



OPERATING REQUIREMENTS WAIVER

South Australia

Section 27 *Electronic Conveyancing National Law South Australia*

Title

This instrument is South Australia Operating Requirements Waiver OR2/2024 – Subscriber Identity Verification Standard.

Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing National Law South Australia* (the National Law) the Registrar-General (Registrar) has determined and published Version 7 of the Operating Requirements which came into effect on and from 28 March 2024 (Operating Requirements).
2. Under sections 23 and 25 of the *Electronic Conveyancing National Law South Australia* (the National Law) the Registrar-General (Registrar) has determined and published Version 7 of the Participation Rules which came into effect on and from 28 March 2024 (Participation Rules).
3. Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law, the Operating Requirements or the Participation Rules.
4. Section 27 of the National Law permits the Registrar to waive compliance with all or any provisions of the Operating Requirements if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

Affected Operating Requirements

Operating Requirements 14.1.2(b)(i) and paragraphs 9.1(b), 9.1(d)(ii), 9.2, 9.3 and 9.4 of the Subscriber Identity Verification Standard in Schedule 7 of the Operating Requirements (Affected Operating Requirements).

Explanatory Statement

The Registrar understands that one Identity Agent service currently offered to ELNOs in relation to the Subscriber Identity Verification Standard will soon end.

Identity Agents continue to offer services in relation to the Verification of Identity Standard in the Participation Rules.

The Verification of Identity Standard in the Participation Rules differs slightly to the Subscriber Identity Verification Standard, most notably it contains two additional categories of identification Documents, Categories 5 and 6. The Identity Agent Certification in the Participation Rules differs slightly to that in the Operating Requirements.

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In order for ELNOs to be able to use Identity Agents more broadly, the Registrar considers it reasonable that services offered relating to the Participation Rules be utilised.

Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver modifying the obligations of ELNO(s) under the Affected Operating Requirements.

Waiver

Subject to the Conditions, the Registrar grants ELNO(s) a partial waiver of their obligations to comply with the Affected Operating Requirements.

Conditions

The partial waiver is granted on the condition that an ELNO:

- (a) complies with the Affected Operating Requirements save that an Identity Agent may be directed to use the Verification of Identity Standard in the Participation Rules and the Identity Agent Certification in the Participation Rules, provided that the Identity Agent either complies with Insurance Rules 2.1 and 2.2 or complies with Insurance Rule 2.3 in the Participation Rules; and
- (b) complies with Operating Requirement 14.1.2(b)(i) and the Subscriber Identity Verification Standard if the ELNO is not using an Identity Agent to complete a verification of a Subscriber's identity; and
- (c) directs a Potential Subscriber not to use Categories 5 and 6 of the Verification of Identity Standard in the Participation Rules; and
- (d) does not accept a verification of identity of a Potential Subscriber under either Category 5 or 6 of the Verification of Identity Standard in the Participation Rules.

Commencement

This partial waiver commences on the date it is signed.

Period during which this waiver applies

This partial waiver operates until the revocation of this waiver by the Registrar.

Dated: 16 September 2024

Signed by:



Jenny Cottnam
Registrar-General