TRANSFER OF LAND AMENDMENT BILL 2018

Second Reading

Resumed from an earlier stage of the sitting.

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [2.51 pm]: Before lunch, I raised with the Minister for Lands the possibility of eventually adapting our Property Exchange Australia system, which is essentially a centralised system that records all certificates of title and to which we apply when land transfers are made, to one that might be considered to be far more secure, which is a blockchain system. I am advised that this is likely to be the way of the future. A distributed recording of the ledger would be much more reliable and secure than a central system, which is prone to attacks and corruption of some form. Blockchain technology relies on three pillars. The first is that it is decentralised and the second is that it has complete transparency, which is something we already ask of our land title system. I am sure many members have applied to Landgate for information about particular properties to see who is listed on the certificate of title. That transparency is there. The third pillar is immutability.

I have touched on the advantage of having a decentralised system. A decentralised system is much better than a client server model, in which everything has to be sent to a centralised body. I hope the minister's advisers have been able to look at this issue in the time since I initially raised it, and how urgent it might be for us to have this much more robust blockchain system for our property title storage. It would really enable us to have things stored across all networks. That is the fascinating thing about blockchain systems, which I am just barely beginning to understand—they store things across a whole network, which really avoids all the pitfalls of centralisation. Just as importantly, a new certificate of title could be an additional block on a chain and then that chain itself would be stored across the system. That is an exciting possibility—that it would be accessible anywhere. The chain cannot be changed, though; it is locked in. That is an important feature as well. That is something we have to worry about if the centralised system were somehow shut down. That is a real concern when one thinks of the billions of dollars involved in annual property transactions. I have seen the figure somewhere—billions of dollars are involved in Australia alone; it is an absolutely astronomical figure. If there was a problem in any of the systems we currently rely on, the confidence in our system would be seriously undermined. We talk about problems with the banking system from time to time. If the record of property ownership was somehow corrupted or lost, I think that would be an even bigger disaster than a glitch in the banking system. Just a week ago, the Commonwealth Bank had a problem and there was all sorts of outrage and legitimate concern about that. I would like to learn more about the feasibility of switching to a decentralised system and how it could work.

Leaving aside the blockchain issue, I want to return to one of the issues I raised earlier in my speech about the transition of ownership for people who are joint tenants. When one joint tenants dies, an application is made for survivorship. People imagine that survivorship applications should be fairly straightforward and should just go through. Since I began this speech, another case has come to my office. Thanks to the team in the minister's office, we were able to get it resolved very effectively, so I thank the minister for that. The case involved an elderly person whose husband had died and she wanted to let Landgate know that her name would now be the sole name on the certificate of title. Contacting Landgate is impossible by direct means—that is, person to person. For older people, that is very difficult. The whole matter was complicated in this case. The property was purchased about 45 years ago and there had been no problems with the joint tenancy. However, perhaps because a careless real estate agent was involved at the time, the name on the certificate of title of the now surviving person was not quite the same as the formal name the person uses today. That caused all kinds of problems. I think that will arise more and more. We know that people in our multicultural communities and newly arrived people often have a particular spelling of their name, but somehow, over time, an extra letter is put in or a letter is changed. That makes it very challenging for them. Of course, there is a process to be gone through—it is a matter of signing statutory declarations and what have you to provide proof. However, perhaps Landgate could provide a bit more of a personalised service, particularly for the elderly, in which they could offer to meet the person, who is still in a grieving state. Landgate could say, "Look, come in with your documents to prove your identity and we will work through it," rather than having just an electronic system that is sometimes very difficult for people to navigate.

I certainly support the measures we are taking in this legislation. I recognise that we are fortunate to have a very strong system in Western Australia. It is one that underpins the wealth of all of us who own property. It is very important that that be maintained. However, I am interested in how we can continue to evolve the system and make it even better, perhaps by looking at blockchain technology. The other issue is about how we can make the system a little more friendly for those who are not familiar with electronic systems in general.

