

PARTICIPATION RULES

WAIVER

SOUTH AUSTRALIA

Section 27 Electronic Conveyancing National Law (SA)

Title

This instrument is South Australia's Participation Rules Waiver PR1/2019 – 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 5 of the Participation Rules which come into effect on and from 25 February 2019.
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 7.10.1 Schedule 3 Certifications 1 and 5(a).

Explanatory Statement

Under Participation Rule 7.10.1 the Subscriber must provide those of the certifications set out in the Certification Rules as are required when Digitally Signing an electronic Registry Instrument or other electronic Document.

Version 5 of the Participation Rules, which comes into effect on and from 25 February 2019, includes changes to the wording of Certifications 1 and 5(a) of the Schedule 3 - Certification Rules, to clarify that the person's identity being verified may be "the administrator or attorney" of the party to the dealing.

The wording change will not be able to be implemented in the Electronic Lodgement Network operated by Property Exchange Australia Ltd (PEXA) on 25 February 2019 when Version 5 of the Participation Rules comes into effect.

The wording of the Certifications 1 and 5(a) will be updated, to comply with the Certification Rules in Schedule 3 of Version 5 of the Participation Rules, in an upcoming PEXA system release. A partial waiver is therefore required so Registry Instruments and other electronic Documents signed on or after 25 February 2019 but prior to the PEXA release date, and not submitted for lodgement until after the PEXA release date, may contain the wording of Certifications 1 and 5(a) in Schedule 3 of Version 4 of the Participation Rules.

The Registrar has therefore determined that the continued use of the wording of the Certifications 1 and 5(a) in Schedule 3 of Version 4 of the Participation Rules is reasonable in the circumstances.



Partial Waiver

The Registrar grants Subscribers to an Electronic Lodgement Network a partial waiver modifying the Subscriber's obligations to comply with the additional wording of "or his, her or its administrator or attorney" included in:

Certifications 1 and 5(a) of Schedule 3 (Version 5 of the Participation Rules).

Conditions

Not applicable

Commencement

This partial waiver commences on: 25 February 2019.

Period during which this waiver applies

This partial waiver operates to the earlier of:

- (a) the date on which the Electronic Workspace in PEXA contains no Registry Instruments or other electronic Documents signed prior to the PEXA release implementing the change to the wording of Certifications 1 and 5(a) scheduled or:
- (b) the publication of a revocation of this waiver by the Registrar.

Dated: 21 December 2018

Signed by:

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

Jenny Cottnam
Registrar-General