

REVIEW OF THE INTERGOVERNMENTAL AGREEMENT FOR AN ELECTRONIC CONVEYANCING NATIONAL LAW

REVIEW SCOPE

The Consultant will review the Intergovernmental Agreement (IGA) for an Electronic Conveyancing National Law and report to IGA Ministers. The Consultant will:

- assess whether the IGA has met its objectives of establishing a framework to facilitate the implementation and ongoing management of a regulatory framework for national electronic conveyancing
- provide advice on whether existing governance and regulatory arrangements are fit-for-purpose for the future and provide appropriate accountability to participating Governments
- advise what changes are needed to support a competitive electronic network lodgment operator market.

The Consultant will consider the following:

- **Implementation progress:** Progress made and lessons learned and to be learned in implementing the regulatory framework for national electronic conveyancing across jurisdictions.
 - The level of consistency achieved in business practices across jurisdictions.
 - The take-up levels of electronic conveyancing, including the type of property lodgments being conducted via electronic conveyancing.
 - Any barriers to taking up electronic conveyancing and options to improve take up.
- **Regulatory framework:** The operation and terms of the existing regulatory framework (including the ECNL), limitations and/or opportunities for improvement and what has been or can be learnt in terms of its success or otherwise.
 - The current regulatory governance arrangements (including ARNECC and how it has operated) and what changes, if any, should be made to the current regulatory framework and governance arrangements to ensure it is able to oversee a rapidly changing industry and technological environment and facilitate a competitive market.
 - The resources and technical skills to manage any proposed changes to the regulatory regime as well as potential future sources of funding.
 - What if any regulation is appropriate to support a competitive ELNO market and the interoperability of ELN systems, including funding options.
 - A transition path to implement any recommendations.

The Consultant will make specific recommendations on whether the IGA requires any changes to ensure the IGA remains relevant now and in the future in ensuring the effective oversight and efficient and appropriate regulatory framework for national electronic conveyancing.