

Model Operating Requirements (MOR) Version 7.2 Consultation Draft Feedback Table

This table provides feedback on the issues raised during consultation on the Model Operating Requirements Version 7.2 Consultation Draft published in February 2026.

#.		Rule / matter	Stakeholder Feedback	Action	ARNECC Response
MOR 2 – DEFINITIONS AND INTERPRETATION					
2.1	Definitions	Stakeholder feedback contained the following recommendation: <ul style="list-style-type: none"> Terminology should be consistent across the definitions and the Schedule, and the definition updated to reflect the ELNO System. 	Change in MOR – terminology reviewed for consistency.	Feedback noted and adopted.	
	Definition of Available	Stakeholder feedback contained the following recommendation: <ul style="list-style-type: none"> The definition of 'Available' be amended to the below: <p><i>"Available means all components of the ELNO System required to complete a Conveyancing Transaction end to end are performing their usual and ordinary function without failure, material interruption or delay."</i></p> 	Change in MOR – Definition of Available amended.	Feedback noted and accepted in part. Definition of "Available" in the MOR has been amended to refer to ELNO System for consistency.	
	Definition of Available & Degraded and Degradation	Several Stakeholders made comments and provided recommendations in relation to the definition of Available and Degraded / Degradation, including: <ul style="list-style-type: none"> The proposed definition of 'Available', which requires all components of the ELN required to complete a Conveyancing Transaction end to end performing their usual and ordinary function without failure, interruption or Degradation, sets a threshold that is not feasible to achieve in practice. <ul style="list-style-type: none"> Proposed definition change: Available means the ELN is not experiencing a National Full Service Outage. Linking Degradation directly to the binary concept of 'Availability' creates unintended interaction with the incident severity framework. Under ARNECC's proposed incident table in 3.2, Severity 2 and Severity 3 incidents capture significant and partial service disruptions respectively. If 'Degradation' remains embedded in the definition of 'Available', many of these incidents would automatically reduce Service Availability. This effectively collapses incident severity, availability measurement and regulatory escalation into a single construct, potentially leading to disproportionate outcomes and distorting incident classification and reporting. Recommendation to remove the concept of 'Degraded' or 'Degradation' from the MOR as it operates within both the definition of 'Available' and the incident response framework. 	None.	Feedback considered and partially adopted. The proposed new Availability metric has been varied to require two levels of reporting on Availability: the first category captures where there has been a Severity 1 or Severity 2 Incident, while the second metric captures where the ELNO System is not Available as a result of a Severity 1, 2, 3 or 4 Incident. See the amendments to Performance Level 1, 1 in Schedule 2 of the MORs. By splitting the metrics this way, ELNOs are provided greater leniency in meeting the target metric where Severity 3 and 4 Incidents are included.	
	Definition of degradation	Several Stakeholders made the following recommendations: <ul style="list-style-type: none"> If it is intended to include Degradation of functionality that impacts a portion of Subscribers (i.e. not exclusively all Subscribers) the wording should be updated to clearly reflect this. Reference to "slower Response Times" should be removed from the definition of Degradation <ul style="list-style-type: none"> Response Time is a separately defined term that is proposed to be measured and reported via the new Incident Response metrics contained in section 3.2 of Schedule 2. These metrics are specific and provide clear guidance on how they are expected to be measured. It is unclear how "slower Response Times" can be practically measured for the purpose of reporting on Degradation as it relates to the ELNO System. The following wording is proposed: <p><i>"Degraded or Degradation means the ELNO System remains operational Available but is functioning below the usual level of operation. This may include, without limitation, Conveyancing Transactions being prevented from being Lodged, slower Response Times, certain features or functions being inaccessible or unusable, or other issues impacting which prevent some or all Subscribers or Users from using the ELNO System in the usual manner."</i></p> 	None.	Feedback noted and amended in part. Response Times was amended in the definition of degraded and replaced by 'response time' in lower case. This was intended to cover for delays in functionality being offered by an ELNO rather than refer directly to the definition of Response times in section 3.2 of Schedule 2. The MORs have been amended by including two availability metrics where Severity 1 and 2 level incidents will be considered and another Availability metric where all of the Incidents will be considered, with a lower performance target applying to that metric.	
	Definition of Incident	A stakeholder has made the following proposed correction to the definition of Incident: <ul style="list-style-type: none"> It appears the incorrect Schedule has been referenced in item (c) of the updated definition of Incident and should refer to Schedule 2 rather than Schedule 5. 	Change in MOR. Amend reference at (c) to Schedule 2.	Feedback adopted and amendment made in MORs.	

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MOR 4 – ELNO ELIGIBILITY CRITERIA: 4.8 – 4.10 Continuous Improvement, Strategic Outlook Plan and Continuous Improvement Plan				
4.8-4.11		<p>There may be better ways to address each of these concerns than the suggested capital investment requirement regime. Stakeholder support the objective of ensuring the ongoing development, resilience and effectiveness of the ELN, we consider that there are legal, regulatory, operational and economic issues with ARNECC's proposed approach.</p> <p>Considers that the proposed capital investment requirements may have unintended consequences for the broader eConveyancing ecosystem. Prescriptive capital investment mandates of the nature proposed may reduce flexibility in how ELNOs allocate investment and signals a higher degree of regulatory intervention in the ELNO's commercial decision-making. This has the potential to impact investor confidence and increase perceptions of regulatory risk, which may in turn discourage future market entry and reduce incentives for ongoing innovation and efficient investment. A principles-based framework that focuses on outcomes, rather than mandated investment levels, is a better approach.</p> <p>A 'performance-based' or 'outcomes-based' approach to regulation is generally considered good regulatory practice. This approach focuses on outcomes not inputs. It focuses regulators on specifying the outcomes that are desired. It provides those who are regulated with the freedom to determine the best way of achieving those outcomes on the basis that they are usually in a better position than regulators to identify the optimal approach.</p> <p>The approach suggested in the MOR consultation draft effectively allows Registrars to substitute their own view for an ELNO's view about appropriate investments. The Registrar can require an ELNO to change the Strategic Outlook Plan, the Continuous Improvement Plan, or the Implementation Plan. It is very unlikely that Registrars have a better understanding than an ELNO about the merits, costs, and implementation constraints of potential changes in functionality. Consequently, there is a high likelihood that a Registrar exercising any of these powers will mandate sub-optimal investments.</p>	<p>Change in MOR.</p> <p>Annual Capital Investment amended in MOR.</p>	<p>Feedback noted.</p> <p>ARNECC has reviewed feedback provided and understands stakeholders request for Annual Capital Investment to be less prescriptive. ARNECC therefore has removed the Annual capital investment minimum and included a requirement for ELNOs to:</p> <ul style="list-style-type: none"> - Make sufficient Capital Investment to deliver the Continuous Improvement Plan; and - Report on their Capital Investments and maintain supporting documentation. <p>To ensure stakeholder interests are considered, drafting was amended requiring ELNOs to additionally submit how they consulted with and accounted for Stakeholder feedback annually in their Continuous Improvement Plan.</p> <p>The Registrar can now offer an ELNO feedback and suggested changes, however the decision remains with the ELNO on whether to implement those changes, if any is the Continuous Improvement Plan.</p>
4.8-4.11		<ul style="list-style-type: none"> • Stakeholders advising the new MORs lack purpose and regulatory justification. • A third implicit policy driver may be a concern that ELNOs will under-spend on its platform. This concern contrasts with the normal focus of pricing regulation, which aims to prevent excessive expenditure. That is because normally a price-regulated entity has incentives to maximise its expenditure because regulatory price-setting will usually result in it earning a return on that expenditure close to or slightly above its actual cost of capital. The only obvious reason for a regulator to require additional expenditure is that it is concerned that the regulated entity will be motivated to under-spend. That motivation is only plausible if in fact, or in the perception of the regulated entity, the regulatory price-setting would not result in the entity obtaining a reasonable return on its actual and necessary expenditure. 	<p>Change in MOR.</p> <p>Annual Capital Investment amended in MOR.</p>	<p>Feedback noted.</p> <p>Continuous Improvement has been included in the MORs to ensure ELNOs are investing and improving their ELN for the benefit of stakeholders, service and security.</p> <p>The pricing review by IPART is still ongoing and any feedback related to pricing is unable to be addressed until the review is complete.</p> <p>As above however ARNECC has amended the Annual Capital Investment requirements in the MOR.</p>
4.8-4.11		<p>While the proposed definition of Continuous Improvement is closely tied to the security, resilient, performance and functionality of the ELN and the ELNO System, the power of the Registrars under the ECNL s.22(2)(c1) is to set 'technical and operational requirements'. The ECNL does not refer to requiring expenditure (provided that the ELN meets the technical and operational standards).</p>	<p>None.</p>	<p>ARNECC disagrees with this interpretation of section 22 of the Electronic Conveyancing National Law (ECNL).</p>
4.8-4.11		<p>The proposed continuous improvement regime duplicates the effect of a range of other provisions. The existing regulatory framework already contains multiple mechanisms that drive uplift and continuous improvement, appropriately focusing on outcomes instead of inputs. These include requirements relating to financial, technical and organisational resources, as well as ongoing compliance obligations. In this context, it is unclear that an additional prescriptive definition is necessary.</p>	<p>Change in MOR.</p> <p>Annual Capital Investment amended in MOR.</p>	<p>The Continuous Improvement obligations in the MORs provide a specific framework to ensure ELNOs continually innovate, invest and improve the ELN, and deliver improved service to their customers.</p> <p>ELNOs are required to continually improve so the eConveyancing environment and customer experience is not left to languish over time, creating increased and unacceptable risks and vulnerabilities to the industry. The current requirements in the MORs do not adequately address this issue.</p>
