

LAND INFORMATION AUTHORITY BILL 2006

Second Reading

Resumed from 24 August.

HON KEN BASTON (Mining and Pastoral) [3.10 pm]: The purpose of the Land Information Authority Bill is to establish a statutory authority of land information services. The Department of Land Information will become an authority and will provide the services relating to property titles and valuations. It will also provide a commercial service, as is the case now. Of course, the commercial arm of the Department of Land Information will be the beneficiary of this bill. The Western Australian Land Information Authority will be placed on a commercial footing. Even though the titling and valuation services will be regulated, the commercial arm will also operate the FireWatch map service and so on. I will develop those later.

The Western Australian Land Information Authority will be able to sue and be sued. That is fine; I can understand the reasons for that. I believe that Western Australia will be the first state to go down the path of a statutory authority, which will give it a huge edge for titling in the rest of Australia because it will be allowed to operate in other states. The department already operates in China and Vietnam. It is regarded as a leader in land titling systems in Australia and around the world.

I believe that the bill was drafted at least 10 times before it reached its current format; therefore, a lot of time and effort has been put into this bill. Having gone through the 188 clauses and eight parts of the bill on several occasions, I can understand why it took 10 drafts before it was introduced into Parliament.

I was very surprised to see the former member for Stirling, Monty House, at a briefing on the bill. I served on two committees that Monty House established when he was the Minister for Primary Industry, and Fisheries. I asked him what he was doing at the briefing, and he told me that he was the transitional chairman of the land information board. He asked what I was doing there and I told him that I was attending the briefing on the bill. In effect, Monty House and I had swapped roles.

After the briefing I and other members visited the Department of Land Information offices in Midland and Floreat. I congratulate the Chief Executive Officer of Department of Land Information, Grahame Searle, for such a well organised visit and for a fantastic department. I first visited the department when I became a member of Parliament and I was looking for maps of the coastal area of the eastern gulf of Shark Bay, for the recreational purpose of fishing. After some hours of trying to piece maps together at the Midland office, a staff member recommended that I visit the Floreat office. At the Floreat office I came upon the satellite imagery photography section, which is absolutely fantastic. For a fee, I was able to get a map - it was about one metre by one metre - of the eastern gulf of Shark Bay that showed all the channels and areas for fishing. It was very informative. From that time on, I appreciated what the Department of Land Information was doing.

Hon Simon O'Brien: Did you send them a fish?

Hon KEN BASTON: No, I did not. They were consumed by others!

One can only imagine the pressure that this department has been under during the recent real estate boom, with the number of properties that have changed hands. I was told during the briefing that some 469 000 property title and transfer transactions had taken place during the past 12 months. This level of activity would not have been possible without today's modern technology and the titling systems established by the department.

On the tour at Midland we were also given a demonstration of the older methods of titling, using manual typewriters to prepare registrations and titles. That process was very time consuming. Today the process of transferring documents from real estate agents through to the department and back again is all done online. Titles are printed very quickly, and anything can be registered on that title. I will touch on that later.

The authority will have a board and a chief executive officer - I have already mentioned the transitional CEO. The board will comprise a minimum of four members and a maximum of six members. The aim of the department has always been to build products to satisfy land information needs. It is because of that policy that the department is leading its field today and is to be congratulated for that.

I will elaborate on some of the programs that are available. One of the department's online services is called Landgate. It provides a range of products and is the gateway to Western Australia's land and property information. It has a business channel which includes topics such as agriculture, planning, land development, land valuations, real estate, mining and tourism and recreation. It also has a conveyancing channel that provides electronic sales advice. It allows single online requests for information from the Office of State Revenue, the Water Corporation and the Department of Land Information. It enables region scheme certificates to be requested and received electronically. Another of its products is easiforms, which allows conveyancers,

financial institutions and property professionals to create discharge of mortgage and land transfer documents. It also provides for mortgage documents to be created.

There is also a farming channel. Interestingly, the farming channel has a product called Agimage, which provides satellite maps. It has an archive of biomass images covering the south west that date back to 1993. By the way, when I was at the department's office, I asked whether Agimage covered the pastoral regions. I was told that I was being very hopeful and that it would be tried in the future. They also have forecasting yield maps, gross margin maps and FireWatch. FireWatch is a very interesting development. It was developed in Western Australia. I do not know how many members have seen FireWatch, but interested parties, such as local government and the Fire and Emergency Services Authority, can dial up and look at any fire that is burning in Western Australia.

Hon Kate Doust: It is amazing to see how many fires are burning on any one day.

Hon KEN BASTON: There are many in the Kimberley, I can assure the member.

Hon Paul Llewellyn: There are a lot in the south west as well.

