



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

Title

This instrument is Victorian Participation Rules Waiver PR3/2021 – Verification of identity of Users.

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.
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 Participation Rules

Participation Rule 6.5.1(f) (Affected Participation Rule).

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.

Explanatory Statement

Under the Affected Participation Rule, a Subscriber must take reasonable steps to verify the identity of each User who is not a Signer or Subscriber Administrator prior to the User being given access to the ELN.

Previous versions of the Participation Rules have required Subscribers to take reasonable steps to verify the identity of Signers and Subscriber Administrators at specified times. Version 6 of the Participation Rules introduced a new obligation to verify the identity of all other Users prior to the User being given access to the ELN.

An industry peak body has requested a temporary waiver of the Affected Participation Rule on behalf of Subscribers. It is understood that a number of Subscribers may not comply with the Affected Participation Rule in relation to Users other than Signers or Subscriber Administrators. A temporary waiver will give Subscribers time to implement system and process changes to ensure compliance with the Affected Participation Rule.

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

Waiver

Subject to the Conditions, the Registrar grants Subscribers a waiver of their obligation to comply with the Affected Participation Rule.

Conditions

The waiver is granted on the condition that any Subscriber that is complying with the Affected Participation Rule must continue to do so.

Commencement

This waiver commences on 12 April 2021.


Period during which this waiver applies

This waiver operates to the earlier of:

- (a) 12 July 2021, or
- (b) Subscriber(s) fully complying with the Affected Participation Rule; or
- (c) the revocation of this waiver by the Registrar.

Dated: 11/06/21

Signed by:



Jane Allan
Deputy Registrar of Titles