



Waiver No OR4-2015

OPERATING REQUIREMENTS WAIVER

Western Australia
Section 27 *Electronic Conveyancing Act 2014*

Title

This instrument is Western Australian Operating Requirements Waiver OR4-2015 – Subscriber Verification of Identity.

Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing Act 2014* (the EC Act) the Registrar of Titles (Registrar) has determined and published the Operating Requirements relating to use of an Electronic Lodgement Network which came into effect on and from 18 March 2014 (Operating Requirements).
2. Section 27 of the EC Act permits the Registrar to waive compliance with all or any provisions of the Operating Requirements if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

Affected Requirement

Operating Requirement 14.1(b)(i).

Explanatory Statement

Under Operating Requirement 14.1(b)(i) an Electronic Lodgment Network Operator (ELNO) must only register a Subscriber if the ELNO has verified the identity of the applicant, or the Person(s) representing the applicant, to become a Subscriber in accordance with the Subscriber Identity Verification Standard set out in Schedule 7 of the Operating Requirements.

An ELNO, Property Exchange Australia Ltd (PEXA Ltd), has in some cases used the Subscriber Identity Verification Standard set out in Version 3 of the Model Operating Requirements, instead of those in the Operating Requirements depending on the date of the verification of identity.

The Registrar has determined that a waiver should be granted to modify the ELNO's obligations under Operating Requirement 14.1(b)(i).

Waiver

Subject to the Conditions, the Registrar grants PEXA Ltd a partial waiver of its obligation to comply with Operating Requirement 14.1(b)(i) by permitting PEXA Ltd to use the Subscriber Identity Verification Standard set out in Schedule 7 of Version 3 of the Model Operating Requirements.

Conditions

Partial waiver of Operating Requirement 14.1(b)(i) is granted on the condition that, at the time PEXA Ltd verified the identity of an applicant, or a Person(s) representing an applicant, to become a Subscriber, PEXA Ltd applied :



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- the Subscriber Identity Verification Standard set out in the version of the Operating Requirements in effect at that time; or
- the Subscriber Identity Verification Standard set out in Schedule 7 of Version 3 of the Model Operating Requirements.

Commencement

This waiver commenced on 18 March 2014.

Period during which this waiver applies

This waiver operated until 9 November 2015.

Dated 17 December 2015

Signed by

A handwritten signature in blue ink, appearing to read "Jean Villani".

Jean Villani
Registrar of Titles