



# OPERATING REQUIREMENTS WAIVER

## SOUTH AUSTRALIA

### Section 27 *Electronic Conveyancing National Law (South Australia) Act 2013*

#### Title

This instrument is South Australian Operating Requirements Waiver OR 4/2019 – Integration.

#### Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing National Law (South Australia) Act 2013* (the National Law) the Registrar-General (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).

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 ELNOs under the Affected Operating Requirements.

#### Waiver

Subject to the Conditions, the Registrar grants ELNOs 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) ELNOs 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: 1 July 2019**

**Signed by:**

A handwritten signature in black ink that reads 'Jenny Cottnam'.

**Jenny Cottnam**  
**Registrar-General**