



Queensland Participation Rules

Waiver

Waiver No: PR 2/2015

1 June 2015

**Pursuant to Section 27 of the Electronic Conveyancing National Law
(Queensland)**

PARTICIPATION RULES WAIVER

Section 27 Electronic Conveyancing National Law (Queensland)

Title

This instrument is Participation Rules Waiver PR 2/2015 – Settlement Notices.

Enabling Provisions

1. Under sections 23 and 25 of the Electronic Conveyancing National Law (Queensland) (the National Law) the Registrar of Titles (“Registrar”) has determined and published Version 2 of the Participation Rules relating to use of an Electronic Lodgement Network (Participation Rules) which came into effect on and from 25 May 2015.
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 Requirement

Participation Rule 6.3 (b) and 6.5.1 (d).

Explanatory Statement

Under Participation Rule 6.3 (b), a Subscriber must enter into a Client Authorisation with its Client before the Subscriber Digitally Signs any Document in the ELN except for Caveats.

Under Participation Rule 6.5.1 (d), a Subscriber must take reasonable steps to verify the identity of each Client Party it intends to represent in the ELN or each of their Client Party Agents at or before the signing of the Client Authorisation.

After consultation, the Registrar is of the view that it is not necessary for a Subscriber to comply with Participation Rule 6.3 (b) or Participation Rule 6.5.1 (d) prior to the Subscriber Digitally Signing a Settlement Notice.

Waiver

Subject to the Conditions, the Registrar grants all Subscribers a partial waiver of the obligation to comply with Participation Rule 6.3 (b) and 6.5.1 (d).

Conditions

Partial waiver of Participation Rules 6.3(b) and 6.5.1 (d) as described above is granted on the condition that Participation Rule 6.3 (b) and 6.5.1 (d) as revised below are complied with:

6.3. Client Authorisation

If a Subscriber is a Representative, the Subscriber must:

...

- (b) **except for Caveats and Settlement Notices, for which a Client Authorisation is optional**, enter into a Client Authorisation with its Client before the Subscriber Digitally Signs any Document in the ELN ~~except for Caveats~~; and

6.5. Verification of Identity

6.5.1. The Subscriber must take reasonable steps to verify the identity of:

...

- (d) **except for Settlement Notices, for which verification of identity is optional,** each Client Party it intends to represent in the ELN or each of their Client Party Agents at or before the signing of the Client Authorisation; and

Commencement

This waiver will commence on 1 June 2015.

Period during which this waiver applies

This waiver operates until the earlier of:

- (a) an amended version of the Participation Rules which contains the above revised Participation Rules 6.3(b) and 6.5.1 (d) comes into effect; or
- (b) the publication of a revocation of this waiver by the Registrar.