

## AUSTRALIAN REGISTRARS' NATIONAL E-CONVEYANCING COUNCIL (ARNECC)

# STAKEHOLDER ENGAGEMENT AND CONSULTATION POLICY

### 1. Introduction

ARNECC is committed to open, accountable and responsive decision making which is informed by effective communication and consultation between ARNECC and key conveyancing stakeholders (stakeholders).

### 2. Purpose and scope

The purpose of this policy is to set out the principles that ARNECC will follow when communicating and consulting with stakeholders in relation to the Land Registry requirements relating to the legislative framework, business practices, operating requirements and participation rules applicable to the National E-Conveyancing system.

### 3. Definitions

- **ARNECC:** Australian Registrars' National E-Conveyancing Council – the Council established by the Inter-Governmental Agreement (IGA) to facilitate the ongoing management of the regulatory framework for National E-Conveyancing.
- **Australian Registrars' Business Practices:** The operational policies and procedures relating to the registration of interests on title in the National E-Conveyancing system.
- **COAG:** Council of Australian Governments.
- **COAG Agreement:** The national partnership agreement to deliver a seamless national economy and implementation plan between Commonwealth of Australia and the states and territories.
- **Electronic Conveyancing National Law:** (ECNL) A national application law system agreed to be established by Part 8 of the IGA that will facilitate the implementation and operation of a national system of electronic conveyancing in accordance with the COAG Agreement, as amended from time to time.
- **ELN:** Electronic Lodgement Network – a network established to create and electronically lodge registry instruments and other electronic documents with the jurisdiction's Land Registry.
- **ELNO:** Electronic Lodgement Network Operator – a person authorised by a jurisdiction to operate an Electronic Lodgement Network.
- **IGA:** Inter-Governmental Agreement – the agreement between the States of New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory of Australia, created to provide governance for the development, implementation and management of the regulatory framework for National E-Conveyancing.

- **Model Operating Requirements:** A set of common operating requirements determined by ARNECC on behalf of the Registrars that an ELNO is to comply with.
- **Model Participation Rules:** A set of rules determined by ARNECC on behalf of the Registrars, which, along with the ELNO Participation Rules, and pursuant to the Model Operating Requirements, an ELNO must impose on its subscribers.
- **Registrar:** The state and territory officials who have responsibility for each jurisdiction's Land Registry function as listed below:
  - New South Wales – Registrar General;
  - Victoria – Registrar of Titles;
  - Queensland – Registrar of Titles;
  - Western Australia – Registrar of Titles or other officer of the Land Registry nominated by the Chief Executive of the Western Australian Land Information Authority;
  - South Australia – Registrar General;
  - Northern Territory – Registrar General;
  - Australian Capital Territory – Registrar General; and
  - Tasmania – Recorder of Titles.
- **Subscriber:** A corporation or other body corporate, partnership, government agency or natural person registered to use an ELN to complete conveyancing transactions electronically, as or on behalf of a Transacting Party.
- **Transacting Party:** A person who is engaged in a land transaction in relation to land registered in the Torrens Title Register that will result in the lodgement of electronic registry instruments and other electronic documents.

#### 4. Consultation principles

ARNECC is committed to the Australian Government and Council of Australian Governments (COAG) principles of best practice consultation and adopts the following principles:

- **Continuity** – consultation should be a continuous process that starts early in the development of policy, requirements, practices and rules.
- **Targeting** – consultation should be widely based to ensure it captures the diversity of stakeholders affected by the proposed changes.
- **Timeliness** – consultation should start when policy objectives and options are being identified. Throughout the consultation process stakeholders should be given sufficient time to provide considered responses.
- **Accessibility** – stakeholder groups should be informed of proposed consultation, and be provided with information about proposals, using a range of means appropriate to those groups.
- **Transparency** – ARNECC will explain clearly the objectives of the consultation process, the regulatory policy framework within which consultations will take place and provide feedback on how they have taken consultation responses into consideration.
- **Consistency and flexibility** – consistent consultation procedures can make it easier for stakeholders to participate. However, this must be balanced with the

need for consultation arrangements to be designed to suit the circumstances of the particular proposal under consideration.

- **Evaluation and review** – ARNECC will evaluate consultation processes and continue to examine ways of making them more effective.

## 5. Consultation aim

This consultation policy encourages a positive and proactive consultation culture that supports the commitments made by ARNECC in the ARNECC Charter.

By engaging proactively with stakeholders, both through ARNECC-initiated consultations and through consultations organised by others, ARNECC aims to achieve the best possible outcome for National E-Conveyancing by:

- obtaining feedback on the potential impact of the proposed regulatory mechanisms applicable to National E-Conveyancing;
- benefiting from the expertise of stakeholders, notably in identifying and analysing issues relating to the proposed regulatory mechanisms;
- providing opportunities for alternative approaches to any identified issues regarding the proposed regulatory mechanisms to be considered; and
- promoting understanding of the work of ARNECC and its role.

To deliver this aim, ARNECC emphasises:

- the need for all involved to work together in a manner that promotes the success of National E-Conveyancing; and
- the need for a flexible and proportionate approach to consultation that can be adapted according to the significance of an issue.

## 6. Stakeholders

Relevant stakeholders include, but are not limited to:

- ELNOs;
- the legal profession, including national and jurisdictional representative bodies;
- conveyancers, including national and jurisdictional representative bodies;
- relevant government departments and agencies;
- the financial sector including bank and non-bank lenders and their representative bodies; and
- licensed online service providers/information and search brokers and their representative bodies.

## 7. Areas of consultation

ARNECC intends to consult with stakeholders on:

- Electronic Conveyancing National Law;
- the Model Operating Requirements; and
- the Model Participation Rules.

Where necessary the Registrars will consult on the Australian Registrars' Business Practices.

## **8. Consultation process**

ARNECC intends that the documents relevant to the areas of consultation will, so far as is practicable, be circulated to stakeholders by the Chair of ARNECC or by individual Registrars. The documents will also be made publicly available to all other interested parties. Stakeholders will be given an opportunity to make submissions on the documents. Feedback will then be provided in relation to any submissions made.

## **9. Timeliness**

Timeframes for consultation will be realistic to allow stakeholders sufficient time to provide a considered response. The amount of time required will depend on the specifics of the area of consultation. However, where it is necessary to determine an issue promptly, some limitations on periods and timing of consultation may be unavoidable.