

INTEROPERABILITY REQUIREMENT WAIVER

Queensland

Section 18A Electronic Conveyancing National Law (Queensland)

Title

This instrument is Queensland Electronic Conveyancing National Law Waiver ECNL 2/2025 – Interoperability Requirement.

Enabling Provisions

1. Under section 18A of the *Electronic Conveyancing National Law (Queensland)* (National Law) the Registrar of Titles (Registrar) may waive compliance with the Interoperability Requirement.
2. Section 18A of the National Law came into operation in Queensland on and from 6 June 2022.
3. Under sections 22 and 25 of the National Law the Registrar has determined and published Version 7.1 of the Operating Requirements which came into effect on and from 9 May 2025 (Operating Requirements).
4. Capitalised terms used in this instrument and not defined have the meaning given to those terms in the National Law or the Operating Requirements.
5. 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.

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 (Interoperability Requirement).

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

Office

Level 7, 259 Queen St.
Brisbane City QLD 4000

Postal

GPO Box 1401
Brisbane QLD 4001

Contact

07 3497 3479
info@titlesqld.com.au
www.titlesqld.com.au

Operating Requirement 5.2.2 (b) requires ELNOs to design, build and test all technical and functional capability for:

- *'Release 2 – being Lodgment of an Interoperable Lodgment Case that includes a Mortgage and Discharge of Mortgage by any Subscriber;*
- *Release 3 - being Lodgment of all available electronic Registry Instruments and other electronic Documents required under Operating Requirement 5.2.1 as part of an Interoperable Lodgment Case by any Subscriber,'*

on or before 31 December 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, through ARNECC, commissioned an in-depth review of the functional requirements for interoperability which has not yet been finalised. The Registrar understands that additional time may be required to review Operating Requirement 5.2.2(b) against the interoperability reviews.

As a result, the Registrar has granted ELNOs a partial waiver modifying the obligations of the ELNO under Operating Requirement 5.2.2(b) (Waiver OR 4/2025).

On the basis that the requirement in Operating Requirement 5.2.2(b) has been waived, ELNOs will be unable to fully comply with their obligation to establish and maintain interoperability in accordance with the Operating Requirements.

Accordingly, the Registrar has determined that it is reasonably necessary in the circumstances to grant a partial waiver of the Interoperability Requirement while Waiver OR 4/2025 remains in effect.

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.

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Waiver

The Registrar grants all ELNOs approved under section 15 of the National Law a partial waiver of their obligation to comply with the Interoperability Requirement to account for Waiver OR 4/2025 while it remains in effect.

Commencement

This partial waiver commences on 31 December 2025.

Period during which this waiver applies

This partial waiver operates until the earlier of:

- (a) the effective date of any change to Operating Requirement 5.2.2(b) which removes or modifies the 31 December 2025 timeframe;
- (b) the date on which Waiver OR 4/2025 ceases to apply; or
- (c) revocation of this waiver by the Registrar.

Dated: 23 December 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

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