MR S.A. MILLMAN (Mount Lawley) [3.00 pm]: I rise to make a contribution to this debate on the Transfer of Land Amendment Bill 2018. I thank the member for Armadale and the member for Thornlie for their contributions this afternoon. Once again —

Mr R.R. Whitby interjected.

Mr S.A. MILLMAN: Apologies to the member for Baldivis; I was not here when he made his contribution.

Mr R.R. Whitby: And the member for Cottesloe.

Mr S.A. MILLMAN: I will get to the member for Cottesloe's contribution shortly. In his contribution, the member for Armadale traversed the very important history of the Torrens title land management system, a terrific system that we here in Western Australia have inherited. It carries us all the way back to 1893 when the Transfer of Land Act was initiated. The most salient feature of this legislation is that, once again, we have a government at its finest. The McGowan Labor state government is providing an environment in which commerce can flourish. In its own small way, this is another example of the McGowan Labor government encouraging open markets and more commerce in Western Australia. This reform initiative builds on an already impressive record in encouraging business and commercial transactions in Western Australia.

Just today, the Treasurer announced the implementation of a significant payroll tax cut. Recently, we had the cut in stamp duty. The government, through sound financial management, has put an end to rise upon rise of land tax, which was kicking small businesses in the guts and making their life that much harder. The government is stimulating the economy. We have invested millions of dollars in health maintenance works and education maintenance works. Hon Roger Cook, the Minister for Health, brought in terrific legislation earlier this week to invest in medical health and research in order to drive innovation in one of the fastest growing and largest employing sectors of the economy. Combined with all that, we had the headspace in our finances to cut TAFE fees to encourage people to access the courses they need for the jobs of the future. In its own small way, once again, this legislation demonstrates that this government is providing precisely the environment to stimulate the economy and drive commercial activity. It is a nightmare for the Liberal Party to see us achieving it in such a terrific way. I suggest that this is all possible because our activist government assiduously ensures that our legislative regime is up to date and, at the same time, exercises the fiscal restraint that draws the admiration of international rating agencies such as Standard and Poor's, which only this week re-affirmed just how impressed it is with the way in which this Treasurer and this government are managing the finances for the benefit of Western Australians.

As the member for Thornlie finished on, one of the interesting attributes of this legislation is that it touches on the rise of e-commerce. For members present, I will recount some of the fascinating history of e-commerce as we come to the fiftieth anniversary of one of the very first acts of e-commerce. ARPANET is the American defence research internet system that was around in the 1970s. I am reliably informed by the internet that ARPANET was used to arrange a cannabis sale between students at the Stanford Artificial Intelligence Laboratory and the Massachusetts Institute of Technology in 1971—almost 50 years ago. It was described in John Markoff's *What the Dormouse Said* as the seminal act of e-commerce. We jump forward a decade and a half and in 1984 we had another milestone when CompuServe launched electronic mail in the United States and Canada. It was the first comprehensive electronic commerce service. In 1989, 30 years ago, Sequoia Data Corp introduced Compumarket, the first internet-based system for e-commerce. Sellers could post items for sale and buyers could search the database and make purchases with a credit card. We can see that in the first 20 years of e-commerce, we had significant developments. As is always the case with these things, those developments started to accelerate.

It was a big year in 1995. The US National Science Foundation lifted its strict prohibition on commercial enterprise on the internet. In the same year, amazon.com was launched by Jeff Bezos and eBay was founded by computer programmer Pierre Omidyar. EBay was the first online auction site supporting person-to-person transactions. We jump forward another half decade to 1999—another very important year—when Alibaba Group was established in China. Also in 1999, global e-commerce reached $150 billion for the first time. We jump forward to just five years ago, when in 2014, US e-commerce and online sales were projected to reach $294 billion—that is an increase of 12 per cent over 2013—and constitute nine per cent of all retail sales. Up to 2017, retail e-commerce sales across the world reached $2.3 trillion, which was a 24.8 per cent increase on the previous year, and global e-commerce transactions generated $29.267 trillion, including $25.5 trillion for business-to-business transactions and close to $4 trillion for business-to-consumer sales. We can see from that potted history of e-commerce over the last 50 years that this has become an increasingly important platform over which commercial transactions are made. It is precisely appropriate that in this day and age, our activist government ensures that our regulatory regime is up to date in order to respond to the challenges of e-commerce and crystallise the opportunities that using e-commerce provides us.

