



OPERATING REQUIREMENTS WAIVER

South Australia

Section 27 *Electronic Conveyancing National Law South Australia*

Title

This instrument is South Australia Operating Requirements Waiver OR1/2024 – Interoperability Operating Requirements.

Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing National Law South Australia* (the National Law) the Registrar-General (Registrar) has determined and published Version 7 of the Operating Requirements which came into effect on and from 28 March 2024 (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 5.2.2, 5.2.3, 5.2.4, 5.7, 5.8 and Operating Requirements 15.4(c) and 18.2 but only as they relate to the Category Three requirement to demonstrate compliance with Operating Requirement 5.7 (Affected Operating Requirements).

Explanatory Statement

South Australia has not yet enacted section 18A(1) of the National Law, the Interoperability Requirement.

The Operating Requirements contain requirements relating to Interoperability which until section 18A(1) of the National Law is enacted are neither required nor appropriate.

Accordingly, the Registrar has determined that it would be reasonable in the circumstances to grant a partial waiver modifying the obligations of ELNO(s) under the Affected Operating Requirements.

Waiver

Subject to the Conditions, the Registrar grants ELNO(s) a partial waiver of their obligations to comply with the Affected Operating Requirements.



Conditions

The partial waiver is granted on the condition that an ELNO complies with the Operating Requirements except for:

- (a) the Affected Operating Requirements; and
- (b) any other Operating Requirement except as the Operating Requirement relates to Interoperability.

Commencement

This partial waiver commences on 28 March 2024.

Period during which this waiver applies

This partial waiver operates until the earlier of:

- (a) the revocation of the ECNL Interoperability Requirement Waiver; or
- (b) ELNO(s) fully complying with the Affected Operating Requirements; or
- (c) the revocation of this waiver by the Registrar.

Dated: 12 February 2024

Signed by:

Jenny Cottnam
Registrar-General