4.8-4.11		<p>Security and resilience ELNOs are subject to broader regulatory regimes, including obligations under the Security of Critical Infrastructure (SOCI) Act and related financial sector requirements. These requirements provide ample incentives for ELNOs to invest to ensure</p>	<p>None.</p>	<p>Continuous Improvement requires ELNOs to make changes for the benefit of stakeholders and to invest in technologies that are reasonable and</p>

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		<p>compliance with these standards. Assuming that price-setting mechanisms operate fairly, then an ELNO can reasonably expect that it will recover a reasonable return on any investment made to comply with these standards.</p>		<p>prudent, encouraging ELNOs to improve their security, rollout, quality and efficiency. The goal of the Operating Requirement is to review and improve the ELN. It is unclear how an improvement to the ELN is unfavourable.</p> <p>ARNECC regulates the operation of an ELN to safeguard the Register and for the benefit of stakeholders. SOCI requirements are outside of the Registrar's control and regulation and were not intended to override or displace the need for Operating Requirements.</p> <p>There may be alignment between SOCI and the Continuous Improvement requirement, however it should be noted that Continuous Improvement is not limited to improving security, it is in place to improve the ELN overall.</p>
4.8-4.11		<p>A significant proportion of the additional requirements proposed in MOR v7.2 appear to be directed toward addressing issues arising from ELNO's with a near-total market share. Applying these requirements uniformly across all ELNOs is not appropriate and is inconsistent with the position taken by key regulatory and economic bodies, including the ACCC, IPART and the NSW Productivity Commission, all of which have concluded that this is not a natural monopoly market and that effective competition is achievable with appropriate structural settings supported by regulation.</p>	<p>Change in MOR. Annual Capital Investment amended in MOR.</p>	<p>Feedback noted.</p> <p>New entrants have been considered in the drafting and certain carve outs and Registrar discretion has been offered to ensure they are treated fairly and in accordance with their market size.</p> <p>ARNECC will review the outcome of the IPART review once it has concluded.</p>
MOR 4 – ELNO ELIGIBILITY CRITERIA: 4.8-4.10 Strategic Outlook Plan and Continuous Improvement Plan				
4.8		<p>The proposed capital investment requirements would make it harder for ELNOs to implement new customer-facing functionality. The new provisions introduce requirements that ELNOs must not preference or discriminate between classes of Subscribers (MOR 4.8.2). In practice, different user groups, such as conveyancers, financial institutions and registries, have distinct needs and priorities.</p>	<p>Change in MOR – see 4.8.2</p>	<p>Feedback adopted in part.</p> <p>The MOR has been amended to allow a level of differentiation amongst classes of customers for operational reasons, acknowledging the matters raised by Stakeholders. However, ELNOs are still required to deliver improvements and benefits for all customers.</p>
4.9		<p>MOR 4.9, as currently drafted, is overly prescriptive and operationally burdensome for emerging ELNOs operating in a market characterised by a single incumbent with near-total market share.</p> <p>This requirement represents a material expansion of regulatory oversight into the commercial and strategic decision-making of ELNOs. In effect, it introduces a mechanism through which elements of strategic control may be transferred from an ELNO's Board and Executive to the Registrar. This is not consistent with the intended scope of the Registrar's powers under the ECNL and is not appropriate in a market where competition is intended to develop.</p> <p>A requirement for ELNOs to be subject to Registrar approval and make changes on their strategic outlook and continuous improvement priorities is unacceptable as the ELNO must maintain full decision-making control over our strategic priorities and have the flexibility to make strategic adjustments as we see fit in response to evolving market conditions.</p> <p>The approach suggested in the MOR consultation draft effectively allows Registrars to substitute their own view for an ELNO's view about appropriate investments. The Registrar can require an ELNO to change the Strategic Outlook Plan, the Continuous Improvement Plan, or the Implementation Plan. It is very unlikely that Registrars have a better understanding than an ELNO about the merits, costs, and implementation constraints of potential changes in functionality. Consequently, there is a high likelihood that a Registrar exercising any of these powers will mandate sub-optimal investments.</p> <p>The approach suggested in the MOR consultation draft effectively allows Registrars to substitute their own view for an ELNO's view about appropriate investments. The Registrar can require an ELNO to change the Strategic Outlook Plan, the Continuous Improvement Plan, or the Implementation Plan. It is very unlikely that Registrars have a better understanding than an ELNO about the merits, costs, and implementation constraints of potential changes in functionality. Consequently, there is a high likelihood that a Registrar exercising any of these powers will mandate sub-optimal investments.</p>	<p>Change in MOR – see 4.9.5</p>	<p>Feedback adopted.</p> <p>The Registrar can now offer an ELNO feedback and suggested changes, however the decision remains with the ELNO whether to implement those changes, if any, in the Continuous Improvement Plan.</p>

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		<p>Plan timeframe: The proposed five-year planning horizon is not appropriate in a rapidly evolving technology environment and is unlikely to provide meaningful regulatory value in practice.</p>	None.	<p>Feedback noted. The five-year strategic plan is not proposed to be rigid. This plan is intended to be flexible to account for the evolving technology while the two-year Continuous Improvement Plan will contain planned and upcoming scheduled Continuous Improvements.</p>
MOR 4 – ELNO ELIGIBILITY CRITERIA: 4.11 Annual Capital Investment				
4.11		<p>If ARNECC nevertheless persists with a minimum Annual Capital Investment Requirement despite all the arguments outlined above, stakeholders suggests that the amount of the minimum requirement is inappropriate and based on a misunderstanding of how PEXA's historic expenditure relates to the scope of proposed required expenditure, and will likely to require ELNOs to make investments that are not efficient, driven by regulatory compliance thresholds rather than genuine business need or customer value.</p>	Change in MOR to Annual Capital investment requirement.	The Annual Capital Investment Operating Requirements have been amended in the MORs.
4.11		<p>Despite such substantial change, there has been no formal Regulatory Impact Assessment, and stakeholders have been asked to respond within one month of the publication of the consultation draft. There hasn't been made available any work that demonstrates that it has followed a policy process generally accepted as necessary to high quality policy change, including identifying evidence that there is need for the policy change, clearly defining the policy objective, identifying alternative approaches available, evaluating their relative merits, and assessing the cost-benefit of the preferred approach.</p>	None.	<p>The changes within MOR v 7.2 do not require a RIS. ARNECC published consultation draft MOR v 7.2, with explanatory notes detailing analysis of the proposed changes, over a minimum four-week period. ARNECC also held a stakeholder briefing session on 11 March 2026, providing a further opportunity to discuss feedback.</p>
4.11		<p>The Annual Capital Investment section should also incorporate input from integrated partners. There would be benefit in including this to support a mechanism to surface, assess and prioritise these items within the Annual Capital Investment program so that issues arising from ELNO functionality, which can at times affect registry integrity, customer outcomes and service delivery, are appropriately identified and addressed. As currently drafted, the clauses largely place the onus on the ELNO to determine what constitutes Continuous Improvement.</p>	Change in MOR to Annual Capital investment requirement.	<p>Feedback noted. ARNECC recognises the operational insight held by integrated partners and the value of that insight in identifying risks, customer impacts and system improvement opportunities. The MOR framework is intended to support this through good faith engagement between ELNOs, Registrars and Land Registries, including consultation obligations embedded within Continuous Improvement processes. ARNECC considers it appropriate that ELNOs retain responsibility for developing and prioritising Continuous Improvement initiatives, informed by stakeholder engagement and regulatory feedback.</p>
MOR 5 – OPERATION OF ELN: 5.2 National system and electronic Registry Instrument and other electronic Document capability				
5.2		<p>A Stakeholder has raised the following concern:</p> <ul style="list-style-type: none"> The proposed updated wording of this requirement, specifically the removal of the statement that an ELNOs national electronic Registry Instrument and other electronic Document capability implementation "may be reasonably staged" in accordance with the ELNOs plans. The proposed change is premature in the absence of interoperability. Requiring the development of additional Instruments and Documents prior to interoperability will result in investment in capabilities that cannot be utilised in practice. Regulatory obligations of this nature should be sequenced alongside interoperability reform to ensure that investment delivers practical benefits to the market. 	None.	<p>Feedback noted. Under Operating Requirement 13.3.5, when submitting an Implementation Plan an ELNO must provide evidence to the Registrar as to how their plan complies with the Operating Requirements. ELNOs may raise any concerns for the Registrar's review when submitting plans for approval. ELNOs may additionally engage in good faith discussions about any issues encountered during the approval process.</p>
MOR 5 – OPERATION OF ELN: 5.3 General Obligations				
5.3		Stakeholders support and recognise the stronger regulatory oversight, noting that:	None.	Feedback noted.

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		<ul style="list-style-type: none"> The proposed additional information-gathering, observation and attestation requirements appear appropriate given the critical role ELNOs play in the conveyancing process and the importance of allowing Registrars to investigate issues promptly and effectively ARNECC should consider an annual review of the MOR to ensure the document remains fit for purpose and modern 		
MOR 5 – OPERATION OF ELN: 5.4 ELNO Service Fees				
5.4.1		<p>Stakeholders raised the following comments:</p> <ul style="list-style-type: none"> Consideration should be given to providing clear transparency around any fee increases Supportive of the proposal in the MORs to restrict ELNOs service fee increases until there is enough competition in the market to create competitive pricing. Unregulated service fees at this time could result in substantial cost increases for settlement agents and consumers. 	None.	This feedback will be considered further by ARNECC and shared with IPART for the review of ELNO Service fees.
5.4.3		<p>Stakeholders made the following comments in relation to the proposed CPI amendment – restricting ELNO Service Fee increases until 30 June 2027:</p> <ul style="list-style-type: none"> Remain concerned about affordability and the cumulative cost of ELNO services to conveyancing practices and consumers. Cost restraint remains an important issue for the profession, and we consider it essential that any future pricing approach continue to be closely scrutinised with a clear focus on value to end users. 	None.	This feedback will be considered further by ARNECC and shared with IPART for the review of ELNO Service fees.
