

# PARTICIPATION RULES WAIVER REVOCATION

## Australian Capital Territory Section 27 *Electronic Conveyancing National Law (ACT)*

### Title

This instrument is ACT Participation Rules Waiver Revocation PR 1/2023 – Certifications.

### Enabling Provisions

1. In accordance with sections 23 and 25 of the *Electronic Conveyancing National Law (ACT)* (the “**National Law**”), as Registrar-General, I have determined and published Version 6 of the Participation Rules for Electronic Conveyancing (“**Participation Rules**”). The Participation Rules have come into effect on and from 15 October 2021.
2. Section 27 of the National Law permits me to waive compliance with all or any provisions of the Participation Rules if I am satisfied that granting the waiver is reasonable in all the circumstances.
3. Section 4 and Schedule 1, clause 23 of the National Law provide power to amend or repeal an instrument or decision, exercisable in the same way, and subject to the same conditions, as the power to make the instrument or decision.

### Explanatory Statement

In accordance with Participation Rule 7.10, a Subscriber to an Electronic Lodgement Network (“**ELN**”) must comply with the Certification Rules set out in Schedule 3 of the Participation Rules.

Version 6 of the Participation Rules included some minor changes to the wording of the certifications required under the Certification Rules. Waiver PR1/2022, which commenced on 22 July 2022, conditionally waived compliance with Rule 7.10 of the Participation Rules. This conditional waiver was granted because, at the time of issue of Waiver PR1/2022, the wording changes had not yet been implemented in the ELN operated by Property Exchange Australia Ltd known as “**PEXA**”). In the interim period until PEXA implemented Version 6 of the Participation Rules, the Registrar-General was satisfied that it would be reasonable to grant a partial waiver modifying the obligations of Subscribers under Participation Rule 7.10. Waiver PR2/2022, which commenced on 30 December 2022 extended the period of application of the waiver.

The necessary wording changes were implemented to the ELN operated by PEXA as of 4 March 2023. From that date, documents signed through the ELN operated by PEXA comply with the Participation Rules. Accordingly, I am of the view that Waiver PR2/2022 is no longer necessary and have determined that the obligations of Subscribers under Rule 7.10 of the Participation Rules will no longer be waived from the date of Commencement.

To assist with the transition, this revocation will take effect on 8 June 2023. This recognises that there are Workspaces open in the ELN operated by PEXA that contain Documents or Instruments signed under the previous Certification Rules, and those Workspaces will have until 7 June 2023 to be completed.

**Commencement**

Waiver PR2/2022 is revoked with effect from and on 8 June 2023.

**Dated:** 8 May 2023

**Signed by:**



**David Pryce  
Registrar-General**