



GOVERNMENT OF WESTERN AUSTRALIA

MINISTER FOR STATE DEVELOPMENT

*Received 11:00am
July 15 2004.
MB.*

Our Ref: M24789

Ms Mia Betjeman
Clerk Assistant (Committees)
Standing Committee on Public Administration and Finance
Legislative Council
Parliament House
PERTH WA 6000

Dear Ms Betjeman

**LEGISLATIVE COUNCIL REPORT OF THE STANDING COMMITTEE ON PUBLIC
ADMINISTRATION AND FINANCE IN RELATION TO THE IMPACT OF STATE
GOVERNMENT ACTIONS AND PROCESSES ON THE USE AND ENJOYMENT
OF FREEHOLD AND LEASEHOLD LAND IN WESTERN AUSTRALIA**

I refer to your letter of 17 May 2004 and thank the Committee for affording me the opportunity to comment on those of its recommendations that may impact on my portfolio.

Recommendation 23

The Code referred to was:-

- a successful culmination of lengthy consultation between five shires in the Central Great Southern Region, the Pastoralists and Graziers Association (PGA), the Western Australian Farmers Federation (WAFF), the Chamber of Minerals and Energy and the Association of Mining and Exploration Companies during which mutual trust was achieved between those involved in agricultural and mineral resource pursuits – this being primarily founded on a sound understanding acquired by these stakeholders of all of the issues involved; and
- funded and driven by the then Department of Workplace Relations and Small Business and the Great Southern Development Commission (i.e, the then Department of Minerals and Energy was only one of the numerous groups involved in the formulation of the Code).

For these reasons it would in my view be somewhat presumptuous, inappropriate and probably counter-productive for the Department of Industry and Resources (DoIR) to now assert an "ownership" of the Code for the purpose of publishing an "updated" version for distribution and application across all of the State's agricultural regions.

I believe that the Code and its benefits could be readily applied across all agricultural regions of the State, however, any such action for its wider distribution should be progressive (i.e, region by region) and be preceded by effective consultation involving all affected stakeholders, including local Shires, the relevant Development Commission and the above peak groups.

Such a process of consultation would help ensure that long held and often erroneous perceptions and misunderstandings were corrected in the minds of the stakeholders, including any landowner concern that the Code is merely the "thin end of the wedge" in a move to remove the protection of their properties currently afforded by the landowners' "veto".

In view of the foregoing it is considered that a practical and appropriate response to Recommendation 23 would be for DoIR to adopt the role of facilitator for such stakeholder consultation, with a view to the benefits of the Code being progressively "marketed" to all of the State's agricultural regions.

Essential to the ultimate success of such an enterprise would be the publicly expressed support for the Code (with any "local" variations) by the PGA, WAFF and the shires in each region.

Recommendation 37

On the assumption that the scope of Recommendation 37 would include mineral and petroleum titles, I do not support the concept of requiring the "registration" of interests in such titles on private land with the Department of Land Information (DLI) and the cross-referencing of this information with the relevant certificates of title. By their nature the boundaries and even the existence of mineral and petroleum titles throughout the State are constantly changing as these titles are surrendered in full or in part or are forfeited or the title is transferred, which would mean that on each occasion the registration with DLI and the entry against a certificate of title would need to be updated.

In May 2003, at the request of the above Committee, DoIR advised that in its view the most practical option would be to develop a common spatial database between DoIR and DLI, rather than pursue a common registration regime between two fundamentally and markedly different systems. Such an integrated mapping system would be readily available to the public and would offer a practical alternative to effectively address the Committee's concerns in this regard.

I am informed that this option has the support of DLI, which shares DoIR's view that a requirement to actually record or register all interests potentially affecting freehold land would be difficult and costly to administer.

Yours sincerely



CLIVE BROWN MLA
MINISTER FOR STATE DEVELOPMENT

13 JUL 2004