5.4.4		<p>Stakeholders have raised concerns on lack of clarity, including:</p> <ul style="list-style-type: none"> A clearer, more structured process would support more consistent and predictable outcomes across the industry, and amendments to aspects of the MORs governing ELNO service fees to improve clarity and reduce complexity. Section 5.4.4 of the MORs should be updated to clarify that Registrars may approve, and ELNOs may implement, partial or phased cost recovery for government fees. ARNECC should clarify the operation of section 5.4.4 in relation to Registrar approval of government fees, including whether approvals are intended to be applied consistently across all Registrars, and how the provision operates where approval is obtained from some Registrars but not others. Aspects of current arrangements relating to government fees give rise to inefficiency, implementation complexity and uncertainty for subscribers. In particular: <ul style="list-style-type: none"> There is no requirement for consultation with subscribers, who ultimately incur the fees, prior to Registrar approval of fee pass-through. New or amended fees can have technical and implementation impacts for subscribers, and early visibility and consultation on timing and impacts is critical. The MORs do not make clear that cost recovery for government fees may be partial or phased. Explicitly recognising partial or staged recovery as an option would reduce ambiguity and better support proportionality and consideration of customer impact. The Registrar approval process does not require consistent or unanimous decision-making across jurisdictions, creating the risk of divergent outcomes and inconsistent application of fees. 	None.	This feedback will be considered further by ARNECC and shared with IPART for the review of ELNO Service fees.
MOR 5 – OPERATION OF ELN: 5.5: Integration				
5.5.1(e)		<p>Stakeholders have raised the following comment:</p> <ul style="list-style-type: none"> Given the industry concerns of impact to integrations with Subscriber systems as a result of interoperability, it would be appropriate to add a new MOR provision that deals with this. The ECNL at s22(2)(c2) provides that “The operating requirements may (without limitation) include provisions relating to the following matters...the integration of an ELN with other electronic systems.” <p>The following new provision at MOR 5.5.1(e) is proposed:</p>	None.	Feedback noted but not adopted in MOR v 7.2.

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MOR 5 – OPERATION OF ELN: 5.6: Separation				
5.6		<p>[...the ELNO must] ensure that integrations with a Person Who Has Integrated remains fully functional in both interoperable and non-interoperable transactions. This includes, where necessary, providing information to the Registrar upon request to ensure that the NECIDS supports such functionality.</p> <p>A. Stakeholders made the following comments and recommendations:</p> <ul style="list-style-type: none"> ARNECC is requested to use the consultation process under MOR 7.2 to strengthen OR 5.6 with additional functional separation requirements that address the structural gaps in the current regime, with particular regard to the launch of PEXA Clear. ARNECC is requested to finalise the "Separation Regime" (OR 5.6) review commenced in September 2024 in parallel with the MOR 7.2 process, and that the two processes be coordinated so that updated separation obligations are adopted as part of MOR 7.2. Do not conclude consultation of MOR 7.2 without first resolving the separation questions raised. To do otherwise would risk embedding obligations into the MOR framework that are structurally incomplete in the context of a market that has materially changed since OR 5.6 was last updated. A dominant ELNO's related entity entering an adjacent market on the basis of data and insight that is only available because of its operator's monopoly position in e-settlements. The MOR 7.2 consultation is the appropriate and timely vehicle to address these gaps. <p>B. The updated MOR should include the following obligations, which address the gaps identified in the ACCC October 2024 submission on the separation regime review:</p> <ul style="list-style-type: none"> <u>Platform conduct rules</u> <ul style="list-style-type: none"> An ELNO must not use the ELN interface, workflow design, default settings, pre-selections, notifications or system prompts to promote, preference or recommend a related Downstream or Upstream Service in a manner that distorts Subscriber choice. An ELNO must not make access to, pricing of, or functionality within the ELN conditional upon the use of any related Downstream or Upstream Service. An ELNO must not integrate a related Downstream or Upstream Service into an ELN workflow in a manner that creates a structural advantage for that service over independent competitors. <u>Data and Information Barriers</u> <ul style="list-style-type: none"> An ELNO must not share, and must ensure that a Related Entity does not obtain access to, data or insights derived from the ELNO's operation of the ELN where that information would not be available to an independent competitor on equivalent terms. This obligation must expressly extend to aggregated transaction data, property risk intelligence, settlement timing data, and any other information that is commercially valuable in upstream or downstream markets and that is generated through operation of the ELN. ELNOs must provide mandatory disclosure of all related party services currently offered, so that ARNECC has full visibility of the market structure it is regulating. <p>Stakeholders raised the following concern:</p> <ul style="list-style-type: none"> OR 5.6 contains no obligation that addresses how an ELNO uses its platform to promote or preference a related service. There is nothing in the current regime that prohibits an ELNO from using interface design, workflow sequencing, default settings, notifications or system prompts to steer subscribers toward a related Downstream or Upstream Service. The arm's length and unfair advantage obligations in OR 5.6.3 are general principles and the ACCC has noted that good faith obligations of this kind are unlikely to be sufficient in vertically integrated contexts. <p>Stakeholders made the following comments:</p> <ul style="list-style-type: none"> OR 5.6.3(c)(ii) requires that the Separation Plan address how the ELNO will deal with confidential information of persons wishing to integrate with the ELN, to ensure that information is not available to or used by the related service provider. However, this provision is limited to integration-related confidential information. It does not address the broader and more 	None.	Feedback noted. ARNECC is reviewing the separation requirements and will consider these comments as part of that review.

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		<p>significant question of whether a related entity may use aggregated or transaction-level data generated through the ELNO's operation of the ELN as a commercial input to a competing service.</p> <ul style="list-style-type: none"> An ELNO explicitly markets its service on the basis of access to property transaction data and settlement intelligence that no independent AML provider can replicate. The ELNOs own materials describe a service that connects client and transaction information to assess and monitor risk right through to settlement. This capability is only possible because of the ELNOs position as the dominant settlement platform. Independent AML providers entering the same market do so without equivalent access to that data. 		
MOR 5 – OPERATION OF ELN: 5.9: Interoperability fees				
5.9.3		<p>A Stakeholder has raised that 5.9.3 of the MORs outline the conditions under which an ELNO may increase its Interoperability Fees to 30 June 2026. However, the MORs do not appear to address how Interoperability Fees are intended to be managed beyond this date. Clarification on the treatment of Interoperability Fees beyond 30 June 2026 would provide greater certainty for industry participants and assist with longer-term planning and pricing transparency.</p>	Change to MOR – 5.9.3	The MORs have been amended to allow Interoperability Fees to be increased by CPI until 30 June 2027, similarly to ELNO Service Fees.
MOR 7 – OBLIGATIONS REGARDING SYSTEM SECURITY AND INTEGRITY: 7.1 Information Security Management System				
7.1 / 7.3		<p>A. Stakeholders raised the following concerns:</p> <ul style="list-style-type: none"> Strong cyber security practices are fundamental to enhancing resilience to scams related to property transactions. Consumer Protection is aware of the 2023 – 2030 Australian Cyber Security Strategy. The draft MORs should recognise and complement the enhanced cyber security obligations under the Security of Critical Infrastructure Act 2018 applying to ELNOs. To the extent that there is a concern regarding an ELNO's notification requirements for Security Incidents, it is proposed that these be addressed through the information security obligations in MOR 7, rather than within the performance-based incident severity framework by retaining 'Security Incident' as a defined term and incorporating clear obligations in MOR 7.3 relating to identification, notification and remediation. <p>B. Stakeholders have raised the following comments:</p> <ul style="list-style-type: none"> As security related events are already subject to notification and remediation obligations under the MOR (7.11, 7.10, 7.9, 8), the proposed approach of classifying all Security Incidents as Severity 1 Incidents within the performance levels framework introduces overlap and may create ambiguity in how such events are assessed and managed. It risks an event where the ELNO notifies the Registrar 'Promptly' in accordance with the abovementioned Operating Requirements, but is technically non-compliant with the proposed Incident Response Table. We note Support Frameworks exist for the benefit of land registry operators and they include security incident notification for operational purposes. That is distinct from this duty to notify the Registrar under a regulatory regime where it is not as time-critical. <p>C. Stakeholders have made the following recommendations:</p> <ul style="list-style-type: none"> Remove the classification of 'Security Incident' from the performance-based incident severity framework, including from the Incident Response table at section 3.2 as they are fundamentally different in nature to operational incidents affecting system availability or service performance. Security incidents relate to risks to the confidentiality, integrity and security of systems and data, and do not necessarily correlate to system unavailability or disruption of service. 	None.	<p>Feedback noted but not adopted.</p> <p>ARNECC acknowledges that security incidents are distinct from operational incidents affecting system availability or service performance, and that such events may not always result in service disruption. ARNECC also acknowledges that the MORs already contain detailed obligations relating to the identification, notification, and remediation of security-related events, including data breaches, compromised security items, jeopardised conveyancing transactions and events that may affect the integrity of the Titles Register.</p> <p>Notwithstanding this, ARNECC considers it appropriate that security incidents remain visible within the broader incident response and performance framework. Security incidents, even where they do not result in immediate system unavailability, may pose significant risks to the confidentiality, integrity and overall trust in the electronic conveyancing framework. Classifying security incidents as Severity 1 incidents reflects their potential regulatory significance and ensures they receive appropriate priority, escalation and regulatory oversight.</p>
MOR 13 - CHANGE MANAGEMENT: 13.3 Implementation Plan				
13.3		<p>A. Stakeholders have raised the following concerns:</p> <ul style="list-style-type: none"> Concerned with the proposed changes to this requirement that are intended to give the Registrars approval rights over an ELNOs Implementation Plan and the proposed releases implemented by ELNOs in each jurisdiction. The proposed changes to MOR 13.3 represent a fundamental shift in control over ELNO strategic and operational decision-making. In the current market context, this shift would disproportionately impact emerging ELNOs, which require flexibility to allocate limited resources and respond to evolving market conditions. 	None.	<p>Feedback adopted in part.</p> <p>Implementation Plan Requirements</p> <p>MOR 13.3 formalises and clarifies existing obligations regarding ELN releases and the introduction of new electronic Registry Instruments or other electronic Documents.</p>