Hon KEN BASTON: That is because the forests have got too heavy! They need a good burn now and again. At least with FireWatch we know where the fires are. It is not just about knowing where the fires are; it is about knowing where they burnt last time. I think this program started in 1997. I was first introduced to it two years ago. I must admit that I was quite amazed. One advantage is for rangeland properties that need burning off. The program can be used to determine when an area was last burned. It might have been only five years and therefore it needs more time before it is burned again. It is a very valuable tool in managing the wide rangelands in this state. Fire is used as a tool for developing pastures. FireWatch also helps to work out whether fires are caused by lightning or people. Of course, it is not helping to catch people who light fires.

There is also a land monitor that provides maps of affected salt lands in the state. Salinity monitoring data is also available to determine vegetable trends. There are also digital elevation models that are capable of reproducing two-metre contour data. Vegetation maps are also available. I am pleased that the Minister for Agriculture and Food is back in the house. He knows that this form of satellite imagery aids in managing the rangelands of the state. One of the things that always used to get on my nerves is that although information about where rain has fallen that was obtained by satellite imagery was always used when the pastoral land reports were prepared, that information was never given to the pastoralists. That used to really annoy me because a rangeland report would say that a person needed this or that because of certain reasons, and although the map had been seen by the Pastoral Lands Board, it had not been seen by the pastoralist! To my knowledge, that situation has not changed. It is a change that needs to take place. I will discuss that some more because it is very important. I was at the Gascoyne Muster only a week ago. I know that Hon Vincent Catania was there for a short period. I know people are thinking about these changes but until everybody pulls together and there is a whole-of-government approach and things move in the right direction, the changes will not happen.

I touched on OceanWatch in my selfish way because I wanted satellite imagery maps so that I could indulge in some better fishing! OceanWatch also provides charts for industry that indicate the warmth of currents that come down the coast. They are valuable for people in the crayfishing industry and in enabling the Department of Fisheries to determine what the industry will be like in the future.

Hon Kim Chance: And weather forecasting.

Hon KEN BASTON: Yes, weather forecasting.

Pastures from Space is another service that is offered. Satellites orbit the earth twice a day and collect the infra-red response from pastures. The data is used to estimate the rate of pasture growth. Farmers pay a fee to use the service. They can zoom on to their paddocks by using map guides such as road and town names etc. Linked very closely to that is VegetationWatch, which gives access to downloadable satellite maps that show vegetation cover across Australia. In our briefing we were given the example of a farmer in the south west. He had a large property and was running a lot of sheep. At certain times he was able to nearly double his stock capacity. In one year he was able to obtain extra income of between \$200 000 and \$270 000 by using these methods. A person can understand why there are commercial aspects to land information. I am sure that many farmers would willingly pay a fee to have that type of return.

Hon Kate Doust: It is not very expensive; I think it is about \$300 a year.

Hon KEN BASTON: Yes. That is for only one farmer, of course. The example given to us was of a big farm. I was just giving the house one example of how the facility can be utilised.

There is also a government channel, which contains many usages for government. As I mentioned before, the Fire and Emergency Services Authority makes use of the FireWatch channel, VegetationWatch and the land monitoring channel. I noticed today that the Minister for Agriculture and Food made a ministerial statement in

which he mentioned natural resource management. I can imagine the people who would use the services provided by the Department of Land Information.

The department also provides other services such as valuation; surveys; market valuations for government, statutory clients and agencies; the determination of rental values; arbitration; setting reserve prices for government property; and compensation determinations. I foresee that those services will continue to be regulated.

The department also has a new web site called the shared land information platform. It acts as a secondary register for other government departments to register an interest on a title. There are 180 different types of agency and departmental registrations that can be placed on a title. These are not necessarily put directly on a title. Many of these registrations are created by policy guidelines, which are not registered on a certificate of title. Some are also created by legislation, which are also not registered. I will not advise the house of all 180 types but I will give a few examples. There are vegetation and wildlife development constraints, which are used by the Department of Agriculture and Food and the Department of Environment and Conservation. There are water management area constraints, which are used by the Department of Water. Interestingly enough, I mentioned in the house a planter in Carnarvon. I can see how he could be affected by this legislation. He could be affected by a floodway through his property that he would learn about only when he came to sell the property. Contaminated sites notices are also registered by the Environmental Protection Authority, as are environment orders. Health orders can be lodged by the Department of Health. There are also constraints concerning swimming pool fences and firebreaks through local governments. These are the types of things that one expects to be on a secondary register. The shared land information platform could also be used to register that information. The opposition will move an amendment to do that in the committee stage.

