



## Department of Transport, Planning and Local Infrastructure

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12 September 2013

Cindy Donadel  
Project Manager – E-conveyancing  
Commonwealth Bank Place  
Level 2D, 1 Harbour Street  
Sydney  
NSW 2000

Dear Ms Donadel,

### **Certifications Rules**

Under sections 23 and 25 of the Electronic Conveyancing National Law (Victoria), the Victorian Registrar of Titles has determined and published Victoria's Participation Rules. Pursuant to Participation Rule 7.10, a Subscriber to an Electronic Lodgment Network must comply with the Certification Rules set out in Schedule 3 of the Participation Rules.

Section 27 of the Electronic Conveyancing National Law (Victoria) permits the Victorian Registrar of Titles to waive compliance with all or any provisions of the Operating Requirements or Participation Rules, if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

You have raised concerns that the wording of the following certification,

The Subscriber certifies that the (duplicate) certificate(s) of title for the folio(s) of the Register listed in this Document have been:

- (a) retrieved; and
- (b) either securely destroyed by the Subscriber or made invalid and retained by the Subscriber in a secure location.

does not support the Subscriber invalidating a certificate of title and returning the certificate of title to its customer.

The Registrar is of the view that if the CBA were to both stamp and perforate the certificate of title with the message -

#### **Privacy Statement**

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# DESTROYED

CANNOT BE USED FOR ANY  
LEGAL PURPOSE

and then return the certificate of title to the customer that this variation in process is not material to the certifications being given. The Registrar therefore grants a waiver of the requirement to comply with Participation Rule 7.10.

The Registrar does not propose amending the above certification as it is to be used by all subscribers and will only consider the above waiver on a case by case basis.

Yours sincerely,



**Ian Ireson**  
Deputy Registrar of Titles

Cc Steve Braithwaite