




Speech By  
**Curtis Pitt**

**MEMBER FOR MULGRAVE**

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## **ELECTRONIC CONVEYANCING NATIONAL LAW (QUEENSLAND) BILL**

 **Mr PITT** (Mulgrave—ALP) (12.19 pm): I rise to make a contribution on behalf of the Labor opposition to the debate on the Electronic Conveyancing National Law (Queensland) Bill 2012. I can indicate that the opposition will be supporting the legislation. I would like to add my voice to some of the more sensible elements of this debate. Like other Australian jurisdictions, Queensland operates under the Torrens system of land title registration. It is a system that is well established and widely recognised as world's best practice. In short, interest on land is registered with a central government registry, whereby all legal interests on land are registered and those registered interests are supported by state guarantee of title.

As already outlined, in Queensland the freehold land register has been kept in electronic form since 1994. That is, paper hard copies of legal and financial documents have been converted to electronic files to enable more effective handling, such as allowing better processing and filing and to support easier searches. The move to e-conveyancing, as envisaged in this legislation, would enable the documents to be prepared in electronic form and lodged directly with the electronic register.

This legislation is the action required by the Queensland Parliament to implement national e-conveyancing reforms. These national reforms stem from the 2008 COAG agreement with states, territories and the Commonwealth, committing them to the promotion of a seamless national economy. In relation to these specific reforms, agreement was reached in 2011 on the Intergovernmental Agreement for an Electronic Conveyancing National Law, an agreement that Queensland signed up to and it remains a signatory. New South Wales was nominated as the host jurisdiction, with other jurisdictions to subsequently implement the national laws.

The legislation introduces changes to how interests can be lodged, not the substantial law, that is, this reform enables electronic filing of documents, within the existing framework of the Torrens system of land title. The paper process will still be available should individuals or legal operators prefer that option. The electronic option will be voluntary and individuals completing their own settlement will continue to use the paper based process.

The enabling of electronic forms and automatic electronic filing will make the practicalities of property transfers far more efficient and cost effective. For example, the reforms will remove the requirement for paper documents to be signed and the need for a physical attendance at settlement. There are also reforms to allow electronic transfer of duties and conveyancing payments, which can replace the need for lawyers and financial institutions to physically meet and hand over cheques. These reforms are progressing outside this as Queensland does not regulate financial institutions, but is consistent with the national reform agenda and this Queensland legislation.

The former Labor government signed up to national reforms promoting a seamless economy, including the 2011 Intergovernmental Agreement for an Electronic Conveyancing National Law. The Queensland Labor opposition supports this legislation as the implementation of that national reform. As the committee report makes clear, Queensland will be the third jurisdiction to introduce the reforms

and much work has already been undertaken to ensure the system can be implemented. At page 3 the report outlines—

The initial e-conveyancing platform to be called 'Property Exchange Australia (PEXA)' is being developed by National e-Conveyancing Development Ltd (NECDL), a company limited by shares and majority-owned by the governments of Queensland, Victoria, New South Wales and Western Australia. Australia's largest financial institutions also hold a minority shareholding.

The Australian Registrars' National Electronic Conveyancing Council (ARNECC) which comprises state and territory registrars of titles is managing the implementation and ongoing management of the regulatory framework. According to ARNECC, participation in e-conveyancing will be optional, and there is no present intention to make participation mandatory, or to remove paper-based conveyancing.

Submissions were made to the Parliamentary Agriculture, Resources and Environment Committee by the Queensland Law Society, in support of the national reforms and this bill. Importantly, the Queensland Law Society also notes that state and federal legal representative bodies were heavily involved in the national negotiations to develop the national legislation. In implementing this national reform, it may serve as a reminder to the Queensland government of the benefits that can be gained from genuine and wholesome consultation in policy development and legislative reform. Submissions were also received from the Australian Bankers Association, which strongly supports a consistent national approach and this legislation in particular.

In conclusion, this is a sensible implementation of national reform that has been developed over several years, in cooperation with the Commonwealth and interstate governments. These reforms will have practical benefits for legal practitioners, financial institutions and consumers. I also remark on these bipartisan reforms and appeal to members to engage in this debate in the appropriate manner. I wonder whether we will see a mature debate in the chamber—I hope we do—or whether the government will send in a long line of new representatives who may not recognise the history of the issue.

In addition, I certainly note the specific and practical benefits that will flow from the changes. These reforms demonstrate what can be achieved through positive engagement in the national reform process. It reminds us that, rather than picking a political fight with Canberra on every occasion, every now and then a mature approach to negotiations with Commonwealth and interstate counterparts can actually produce real results. It actually does happen in reality. In commending this bill to the House, I hope today's debate will recommit the government to proactive participation in national reform. I am a very big believer in cooperative federalism. Certainly in this context the government can put the interests of Queenslanders before political posturing. I hope that is what we do see.