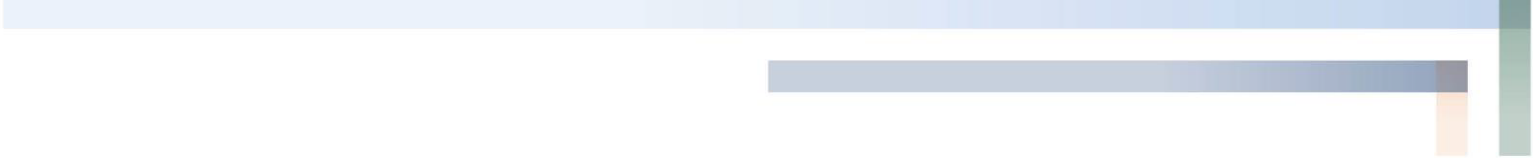




Australian Government

Australian Government response to the
Senate Economics References Committee report:
Micro-competition opportunities in e-conveyancing

March 2026



Introduction

The Australian Government thanks the Senate Economic References Committee for its consideration of micro-competition opportunities in e-conveyancing.

The Government supports progress toward a more competitive, dynamic and resilient Electronic Conveyancing (eConveyancing) market that benefits consumers, practitioners, industry participants and the broader economy. The Government recognises that competition in eConveyancing is constrained by the existing market structure, and challenges to date in delivering a functional model for interoperability. The Government considers that a more competitive market could support improved service quality, strengthen system resilience, and put downward pressure on costs and prices across the supply chain.

Responsibility for regulating eConveyancing primarily rests with the states and territories. There is substantial work underway across jurisdictions, and significant resources expended to date, to develop a sustainable and competitive market structure for eConveyancing. The Commonwealth supports these efforts and recognises that ongoing cooperation between governments is necessary to achieve the best outcomes for consumers, businesses, and the wider Australian public.

At the same time, the Government acknowledges that significant challenges must be navigated to arrive at a more competitive market outcome. These include addressing regulatory gaps, resolving outstanding issues with interoperability models and viable alternatives, and ensuring appropriate governance and accountability arrangements across the sector. These are complex issues that remain under active consideration by governments.

The Government provides the following response to the Committee's recommendations.

Response to the recommendations

Recommendation 1

The Committee recommends that the Australian Registrars' National Electronic Conveyancing Council (ARNECC) invite the Australian Competition and Consumer Commission (ACCC) to have a permanent presence on the Council and attend its meetings regularly.

Australian Government response

The Government **notes** this recommendation.

While it is a matter for ARNECC to invite participation from individuals and agencies as it sees fit, the Government does not consider that making the ACCC a permanent member would materially improve ARNECC's regulatory effectiveness or enhance the development of eConveyancing policy.

The ACCC has no formal role in relation to Conveyancing beyond its normal functions administering the *Competition and Consumer Act 2010* (CCA). The ACCC, alongside Council of Financial Regulators (CFR) member agencies, engages with ARNECC through regular cross-agency meetings, as well as through ad-hoc senior engagement. Through these engagement mechanisms, the ACCC can continue to provide advice to promote effective competition and regulation in eConveyancing, as appropriate, and consider potential breaches of the CCA. Permanent ACCC membership within ARNECC would likely increase resourcing requirements for the ACCC without materially improving its ability to provide advice or undertake its statutory functions.

Recommendation 2

The Committee recommends that following the release of the Australian Registrars' National Electronic Conveyancing Council reviews:

- the Australian Competition and Consumer Commission investigate the e-conveyancing market and report on its findings to both the Treasurer and the Assistant Minister for Competition, Charities and Treasury within six months as to whether further action is required in the e-conveyancing sector; and
- the Australian Competition and Consumer Commission publish the report of its findings, to be tabled in the Senate within fifteen sitting days.

Australian Government response

The Government **does not support** this recommendation.

The Government recognises that section 95H of the CCA allows the relevant Minister to direct the ACCC to hold an inquiry into a specified matter or specified matters.

The Government notes that substantial work is already underway to address competition and interoperability issues in eConveyancing. ARNECC has recently finalised and published reports for two of its three strategic reviews on interoperability. ARNECC is also working to finalise its third review, which focuses on the eConveyancing regulatory framework. Relevant Commonwealth regulators are actively contributing to this work. A NSW Select Committee inquiry into competition reforms in eConveyancing is currently examining many of the same issues.

Collectively, these and other related processes have identified and explored the key competition and market structure concerns in the sector, and have provided a detailed and well-developed evidence base of where the major frictions arise.