Greater economic and commercial activity is only to the benefit of Western Australians. In my introduction, I touched on all those magnificent achievements of the McGowan Labor government that go towards driving greater economic activity. As I said earlier, we have the new job-creating school package major maintenance blitz. For the information of members, this was a $200 million maintenance package announced for all 789 WA public schools. The WA jobs initiative will deliver an economic stimulus and create 3 150 new jobs through funding to address maintenance issues, including classroom refurbishments, electrical upgrades and structural improvements. Building and maintenance works will commence immediately. The McGowan government budget surplus is delivering ongoing benefits across WA. That is the job-creating school maintenance package.

Then we have, as I said earlier, the priority hospital maintenance blitz. In addition to all the money that this McGowan government has spent on that wonderful institution that so well serves the people of Mt Lawley, Royal Perth Hospital, we have this hospital maintenance blitz, which is $81.5 million in infrastructure maintenance for 89 health facilities. This economic stimulus package will create another 1 300 jobs, as well as improve staff and patient conditions in the WA health sector. The building and maintenance works will again commence immediately. Once again, we have the demonstrated benefits of the McGowan government's surplus.

Then we have today's payroll tax relief announcement. The payroll tax cut will affect nearly 12 000 small and medium businesses across WA. The exemption threshold will be lifted by $150 000 over two years. These changes will provide $170 million in tax relief over four years and reduce costs for businesses so that they can expand and create more jobs. This tax relief is only possible because of the McGowan government's careful stewardship of the state's finances and the outstanding work of the Treasurer.

There is also the freezing of TAFE fees, which provides an opportunity for so many more students to access the courses and classes that will equip them for the jobs of the future, and so many of those jobs are jobs that the McGowan government is working assiduously to create. The McGowan government has invested $535 million in recent weeks to help stimulate the economy and create jobs for Western Australians. This is not just about the financial activity of pushing money into the economy; it is also about the regulatory framework that will apply. By upgrading and updating our regulatory framework for the benefit of the property industry in the transfer of land and by making transfers easier, more accessible, quicker and more efficient, we combine the fiscal stimulus to drive that activity with the regulatory regime to make sure that the activity is carried out appropriately. This is a government that gets the balance right. That is exactly the sort of work that should be done by this government and this Treasurer, even in his capacity as Minister for Lands, the portfolio under which this legislation falls.

This legislation will have an impact on constituents in every electorate around the state, be it Dawesville, Balcatta, Belmont or Mount Lawley. Residents and property purchasers in all those neighbourhoods will be able to access the benefits of this new electronic-based system. Members have already touched on how efficiently this will operate, how much easier it will be to operate, and how much paperwork and unproductive endeavour will be taken away. The Treasurer interjected during the member for Baldivis' contribution about the time when the Treasurer was an articled clerk in a law firm, and just how many people were involved in a settlement. The member for Armadale, with his excellent recitation of the history of the Torrens title system, reminded members of just how much paperwork was involved. In areas like Mt Lawley where a significant number of property transactions are taking place, where there is increased urban density and apartment developments, and where there are people who are really keen to participate in the residential property market, all those endeavours will be made that much easier because of this legislative change.

