



AUSTRALIAN REGISTRARS NATIONAL ELECTRONIC CONVEYANCING COUNCIL

### **Submission of Requests for Approval**

On request, the Registrar may grant approval to an ELNO or Potential ELNO to:

- use an Independent Expert;
- use Land Information to create data or other products; and/or
- submit alternative documents or reports to demonstrate compliance with that jurisdiction's Operating Requirements ("ORs").

All requests for approval must:

- address the requirements below for the type of approval sought;
- be submitted by providing a signed letter on company letterhead;
- be submitted to ARNECC if the approval will be used in more than one State or Territory, or to the Registrar in the particular State or Territory if it will be used in that jurisdiction only; and
- attach copies of all relevant supporting documents.

The Registrar may revoke an approval at any time. The ELNO or Potential ELNO who received the approval may also apply to have it revoked at any time.

### **Independent Experts**

MOR 16.1 requires an ELNO or Potential ELNO to obtain the Registrar's written approval of an Independent Expert before an Independent Certification can be given. The request for approval must address each of the points under the headings below:

#### Qualifications

- Link the proposed Independent Expert's qualifications to the specific ORs they will assess; and
- If the Independent Expert is an individual, provide a detailed CV, or if the Independent Expert is an entity, then provide a letter on letterhead explaining why the entity is suitable to assess compliance with the relevant ORs.

#### Competency and Suitability

- Identify any conflicts between the proposed Independent Expert and the ELNO or Potential ELNO and explain how they will be managed;
- Link the proposed Independent Expert's skills and experience to the ORs they will assess;
- Provide a letter on letterhead describing the relevant experience of the individual or entity and the specific ORs they will assess; and
- Outline how the Independent Expert will assess compliance and provide Desirable and Essential Recommendations in a report.

#### Insurance Coverage

- Provide certificates of currency for professional indemnity and public and products liability insurance for the period the Independent Expert will assess compliance with the ORs.

### **Data using Land Information**

MOR 19.3 sets out that an ELNO must not store, modify, alter, use, reproduce, disclose or create data or other products using Land Information without the Registrar's prior approval.

Requests for approval to use Land Information must explain:

- how the ELNO will use the data;
- why the ELNO is seeking approval;
- what controls the ELNO will use to prevent another person from modifying or altering any part of the Land Information;
- what controls the ELNO will use to prevent another person from using, reproducing or disclosing any Land Information for a Conveyancing Transaction, other than that required or requested by Subscribers to the relevant Electronic Workspace.

### **Alternate Report**

MOR 7.3.2(a) requires an ELNO to obtain a SOC 2 Type 2 Report or such other report approved by the Registrar in writing at least once a year.

Requests for approval to provide an alternate report must explain how the alternate report addresses the OR and each of the following:

- Security of stored data – protection from unauthorised access;
- Availability – how information remains accessible to customers;
- Processing integrity – how the system processes information accurately and on time;
- Confidentiality – controls to protect confidential and sensitive information; and
- Privacy – controls to safeguard personal information from unauthorised access.