This bill is divided into eight parts and comprises 188 clauses. Part 1 is "Preliminary". Part 2 establishes the authority that can sue or be sued. Part 3, "Functions of Authority", broadly defines the authority's main responsibilities and powers, and related matters such as pricing principles and operating outside of the state. It contains broad enabling functions required for the authority to continue on from the Department of Land Information in performing the state's land titling and valuation functions. Part 4 establishes the management and staffing structures - the general administration of the authority. Division 1 of part 4 establishes the board of management, as I alluded to, and division 2 establishes the chief executive officer, general staff and use of staff. Part 5 of the bill deals with the accountability side of the authority. Part 7 relates to the transitional matters of authority. Part 8 refers to the acts that will require minor changes to accommodate the change from a department to an authority.

Although the opposition supports this bill, with the one amendment, questions arise with a bill that provides for a government department to become a commercial entity. What will happen in the future? How will the change be of benefit? We know it will benefit the department, because it will take the commercial arm and operate in the other states, China or Vietnam and make money from doing that. It concerns me to think that when I attend the next budget estimates hearings, I will learn how independent from Treasury this department is. Will it be able to do what it wants, or will it be subject to a Treasury budget and constraints? What are the safeguards that will ensure that the statutory functions remain on a cost recovery basis, separate from the commercial arm? Obviously these questions will be answered in the committee stage. If the government is short of cash, will it be able to raid the coffers of the authority, to the authority's detriment? I notice that the bill provides for the authority to raise up to \$5 million. If that amount were allowed to be higher, would the government be able to use the authority - bearing in mind it is a commercial arm and has built up equity - to borrow against? Should the entity become very commercial, will the government of the day consider it to be a saleable asset and sell it off? I will be interested to learn in what areas the entity would be split and whether the titles office would be separate from the other services that someone else could administer and make a profit from.

I refer now to satellite technology. The information I have indicates that we have Big Brother, and he is in the sky. He is certainly watching us 24 hours a day, seven days a week. We were shown at the briefing how the department can zoom in on one's house and see everything. One question about this commercial arm is: how commercial will it become by allowing the spy in the sky - Big Brother?

The opposition will support this bill and will move one amendment in the committee stage. I look forward to the opposition's questions being answered when we reach the committee stage.

HON PAUL LLEWELLYN (South West) [3.35 pm]: The Land Information Authority Bill sets out to convert a government department into an authority. Everything that we have been told in this place and what the Machinery of Government Taskforce report suggests is that all these small authorities and commissions are unworkable and should be disbanded and moved into government departments. However, we are doing the precise opposite with this bill, and I find that very interesting. There is probably good reason to do that. That reason is not 100 per cent clear to me or other members of the Greens (WA), because the bill came to us two or

three weeks ago and weighs about 2.5 kilos. The explanatory information document is the biggest I have seen. It is an information bill, and that is what we get when we deal with information. Nevertheless, we were given a very informative briefing, for which I thank the department, although it was somewhat evangelical and enthusiastic about land information systems. It is enthusiastic about the potential for land information systems to provide a good basis for public management and planning.

It is important to note that land information systems underpin our property rights and the financial basis of property ownership. It is extremely important that there be good control over the information databases that underpin the enormous financial investment that this society puts into land. I imagine that that is why it is not a corporatised body. As an authority, it has an important public function to maintain the title system for the state. It is clear that well-informed decisions come out of good information and a good information database; for example, decisions on the mining industry; agriculture management; rangeland management; and regional planning, including social planning. Also, criminal activity can be mapped out in space and social parameters can be mapped out to determine where the poor and homeless people are living. Land information systems can be used in an array of ways to bring about good quality decision making.

From the point of view of the environment, a good land information database will determine the presence of water protection boundaries, dieback disease risk, acid sulfate soils, site contamination and zonings for various land use and town planning schemes. A good land information database will aid decision making. We got not only the biggest explanatory memorandum that I have seen in my short time as a member of this place but also a show bag! I am showing for the benefit of members this show bag containing an atlas of Western Australia and an enormous compact disc, probably 700 megabytes, of information to boot. The problem is that information, by itself, does not lead to good decision making. Governments provide a lot of information but can in fact do a snow job on people. We know what mass media can do with the loads of information it has put out there in the community. It does not necessarily bring about high quality societal governance. Mass communication can be misused. We therefore should not be seduced by the notion that an enormous sophisticated information system will lead to good planning and management. Many government departments have very sophisticated land information systems. The former Department of Conservation and Land Management - now the Department of Environment and Conservation - and indeed the forest department had a forest management system operating for many years. The Greens (WA) would say that in many ways they misused that database and did not on all occasions act in the best interests of the community. I know first-hand from working in the former forest department and CALM that withholding information was a favourite occupation if they wanted to control debate on an issue. A clearing house with one single portal for access to all information contained in state government departments, in itself, sounds good on paper, and I suppose sounds good in cyberspace as well, but it does not necessarily deliver outcomes; it is only information. We still need good policy, we still need clear action plans and we still need good societal will to ensure that information systems are used for the public good.