That brings to mind the area of South Perth, which is very densely populated with apartment living. If I may, I will use that as a segue to congratulate the member for South Perth on his announcement today that he will not be contesting the next election. I put on the record my admiration for the work he has done. I was lucky enough to spend a great deal of time with the member for South Perth on the Joint Select Committee on End of Life Choices, and I wish him all the very best. I am very impressed by his contribution to the people of Western Australia during the time he has served in this Parliament. On that note, I will finish my contribution, and commend the bill to the house.

MS J.M. FREEMAN (Mirrabooka) [3.12 pm]: I, too, rise to speak to the Transfer of Land Amendment Bill 2018 and thank members for their contributions, particularly the member for Mount Lawley for reminding me about the 150-year-old Torrens title system, of which I have some limited knowledge. This bill builds on the Electronic Conveyancing Act 2014, which introduced electronic conveyancing. At that time Property Exchange Australia, an online platform, was used for conveyancing. It was originally owned by government stakeholders, including the Western Australian government, but was sold sometime later. It was developed after a 2010 Council of Australian Governments meeting to develop a national property settlement system.

So often we sit there, thinking, "Where does Landgate fit into the whole scheme of things?", other than the fact that that is where I buy my big maps that outline the electorate of Mirrabooka, which used to be the electorate of Nollamara and then the electorate of Girrawheen. Landgate has great maps, and I know it from contacting it to get those maps. It is the business name for the Western Australian Land Information Authority, which formerly had names including the Department of Land Information, the Department of Land Administration and the Department of Lands and Surveys. When sovereignty is sought over land by government, the land is surveyed, taken as crown land and then transferred into private ownership. I recently showed the member for Pilbara a painting on my wall by a close friend, Philip Partington. The painting is about the Pilbara. It has a big map of the area of the Pilbara that is mined and includes the legislation that established that these were crown land. It also includes many other aspects of how it was mined. It illustrates that whole aspect of how we have taken land in our community.

From 1996 there were optional duplicates. This legislation will remove duplicate certificates of title. Prior to 1996, as I understand it, duplicates were given to the owners or proprietors of the land. The certificates of title or title deeds were issued by Landgate and the original was held by Landgate with the option to have a duplicate title.

That was after 1996. Original titles were always kept at Landgate and the duplicate title would usually be kept by the owner or lending institution. The bill before us removes the risk of loss of that duplicate certificate, and removes the risk that it could be used in a fraudulent manner. Land titles are currently held electronically and there is a digital record of title. When Victoria made similar changes to its legislation as a result of the 2010 COAG meeting and other aspects of going electronic, the big four banks destroyed the paper land titles of 1.6 million Victorian mortgagors, according to a 1 November 2016 article in the *Sydney Morning Herald*. The question was whether that then forced property owners to use a bank-owned electronic transaction system when they sold their properties. Of course, that was the case. Now we have a situation in which people can only transfer their titles through an electronic system. That should result in savings for consumers. My concern is that often the savings we would like to see are not necessarily delivered.

In 2016, the Law Institute of Victoria was an outspoken critic of electronic systems, arguing that it increased costs for consumers and undermined those holding titles with security against other assets. I am sure this issue has been given good consideration. The system is already well entrenched, but it would be interesting to know, after having moved into the digital title age, whether there has been a commensurate decrease in administrative costs for consumers. I acknowledge what the chief executive of PEXA had to say on this issue. The chief executive at that time said that paper titles were cumbersome to use. He said —

> "People keep losing them, including banks …
>
> Most property fraud occurs with unencumbered paper titles being taken and used by other family members …
>
> "This is a long overdue catch-up by property to the two other big assets, shares and cash, which are exchanged electronically …

He said that would make for a much safer system.

