



4 December 2018

Jennifer Vincent  
Independent Pricing and Regulatory Tribunal  
2-24 Rawson Place  
Sydney NSW 2000

By email: [Jennifer\\_Vincent@ipart.nsw.gov.au](mailto:Jennifer_Vincent@ipart.nsw.gov.au)

Dear Jennifer,

**Submission on the Draft Terms of Reference for Independent Pricing and Regulatory Tribunal review of pricing regulation of Electronic Conveyancing Network Operators in NSW**

InfoTrack Pty Ltd (InfoTrack) is grateful for the opportunity to provide comments on the Draft Terms of Reference for the Independent Pricing and Regulatory Tribunal's (IPART) review of pricing regulation of electronic conveyancing network operators in NSW.

InfoTrack is a technology company that provides integrated searching and innovative services for professionals, businesses and individuals with property, company and personal search needs. The Infotrack platform features over 4,500 unique searches and services available with a single InfoTrack login, saving our clients valuable time, and integrates with over 30 practice management and document management systems.

Relevantly, InfoTrack supports lawyers and conveyancers through every step of the conveyancing process. For those clients who require manual support we have a team of experienced settlement agents across Australia, and for those in Victoria and other states who are transition to e-Conveyancing, InfoTrack provides a flexible yet complete e-Conveyancing workflow that assists those clients implement the digital transformation at a pace that works for their firm and their clients.

Consistent feedback from InfoTrack's client base, made up of over 25,000 users across Australia, from single lawyer firms, to the largest national and multinational firms, has been that competition and choice is expected in the electronic settlement market. Clients have recently told us that they are concerned that a monopoly position will have adverse effects on pricing, technological advancements, and ultimately consumers. InfoTrack clients have indicated that they are more likely to settle electronically if the time and efficiency gains are evident, the transaction fees make sense commercially and the transactions are secure. Clients have also mentioned that they will be more inclined to transition to e-Conveyancing when there is more than one entrant, so that risks of redundancy are removed (for example, what happens if one ELNO is experiences issues or is inoperable? With more than own ELNO, users can switch to another operator and transactions can continue to take place.)

The industry has already un-necessarily experienced security issues whereby settlement funds were transferred into fraudulent accounts. Competition will ensure the ELNO's compete for the most

seamless, secure service that balances the flexibility requirements of the solicitors and conveyancers with the security requirements of the consumer.

InfoTrack suggests that, following its market review, IPART should first consider whether pricing regulation is appropriate having regard to the state of the market which will (or will be likely to) exist at the time such pricing regulation would be introduced. As mentioned above, InfoTrack also requests IPART to consider the benefits of free market economics will have on price and innovation.

InfoTrack does consider, however, that the best interests of consumers and users of ELNOs should be considered in respect of issues such as competition and choice. In light of the above comments, InfoTrack makes the following specific comments on the Draft Terms of Reference:

1. Task (a) requires IPART to consider the 'electronic conveyancing process'. The draft Terms of Reference do not provide a definition for this term, and InfoTrack suggests that a definition be provided to broadly encapsulate the electronic conveyancing market generally;
2. Task (a) also requires IPART to consider only the 'current state' of the electronic conveyancing process. InfoTrack recommends that this be expanded to the 'current and future state', for the reasons expressed above;
3. InfoTrack submits that Task (a) should require IPART to consider:
  - a. the benefits of that more than one ELNO will bring in fostering competition in what has been, to date, a market controlled by a monopoly; and
  - b. the benefits of choice on user experience.
4. InfoTrack considers that an additional task should be added prior to the existing Task (b), which requires IPART to first consider whether a pricing regulatory framework will be appropriate in light of its findings concerning the current and future state of the market.
5. Further, Task (b) requires IPART to recommend an appropriate pricing regulatory framework and directs that the recommended framework should include a price cap. InfoTrack submits that the Terms of Reference should permit IPART to determine both the appropriateness of a framework and then the form that framework should take. InfoTrack urges IPART to consider the impact that such a framework will have on frequent users of this service, namely lawyers and conveyancers. As such, InfoTrack suggests that this task should instead require IPART to 'recommend an appropriate pricing framework if IPART forms the view that a pricing framework is necessary and desirable, so as to ensure that this market is not stifled.

InfoTrack would welcome the opportunity to engage further with IPART with respect to its submission.

Yours faithfully  
**InfoTrack Pty Ltd**



John Ahern  
Chief Executive Officer