

Customer Information Bulletin

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1. ADVERTISING FEES – REPLACEMENT DUPLICATE CERTIFICATE OF TITLE APPLICATIONS

Following amendments to Section 75 of the Transfer of Land Act, the requirement to advertise the intention to create a new duplicate version of a digital Certificate of Title is not required, provided sufficient evidence is produced with the application.

Commencing 1 October 2003, applications for replacement duplicate digital Certificates of Title will not be required to pay the advertising fee of \$77.00.

Where the original Certificate of Title is retained in the paper format, the requirement to advertise still remains.

Advertising fees, for paper format titles, do not need to be paid upon lodgement of the application. To expedite the application and reduce processing time, the \$77.00 advertising fee will be collected by requisition during the 14-day advertising period. A requisition fee will not be charged when the requisition only relates to collecting the advertising fee.

During the consultation phase with members of the conveyancing and financial industry concerns were expressed regarding the non-advertising process. To satisfy community and business interests it was agreed to advertise the intention to replace duplicate digital Certificates of Title via DLI's web-site at www.dli.wa.gov.au for a period of at least three working days.

The new process is expected to reduce the turnaround time in producing replacement digital duplicate Certificates of Title, provided the application is not requisitioned and/or required to be advertised. It is anticipated that replacement duplicate digital Certificates of Title will be available in approximately 7 working days.

Conveyancers need to be aware that as a result of the new procedure, the evidential requirements set out in the Land Titles Registration Practice Manual, have been amended and an additional clause is now required to be addressed in the Statutory Declaration.

The new clause must state, **“that there is no person known to have, or is likely to have the said duplicate Certificate of Title in their possession”**.

Applications will not be accepted unless each dot point described in the Land Titles Registration Practice Manual at chapter 3.10 (including the new clause described above) have been adequately addressed. All evidential requirements will be strictly enforced.

2. REMOVAL OF CAVEATS - 14 DAY NOTICE OR 21 DAY NOTICE ?

A number of practitioners and conveyancers are lodging 14 day notice applications to remove caveats, pursuant to Section 141A of the Transfer of Land Act (TLA), on the grounds that the estate or interest of the caveator has ceased to exist.

Applications under this section of the TLA require evidence that clearly demonstrates that the claim or interest of the caveator has ceased to exist. In many instances the evidence is deficient, resulting in the issue of a requisition notice, payment of additional fees, a delay in the removal of the caveat and on occasions, the withdrawal or rejection of the application.

Given the increasing number of Section 141A applications requisitioned, practitioners and conveyancers should consider, where legislation permits and where practical, the use of a 21 day notice application pursuant to Section 138B TLA in lieu of a 14 day notice application pursuant to Section 141A TLA.

Comprehensive information regarding removal of caveats pursuant to Section 138B TLA is contained in the Land Titles Registration Practice Manual at chapter 3.11.

3. ELECTRONIC ADVICE OF SALE 2 RELEASE 2 SYSTEM ENHANCEMENTS

Release 2 of the Electronic Advice of Sale 2 (EAS2) system will shortly be implemented. The enhancements made to the EAS2 and Landgate applications are outlined below for your information.

The major benefit of release 2 is to allow the Department of Treasury and Finance (DTF) and the Water Corporation (WC) to send certificates, special meter readings and sewer plan information, back to the EAS2 system in an electronic format. This means that instead of receiving a paper response from these agencies, responses can be viewed online and printed in conveyancer's offices. Marketing of this feature of the EAS2 system to Local Government (LG) will commence shortly.

EAS2 Application

□ View responses online

As outlined above, this feature will enable conveyancers access to responses from DTF and WC online. When the two authorities have responses available, an advisory email will be sent to the lodging party advising certificates are available for viewing. A non -lodging party can also view on-line responses. The EAS2 enhancements will reduce the turnaround time for enquiries.

□ Re-enquire on EAS2 requests

There are often instances where a conveyancer calls one of the agencies to confirm an account balance to ensure no other payments have been made in the days leading up to a settlement. To improve this service conveyancers will now be able to lodge two re -enquiries electronically, free of charge. The re-enquiries will also be returned to you online.

□ Notification of cancelled sale

Where a sale is cancelled and an EAS2 enquiry has been submitted, conveyancers will be able to advise the LG (participating Release 2 LG's) and WC online. This enhancement will assist these agencies to maintain accurate ownership records and eliminate the need for you to send a letter to these agencies advising of the change in circumstances.

□ Advice of Sale only enquiries

This enhancement will allow conveyancers to advise the LG (participating Release 2 LG's) and WC that a change in ownership is occurring, without you having to request any rating information. This is a free service to help both agencies maintain up to date ownership records. (DTF updates it's ownership records after the transfer documents have been registered at DLI).

□ Current buyers address

Water Corporation are requesting an additional item of information to be entered when completing an EAS2 enquiry. This item is the buyers current address as shown on the offer and acceptance.

If WC can use an existing customer record to link to a property account it prevents the creation of duplicated customer records. For example, Mr A Owner (a pensioner) sells 41 Macao Rd High Wycombe and moves to 9 Swan Rd High Wycombe. By making WC aware of Mr A's previous postal address, his old customer record can be used as a link to the new property. This has additional advantages in that any historical contact Mr A has had with WC will not be lost in the system. Important information such as his Pension Card number, which is held against his original customer record, will be retained.

4. PRE ALLOCATION OF PLAN AND FIELD BOOK NUMBERS

At the request of the surveying profession, DLI has introduced a system which provides surveyors with the option of obtaining pre-allocated numbers for deposited plans, strata and survey-strata plans and fieldbooks. Pre-allocation of plan numbers should provide developers (and their agents) with more control and flexibility in the earlier preparation of sales brochures, Contracts of Sale and conveyancing documents. This should also enable surveyors to lodge later in the freehold land development process when their plans are more stable and less likely to require amendments.

To avoid or minimise enquiries being made at DLI about unlodged plans and/or fieldbooks using pre-allocated numbers, surveyors should stamp, or otherwise indicate, on any copy of a plan provided to a client or conveyancer that the copy is an "unlodged version".

Plan numbers and/or fieldbook numbers will be pre-allocated to practicing licensed surveyors in batches of 10, 20 or 50 by applying to the Manager Plan Registration at DLI via e-mail at plan_reg@dola.wa.gov.au or fax on 9273 7670. The subject heading of each e-mail or fax should be "Pre-allocated Numbers Request". DLI will send a reply e-mail or fax advising the numbers that have been pre-allocated. Please update your copy of the Special Survey Area Guidelines to reflect this change in the contact point for obtaining pre-allocated eFB numbers. Note also that this contact point should be used to obtain pre-allocated deposited plan numbers for 'Easement Only' plans.

Until further notice, the lodgement of deposited, strata and survey-strata plans and fieldbooks will continue to be via the Survey Advice Officer or DLI Branch Offices.

To enable DLI to manage the issue of numbers surveyors **must** avoid using duplicated numbers for any plans or fieldbooks that they lodge. Surveyors should also avoid applying for numbers they are unlikely to use within 6 months of the number being pre-allocated. Surveyors must also ensure that the names of strata schemes are unique when preparing strata and survey-strata plans.

The surveyor must record the number used for any plan or fieldbook in the appropriate location(s) within the survey document and also on the "Survey Lodgement Self Assessment" form. Where an eFB is lodged in accordance with the Special Survey Area Guidelines, the eFB must contain a reference to the deposited plan number that the eFB controls in record 1 of the eFB (ie. CSD file).

**BARRY CRIBB
A/MANAGER
REGISTRATION SERVICES BRANCH**

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