The comparison with shares and cash was interesting. One of the major investments that mums and dads make is in land, sometimes to assist with their retirement incomes. They see it as a good investment for the future. When we have argued about residential tenancy laws, I have always maintained that people who invest in properties to rent them out have to understand that that is a business. But we are not just talking about people buying property for investment, which is what people do when they trade in cash and shares. This is also an investment in their homes. People hold digital records of title dearly on the basis that it is their space in the world as they know it. They would probably find the inability to have a copy very confronting. Despite the fact that we are not doing duplicate certificates of title, we are doing copies of certificates of title. They will be made available and they can provide an accurate copy of current ownership information as recorded on the Western Australian register of titles. I commend the government and Landgate for that. I also note that all existing duplicate certificates of title will no longer have any legal effect. I assume they will revert to effectively being copies of the certificate of title. Will they simply have no status at all? That is an interesting question. I understand that stopping the duplicates prevents them being used in a fraudulent manner and reduces risk. A person cannot rely upon a duplicate to show that they are the true owner of the property, and this bill ensures that.

I notice that there are going to be changes to ensure that small differences in the counterpart's signing of documents will mesh together and there are no technical difficulties. Signing on a computer can be substantially different from signing on paper. I would like to know whether there is an expectation that documents will be signed on a computer or whether the signature will be scanned. I am sure other members in this place have assisted people to join different organisations over the years. Now people can sign on a computer by ticking a box with the cursor to show that they agree to something. That signature is quite different from one done with a pen on paper. I wonder how it is ensured that identity is verified. I take into account that the registrar and the Commissioner of Titles now have mechanisms in place to verify identity and that people have to show proof of identity other than the duplicate title when transacting land, but I am interested to know how it is ensured that the person's real signature is identified.

I spoke before about the importance that people place on the land that they own and the space and place they live in. That led me to think about early Indigenous property rights. I happened upon Thomas Mayor's book *Finding the Heart of the Nation* in the Parliamentary Library. People may recall that Thomas Mayor came to the Western Australian Parliament and brought the Uluru Statement from the Heart to show. It is on a beautiful canvas with some really fantastic artwork around the statement telling the amazing story of the central part of our nation and the incredible journey that people made there to put together the Uluru Statement from the Heart. The artist, Rene Kulitja, put the artwork together along with other artists, Charmaine Kulitja, Happy Reid and Christine Brumby. As Thomas Mayor said in his book, they imbued the painting with great cultural significance and power. They did it in Mutitjulu, which is close to Uluru. The book talks about Rene and the amazing woman she is. It talks about many people, as Thomas Mayor took the Uluru Statement from the Heart all around Australia. I want to read something he wrote in the opening pages of the book. He says —

> The eloquent words of the Uluru Statement make an affirmation that the first sovereign nations of the Australian continent and its adjacent islands have never ceded sovereignty—not when first colonised by the British, and not with the enactment of the Australian Constitution in 1901. The words remind us that colonisation did not extinguish the sacred link that no other civilisation on earth can claim—that the Aboriginal and Torres Strait Islander peoples are born from, remain attached to, and will return to be united with ancestors stretching back an amazing 60,000 years. At the same time, the Uluru Statement acknowledges the sovereignty that we all share, as citizens of Australia.

It is a beautiful statement and many of us have read it. The book also outlines the importance of the artwork. It says —

> You can see the tracks of Mala, the Rufous Hare Wallaby people. The track of the rufous hare wallaby shows that the Mala came from the north.
>
> From the south-west came the men of the Liru, the poisonous snake people.
>
> Kuniya, the carpet snake who was pregnant and about to lay her eggs, came from the east.
>
> Kurpalynga, the desert dingo dog, came from the west.
>
> Together the Mala and the Kurpalynga left Uluru to the south.
>
> In the middle of the painting, where the Uluru Statement is, that is where Uluru is. The Uluru Statement is where all of our different stories come together.

It made me really proud that just recently the people in the nation surrounding Uluru were able to ensure that their wishes for it not to be climbed were finally realised. I think we should pause to recognise that.

I also had an opportunity recently to go to Canberra, where I saw the Yirrkala bark petitions that were painted by the Yolngu people in 1963 when their country was being taken by the bauxite miner Nabalco. The Yirrkala bark petitions say, according to my notes —

> This is our land, this is our law, here are the symbols that are an expression to our connection to country.

