

EAS2

Proposal Pack

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1 Introduction/Background

This document forms part of a package that outlines a business proposal by the Western Australian Land Authority operating as Landgate to the of City of South Perth.

Since July 1997 Landgate in conjunction with the Water Corporation (WC) and Office of State Revenue (OSR) have utilised the Electronic Advice of Sale system to send advice of sale enquiries electronically from the conveyancer to the Office of State Revenue and the Water Corporation for processing. When the system was introduced in 1997 it was envisaged that Local Government would be able to participate in the process, however, technical difficulties prevented this from occurring.

Changes to technology and particularly the wide acceptance of email offered an opportunity to consider sending advice of sale requests to Local Government electronically, replacing the former paper format.

Discussions held with officers within Local Government identified that there was interest in changing the way advice of sale enquiries were received and responses issued to the conveyancer.

This proposal provides an in depth look at how the Electronic Advice of Sale 2 system will support the electronic transfer of data to your office and sets out the rights and obligations of each party.

The business drivers for improving the process of dealing with Advice of Sale enquiries are:

- A reduction in the manual tasks undertaken by each Local Government when receiving advice of sale enquiries and performing the accounting functions to process the payment of the relevant processing fees;
- The high cost incurred by the Conveyancing Industry associated with producing paper advice of sale enquiries for Local Government;
- The potential for a reduction in transmission times between the conveyancer and Local Government and Local Government and the conveyancer by using email as the preferred method of delivery; and
- Consistency in approach that can be achieved through the use of a standard response format.

2 Basis of the proposal

The basis of the proposal is to replace the existing paper format used to send advice of sale enquiries using an email format. The information contained in the email will be the same as found on the paper format to facilitate the processing of the enquiry.

Currently, in the majority of cases, fees associated with the processing of the advice of sale enquiry are attached and are receipted when the enquiry is received at your offices. As it will not be possible to remit the processing fees with each enquiry Landgate will raise and collect the processing fees on your behalf and remit them to you on a monthly basis.

Landgate will not charge you for providing these services.

In addition, Landgate will guarantee payment of your processing fees. Therefore, in the event that Landgate is unable to collect the processing fees from the conveyancer who lodged the advice of sale enquiry, Landgate will still remit the full amount of your processing fees to you.

3 Current Process Description

3.1 Overview of the Current Process

The existing EAS process allows conveyancers to enquire with the Office of State Revenue (OSR), Water Corporation (WC) and Local Government (LG), for rating and tax information that is required when a property is being bought and sold.

Both the OSR and the WC receive enquiries from the Conveyancer via Landgate in electronic format. City of South Perth receives enquiries from the Conveyancer by mail or in some other format.

3.1.1 Electronic Advice of Sale Access

Conveyancers currently access the EAS mainframe application through Landgate's website.

3.1.2 Lodging EAS Requests

An EAS request is usually lodged as soon as the settlement becomes unconditional. The usual timeframe for a settlement is 14 or 21 days from the dealing becoming unconditional, but timeframes as short as 7 days are not uncommon.

Conveyancers work through a series of screens with some data fields pre-populated from Landgate's databases. A few of these fields can be overwritten by the conveyancer and any such changes are investigated by Landgate to improve the quality of data held. Many of the fields are compulsory which ensures the maximum amount of information is obtained and phone calls to check information are minimised.

OSR and WC:

- Landgate forward the *advice of sale* enquiry to OSR and WC via batch three times a day at 10am, 2 and 6pm.

3.1.3 EAS Payments

- The fees levied in respect of the processing of the *advice of sale* enquiry are charged to the conveyancer's Landgate account and a statement (invoice), is issued at the end of each month.
- Landgate collects the remittances from the conveyancers and forwards the relevant monies to OSR and WC, once per month.

3.1.4 EAS Responses

OSR and WC:

- OSR's 'Certificate of Liability for Land Taxes' responses are generally received by the conveyancer via mail within 2 to 4 days of the *advice of sale* enquiry being lodged.
- WC 'Certificate of Charges' and 'Sewer Plan' responses are posted separately and are often received by the conveyancer within 3 to 7 days of lodgement. The 'Special Meter Reading Certificate' is received by mail within a few days of the requested reading date.

