



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 1/2021 – Business names.

Enabling Provisions

1. Under sections 23 and 25 of the *Electronic Conveyancing National Law (South Australia) Act 2013* (the National Law) the Registrar-General has determined and published Version 6 of the Participation Rules for Electronic Conveyancing (Participation Rules), which came into effect on and from 12 April 2021. 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 4.5 (Affected Participation Rule).

Explanatory Statement

Under Participation Rule 4.5, a Subscriber who wishes to use a business name as its System Name must comply with the requirements of Participation Rule 4.5.

Version 6 of the Participation Rules introduced Participation Rule 4.5, which requires certain things of a Subscriber using a business name as its System Name, including that the business name must:

- be registered unless exempt by law
- be registered to the Subscriber
- not be used by another Subscriber.

Both an ELNO and an industry peak body have requested a waiver on behalf of Subscribers in relation to their new obligations under Participation Rule 4.5, for six months from 12 April 2021. It is understood that a number of Subscribers may not comply with Participation Rule 4.5. This will provide sufficient time to implement system changes and procedures to transition non-compliant Subscribers to arrangements which comply with Participation Rule 4.5.



Government of South Australia
Attorney-General's Department

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

Waiver

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

Conditions

The partial waiver is granted on the conditions that:

- (a) this waiver applies to any existing Subscriber who uses a business name as its System Name as at the date of this waiver; and
- (b) any existing Subscriber who does not already use a business name as its System Name or any new Subscriber as at the date of this waiver must comply with Participation Rule 4.5.

Commencement

This waiver commences on 12 April 2021.

Period during which this waiver applies

This partial waiver operates to the earlier of:

- (a) 12 October 2021, or
- (b) Subscribers fully complying with the Affected Participation Rules; or
- (c) the revocation of this waiver by the Registrar.

Dated: 24 May 2021

Signed by:

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

Jenny Cottnam
Registrar-General