

Model Operating Requirements (MOR) Consultation Draft 7.2 Feedback

This table responds to the feedback received on Consultation Draft 7.2 of the MOR published in September 2023.

#	Rule	Stakeholder Feedback	Action	ARNECC Response
MOR 2.1 – Definitions				
1.	Settlement Transaction	It is recommended that MOR 10.8 is left as presently drafted (see further feedback at row 29).	Amended	This definition has been reinstated, as it appears in MOR 10.8 of MOR Version 6.2, to address the feedback below at row 29.
MOR 5 – Operation of ELN - National system and electronic Registry Instrument and other electronic Document capability				
2.	5.2.1	We are in unequivocal agreement to this amendment.	None	Feedback noted.
3.	5.2.2	The proposed timeframes for the delivery of the interoperability program are prematurely set. The scope that has been shared will not maintain the current level of service or functionality that is required to complete an eConveyancing Transaction for a customer under a non-interoperable framework. We do not support formalisation of timeframes in the MOR until matters relating to scope and functionality have been adequately addressed with banks and other subscribers. Further releases (of interoperability) should only be implemented once all functionality that is currently available via each ELNO for a non-interoperability transaction is built, and pilot transactions have been successfully conducted to test those functionalities.	None	ARNECC and the program team have undertaken considerable work to determine the scope and timetable for the releases of Interoperability, in close consultation with key stakeholders. While the scope and timetable are now settled, ARNECC has published key guiding principles to ensure the scope is relevant for all stakeholders at each stage of the reform. The timetable for the three releases of Interoperability, endorsed by ARNECC and included in MOR Version 7, is based on expert advice in relation to Interoperability Release 1, and is understood to be both reasonable and practical. ARNECC engaged systems integration experts to analyse Electronic Lodgment Network Operators' (ELNOs') software build schedules and methodology, with a view to recommending a rollout timetable that is both reasonable and practical given the different circumstances of each ELNO. Each release will only be implemented once the technical and functional capability of that release (provided for in the National Electronic Conveyancing Interoperability Data Standards) is designed, built, and tested.
4.	5.2.2	There should be an explicit requirement to carry out testing with a subscriber, such as a bank, and implement further testing where initial tests fails or do not reflect real-life scenarios (e.g. where ELNOs are staging a transaction or 'hand-holding' a transaction through to completion).	None	Interoperability testing with integrating parties and Subscribers, is a matter for the ELNOs. ARNECC's interoperability program will seek confirmation of successful testing. This operational detail is not appropriate for inclusion in the MOR.
5.	5.2.2	We are concerned that it is ARNECC's intention to update the MOR Guidance Notes to provide guidance on requirements for meeting this Operating Requirement. We understand that some jurisdictions may not be ready or scheduled to meet this timetable and will have the capability to issue a waiver to ELNOs under section 27 of the ECNL, in addition to the section 18A ECNL waivers currently in place. As we have experienced several delays to the program development, we are concerned that the ability to waiver compliance with this timetable will lead to further delays. We firmly believe that it is critically important to adhere to the Interoperability release timetable so that all stakeholders can implement appropriate business planning and change management. While it is acknowledged that Interoperability implementation is a complex process and may be on a staggered release timetable across various jurisdictions, states such as NSW and Victoria should clearly be mandated and prevented from allowing such waivers. Any further delay in the implementation timeline could disrupt customer benefits as well as cause undue uncertainty in Conveyancer business operations.	None	Interoperability functionality will be rolled out in stages. The Interoperability release timetable in MOR 5.2.2 will only apply to NSW and QLD at this stage. Interoperability will be rolled out in other jurisdictions following successful implementation in NSW and QLD. As the timetable for those subsequent releases is not yet determined, other jurisdictions will each issue a waiver for this requirement, until the timing for the releases of Interoperability in those other jurisdictions is finalised.
6.	5.2.2	Recommendation for adherence to interoperability transfer completion dates set by ARNECC – specifically, December 2025. It is recommended that enforceable milestones be specified in the MOR to ensure proposed interoperability reforms are implemented promptly and efficiently. It is critically important to adhere to the December 2025 date for release 3 (transfers) to ARNECC to support business planning and change management. While it is acknowledged that interoperability implementation is a complex process, any further deviation from this timeline could disrupt customer benefits as well as cause undue uncertainty. To mitigate against further implementation dates, interoperability transfer implementation and completion dates should be mandated in the MOR to ensure accountability.	None	Feedback noted. See row 3 above. ARNECC does not intend to include additional milestone dates in the MOR. However, the Interoperability program will continue to project manage the roll out of Interoperability according to standard project management principles, including setting and monitoring milestones and escalating matters where necessary.