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		<ul style="list-style-type: none"> • ELNOs must demonstrate how they have consulted with subscribers during Plan development, especially in relation to material changes, new capabilities, or initiatives. Such engagement will also help ensure that Implementation Plans reflect the needs of end customers. • This proposed requirement under the current drafting will have detrimental consequences for new and emerging ELNOs who have limited resources and are thus required to be strategic and dynamic with respect to their Implementation Plan in order to meet market needs (which are consistently shifting), and direct resources into functionality and Document releases that will give a viable return-on-investment and allow the emerging ELNO to compete with a fully functioning monopoly ELN. • Current drafting is limited as to what basis Registrar approval will be granted or withheld and how it will be applied across multiple ELNOs in the current market on an equivalent basis, noting that ELNOs are currently operating at vastly different levels of capability and functionality. • A risk that emerging ELNOs will be required to cede effective control over their Implementation Plans to Registrars, including decisions relating to product development, document prioritisation and market strategy. • Strategic and commercial decision-making should remain within the remit of an ELNO's Board and Executive, who are best positioned to determine how to allocate resources to ensure ongoing commercial viability. • It is not appropriate or reasonable for the Registrars to be making strategic and commercial decisions for ELNOs, particularly as they relate to expanding an ELN's functionality and improvement of an ELN's performance, as these items are outside the scope of the Registrar's powers under s22 of the ECNL and are not within the Registrar's technical expertise. <p>B. Based on the above feedback, a Stakeholder has made the following recommendation:</p> <ul style="list-style-type: none"> • MOR 13.3.2(b) is removed. • MOR 13.3.4(e) be updated to: "...align with Operating Requirement 5.2" • MOR 13.3.5 is updated to: • "When an ELNO submits an Implementation Plan for approval by the Registrar, the ELNO must: • support the ELNO's submission with evidence of how the Implementation Plan aligns with the Implementation Plan Requirements; • provide any additional information reasonably requested by the Registrar; • continue to comply with any preceding Implementation Plan; and • where the ELNO seeks to submit an Implementation Plan which does not meet the Implementation Plan Requirements: <ol style="list-style-type: none"> support the ELNO's request with evidence as to why the amendment is required or the ELNO cannot meet the Implementation Plan Requirements; and provide any additional information reasonably requested by the Registrar." • MOR 13.3.6 – MOR 13.3.9 are removed. • MOR 13.3.10(b) is removed. • MOR 13.3.11(a) is updated to: "take all steps reasonably necessary to comply with the Implementation Plan." • MOR 13.3.12 is removed. 		<p>Where necessary, ELNOs are able to provide Registrars with sufficient information and evidence to approve an Implementation Plan that does not comply with those requirements.</p> <p>Careful consideration has been given to ensuring that the requirements apply equitably to all ELNOs regardless of their level of maturity or market share. For example, the Registrar may consider the length of time an ELNO has been operating when considering approving an Implementation Plan that does not meet the Requirements.</p> <p>The cost of assessment by an Independent Expert is at the discretion of the Registrar and only applies where an ELNO seeks approval of an Implementation Plan that does not meet the requirements. ARNECC considers this reasonable where the Registrar requires expert advice to determine whether reasons given for not complying with the Requirements are reasonable in the circumstances.</p> <p>ARNECC Roadmap</p> <p>The ARNECC Roadmap will outline the order of priority between jurisdictions.</p> <p>ELNOs must then align their Implementation Plan with those nationally consistent priorities. This is intended to provide clarity to ELNOs as to national priorities between jurisdictions.</p> <p>ELNOs will be required to consult with stakeholders on areas for Continuous Improvement and to report how feedback received was implemented.</p> <p>ECNL interpretation:</p> <p>ARNECC disagrees with this interpretation of section 22 of the Electronic Conveyancing National Law (ECNL) and considers this requirement to be within power.</p> <p>The definition of Continuous Improvement will be amended to refer to 'ELN' instead of 'ELNO System'.</p>
	13.3.36 - 13.3.9	A Stakeholder has raised that MOR 13.3.36 – MOR 13.3.9 presents an unreasonable cost burden on emerging ELNOs, particularly in the absence of detailed clarity on what basis approval of the Implementation Plan will be granted or withheld, or any defined requirements pertaining to the timeframe and terms of any such appointment.	None.	<p>Feedback noted.</p> <p>The Registrar's considerations for the approval process are included in MOR 13.3.7. ELNOs can provide a rationale for the inclusions in their Implementation Plan, including the comments</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
	13.3.4(e)	<p>Stakeholders have raised the following concerns with aligning a roadmap:</p> <ul style="list-style-type: none"> Requiring ELNOs to align their Implementation Plans with the ARNECC Roadmap is not appropriate in circumstances where there is no formal consultation process and limited transparency regarding how the Roadmap is developed. Requiring alignment with a Roadmap that emerging ELNOs have no ability to influence creates a material imbalance and places those ELNOs at a structural disadvantage. 	None.	<p>Feedback is noted.</p> <p>ARNECC is revising the ARNECC Roadmap process in accordance with the new requirements in MOR 13.3.</p>
MOR 15 - COMPLIANCE MONITORING AND REPORTING				
15.11		<p>A. Stakeholders have stated in support of this clause that compliance and cooperation between ARNECC, Registrars and ELNOs is critical in maintaining the integrity, stability and ongoing development of the eConveyancing ecosystem.</p> <p>B. Stakeholders have raised the following comments:</p> <ul style="list-style-type: none"> The ability for ELNOs to comply with these proposed requirements would be greatly assisted if ELNOs can be provided with a clear understanding of ARNECC and individual State Registrar priorities, for example by the publishing of regulatory priorities on at least an annual basis. In the absence of this, ELNOs may experience inefficiencies and unnecessary resource impacts that could be avoided or mitigated through the mutual understanding regulatory priorities, noting that this does not preclude ad hoc requests. It would be helpful to also provide ELNOs with an understanding of how this process will be enabled by ARNECC or ARWG in conjunction with individual State Registrar requests and priorities – the current example being this MOR 7.2 consultation and individual State Registrar Approval Conditions at the same time. MOR 15.11(b) relating to multi-supplier or multi-Jurisdictional discussions, or industry forum participation, should be updated to include provisions for confidentiality. 	None.	<p>Feedback is noted.</p> <p>For clarity, the issuing of directions or information requests is at the discretion of each individual Registrar in relation to matters that impact that Jurisdiction. If a matter impacts more than one Jurisdiction, ARNECC may coordinate a nationally consistent direction or information request to assist Registrars and reduce administrative burden for both Registrars and ELNOs.</p> <p>Operating Agreements and Approval Conditions remain the remit of the individual Registrar of that Jurisdiction.</p> <p>As part of good faith engagement in any discussions or industry forums, it is open to any participant to request clarification as to whether such discussion or forum is confidential or open.</p>
15.12		<p>A Stakeholder has recommended that where information requests are substantive in nature, they should be made through the established mechanisms under the MOR (including clauses 19.1, 19.2 or the Schedule 5 'Compliance Examination Procedure'), which provide clear timeframes and process for response. This ensures consistency, procedural clarity and appropriate allocation of resources in responding to regulatory requests.</p>	Change in MOR – see 15.12.	<p>Feedback adopted in part.</p> <p>MOR 15.12 is intended to formalise an existing overarching obligation regarding timely responses to information requests, rather than introduce a new or expanded requirement.</p> <p>This provision is intended to be a less formal process than a compliance examination which may have significant consequences for an ELNO. However, in recognition of feedback seeking greater certainty and clarity around timeframes, the requirement will be amended to specify a response timeframe of 10 Business Days</p>
15.13		<p>Stakeholders made the following recommendations:</p> <ul style="list-style-type: none"> The intent of this clause (according to the explanatory notes) aligns closely with the existing Compliance Examination framework set out in Schedule 5 of the MOR, which provides a structured and well-established mechanism for conducting investigations. Where matters are substantive in nature, it would be appropriate for such observation and engagement to be undertaken through, or aligned with, this framework. This would ensure that the Registrar retains the ability to effectively investigate and address issues, while providing clarity, structure and proportionality in how such powers are exercised in practice. the timeframe contained in MOR 15.13.1 of five Business Days for an ELNO to comply with a notice in connection with an Area of Concern is insufficient to allow the ELNO to complete a thorough investigation and collate all required 	Changes in MOR- see 15.13.1	<p>Feedback is adopted in part.</p> <p>Given an area of concern may be time critical, ARNECC does not consider it appropriate to lengthen the general timeframe for requiring a response from an ELNO. However, concerns around availability of Personnel are noted and amendments will be made to allow a period for response of 'not less than 5 Business Day's to provide flexibility.</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
		<p>information and arrange access to the appropriate personnel (who may be on planned leave). This timeframe should be amended to at least 10 Business Days.</p> <ul style="list-style-type: none"> To ensure ELNOs do not breach any of their other confidentiality obligations or agreements, and ensure ELNOs are adequately protected in the sharing of highly confidential or commercially sensitive documents and information, MOR 15.13.2 should be updated to: <ul style="list-style-type: none"> <i>If the ELNO is prohibited by law from complying with a notice by the Registrar under this Operating Requirement 15.13, the ELNO must Promptly (but in any event before the ELNO would otherwise have been required to comply), provide written notice to the Registrar of the nature, extent and basis at law of the prohibition.</i> <i>If the notice includes a request for information or access that is subject to confidentiality, subject to the consent of a third party, presents a material security risk to the ELNO or otherwise contains highly commercially sensitive information, the ELNO may request the Registrar execute a non-disclosure agreement, or provide conditions of disclosure, before complying with the notice</i> Recommend that ARNECC provide clarity on how this process will be enabled by ARNECC or ARWG in conjunction with individual State Registrar requests and priorities to reduce inefficiencies and unnecessary resource impacts on ELNOs, who will potentially receive multiple such request from multiple different jurisdictions. 		<p>It is considered that if a particular resource, information or Document was not available within the specified timeframe, the ELNO could advise of this and the relevant circumstances in the response to the Area of Concern to be considered by the Registrar on a case-by-case basis.</p> <p>In addition, to provide clarity as to expectations from the Registrar, the MOR will be amended to confirm that the Registrar will provide a written notice of the Area of Concern and reasons.</p> <p>Matters relating to third-party consents, confidentiality arrangements or internal security controls are for the ELNO to manage within its own governance and contractual frameworks.</p> <p>The MOR does not displace or reallocate responsibility for managing these risks, and the Registrar is not intended to become a party to, or arbiter of, third-party consent or internal security arrangements.</p> <p>MOR 15.13 is intended to operate as a pre-examination information-gathering mechanism, rather than as a compliance examination.</p> <p>Its purpose is to enable the Registrar to make preliminary enquiries and observations where potential issues are identified, without invoking the formal compliance examination framework, which carries specific statutory processes and potentially serious regulatory outcomes.</p> <p>MOR 15.13 is therefore deliberately intended to support early engagement, clarification, and issue resolution before escalation is considered.</p>
