**STAGE 1 APPLICATION FORM**

**PROPERTY SALES (VALUE ADDED RESELLING)**

**DATA ACCESS SUB-LICENCE**

Name of the licence applicant (**Applicant**):

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Address:

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ACN/ABN: ........................................................……………

Contact Name:

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Contact Address:

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Telephone: ...................................... Fax: ............................................

Mobile: ............................................

Contact E-mail Address:…………………………………………………………………………………

The signatory hereby declares that the signatory is authorised to apply for a licence on behalf of the Applicant, and that the information contained in this completed Application Form is true and correct.

Name of authorised signatory:

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Position Title:

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E-mail address of signatory:

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Date: .............................................

**Do not send supporting information or documentation with this Application, other than where specifically identified.**

Once you have completed the Application Form in its entirety please send via email to [*DataAccess@landservices.com.au*](mailto:DataAccess@landservices.com.au)***.*** If you do not receive an email acknowledgment within 2 business days please contact Anna Stavrou on (08) 8243 5094 or email [Anastasia.Stavrou@landservices.com.au](mailto:Anastasia.Stavrou@landservices.com.au)

*Any reference below to the “Principal” is to be read as a reference to Land Services SA Operating Pty Ltd ACN 618 229 815 as trustee for the Land Services SA Operating Trust ABN 86 836 650 939 in its capacity as the State's appointed service provider.*

*The Applicant must provide sufficient responses in this Application to enable the Principal to assess the Application in respect of all of the below* ***Mandatory Criteria****.*

*A "Yes" response which includes comments such as “subject to conditions”, or which details any other conditions for any of the* ***Mandatory Criteria****,**may be treated as a "No" response if those conditions are not acceptable to the Principal.*

*The Application will be assessed initially by the Principal. If the Application meets the Mandatory Criteria, the Applicant will be advised about the further information required to be provided to the State to enable the State to assess the Application and the proposed products, to determine whether it will in its discretion (taking into consideration national security or other similar matters) approve or reject the Application. The Applicant will also need to provide the State with proof that it has passed a technical data security audit and evidence of its privacy and insurance arrangements.*

*If the Application does not meet the Mandatory Criteria, the Applicant will be notified by the Principal, informed of the reasons why the Application has been rejected, and advised of the Applicant's rights of appeal.*

**Mandatory Criteria**

1. The Applicant intends to use the data for a commercial purpose;
2. The Applicant will abide by the terms and conditions of the Data Access Sub-Licence Agreement. This includes the Applicant providing its explicit agreement to:
   * 1. pay a licence fee to the Service Provider in accordance with the terms of the Data Access Sub-Licence Agreement; and
     2. abide by any restrictions on the removal, transmission or transfer of the State's data outside of Australia as required by the terms of the Data Access Sub-Licence Agreement;
3. The Applicant can demonstrate that it has appropriate data security arrangements in place;
4. The Applicant can pass a technical data security audit and agrees to submit to regular technical data security audits;
5. The Applicant has downstream control of data to end users;
6. The Applicant's privacy plans, policies and practices meet the requirements of the Australian Privacy Principles as set out in the *Privacy Act 1988* (Cth);
7. The Applicant is financially viable;
8. The Applicant has appropriate insurance in place;
9. The Applicant is reputable, in that the Applicant is capable of adequately planning and managing development and delivery of product to market;
10. The Applicant has adequate internal quality assurance processes in place;
11. The Applicant's Application can be confirmed through referee reports (by way of provision of three references).

CRITERION 1

1. **Does the Applicant intend to use the data for a commercial purpose?**

Please indicate your answer below by clearly indicating your chosen response.

*If yes, please summarise the intended use in the comments.*

*If no, contact the Principal to discuss next steps - DO NOT COMPLETE THIS APPLICATION*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

CRITERION 2

1. **If the Applicant is granted a licence, t**he Applicant agrees to fully accept all of the terms and conditions of the Data Access Sub-Licence Agreement.

The Principal requires each licensee to accept and agree to be bound by the same terms and conditions of use, as detailed in the Data Access Sub-Licence Agreement.

Please indicate your answer below by clearly indicating your chosen response.

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

1. **If the Applicant is granted a licence, the Applicant agrees to pay any nominated licence fees, in accordance with the** Data Access Sub-Licence Agreement **terms and conditions.**

Please indicate your answer below by clearly indicating your chosen response.

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

1. **If the Applicant is granted a licence, the Applicant agrees to submit to technical data security audits to be performed as required under the Data Access Sub-Licence Agreement terms and conditions.**

Data security audits will be used to assess applications used by the licensee that supply data to customers and to assess the infrastructure supporting those applications.