7.	5.2.2	MOR 5.2.2 provides the Registrar with the discretion (acting reasonably) to vary dates of effect for the commencement of the functions supported by each of the proposed Releases. In making such a decision it is not unreasonable that the Registrar should give consideration to the impacts	None	Feedback noted.

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		that any decision to defer the commencement date for a release may have on other ELNO(s). It is conceivable that any delay would introduce additional costs and/or lost revenue. Given the history of eConveyancing interoperability, the potential of this risk to be realised cannot be ignored.		
8.	5.2.2	We are in unequivocal agreement to this amendment. The amendments allow for a clear timeline to interoperability, with the expectation that all current and future ELNOs comply.	None	Feedback noted.
9.	5.2.2	In the current timeline, Registry Instruments and Documents are set to be interoperable by December 2025. To ensure this is possible the data specifications for residual documents will need to be made available between ELNOs to allow them to plan a roadmap for the delivery of those documents before Interoperability deadlines. No timelines have been incorporated into the MORs for the delivery of residual documents which could potentially cause delays around testing scope. If the intention is to ensure all technical and functional capability is tested, it is critical that the residual document framework is finalised for all ELNOs before interoperability is tested and deployed.	None	Feedback noted.
10.	5.2.2	The timelines for Releases 2 and 3 should be deferred at this time and reconsidered when: (a) there is sufficient certainty about the scope of work involved Releases 2 and 3; and (b) independent advice is obtained, in consultation with industry. The capacity for ELNOs to complete the work required for Releases 2 and 3 needs to be factored into a combined timetable. Other parts of the regulatory framework that need to be completed prior to the commencement of interoperability at scale include: <ul style="list-style-type: none"> - Passage of the remaining legislation to address matters raised in the NSW Parliament and by stakeholders. - The transfer of stewardship of the NECDS, NECIDS and Residual Document Configuration spreadsheet to the new ARNECC controlled NECDS Ltd. - New network governance and risk / liability allocation arrangements to support a multi-ELNO interoperable environment. - Planning and support for industry's transition, to minimise the risks of disruption to the large number of practitioner and lenders whose businesses and customers are likely to be impacted by the changes, even if they do not choose to change ELNO (i.e. because one of their counterparties does change ELNO). - Increased resourcing for ARNECC member organisations to enable them to fulfill the above functions. 	None	See row 3 above. ARNECC is supportive of delivering Interoperability functionality to market without delay and considers that embedding the release timetable in the MOR is pertinent. ARNECC's interoperability program team continues to work closely with key stakeholders to obtain the necessary detail to prepare a combined timetable (that includes deliverables for Interoperability, and for each ELNOs' general eConveyancing rollout). ARNECC is mindful of the work to be done before the rollout of Interoperability and notes that some of these points relate to matters beyond Interoperability or beyond ARNECC's purview.
11.	5.2.2	It is crucial that ARNECC retain the dates for implementation of full interoperability by the end of 2025 in the published MOR. Without this there is nothing to hold the incumbent monopoly accountable to ensure the reforms remain on track. Give full support to retaining the 2025 dates for full interoperability in the MOR and for this to be finalised urgently by ARNECC.	None	Feedback noted.
12.	5.2.2	We strongly support the inclusion of dates for Release 1, Release 2 and Release 3 in Operating Requirement (OR) 5.2.2. The current drafting of OR 5.2.2(b) should be expanded to require implementation of Release 2 and 3 by 31 December 2025 consistent with the drafting of OR 5.2.2(a) and the outcome of the Accenture review which has informed these dates.	None	Feedback noted but not adopted. ELNOs will need to work with all parties to ensure a smooth transition to Interoperability, following successful testing.
13.	5.2.3	The inclusion of the mechanism in OR 5.2.3 allowing the Registrar to extend the date of compliance for any part of OR 5.2.2 is sufficient to manage any events outside of an ELNO's control that would delay implementation of interoperability, and therefore Releases 2 and 3 should not be treated differently to Releases in this respect.	None	Feedback noted.
