



OPERATING REQUIREMENTS WAIVER

SOUTH AUSTRALIA

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

Title

This instrument is South Australian Operating Requirements Waiver OR 1/2020 –verification of identity (use of audio visual).

Enabling Provisions

1. Under sections 22 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 Operating Requirements which came into effect on and from 25 February 2019 (Operating Requirements). Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Operating Requirements.
2. 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 Requirement 14.1(b)(i) (Affected Operating Requirement).

Explanatory Statement

The Affected Operating Requirement states that an ELNO must only register a Subscriber if the ELNO has verified the identity of the applicant, or the Person(s) representing the applicant, to become a Subscriber in accordance with the Subscriber Identity Verification Standard.

The Subscriber Identity Verification Standard states at Schedule 7, paragraph 3 that the verification of identity must be conducted during a face-to-face in-person interview between the ELNO or the Identity Agent 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 Subscriber registration, 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 ELNOs under the Affected Operating Requirement.



Waiver

Subject to the Conditions, the Registrar grants ELNOs a partial waiver of their obligations to comply with the Affected Operating Requirement.

Conditions

The partial waiver is granted on the condition that:

- (a) for the purpose of registering a Subscriber, when ELNOS undertake verification of identity through the use of audio visual means, rather than through a face-to-face meeting, the ELNO 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