

Customer Information Bulletin

BULLETIN No. 170
7 SEPTEMBER 2006

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1. REMINDER EBIS PAYMENT OF REQUISITION AND FAST TRACK FEES.

Since the 10th July, 2006 DLI has been able to process payment of Requisition (Stopped Document) and Fast Track fees directly from EBIS accounts. This service has been provided to help you our customers and we encourage you to use this process.

Payment of Requisition and Fast Track fees using EBIS will mean a reduction in the handling of cash and cheques.

A revised Payment Authority Form is being sent out with all new Requisition Notices. Customers wishing to make use of the new payment option need only complete the EBIS Payment section on the form and fax it to the number shown on the form.

Requests for Fast Track processing of documents should be faxed to the Fast Track Officer on facsimile (08) 9273 7593. A copy of the revised Fast Track Payment form is attached to this bulletin for your use.

Customer will receive a monthly EBIS statement detailing each transaction that they have authorised. Each transaction will be listed on the statement showing an order number, the customer's client reference and our document number for each authorised transaction. It is therefore important that customers include their own meaningful reference on the payment authority form.

If you require further information about the new payment option please contact Debra Pezzali, Manager Acceptance on (08) 9273 7299.



FAST TRACK
PAYMENT AUTHORITY

BY FAX: Fax: (08) 9273 7593

IN PERSON: Fast Track Officer (x7973), Land Registration Centre, Midland Square, Midland.
or
Perth Branch Office, Mt Newman House,
200 St Georges Terrace, Perth.
or
Bunbury Regional Office, 9th Floor, 61 Victoria Street, Bunbury

BY POST: PO Box 2222, Midland WA 6936 or DX 88
(Cheques or money orders to be made payable to the Registrar of Titles.)

ENQUIRIES: Please contact the Fast Track Officer (ph (08) 9273 0793) (ext 7973)

Cashier: Please inform Fast Track Officer (x7973) when payment is received

DEALING NO: _____ YOUR REFERENCE: _____

COMPLETE THIS SECTION IF PAYING BY EBIS ACCOUNT (BY FAX ONLY)
Use Only

DLI Office

DLI EBIS Account Number

Invoice

No: _____

EBIS Company Name:

Amount: Fast Track Fee **\$30.00**

I hereby authorise DLI to debit the above account:
(Signature of person authorising payment)

Name of person authorising payment:
(Please Print Name)

Contact Phone No:

COMPLETE THIS SECTION IF PAYING BY CREDIT CARD

Credit Card Number

Card Holder Name:

Contact Phone No:

Postal Address:

Credit Card Type (Please tick):

Visa Mastercard Bankcard

Expiry Date:

Amount: Fast Track Fee **\$30.00** Signature:



2. CHANGES TO PROPERTY (SEIZURE AND SALE) ORDER FORMS.

The following forms were replaced when changes to the Transfer of Land Regulations 2004 (published on 7th July 2006) came into operation on Monday 10th July 2006.

The Forms are:

- Application to register Property (Seizure and Sale) Order (Form A10)
- Application to register an Order Extending the Sale Period in a Property (Seizure and Sale) Order (Form A11)
- Application to register a Discharge of a Property (Seizure and Sale) Order (Form A12)
- Transfer of Land under a Property (Seizure and Sale) Order (Form T7)
- Transfer of Mortgage, Charge, Lease, etc Property (Seizure and Sale) Order (Form T8)

All documents lodged at DLI for registration using these types of forms are required to show the changes accordingly.

Updated forms are available on the DLI corporate website at <http://www.dli.wa.gov.au/corporate.nsf/web/Registration+Forms>

3. NATIONAL ELECTRONIC CONVEYANCING SYSTEM UPDATE AUGUST 2006

In late 2005, the Land Registries in all Australian States and Territories agreed to form a Steering Group to explore the possibility of establishing a National Electronic Conveyancing System (NECS). To assist this process a National Electronic Conveyancing Office (NECO) and a Steering Group were established.

In Western Australia an Industry Stakeholder Advisory Group (ISAG) has been established to examine the proposed system.

