



Chief Executive Officer Attachments
ORDINARY MEETING OF COUNCIL
Wednesday 17 April 2019

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Our Ref

Your Ref

FG:ACB:MCLE:220

25 March 2018

Shire of Chittering
PO Box 70
BINDOON WA 6502

By email & post: chatter@chittering.wa.gov.au

Dear Sir/Madam

PEXA Authorisation and Verification of Identity

As you may be aware, specific documents such as Withdrawal of Caveats, Caveats and Transfer of Lands are now required to be lodged through the electronic lodgement network operator (PEXA).

PEXA is affiliated with Landgate and is a secure e-Conveyancing platform which enables lawyers, conveyancers and financial institutions to transact online. Landgate documents that are lodged electronically occur in real time. This means that a purchaser/caveator's interest will be registered against the title immediately at settlement rather than days or weeks after as it takes currently due to Landgate examination and processing.

PEXA is already used by all of the major banks and the majority of lawyers and conveyancers in Western Australia. Landgate has announced that electronic conveyancing through PEXA will be mandatory on **1 May 2018** for a number of Landgate documents. At this stage the Shire should only be concerned about Withdrawal of Caveats, Caveats and Transfers of Lands. We will keep the Shire updated regarding Landgate's requirements and will address other documents on a case by case basis.

In addition to the standard Landgate document lodgement fees, PEXA charge a fee per document. In most cases the additional PEXA fees will be:

Transfer of Land (one title) - \$112.64
Withdrawal of Caveat (one title) - \$15.84
Caveat (one title) - \$15.84

If more than one lot is being transferred or the Withdrawal of Caveat and Caveat are part of a financial settlement PEXA charges additional fees. In most circumstances the Withdrawal of Caveat and Caveat fees will be paid by the landowner upfront into our trust account.

In order for our firm to transact electronically on the Shire's behalf we require the Shire to complete a client authorisation form.



McLEODS
BARRISTERS & SOLICITORS

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Claremont WA 6010
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We have **enclosed** the terms of the client authorisation form but would like to explain further as it is important that the Shire understands what it is authorising McLeods to do on its behalf. At present for the Shire to buy or sell land/property we require the Shire to sign a Transfer of Land document. Similarly, the Shire signs all Withdrawal of Caveat documents. On receipt of the signed documents from the Shire we attend Landgate in Perth and lodge the documents for registration.

Essentially, by signing the client authorisation form the Shire is allowing McLeods to sign these documents on its behalf. The Shire will no longer be required to sign Transfer of Land and Withdrawal of Caveat documents. In fact these Landgate forms will no longer be used as in most circumstances all information is submitted through PEXA making paper documents redundant. On receipt of the Shire authorisation Fiona Grgich of our firm will have the authority to electronically sign the Shire's documents on its behalf.

The Shire has a number of options when it comes to what type of authorisation it wishes to grant our firm. It is also important to note that the Shire has the right to revoke its authorisation at any time. Here is an outline of the Shire's options:

Option 1 – Standing Authority

By selecting Standing Authority with no revocation or expiry date the Shire is permitting McLeods to sign all Caveat, Withdrawal of Caveat and/or Transfer documents on its behalf without the need for further authorisation from the Shire.

Option 2 – Standing Authority with expiry date

By selecting Standing Authority and entering a date in which the authority expires the Shire is permitting McLeods to sign all Caveat, Withdrawal of Caveat and/or Transfer documents on its behalf without the need for further authorisation from the Shire until the expiry date at which time we will need to request additional authorisation.

Option 3 – Specific Authority

By selecting Specific Authority the Shire is only providing its authorisation for a Withdrawal of Caveat, Caveat and/or Transfer of Land associated with a particular matter. The Shire should choose this option if it wishes to complete a client authorisation for each individual matter as they arise.

Should the Shire choose to provide a Standing Authority (without expiration) we confirm that we will seek confirmation from the Shire by email or phone before electronically executing documents on its behalf.

PEXA requires the identity of the person who signs the authority to be verified. Due to fraud cases linked to identity theft, Landgate has updated its verification of identity practice and is now requiring lawyers and conveyancers to verify the identity of their clients prior to registering any Withdrawal of Caveat and Caveat document. This is in addition to any transfer of land which has been compulsory for some time now.

As this additional requirement is now compulsory we would like to verify the identity of the Shire's signatories in advance so that we are in a position to register withdrawal of caveat, caveat or transfer of land documents on the Shire's behalf when matters arise. We are required to register the Shire's documents together with a statement signed by Fiona Grgich declaring that she has identified the Shire.

