

OPERATING REQUIREMENTS

WAIVER

Queensland

Section 27 *Electronic Conveyancing National Law (Queensland)*

Title

This instrument is Queensland Operating Requirements Waiver OR 4/2025 – Interoperability Release 2 & 3.

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(b) (Affected Operating Requirement).

Explanatory Statement

The Affected Operating Requirements 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,’

Office

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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 the Affected Operating Requirement against the interoperability reviews.

Accordingly, the Registrar has determined that it would be reasonably necessary 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.

Commencement

This partial waiver commences on 31 December 2025.

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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) revocation of this waiver by the Registrar.

Dated: 23 December 2023

Signed by:

A handwritten signature in black ink that appears to read "Christine Williams".

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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