

CHARTER

This is the Charter of the Australian Registrars' National Electronic Conveyancing Council (ARNECC).

Context

National Electronic Conveyancing (NEC) is a national electronic environment for the completion of conveyancing transactions in Australia. The Regulatory Framework for NEC, consisting of the Electronic Conveyancing National Law (ECNL) and corresponding legislation, and the Model Operating Requirements (MOR) and Model Participation Rules (MPR) made under the ECNL, is determined by ARNECC.

Establishment

Established in 2011, ARNECC is constituted under an Intergovernmental Agreement (IGA) among the State and Territory Governments.

The IGA records the commitment of all participating States and Territories to provide governance for the development, implementation and management of the regulatory framework for a national system of electronic conveyancing, and in particular to:

- work collaboratively to ensure that business practices are consistent where possible
- ensure that all stakeholders continue to be consulted in an effective manner in connection with the implementation and operation of the regulatory framework.

Purpose

The IGA gives ARNECC the specific roles of:

- advising States and Territories on changes to the ECNL and other relevant matters generally
- facilitating implementation and ongoing management of the regulatory framework
- monitoring the operation of the MOR and MPR
- making amendments to the MOR and MPR
- ensuring as far as is practicable that relevant business practices in each jurisdiction are consistent.

ARNECC's priorities include:

- creating a robust and equitable regulatory framework for the development and operation of the electronic conveyancing environment
- facilitating maximum use of the electronic conveyancing environment in the interests of all industry participants.

ARNECC has no authority additional to that of its individual members.

Members

ARNECC membership comprises the Land Titles Registrars (or their nominee) from each State and Territory that has entered into the IGA.

Commitments of the Members

Members are committed to:

- acting with integrity, objectivity, probity and confidentiality in dealing with matters
- collaborating constructively, openly and transparently on all matters
- respecting the views and perspectives of other members
- working co-operatively with each other
- representing the interests of stakeholders in a fair and transparent manner
- responding in a timely manner to substantive industry representations
- recognising the need for balance and compromise where there are legitimate competing interests
- using their best endeavours to comply with the determinations of ARNECC.

Meetings of Members

ARNECC meets at least quarterly and the Chair may call special meetings at other times. Members are responsible for their own costs of participation in meetings.

Meetings require a quorum of not less than 75% of the members. Members or their nominees may attend meetings in person, by teleconference or by any other means determined by ARNECC.

Members determine a Chair and Deputy Chair by consensus. The Chair and Deputy Chair will be appointed for a period of two years and can be re-appointed at the end of the term.

Conflicts of interest or disclosures

All meeting attendees are required to disclose any conflicts or potential conflicts of interest prior to or at the commencement of each meeting. All meeting attendees are to be aware of and comply with ARNECC's Conflict of Interest Policy.

Confidentiality

All meeting attendees are required to keep discussions, deliberations and determinations, which are not publicly known or approved for disclosure, confidential. Meeting papers should be securely retained by attendees.

Exceptions to this Confidentiality obligation include:

- to any judicial, parliamentary or government body (or body delegated by the government to carry out its functions), or any regulatory body or stock exchange;
- to any professional advisers including, without limitation, to accountants, lawyers and probity advisers;
- to any insurer;
- under any law;
- by order of any court or tribunal; and
- in the course of government business including, without limitation, disclosure in response to parliamentary questions, ministerial inquiries and inquiries conducted by or on behalf of the Auditor-General.

Determinations

ARNECC may make determinations on any matter in the interests of co-ordinating a national approach among the States and Territories to the regulation of the electronic environment for completing conveyancing transactions.

Determinations of ARNECC require the support of not less than 75% of the members present at a meeting and not abstaining from the determination.

Consultation with Stakeholders

ARNECC consults with relevant industry participants and other stakeholders in accordance with its published Stakeholder Engagement Policy to ensure their views are considered in making its determinations.

Advice and Assistance

ARNECC considerations may be informed by any source of its choosing.

Working Groups of members' representatives provide advice and assistance to ARNECC on request and may submit matters for determination. The Australian Registrars' Working Group (ARWG) and the ARNECC Legal Working Group are working groups of ARNECC.

Record Keeping

Records are kept of:

- conflicts of interest
- matters considered by ARNECC
- determinations of ARNECC
- members' confirmation of those records.

Change

This Charter may only be amended by unanimous agreement of all members.

Endorsement

Document date	Endorsed by	Date endorsed
15 April 2011	ARNECC	15 April 2011
11 March 2014	ARNECC	17 June 2014
3 October 2017	ARNECC	23 October 2017
28 February 2020	ARNECC	10 March 2020
7 December 2021	ARNECC	16 December 2021