Please indicate your answer below by clearly indicating your chosen response.

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

1. **If the Applicant granted a licence, the Applicant agrees to comply with the Data Access Sub-Licence terms and conditions regarding any restrictions on the removal, transmission or transfer of the data outside of Australia.**

Please indicate your answer below by clearly indicating your chosen response.

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

1. **Is the Applicant a "foreign person" within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* (Cth)?**

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***If yes, provide details:***

CRITERIA 3, 4 AND 5

1. **DATA SECURITY**

**Applicants are required to provide details of the data security arrangements that currently exist (or will be implemented) to protect licensed data from unauthorised access and to ensure that it is not used in a manner contrary to the terms of the** Data Access Sub-Licence Agreement**.**

**Your responses below will be assessed against the State's mandatory minimum specifications, a copy of which can be obtained upon request.**

**Please clearly indicate if any of the below are proposed arrangements (i.e. they do not currently exist).**

*Note: All Applicants must also pass a technical security audit.*

* + 1. **Network perimeter security.**

**RESPONSE:**

* + 1. **Web server security configuration.**

**RESPONSE:**

* + 1. **Database and database server security configuration.**

**RESPONSE:**

* + 1. **Use and nature of any data encryption techniques employed.**

**RESPONSE:**

* + 1. **Client authentication and authorisation measures.**

**RESPONSE:**

* + 1. **Input and output data validation measures.**

**RESPONSE:**

* + 1. **Other application level security mechanisms.**

**RESPONSE:**

* + 1. **Intrusion detection or prevention measures.**

**RESPONSE:**

* + 1. **Security maintenance and software upgrade practices for servers and applications.**

**RESPONSE:**

* + 1. **Physical security.**

**RESPONSE:**

* + 1. **Personnel security.**

**RESPONSE:**

* + 1. **Assurance processes undertaken to confirm effectiveness of security measures.**

**RESPONSE:**

* + 1. **Any other IT or non-IT security measures considered relevant.**

**RESPONSE:**

1. **DOWNSTREAM CONTROL**

**Applicants need to demonstrate how they will ensure their customers are informed about, and comply with, the conditions of use for licensed data as detailed in the Data Access Sub-Licence Agreement.**

**Your responses below will be assessed against the State's mandatory minimum specifications, a copy of which can be obtained upon request.**

* + 1. **Does the Applicant have in place (or intend to put in place) downstream control arrangements?**

*If yes, please provide information in the comments about the types of controls that the Applicant will use, and clearly indicate if any of those are proposed arrangements (i.e. they do not currently exist).*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

CRITERION 6

1. **PRIVACY**

**Although the licensed data does not contain names of natural persons, it is a licence condition that sub-licensees do not diminish the privacy of natural persons by any means, including data matching or correlating the licensed data with data from other sources.**

**Applicants are accordingly required to demonstrate that their privacy plans, policies and practices meet the requirements of the Australian Privacy Principles to protect licensed data from unauthorised access and to ensure that personal information contained in licensed data is not used in a manner contrary to the *Privacy Act 1988* (Cth) or the terms of the Data Access Sub-Licence Agreement.**

*Note: The Applicant will also need to provide a copy of its privacy plan and policy to the State before a Data Access Sub-Licence Agreement will be executed.*

* + 1. **Do the Applicant's privacy plans, policies and practices comply with the requirements of the Australian Privacy Principles?**

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Has the Applicant been involved in any claim or dispute associated with breaches of privacy?**

*If yes, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

CRITERIA 7 AND 8

1. **FINANCIAL VIABILITY AND INSURANCE**

**Applicants are required to demonstrate that they have the financial capacity to perform all obligations required by the licensing arrangements (as detailed in the Data Access Sub-Licence Agreement).**

**This includes the Applicant providing its permission for the Principal to perform due diligence enquiries on the Applicant that may include financial, credit and security checks and a background search with prudential regulatory authorities.**

**Your responses below will be assessed against the Principal's mandatory minimum specifications, a copy of which can be obtained upon request.**

* + 1. **Are there or have there been any bankruptcy actions against a director of the Applicant, its parent or any associated entity within the past 5 years?**

*If yes, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Are there or have there been any actions of insolvency proceedings, actual or threatened (including Voluntary Administration or Application to Wind Up) against the Applicant, its parent or any associated entity within the past 5 years?**

*If yes, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Are there or have there been any de-registration actions against the Applicant, its parent or any associated entity within the past 5 years?**

