



Waiver No OR1-2016

OPERATING REQUIREMENTS WAIVER

Western Australia
Section 27 *Electronic Conveyancing Act 2014*

Title

This instrument is WA Operating Requirements Waiver OR1-2016 – Operating Requirements Version 3.1.

Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing Act 2014 (EC Act)* the Registrar of Titles (**Registrar**) can determine and publish 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 Requirements effective from 18 March 2014 (**OR Previous Version**)
WA Operating Requirements Version 3 (**OR Version 3**) effective from November 2015

Explanatory Statement

The Registrar determined that WA Operating Requirements Version 3 (**OR Version 3**), based on the Australian Registrars' National Electronic Conveyancing Council's Model Operating Requirements Version 3, came into effect on 9 November 2015. OR Version 3 was published on Landgate's website on 7 October 2015 and notice of determination of OR Version 3 was published in the Government Gazette on 16 October 2015.

Due to an administrative variance with the implementation of OR Version 3, (i) OR Version 3 ceased to have effect on **19 November 2015**, and (ii) the previous version of the Operating Requirements, being OP Previous Version, revived. The cessation of OR Version 3 on 19 November 2015 did not affect the validity of anything done under OR Version 3.

WA Operating Requirements Version 3.1 (**OR Version 3.1**) came into effect on **15 January 2016**. OR Version 3.1 is identical to OR Version 3 apart from references to version 3 / 3.1 and the commencement date.

For the period from and including 19 November 2015 to but excluding 15 January 2016, Property Exchange Australia Ltd (**PEXA Ltd**) was complying with OR Version 3, when in fact it was required to comply with OR Previous Version. From and including 15 January 2016, PEXA Ltd is required to comply with OR Version 3.1 (which is essentially identical to OR Version 3).



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Waiver

Subject to the Condition, for the period from and including 19 November 2015 to but excluding 15 January 2016, the Registrar grants PEXA Ltd a waiver of its obligation to comply with OR Previous Version.

Conditions

Waiver of compliance with OR Previous Version is granted on the condition that PEXA Ltd complies with the OR Version 3.

Dated 28/01/2016 2016

Signed by

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

Jean Villani
Registrar of Titles