

OPERATING REQUIREMENTS WAIVER

New South Wales Section 27 *Electronic Conveyancing National Law (NSW)*

Title

This instrument is Operating Requirements Waiver OR4/2015 – Subscriber Verification of Identity.

Enabling Provisions

1. Under sections 22 and 25 of the Electronic Conveyancing National Law (NSW) (the National Law) the Registrar General (the Registrar) has determined and published Version 2 of the Operating Requirements relating to use of an Electronic Lodgment Network (Operating Requirements) which came into effect on and from 1 October 2014.
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 Requirement

Operating Requirement 14.1(b)(i).

Explanatory Statement

Under Operating Requirement 14.1(b)(i) an Electronic Lodgment Network Operator (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 set out in Annexure 7 of Version 1 of the Operating Requirements and Schedule 7 of Version 2 of the Operating Requirements.

An ELNO, Property Exchange Australia (PEXA) Ltd, has in some cases used the Subscriber Identity Verification Standard set out in Version 3 of the Model Operating Requirements, instead of those in Version 1 or 2 of the Operating Requirements depending on the date of the verification of identity.

The Registrar has determined that a waiver should be granted to modify the ELNO's obligations under Operating Requirement 14.1(b)(i).

Waiver

Subject to the Conditions, the Registrar grants the ELNO a partial waiver of the ELNO's obligation to comply with Operating Requirement 14.1(b)(i) by permitting the ELNO to use the Subscriber Identity Verification Standard set out in Schedule 7 of Version 3 of the Model Operating Requirements.

Conditions

Partial waiver of Operating Requirement 14.1(b)(i) is granted on the condition that, at the time PEXA Ltd verified / verifies the identity of an applicant, or a Person(s) representing an applicant, to become a Subscriber, PEXA Ltd has applied or will apply:

- the Subscriber Identity Verification Standard set out in the version of the Operating Requirements in effect at that time; or
- the Subscriber Identity Verification Standard set out in Schedule 7 of Version 3 of the Model Operating Requirements.

Commencement

This waiver has effect from 6 September 2013.

Period during which this waiver applies

This waiver operated until 9 November 2015.

Dated: 4 January 2016

Signed by:



Paul Mitchell
A/Registrar General