As it is inconvenient and costly to our clients for our firm to visually identify local government signatories it is more appropriate for us to appoint an identifier. The identifier must be someone we trust and know and Fiona has advised that she would like the Personal Assistant to the CEO to do the identifying on her behalf. If you would prefer that another officer be appointed as an identifier could you please let me know, I will seek approval from Fiona and amend our documents.

As the Shire's signatories have the authority to sign Landgate documents and have signed the most recent document on the Shire's behalf we will require their identities to be verified. Please note that further verifications may be required in the future as authorised signatories at the Shire change. We will routinely review documents signed by the Shire to ensure that we hold the appropriate proof of identity. To accurately verify their entities and comply with Landgate's practices please follow the following procedure:

- (a) They will need to provide their current passport & Australian driver's licence/or Australian proof of age card;
- (b) you should take a copy of the original identity documents, sign your name and date each photocopy stating that it is a true copy of the original (please provide us with a copy of this for our records);
- (c) you will need to meet face to face with the signatories to ensure that you are satisfied that they appear to have similar facial characteristics as those depicted in the identity documents provided to you;
- (d) you should witness the execution of a document to ensure that their signatures match that on the identity documents; and
- (e) once you are satisfied that they have been visually identified please complete, date and sign the **attached** Identifier's Certificate and email a copy to us.

If they do not have a passport and/or driver's licence please refer to the table below for options:

Table 2 – Verification conducted Inside Australia

Category	Minimum Document Requirements
1	1. Australian Passport <u>plus</u> 2. Australian Drivers Licence <u>or</u> Australian Proof of Age Card with Photo
2	1. Australian Passport <u>plus</u> 2. Birth <u>or</u> Citizenship <u>or</u> Descent Certificate <u>or</u> Resident Visa (with change of name or marriage certificate if necessary) <u>plus</u> 3. Medicare <u>or</u> Centrelink <u>or</u> Department of Veterans Affairs (DVA) Card
3	1. Australian Drivers Licence <u>or</u> Australian Proof of Age Card with Photo <u>plus</u> 2. Birth <u>or</u> Citizenship <u>or</u> Descent Certificate <u>or</u> Resident Visa (with change of name or marriage certificate if necessary) <u>plus</u> 3. Medicare <u>or</u> Centrelink <u>or</u> Department of Veterans Affairs (DVA) Card
4	1. Declaration of Identity <u>plus</u> 2. Birth <u>or</u> Citizenship <u>or</u> Descent Certificate <u>or</u> Resident Visa (with change of name or marriage certificate if necessary) <u>plus</u> 3. Medicare <u>or</u> Centrelink <u>or</u> Department of Veterans Affairs (DVA) Card
5	1. Foreign Passport <u>plus</u> 2. Visa <u>plus</u> 3. Current Rates Notice for the property issued by the local government <u>and</u> drivers licence (If verification conducted in Australia)

**Note:**

If the land owner does not have a current Rates Notice, a letter from the relevant local government stating the name of the land owner (s) as recorded on the local government records will suffice.

We understand that these requirements are particularly onerous. Unfortunately, we must satisfy each of these requirements in order for PEXA and Landgate to allow the electronic signing and registration of documents.

We look forward to the receipt of the Shire's further instructions.

Should you wish to discuss the any of the above, please do not hesitate to contact Fiona Grgich or Anita Brocklehurst of this office.

Yours faithfully



Fiona Grgich
Partner

Contact: Fiona Grgich
Email: fgrgich@mcleods.com.au

Enc. Client Authorisation Form
Terms of Client Authorisation
Identifiers Certificate

When this form is signed, the Representative is authorised to act for the Client in a Conveyancing Transaction(s).

Privacy Collection Statement: The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Representative Reference:

CLIENT DETAILS

	CLIENT 1	CLIENT 2
NAME		
ACN/ARBN		
ADDRESS		

TRANSACTION DETAILS

AUTHORITY TYPE	<input type="checkbox"/> SPECIFIC AUTHORITY <small>(set out conveyancing transaction details below)</small>	<input type="checkbox"/> STANDING AUTHORITY <small>ends on revocation or expiration date: ____/____/____</small> <small>(tick relevant conveyancing transaction(s) below)</small>	<input type="checkbox"/> BATCH AUTHORITY <small>(attach details of conveyancing transaction(s))</small>
	CONVEYANCING TRANSACTION(S) 1	CONVEYANCING TRANSACTION(S) 2	
PROPERTY ADDRESS			
LAND TITLE REFERENCE(S) <small>(and/or property description)</small>			
CONVEYANCING TRANSACTION(S)	<input type="checkbox"/> TRANSFER <input type="checkbox"/> PRIORITY/ SETTLEMENT NOTICE <input type="checkbox"/> OTHER	<input type="checkbox"/> MORTGAGE <input type="checkbox"/> DISCHARGE/ RELEASE OF MORTGAGE	<input type="checkbox"/> CAVEAT <input type="checkbox"/> WITHDRAWAL OF CAVEAT
ADDITIONAL INSTRUCTIONS			