LG:

- 'Statement of Rates' and 'Orders and Requisitions' responses generally vary between Local Governments send these responses separately.

3.1.5 Re-enquiring on Responses

Some conveyancers will always re-enquire on amounts paid and amounts outstanding when completing their client's final statement, generally 2 to 3 days prior to settlement. Other conveyancers will only check these details if advised that the vendor has paid part or all of their rates or taxes. It is usual to phone for this information, but sometimes the re-enquiry is completed via fax or email.

OSR and WC:

- Each lodgement of data is allocated a unique job number by Landgate. This job number may be quoted by the conveyancer to enquire on the status of a particular lodgement with either the OSR or WC.

LG:

- The conveyancer will usually quote the Local Government assessment number (if known) when querying information supplied by the Local Government. Some enquiries relate to clarification of information as Local Governments provide responses with differing information, terminology and formatting.

4 New Process Description

4.1 Overview of EAS2

This is an Internet application that will allow conveyancers to submit one request to obtain information for a settlement of land.

4.1.1 EAS2 (Internet) Access

The introduction of EAS2 will offer conveyancers a significant improvement in efficiency. While the functionality of the EAS2 system will essentially be the same as the current EAS application, the system is a purpose built web application. The screens are user-friendly and include online help and training. Conveyancers will still have the option to change some pre-populated data, such as the spelling of names.

4.1.2 Lodging EAS2 Requests

EAS2 customers will only have to lodge one request via the Internet, and the core application will forward the details of the request to OSR, WC and the appropriate LG. Each advice of sale enquiry will be allocated a unique job number that will be transmitted with the enquiry to OSR, WC and LG to simplify the enquiry process for the conveyancer should they need to follow up on a job, where a response has not been generated or received.

4.1.3 EAS2 Payments

When a conveyancer lodges a job their Landgate account will be debited with the relevant processing fees for OSR, WC and the relevant Local Government. The system will offer the conveyancer a choice of services for Local Government, such as a Rates only enquiry or a Rates plus Orders and Requisitions enquiry and will debit their account with the fee relevant to the service selected.

Conveyancers lodging advice of sale enquiries using EAS2 will receive a monthly invoice from Landgate, which can be paid via cheque or credit card. This will avoid the need to draw a separate cheque for each Local Government request and help eliminate delays caused by over or under-payments.

4.1.4 Sending EAS2 Responses

Participating agencies may email, fax or mail responses directly to the conveyancer.

4.1.5 Re-enquiring on EAS2 Responses

The conveyancer will continue to re-enquire via phone, fax or email, directly to each agency. Local Governments should allow a re-enquiry using the allocated job number, rather than a separate assessment number, which will be unknown to the conveyancer if the responses are not yet generated or received.

5 Change of Process for City of South Perth

The only visible change to the existing process is between the Conveyancer, the EAS application and the Records Section of the City of South Perth. However, there are some processing differences that should be considered and these are identified below.

5.1.1 Receipt of Request

Under EAS2 the '*Advice of Sale*' and '*Account Enquiry*' request will be emailed to a designated email address within the Local Government. In the event that the email system is not available a facsimile will be sent to a designated number to enable processing to commence.

5.1.2 Payment for Request

EAS2 will see Landgate collect City of South Perth's processing fees and remit the funds to the City of South Perth on a monthly basis with a monthly activity statement . Landgate will perform all tasks associated with the processing of enquiry fees and accounting for jobs lodged using the EAS2 system.

5.1.3 Response to Request

The City of South Perth will be able to decide on the most appropriate method of sending responses, mail, facsimile or email.

5.1.4 Re-enquiry

Most re-enquiries are for rates payments, updated amount outstanding and updated penalty interest and conveyancers usually phone the Rates department directly. This process will not change under EAS2.