14.	5.2.3 and 5.2.4	We are in unequivocal agreement to these amendments.	None	Feedback noted.
15.	Note to MOR 5.2	Further detail is required on when these reviews (including scope, timing, resources, and governance etc.) would take place as this will allow Registries to prepare a timeline to ensure there is alignment with when the Electronic Lodgment Network Operators (ELNO) will need to finalise their build and testing to cater for releases.	None	Independent system readiness reviews will be undertaken as appropriate.
16.	Note to MOR 5.2	It is not clear whether the independent system readiness review will consider the manner in which Release 3 should be implemented, or whether it is an intended pre-requisite for implementation at every stage – Release 1, Release 2 and Release 3. This should be clarified.	None	Independent system readiness reviews will be undertaken as appropriate. ARNECC does not intend to publish these reviews but will advise stakeholders of the overall outcome of the reviews.

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		We support an independent system readiness review prior to the implementation of each Release. These reviews and their findings should be published. This is a necessary step to ensure interoperability does not inadvertently cause harm and so that problems can be rectified early. This system readiness review process should also be factored into the timetable for each Release.		
MOR 5 – Operation of ELN - General obligations				
17.	5.3(j)	The expansion of OR 5.3(j) to require notification to “any affected ELNOs with which it Interoperates” is unnecessarily broad in relation to events that have the potential to pose a reputational risk to the ELN (per OR 5.3(j)(ii)). This requirement may have significant competition implications where an ELNO is required to notify other ELNOs of reputational risk events relating to its own ELN, particularly where that event does not otherwise pose a reputational risk to the Titles Register or the Registrar. Reputational risks events should be carved out of this notification requirement.	None	Feedback noted but not adopted. ARNECC considers that ELNOs will need to know about potential risks relating to any Electronic Lodgment Network that it is Interoperating with.
MOR 5 – Operation of ELN – Separation				
18.	5.6	There should be a specific prohibition in the MOR preventing an ELNO or any related entity from providing conveyancing services.	None	Feedback noted but not adopted. ARNECC is engaging an external consultant to review the separation framework in the MOR. This issue will be considered as part of that review.
MOR 5 – Operation of ELN – Integration				
19.	5.5	It is recommended that ARNECC include a provision in the MOR to require ELNOs to complete updates to their integration with Subscribers before going live with interoperability. Current levels of integration, key integration points and scope of work should also be maintained and adopted in an interoperable transaction that is identical to a non-interoperable transaction.	None	Feedback noted but not adopted. Integrating parties and Subscribers should work with their ELNO(s) with respect to this.
MOR 5 – Operation of ELN – Interoperability framework				
20.	5.7.7	<p>Section 5.7.7 of the MOR requires an ELNO to interoperate with all ELNOs on an equivalent basis and ensure that the standard of performance of its Electronic Lodgment Network (ELN) is equivalent to the performance of its ELN in an interoperable and non-interoperable workspace. Equivalent basis, for the purposes of section 5.7, is defined as using the same processes and systems in implementing interoperability. However, this section does not make explicit reference to the level of functionality for a subscriber.</p> <p>In our view, use of the same processes and systems is not sufficient to enable a successful interoperability transaction to take place unless functionality is included. Subscribers should be able to expect the same user interface and experience, which are reliant on functionality, regardless of whether it is a non-interoperable or interoperable transaction. Any reduction in existing levels of functionality will impact on settlement timelines and may increase the incidence of failed or delayed settlements, reducing certainty for all parties involved in the transaction, particularly the customer.</p> <p>It is requested that functionality is included in section 5.7.7 to ensure all ELNOs commit to a minimum level of functionality, and at a minimum their current offering available for a non-interoperable transaction, to allow customers true choice across platforms and ensure subscribers and financial institutions can operate the same process across all types of transactions and continue to meet requirements to settle on time for the benefit of customers.</p>	None	<p>Feedback noted but not adopted.</p> <p>Interoperability will allow for the exchanging of data (through Application Programming Interfaces) between ELNO workspaces but will not require the sharing of process flows, or create new process flows specific to each ELNO, financial institution, or other key stakeholder.</p> <p>ARNECC is not mandating a minimum level of functionality as this would potentially stifle innovation but rather the current functionality provided in a standalone workspace should be provided in an interoperable one. Hence a key guiding principle of Interoperability is that it maintains or enhances the customer experience in keeping with the capability and experience of the Electronic Lodgment Network (ELN) chosen by the customer.</p> <p>User experience is a matter for each ELNO and their customers.</p> <p>ARNECC encourages financial institutions and other Subscribers to liaise with the ELNOs, to ensure that the functions and feature that each financial institution or other Subscriber requires, is included in the ELNs' platform.</p>