15.14		<p>A. Stakeholders have made comments supporting this clause, including:</p> <ul style="list-style-type: none"> These are appropriate and consistent with broader regulatory principles. The requirement appropriately reflects the role of accurate information in supporting regulatory oversight, compliance monitoring, and maintaining trust in the electronic conveyancing. The inclusion of mechanisms addressing inadvertent inaccuracies, including the ability to correct information and the obligation to promptly rectify any such instances reflects existing expectations of a responsible ELNO and reinforces the importance of integrity, transparency and accountability within the regulatory framework. <p>B. Stakeholders have made the following recommendations:</p> <ul style="list-style-type: none"> The additional requirement for written attestation from a director or senior officer is necessary or proportionate. <ul style="list-style-type: none"> The obligation duplicates existing governance, accountability and assurance mechanisms, which already ensure that information provided to the Registrar is subject to appropriate senior oversight. Mandating formal attestation is unlikely to improve the accuracy or reliability of information and instead introduces unnecessary administrative burden and regulatory formality. It also risks slowing the provision of information and discouraging timely, practical engagement with the Registrar, without delivering a corresponding regulatory benefit. Updated MOR Guidance Notes are needed to enable complete clarity on the Registrar's expectations relating to ELNO compliance and ensure all ELNOs are interpreting and applying this requirement consistently. 	None.	<p>Feedback is noted.</p> <p>The requirement is included because the Registrar does not have visibility or oversight of the internal mechanisms referred to.</p> <p>While such mechanisms may exist, they operate within the ELNO's internal governance and are not directly observable or assessable by the Registrar. The requirement therefore ensures the Registrar has an appropriate and consistent basis to understand, assess and rely on information provided, rather than being required to assume the effectiveness of arrangements that sit outside the regulatory framework.</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
MOR 19 – DATA AND INFORMATION OBLIGATIONS				
19.1, 19.2	Data Retention and Generation & Retention of Transaction Audit Records	<p>A Stakeholder has made the following comment and recommendation:</p> <ul style="list-style-type: none"> From a security and privacy perspective, the requirement to indefinitely retain large volumes of historical Workspace Data creates an expanding repository of sensitive personal and financial information. This is inconsistent with the <i>Victorian Protective Data Security Framework and Australian Privacy Principle 11</i> under the <i>Privacy Act 1988</i> (Cth). The obligation for ELNOs to retain data indefinitely under the MOR is materially more onerous than comparable framework (financial services industry, healthcare regimes). A ten-year retention benchmark for ELN data may represent a conservative and proportionate approach, preserving a substantial evidentiary window while materially reducing the security and privacy risks associated with indefinite data accumulation. 	None.	<p>Feedback noted.</p> <p>ARNECC will consider this feedback and determine whether changes are required in a future version.</p>
Schedule 2 – PERFORMANCE LEVELS				
		<p>Stakeholders made the following comments in support of the performance levels, including:</p> <ul style="list-style-type: none"> These are welcome measures, but from the perspective of front-line practitioners their effectiveness will depend on how they operate in practice. Subscribers need timely communication, minimal disruption and responsive support when systems are unavailable or when changes affect active transactions. Some of the new performance measures (and their associated Definitions) are applicable to the ELN as defined by the ECNL, and others are applicable to the ELNO System which is a separately defined term within the MOR. In accordance with the ARNECC Stakeholder Briefing held on 11 March 2026, this was done intentionally, however we do not agree with this approach. All performance measures contained in the Schedule should be consistently applied to the ELNO System only. Supports the introduction of additional Incident Response, Post-Incident Reporting (PIR), and Service Availability obligations in the draft MORs, as set out in Schedule 2 (1.1, 3.2, and 3.3). We consider these obligations will strengthen coordination and communication when incidents occur and support effective system-wide responses. Financial Institutions or their representative bodies (for example, the ABA) are also provided with copies of the PIR. We recommend enhancements to the MORs to strengthen incident response processes and improve communication and coordination across the eConveyancing ecosystem. Given the ELNO's role as the central connection point across the system, it is important that the MORs clearly establish ELNO responsibilities for timely and coordinated communication during such incidents, including where the ELNO is not the source of the issue. 	<p>Change in MOR – see definition of Third Party Incident Reports and new Performance Level 3.4 in Schedule 2.</p>	<p>Feedback noted.</p> <p>The Operating Requirements have been amended to ensure ELNO's are reporting on Incidents where the ELNO is and is not the source of the issue.</p> <p>ARNECC considers it would be beneficial for financial institutions and ELNOs to engage directly and develop a reporting and service level framework.</p>
Schedule 2 – PERFORMANCE LEVELS: 1 Operational performance measures				
1.1	Service Availability	<p>A. Several Stakeholders provided feedback on the reduction of ELNO system downtime to 21 minutes:</p> <ul style="list-style-type: none"> The proposed increase in the Service Availability threshold from 99.8% to 99.9% during Core Hours is not supported by a clear policy rationale or evidence. In practice, this reduces the permitted window of 'unavailability' from approximately 40 minutes in any given month to just 20 minutes. In the absence of changes to industry expectations or risk profile, the basis for this further restriction is unclear. This proposed change materially increase the compliance threshold for ELNOs. The combination of both an increased Service Availability target and an expanded definition of Availability and Degradation creates a compliance framework that may be impractical to achieve in real-world operating conditions. An unplanned ELNO System service disruption lasting longer than 21 minutes during Core Hours will result in non-compliance with the Service Availability Performance Level for that reporting month and will also subsequently result in non-compliance with MOR 11 Minimum Performance Levels for that entire reporting year setting a significantly higher compliance threshold that in practice will be difficult for ELNOs to achieve. Without reducing the proposed Service Availability performance target, it is proposed that compliance with this Performance Level be amended to be assessed on an annual basis, while maintaining monthly reporting to allow ELNOs a cumulative minimum allowable downtime per year of 4.16 hours, which is appropriate given the increased scope of 	<p>Change in MOR</p> <p>Amend proposed Schedule 2, 1.1 Service Availability to clarify Availability metric and amend minimum performance requirement.</p>	<p>Feedback noted and adopted in part.</p> <p>ARNECC notes that both ELNOs regularly self-report 100% Availability. However, ARNECC also acknowledges the proposed changes increase compliance obligations of ELNOs, and the minimum performance percentage targets have been amended.</p> <p>Drafting has been amended to provide clarity between the Service Availability performance target and the incident severity descriptions proposed in section 3.2 of Schedule 2.</p> <p>The proposed new Availability metric has been varied to require two levels of reporting on Availability: the first category captures where there has been a Severity 1 or Severity 2 Incident, while the second metric captures where the ELNO</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response								
		<p>ELNO System service disruptions that will negatively impact the Service Availability target, and provides a more reasonable compliance threshold for ELNOs when assessed via the annual Category 3 compliance evaluation.</p> <p>B. Stakeholders have requested clarity on the following:</p> <ul style="list-style-type: none"> Please provide clarity on the interaction between the Service Availability performance target and the incident severity descriptions proposed in section 3.2 of Schedule 2. The current drafting does not clearly distinguish between the functional Availability of the ELNO System (i.e. whether Subscribers can complete Conveyancing Transactions) and the performance of the ELNO system (i.e. how efficiently those functions are performing). <ul style="list-style-type: none"> In particular, confirm whether Service Availability is intended to reflect the ability of the ELNO System to support the completion of Conveyancing Transactions end-to-end, and whether it is accepted that Degradation may occur independently of Availability including in circumstances where the ELNO System remains Available but performance is reduced. 		<p>System is not Available as a result of a Severity 1, 2, 3 or 4 Incident. By splitting the metrics this way, ELNOs are provided greater leniency in meeting the target metric where Severity 3 and 4 Incidents are included.</p>								
Proposed 1.1		<p>A Stakeholder has recommended increasing the threshold while broadening the definition of 'Available' (means the ELN is not experiencing a National Full Service Outage) materially tightens the obligation without a clear policy objective. As proposed, this particular operating requirement will result in more frequent compliance breaches with the minimum performance levels (MOR 1.1) and result in non-meaningful questions around an ELNO's declining quality of service despite no material changes to customer impact.</p> <p>The Stakeholder proposes separating the performance level concepts for system availability and service disruption:</p> <table border="1" data-bbox="526 739 678 2139"> <thead> <tr> <th data-bbox="526 739 598 952">1.1 Service Availability</th> <th data-bbox="598 739 678 952">Minimum Performance</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 952 598 1265">Requirement The ELNO System must be Available to all Subscribers for 24 hours per day, seven days per week and 52 weeks per year. This: For the purposes of this requirement, the ELNO System shall be deemed not Available only during a National Full Service Outage.</td> <td data-bbox="598 952 678 1265">99.8% in Core Hours 99% in Non-Core Hours to be assessed monthly</td> </tr> <tr> <td data-bbox="526 1265 598 1478">Significant Service Disruption</td> <td data-bbox="598 1265 678 1478"></td> </tr> <tr> <td data-bbox="526 1478 598 2139">Requirement The ELNO must operate without Significant Service Disruption, excluding periods of National Full Service Outage. For the purposes of this Performance Level, Significant Service Disruption includes incidents arising from either: b) a failure within the ELNO System; or b) a failure of an ELNO Supplier.</td> <td data-bbox="598 1478 678 2139">Minimum Performance 98% in Core Hours and Non-Core Hours to be assessed monthly</td> </tr> </tbody> </table>	1.1 Service Availability	Minimum Performance	Requirement The ELNO System must be Available to all Subscribers for 24 hours per day, seven days per week and 52 weeks per year. This: For the purposes of this requirement, the ELNO System shall be deemed not Available only during a National Full Service Outage.	99.8% in Core Hours 99% in Non-Core Hours to be assessed monthly	Significant Service Disruption		Requirement The ELNO must operate without Significant Service Disruption, excluding periods of National Full Service Outage. For the purposes of this Performance Level, Significant Service Disruption includes incidents arising from either: b) a failure within the ELNO System; or b) a failure of an ELNO Supplier.	Minimum Performance 98% in Core Hours and Non-Core Hours to be assessed monthly	As above.	<p>Feedback noted and partly adopted. The proposal to have two availability metrics has been adopted reflecting feedback that 99.9% Availability may not be achievable for all types of incidents.</p> <p>It is noted that both ELNOs consistently self-report 100% Availability.</p>
1.1 Service Availability	Minimum Performance											