I think it is important to note that back then under the Torrens title system, which we inherited, this was done without proper and continued understanding of what the land means.

[Member's time extended.]

Ms J.M. FREEMAN: The Palawa author of *Dark Emu*, Bruce Pascoe, said that the complex social structures in the development of Aboriginal languages and oral history tell us of a continuous culture unaffected by large-scale warfare and genocidal conquest. Obviously, they had lived a model of harmonious coexistence until such time as European settlers came and their lives were changed forever.

I want to talk about that whole idea of property rights for Indigenous Australians. Nicole Watson, in her article titled "The Abuse of Indigenous Land Tenure as a Tool of Social Engineering" in the 2008 *Journal of Australasian Law Teachers Association* said that throughout the nineteenth century, practices of granting land to or for the benefit of Indigenous people was more about assimilation and control. She refers to Governor Lachlan Macquarie, who proclaimed in 1916 that he would —

> … always be willing and ready to grant small Portions of Land, in suitable and convenient Parts of the Colony, to such of them as are inclined to become regular Settlers and … occasional Assistance from Government as may enable them to cultivate their Farms.

That was an approach of passivity and assimilation. I note that in *Finding the Heart of the Nation: The Journey of the Uluru Statement Towards Voice, Treaty and Truth*, there is a piece written about David Collard. In that book Thomas Mayor has a series of articles about many of the people he met and had discussions with when he was going around Australia compiling the Uluru Statement from the Heart. His piece on David Collard, a Whadjuk–Ballardong Western Australian, has David talking about the farm his grandfather and grandmother had in the wheatbelt. It states —

> They got the land because he had behaved for the white man. He cleared the land with his boys. He fenced it. And he used to burn and bag charcoal. He actually dug a well for the family. So this farmer down the road saw this wonderful land up the road and wanted it, and tried to get rid of him.

It is interesting because I recollect reading at some stage about farmland being taken back from Aboriginal people. Certainly, the article by Nicole Watson states —

> At the turn of the 20th century, many Aboriginal farmers found themselves dispossessed once again, by not only neighbouring usurpers, but also the Aborigines Protection Board. In Cumeragunja, for example, lands that Aboriginal people had farmed for two decades were seized by the Board in 1907.

When we talk about land and electronically developing land, we must understand what this whole idea of mortgages and ownership of land means to First Nation people.

I want to note two more things. The first is that the Nicole Watson article refers to the policy of the "(Aboriginal Marriage) Licence to Occupy Waste Lands of the Crown" in the nineteenth century. The article states —

> The (almost literally) paternal state provided Aboriginal women with a dowry to encourage marriage, to a non-Aboriginal person, and through it settlement of the land and the 'civilisation' of its people.

The article goes on —

> The first was granted to one Kudnarto, who married an English shepherd, Thomas Adams, in 1848. The licence was granted in order to 'encourage the adoption of settled habits and civilized usages.' Aboriginal marriage licences could be revoked for bad behaviour or upon the death of the wife. In the case of Kudnarto's licence, the land reverted to the Crown upon her death in 1855.

Because of that, after her death, her widower, Thomas Adams, placed their children into an institution. Land, as we know it, passes to families and that just seems part of a whole history of ills that we know have occurred.

I want to finish by talking about the Noongar land settlement, which was referred to as the largest and most comprehensive agreement by the then Deputy Leader of the Opposition. He said that it was somewhat like a treaty. Certainly, the then head of the South West Aboriginal Land and Sea Council said it could be seen as a small "t" treaty. It settled an area from Jurien Bay to Ravensthorpe, and included about 30 000 Noongar people over 200 000 square kilometres, and includes agreements on rights, obligations and opportunities related to land. We know that it includes around 320 000 hectares of crown land. As well as establishing a central service, it will establish regional corporations that will manage traditional land and water within their regions. There is no doubt that there has been debate around land title and the capacity for land title to be held by individuals in communities. That is something that should enable First Nation people to make decisions about themselves. Harking back to seeing those bark paintings, I mention the *Yirrkala Bark Petitions* paintings by the Yolngu people in 1963. It is a great testament to a historical occasion. I think that something of a similar nature around the Noongar settlement should also be in our state Parliament in a place of great prominence so that we can recognise some of the strides that have occurred through much effort and struggle from First Nations people. We should continue to do that and all pursue a voice to the nation and listen to that voice through the Uluru Statement from the Heart.

