



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 5/2019 – 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 Requirement

Operating Requirements 5.5.1 and 5.5.3 (Affected Operating Requirements).

Explanatory Statement

Under Operating Requirement 5.5.1 an Electronic Lodgement 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 Lodgement 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 and revisions to the Affected Operating Requirements are likely to be made in the next version of the 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

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

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 date version 6 of the Operating Requirements comes into effect; or
- (c) the revocation of this waiver by the Registrar.

Revocation of existing waiver

Under waiver OR 4/2019 – Integration, the Registrar provided a waiver of the Affected Operating Requirements. That waiver is hereby revoked.

Dated: 29 October 2019

Signed by:

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

**Jenny Cottnam
Registrar-General**