

INTEROPERABILITY INDUSTRY PANEL TERMS OF REFERENCE

Purpose

The NSW and South Australia Registrars, on behalf of their respective governments, along with state and national peak industry groups, and regulatory bodies, have identified the need to address the following problem question:

In a multi-ELNO environment, subscribers should be able to transact efficiently and securely while only subscribing to the ELNO(s) they choose. Any interoperability solution should be able to be applied at a national level, rather than solving for a particular jurisdiction.

The Interoperability Industry Panel (the **Panel**) has been established to ensure deep industry engagement across Australia, to reach a national solution.

A regime for interoperability will need an appropriate regulatory framework (including allocating liability, establishing reliance rights and setting up an appropriate insurance regime), as well as technical solutions (including data standards and business rules).

The governance structure is designed to achieve the following outcomes:

- NSW / SA develop a solution that can be adopted by all jurisdictions, including a comprehensive set of materials that can be used as the basis for legislative and regulatory change;
- inform Australian Registrars' National Electronic Conveyancing Committee (ARNECC) of all progress and support ARNECC with its decision making;
- ensure implementation is national and considers different state and territory regimes; and
- complement and build on other reviews and reports on this subject written over the past 18 months (IGA, Nicholls, ACCC, IPART) (**Tab A**).

Process

To address the problem question, NSW and SA will identify specific issues and work on these with industry experts. The role of the Panel is to:

- ensure key stakeholders are informed of all work – including where they are not directly involved in reviewing a particular issue;
- assist a co-ordinated review of discussion papers and other deliverables by their industry, particularly beyond NSW and SA; and
- advise on the most effective approach to address and solve issues, and identify gaps in approach or analysis.

The Panel is not designed to provide expert advice itself, rather, it is intended to be the conduit to experts across the country.

Decisions

The Panel will not be a decision-making body. The Panel will primarily operate as an open, consultative body for the purposes of advice and clarification, with the aim to provide regulators with information and feedback to inform their decision-making processes. As such, no quorum or voting procedures are to be established.

Composition of Panel

Joint Chairs: Jeremy Cox, NSW Registrar General,
Jenny Cottnam, SA Registrar General

Secretariat: Gilbert + Tobin

Members: NSW Office of the Registrar General
SA Office of the Registrar General
Queensland Titles Registry
Australian Bankers Association
Australian Institute of Conveyancers
Law Council of Australia
PEXA
Sympli
Purcell Partners

Observer: Australian Competition and Consumer Commission

Meetings

The Panel will meet approximately every six weeks, with the first meeting held on 10 December 2019.

Minutes from each meeting will be circulated within five 5 Business Days.

Members can nominate a proxy to attend the meetings. The nominated proxy is responsible for providing relevant comments/feedback of the Panel member they represent at the meetings.

Members may have no more than three representatives attend meetings. Members may invite additional representatives from their organisation, and other industry experts, to attend for specific agenda items.

February 2020