21.	5.7.7	<p>Strongly support the inclusion of MOR 5.7.7(b) for an ELNO to ensure that the standard of performance of an ELN in an Interoperable Electronic Workspace is equivalent to performance in a non-interoperable Electronic Workspace. For interoperability to fulfill its goal of facilitating effective competition in the industry and provide true choice across platforms, ELNOs must support a robust Interoperability solution that supports existing user workflows and processes. In our view, OR 5.7.7(b) therefore extends to ensuring an ELN's functionality is equivalent across both Interoperable and non-interoperable Electronic Workspaces.</p> <p>We recommend and support the inclusion of further detail in the MOR Guidance Notes to highlight that the performance requirement contained in OR 5.7.7(b) includes specifically that ELNs are required to ensure that features available in non-Interoperable Electronic Workspaces are also available in Interoperable Electronic Workspaces.</p>	None	Feedback noted but not adopted. See row 20 above.

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MOR 6 – Testing – Further Testing				
22.	6.2	There is currently no requirement for ELNOs to develop a joint integration test plan or to provide notice to each other where an ELNO intends to make a change or issue a new release. Therefore, there is a risk that an ELNO testing and release program delays completion of interoperability.	None	Feedback noted. ARNECC's program team is finalising a testing strategy and plan, which will provide a full and comprehensive approach to all testing, including joint integration and end-to-end testing.
MOR 7 – Obligations regarding System Security and Integrity – Security of ELN				
23.	7.3.2	The proposed OR 7.3.2 requires an ELNO to obtain a SOC 2 Type 2 report "or other such report approved by the Registrar in writing, which approval may not be unreasonably withheld...". The existing Independent Certifications obtained as part of the Schedule 2, Category 3 reporting requirements are substantially similar to what would be provided / required by a SOC 2 Type 2 report. Would the existing reporting requirement be considered an appropriate alternative for the purposes of 7.3.2?	None	Feedback noted but not adopted. The intention of an alternate report, other than a SOC 2 Type 2 report, is to enable an ELNO to choose to provide a report of a higher recognised standard if available. A written request to the Registrars to accept an alternate report would need to contain substantial detail outlining how the alternate report, at a minimum, meets the same standards as a SOC 2 Type 2 report.
MOR 7 – Obligations regarding System Security and Integrity – Data				
24.	7.4.2	<p>The current drafting of OR 7.4.2(b) allows an ELNO to use information received from another ELNO involved in an Interoperable Electronic Workspace (emphasis added):</p> <p><i>"in accordance with these Operating Requirements"</i>.</p> <p>This drafting is too broad and should be amended to read, consistent with the approach adopted at OR 7.4.2(c), (emphasis added):</p> <p><i>"as required by these Operating Requirements"</i></p> <p>Information received by an ELNO involved in an Interoperable Electronic Workspace should only be used for the purpose for which it was shared (i.e., performing functions in the Interoperable Electronic Workspace per OR 7.2.4(a)) or as otherwise required by regulation or law.</p> <p>The current drafting of OR 7.4.2(b) effectively allows an ELNO to use information it receives in an Interoperable Electronic Workspace in any manner that is not directly prohibited or otherwise regulated through the MOR. The potential uses of the data received are incredibly broad, and unless the MOR intends to regulate all potential uses, ARNECC cannot have effective control or oversight over how ELNOs are using this information. As required by the MOR each ELNO has a Participation Agreement in place with its Subscribers. These Participation Agreements contain obligations on the ELNO in relation to use of Subscriber data. The current drafting is too broad to allow ELNOs to effectively manage these obligations and, as above, allows an ELNO which may not have a Participation Agreement in place with a Subscriber to use information it receives via an Interoperable Electronic Workspace in any manner 'in accordance' with the MOR.</p>	None	Feedback noted but not adopted. ARNECC considers the drafting of 7.4.2 effective, noting that data use is regulated by other provisions of the MOR, such as MOR 19.3.
