

**INQUIRY INTO ELECTRONIC CONVEYANCING
(ADOPTION OF NATIONAL LAW) AMENDMENT BILL
2022**

Organisation: Ministers responsible for electronic conveyancing in Australia,
under an Intergovernmental Agreement for an Electronic
Conveyancing Law

Date Received: 11 March 2022

MINISTERS RESPONSIBLE FOR ELECTRONIC CONVEYANCING IN AUSTRALIA INTERGOVERNMENTAL AGREEMENT FOR AN ELECTRONIC CONVEYANCING LAW

The Hon Mr Mark Banasiak, MLC
Chair
Portfolio Committee No 4

Dear Chair

Re: Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022

We are writing in response the NSW Legislative Council's Portfolio Committee No 4 – Customer Service and Natural Resources inquiry into the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022 (ECNL), currently in the Legislative Council.

As Ministers responsible for electronic conveyancing in Australia, under an Intergovernmental Agreement for an Electronic Conveyancing Law, **we confirm all state and territory Governments support the Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022 in its current form.**

This Bill follows extensive stakeholder engagement, first by NSW and South Australia, and then by, the **Australian Registrars' National Electronic Conveyancing Council** (ARNECC), comprising Registrars (or their nominees) responsible for land titles in each jurisdiction.

This Bill is the first of two sets of amendments. It is proposed that both will be enacted before interoperability is rolled out later in 2023.

The current Bill in front of you

This first Bill sets out the high-level legal framework to facilitate interoperability.

This Bill gives Registrars the power to require ELNOs to **interoperate**. Interoperability aims to enable effective competition by removing network effects and allowing subscribers to use the electronic lodgment network of their choice. The Bill also brings Registrars new powers to require ELNOs to participate in a financial industry code being developed by Australian Payments Network Limited, with Electronic Lodgment Network Operators (ELNOs) and financial institutions in consultation with broader industry.

This first Bill is necessary now to require and justify the considerable effort and resources required by industry and government to participate in the implementation of the interoperability reform.

The second Bill is proposed to be introduced before interoperability is live

Ministers have already indicated to stakeholders that feedback from the 2021 ECNL consultation will be considered further, with more time for ARNECC to properly consider this, potentially leading to further amendments.

The second Bill therefore provides the pathway for amendments to the ECNL in consideration of stakeholder feedback, without risking further delays

Next steps

Given the nature of legislation being an Applied Law Scheme, any proposed amendments now to this first Bill will need to be reviewed by all states and territories executive before returning to the NSW Parliament. This could take a significant time – noting some jurisdictions have elections this year.

The ACCC has been clear that further delay will heighten barriers to entry to the market.

Introducing this first round of ECNL changes now provides confidence to industry to keep working on this reform by signalling all governments commitment, while allowing more time in which to further refine and then finalise the interoperability system, before interoperable transactions commence.

This letter is signed **on behalf of all state and territory ministers** responsible for electronic conveyancing in Australia, under an Intergovernmental Agreement for an Electronic Conveyancing Law (as listed below). South Australia was unable sign the letter due to caretaker conventions.

Yours sincerely

The Hon. Victor Dominello MP

Minister for Customer Service and Digital Government

Date: 10 March 2022

The Hon Shane Rattenbury, MLA, Australian Capital Territory Attorney General, , Minister for Consumer Affairs, Minister for Water, Energy and Emissions Reduction, Minister for Gaming **The Hon Selena Uibo MLA, Northern Territory** Attorney General, Minister for Justice, Minister for Treaty and Local Decision Making, Minister for Aboriginal Affairs, Minister for Parks and Rangers, **The Hon Scott Steward MP, Queensland** Minister for Resources, **The Hon Jacquie Petrusma MP, Tasmania** Minister for Parks, Minister for the Prevention of Family Violence, Minister for Police, Fire and Emergency Management, **The Hon John Carey MLA, Western Australian** Minister for Lands, Minister for Housing Minister for Homelessness, Minister for Local Government, **The Hon Richard Wynne, MP, Victorian** Minister for Planning. **South Australia** is in caretaker mode.