



Instrument No: PR2/2021

## **PARTICIPATION RULES WAIVER**

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

#### **Title**

This instrument is Participation Rules Waiver PR2/2021.

#### **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 which come 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 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 4.5 under Version 6 of the Participation Rules (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

Version 6 of the Participation 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

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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.

**Partial 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) 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 waiver commences on 12 April 2021.

**Period during which this partial waiver applies**

This partial waiver operates until the earlier of:

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

**Dated: 18 May 2021**

**Signed by:**



**Bruce Roberts  
Registrar of Titles**