

# INTEROPERABILITY REQUIREMENT WAIVER

## Australian Capital Territory Section 18A *Electronic Conveyancing National Law (ACT)*

### Title

This instrument is the *Electronic Conveyancing National Law (ACT) Waiver ECNL 1/2022 – Interoperability Requirement*.

### Enabling Provisions

Section 18A of the *Electronic Conveyancing National Law (ACT)* (the “**National Law**”) will come into operation in the Australian Capital Territory (“**ACT**”) on and from 4 September 2022.

Under section 18A(2) of the National Law, as Registrar-General, I may waive compliance with the Interoperability Requirement (as defined in the explanatory statement below) if I am satisfied the granting of the waiver is reasonably necessary in all the circumstances.

### Explanatory Statement

Section 18A(1) of the National Law requires that a person approved as an electronic lodgment network operator (“**ELNO**”) under section 15 of the National Law must, in accordance with the operating requirements, establish and maintain interoperability between the electronic lodgment network (“**ELN**”) operated by the person and each ELN operated by another ELNO (“**Interoperability Requirement**”).

Under sections 22 and 25 of the National Law I have determined and published Version 6.1 of the operating requirements which came into effect on and from 17 June 2022 (“**Operating Requirements**”).

Under section 18A(3) of the National Law, a waiver granted in accordance with section 18A(2) of the National Law 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
- (e) be unconditional or subject to conditions or restrictions.

As Registrar-General, I have yet to determine Operating Requirements containing requirements relating to Interoperability.

Additionally, in relation to the Land Registry Systems in the ACT, and the ELN operated by Property Exchange Australia Ltd (and known as “**PEXA**”) in the ACT, 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 the ACT is unable to accept a Lodgment Case conducted by means of Interoperability.

As a result, PEXA or any potential future ELNO are currently unable to comply with the Interoperability Requirement in the ACT.

Accordingly, as Registrar-General, I have determined that it is reasonably necessary in the circumstances to grant a waiver of the Interoperability Requirement.

### **Waiver**

I hereby grant 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 commences on 4 September 2022 ("**Commencement Date**").

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

This waiver operates until it is revoked.

**Dated:** 17 August 2022

**Signed by:**



**David Pryce  
Registrar-General**