National Online Forums

To broaden discussion on all aspects of the National Electronic Conveyancing System proposal, online forums have been established by the National Electronic Conveyancing Office. To take part, visit the National Electronic Conveyancing Office website at <http://www.necs.gov.au>

Issues raised by ISAG have been presented to National Electronic Conveyancing Office for consideration and a request made to have these issues placed on the national discussion forums.

The National Electronic Conveyancing Office has recently released Issue 7 of NECSpress, the e-newsletter for the National Electronic Conveyancing System. This issue provides a detailed explanation of the forums. To find out more about the forums and how to participate view this issue on the newsletter on the abovementioned National Electronic Conveyancing Office web-site.

Outcomes from the state-based consultations and the national forums should be formulated over the coming months.

Participation is Encouraged – Have your say

National Electronic Conveyancing has the potential to radically change the way in which the conveyancing and settlement process will be completed in the future.

I acknowledge that the proposed NECS is a system that is at least 3 years before it could be implemented assuming that it passes all the analysis that we give it. I encourage your participation in the debate about the relevant issues either through your representative member of the ISAG or participation via the Online Forums.

Information sessions

The ISAG has agreed with DLI that DLI representatives should do a series of information sessions on the NECS to industry members to keep you informed of the key proposals of the NECS, the progress and the key issues. It is anticipated that these sessions will commence in October 2006.

Consultation

From a Western Australian perspective, we are currently reviewing the proposed system and the Industry Stakeholder Advisory Group (ISAG) has been meeting on a regular basis since early June 2006. The initial series of eleven meetings have examined and discussed the following documents provided by the National Electronic Conveyancing Office

- The National Business Model
- The National Electronic Conveyancing System Operations Description
- National Governance Arrangements
- National Implementation Strategy

The above documents are located at <http://www.necs.gov.au>

An important outcome of this consultative process will be determining whether the National Electronic Conveyancing System is operationally feasible in terms of:

- Completing the conveyancing and settlement process in an electronic environment
- Whether the national model is commercially viable and can actually reduce the costs of conveyancing and settlements below the costs for the current paper based system.

Clearly, DLI with the help of the ISAG must raise all the relevant WA issues to determine if a national system can operate in Western Australia.

Details of the ISAG membership are:

Australian Institute of Conveyancers WA Division (Inc)

Judith Pinczuk – Council Member
Gavan Kelly – Member

Independent Settlement Agents Association (Inc)

Jane Toomer – Member
Sue Taylor – Member

Law Society of WA

David Clark – Member Property Law Committee
Craig James – Member Property Law Committee
Chris Martin – Member Property Law Committee
John Syminton – Member Property Law Committee

Settlement Agents Supervisory Board

Geoff Couper - Registrar
Valerie Haskins - Board Member

Mortgage Processors

Steve Fathers – Scott Ashwood

Finance Industry

Peter Weymouth – ANZ
Gary Gregory – ANZ
Amy Sullivan – Bankwest
Donna Dagg – NAB

Department of Treasury and Finance

Andrew Hamilton
David Elson

Department of Land Information

Bruce Roberts
Craig Mariano
Mark McLinden
David Parry
Peter Lakos
Stephen Johnston

Minutes of the Advisory Group meetings can be located on DLI's Electronic Conveyancing web-page at:

<http://www.dli.wa.gov.au/corporate.nsf/web/Electronic%20Conveyancing>

National Uniformity

Nationally there are ten areas of possible uniformity between all jurisdictions which if successfully resolved will simplify and streamline the National Electronic Conveyancing System for users of the system.

