

INTEROPERABILITY REQUIREMENT

WAIVER

New South Wales

Section 18A Electronic Conveyancing National Law

Title

This instrument is New South Wales Electronic Conveyancing National Law Waiver ECNL 1/2022 – Interoperability Requirement.

Enabling Provisions

Under section 18A of the Electronic Conveyancing National Law (the National Law) the Registrar General (Registrar) may waive compliance with the Interoperability Requirement.

Section 18A of the National Law came into operation in New South Wales on and from 6 June 2022, being the date of assent of the *Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022*.

Under sections 22 and 25 of the National Law the Registrar has determined and published Version 6 of the Operating Requirements which came into effect on 12 April 2021, with Version 6.1 published on 16 May 2022 and to come into effect on and from 17 June 2022 (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.

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.

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.

Under section 18A(3) of the National Law, a waiver may:

- (a) be total or partial, and
- (b) apply to particular persons approved as an ELNO under section 15 of the National Law or particular classes of those persons, and
- (c) apply generally or be limited in its application by reference to specified exceptions or factors, and
- (d) apply indefinitely or for a specified period, and
- (e) be unconditional or subject to conditions or restrictions.

Operating Requirements containing requirements relating to Interoperability are yet to be determined by the Registrar.

Additionally, in relation to the Land Registry Systems in New South Wales, necessary information technology system changes are yet to be finalised to enable the submission of a Lodgment Case conducted by means of Interoperability. Until these system changes are completed and tested, the Land Registry in New South Wales is unable to accept a Lodgment Case conducted by means of Interoperability. As a result, ELNOs are currently unable to comply with the Interoperability Requirement in New South Wales.

Accordingly, the Registrar has determined that it is reasonably necessary in the circumstances to grant a total waiver of the Interoperability Requirement.

The Registrar will continue to monitor the circumstances and will revoke the waiver, either in part or in total, when the waiver is no longer reasonably necessary.

Waiver

The Registrar grants all ELNOs approved under section 15 of the National Law a total waiver of their obligation to comply with the Interoperability Requirement.

Commencement

This waiver commences on 6 June 2022.

Period during which this waiver applies

This waiver operates until the partial or total revocation of this waiver by the Registrar.

Dated: 18 May 2022

Signed by:



**Jeremy Cox
Registrar General**

Date: 25/05/22