

## Feedback to draft report – Review of Intergovernmental Agreement for an Electronic Conveyancing National Law

#	Paragraph	Finding	Stakeholder Feedback
1	3.11	3.11 ARNECC has recently considered competition matters with respect to ELNOs participating in conveyancing and related markets, responding to concerns expressed by conveyancers. Although market regulation is not a core skill of ARNECC members, the MOR consultation process was used to provide some controls on the potential adverse impact of ELNO competition in the conveyancing market.	Continued monitoring of ELNO operations to ensure that downstream services do not impact adversely to alternative independent providers. There is a need to ensure that the market is open and can accommodate and support other independent operators. Savings in fees may not be real if any losses/discounts are recouped upstream by other service offerings therefore translating to overall increased pricing to end users.
2	3.12	3.12 Practitioners still have concerns despite the introduction of separation clauses in the MOR. This matter needs more attention.	See comments above. Separation must be transparent and clear. Pricing on all levels of operations to be regulated to ensure that discounts at one stage are not “false” and recouped through other service offerings.
3	5.237-5.245	5.245 We recommend that the rules in the MOR for ELNOs operating in the wider market be reviewed by a qualified economic regulator (eg ACCC) in the near future to ensure they are clear and there is no abuse of market power.	See comments for items 1 and 2 above.
4.	7.12	7.12 The lack of sophistication in some practitioners with respect to cybersecurity has to date not resulted in changes to regulators certification requirements for practitioners. Practitioner regulators should consider this requirement especially in mandated jurisdictions where paper settlement is no longer available.	LodgeX supports a model of accredited subscribers with a requirement to prove sophistication and familiarity with the platform, compliance with regulations and implementation of cybersecurity to minimise vulnerability in workspaces due to end use lack of training or computer proficiency.

