



Instrument No: PR3/2021

## **PARTICIPATION RULES WAIVER**

### **Section 27 Electronic Conveyancing Act 2014**

#### **Title**

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

#### **Enabling Provisions**

1. Under sections 23 and 25 of the Electronic Conveyancing Act 2014 (EC Act) the Registrar of Titles (Registrar) has determined and published Version 6 of the Participation Rules for Electronic Conveyancing (Participation Rules) which came into effect on and from 12 April 2021. Capitalised terms used in this instrument and not defined have the meaning given to those terms in the EC Act or the Participation Rules.
2. Section 27 of the EC Act 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 the circumstances.

#### **Affected Participation Rules**

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

#### **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 partial waiver applies**

This partial waiver operates until the earlier of:

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

**Dated: 10 June 2021**

**Signed by:**



**Bruce Roberts  
Registrar of Titles**