

# OPERATING REQUIREMENTS WAIVER

## Australian Capital Territory Section 27 *Electronic Conveyancing National Law (ACT)*

### Title

This instrument is the *Electronic Conveyancing National Law (ACT) Waiver OR 1/2024 – Operating Requirements*.

### Enabling Provisions

Under sections 22 and 25 of the *Electronic Conveyancing National Law (ACT)* (the **National Law**) the Registrar-General (**Registrar**) has determined and published Version 7 of the *Operating Requirements* which came into effect on and from 29 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.

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

The following Operating Requirements are affected by this waiver:

- Operating Requirements 5.2.2, 5.2.3, 5.2.4, 5.7 and 5.8 in their entirety; 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. (Together, referred to as the **Affected Operating Requirements**).

### Explanatory Statement

Unless otherwise defined in this document, each capitalised word has the meaning given to it in the Operating Requirements.

Interoperability Requirement enacted and waived:

Under the ACT Electronic Conveyancing National Law Waiver ECNL Waiver No: ECNL 1/2022 - Interoperability Requirement, the Registrar has granted all ELNOs approved under section 15 of the National Law a total waiver of their obligation to comply with the Interoperability Requirement (ECNL Waiver).

The Operating Requirements contain requirements relating to Interoperability which until the ECNL Waiver is revoked are neither required nor appropriate.

The reasons for the waiver under contemplation is essentially that the new operating requirements will introduce changes around interoperability that are not workable in circumstances where the waiver *ECNL 1/2022* is still in effect.

**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 all Operating Requirements except for the Affected Operating Requirements.

**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 Interoperability Waiver; or
- (b) the revocation of this waiver by the Registrar.

**Dated: 27 February 2024**

**Signed by: David Pryce**

 Registrar-General