

# Notice

To Lodging Parties

16 September 2016

No 193

## Compliance Program

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With the introduction of electronic conveyancing and the new conveyancing requirements, a new nationally aligned Compliance Program is being introduced in South Australia.

The Compliance Program has been established to monitor that the obligations and practices that support the certifications made by the Legal Practitioner, Registered Conveyancer or Mortgagee (the Representative) - **for both the paper and electronic transactions** - are being met as they relate to:

- Verification of Identity
- Verification of Authority
- Client Authorisation
- Retention of Evidence
- Digital Signing (for electronic transactions only)

Section 220A of the *Real Property Act 1886* and Section 33 of the *Electronic Conveyancing National Law (South Australia) Act 2013* provide the Registrar-General with the power to undertake a Compliance Examination as part of the administration and enforcement of these Acts.

### Compliance Examination Procedure

Representatives will be selected at random for a Compliance Examination, which will be initiated by a written notice from the Registrar-General to the Representative. The Compliance Examination Notice will be sent to the email address recorded for the Representative. The Notice will:

- outline the transaction(s) for which evidence of compliance is sought
- detail the documents and information that are to be provided (copies only)

### Timeframe for Response

Representatives will have 10 business days, from the date the Compliance Examination Notice was sent, in which to produce the documents and information requested.

### Provision of Evidence

Copies of the documents and information requested in the Compliance Examination Notice can be provided to the Registrar-General through these methods:

- By email to [LTOCompliance@sa.gov.au](mailto:LTOCompliance@sa.gov.au)
- In person at the Lands Titles Office - 101 Grenfell Street ADELAIDE
- By registered mail, addressed to:  
Office of the Registrar-General  
Compliance Examination  
GPO BOX 1354  
ADELAIDE SA 5001

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#### Land Services

GPO Box 1354 Adelaide South Australia 5001

ABN 71 967 041 422

[www.sa.gov.au/landservices](http://www.sa.gov.au/landservices)



@DPTI\_LSG

T: (08) 8226 3983

F: (08) 8226 3998

E: [LSGFeedback@sa.gov.au](mailto:LSGFeedback@sa.gov.au)



Government of South Australia

Department of Planning,  
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In each case, Representatives will receive an acknowledgement of receipt via email.

#### Notification of Outcome

The Registrar-General will conduct a desktop evaluation of the submitted documentation against the transaction(s) selected for Compliance Examination.

Once the Compliance Examination is complete the Representative will receive notification (by email) of the Examination results.

A satisfactory Compliance Examination will require no further action or correspondence.

An unsatisfactory Compliance Examination result may require the Representative to:

- Provide further documentary evidence
- Provide a written explanation addressing the deficiencies identified and outline the controls to be implemented to prevent a re-occurrence
- In particular circumstances of gross deficiency, a face-to-face interview with the Representative or an on-site visit to their office may be requested.

All Compliance Examination requests and outcomes will be recorded and held by the Registrar-General.

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The first round of Compliance Examination Notices will be sent out later this month.

Should you have any concerns regarding the Compliance Examination Notice, you can contact us at any point (i.e. before or after the notification of Examination results) at [LTOCompliance@sa.gov.au](mailto:LTOCompliance@sa.gov.au).

If you require additional information regarding the Compliance Program please visit [www.sa.gov.au/landservices](http://www.sa.gov.au/landservices), alternatively please see the [ARNECC Compliance Examinations Guidance Note](#).



Jenny Cottnam  
DEPUTY REGISTRAR-GENERAL  
**Lands Titles Office**