Department of Environment, Land, Water & Planning

Land Use Victoria
Level 10/2 Lonsdale Street
MELBOURNE 3000
GPO Box 527
MELBOURNE VIC 3001
Telephone: (03) 9194 0601
DX 250639
www.delwp.vic.gov.au

PARTICIPATION RULES
WAIVER

Victoria
Section 27 *Electronic Conveyancing National Law (Victoria)*

Title

This instrument is Victorian Participation Rules Waiver PR2/2019 – Certifications.

Enabling Provisions

Under sections 23 and 25 of the Electronic Conveyancing National Law (Victoria) (the National Law) the Registrar of Titles (Registrar) has determined and published Version 5 of the Participation Rules which came into effect on and from 25 February 2019 (Participation Rules). Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Participation Rules.

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 7.10 (Affected Participation Rule).

Explanatory Statement

Under Participation Rule 7.10, a Subscriber to an Electronic Lodgment Network (ELN) must comply with the Certification Rules set out in Schedule 3 of the Participation Rules.

Version 5 of the Participation Rules includes some minor changes to the wording of certifications required under the Certification Rules. These wording changes were not able to be implemented in the ELN, known as 'Sympli', and operated by Sympli Australia Pty Ltd, on 25 February 2019 when Version 5 of the Participation Rules came into effect.

Privacy Statement
Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.

VICTORIA State Government

The wording of the certifications will be updated to comply with the Certification Rules in Version 5 of the Participation Rules in a Sympli system release on 15 June 2019. However, electronic Registry Instruments and other electronic Documents:

- (whether or not signed prior to, on or after 15 June 2019,
- in an Electronic Workspace which contains at least one electronic Registry Instrument or electronic Document signed prior to 15 June 2019,
- but not submitted for lodgment until on or after 25 February 2019,

may contain the wording of the Certification Rules in Schedule 3 of Version 4 of the Participation Rules.

The Registrar is of the view that, in the interim, the continued use of the wording in the Certification Rules in Schedule 3 of Version 4 of the Participation Rules is reasonable. Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver modifying the obligations of Subscribers to Sympli Australia Pty Ltd's ELN, Sympli, under the Affected Participation Rule.

Waiver

Subject to the Conditions, the Registrar grants Subscribers to Sympli Australia Pty Ltd's ELN, Sympli, a partial waiver of their obligations to comply with the Affected Participation Rule.

Conditions

The partial waiver is granted on the conditions that:

(a) This waiver applies to any electronic Registry Instruments and other electronic Documents (whether or not signed prior to, on or after 15 June 2019, in an Electronic Workspace which contains at least one electronic Registry Instrument or electronic Document signed prior to 15 June 2019 but not submitted for lodgment until on or after 25 February 2019.

(b) Any electronic Registry Instruments or other electronic Document to which Condition (a) applies must contain (as appropriate) the wording of the Certifications Rules in Schedule 3 of Version 4 of the Participation Rules.

Commencement

This partial waiver commenced on 25 February 2019.

Period during which this waiver applies

This partial waiver operates to the earlier of:

(a) The date on which Electronic Workspaces in Sympli Australia Pty Ltd's ELN, Sympli, contain no electronic Registry Instruments or other electronic Documents signed prior to 15 June 2019; or
(b) the revocation of this waiver by the Registrar.

Dated: 16 / 5 / 2019

Signed by: Ian Ireson

Ian Ireson
Registrar of Titles