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1.2(a), 1.2(b) Scheduled Maintenance		<p>A Stakeholder raises a significant practical concern when read in conjunction with the proposed definition of 'Availability' in MOR 7.2, which extends to all forms of 'Degradation', including minor or transient performance issues such as latency.</p> <ul style="list-style-type: none"> These new requirements are made with the intention of ensuring customer and regulator visibility to ELNO maintenance activities, in the event that they may impact the ELNO's availability or performance. When combined with a broad definition of Availability, the notification requirement risks capturing routine, low-impact maintenance activities, thereby creating an unintended operational burden on ELNOs and undermining their ability to respond dynamically to issues. The proposed section 1.2(b) assumes that advance notification (five days) of maintenance is inherently preferable to immediate remediation. That assumption does not align with modern software engineering practice, nor with optimal customer outcomes in a dynamic technology environment. Below proposal if the current definition of 'Available' is maintained with inclusion of 'Degradation': 	Change in MOR Amend proposed Schedule 2, 1.2(b) Scheduled Maintenance.	<p>Feedback noted and adopted in part.</p> <p>Drafting has been amended to clarify notification requirements. The reference to Availability has been removed from the Scheduled Maintenance Performance Level.</p> <p>It is noted that there is a carve-out to the requirement to provide notice of Scheduled Maintenance where the ELNO is undertaking routine activities that will not impact customers undertaking the end-to-end eConveyancing Transaction. This creates the appropriate balance to ensure end customers are provided notice of potential impacts on their activities without</p>								

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
		<p>1.2 Scheduled Maintenance</p> <p>The ELNO must:</p> <ul style="list-style-type: none"> a) publish details of Scheduled Maintenance on the ELNO's website including details of impacted services; and b) provide at least five Business Days' notice to impacted parties informing them of any upcoming Scheduled Maintenance where the Scheduled Maintenance is reasonably likely to result in an outage of the ELN, where outage means a period during which the ELN is wholly unavailable and Subscribers are unable to complete Conveyancing Transactions through the ELN. 		<p>requiring ELNOs to report maintenance activities that will not have an impact on the user experience.</p>
1.2	Scheduled Maintenance	<p>A Stakeholder has raised that it is important to draw a clear link between the incident severity descriptions and the Service Availability performance target to ensure that only incidents impacting the Availability of the ELNO System are included in this reporting, as there will be other operational incidents that occur which do not impact the Availability of the ELNO System or cause Degradation, and are not a Security Incident, and are therefore should not be required to be included in this reporting. Please refer to our proposed changes to the incident severity descriptions included in Appendix A.</p>	<p>Change in MOR</p> <p>Amend subparagraph (b) to remove reference to "Availability".</p>	<p>Feedback noted.</p> <p>Drafting has been amended to clarify Availability requirements as above.</p>
Schedule 2 – PERFORMANCE LEVELS: 2 System performance measures				
2.1	System responsiveness	<p>A Stakeholder has recommended that this Performance Level metric be reported in seconds as the system responsiveness target is defined as an <u>average</u> response time measured in seconds.</p> <p>The Stakeholder noted that expressing this performance measure as a percentage is not practicable because percentages measure the proportion of events meeting a threshold rather than the average duration of those events. Converting response time into a percentage requires introducing an arbitrary pass/fail threshold, which materially alters the nature of the metric and can misrepresent actual system performance. The most accurate and technically appropriate method of assessing compliance with a time-based target is to measure and report the average response time in seconds.</p> <p>This system performance measure should be removed. It is not a measurable Performance Level as it does not provide a quantifiable target or metric and is thus unable to be measured against anything. It is an unnecessary and superfluous duplication of MOR 7.4, given there is no accompanying performance target to measure against.</p>	<p>Change in MOR</p> <p>Remove percentage performance measure.</p>	<p>Feedback adopted.</p> <p>The percentages have been removed from the System Performance measures in the MOR to ensure relevant reporting is received.</p>
2.2	System resilience	<p>A. A Stakeholder has recommended to ensure consistency and remove ambiguity, the wording of this performance level should be changed to:</p> <p><i>"The ELNO System service must not be disrupted..."</i></p>	<p>Change in MOR</p> <p>Amend 2.1 to "ELNO System".</p>	<p>Feedback adopted.</p>
Schedule 2 – PERFORMANCE LEVELS: 3 Incidents				
3.2.1	Severity 1 Incident	<p>ELNOs should be required to notify Financial Institutions of Incidents within 60 minutes of detection.</p> <p>Schedule 2 – 3.2.1 should be amended so that whole-of-state or territory outage is expressly captured within the Severity 1 definition, for example: "An incident occurs that results in all Subscribers and Users in one or more jurisdictions being unable to use the ELN"</p>	<p>Change in MOR – see definition of Third Party Incident Reports and new Performance Level 3.4 in Schedule 2.</p>	<p>Feedback adopted in part.</p> <p>ARNECC has updated the definition of Incident Response Plan to include a plan and steps for ELNOs to notify Affected Parties wherever an Incident occurs.</p> <p>ARNECC considers it would be beneficial for financial institutions and ELNOs to engage directly with one another and develop a reporting and service level framework.</p> <p>Drafting has been included within the severity 1 Incident for situations where an outage effects one or more Jurisdictions. This has been included in addition to the original drafting.</p>
3.2	Incident Response	<p>A. Stakeholders made the following comments in support of stronger requirements:</p> <ul style="list-style-type: none"> • The stronger requirements relating to incident response, outages, change management, scheduled maintenance notifications and post-incident reporting are welcome, particularly where they improve transparency and reduce disruption for Subscribers. <p>B. Stakeholders have made the following recommendations:</p>	<p>Change in MOR</p> <p>Amend notification requirement for Severity 4 Incidents to include the words "or alternative notification method as otherwise agreed by the Registrar."</p>	<p>Feedback noted and adopted in part.</p> <p>ARNECC does not accept that notification requirements are required for Severity 1 and Severity 2 Incidents only. Registrars expect to be notified of all incidents and notification of lower severity Incidents supports effective regulatory oversight.</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
		<ul style="list-style-type: none"> It was suggested that ARNECC consider the merits of requiring notification of all incidents within these lower severity categories may result in a high volume of notifications to Registrars: <ul style="list-style-type: none"> It is suggested that notification requirements are imposed for Severity 1 and Severity 2 Incidents only, with Severity 3 and Severity 4 Incidents recorded internally and made available to the Registrar upon request or through periodic reporting as agreed to between the ELNO and individual Registrar. ELNOs operate across multiple jurisdictions and may therefore be required to contact up to eight separate Registrars in the event of a Severity 1 Incident. Requiring individual phone calls within the one-hour notification timeframe will create operational challenges during a critical incident, where incident response teams are primarily focused on stabilising the ELNO System and restoring services. <ul style="list-style-type: none"> It is proposed that email notification is allowed as the primary notification method for Severity 1 Incidents, with phone contact used where additional escalation or discussion is required. should be updated to include Financial Institutions as notification recipients during Severity 1 Incidents, and to require the establishment of a bridge call with Financial Institutions within a specific timeframe of incident detection (for example, within 60 minutes) 	<p>Amend definition of Incident Response Plan</p>	<p>ARNECC does not accept that ELNOs are unable to phone Registrars to notify of Severity 1 incidents. As noted, email notifications can be sent to all Registrars simultaneously and then followed up by a phone call.</p> <p>Amendments have been made to the notification requirements of all of the Severity incidents, to allow Registrars to approve an alternative form of notification at their discretion.</p>
	<p>Proposed 3.2 & definitions Incident Response</p>	<p>A Stakeholder has made the following recommendation for new terminology and a proposed framework of 3.2:</p> <p>A. Proposed table uses terminology that focuses on the nature and impact of the incident rather than relying on severity labels. This approach ensures the framework is clear and applicable to all current and future ELNOs operating under the MOR. These terms, <i>National Full Service Outage</i>, <i>Significant Service Disruption</i>, and <i>Partial Service Disruption</i>, should be defined at Section 2 (Definitions) to support consistent interpretation and application of these concepts across related provisions.</p> <p>B. Proposed simplified structure that more clearly reflects the types of incidents that materially affect the operation of the ELN and the experience of Subscribers, while balancing effective incident management with meaningful regulatory reporting and oversight of the ELNO's system availability and using new categories of incidents (3.2.1 National Full Service Outage, 3.2.2 Significant Service Disruption, and 3.2.3 Partial Service Disruption).</p> <p>C. The Stakeholder recommends removing the fourth incident category from ARNECC's proposed incident response framework. Incident severity classifications should, by design, distinguish events based on customer and operational impact. Incidents with material impact are already captured within our proposed <i>National Full Service Outage</i>, <i>Significant Service Disruption</i> and <i>Partial Service Disruption</i> categories. Events that do not meet this threshold do not warrant a separate regulated category.</p>	<p>None.</p>	<p>Feedback noted but not adopted.</p> <p>ARNECC does not propose to amend the substance of the incident severity descriptions as drafted. The current framework intentionally uses outcome-based concepts, including Availability, Degradation, and the ability to complete conveyancing transactions, to ensure incidents are classified consistently across ELNOs and across jurisdictions.</p> <p>ARNECC considers the proposed descriptions appropriately capture the range of operational impacts that may affect Subscribers, Users, Land Registries and the integrity of the eConveyancing system, and provide sufficient clarity when read together with the defined terms and notes included in Schedule 2.</p> <p>Severity 4 incidents have been retained.</p>
	<p>Proposed 3.2 Incident response</p>	<p>The Stakeholders suggested amendments clarify the operational distinction between a full outage of the ELNO System, incidents that prevent lodgment or settlement, and incidents where the ELNO System remains operational but the preparation, management or progression of those transactions is impacted.</p> <ul style="list-style-type: none"> The proposed Severity 1 changes reflect incidents involving a full outage of the ELNO System or a material cyber security event affecting the operation or integrity of the system or its data. The proposed Severity 2 changes capture incidents where the ELNO System remains operational, but core conveyancing functions (lodgment and settlement) cannot proceed. The proposed Severity 3 changes reflect incidents where lodgments and settlements can still be completed, but the preparation, management or progression of transactions is impacted. <p>The Stakeholder notes that this outcome-based approach to incident classification improves clarity, consistency and auditability across ELNOs by reducing reliance on subjective concepts such as system degradation or performance variability.</p>	<p>None.</p>	<p>Feedback noted but not adopted.</p> <p>ARNECC does not propose amending the substance of the incident severity descriptions as drafted.</p> <p>The current framework intentionally uses outcome-based concepts including Availability, Degradation, and the ability to complete conveyancing transactions, to ensure incidents are classified consistently across ELNOs and across jurisdictions.</p> <p>ARNECC considers the proposed descriptions appropriately capture the range of operational impacts that may affect Subscribers, Users, Land Registries and the integrity of the eConveyancing system, and provide sufficient clarity when read together with the defined terms and notes included in Schedule 2.</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
	3.2.1 Severity Levels	Schedule 2 – 3.2.1 should be amended so that whole-of-state or territory outage is expressly captured within the Severity 1 definition, for example: ‘An incident occurs that results in all Subscribers and Users in one or more jurisdictions being unable to use the ELN’	Change in MOR – see amendments in Schedule 2, Performance Level 3.2.1	Feedback adopted. The MOR was amended, requiring ELNOs to report on all Incidents regardless of who is the cause of the Incident. ARNECC prefers to keep the drafting broad. New reporting requirements have been included in the Performance Levels to ensure ELNOs are providing reports on Incidents they cause, and Incidents caused by third parties.
