

29th March 2019



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Dear Anne and Cameron,

Re: Feedback - Intergovernmental Agreement - Issues Paper

Thank you for the opportunity to provide feedback on what was a very comprehensive review document.

The AICWA in reviewing the "Issues Paper" has noted 3 recurring themes of concern, specifically:

1. Resourcing of ARNECC
Other than a principle agreement by the participating states and territories the resourcing of ARNECC remains largely unclear. It is also unclear as to the shared responsibility of the Federal Government or the various states to facilitate e-conveyancing in Tasmania and the Northern Territory. Both of which have limited funding and resourcing to facilitate and participate in national platform.
2. Regulation
ARNECC's shortcomings in executing robust regulatory frameworks appears to be the direct result of poor resourcing and limited skills and experience in this complex emerging market.
3. Independent Representation
To ARNECC's detriment the opportunity to leverage of the goodwill, experience and knowledge of industry stakeholders has created and exposed the concerns of poor resourcing and regulation.

Recent undertakings by the NSW Office of Registrar General into facilitating interoperability between ELNO's, demonstrates the willingness of key industry stakeholders to assist in shaping a workable successful national model for electronic conveyancing. It can only be assumed that ARNECC's reluctance in working more collaboratively with stakeholders, including The NSW ORG is in part due to poor resourcing and a lack of guidance and support from the previous Inter Governmental Agreement (IGA). This situation supports the necessity for there to have been a much earlier review of the IGA.

The creation of an independent committee or expansion of ARNECC to include independents would be consistent with the expectations of a national regulator. Furthermore, the expertise and knowledge windfall would only strengthen ARNECC's ability to guide the COAG agreement to its end goal of delivering a truly national e-conveyancing outcome.

In reviewing the "Preliminary Findings" the AICWA has noted the following concerns:

1.8. There is no conclusive evidence to suggest electronic conveyancing has improved efficiency or reduced costs in the industry or in government. The Issues Paper does not present any findings to support this statement.

1.10. Evidence to suggest stakeholders who have "fully adopted" have obtained significant time and cost benefits is not provided in the "Issue Paper". Relying solely on anecdotal testimony diminishes the finding.

1.16. There has not been sufficient analysis and key stakeholder engagement on interoperability to make any initial findings other than to suggest the matter is of importance to various stakeholders.

1.17. The finding is general in nature and based on no in-depth analysis or stakeholder engagement. It is unclear why this finding has been included.

1.18. ELNO's should be compelled to recover missing funds.

The AICWA is optimistic that the "Issues Paper" will serve as a significant report to both ARNECC and the various parties to the COAG agreement. The review despite having been predetermined in the COAG agreement was well over due.

Yours sincerely,



Dion Dosualdo
Executive Officer
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