

## **INQUIRY INTO COMPETITION REFORMS IN ELECTRONIC CONVEYANCING**

**Organisation:** The Law Society of NSW

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25 September 2025

Chair

Select Committee on Competition Reforms in Electronic Conveyancing  
NSW Legislative Council

Via [online portal](#)

Dear Chair,

## **INQUIRY INTO COMPETITION REFORMS IN ELECTRONIC CONVEYANCING**

Thank you for the opportunity to provide feedback to the Inquiry into Competition Reforms in Electronic Conveyancing. The Law Society's Property Law Committee contributed to this submission.

The Law Society has long supported eConveyancing and the development of interoperability between Electronic Lodgment Network Operators (**ELNOs**). Interoperability will provide our members with the ability to conduct electronic conveyancing transactions using the ELNO of their choosing, without the need to subscribe to multiple ELNOs. In the absence of interoperability, all the parties' representatives in the transaction must use the same ELNO, which would be problematic.

The Law Society has been part of an ongoing process of consultation, over a number of years, to support progress towards interoperability in eConveyancing. There have been unfortunate delays in that progress for multiple reasons which include the complex technical nature of building for interoperability and the need for a level of standardisation, as required for lodgments by the land registries, revenue offices and financial institutions. However, it is critical that the interoperability system is fit for purpose, and can deliver a seamless experience for participants in the transaction. It must also provide consumers with the same level of security and certainty as a non-interoperable transaction.

Interoperability will add increased resilience to the eConveyancing system. However, it will only eliminate the single point of failure issue if all parties to the relevant transaction are subscribers to the proposed alternative ELNO, allowing them to settle the transaction using that alternative ELNO. In a practical sense, we also anticipate that by the time the parties prepare for settlement in the alternative ELNO, any difficulty in using the original proposed ELNO, such as an outage, is likely to have been resolved.

The eConveyancing market continues to evolve. At present, there are two ELNOs: Property Exchange Australia (**PEXA**) and Sympli. The potential third ELNO, Lextech Pty Ltd, has withdrawn from the market.<sup>1</sup> Sympli has also proposed<sup>2</sup> a 'practitioner-first' release in the short term. Under this model, a subscriber such

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<sup>1</sup> Annie Kane, 'Interoperability hits another snag as LEXTECH withdraws', *The Adviser* (online), 13 May 2025, <https://www.theadviser.com.au/tech/47056-interoperability-hits-another-snap-as-lextech-withdraws>.

<sup>2</sup> Sympli, 'Sympli calls on Government to enable choice through a 'practitioner-first' interoperability release' (online), 6 June 2025, <https://www.sympli.com.au/media/sympli-calls-on-government-to-enable-choice-through-a-practitioner-first-interoperability-release/>.

as a solicitor or bank can interface with Sympli, and then PEXA is responsible for effecting registration and financial settlement.

We set out our comments in relation to the second and third term of reference of the Inquiry.

#### **(b) Current pricing and opportunities to drive competition via pricing action**

In our recent submission to the review being conducted by the Independent Pricing and Regulatory Tribunal<sup>3</sup> on ELNO service fees, we supported extending the current approach to the regulation of ELNO service fees until 30 June 2028. The current approach is stipulated in Requirement 5.4.3 of the Model Operating Requirements version 7.1 which states:

From 1 July 2019 to 30 June 2026, an ELNO may increase the ELNO Service Fees as listed in its Pricing Table, once every Financial Year on 1 July, provided that the percentage increase in the revised ELNO Service Fees does not exceed the percentage increase in the CPI for the immediately preceding March quarter when compared with the CPI for the March quarter of the previous year.<sup>4</sup>

Until such time as Sympli builds a significant offering and market share, in our view, the continued regulation of ELNO fees is warranted. We consider that an annual increase, limited to the increase in the CPI is appropriate, at least in the short term.

