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## **PARTICIPATION RULES WAIVER**

**Victoria**

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

#### **Title**

This instrument is Victorian Participation Rules Waiver PR1/2017 – Process automation for accessing the Electronic Lodgment Network (ELN) and data entry.

#### **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 4 of the Participation Rules which came into effect on and from 27 May 2017.

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 7.2.

#### **Explanatory Statement**

Under Participation Rule 7.2 a Subscriber to an ELN must:

- (a) take reasonable steps to ensure that only Users access the ELN; and
- (b) ensure that each of its Users has received training appropriate to their use of the ELN.

A User is defined as an Individual authorised by a Subscriber to access and use the ELN on behalf of the Subscriber. An Individual means a natural person.

#### **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.*



Participation Rule 7.2 is designed to prevent unauthorised personnel from accessing the ELN. It is not intended to prevent a Subscriber using process automation for accessing the ELN and data entry.

The Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver to a Subscriber's obligation to comply with Participation Rule 7.2 to permit a Subscriber to use process automation for accessing the ELN and data entry.

### **Partial Waiver**

Subject to the Conditions, the Registrar grants a partial waiver to a Subscriber's obligation to comply with Participation Rule 7.2 to permit a Subscriber to use process automation for accessing the ELN and data entry.

### **Conditions**

The partial waiver is granted on the conditions that:

- (a) it only applies to accessing the ELN and data entry; and
- (b) it does not apply to the function of Digital Signing or Subscriber Administrator functions.

### **Commencement**

This partial waiver commences on 10 August 2017.

### **Period during which this waiver applies**

This partial waiver operates to the earlier of:

- (a) the Participation Rules are modified to permit a Subscriber to use process automation for accessing the ELN and data entry or to clarify that Participation Rule 7.2 does not prevent a Subscriber from using process automation for accessing the ELN and data entry; or
- (b) the revocation of this waiver by the Registrar.

Dated: 17 / 10 / 2017

Signed by:



**Ian Ireson**  
**Deputy Registrar of Titles**