



Department of Environment,
Land, Water & Planning

Waiver No: OR4/2019

Land Use Victoria
Level 10/2 Lonsdale Street
MELBOURNE 3000
GPO Box 527
MELBOURNE VIC 3001
Telephone: (03) 9194 0601
DX 250639
www.delwp.vic.gov.au

OPERATING REQUIREMENTS

WAIVER

Victoria

Section 27 Electronic Conveyancing National Law (Victoria)

Title

This instrument is Victorian Operating Requirements Waiver OR4/2019 – Integration.

Enabling Provisions

1. Under sections 22 and 25 of the Electronic Conveyancing National Law (Victoria) (the National Law) the Registrar of Titles (Registrar) has determined and published Version 5 of the Operating Requirements which came into effect on and from 25 February 2019 (Operating Requirements). Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Operating Requirements.
2. Section 27 of the National Law 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 Operating Requirements

Operating Requirements 5.5.1 and 5.5.3 (Affected Operating Requirements).

Explanatory Statement

Under the Operating Requirement 5.5.1, an Electronic Lodgment Network Operator (ELNO) must publish a set of Integration terms and conditions which set out the requirements for individuals or entities that wish to integrate their systems with its Electronic Lodgment Network (ELN).

Privacy Statement

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 2000. 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 authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



Under Operating Requirement 5.5.3, an ELNO must treat individuals or entities that wish to integrate their systems with the ELN on an equivalent basis, subject to differences permitted by the Affected Operating Requirements.

Further guidance is required from the Australian Registrars' National Electronic Conveyancing Council to clarify the intent of the Affected Operating Requirements.

Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a waiver modifying the obligations of ELNO(s) under the Affected Operating Requirements.

Waiver

Subject to the Conditions, the Registrar grants ELNO(s) a waiver of their obligations to comply with the Affected Operating Requirements.

Conditions

The waiver is granted on the conditions that:

- (a) on or before 30 September 2019, an ELNO must publish on its website Integration terms and conditions which set out the requirements for a Person Wishing to Integrate in accordance with Operating Requirement 5.5.1; and
- (b) following publication of the Integration terms and conditions, an ELNO must give each Person Who Has Integrated with the ELNO's ELN, the opportunity to revise the terms and conditions currently applying to their arrangements with the ELNO, to be consistent with the ELNO's published Integration terms and conditions; and
- (c) following the expiry or earlier determination of an arrangement between an ELNO and a Person Who Has Integrated with the ELNO's ELN, future arrangements with that Person must be on the ELNO's published Integration terms and conditions.

Commencement

This waiver commenced on 25 February 2019.

Period during which this waiver applies

This waiver operates until the earlier of:

- (a) ELNO(s) fully complying with the Affected Operating Requirements; or
- (b) the revocation of this waiver by the Registrar.

Revocation of existing waiver

Under waiver OR1/2019 - Integration, the Registrar provided a waiver of the Affected Operating Requirements. That waiver is hereby revoked.

Dated: 28 / 6 / 2019

Signed by:

Ian Ireson

Ian Ireson
Registrar of Titles