In relation to 'opportunities to drive competition via pricing action', there is an existing degree of competition via pricing, having regard to the current pricing schedules of PEXA<sup>5</sup> and Sympli.<sup>6</sup> However, without interoperability, it is difficult to envisage that solicitors and other subscribers will move between ELNOs, based on marginally different service fees, particularly given the training and onboarding costs to the firm in subscribing to multiple ELNOs. We also note that ELNO service fees are a small component of the overall cost of a conveyancing transaction.

#### **(c) New South Wales' commitment to deliver interoperability to the market by December 2025, including the status of the reform, the process for execution and the transparency of progress**

In relation to the status of the reform, we note the current review being undertaken by the Australian Registrars' National Electronic Conveyancing Council (**ARNECC**), announced in February this year.<sup>7</sup> The review involves three main steps:

- ARNECC is commissioning an in-depth review of the functional requirements for interoperability. This will involve an independent consultant engaging with ELNOs and Subscribers to develop a functional scope

<sup>3</sup> Details of the current consultation are available at: <https://www.ipart.nsw.gov.au/review/other-industries-electronic-conveyancing/review-electronic-lodgment-network-operator-service-fees>.

<sup>4</sup> Australian Registrars' National Electronic Conveyancing Council (**ARNECC**), *Model Operating Requirements*, Version 7.1, Operating Requirement 5.4, February 2025 <https://www.arnecc.gov.au/wp-content/uploads/2025/03/Model-Operating-Requirements-Version-7.1-Clean.pdf>.

<sup>5</sup> PEXA, 'PEXA Pricing Schedule Effective from 1 July 2025' <https://www.pexa.com.au/pricing/>.

<sup>6</sup> Sympli, 'Our Pricing Effective 1 July 2025' <https://www.sympli.com.au/wp-content/uploads/Sympli-Fee-FY26-1.pdf>.

<sup>7</sup> ARNECC, 'Next Steps on Interoperability', 19 February 2025, <https://www.arnecc.gov.au/wp-content/uploads/2025/02/Next-Steps-on-Interoperability-19-Feb-2025.pdf>.

for interoperability that are necessary to maintain an equivalent subscriber experience for interoperable and noninteroperable transactions.

- ARNECC is commissioning an updated cost benefit analysis to test whether the direct connect interoperability model continues to be the most appropriate model. This review will take place at the same time as the functional requirements review.
- ARNECC will create a new governance structure to oversee the review program of work.<sup>8</sup>

Given the previous pause on interoperability in June 2024,<sup>9</sup> we regard the current review being carried out by ARNECC as an appropriate way to progress towards interoperability. We also note the update on the review provided by ARNECC on 23 July 2025<sup>10</sup> which provides some transparency in relation to progress.

As part of the current review, we note that ARNECC will undertake a review of the eConveyancing regulatory framework. We welcome that development as it will provide an important opportunity to consider whether the regulatory framework is appropriately robust for interoperable transactions. For example, we suggest further consideration should be given to the lack of transparency of matters addressed in interoperability agreements between ELNOs. We suggest it is preferable to minimise the content of interoperability agreements between ELNOs. Wherever possible, standard provisions for such interoperability agreements should be prescribed in the Model Operating Requirements, providing transparency for all stakeholders and any potential entrant to the ELNO market. Matters impacting subscribers and their clients, such as claims resolution and liability, should be regulated and transparent, and should not be matters left to negotiation between the ELNOs.

We will continue to monitor the ARNECC review with interest, and participate as appropriate. We also note the involvement of the national peak body for legal practitioners, the Law Council of Australia, in the current review.

Any questions in relation to this letter should be directed to

Yours faithfully,

**Jennifer Ball**  
President

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<sup>8</sup> Ibid.

<sup>9</sup> ARNECC, 'Ministerial Forum: National eConveyancing', 11 June 2024 <https://www.arnecc.gov.au/wp-content/uploads/2024/06/Ministers-Statement-Forum-11-June-2024.pdf>.

<sup>10</sup> ARNECC, '2025 Reviews Project Update', 23 July 2025 <https://www.arnecc.gov.au/wp-content/uploads/2025/07/ARNECC-Announcement-2025-Reviews-Project-Update-23-July-2025.pdf>.