



Our Reference: FILE18/72720

Ms Jennifer Vincent  
Director  
Independent Pricing and Regulatory Tribunal  
Via email: Jennifer\_Vincent@ipart.nsw.gov.au

Dear Ms Vincent

**Pricing regulation of Electronic Conveyancing Network Operators in NSW –  
comments to the draft terms of reference**

Thank you for the opportunity to comment on the draft Terms of Reference (TOR). IPART's review of pricing in the electronic conveyancing market is critical, given that NSW has mandated 100% of mainstream documents be lodged through digital means by 1 July 2019.

Over the past months, this market has continued to evolve, with sectors of the market indicating their intention to charge electronic lodgment network operators (ELNOs) for essential services. It's important that IPART's review reveals the true cost of the electronic conveyancing system in NSW. I therefore draw your attention to the following items, and request that your review extend to these matters – noting that they may already be within scope of the existing draft TOR:

- **Land registry fees** – the operator of NSW's land titles registry, NSW Land Registry Services (NSW LRS) has signalled its intention to charge ELNOs fees attributable to costs of building new systems, testing and ongoing maintenance. In the future, these fees may extend to services provided by NSW LRS for an 'interoperability' solution, which would permit customers to use different ELNOs to settle the one transaction.

Fees that NSW LRS charges to ELNOs for these costs, or for interoperability services, are subject to my approval, as Registrar General. I welcome IPART's review of these ELNO fees, to ensure they are appropriate and set at the right level, considering the operator costs of providing this service and protecting the end user of the system.

- **Revenue NSW fees** – Revenue NSW may also charge ELNOs fees attributable to costs of building new systems, testing and ongoing maintenance. It is important that fees charged by Government are subject to the same level of scrutiny as those of the private sector, and I welcome IPART's review of these fees.
- **Other pricing considerations** – I would also be grateful for IPART's consideration of the various components of ELNOs' current pricing, including treatment of pass-through payments; the most appropriate approach for publishing pricing; and your views on whether it is preferable for ELNOs to charge the same prices across Australia, or whether different price points in different States are acceptable.

Inclusion of these matters will help NSW establish a fair and well considered pricing framework at this critical point of eConveyancing. If you have any further queries about this letter, please contact Danusia Cameron, Director, Contracts & Regulation (danusia.cameron@finance.nsw.gov.au; [REDACTED])

Yours sincerely

[REDACTED]  
**Jeremy Cox**  
Registrar General  
Date: 4 December 2018