



AUSTRALIAN REGISTRARS NATIONAL ELECTRONIC CONVEYANCING COUNCIL

Submission of Requests for Waivers

In limited, justified circumstances, and in accordance with section 27(1) of the *Electronic Conveyancing National Law* ("ECNL"), the Registrar may grant a full or partial waiver of the obligation to comply with one or more of that jurisdiction's Operating Requirements ("ORs") and/or Participation Rules ("PRs"), where the Registrar is satisfied it is reasonable in all the circumstances.

ELNOs must email all OR waiver requests to ARNECC at chair@arnecc.gov.au. The request must include all relevant supporting documents at the time it is submitted.

Subscribers seeking a PR waiver must contact the relevant ELNO(s) who will submit the request to ARNECC on their behalf. If a Subscriber emails ARNECC directly, ARNECC will refer them back to their ELNO.

ARNECC will only accept a waiver request if it:

- is submitted by an ELNO (either for an OR waiver, or on behalf of a Subscriber for a PR waiver);
- meets the requirements set out below;
- is emailed to chair@arnecc.gov.au with all supporting documents attached; and
- at the Registrar's discretion, satisfies section 27(1) of the ECNL (as in force in the relevant jurisdiction).

A waiver request must clearly state:

- the specific OR(s) and/or PR(s) you want waived;
- the jurisdiction(s) the waiver will apply in;
- who the waiver is intended to benefit;
- why the waiver is required;
- an alternative to the waiver (if any);
- any relevant precedent(s) (if any); and
- what will happen if the waiver is not granted, including any key timeframe(s).

If the Registrar grants the waiver, ARNECC may publish notice of the jurisdictional waiver on the ARNECC website.

While national consistency is desirable, Registrars may revoke a waiver at any time or grant waivers on different conditions. A waiver recipient may also apply for an approved waiver to be revoked at any time.