



AUSTRALIAN REGISTRARS NATIONAL ELECTRONIC CONVEYANCING COUNCIL

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The Hon Victor Dominello MP
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Cc: Attendees of the NSW Government and Industry eConveyancing Interoperability Forum

Dear Hon Minister

Interoperability: NSW Government and Industry Forum

I am writing in reference to the work being undertaken by the NSW Government regarding interoperability of Electronic Lodgment Networks (ELNs) and the associated Government and Industry Forum that has been established.

As you are aware, electronic conveyancing is a Council of Australian Governments (COAG) initiative delivered as part of the Seamless National Economy Implementation Plan. In 2011 an agreement between the States and Territories was formed to provide for the development, implementation and management of the legislative and regulatory frameworks to facilitate national electronic conveyancing. This agreement is known as the Intergovernmental Agreement for an Electronic Conveyancing National Law (IGA) and it establishes the Australian Registrars' National Electronic Conveyancing Council (ARNECC).

The IGA provides that in carrying out ARNECC functions members are to:

- Cooperate on the implementation and ongoing management of National E-Conveyancing to minimise inconsistencies between jurisdictions;
- Use best endeavours to ensure that National E-Conveyancing is implemented as soon as practicable in their jurisdiction;
- Work collaboratively to ensure business practices are consistent; and
- Collaborate in good faith to ensure that all stakeholders continue to be consulted in an effective manner in connection with the implementation and operation of the regulatory framework.

The IGA sets out the agreed procedure for alterations to the Electronic Conveyancing National Law. The IGA must be reviewed after it has operated for seven years and can be amended by unanimous agreement of all Parties at any time.

The Electronic Conveyancing National Law supports multiple Electronic Lodgment Network Operators (ELNOs). Competition has the potential to bring market benefits.

To ensure a wholistic and national perspective with regard to supporting a market with multiple ELNOs, ARNECC has included considerations relating to competition within the scope of the current IGA Review. The IGA Review will provide for open, fair and transparent consultation on all aspects of the electronic conveyancing regulatory framework, including the potential for interoperability between competing ELNs.

As ELNOs are required to operate nationally, the current IGA is important as it establishes ARNECC as the key body to maintain the regulatory framework and to achieve national consistency. The current focus by the NSW Government on interoperability, without consideration of the broader market and alternatives is unlikely to deliver a solution that can be adopted nationally. As a signatory to the IGA, the intentions to collaborate and provide nationally consistent regulatory and legislative outcomes in relation to electronic conveyancing should be forefront.

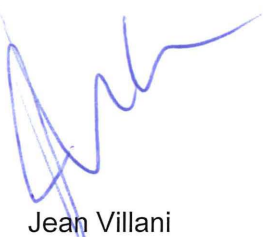
Any regulatory change to facilitate an efficient and effective market for competing ELNOs must be nationally consistent and bring about positive economic and social outcomes. An outcome that does not bring about a national solution will increase risks, market costs and disparity, potentially undermining confidence in electronic conveyancing and its regulators.

ARNECC's position is that the IGA Review is the vehicle to effect legislative and regulatory change including what may be required to facilitate an efficient and effective market with competing ELNOs.

ARNECC is not participating in or supporting the NSW Government and Industry Interoperability Forum or any associated activity. Any IGA member jurisdiction present at NSW interoperability forums or associated working groups are attending on behalf of their respective jurisdiction and do not represent ARNECC. As a member jurisdiction, ARNECC encourages NSW to commit to the IGA process as the vehicle to effect any regulatory and/or legislative change associated with electronic conveyancing.

Please do not hesitate to contact me should you wish to discuss ARNECC's position or the IGA Review.

Yours sincerely



Jean Villani
Chair

Australian Registrars' National Electronic Conveyancing Council

11 February 2019