MOR 7 – Obligations regarding System Security and Integrity – Data Breach Notification				
25.	7.11.2	<p>Given the broad definition of Data Breach the requirement at OR 7.11.2(a) that requires each ELNO to notify all other ELNOs it interoperates with of a Data Breach is too broad. We restate our previous submissions that this requirement to notify should be limited to where a Data Breach occurs in respect of an Interoperable Electronic Workspace, or where the Data Breach is relevant to Interoperability.</p> <p>We propose an amended OR 7.11.2(a) to read as follows:</p> <p><i>(a) Promptly provide:</i></p> <p><i>i. the Registrar; and</i></p> <p><i>ii. any of its affected Subscribers; and</i></p> <p><i>iii. If the Data Breach occurs in relation to an Interoperable Electronic Workspace or is otherwise deemed relevant to Interoperability, any ELNOs with which it Interoperates;</i></p> <p><i>all details in respect of that event...</i></p> <p>Required disclosure to a competitor of an event that may be captured as a Data Breach under the MOR, but is not required to be disclosed as a result of a commercial relationship or otherwise required under privacy laws, has the potential to cause significant harm to ELNOs.</p> <p>This level of information sharing is not standard between interconnected parties in any industry, unless it is directly relevant to that interconnection. Alternatively, if ARNECC is of the view that the breadth of this provision is appropriate, we propose that there is a requirement for ELNOs to keep the notification of a Data Breach confidential, unless notification to Subscribers or other third parties is required by law or under the MOR. This confidentiality requirement is essential to ensure that confidence in the Titles Register is maintained.</p>	None	Feedback noted but not adopted. ARNECC reiterates that a data breach may have an impact on another ELNO even where it does not occur in respect of an Interoperable Electronic Workspace and that ELNOs may negotiate confidentiality obligations in their Interoperability Agreements.

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MOR 9 – Risk Management – No increased risk of fraud or error				
26.	9.2(b)	Support the inclusion of Operating Requirement 9.2(b). Maintaining equivalence across all aspects of platform functionality is key to the objectives of this Operating Requirement.	None	Feedback noted.
MOR 10 – Minimum System Requirements – Data standards				
27.	10.3.2(a)	We note the intent of this change is to require “ELNOs to use the NECIDS to complete a Conveyancing Transaction, as defined in the ECNL, by means of Interoperability. In essence, this addition requires ELNOs to implement the scope (functions and features) of Interoperability; the scope items for each Interoperability release being outlined in the NECIDS”. However, without any specific examples we are concerned that this may allow for a diminution in currently available functions and features. All future interoperable transactions framework should offer the same function and features of current network transactions. To degrade the user experience through a reduction in the scope of interoperability from what is currently available is not acceptable. We support this provided that the defined scope items for each Interoperability release add to or increase the current scope and are unable to be downgraded.	None	Feedback noted but not adopted. See row 20 above.
28.	10.3.2(a)	It is recommended that: <ul style="list-style-type: none"> - the reference to ‘exchange all system messages’ should be amended to exclude the word ‘all’; and - associated financial transactions should be removed from the general obligation under MOR 10.3.2(a) and replaced with an obligation to undertake and complete associated financial transactions in accordance with the Industry Code. 	None	Feedback noted but not adopted. The NECIDS only provides for messaging between ELNOs not financial settlement itself. The NECIDS will contain data standards for the transfer of data regarding the financial line items. The Responsible ELNO will use this information to subsequently conduct the financial settlement, using its own interfaces with financial institutions.
