

Ministerial Forum: National Electronic Conveyancing

Towards a sustainable, competitive national electronic conveyancing market

# Government and industry partnership to develop interoperability for Australia’s electronic conveyancing system

On 9 December 2022, relevant Ministers and their representatives met to discuss progress with the national interoperability reform, to support a sustainable, competitive market structure for electronic conveyancing.

Ministers noted:

* Work is on track to deliver the Day 1 transaction in March 2023.
* The importance of building all API specifications to enable all interoperable transactions, noting that around 70 APIs are currently required to reach the ‘Day 2’ milestone by having the technical capability to perform all currently defined electronic conveyancing transactions through the new interoperable system between Electronic Lodgment Network Operators (**ELNOs**).
* The importance of clear milestones ahead of reaching the Day 2 milestone, with deadlines and penalties that provide the impetus needed for a timely rollout.
* Two independent assessments have been undertaken with ongoing independent assessments and readiness reviews at key points.
* Once all APIs are designed, built and tested and Day 2 is achieved, the rollout of interoperability will occur progressively by jurisdiction, with phase 1 being rolled out in Queensland and NSW, and other jurisdictions to follow in subsequent phases.

Ministers congratulated industry on the work towards the Day 1 transaction and restated their commitment to building the solution as quickly as possible while minimising risk to the ecosystem. Ministers noted that clear impetus through deadlines is needed for industry to develop solutions in a timely fashion. Ministers emphasised the importance of making interoperability available to subscribers as soon as possible so that effective market competition can be achieved.

Ministers and their representatives also thanked all stakeholders and industry members for their engagement with the reforms to date, and committed to ensuring ongoing communication and consultation with all stakeholders is maintained throughout the program.

Ministers acknowledged this would be the final Forum convened by Minister Dominello and thanked the Minister for his strong advocacy and support for these reforms since 2019. Ministers will continue to work with all stakeholders to support this critical industry reform.

# Progress update

Ministers noted progress in key areas:

* **Security reviews:** The Australian Registrars’ National Electronic Conveyancing Council (**ARNECC**) will continue to undertake independent ICT assurance reviews and health checks at key points in the program.
* **Second Bill:** ARNECC has completed detailed follow-up consultation with ELNOs and peak bodies on outstanding issues from the first Bill. Each jurisdiction is consulting their relevant Departments on the proposed enforcement regime. It is proposed that amendments to the Electronic Conveyancing National Law (**ECNL**) will be tabled before interoperability is rolled out.
* **Operating requirements:** ARNECC is finalising a review of the Model Operating Requirements, with key updates on timetable (to refer to the timetable for Day 2), pricing (following ARNECC review of the IPART report) and the financial industry code (once this is settled). Changes required to the Model Participation Rules are settled.
* **ELNO pricing:** the NSW Independent Pricing and Regulatory Tribunal (**IPART**) is working on a review to inform ARNECC of an appropriate ELNO fee pricing policy. IPART has issued two Issues Papers, and consulted with ELNOs, industry stakeholders, Treasuries, other economic regulators and the ACCC. The scope of IPART’s review has been expanded to include a review of ELNO service fees.
* **Electronic Conveyancing Payments Industry Code:** Work continues with industry and AusPayNet on the Industry Code to strengthen consumer protections (for example, in relation to misapplied or unapplied funds and mistaken payments, liability, and privacy).
* **Progress with NECDS Ltd:** NECDS Ltd has been incorporated as a public company owned by all States and Territories, to hold the intellectual property rights in the data standards required for electronic conveyancing and interoperability. NECDS Ltd will curate and license the data standards to ELNOs and land registries.

# Ministers in attendance or represented at the Forum Federal Ministers

The Hon. Dr Andrew Leigh, Assistant Minister for Competition, Charities and Treasury

# State and Territory Ministers

The Hon. Victor Dominello MP, New South Wales Minister for Customer Service and Digital Government; Minister for Small Business and Fair Trading

The Hon. Roger Jaensch MP, Tasmanian Minister for Education, Children and Youth; Minister for Environment and Climate Change; Minister for Parks; Minister for Aboriginal Affairs

The Hon. John Carey MLA, Western Australia Minister for Housing; Minister for Lands; Homelessness; Local Government represented by Eugene Carmody, Principal Policy Adviser

The Hon. Nick Champion MP, South Australia Minister for Trade and Investment; Minister for Planning; Minister for Housing and Urban Development represented by Gemma Wallace, Senior Advisor

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

The Hon. Shane Rattenbury MLA, Australian Capital Territory Attorney-General; Minister for Consumer Affairs; Minister for Gaming; Minister for Water, Energy and Emissions Reduction represented by David Pryce, Deputy Director General, Access Canberra

The Hon. Scott Stewart MP, Queensland Minister for Resources represented by Suzanne Stone, Deputy Director-General of Lands and Anita Haenfler Executive Director of Lands

# Federal Government

Ms Anna Brakey, Commissioner, Australian Competition and Consumer Commission represented by Ms Katie Young, Director, Infrastructure & Transport, Access & Pricing Infrastructure Regulation Division

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