

## Ministerial Forum: National Electronic Conveyancing Towards a sustainable, competitive national electronic conveyancing market

### Government and industry partnership to develop a national interoperability specification for Australia's electronic conveyancing system

On 2 June 2022, relevant Ministers and their representatives from all jurisdictions met to discuss progress with the national interoperability reform, to support a sustainable competitive market structure for electronic conveyancing. Ministers heard from the Australian Competition and Consumer Commission (ACCC), along with Australian Institute of Conveyancers, Australian Banking Association, Law Council of Australia, and Australia's two operating Electronic Lodgment Network Operators (ELNOs), Property Exchange Australia Ltd and Sympli Pty Ltd.

Ministers restated their commitment to building the solution so interoperability is available to consumers as soon as practicable.

### Ministers agreed to the following updated approach to the implementation timeline:

- Extending the timing for the Day 1 transaction by six months to March 2023
- An independent assessment of the current mid-2023 target for rolling out interoperability, for Ministers to review at their next forum (anticipated in September)
- Implement interoperability progressively by jurisdiction:
  - **Phase 1:** Queensland and NSW
  - **Phases 2, 3 and 4:** two jurisdictions in each phase. Further communications will be provided as jurisdictions move towards implementing electronic conveyancing and interoperability.
- Ministerial forums to monitor progress, with representatives from the ACCC.

Ministers noted this approach provides greater certainty to ELNOs, financial institutions and land registries to commit to changes in the forward business plans for each jurisdiction and removes pressure from requiring interoperability to be available nation-wide at once. It also ties the Ministers' agreed mid-2023 target to ongoing independent readiness reviews, to preserve the security and integrity of ELNOs systems.

Ministers ask ELNOs for an ongoing commitment to workstreams to refine the remaining API specifications, and then commence building the API specifications in their systems.

### Progress update

Ministers noted progress in key areas:

- On 12 May 2022, the **Electronic Conveyancing National Law Amendment Bill** passed the NSW Parliament. The Bill enacts a statutory obligation for ELNOs to interoperate, and Registrars can nominate a Financial Industry Code for ELNOs. With the Bill passed, ARNECC will work with industry to finalise the technical and regulatory regime before interoperability is rolled-out to customers.
- **Financial industry code:** Work has started with industry and AusPayNet on the Code to strengthen consumer protections (for example, in relation to misapplied or unapplied funds and mistaken payments, liability, and privacy).
- **Operating requirements:** The Australian Registrars' National Electronic Conveyancing Council (ARNECC) is finalising a review of the feedback on the model operating requirements. Changes required to the model participation rules are settled until the next scheduled periodic review.

- **Security reviews:** ARNECC has commenced the procurement of independent ICT assurance review and health checks.
- **ELNO pricing:** the NSW Independent and Pricing Regulatory Tribunal has commenced work with ELNOs, other stakeholders, Treasuries, other economic regulators and the ACCC via a 12-month review to inform ARNECC of an appropriate ELNO to ELNO interoperability fee pricing policy.
- **Second Bill:** ARNECC has completed detailed follow-up consultation with ELNOs and peak bodies on outstanding issues from the first Bill. The second Bill is proposed to be introduced before interoperability is live, potentially leading to further amendments based on the above consultation sessions, along with amendments to strengthen enforcement. Each jurisdiction is consulting their relevant Departments on the proposed enforcement regime.
- **Progress with NECDS Ltd:** NECDS Ltd has been incorporated as a public company, limited by guarantee.

Ministers thanked national industry peak bodies, ELNOs, ARNECC, Revenue Offices and other jurisdictional experts.

## **Ministers in attendance or represented at the Forum**

### **State and Territory Ministers**

- Mr Shane Rattenbury MLA, Australian Capital Territory Attorney-General, Minister for Consumer Affairs, Minister for Water, Energy and Emissions Reduction, Minister for Gaming represented by Australian Capital Territory Registrar-General, Mr David Pryce
- The Hon. Victor Dominello MP, New South Wales Minister for Customer Service and Digital Government
- The Hon. Chanston Paech MP, Northern Territory Minister for Racing, Gaming and Licensing; Attorney-General and Minister for Justice; Minister for Local Government; Minister for Arts, Culture and Heritage; Minister for Desert Knowledge Australia represented by Northern Territory A/Registrar General, Ms Wendy Endenburg
- The Hon. Scott Stewart MP, Queensland Minister for Resources
- The Hon. Nick Champion MP, South Australia Minister for Trade and Investment, Planning, Housing and Urban Development represented by South Australia Registrar General, Ms Jenny Cottnam
- The Hon. Jacquie Petrusma MP, Tasmania Minister for Parks, Minister for the Prevention of Family Violence and Minister for Police, Fire and Emergency Management
- The Hon. Richard Wynne MP, Victoria Minister for Planning, Minister for Housing
- The Hon. John Carey MLA, Western Australia Minister for Minister for Housing; Minister for Lands; Homelessness; Local Government represented by Mr Graeme Gammie, Chief Executive Officer, Western Australia Landgate

### **Australian Competition and Consumer Commission**

- Ms Anna Brakey, Commissioner, Australian Competition and Consumer Commission

### **Industry**

- Property Exchange Australia Ltd
- Sympli Australia Pty Ltd
- Australian Banking Association
- Australian Institute of Conveyancers National Council
- Law Council of Australia