



Circular	2020/01
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Government Entities as Representative Subscribers

Background

The Participation Rules allow an applicant Subscriber to sign up to an Electronic Lodgment Network (ELN) as either a Principal Subscriber or Representative Subscriber. Under the electronic conveyancing framework, Government entities are to sign up as Principal Subscribers and are limited in the electronic workspace to transact on their own behalf only.

The Office of the Registrar General (ORG) recognises that some NSW Government entities may need to sign up as Representative Subscribers so they can perform their legislated functions and continue with their usual conveyancing procedures. This may include acting on behalf of, or under the legal name of, other NSW Government entities or classes of people.

Policy

The Registrar General has no objection to NSW Government entities signing up to an ELN as a Representative Subscriber if the principles outlined in this Circular are met and maintained. The Electronic Lodgment Network Operator (ELNO) and Government entity may enter into a modified Participation Agreement that limits the entities or classes of people on whose behalf the Government entity may act in an ELN.

Principles

The following principles apply where an ELNO and Government entity enter into a modified Participation Agreement to allow a Government entity to sign up as a Representative Subscriber:

1. The entity must be engaged in legal work and a lawyer or conveyancer employed by the entity must sign the Registry Instruments. See section 10(1) of the Legal Profession Uniform Law (NSW) and section 4 of the Conveyancers Licensing Act 2003.
2. The entity must satisfy itself that governing legislation does not preclude it from acting for others. The entity must be satisfied that it is not in contravention of section 10(1) of the Legal Profession Uniform Law (NSW) for any transaction or dealing it lodges using an ELN.
3. The entity is to only transact for other Government entities, or for a class of people defined in legislation that is core to their legislative functions.
4. The entity is to execute a modified Participation Agreement that limits the transactions and entities or classes of people that the Government entity can act on behalf of.
5. The ELNO is to notify ORG and provide ORG with a copy of any modified Participation Agreement that a Government entity enters into. ORG may audit Government entities to ensure that they are only acting for those who are listed under their Participation Agreement.