

Your Ref:

Our Ref: TIPS Committee

23 August 2012

Ms Helen Gluer
Under-Treasurer
GPO Box 611
BRISBANE QLD 4001

By Email: [REDACTED]

Dear Under Treasurer

WITHDRAWAL OF OSR COUNTER SERVICES

Thank you for your letter dated 9 August 2012 advising the Society that Office of State Revenue (OSR) services will no longer be provided at its counter service centre locations from 24 August 2012.

The withdrawal of these services is regrettable as they were of particular assistance to our regional members, who may now be subject to postal delays in both the stamping of Commissioner assessed documents and the receipting of cheque payments. I would be glad to receive your advice about what measures will be put in place to ensure that regional lawyers will not be prejudiced by this change.

This change has highlighted the need to formalise a process for the receipting of original documents by OSR, especially for high value transactions which are not capable of being self-assessed. Senior officers at OSR have been very amenable to facilitate the safe custody of original documents in high value transactions and that is to be commended. With the withdrawal of the counter services the need to have this good practice formalised is heightened. There are many occasions where it is simply not acceptable to consign very valuable original documents to the vagaries of the post, nor to have to rely upon the goodwill of senior OSR staff.

Closely aligned with the issue of receipt of documents are transactions, often of significant value, where the duty consequences are so complicated or uncertain as to render it inappropriate to be self-assessed. OSR has taken a commendably pragmatic approach to these situations, but again on an ad hoc basis. We accept that this is not the appropriate course for the far majority of transactions, however our members report that it is also not uncommon that some transactions cannot be properly self-assessed. In these instances we suggest that a senior OSR officer should, after the complexity or uncertainty has been explained to them, have authority to accept delivery of the documents for stamping. This approach not only resolves the issue of safe custody of those documents but also provides the most expedient revenue outcome for the State, and potentially avoids appeals and reassessments.

We propose that with the closing of the counter services a more formal process is put in place to receipt original documents delivered to OSR directly and also for a clear process to be mapped out for uncertain transactions.

A final issue our members have also identified relates to dealing with self-acting purchasers in property conveyancing. Prudent practice for legal practitioners is not to hand over to a self-acting purchaser a signed transfer prior to settlement. This has led many firms to accompany self-acting purchasers to the local OSR counter service location so that stamping of the relevant contract and transfer can be effected simultaneously. Given the changes announced to counter services this course of action will no longer be possible. To avoid the occurrence of fraud, the Society will not be encouraging its members to deliver signed transfers to purchasers prior to settlement and we will also not be counselling our members to merely replicate duty endorsement details provided to them by the self-acting purchaser. I would be glad to receive your advice about what measures will be taken to deal with this issue post the closure of the counter services.

We would be pleased to attend any meeting regarding these issues. To make arrangements, please contact our Principal Policy Solicitor, Mr Matt Dunn, on [REDACTED] or via email on [REDACTED]

Yours faithfully

[REDACTED]
Dr John de Groot
President