



# **PARTICIPATION RULES WAIVER**

## **SOUTH AUSTRALIA**

### **Section 27 *Electronic Conveyancing National Law (SA)***

#### **Title**

This instrument is South Australia's Participation Rules Waiver PR1/2017 – Encumbrancee/Encumbrancer Certifications.

#### **Enabling Provisions**

1. Under sections 23 and 25 of the Electronic Conveyancing National Law (SA) (the National Law) the Registrar-General (Registrar) has determined and published Version 4 of the Participation Rules which came into effect on and from 27 May 2017
2. Section 27 of the National Law permits the Registrar to waive compliance with all or any provisions of the Participation Rules if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

#### **Affected Rules**

Participation Rule 7.10 and Schedule 3.

#### **Explanatory Statement**

Under Participation Rule 7.10, a Subscriber to an Electronic Lodgement Network (ELN) must comply with the Certification Rules as set out in Schedule 3 of the Participation Rules.

Certification 1 of Schedule 3 states:

The Certifier has taken reasonable steps to verify the identity of the [transferor/transferee/mortgagee/mortgagor/caveator/applicant].

System Release 7.0 of the ELN known as “PEXA” scheduled for November 2017 by the Electronic Lodgement Network Operator, Property Exchange Australia Ltd., will enable Subscribers to lodge Encumbrances and Discharges of Encumbrance electronically in South Australia. This capability will be available prior to the changes to Certification 1 in Version 4 of the Participation Rules to cater for encumbrancees and encumbrancers.

The Registrar-General has therefore determined that a partial waiver should be granted to reflect that (in addition to a transferor, transferee, mortgagee, mortgagor, caveator and applicant) an encumbrancee or encumbrancer may be a party to which Certification 1 of Schedule 3 is applicable.

#### **Partial Waiver**

The Registrar grants Subscribers to an Electronic Lodgement Network a partial waiver modifying the Subscriber's obligations to comply with Participation Rule 7.10 (Version 4 of the Participation Rules) by allowing a Subscriber to select the insertion of encumbrancee or



encumbrancer for an Encumbrance or encumbrancee for a Discharge of Encumbrance in Certification 1 of Schedule 3.

**Conditions**

Not applicable

**Commencement**

This partial waiver commences on: 6 October 2017

**Period during which this waiver applies**

This partial waiver operates to the earlier of:

- (a) an amended version of the Participation Rules which reflects that an encumbrancee or encumbrancer may be a party to which Certification 1 of Schedule 3 is applicable; or
- (b) the publication of a revocation of this waiver by the Registrar.

**Dated: 6 October 2017**

**Signed by:**

A handwritten signature in blue ink that reads 'Ian Gant'.

**Ian Gant**  
**Deputy Registrar-General**