Considering the extensive work underway and already completed, the Government does not consider that directing the ACCC to undertake an inquiry at this time would materially advance understanding of the issues or deliver additional practical benefits. It is not clear that a further inquiry would provide new insights beyond those already being examined through existing regulatory, policy and parliamentary processes.

Recommendation 3

The Committee recommends that:

- the Australian Registrar's National Electronic Conveyancing Council make the Financial Requirements Review and the Cost Benefit Analysis publicly available; and
- if public release is not possible, then a summary of key findings and recommendations be provided to the Australian Competition and Consumer Commission, the Treasurer, the Assistant Minister for Competition, Charities and Treasury and tabled in the Senate fifteen sitting days from receipt.

Australian Government response

The Government **supports** this recommendation.

The Government notes ARNECC published these reports on 23 December 2025.

Recommendation 4

The Committee recommends that, in the event that interoperability is not pursued after reviews by the Australian Registrars' National Electronic Conveyancing Council are completed, the Australian Government should review what other initiatives might be taken to ensure the reliability and resilience of the e-conveyancing sector.

Australian Government response

The Government **supports in principle** this recommendation.

The Government will continue to work with state and territory governments through ARNECC and relevant ministerial forums to support the development of regulatory and market models that address key risks and maximise net public benefits. This includes engaging with ARNECC as it progresses its current review and follow on actions, and considering how Commonwealth expertise, particularly in competition law and policy, payments regulation, financial services, and consumer protection can constructively complement state and territory regulatory responsibilities.

The findings of ARNECC's regulatory governance review, due later this year, will provide a clearer picture of the coverage and gaps in eConveyancing regulation. The Government remains open to considering appropriate regulatory and non-regulatory roles for the Commonwealth, where such

involvement would be in the public interest and enhance system resilience, support effective competition, and address issues that states and territories cannot practically resolve alone.

ARNECC has an existing framework for overseeing the performance levels of Electronic Lodgment Network Operators (ELNO) under its Model Operating Requirements (MOR), which set minimum standards of service availability and reliability, system performance (including resilience) and incident management. State and territory registrars determine Operating Requirements for their respective jurisdiction based on the MOR developed by ARNECC. ARNECC regularly monitors ELNOs' performance with these requirements.

The Government supports ARNECC conducting a review of how it can uplift existing data and reporting practices through its MOR to improve transparency and thereby strengthen reliability and resilience of ELNO systems.

Recommendation 5

The Committee recommends, regardless of the finding of the Australian Competition and Consumer Commission on whether any further action is required, that national competition policy (NCP) reforms by the Australian Government consider e-conveyancing in a future tranche.

Australian Government response

The Government **notes** this recommendation.

The Government works collaboratively with states and territories to scope and develop reform proposals that can progress under the NCP framework. Governments, via the Council on Federal Financial Relations (CFFR) agree to NCP reforms under a Federation Funding Agreement (FFA) Schedule.

NCP aims to progress reforms that reflect national priorities and will facilitate effective competition across Australia's economy to promote efficiency and productivity growth to sustainably improve living standards and opportunities for Australians. Reforms must align with one or more of the objectives outlined in the NCP FFA schedule, which include *promoting a more dynamic business environment* and *leveraging the economic opportunities of data and digital technology*. The Government will work with state and territory Governments through the NCP governance framework to consider whether there are eConveyancing reforms suitable to progress through NCP.

Recommendation 6

The Committee recommends that the Australian Prudential Regulation Authority prioritise the auditing of banking institutions compliance with Prudential Standard Cross-industry Prudential Standard 230 and to publish a report of its findings in an e-conveyancing context by 30 June 2026.

Australian Government response

The Government **notes** this recommendation.

The Government recognises the importance of operational resilience across the financial system. The Australian Prudential Regulation Authority's (APRA) mandate under the Australian *Prudential Regulation Authority Act 1998* and the *Banking Act 1959* is to promote the safety and stability of regulated entities through a risk-based, system-wide prudential framework.

APRA is an independent statutory authority. APRA's existing statement of expectations issued by Government also recognises APRA's regulatory independence. Consistent with its expectations of APRA's role, the Government will not seek to influence how APRA undertakes specific compliance activities within its area of regulatory responsibility.

APRA's standard requires that regulated entities are responsible for identifying and managing risks associated with any material service providers supporting their critical operations, including ensuring appropriate contractual and contingency arrangements are in place. Material service providers are those on which the entity relies to undertake a critical operation or that expose it to material operational risk.

APRA will continue to supervise CPS 230 compliance through its established supervision programme (2025 – 2028) and provide prudential insights to Government where appropriate.
