



Department of Environment,  
Land, Water & Planning

Victorian Land Registry Services  
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## OPERATING REQUIREMENTS

### WAIVER

Victoria

#### Section 27 *Electronic Conveyancing National Law (Victoria)*

##### Title

This instrument is Victorian Operating Requirements Waiver OR1/2021 – Separation.

##### 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 and Version 6 of the Operating Requirements which come into effect on and from 12 April 2021 (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 Requirement 5.6.3(c).

##### 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.*



## **Explanatory Statement**

Under Operating Requirement 5.6.3(c), an ELNO must prepare, publish, implement, review and keep current a Separation Plan if a Related Entity supplies or proposes to supply a Downstream or Upstream Service or the ELNO supplies or proposes to supply a Downstream or Upstream Service.

PEXA SettleAssist Pty Ltd (PSA) is a law practice which is a Related Entity of the ELNO Property Exchange Australia (PEXA) Ltd and is a Subscriber to the ELN known as PEXA. The principal of PSA is an employee of PEXA Ltd.

In the Financial Years 2019/2020 and 2020/2021 PSA acted for one client only, a charity, on a pro bono basis submitting for Lodgment approximately 10 Registry Instruments.

The Registrar considers that the services provided by PSA are Downstream or Upstream Services. However, the Registrar considers that the limited nature of these services and that PEXA Ltd has not given, or operated in a manner which gives, an unfair commercial advantage to PSA means that it is reasonable not to require a Separation Plan under Operating Requirement 5.6.3(c).

The Registrar has determined that it is reasonable in the circumstances to grant a partial waiver.

## **Waiver**

Subject to the Conditions, the Registrar grants a partial waiver of PEXA Ltd's obligation to comply with Operating Requirements 5.6.3(c) specifically by not requiring a Separation Plan for PSA.

## **Conditions**

The partial waiver of Operating Requirements 5.6.3(c) is granted on the condition that the limited provision of services by PSA described above do not alter.

## **Commencement**

This waiver will commence on 25 February 2019.

## **Period during which this waiver applies**

This waiver operates for the period 25 February 2019 to 30 June 2021.

**Dated: 19/03/21**

**Signed by:**

A handwritten signature in black ink, appearing to read 'Melissa Harris', with a long horizontal flourish extending to the right.

**Melissa Harris**

***Registrar of Titles***