



## Office of the Registrar General

Our Reference: BN-01539-2025

Mr Philip Joyce  
Chief Executive Officer  
Sympli Australia Pty Limited

By email:  
cc:

Dear Mr Joyce

### Direction under NSW Operating Requirement 5.3(i)

#### Background

The Australian Registrars' National Electronic Conveyancing Council (**ARNECC**) is overseeing the reform to establish interoperability between Electronic Lodgment Network Operators (**ELNOs**). It is a legislative requirement for ELNOs to establish interoperability, pursuant to section 18A of the Electronic Conveyancing National Law (**ECNL**).

On 26 June 2024, ARNECC paused the design, build and test work for interoperability and stood down the interoperability program team, primarily due to concerns with the program raised by banks. On 20 September 2024, ARNECC stated that NSW and Qld would undertake work to analyse and research options to inform next steps for the reform.

A key issue for the reform is banks' concerns that the scope of the interoperability solution is not sufficient to deliver equivalent functionality across single-Electronic Lodgment Network (**ELN**) and interoperable transactions, which will cause a degraded user experience and increased risk of settlement delay and failure.

In response, ARNECC has determined to engage a reviewer(s) to conduct a functional requirements review of the interoperability program.

#### Basis of direction under Operating Requirement 5.3(i)

Section 18A of the ECNL requires an ELNO to establish and maintain interoperability between its ELN and the ELN of each other ELNO, in accordance with the Operating Requirements (**ORs**).

OR 5.2.2 requires an ELNO to design, build and test all technical and functional capability for Releases 1, 2 and 3, as described in that clause.

OR 5.7.7(b) requires an ELNO to ensure that the standard of performance of its ELN in an Interoperable Electronic Workspace is equivalent to the performance of its ELN in a non-interoperable Electronic Workspace.

The equivalence requirement at OR 5.7.7(b) requires ELNOs to ensure that the functionality provided to Subscribers in an Electronic Workspace is also provided in an interoperable Electronic Workspace. This is consistent with a key guiding principle of interoperability published by ARNECC, that interoperability maintains or enhances Subscriber experience by facilitating the delivery of functions and services of the ELN chosen by the customer.<sup>1</sup>

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|------------------------------|------------------|
| Document tendered by         | Mr John Ahern    |
| Received by                  | Samantha Jeffery |
| Date:                        | 5 / 11 / 25      |
| Resolved to publish Yes / No |                  |

<sup>1</sup> See ARNECC's Key Guiding Principles for Interoperability dated 16 November 2024, <https://www.arnecc.gov.au/wp-content/uploads/2023/11/Key-Guiding-principles-as-approved-by-ARNECC-002.pdf>.

To comply with OR 5.2.2 and 5.7.7(b), it is essential that ELNOs exchange all necessary data and information between their ELNs to enable each ELNO to deliver its functions and services. This requires ELNOs to:

- contribute to and support a comprehensive interoperability scope which facilitates the delivery of all ELN functions and services in an Interoperable Electronic Workspace; and
- facilitate the development of a National Electronic Conveyancing Interoperability Data Standard (**NECIDS**) to govern the exchange of all data between ELNs to deliver the comprehensive scope.

The functional requirements review will facilitate the development of a comprehensive interoperability scope and, in turn, assist each ELNO to achieve compliance with OR 5.2.2 and 5.7.7(b), as described above. ELNOs' cooperation and contribution to the review is critical to ensuring that it achieves the necessary outcomes.

**Direction issued pursuant to Operating Requirements 5.3(i)**

I, Danusia Cameron, pursuant to Operating Requirements 5.3(i), from the date of this letter until further notice, hereby direct Sympli to:

- a) Comply with the Terms of Reference issued by ARNECC to each ELNO on 8 May 2025, and in furtherance of compliance take the following steps:
  - i. comply with the protocols, processes and requirements determined by the Registrar, the reviewer(s) or any other experts engaged in the course of the review;
  - ii. provide all information required to support the review in a timely manner, including any information, whether confidential or proprietary, requested by the reviewer(s) or any other experts engaged in the course of the review to support the review that is relevant to the scope of the review as set out in the Terms of Reference;
  - iii. comply with any reasonable request of the reviewer(s) or any other experts engaged in the course of the review to support the review;
  - iv. make available relevant subject matter and technical experts to attend workshops with the reviewer(s) upon reasonable notice; and
  - v. conduct impact assessments to assess any impacts on the process for completion of a conveyancing transaction (including an associated financial transaction) that may occur as a result of the inclusion or exclusion of certain data elements, and provide results of those assessments to the reviewer(s);
- b) Participate in good faith in the functional requirements review; and
- c) Take all reasonable steps to facilitate achieving the purpose of the review, including to provide any necessary consents to third parties to enable their participation in the functional review, and refrain from taking any actions or steps that may frustrate achieving the purpose of the review as set out in the Terms of Reference.

I have issued a direction in the same terms to PEXA.

How information provided by Sympli will be used

Information provided by Sympli for the review generally will be used in accordance with the Terms of Reference for the review, and any non-disclosure agreement entered into. With such measures in place, claims of confidentiality and intellectual property will not be accepted as a basis for not complying with this direction.

Yours sincerely

**Danusia Cameron**  
**Registrar General**

Date: 21/05/25