3.2	Incident Restore Time	<p>Stakeholders have made the following comments and recommendations:</p> <ul style="list-style-type: none"> Recommendation to remove the restore time metric as Service Availability performance levels already imply a minimum disruption threshold, which inherently incentivises ELNOs to restore services as quickly as possible. As such, a separate Restore Time metric is unnecessary and duplicative. Removing the Restore Time metric does not reduce accountability for service restoration but ensures that restoration activities are undertaken in a manner that prioritises system stability and customer outcomes. A prescribed Restore Time regulation may unintentionally incentivise operational teams to prioritise short-term actions to meet the metric, such as rolling back system changes, rather than implementing the most appropriate or sustainable technical resolution. Extended outages or degradation would in any event be reflected in the ELNO’s service availability performance under sections 1.1 and 1.2, which already provides a strong operational and regulatory incentive to restore services promptly and avoid non-compliance with the Minimum Performance Levels under MOR 11. The proposed Restore Time is inconsistent with the new Service Availability performance target, which only allows for approximately 21 minutes of ELNO System downtime. Under the current drafting, an ELNO could restore the ELNO System within the permitted 40-minute Restore Time while still exceeding the downtime permitted under the Availability target, creating a misalignment between incident response and the overall Service Availability obligation. ARNECC are requested to confirm the intended relationship between Restore Time requirements and the Service Availability performance target, to ensure the obligations operate consistently and do not create unintended compliance conflicts. A Stakeholder has noted that the proposed 40-minute Restore Time for Severity 1 Incidents represents a highly compressed timeframe for complex incidents, particularly when compared with critical incident management frameworks used across financial infrastructure and large-scale digital platforms. Many such platforms (for example SWIFT, Amazon Web Services and Microsoft Azure) typically operate under availability service levels and recovery objectives, rather than strict restoration commitments measured in minutes for all critical incidents. Restoration within a fixed timeframe may not always be possible without introducing additional operational risk as restoring services in the context of an ELNO System involves more than simply re-establishing ELNO System Availability The proposed 40-minute Restore Time for Severity 2 Incidents may not reflect the operational nature of incidents that fall within this category. Resolving these incidents may require coordination with external dependencies, including financial settlement systems, registry interfaces or other supporting infrastructure. Incidents affecting the processing of lodgment or settlement may occur during periods of scheduled settlement activity. In these circumstances, restoring transaction processing may require additional verification to ensure that existing settlement workspaces, settlement instructions and associated transaction data can proceed reliably once services are restored. It is proposed to extend the Restore Time for Severity 2 Incidents to four hours, recognising the operational complexity of incidents that affect transaction processing while the ELNO System remains otherwise available. This approach also 	<p>Change in MOR – Degradation definition amended from including ‘Restore Time’ to including ‘restore time’</p>	<p>Feedback noted and adopted in part.</p> <p>ARNECC considers that Restore Time provides important and distinct information regarding the timeliness of service restoration, separate from Service Availability performance.</p> <p>ELNOs are expected to balance prompt restoration with system integrity and risk management. Restore Time obligations do not require premature or unsafe remediation and are supplemented by root cause and recurrence controls within the MOR.</p> <p>Response times has been maintained within the definition of Degraded however, however has been amended so that the definition now refers to ‘response time’ in the lower case, which is intended to cover situations where functionality is responding slower than expected.</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response									
		<p>reinforces the operational distinction between Severity 1 system outages, Severity 2 incidents that block the lodgment or settlement of transactions, and Severity 3 incidents where transactions can still proceed but the preparation, management or progression of those transactions is impacted, ensuring that restore time expectations remain proportionate to the operational impact of each incident type.</p>											
3.2.1	Severity 1 Incidents - "Security Incidents"	<p>A Stakeholder has made the following comments and recommendation:</p> <ul style="list-style-type: none"> The current drafting classifies all Security Incidents as Severity 1 Incidents, regardless of their operational impact. The definition of Security Incident is broad and includes any suspected, likely or actual information security or data event that could potentially affect system security, including vulnerabilities, suspected malicious activity, or events that may be reportable to a regulatory authority. As drafted, this definition may capture a wide range of events, including those that are detected and mitigated with no impact on ELNO System availability, system integrity or Subscriber functionality. A more proportionate approach would be to classify Security Incidents based on their actual or reasonably likely operational impact on the ELNO System, while maintaining prompt notification requirements where ELNO System Availability, integrity or confidentiality may be affected. Propose updated wording that allows for Security Incidents to be classified in accordance with their operational impact, consistent with other incident types, while ensuring that material cyber security incidents continue to receive the highest level of escalation and regulatory visibility. 	None.	Feedback noted but not adopted. ARNECC considers that Security Incidents, by their nature, warrant the highest level of regulatory visibility given their potential impact on confidentiality, integrity, reliability and trust in the eConveyancing system, irrespective of immediate service availability impacts.									
3.3	PIR Report	<p>Stakeholders have requested for the timeframe to comply with this clause be extended to 10 business days:</p> <ul style="list-style-type: none"> The proposed timeframe of five Business Days does not allow sufficient time to complete a thorough investigation and root cause analysis. In practice, PIR reports (especially for high severity incidents and outages) require detailed analysis of system logs, transaction data, infrastructure behaviour and integration points, as well as coordination with external service providers such as registry interfaces, financial settlement systems or infrastructure vendors. In some cases, particularly where security incidents are involved, additional forensic investigation may also be required. Extending this timeframe to 10 Business days will allow ELNOs sufficient time to complete root cause analysis and ensure that PIR Reports provide accurate and comprehensive findings. A 10 Business Day timeframe supports the preparation of accurate and complete reporting, rather than encouraging preliminary or incomplete analysis within a shorter timeframe and is consistent with existing reporting obligations under the NSW Conditions of Approval, with which ELNOs currently comply with in practice. 	Change in MOR Amend timeframe from 5 business days to 10 business days.	Feedback adopted. The schedule in the draft Conditions has been amended to allow ELNOs more time to investigate and report on incidents.									
Proposed 3.3	PIR Report	<p>A Stakeholder has proposed that a PIR Report is provided for all <i>Significant Service Disruptions</i>. However, a different level of detail is appropriate for these incidents, which are operationally different in nature and impact:</p> <table border="1" data-bbox="1018 741 1273 1816"> <thead> <tr> <th>Performance Level</th> <th>Incident Severity</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>3.3.1</td> <td>National Full Service Outage</td> <td>a PIR Report (referenced at paragraph 96) within ten Business Days after a <i>National Full Service Outage</i> occurs, or such other timeframe as reasonably agreed with the Registrar.</td> </tr> <tr> <td>3.3.2</td> <td>Significant Service Disruption</td> <td>A PIR Report (referenced at paragraph 97) within ten Business Days after a <i>Significant Service Disruption</i> occurs, or such other timeframe as reasonably agreed with the Registrar.</td> </tr> </tbody> </table>	Performance Level	Incident Severity	Requirement	3.3.1	National Full Service Outage	a PIR Report (referenced at paragraph 96) within ten Business Days after a <i>National Full Service Outage</i> occurs, or such other timeframe as reasonably agreed with the Registrar.	3.3.2	Significant Service Disruption	A PIR Report (referenced at paragraph 97) within ten Business Days after a <i>Significant Service Disruption</i> occurs, or such other timeframe as reasonably agreed with the Registrar.	Change in MOR Amend proposed 3.3.1 to apply to Severity 1 and 2 incidents and amend proposed 3.3.2 to apply to Severity 3 and 4 Incidents.	Feedback noted and adopted in part. The schedule has been amended to allow ELNOs more time to investigate and report on incidents.