*If yes, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Is the Applicant trading solvent, and able to meet its debts as and when they fall due in the normal course of business?**

*If no, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Does the Applicant give permission for the Principal to make due diligence enquiries and perform financial, credit, security and background checks as deemed appropriate by the Principal?**

*If no, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

1. **INSURANCE**

**The Principal requires each sub-licensee to maintain adequate public liability and professional indemnity insurances for the entire term of the Data Access Sub-Licence Agreement.**

**Successful Applicants are required to provide copies of certificates of insurances (in the name of the Applicant entity) in the amounts of $20 million AUD for public liability and professional indemnity of $5 million AUD (for any one claim) and $10 million AUD (in aggregate claims).**

**Applicants who do not currently have sufficient insurance cover must state their preparedness (below) to acquire such insurance cover in the event a provisional grant of a licence to that Applicant is subsequently made.**

*Note: Evidence of adequate insurance will be required before a Data Access Sub-Licence Agreement will be executed.**If available, the Applicant should enclose with this Application a certificate of currency in relation to the Insurance Arrangements referred to at (a) below.*

* + 1. **Does the Applicant's current insurance satisfy this requirement?**

*If yes, please provide details of the insurer, level of cover and type of cover.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Does the Applicant agree to have insurance that satisfies this requirement before a Data Access Sub-Licence Agreement is executed?**

*If no, please provide details in the comments.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

**CRITERION 9**

1. **EXPERIENCE**

**Since execution of a Data Access Sub-Licence Agreement between a successful Applicant and the Principal will establish an on-going commercial relationship between the parties for the term of the Data Access Sub-Licence Agreement, it is a requirement of the Principal that the Applicant is able to demonstrate historical sound corporate behaviour, and an ability to research, plan, develop and deliver new information products.**

*Note: The Principal will treat all information provided by the Applicant as commercial-in-confidence.*

*If the Applicant's experience includes:*

* *utilising services of third parties to develop and/or support delivery of the Applicant's information products/services; and/or*
* *servicing markets outside of Australia,*

*separate supporting details of those arrangements must be supplied (e.g.: nature and extent of the arrangements) to the State.*

* + 1. **Does the Applicant have any experience in the information services market and/or the value-adding of data?**

*Please indicate in the comments if this experience includes servicing markets outside of Australia.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Does the Applicant have any experience in the development and delivery of property and land information products?**

*Please indicate in the comments if this experience includes servicing markets outside of Australia.*

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

* + 1. **Please provide a brief history of the Applicant to demonstrate the Applicant organisation’s stability and maturity.**

**CRITERION 10**

1. **QUALITY ASSURANCE PROCESSES**

**Quality assurance processes assist organisations to mitigate risk and to satisfy compliance requirements.**

**Please provide details of the Applicant's corporate quality assurance processes including details of any Quality Management Systems used in respect of data management.**

**CRITERION 11**

1. **REFEREE REPORTS**

**The Applicant is to provide a maximum of three (3) referees that are willing to respond to enquiries made by the Principal in relation to this Application.**

**Reference 1.**

*Referee organisation name:*

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*Referee organisation address:*

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*Nature of relationship between the Applicant and the Referee:*

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*Period of association between the Applicant and the Referee:*

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*Referee contact person name:*

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*Referee contact person phone number:*

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*Referee contact person email address:*

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**Reference 2.**

*Referee organisation name:*

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*Referee organisation address:*

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*Nature of relationship between the Applicant and the Referee:*

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*Period of association between the Applicant and the Referee:*

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*Referee contact person name:*

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*Referee contact person phone number:*

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*Referee contact person email address:*

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**Reference 3.**

*Referee organisation name:*

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*Referee organisation address:*

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*Nature of relationship between the Applicant and the Referee:*

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*Period of association between the Applicant and the Referee:*

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*Referee contact person name:*

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*Referee contact person phone number:*

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*Referee contact person email address:*

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**CONFIRMATION**

1. **Has the Applicant provided sufficient information in this Application to permit a proper evaluation by the Principal of this Application against all of the Mandatory Criteria?**

Please indicate your answer below by clearly indicating your chosen response.

**RESPONSE:**

**🞏 YES**

**🞏 NO**

***Comments (optional):***

Once you have completed the Application Form in its entirety please send via email to [*DataAccess@landservices.com.au*](mailto:DataAccess@landservices.com.au)***.*** If you do not receive an email acknowledgment within 2 business days please contact Anna Stavrou on (08) 8243 5094 or email [Anastasia.Stavrou@landservices.com.au](mailto:Anastasia.Stavrou@landservices.com.au)

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