

OPERATING REQUIREMENTS WAIVER

Queensland

Section 27 Electronic Conveyancing National Law (Queensland)

Title

This instrument is Queensland Operating Requirements Waiver OR 3/2025 – Interoperability Release 1

Enabling Provisions

1. Under sections 22 and 25 of the *Electronic Conveyancing National Law (Queensland)* (National Law) the Registrar of Titles (Registrar) has determined and published Version 7.1 of the Operating Requirements which came into effect on and from 9 May 2025 (Operating Requirements).
2. Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Operating Requirements.
3. 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 Requirement 5.2.2(a) (Affected Operating Requirement).

Explanatory Statement

The Affected Operating Requirement requires ELNOs to design, build and test all technical and functional capability for, and implement '*Release 1 – being Lodgment of an Interoperable Lodgment Case that includes a Mortgage and Discharge of Mortgage by a limited group of ADIs acting on their own behalf as approved by the Registrar*', on or before 31 July 2025.

On 26 June 2024, the Australian Registrars' National Electronic Conveyancing Council (ARNECC) paused the technical design, build and test work for interoperability due to concerns raised by banks in relation to the technical and functional scope.

The Registrar has, through ARNECC, determined to commission an in-depth review of the functional requirements for interoperability. This will involve a reviewer(s) engaging with

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ELNOs and Subscribers to develop a functional scope for interoperability that is necessary to maintain an equivalent subscriber experience for interoperable and non-interoperable transactions.

This review will inform the Registrar to determine appropriate updates to the Affected Operating Requirement. The review will not be complete by 31 July 2025. The Registrar understands that in the circumstances additional time may be required for ELNOs to comply with the Affected Operating Requirement.

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

The Registrar notes that nothing in this waiver should be read as implying that the actions of ARNECC, participating jurisdictions, ARNECC members or their nominees in relation to the interoperability program and the review in any way absolve the ELNO from meeting their obligations under the National Law or Operating Requirements.

Waiver

The Registrar grants ELNOs a partial waiver of their obligation to comply with the Affected Operating Requirement.

Conditions

This partial waiver is granted on the conditions that:

1. The ELNO participates in, and complies with, the functional requirements review as set out in the Terms of Reference issued by ARNECC on 8 May 2025, of which are at Attachment 1. This includes but is not limited to complying with any reasonable requests made by the reviewers and otherwise fully complying with the matters set out under the heading 'Request to Review Participants'.
2. The ELNO participates in good faith in that review.
3. The ELNO continues to comply with all its obligations under the Operating Requirements.

Commencement

This partial waiver commences on 31 July 2025.

Period during which this waiver applies

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This partial waiver operates until the earlier of:

- (a) the effective date of any change to Operating Requirement 5.2.2(a) which removes or modifies the 31 July 2025 timeframe;
- (b) revocation of this waiver by the Registrar.

Dated: 16 July 2025

Signed by:



Christine Williams
Head of Regulation, Legal and Corporate Governance
On behalf of Queensland Titles Registry Pty Ltd
Agent of the Registrar of Titles

Attachment 1: Terms of Reference

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