.
- **Legal & Business Agreements:** Non-Disclosure Agreements (NDAs), software licensing, and other commercial contracts can be executed quickly and securely.
- **Regulated Sectors:** Industries like healthcare, insurance, and life sciences can use e-signatures for records, approvals, and compliance documents.
- **Education & Technology:** Enrollment forms, partnership agreements, and tech-sector contracts can be digitized for efficiency.
- **Recorded Documents:** Certain documents may require physical recording depending on local regulations, but electronic signatures can still be used in supporting paperwork.

Note: The ETA and local laws outline specific record-keeping requirements when using electronic signatures.

When to Be Cautious with Electronic Signatures

Electronic signatures work for most documents, but some transactions require extra care. While not outright prohibited, these types of documents may have additional legal requirements:

- **Corporate Resolutions** – Some board decisions may need specific signing methods.
- **Banking & Loans** – Loan agreements, guarantees, and financial contracts may still require traditional signatures.
- **Chattel Paper** – If a document involves ownership of tangible assets with financial obligations, it may need special handling.
- **Consumer Transactions** – High-value purchases or contracts may have extra rules to protect consumers.
- **Government Filings** – Some official filings, permits, or regulatory documents may need physical signatures.
- **Real Estate Deals** – Property transfers, mortgages, and leases may require wet ink or witness signatures.
- **Notarized Documents** – Affidavits, statutory declarations, and other documents that need a notary might require in-person signing.

Enhancing Business Workflows with Evia Sign's Electronic Signatures in Australia

Evia Sign is fully aligned with Australian electronic signature laws, ensuring that businesses can streamline their document signing processes while remaining compliant with both federal and local regulations. By offering robust security features, clear consent processes, and reliable record retention, Evia Sign makes the transition to digital signing smooth and hassle-free for organizations across various industries.

With the growing acceptance of electronic signatures, companies can now securely execute HR contracts, procurement documents, business agreements, and more—all with the confidence that these digital transactions meet the legal standards outlined in the Electronic Transactions Act (ETA) and Local ETA.

For transactions requiring extra attention, such as real estate, banking, and corporate resolutions, Evia Sign provides the flexibility to meet additional requirements while maintaining efficiency and security.

By choosing Evia Sign, businesses can enhance their workflows, reduce paper-based inefficiencies, and embrace the future of signing—all while ensuring compliance with Australian legal standards. The power of electronic signatures is at your fingertips, making legal, secure, and efficient document execution a reality.