6 TERMS OF AGREEMENT

6.1 Landgate's obligations

- (a) Landgate agrees to operate free of charge to the City of South Perth the Electronic Advice of Sale 2 (EAS2) system described within. Landgate will use all reasonable efforts to have the EAS2 system operating between 7 am and 6 pm, 5 days per week, excluding public holidays.
- (b) Where an advice of sale enquiry is lodged for the City of South Perth, it will be batched and sent via email (to an email address provided by the City of South Perth, between the hours of 6pm and midnight on the day it is received).
- (c) In the event that the delivery of the email is not successfully completed then a fall back position will be to transmit the advice of sale request via facsimile (to a facsimile number provided by the City of South Perth on the morning following the failed email).
- (d) Landgate will raise the relevant processing fees on behalf of the City of South Perth and will remit the processing fees charged whether collected or not on a monthly basis.

Landgate will raise the relevant processing fees on behalf of each City of South Perth at the conclusion of each month and remit these fees to the City of South Perth's bank account by EFT. A statement supporting the amount of the transfer will be emailed to the City of South Perth for reconciliation purposes.

Landgate guarantees payment of EAS2 fees to City of South Perth and is solely responsible for the collection of these fees from the EAS2 customers.

In the event that Landgate is unable to collect the City of South Perth's processing fees from a conveyancer, Landgate indemnifies the City of South Perth against any loss.

- (e) Where the City of South Perth alters its processing fees Landgate will update the processing fee table to reflect changes adopted or to introduce new fees proposed by the City of South Perth Landgate requires a minimum period of four (4) weeks to update the table and to inform the Conveyancing Industry of the intended change in fees. This timeframe is important as conveyancers often outline what fees will be incurred by a purchaser when making enquiries with Local Government.
- (f) Landgate will maintain an audit trail and electronic record of all advice of sale enquiries lodged for a period of seven (7) years, or as otherwise determined from time to time by the Australian Tax Office.

6.2 City of South Perth obligations

- (a) The method to be utilised for the transfer of data between Landgate and the City of South Perth will be email. Therefore, the City of South Perth must provide and maintain an operating email address to receive advice of sale enquiries. Landgate will provide and maintain a facsimile service as a back up in case the email service fails, therefore, a facsimile number must also be available and operational.
- (b) The use of facsimile is not the preferred method of data distribution and will operate as a backup system only, in the event that the email address is not available for a period exceeding 2 weeks, Landgate reserves the right to withdraw its service until such time as delivery by email is available.
- (c) The City of South Perth has the option to alter its advice of sale processing fees or introduce new fees at any time. However, Landgate requires a lead-time of four (4) weeks when introducing a change to inform the Conveyancing Industry and to update the fee table in the Electronic Advice of Sale 2 system. The lead-time is essential as many conveyancers advise prospective customers of the fees that they will incur conducting searches on their behalf. Keeping the Industry informed of changes to processing fees assists them to promote a high level of professionalism in the market place.
- (d) The City of South Perth is required to notify Landgate of any proposed change in contact details, such as its email address or facsimile number and contact person which may affect the provision of this service.
- (e) The City of South Perth is responsible for ensuring that information provided in response to an enquiry is correct and the City of South Perth indemnifies Landgate against any liability as a result of any incorrect information provided by the City of South Perth.

6.3 Intellectual Property

The City of South Perth will not acquire any copyright or other intellectual property in the EAS2 Release 1 system including any computer programs created for the purposes of that system.

6.4 Force Majeure

No Party shall be liable to the other for any failure or delay in performance of this agreement where the failure or delay is caused by circumstances beyond the reasonable control of the first mentioned Party. However that Party must use reasonable endeavours to eliminate or overcome that cause promptly.

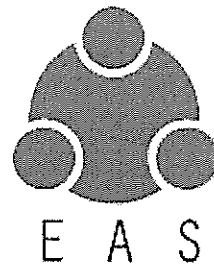
6.5 State Participation

References to Landgate in this agreement include the State of Western Australia ("State"). Both Landgate and the State are parties to this agreement pursuant to the *State Trading Concerns Act 1916* and the *Land Administration Act 1997*.