CLIENT AUTHORISATION AND SIGNING

CLIENT 1 / CLIENT AGENT 1	CLIENT 2 / CLIENT AGENT 2
I CERTIFY that: (a) I am the Client or Client Agent; and (b) I have the legal authority to instruct the Representative in relation to the Conveyancing Transaction(s); and (c) If I am acting as a Client Agent that I have no notice of the revocation of my authority to act on behalf of the Client.	
I AUTHORISE the Representative to act on my behalf, or where I am a Client Agent to act on behalf of the Client, in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to: <ul style="list-style-type: none"> (a) sign Documents on my behalf as required for the Conveyancing Transaction(s); and (b) submit or authorise submission of Documents for lodgment with the relevant Land Registry; and (c) authorise any financial settlement involved in the Conveyancing Transaction(s); and (d) do anything else necessary to complete the Conveyancing Transaction(s). 	
DATE / / CLIENT/CLIENT AGENT NAME CAPACITY AUSTRALIAN CONSULAR OFFICE WITNESS (if applicable) NAME DATE	DATE / / CLIENT/CLIENT AGENT NAME CAPACITY AUSTRALIAN CONSULAR OFFICE WITNESS (if applicable) NAME DATE

REPRESENTATIVE DETAILS AND SIGNING

	REPRESENTATIVE	REPRESENTATIVE AGENT (if applicable)
NAME	Fiona Grgich (McLeods Barristers & Solicitors)	
ACN/ARBN	28 199 679 234	
ADDRESS	220 Stirling Highway CLAREMONT WA 6010	
I/We CERTIFY that reasonable steps have been taken to ensure that this Client Authorisation was signed by each of the Persons named above as Client or Client Agent. SIGNATURE OF REPRESENTATIVE OR REPRESENTATIVE AGENT IF APPLICABLE:		
	DATE / / SIGNATORY NAME: Fiona Grgich CAPACITY: Partner	DATE / / SIGNATORY NAME: CAPACITY:

Terms of this Client Authorisation**1 What is Authorised**

The Client authorises the Representative to act on behalf of the Client in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to:

- (a) sign Documents on the Client's behalf as required for the Conveyancing Transaction(s); and
- (b) submit or authorise submission of Documents for lodgment with the relevant Land Registry; and
- (c) authorise any financial settlement involved in the Conveyancing Transaction(s); and
- (d) do anything else necessary to complete the Conveyancing Transaction(s).

The Client acknowledges that the Client is bound by any Documents required in connection with a Conveyancing Transaction that the Representative signs on the Client's behalf in accordance with this Client Authorisation.

2 Mortgagees

Where:

- (a) the Representative represents the Client in the Client's capacity as mortgagee; and
- (b) the Client represents to the Representative that the Client has taken reasonable steps to verify the identity of the mortgagor

the Client indemnifies the Representative for any loss resulting from the Client's failure to take reasonable steps to verify the identity of the mortgagor.

3 Revocation

This Client Authorisation may be revoked by either the Client or the Representative giving notice in writing to the other that they wish to end this Client Authorisation.

4 Privacy and Client Information

The Client acknowledges that information relating to the Client that is required to complete a Conveyancing Transaction, including the Client's Personal Information, may be collected by and disclosed to the Duty Authority, the ELNO, the Land Registry, the Registrar and third parties (who may be located overseas) involved in the completion of the Conveyancing Transaction or the processing of it, and consents to the collection and disclosure of that information to any of those recipients, including to those who are overseas. For further information about the collection and disclosure of your Personal Information, refer to the relevant party's privacy policy.

5 Applicable Law

This Client Authorisation is governed by the law in force in the Jurisdiction in which the Property is situated. The Client and the Representative submit to the non-exclusive jurisdiction of the courts of that place.

6 Meaning of Words Used in this Client Authorisation

In this Client Authorisation, capitalised terms have the meaning set out below:

Australian Legal Practitioner has the meaning given to it in the relevant legislation of the Jurisdiction in which the property is situated and in South Australia is a legal practitioner for the purposes of the *Legal Practitioners Act 1981* (SA).

