



**PARTICIPATION RULES
WAIVER
Victoria
Section 27 *Electronic Conveyancing National Law (Victoria)***

Title

This instrument is Victorian Participation Rules Waiver PR2/2021 – Business names.

Enabling Provisions

1. 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 6 of the Participation Rules which came into effect on and from 12 April 2021 (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.
1. 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 4.5 (Affected Participation Rule).

Explanatory Statement

Under Participation Rule 4.5, a Subscriber who wishes to use a business name as its System Name must comply with the requirements of Participation Rule 4.5.

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 2014*. 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 authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.

Version 6 of the Participation Rules introduced Participation Rule 4.5, which requires certain things of a Subscriber using a business name as its System Name, including that the business name must:

- be registered unless exempt by law
- be registered to the Subscriber
- not be used by another Subscriber.

Both an ELNO and an industry peak body have requested a waiver on behalf of Subscribers in relation to their new obligations under Participation Rule 4.5, for six months from 12 April 2021. It is understood that a number of Subscribers may not comply with Participation Rule 4.5. This will provide sufficient time to implement system changes and procedures to transition non-compliant Subscribers to arrangements which comply with Participation Rule 4.5.

Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver modifying the obligations of Subscriber(s) under the Affected Participation Rule.

Waiver

Subject to the Conditions, the Registrar grants Subscriber(s) a partial waiver of their obligations to comply with the Affected Participation Rules.

Conditions

The partial waiver is granted on the conditions that:

- a) this waiver applies to any existing Subscriber who uses a business name as its System Name as at the date of this waiver; and
- b) any existing Subscriber who does not already use a business name as its System Name or any new Subscriber as at the date of this waiver must comply with Participation Rule 4.5.

Commencement

This partial waiver commences on the 12 April 2021.


Period during which this waiver applies

This partial waiver operates to the earlier of:

- (a) 12 October 2021, or
- (b) Subscribers fully complying with the Affected Participation Rules; or
- (a) the revocation of this waiver by the Registrar.

Dated: 10/05/21

Signed by:



Jane Allan
Deputy Registrar of Titles