6.6 Termination

This agreement will terminate on 30 June 2012 unless terminated sooner by either party giving to the other not less than 3 months' written notice of termination.

Mr Dion Dosualdo
Landgate
PO BOX 2222
MIDLAND WA 6936



**DEED OF ARRANGEMENT FOR THE DELIVERY OF ADVICE OF SALE
ENQUIRIES USING THE ELECTRONIC ADVICE OF SALE 2 (EAS2)
SYSTEM**

The City of South Perth accepts the Terms of Agreement in Section 6 of the attached EAS2 proposal pack.

Executed as a deed by the City of South Perth on the

_____ day of _____ 2010.

Signature: _____

Name: _____

Position: _____

Date _____ / _____ / _____

Landgate agrees to the provision of services and accepts the Terms of Agreement in Section 6 of the EAS2 proposal pack.

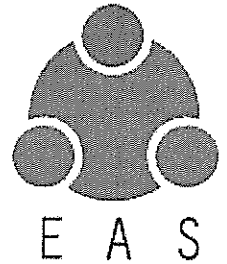
Signature: _____

Name: _____

Position: _____

Date _____ / _____ / _____

ELECTRONIC ADVICE OF SALE 2 (EAS2) INFORMATION REQUIREMENTS



DATA TRANSMISSION

Advice of sale requests will be forwarded by e-mail with backup provided by facsimile.

Please identify the e-mail address and facsimile numbers to be used by the EAS2 system.

Email address: _____

Facsimile number: _____

A contact name is required to support the data transmission process.

Contact name: _____

Position: _____

Email address: _____ Phone no. _____

COLLECTION OF PROCESSING FEES

Landgate will collect on your behalf the following fees charged for the processing of advice of sale enquiries.

Service	Fee	GST	Total
Rates only	\$0.00		\$0.00
Orders and requisitions only	\$0.00		\$0.00
Rates plus orders and requisitions	\$0.00		\$0.00

Do you wish to charge on a per lot or per enquiry basis? Per Lot/ Per Enquiry

TRANSFER OF FUNDS FROM LANDGATE

Once collected funds will be transferred from Landgate on a monthly basis, this transfer will be by electronic funds transfer to a nominated bank account.

Please complete the attached "Application for Payment by Electronic Funds Transfer" if you have not previously provided these details to Landgate.

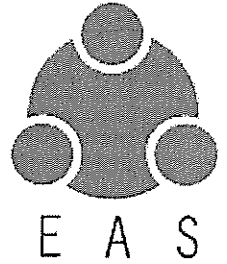
LANDGATE USE ONLY

City of South Perth

Date processed _____

Officer _____

**APPLICATION FOR PAYMENT BY EFT
(Electronic Funds Transfer)**



Bank Account Information *(where payments will be deposited)*

Name of Account _____

Bank _____ Branch _____ State _____

BSB Number (must be 6 numbers)

--	--	--	--	--	--

Account Number (up to 9 numbers)

--	--	--	--	--	--	--	--	--

Notification of EFT payment *(please tick preferred method - 1 only)*

E-mail Address _____ Fax Number _____

Contact Name _____ Tel _____

Conditions of Agreement

- Landgate will not verify accuracy of bank account details.
- Landgate must be notified of changes to these details in writing.
- Landgate is not responsible for delays or errors in payment due to factors outside the reasonable control of Landgate (including delays or errors in the banking system).
- Landgate accepts the signature of the undersigned as conclusive evidence of that person's authority to nominate the bank account details and execute this request on behalf of the City of South Perth.
- The City of South Perth acknowledges that bank details are available to Landgate staff to make payments.
- Should Landgate make an incorrect payment to the bank account, City of South Perth will repay Landgate upon written request.

***NOTE - This authority supersedes all previous existing authorisations.**

City of South Perth

(Authoriser's Name)

(Position Title)

Authoriser's Signature

Date

Contact Number

LANDGATE USE ONLY

City of South Perth

Date processed _____

Officer _____