

ARNECC COMPLAINTS HANDLING POLICY AND PROCEDURES

This is a statement of ARNECC's commitments, policy and procedures for handling complaints received from industry stakeholders and participants and the general public about any aspect of the environment for completing conveyancing transactions electronically.

Context

ARNECC is a national regulator of electronic conveyancing constituted under an Inter-Governmental Agreement made in 2011 between the six States and the Northern Territory. The regulation ARNECC is responsible for is set out in the:

- Electronic Conveyancing National Law (ECNL) enacted in all six States and the Northern Territory
- Model Operating Requirements (MOR) made under the ECNL and applying to Electronic Lodgement Network Operators (ELNOs)
- Model Participation Rules (MPR) made under the ECNL and applying to Subscribers to ELNOs.

ARNECC may receive complaints from:

- ELNOs and Subscribers
- applicants to become ELNOs or Subscribers
- parties affected by the activities of ELNOs or Subscribers.

The last of these categories includes Land Registries and Revenue Offices; professional bodies representing legal practitioners, licensed conveyancers, financial institutions and other mortgage lenders; insurers of legal practitioners and licensed conveyancers; and the general public as consumers of the conveyancing industry's services.

ARNECC liaises as necessary with other national and jurisdiction regulators of the electronic conveyancing environment such as those responsible for:

- reservation of conveyancing work for legal practitioners and licensed conveyancers
- financial aspects of on-line settlements and payments
- collection, use and disclosure of personal information
- lodgment and registration of property transactions
- assessment and collection of stamp duty
- operation of trust accounts
- access to national infrastructure
- pricing of monopoly services.

Complaints received about these aspects of the electronic conveyancing environment may be addressed in conjunction with those other regulators or referred to them for direct dealing with the complainant.

ARNECC is a very small organisation dependent on the Registrars in each State and the Northern Territory for its resources. As a regulator, ARNECC has no operational responsibilities and no frontline staff able to address complaints at the point of service delivery. Complaints to ARNECC must necessarily be handled remotely from the services likely to be being complained about.

Commitment

ARNECC is committed to open, accountable, contemporary and responsive handling of complaints in the best interests of all stakeholders and participants in the property conveyancing industry. Responsibility for complaints handling rests with the Chair of ARNECC.

Policy

ARNECC has adopted the following principles for its handling of complaints:

- **Right** - everybody has a right to complain
- **Respect** - complainants are respected
- **Access** - making a complaint is easy, convenient and free
- **Acknowledgment** - complaints are promptly acknowledged
- **Process** - complainants are informed of how to make their complaint and how long it is expected to take to resolve
- **Objectivity** - complaints are managed objectively and without bias
- **Fairness** - complainants are managed equitably
- **Value** - complaints provide valuable input to core responsibilities.

In applying these principles to its complaints handling, ARNECC promotes:

- unrestricted opportunities to make complaints and provide supporting evidence
- timely resolutions based on verifiable facts
- clear and concise communications with complainants
- avenues of appeal when complainants are not satisfied with the outcome.

Procedures

ARNECC accepts complaints through:

- email to chair@arnecc.gov.au
- paper correspondence to ARNECC Chair, PO Box 2222, Midland WA 6936
- telephone to (08) 9273 5951 between 9am and 4pm Perth time on business days
- authorised representatives by any of the above means.

These means of making a complaint and of advising how complaints are handled are displayed prominently on ARNECC's website at <https://www.arnecc.gov.au/> . When complaints are received by telephone, the complainant is requested to confirm them in writing.

When receiving complaints, ARNECC:

- verifies the authenticity of the complainant
- ensures the complaint is understood and supported
- treats the complaint as confidential unless released by the complainant
- assesses the complaint's appropriateness to be resolved by ARNECC
- provides the complainant with an acknowledgement in writing of the complaint's receipt, how it is intended to be addressed and when a resolution can be expected.

In addressing complaints, ARNECC:

- assesses the supporting evidence received with the complaint for accuracy and completeness
- collects what other appropriate evidence is available relevant to the complaint
- shares all of the evidence received and collected with the complainant
- answers any questions the complainant has about the assembled evidence.

The collection of appropriate evidence relevant to a complaint may involve ARNECC:

- conducting a Compliance Examination of an ELNO or of a Subscriber under s.33 of the ECNL
- requesting documented substantiation of compliance from an ELNO under Clause 15.5 of the MOR
- liaising with a national or jurisdiction regulator with relevant regulatory responsibilities.

To resolve complaints, ARNECC:

- makes a determination on the complaint based on the evidence received and collected
- communicates its determination to the complainant in writing
- advises the complainant of how the determination can be appealed.

A determination of a complaint may be to refer it to another regulator more able to deal with the issue raised.

The avenues of appeal on determinations available to complainants are:

- an independent arbiter agreed between the parties
- the responsible tribunal within the meaning of s.28 of the ECNL.

When the complainant is not satisfied with the resolution, ARNECC:

- offers to refer the complaint to an independent arbiter
- advises the complainant of a process for selecting an independent arbiter
- engages the independent arbiter on behalf of both parties
- undertakes to share the costs of arbitration.

Review and Evaluation

ARNECC delegates the day to day handling of complaints to its Chair. The number and nature of complaints dealt with are reported to quarterly meetings of ARNECC and are reviewed annually by ARNECC. When appropriate, issues arising from complaints are included in the next scheduled review of ARNECC's regulatory responsibilities and explored widely in consultations with industry stakeholders and participants.