MR B.S. WYATT (Victoria Park — Minister for Lands) [3.38 pm] — in reply: I thank all members for their contribution to the second reading debate of the Transfer of Land Amendment Bill 2018. I thank the opposition and the member for Cottesloe in particular for their support of this bill, which to a certain extent is uncontentious. If there was ever an area—a number of members have made this point—that was ripe for digital disruption, and it was going to happen quickly, it is probably in this space. We are talking here by and large about the vast majority of work of marrying up documents. I also accept the comments made by the member for Cottesloe around some concerns—although I must admit the numbers are declining rapidly—of those who request duplicate certificates of title. There is certainly a group of people in that category; in fact, I suspect that there is a particular age cohort of people who still have confidence in a duplicate certificate of title. Indeed, recently with the passing of my father-in-law, my mother-in-law was utterly determined that she have a duplicate copy of the CT for the property that had been transferred into her name. I made the point to her that it was no longer necessary. Nonetheless, she wanted to have that copy in hand. I accept that a shift is occurring in the way that people feel confident about the security of their property. I just want to put on the record that, interestingly, mortgagees overwhelmingly no longer request a duplicate certificate of title. For 95 per cent of new mortgages registered in 2018, the mortgagee requested that no duplicate certificate of title be issued. Members can see where things are moving.

I think we are moving into consideration in detail. I know that the member for Cottesloe had a couple of questions that I will endeavour to answer when we get there, but I want to make a couple of points. The member for Gosnells referenced blockchain. I put in a request quickly to the Commissioner of Titles about the member for Gosnells' proposal. I want to make a couple of comments about the advice that I got back. Blockchain refers to a digital system that cannot be undone. Once a transaction is locked in, it cannot be undone. The Western Australian land register does not utilise blockchain technology and there is currently no plan in place to do so. This is the advice that I received from the Deputy Commissioner of Titles. Part of the role of the Deputy Commissioner of Titles is to sometimes direct that a correction be made to the WA land register after considering the full ramifications for affected parties. Blockchain technology makes correction very difficult at best because the transaction cannot be undone. That is the advice that I have received on that matter. Blockchain technology is not being considered for use at this point.

The member for Cottesloe had a specific question around enduring powers of attorney and referenced the Select Committee into Elder Abuse. Interestingly, the committee appeared to be of the view that only one power of attorney could be granted at a particular time, but the law currently provides that a person can grant more than one power of attorney if they choose to do so—it is their choice. Interestingly, powers of attorney and

enduring powers of attorney are governed under different acts: the Property Law Act and the Guardianship and Administration Act. If a person is confined to one act, then they simply utilise the other act.

Dr D.J. Honey: It was more about whether these are recorded properly so that someone's interests are protected.

Mr B.S. WYATT: The answer to that is yes. I was sent a copy of the transcript of a hearing held by the inquiry into elder abuse on 21 May 2018. On page 3 of the transcript, Hon Matthew Swinbourn asked the question —

> Does Landgate keep a record of the number of land transactions that are performed under a power of attorney or an enduring power of attorney? Can you generate that to give us a number per year?

Mr Nelson, Landgate's Deputy Commissioner of Titles, responded —

> I am certain we hold that information. Whether we can produce reports, and how easy they would be to produce, I am not sure. We would have to take that on notice and get back to you.

That question was taken on notice. Perhaps we might have an answer to that in just a minute when we get into consideration in detail. It is just a matter of how quickly that information can be brought together into a meaningful form.