MOR 10 – Minimum System Requirements - Presentation once Associated Financial Transaction is irrevocable				
29.	10.8	Associated financial transaction is defined as a transaction of a financial nature that is associated with a conveyancing transaction. The definition provides examples including transactions dealing with interests in land, and taxes, duties or fees payable in respect of the conveyancing transaction. However, the examples are not expressed to be exhaustive nor to limit the interpretation of which transactions are ‘associated’ with a conveyancing transaction. There are numerous financial transactions ‘associated’ with a conveyancing transaction that would not be irrevocable at the time the Registry Instrument should be presented for lodgment, for example, discharge of an unregistered loan or payment of disbursements, e.g. the conveyancer’s fees. It is recommended that MOR 10.8 is left as presently drafted and that the concept of ‘financial settlement’ be relied on as the basis of when registry documents can be presented for lodgment. In the alternative, it is recommended that the definition of ‘associated financial transaction’ be revised or MOR 10.8 redrafted to align with the existing definition. There could be a sub-definition of ‘associated financial transaction’ with a requirement that only these transactions be irrevocably completed or reserved prior to lodgment.	Amended	Feedback noted. Amendment made to reinstate the reference to ‘financial settlement’ (as in MOR Version 6.2) rather than ‘Associated Financial Transaction’ (as defined in the ECNL) and align drafting with MOR 10.9. ARNECC will further consider this requirement in a later version of the MOR.
MOR Schedule 8 – Interoperability Agreement Matters				
30.	Schedule 8	Schedule 8 does not extend to scope functionality, financial flows or minimum requirements relating to testing functionality. There is no reference to obligations of an ELNO where an error occurs in financial line items, etc. There is also no reference to obligations of an ELNO when an error occurs (such as incorrectly entering financial line items into the settlement schedule), including what is to occur when an error is made by an ELNO or a subscriber, and how the ELNO will either assist in rectifying the error (including addressing liability) or work with the subscriber to resolve the error. What is meant by ‘claims’ is not made clear in the Schedule.	None	Feedback noted but not adopted. Issues relating to financial settlement and the flow of monies are regulated by the Commonwealth. The Industry Code for e-Conveyancing Payments should address these issues. ‘Claims management’ is intended to cover any such claims as described in Schedule 8.
31.	Schedule 8	Several of the items flagged for inclusion in the Interoperability Agreement serve a public policy purpose (for e.g., privacy, security etc.). While these matters can be dealt with in the Interoperability Agreement, where such obligations only exist bilaterally between ELNOs, the sole method of enforcement is through bilateral action. Given the potential impact on Subscribers resulting from a failure of an ELNO to comply with these obligations, Registrars should have the ability to take action against an ELNO for breach of these items.	None	Feedback noted but not adopted. ARNECC reiterates that it is anticipated that Interoperability Agreements will contain largely operational matters or matters that give effect to existing obligations in the MORs or other law.

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		It is suggested, as appropriate, these obligations are either included in the body of the MOR or that a provision is inserted that states an ELNO must comply with the Interoperability Agreement.		
Additional comments				
32.	Compliance with eConveyancing Payments Industry Code	Submits it is critical that participation in the Industry Code and compliance by an ELNO with that Code be an Operating Requirement in MOR Version 7.	None	Feedback noted but not adopted. The effective date of the Industry Code and updating of the MOR are separate matters. It is preferable that the Industry Code be effective prior to updating the MOR which will then require ELNOs to participate in and comply with that Code.
33.	Interoperability fees	We note the removal of provisions relating to, and the definition of, Interoperability Service Fees in MOR 7.2 on the basis that this will be reconsidered for inclusion in the next version of the MOR (v8). Any fees paid by new entrant ELNOs to the incumbent in relation to their capital costs is contrary to the goal and success of competition. System rules risk favouring the incumbent as Responsible ELNO, despite the position that all ELNOs will be required to be capable of operating in an interoperable market and invest accordingly. However, we respect the process that was undertaken by the NSW Independent Pricing and Regulatory Tribunal (IPART) and support the outcomes reflected in the Final Report. The fees recommended by IPART will enable competition to succeed in the electronic conveyancing market, and supports the inclusion of these fees as recommended by IPART in the next version of the MOR.	None	Feedback noted.
34.	Innovation	The MOR does not set any requirements relating to innovation and the need for ELNOs to interact with one another in relation to interoperability improvements. At a minimum, the MOR should specify how ELNOs will engage and interact to ensure that the innovation benefits both an interoperable and non-interoperable transaction and require ELNOs to participate in any processes for dispute resolution and resolution of genuine intellectual property concerns. Failure to address these issues will exacerbate existing issues and make it unviable for any further entrants to participate in interoperability.	None	Feedback noted but not adopted. While key guiding principles of Interoperability are to enable competition and allow for innovation, these are a matter for the ELNOs and the market.
