

INTEROPERABILITY REQUIREMENT WAIVER

Queensland

Section 18A Electronic Conveyancing National Law (Queensland)

Title

This instrument is Queensland Electronic Conveyancing National Law Waiver ECNL 1/2022 – Interoperability Requirement.

Enabling Provisions

Under section 18A of the Electronic Conveyancing National Law (Queensland) (the National Law) the Registrar of Titles may waive compliance with the Interoperability Requirement.

Section 18A of the National Law came into operation in Queensland on and from 6 June 2022.

Under sections 22 and 25 of the National Law the Registrar of Titles has determined and published Version 6 of the Operating Requirements which came 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.

Explanatory Statement

Under section 18A(1) of the National Law, a person approved as an ELNO under section 15 of the National Law must, in accordance with the Operating Requirements, establish and maintain Interoperability between the ELN operated by the ELNO and each ELN operated by another ELNO.

Under section 18A(2) of the National Law, the Registrar of Titles may waive compliance with the Interoperability Requirement if the Registrar of Titles is satisfied the granting of the waiver is reasonably necessary in all the circumstances.

Under section 18A(3) of the National Law, a waiver may:

- (a) be total or partial, and
- (b) apply to particular persons approved as an ELNO under section 15 of the National Law or particular classes of those persons, and
- (c) apply generally or be limited in its application by reference to specified exceptions or factors, and
- (d) apply indefinitely or for a specified period, and

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(e) be unconditional or subject to conditions or restrictions.

Operating Requirements containing requirements relating to Interoperability are yet to be determined by the Registrar of Titles.

Additionally, in relation to the Land Registry Systems in Queensland and the ELNs operated by ELNOs in Queensland, necessary information technology system changes to enable the submission of a Lodgment Case conducted by means of Interoperability are yet to be finalised and tested. Until these system changes are completed and tested, the Land Registry in Queensland is unable to accept a Lodgment Case conducted by means of Interoperability.

As a result, ELNOs are currently unable to comply with the Interoperability Requirement in Queensland.

Accordingly, the Registrar of Titles has determined that it is reasonably necessary in the circumstances to grant a total waiver of the Interoperability Requirement.

Waiver

The Registrar of Titles grants all ELNOs approved under section 15 of the National Law a total waiver of their obligation to comply with the Interoperability Requirement.

Commencement

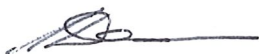
This waiver commenced on 6 June 2022.

Period during which this waiver applies

This waiver operates until the total revocation of this waiver by the Registrar of Titles.

Dated: 7/6/2022

Signed by:



Elizabeth Dann

On behalf of Queensland Titles Registry Pty Ltd

Agent of the Registrar of Titles