

Queensland Operating Requirements

Waiver

Integration

OR 3/2019

OPERATING REQUIREMENTS

WAIVER

Queensland

Section 27 Electronic Conveyancing National Law (Queensland)

Title

This instrument is Queensland Operating Requirements Waiver OR 3/2019 – Integration.

Enabling Provisions

1. Under sections 22 and 25 of the Electronic Conveyancing National Law Queensland (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 Requirement

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 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-June-2019

Signed by:



Registrar of Titles and Registrar of Water Allocations