35.	Interoperability – scope and user experience	Recommendation for comprehensive and holistic inclusion [of scope] in Interoperability with regulations mandating equivalence in existing workflows and user experiences. Future interoperable transactions under the interoperability (IOP) framework should offer the same quality and standards as current 'on-network' transactions. There is currently potential for degraded user experience if interoperability scope is reduced from what is currently available. To mitigate against this risk materialising, all Electronic Lodgement Network Operator (ELNO) transactions, particularly those currently available 'on-network' must be mandated in the Model Operating Requirements (MOR) to ensure no transaction type is overlooked post IOP implementation.	None	Feedback noted but not adopted. Including the scope of Interoperability (operational program-level detail) in the MOR, would provide the program with little flexibility and is not detail that usually appears in regulatory frameworks. See row 20 above.
36.	Interoperability - scope	It is recommended to promote a competitive marketplace, genuine consumer choice and data concentration reduction by mandating interoperability scope requirements with associated guardrails aimed at fostering compliance and competition. To reduce anti-competitive behaviours in interoperability it may be necessary to implement policies that make penalties payable by ELNOs that do not provide holistic access to current (to be defined) 'on-network' transactions. Alternatively, interoperability regulatory policy should prevent financial penalties for subscribers choosing one ELNO over another.	None	Feedback noted but not adopted. The Australian Competition and Consumer Commission already exists as the regulator of competition.
37.	Interoperability - testing	Sections 6.1 and 6.2 of the MOR refer to a 'test plan'. The MOR defines test plan as a plan acceptable to the Registrar for the testing of the ELN. This means the Registrar can accept a test plan even if there is no explicit provision for testing with a subscriber, like a bank. It is requested that the Registrar consider how an ELNO will test its systems with a bank, acknowledging that insufficient testing with banks will increase the likelihood of failed transactions and settlements.	None	Feedback noted but not adopted. See row 4 above.
38.	Interoperability – improve governance arrangements and stakeholder participation	It is recommended to improve governance arrangements and stakeholder participation in governance arrangements to support timely and appropriately consultative and inclusive reform delivery.	None	Feedback noted but not adopted. This is an interoperability program matter. There is an interoperability governance framework in place for the reform that allows for stakeholder participation both generally and in target groups at appropriate times in the reform.
39.	Interoperability – integration testing	The interoperability framework at MOR 5.7 contains no substantial detail about how the parties might establish an appropriate methodology and operating procedure to ensure the integrity of the whole system. The Testing protocol at Schedule 8 is insufficient. More thought needs to be given to the establishment of a regime to support the integrations testing across all ELNOs within agreed testing and release windows.	None	Feedback noted but not adopted. This is operational detail that is being addressed at a program-level – it is not appropriate for inclusion in the MOR.

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40.	Interoperability readiness	Recommend developing rollback strategies if issues are encountered for specific jurisdictions after the ELNOs deploy changes into production.	None	Feedback noted.
41.	Interoperability - cyber security	It is recommended that cyber security be considered in greater detail for the MOR, in relation to interoperability.	None	Feedback noted. At an operational level, ARNECC's interoperability program team is working to ensure that the security and integrity of the eConveyancing ecosystem is maintained, and that the reform is secure by design. More generally, ARNECC commissions regular IT security reviews and the outcomes of these are then considered as part of the annual review of the MOR.
42.	Identity and credentials	It is recommended, in preparation for the national Digital ID system, to consider indicating the potential for ELNOs to adopt future online authentication credentials, if and when they become sufficiently mature, and perhaps establish a protocol for the Registrar to endorse their use.	None	Feedback noted.
43.	Use of term 'Promptly'	It is recommended that ARNECC consider using a term more specific than 'Promptly', particularly as it relates to addressing adverse findings from Service Organisation Controls 2 Type 2 (SOC 2 Type 2) reports (for example, section 7.3.2(b) refers to promptly taking any action required to ensure the ELNO's controls and processes are effective and rectify any identified weaknesses in the SOC 2 Type 2 report or such other report approved by the Registrar in writing).	None	Feedback noted but not adopted. The definition of Promptly requires action without delay but needs to be flexible as to the circumstances and specific MOR to which it relates.