



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: PLC:JBgl021225

2 December 2025

The Hon. Taylor Martin, MLC
Chair
Select Committee on Competition Reforms in Electronic Conveyancing
NSW Legislative Council

electronicconveyancing@parliament.nsw.gov.au

Dear Chair,

INQUIRY INTO COMPETITION REFORMS IN ELECTRONIC CONVEYANCING – SUPPLEMENTARY QUESTIONS

Thank you for the opportunity to respond to supplementary questions provided after the hearing on 5 November 2025 for the Inquiry into Competition Reforms in Electronic Conveyancing. The Chair of the Law Society's Property Law Committee, Mr Richard Harvey, appeared at the hearing on behalf of the Law Society.

Our responses to the supplementary questions are set out in the attached table. The Law Society's Property Law Committee contributed to this response.

Any questions in relation to this letter should be directed to Gabrielle Lea, Senior Policy Lawyer, at gabrielle.lea@lawsociety.com.au or on (02) 9926 0375.

Yours sincerely,

Jennifer Ball
President

Attachment

Select Committee on Competition Reforms in Electronic Conveyancing

Inquiry into Competition Reforms in Electronic Conveyancing – Supplementary Questions to Law Society of NSW



No.	Supplementary Questions	Law Society comments
1.	How might interoperability increase systemic or cyber risk compared with the current single- ELNO model?	We do not have sufficient technical expertise to answer this question.
2.	Should ARNECC be required to publish public outage data or incident reports?	We do not support the Australian Registrars' National Electronic Conveyancing Council (ARNECC) being required to publish public outage data or incident reports. We note that information about outages or incidents is available from PEXA and Sympli, and this is sufficient in our view.
3.	Do you agree that competition should not come at the expense of system reliability?	Yes, system reliability is critical, given the value, volume and importance of transactions now conducted through electronic conveyancing.
4.	How could ELNO pricing be regulated to protect small practitioners and consumers without stifling innovation?	We refer to our recent submission ¹ to the Independent Pricing and Regulatory Tribunal in which we supported extending the current approach to pricing, namely limiting the annual increase in Electronic Lodgment Network Operator (ELNO) fees to the increase in the Consumer Price Index, until 30 June 2028.
5.	The current implementation deadline is December 2025. What key conditions would need to be met before interoperability could safely go live?	We do not have sufficient technical expertise to answer this question.
6.	Should NSW advocate for a coordinated national extension of the deadline?	Yes, electronic conveyancing is a national reform.
7.	What form should public reporting of Registrar-General enforcement actions take?	In our view, that is a matter for the Registrar General to determine. However, we suggest that any public reporting be confined to successful enforcement actions, rather than those that are only commenced.
8.	Would you support an annual compliance report similar to those published by ASIC or IPART?	In our view, that is a matter for the Registrar General.

¹ The Law Society's submission to the Review of Electronic Lodgment Network Operator service fees by IPART is available [here](#).

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9.	What additional costs or administrative burdens would small legal practices face under a multi-ELNO model?	<p>All legal practices will face additional costs or administrative burdens under a multi-ELNO model including:</p> <ul style="list-style-type: none"> • Onboarding of the legal practice • Onboarding and verification of identity checks for staff • Initial and ongoing training of staff • Maintaining multiple digital certificates • Setting up trust account onboarding and compliance costs • Setting up and maintaining administrative arrangements for staff within the systems • Ongoing communications with the ELNO • Ongoing management of separate systems with each ELNO. <p>Where a lawyer needs to reconstitute a transaction on a new ELNO due to, for example, an outage, the time and administrative cost of this work will add substantially to the cost of the transaction which will probably need to be absorbed by the legal practice.</p> <p>Additionally, the potential risk of user error is greater when practitioners are required to use an ELNO platform that they have not previously used.</p>
10.	How could the government mitigate these impacts through subsidies, training, or transitional support?	The impacts would be ongoing. It would be difficult to quantify an appropriate subsidy.
11.	The NSW Productivity & Equality Commission called for greater competition. How should the government balance that goal with protecting the Torrens Title system?	The integrity and protection of the Torrens Title system is paramount.
12.	Should professional indemnity insurance reform precede any rollout of interoperability?	The relationship between these two topics is not apparent to us.