Dr D.J. Honey: I was not necessarily agitating for this bill to be held up on this. I just wanted to make sure the minister is aware of it and the member for Armadale is aware of it, and it is something that the government is aware of as well.

Mr B.S. WYATT: Yes, and as I said, it is a fair point. Powers of attorney and also enduring powers of attorney—I think the member for Gosnells might have made this point as well—can cause disputes over time.

I will leave it at that. Again, I thank all members, the member for Cottesloe and the opposition for their support of legislation that I think most people accept is perhaps inevitable, in light of the way that electronic registration has been advancing at such a rapid rate. I thank all members.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Dr D.J. HONEY: I have no intention of dragging this out unnecessarily. I thought that debate on the short title might be a chance to answer a general question about communicating the changes. As I mentioned briefly in my contribution to the second reading debate, and as the minister is probably aware, some immigrant communities use informal loan transactions and the like. I am concerned about the communication process so that people in those communities are aware of the change in status of the duplicate certificate of title. I assume that the new system will contain all sorts of warnings, but I anticipate that some people might print a copy and use that in a similar way. Of course, that would provide no protection whatsoever for those informal loan arrangements. I really wanted some reassurance on the communication of this change to the broader community.

Mr B.S. WYATT: Before I answer the question, if the member wants to ask questions on this bill under clause 1, I am quite relaxed about it and it might save time, for the sake of convenience.

The member for Cottesloe is quite correct. This is something that Landgate will need to do well. We are currently working up a communications program in particular for not only immigrant groups or groups for whom English is a second language, but also older age groups. I used the example of my mother-in-law and how no matter what I said to her, I could not convince her otherwise—she wanted a duplicate certificate of title. We need to do some work to communicate the effect of these changes, particularly around duplicate CTs because that is quite a historic change.

Dr D.J. HONEY: In that spirit, perhaps we can move these clauses en bloc in a short moment. If we look forward to page 4 of the bill, clause 6(3) states —

> Nothing in this section applies to or in relation to a duplicate certificate of title issued before the *Transfer of Land Amendment Act 2018* …

My understanding is that this change would obviate the need for legal status, if you like, of the duplicate certificate of title. I did not think that caused a conflict, but I am not quite sure what clause 6(3) implies.

Mr B.S. WYATT: Member for Cottesloe, that is just confirming that before this amendment bill goes through, anything that applied before to duplicate certificates of title is still valid. We are not trying to discount activities around duplicate CTs prior to the passage of this bill.

Dr D.J. HONEY: To be clear on that—the minister would appreciate that my legal knowledge is sketchy—does that mean that the old duplicate certificate of title has some legal effect?

Mr B.S. WYATT: Correct. After the passage of the bill, that is correct, but this is very specific to signatures required that are judicially noticed. It is limited to that and that alone.

Dr D.J. HONEY: With your indulgence and in the spirit in which we are doing this, I turn to page 15 and to proposed new section 240(2). I appreciate that it is a catch-all provision—that is, if the person cannot be located, the document is deemed to be served. Are there equivalent sections in other acts or is it an unusual provision in this amendment bill? I am trying to get reassurance about whether this is a standard provision or whether there is something special about that provision in this bill.

Mr B.S. WYATT: It is effectively a substitute of service. What I mean by that is the Supreme Court Rules are that if I need to commence litigation against somebody but that person has disappeared, I still need a decision of the court. The rules allow me to serve that person by taking out an advertisement in a daily newspaper et cetera. It is those sorts of things that the commissioner will look to to provide other mechanisms of service if the person cannot be located.

Dr D.J. Honey: Is it a standard provision?

Mr B.S. WYATT: It is not unusual. It is about providing those powers, bearing in mind the other change around service will provide that catch-all.

Clause put and passed.

Clauses 2 to 62 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr B.S. Wyatt (Minister for Lands)**, and transmitted to the Council.