Performance Level	Incident Severity	Requirement											
3.3.1	National Full Service Outage	a PIR Report (referenced at paragraph 96) within ten Business Days after a <i>National Full Service Outage</i> occurs, or such other timeframe as reasonably agreed with the Registrar.											
3.3.2	Significant Service Disruption	A PIR Report (referenced at paragraph 97) within ten Business Days after a <i>Significant Service Disruption</i> occurs, or such other timeframe as reasonably agreed with the Registrar.											
PIR Report		<p>Stakeholders support the introduction of additional Incident Response, Post-Incident Reporting (PIR), and Service Availability obligations in the draft MORs, as set out in Schedule 2 (1.1, 3.2, and 3.3). We consider these obligations will strengthen coordination and communication when incidents occur and support effective system-wide responses. Recommend enhancements to the MORs to strengthen incident response processes and improve communication and coordination across the eConveyancing ecosystem.</p> <p>Given the ELNO's role as the central connection point across the system, it is important that the MORs clearly establish ELNO responsibilities for timely and coordinated communication during such incidents, including where the ELNO is not the source of the issue.</p>	Change in MOR – see definition of Third Party Incident Reports and new Performance Level 3.4 in Schedule 2.	Feedback adopted. The Operating Requirements have been amended to ensure ELNO's are reporting on Incidents where the ELNO is and is not the source or cause of the issue.									

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
Schedule 2 – PERFORMANCE LEVELS: 4 System performance measures				
4.1	Data Accuracy	<p>Stakeholders have made the following comments:</p> <ul style="list-style-type: none"> ARNECC should however consider whether a requirement to publish compliance with this metric suggests that this is a performance risk for ELNOs, and the broader consequences that might have for trust in the eConveyancing ecosystem. 	<p>Change in MOR</p> <p>Remove Data Accuracy from Schedule 2.</p> <p>Added amendments to MOR 9.2</p>	<p>Feedback noted.</p> <p>Data Accuracy has been removed from Schedule 2 Performance Levels and converted to a substantive obligation 'Lodgement Case Errors'. Requirements for Data Accuracy are intended to increase trust in the eConveyancing system.</p>
4.2	Change management	<p>A. Stakeholders have raised comments on the achievability of this clause, including:</p> <ul style="list-style-type: none"> How is proposed performance level to be measured as a percentage? For example, it could be measured as a percentage of the features included in a single scheduled production release, or it could be measured as a percentage of separate scheduled releases per year that do not result in an incident. This clarity is important to remove ambiguity and ensure all ELNOs are applying consistent methodology when reporting on performance against the target. <p>B. Stakeholders have made the following recommendations:</p> <ul style="list-style-type: none"> The scope of this target should be narrowed to include Severity 1 and Severity 2 incidents only. This change allows for a reasonable margin of error for low impact incidents that have minimal customer impact and can be resolved quickly. Proposed wording be updated to: "Scheduled changes to the ELN must not result in a Severity 1 or Severity 2 Incident." Recommendation that the new requirement proposed at 4.2 be removed, with regulatory oversight of platform reliability continuing to be anchored in the Service Availability performance standards. 	<p>Change in MOR</p> <p>Amend drafting to: "Scheduled changes to the ELN must not result in a Severity 1 or Severity 2 Incident".</p>	<p>Feedback adopted in part.</p> <p>The proposed amendments are intended to incentivise responsible change management which reduces the likelihood of incidents occurring. However, the Performance measures in the MOR has been amended to state that the scheduled changes to the ELN must not result in a Severity 1 or Severity 2 Incident, recognising these have the most impact on the user experience.</p>
Schedule 2 – PERFORMANCE LEVELS: 5 Enquiries				
5		<p>Stakeholders have made the following comments:</p> <ul style="list-style-type: none"> ARNECC are recommended to consider if it is within the power of the Registrar to make operating requirements in respect of this matter, in accordance with the powers set out at s22 of the ECNL. Whilst performance levels as they relate to the ELNO System should be published publicly, we do not support the public dissemination of customer service metrics while a lack of competition continues to exist in this market, where such information could be used to press an unfair competitive advantage over smaller ELNOs. Customer satisfaction is ultimately driven by the quality and effectiveness of issue resolution. As such, these metrics should be considered alongside broader measures of customer outcomes and experience. A number of metrics at table 5.1 reference the ELNO's Personnel. This qualifier in table 5.1 might inhibit ELNOs from exploring innovation if regulatory change or waivers are required to implement, or even test, novel AI solutions. We recommend that use of the word Personnel be removed from this section. 	<p>None.</p>	<p>Feedback not adopted.</p> <p>ARNECC consider it is within the power of the Registrar to make operating requirements in respect of this matter, in accordance with the powers set out at s22 of the ECNL.</p> <p>Performance Levels must incentivise ELNOs to achieve strong levels of customer service. The metrics have been adjusted based on historical performance.</p>
5.1.2	Calls abandoned	<p>A stakeholder has shared that their experience is that approximately 7% of calls are abandoned at the 2-minute mark. Given 5.1.1 proposes that 75% of calls are answered within 2 minutes, it is recommended that ARNECC's proposed Target for 5.1.2 (calls abandoned) is amended to 7% of all calls.</p>	<p>None.</p>	<p>Feedback not adopted.</p> <p>Performance Levels must incentivise ELNOs to achieve strong levels of customer service. The metrics have been adjusted based on historical performance.</p>
5.2.3	Calls escalated	<p>A Stakeholder has noted that the first call resolution target of at least 90% contained in section 5.2.3 is unreasonably high given the complexity of ELNO Systems that have many Back End Infrastructure Connections across multiple jurisdictions that require escalation in order to resolve customer issues that are not always within the ELNOs control, as well as the fact ELNO Systems are digital platforms and customer service teams responsible for answering enquiries are not readily equipped or responsible for resolving technical issues.</p>	<p>None.</p>	<p>Feedback not adopted.</p> <p>Performance Levels must incentivise ELNOs to achieve strong levels of customer service. The metrics have been adjusted based on historical performance.</p>

#.	Rule / matter	Stakeholder Feedback	Action	ARNECC Response
		It is proposed to maintain the same target as the NSW Approval Conditions that forms the basis of these metrics, i.e. "<35% of all calls".		
5.2.4, 5.2.5	Emails actioned – not requiring escalation & requiring escalation	<p>A Stakeholder has provided the following concern:</p> <ul style="list-style-type: none"> The proposed definition for 'Actioned' implies that for these metrics, the ELNO will not have met the requirement under the 'Description' column if the 'Enquiry' has not been completed or resolved'. There are circumstances outside the ELNO's control in respect of 'resolving' email enquiries, notably non-responsive Subscribers. We don't think this is the intention behind the definition for 'Actioned', but it is confusing. We recommend 'Actioned' be redefined to mean "when the ELNO has responded to the Subscriber or Customer Enquiry in accordance with the relevant requirements for that category of Enquiry as set out in table 5.1". 	None.	<p>Feedback not adopted.</p> <p>The metric is focussed on providing a substantive response to customers. The suggested amendment could be met with a simple pro forma acknowledgement of receipt of the enquiry, which does not align with the intention of the metric.</p>
5.2.6	In-person answers	A Stakeholder has noted that in practice, ELNOs do not fulfil this function of in-person answering. The same metrics applicable to land registry operators who fulfil a variety of land registration and planning duties direct to citizens are not suitable for ELNOs and should not be assumed to be best practice.	Change in MOR Remove "in-person answers" from table.	Feedback noted. The in-person metric has been removed
Additional comments				
MOR 7.2 - General feedback	General	<p>A. Stakeholders made the following comments:</p> <ul style="list-style-type: none"> The Consultation Draft adopts a largely uniform uplift in regulatory obligations across all ELNOs which does not appropriately reflect the current market structure. Regulatory obligations should be proportionate to an ELNO's degree of market power. ARNECC should monitor the outcome of the IPART ELNO Service Fee review to provide guidance on how additional regulation should be applied to ELNOs with varying degrees of market power. Consideration should be given to: <ul style="list-style-type: none"> Ensuring approval processes are efficient and do not cause delays Including appropriate safeguards around the Registrar's expanded powers Ensure clear drafting, practical timeframes and appropriate balance between encouraging innovation and maintaining appropriate regulatory oversight Ensuring reforms translate into practical benefits for conveyancers and consumers, including improved system performance, more timely delivery of functionality, greater transparency, responsive support, and appropriate cost restraint. Despite such substantial changes in MOR 7.2, there has been no formal Regulatory Impact Assessment, and stakeholders have been asked to respond within one month of the publication of the consultation draft. If ARNECC proposes to persist with the proposed capital expenditure requirements, it would be appropriate for ARNECC to withdraw the current capital proposals, and commence a thorough policy process appropriate to such a substantial change before proposing alterations to the MOR. <p>B. Stakeholders were broadly supportive and made the following comments about MORs 7.2, in particular:</p> <ul style="list-style-type: none"> Supporting measures that strengthen the security, resilience, performance and accountability of Electronic Lodgment Network Operators, particularly where those measures are directed toward improving the experience of Subscribers and ensuring the Electronic Lodgment Network remains fit for purpose over time Recognising the importance of a regulatory framework that drives continuous improvement, timely implementation of functionality, and greater transparency in relation to ELNO performance and compliance Where they strengthen ELNO accountability, resilience, performance and oversight 	None.	Feedback noted. No response required. The Annual Capital Investment Operating Requirements have been substantially amended in the draft Conditions.