



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

**Title**

This instrument is Victorian Participation Rules Waiver PR5/2021 – Training on secure use of the ELN.

**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 7.2.1(b) (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](mailto: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 ensure that each of its Users have received training appropriate to their use of the ELN.

Version 6 of the Participation Rules expanded the Affected Participation Rule to include requirements to ensure cyber security awareness training covered as a minimum:

- secure use of the ELN
- secure use of Subscriber's systems; and
- secure use of email and other electronic communication

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 currently be delivering training that does not fully cover secure use of the ELN. A temporary waiver will provide sufficient time to source and implement this training so that non-compliant Subscribers will comply with the Affected Participation Rule.

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 Subscribers a partial waiver of their obligations to comply with the Affected Participation Rule.

## **Conditions**

The partial waiver is granted on the conditions that:

- (a) it is limited to cyber security awareness training covering secure use of the ELN; and
- (b) any Subscriber that is complying with the Affected Participation Rule must continue to do so.

## **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
- (c) the revocation of this waiver by the Registrar.

**Dated: 11/06/21**

**Signed by:**



**Jane Allan**  
***Deputy Registrar of Titles***