



PARTICIPATION RULES

WAIVER

SOUTH AUSTRALIA

Section 27 *Electronic Conveyancing National Law (South Australia) Act 2013*

Title

This instrument is South Australian Participation Rules Waiver PR 1/2020 – verification of identity (use of audio visual).

Enabling Provisions

1. Under sections 23 and 25 of the *Electronic Conveyancing National Law (South Australia) Act 2013* (the National Law) the Registrar-General (Registrar) has determined and published Version 5 of the Participation Rules which came into effect on and from 25 February 2019 (Participation Rules). Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Participation Rules.
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 Participation Rules

Participation Rule 6.5.2(a) (Affected Participation Rule) and Schedule 8, paragraph 2.1, face-to-face regime.

Explanatory Statement

Participation Rule 6.5.2(a) states that a Subscriber, or a mortgagee represented by the Subscriber, can apply the Verification of Identity Standard for the purpose of complying with Participation Rule 6.5.1.

The Verification of Identity Standard is set out in Schedule 8 of the Participation Requirements and at paragraph 2.1, states that the verification of identity must be conducted during a face-to-face in-person interview between the Identity Verifier and the Person Being Identified.

For the period in which the *COVID-19 Emergency Response Act 2020* is operable, the Registrar waives the requirement for face-to-face interviews, provided these interviews are conducted via audio visual means.

The Registrar is of the view that, due to social distancing measures in place to prevent the spread of COVID-19, verification of identity, for the purpose of a Subscriber verifying the identity of a client, mortgagor, signer or Subscriber Administrator, may be undertaken via audio visual means. Other requirements in the Verification of Identity Standard continue to apply, including undertaking further checks where applicable.



Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver modifying the obligations of Subscribers under the Affected Participation Rule.

Waiver

Subject to the Conditions, the Registrar grants Subscribers a partial waiver of their obligations to comply with the Affected Participation Rule.

Conditions

The partial waiver is granted on the condition that:

- a) for the purpose of a Subscriber, or a mortgagee represented by the Subscriber, verifying the identity of a client, mortgagor, signer or Subscriber Administrator, when undertaking verification of identity through the use of audio visual means, rather than through a face-to-face meeting, the Subscriber or mortgagee must continue to apply all other requirements in the Verification of Identity Standard.

Commencement

This partial waiver commenced on 9 April 2020.

Period during which this waiver applies

This partial waiver operates until the earlier of:

- (a) The *COVID-19 Emergency Response Act 2020* expires; or
- (b) the revocation of this waiver by the Registrar.

Dated: 6 May 2020

Signed by:

A handwritten signature in black ink that reads 'Jenny Cottnam'.

Jenny Cottnam
Registrar-General