These uniformity issues are:

Note	Reference	Issue
Note 1	NOD 9.1.1.4 p.26	accreditation of certifiers
Note 2	NOD 9.1.2.1 p.27	collection of fees
Note 3	NOD 9.1.2.1 p.27	development of system rules
Note 4	NOD 9.2.3.2 p.31	verification of client identities procedures
Note 5	NOD 9.2.3.2 p.31	templates for client identity verification
Note 6	NOD 9.2.3.3 p.32	templates for client authorisation
Note 7	NOD 9.2.6.8 p.34	instrument types to be provided for in NECS
Note 8	NOD 9.2.6.16 p37	use of certificates of title
Note 9	NOD 9.3.1 p.39	set and wordings of instrument certifications
Note 10	NOD 9.3.5.1 p.41	rules and procedures for acceptance or rejection of instruments for lodgement

Other NECS Operations Description issues which will require jurisdiction-specific consideration include:

Reference	Issue
NOD 9.2.1	Licensed Service Providers
NOD 9.2.6	Information retrieval from the Land Registries – refresh-ability, interaction with searches
NOD 9.2.6.17	Stamping
NOD 9.2.6.18	Competing paper and electronic transactions
NOD 9.3.10	Information reporting from the NECS to taxing, valuing and rating authorities
NOD 9.4.5	What authorities in each jurisdiction to be included for fee disbursement via NECS (eg duties and taxes, council rates and other payments)

Independent Consultancies

The National Steering Committee for NECS has sought expert advice in various areas to inform its decision-making on the implementation of electronic conveyancing.

In August 2006 tenders were let by National Electronic Conveyancing Office for three independent consultancies.

The areas were:

- [The Risk Assessment](#): identification and assessment of all of the risks associated with what is proposed and development of cost effective and equitable means of liability management for all parties with exposure to significant adverse outcomes. (due for completion by February 2007);
- [The Regulatory Review](#): review of the regulatory environment in which what is proposed will operate having regard for National Competition Policy, trade practices requirements and any other relevant regulatory controls. (due for completion by December 2006); and

- [The Ongoing Governance Arrangements](#): development of the most appropriate ongoing governance arrangements to sustain what is proposed into the future. (due for completion by December 2006)

Details of each consultancy are:

The Risk Assessment

This assessment is critical to the success of electronic conveyancing. The issue of risk, who bears it and how it is shared, is one of the principal determinants of widespread industry support for a new way of carrying out property conveyancing. The necessary changes in industry business practices and the inclusion of electronic settlement introduce new risks and change existing risks and risk allocations.

The assessment will include:

- A thorough assessment of all identifiable risks of an operational, financial or technical nature in the business model, including identification of who bears each liability, rating of their significance and development of appropriate management proposals; and
- Scoping the nature and content of a single set of System Rules to be applied to all users of electronic conveyancing as one means of containing and allocating some of the liabilities

The Regulatory Review

A key feature of the proposed business model is a National Electronic Conveyancing System that will be a monopoly service to all users of electronic conveyancing throughout Australia. In addition, the model provides, at the discretion of each jurisdiction, for Licensed Service Providers (LSPs) to offer system access, service integration and support services to users of the National Electronic Conveyancing System.

This review will include:

- Reviewing the business model and the above features in particular for compliance with National Competition Policy, Cth Trade Practices Act 1974 and any other State or Commonwealth regulatory requirements with a view to either providing certainty that the intended arrangements fully comply or identifying the issues needing to be addressed and the way in which they should be addressed
- Assistance with the securing of any clearances necessary from the Australian Competition and Consumer Commission and/or any other State or Commonwealth regulatory body

The Ongoing Governance Arrangements

The interim arrangements being put in place to govern the current phase of work are not intended to be used when the National Electronic Conveyancing System becomes operational. A more permanent arrangement using an incorporated entity is envisaged for ongoing operation, maintenance and development of the system in the best interests of all stakeholders.

This will involve:

- Consulting with all key stakeholders
- Exploring all appropriate structure options and their advantages and disadvantages
- Developing proposals and a recommendation for ongoing governance, including ownership, control and any special arrangements. The proposals and recommendations must have regard for the nature of the National Electronic Conveyancing System, the structure and scale of the industry it will serve, the preferences of key stakeholders and the inherent risk and regulatory issues needing to be managed.

A fourth consultancy will be let in due course to examine the suitability of the Victorian electronic conveyancing system to form the basis of the national operating system.

**BRUCE ROBERTS
MANAGER
REGISTRATION SERVICES BRANCH
REGISTRAR OF TITLES**

7 SEPTEMBER 2006