Batch Authority means an authority for the Representative to act for the Client in a batch of Conveyancing Transactions details of which are attached to this Client Authorisation.

Capacity means the role of the signatory (for example an attorney or a director of a company).

Caveat means a Document giving notice of a claim to an interest in land that may have the effect of an injunction to stop the registration of a Registry Instrument or other Document in the Titles Register.

Client means the Person or Persons named in this Client Authorisation.

Client Agent means a Person authorised to act as the Client's agent but does not include the Representative acting solely in this role.

Conveyancing Transaction has the meaning given to it in the ECNL.

Discharge/Release of Mortgage means a Document that discharges or releases a Mortgage.

Document has the meaning given to it in the ECNL.

Duty Authority means the State Revenue Office of the Jurisdiction in which the property is situated.

ECNL means the Electronic Conveyancing National Law as adopted or implemented in a Jurisdiction by the application law, as amended from time to time.

ELNO means Electronic Lodgment Network Operator and has the meaning given to it in the ECNL.

Identity Agent means a Person who is an agent of either a Representative, or a mortgagee represented by a Representative, and who:

- (a) the Representative or mortgagee reasonably believes is reputable, competent and appropriately insured; and
- (b) is authorised by the Representative or mortgagee to conduct verification of identity on behalf of the Representative or mortgagee in accordance with the Verification of Identity Standard.

Jurisdiction means an Australian State or Territory.

Land Registry means the agency of a State or Territory responsible for maintaining the Jurisdiction's Titles Register.

Land Title Reference means the relevant Land Registry's unique identifier(s) for the property.

Law Practice has the meaning given to it in the relevant legislation of the Jurisdiction in which the land the subject of the Conveyancing Transaction is situated.

Licensed Conveyancer means a Person licensed or registered under the relevant legislation of the Jurisdiction in which the property is situated and in Western Australia is a real estate settlement agent for the purposes of the *Settlement Agents Act 1981* (WA).

Mortgage means a Document by which a Person charges an estate or interest in land as security.

Participation Rules, as amended from time to time, has the meaning given to it in the ECNL.

Person has the meaning given to it in the ECNL.

Personal Information has the meaning given to it in the *Privacy Act 1988* (Cth).

Prescribed Requirement means any Published requirement of the Registrar that Representatives are required to comply with.

Priority/Settlement Notice means a notice (other than a Caveat) which prevents (subject to specified exceptions) registration or recording in the Titles Register of a Registry Instrument or other Document affecting land or an interest in land until the notice lapses or is withdrawn, removed or cancelled.

Publish means, for any information, to publish the information on the Registrar's website.

Registrar has the meaning given to it in the ECNL.

Registry Instrument has the meaning given to it in the ECNL.

Representative is the Australian Legal Practitioner, Law Practice or Licensed Conveyancer named in this Client Authorisation who acts on behalf of the Client and under the relevant legislation of the Jurisdiction in which the property is situated can conduct a Conveyancing Transaction.

Representative Agent means a Person authorised by a Representative to act as the Representative's agent. For the avoidance of doubt this can include an Identity Agent.

Specific Authority means an authority for the Representative to act for the Client in completing the Conveyancing Transactions described in this Client Authorisation.

Standing Authority means an authority for the Representative to act for the Client as described in this Client Authorisation for the period of time set out in this Client Authorisation.

Titles Register has the meaning given to it in the ECNL.

Transfer includes the preparation of all Documents required to effect a purchase or sale of land or any other transfer of land, and the liaison with, where relevant, any mortgagee or proposed mortgagee.

Withdrawal of Caveat means a Document which removes a Caveat.

DA65 ELECTRONIC LODGEMENT NETWORK OPERATOR (PEXA)

Objective of Delegation: To sign Shire documents electronically

Extent of Delegation: The authority to sign documents relating to E-Conveyancing

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Common Seal Register Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 9.49A(4)</i> • <i>Shire of Chittering Administration Policy 1.5 Execution of Documents</i> • <i>Transfer of Land Amendment Regulations 2017 (Transfer of Land Act 1893)</i>



Even better regions on the way with funding for 330 new regional projects

Regional communities throughout Australia will benefit from 330 new infrastructure projects and community initiatives, as part of a \$204.3 million investment under Round 3 of the Federal Liberal and Nationals Government’s highly successful Building Better Regions Fund (BBRF).

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack said the Government’s investment will help ensure regional Australia remains a great place to live, work and raise a family.

“We have seen fantastic outcomes from the first two rounds of the BBRF and today’s announcement continues that trend with funding for important infrastructure projects such as the new Rockhampton Art Gallery and the development of the Armstrong Village Integrated Aged Care Complex in Dunsborough,” Mr McCormack said.

