



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: PLC:JBgl050625

5 June 2025

The Registrar General  
The Office of the Registrar General  
McKell Building  
2-24 Rawson Place  
Sydney NSW 2000

By email: [registrar.general@customerservice.nsw.gov.au](mailto:registrar.general@customerservice.nsw.gov.au)

Dear Danusia,

## **ELECTRONIC LODGMENT NETWORK OPERATOR CONDITIONS OF APPROVAL**

Thank you for the opportunity to provide feedback on proposed updates to the conditions attached to the approval of an Electronic Lodgment Network Operator (**ELNO**) to operate an Electronic Lodgment Network (**ELN**) in NSW. The Law Society's Property Law Committee contributed to this submission.

We broadly support the proposed changes, including changes which strengthen and clarify an ELNO's obligations in relation to the reporting of system outages and requirements in relation to conducting root cause analysis and remediation. As users of the system, we also support the proposed changes which strengthen the ELNO's customer service obligations.

We note that the current licensing conditions model is comprised of three sets of conditions:

- a set of general conditions that apply to all ELNOs;
- a set of special conditions that apply to PEXA; and
- a set of special conditions that apply to Sympli.

A number of the proposed changes to the Sympli special conditions are designed to align with the PEXA special conditions. We also note that several matters addressed in the PEXA and Sympli special conditions will instead now be included in the general conditions. We suggest continuing this approach, and giving consideration to relocating other common parts of the special conditions for PEXA and Sympli to the general conditions. For example, clause 1 of the special conditions for PEXA and Sympli appears to be the same and should therefore also be incorporated into the general conditions. Similarly, Schedule 3 Service Levels, identical in both the PEXA and Sympli special conditions, should be relocated to the general conditions. It is appropriate that expected service levels for both ELNOs should be aligned and included in the general conditions, given their importance.

Ideally, in the longer term, there should be no need for special conditions for a particular ELNO to operate an ELN in NSW. Currently, clause 2 of the PEXA special conditions and clause 2 of the Sympli set out "Additional

Special Conditions” which are different for each ELNO and are therefore appropriately categorised as “special conditions”. Until these matters are redundant, there appears to be a continuing need for limited special conditions in the short term. However, in our view, the content of special conditions should be minimised by moving all common matters from the special conditions to the general conditions. Streamlining and restructuring the conditions in this manner may assist with clarity and understanding.

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

Yours sincerely,



**Jennifer Ball**

President