“These projects will help build local economies and drive job creation, with more than 13,000 jobs to be supported throughout regional Australia, delivering career pathways and enabling people to stay in the communities they grew up in.

“It is projects such as these that ensure our regions remain strong, resilient and prosperous in the long term and I look forward to seeing these high-quality projects transform their local towns and communities and unlock regional Australia’s economic potential.”

“Through the BBRF, the Federal Liberal and Nationals Government is continuing its long-standing commitment to regional Australia by making vital local projects a reality, creating more jobs and driving economic development across our regional communities.”

In the Northern Valleys region, the following projects received funding approval.

Shire of Chittering - Lower Chittering Sport & Recreation Facility. Grant \$4,710,000 total project cost \$9,710,000 This project will deliver a sport and recreation complex, including indoor courts and seating, function centres, commercial kitchen and outdoor sports fields to provide the local community with shared-use infrastructure not currently available in the Shire.

Wheatbelt Business Network - Data for Decisions. Grant \$20,000 total project cost \$20,000. This project will commission a study and analysis of small business performance and opportunities in the WA Wheatbelt to be included in a prospectus for existing and new businesses operating in the region.

Wheatbelt Health Network - Cultuoristry Project: An alternate approach to cultural awareness. Grant \$19,800 total project cost \$19,800 The project will provide Aboriginal cultural awareness training that is both local and relevant for approximately 30 Wheatbelt Health Network employees to enhance service delivery and health outcomes for Indigenous communities.

Bankwest Moora and Moora IGA join forces to support Foodbank WA



Kaye Forrest, Millie Milligan, Lachie Meers and Joe Galantino

Bankwest Moora and Moora IGA have joined forces to gather food donations and raise awareness for Foodbank WA: an organisation fighting hunger in WA since 1994.

In 2018 Foodbank WA provided 6.1 million meals to families and individuals in need, as well as running the School Breakfast Program which provides 2.5 million serves of breakfast to over

470 schools throughout WA.

There is a current shortage of donations being received and Bankwest and Moora IGA are one of a number of partners trying to bridge this gap and help those in need. If you are interested in learning more about Foodbank WA or are able to volunteer please visit the website www.foodbankwa.org.au

Notice of Special Meeting of Council Wednesday, 27 March 2019



Notice is hereby given that a Special Meeting of Council will be held on Wednesday, 27 March 2019 commencing at 4.30pm at the Shire of Chittering Council Chambers, 6177 Great Northern Highway, Bindoon.

The purpose of this Special Meeting is for Council to resolve the following items:

- 1. Review the 2018/19 Annual Budget;
- 2. Award the Supply and Lay of Asphalt Seal Tender; and
- 3. Appointment a Chief Executive Officer

Item three will be considered behind closed doors in accordance with *Section 5.23(2) (a) (b) and (c) of the Local Government Act 1995* as it relates to the personal affairs of a person and a contract that may be entered into.

Neil Hartley
Acting Chief Executive Officer

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Proposal to Lease Lot 1023 Edmonds Place, Bindoon Local Government Act 1995, s3-58(3)



The Shire of Chittering proposes to lease (10 +10 years) a portion of Lot 1023 Edmonds Place Bindoon to BM & RP Enterprises Pty Ltd (Bindoon IGA) of Lot 7 Binda Place, Bindoon.

The portion of land for lease is approximately 367.5m² and is located at the rear of the property. The lease is for the permitted purpose of effluent disposal and the installation of a new septic system.

The market value of the piece of property was assessed at \$11,000.00 on the 13 March 2019 with a rental market value of \$1,200.00 per annum. The lease agreement consideration will be \$5,053.00 per annum.

Members of the public are invited to make submissions in relation to the proposal. Submissions should be made to the Shire of Chittering PO Box 70, Bindoon WA 6052 by 4:00 pm (WST) on Friday 29 March 2019.

Neil Hartley
Acting Chief Executive Officer

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AGRI Fresh seeks 32 hardworking Citrus pickers from May-Oct 2019 in the Shire of Dandaragan.

Pay is by piece rate. Work is physically demanding; ability to carry 18kg load.

Applicants must work as a team and commit to work till end of season with reasonable English communication; be willing to re-locate to chargeable on-site accommodation.

Call office 9455 4538 or email CV to job@agrifresh.com.au

Backpacker or farm workers accommodation

Short-term shared accomodation in farm house 7kms from Bindoon.

Available from 1 April.

Ph or txt 0419 902 904



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