For example, in 1972 a scientific paper called "The Ecological Attention Cycle", the publisher of which I have no recollection, drew attention to the burgeoning mass of information relating to environmental decision making. The paper suggested that as we have become more sophisticated as a society over time, we have invented complex bureaucratic institutions that have proliferated complex planning statements without necessarily producing any genuinely better management or good public outcomes. Effectively the paper suggested that public attention to issues - environmental issues in this case - has increased over time. That is why the paper was called "The Ecological Attention Cycle". As the public increased its attention on issues - whether they were issues relating to water, forests, atmosphere, pollution, pesticide use or the agricultural decline of land - there was a corresponding response from government departments to produce and proliferate more and more information that did not necessarily lead to better land management or better social outcomes.

As a planner, I am inherently wary of creating information systems for their own sake. I am certainly wary of access to information systems that is used almost to stifle debate. In fact I am wary of information in systems themselves that not only do not clarify community debate and community decision making but also actually cloud decision making, thereby creating a snow job, as it were, on community groups and on public process. Information in itself is not liberating, even if it is extremely useful to some people.

It is essential that a modern society have high-quality information systems. However, it is also essential that a modern society invest time and effort in ensuring that there is equity of access to information; that there is a level and fair playing field for public access to information; and that information does not become prohibitively expensive so that only people with wealth can access the information. That is precisely the direction in which this authority bill could take us. As the authority becomes a more commercialised entity, it will start owning the information and pathways to getting that information and, in fact, will start to control that information. I am not suggesting a George Orwellian *Nineteen Eighty-Four* scenario, but I do say that when information is controlled and becomes corporatised and owned, and the pathways to it become commercialised, it will be more open to being abused and becoming antidemocratic.

The Greens in this regard have a small amendment to make to the bill that will allow community groups and non-commercial users of these land information systems to get information for either a reduced price or free. We can rely on the authority to do the right thing, but it would be much better if the amendment were embedded in this legislation to ensure the authority has an obligation to provide information to people who need it. In this instance I imagine quite a number of conservation groups would access the land information system to make decisions, as they are required to respond to highly complex documents and highly complex processes thrown up by governments. Those decisions are becoming more complex and are based more and more on complex land information databases that are not available to everybody. We say that the authority should be obliged to provide information on a low-cost or no-cost basis. When the criteria to provide the information are satisfied, it should not be an option for the authority, it should actually be obliged to provide it.

There is nothing fundamentally wrong with an authority being set up in this manner. The Greens concede that it is an experiment in public organisation that we are happy to go along with. It would have been much better, given the size and importance of this bill, if we had been given a lot more notice about it and invited to participate and be briefed on it before Monday this week.

Hon Kate Doust interjected.

Hon PAUL LLEWELLYN: It is hard to get good help these days! It is still a substantial change to legislation and I maintain it would have been better to have had a more open dialogue and a more open process of discussion. I am not being paranoid about this. I think the process failed. We were not told that the bill was big and that the government wanted it dealt with quickly. We were not offered any briefings on it either. The explanatory memorandum illustrates my point because there is no point in having it if there is no time in which to consider it. I am not bleeding from the heart here. Giving us two kilograms of explanatory memorandum means bugger all -

Several members interjected.

Hon PAUL LLEWELLYN: Oh, very unparliamentary! I think it means very little if we are not given time to do it justice. I will hold up for the Hansard reporter to see the information provided to me to explain this bill. Of course, he will not be able to write down what it looks like but it is a good two or three inches thick. It has not done us a great deal of good, given that it was provided to us so late in the piece.

HON RAY HALLIGAN (North Metropolitan) [3.52 pm]: The Land Information Authority Bill has been described by Hon Ken Baston as one that the opposition agrees with in principle. We, as well as others, I am sure, have had the opportunity to go out to Midland and see exactly what the land information people are doing, and it looks very good indeed. Certainly, the end result is very good. As with most things, it is a matter of how the end result is reached. I am not suggesting for one moment that anything untoward is going on. However, often when we see the end result, we think that the rest must be as it should be. We need to be convinced that all that is being proposed by this bill is as any reasonable person would want it to be. I do not suggest for one moment that it is not, although certain aspects concern me. I have no doubt the parliamentary secretary will say that those matters are in other legislation, so we are perpetuating wrongs in some instances.

Clause 67 provides for the minister having access to information. The minister is entitled to, and members can be assured will get, all that the minister wants. That has to be done if the minister is to be held accountable. However, clause 68 deals with the "Deletion of commercially sensitive matters", and that is something that always worries me. There is no definition of "commercially sensitive" in the bill. I can imagine what some of the government responses about that might be. However, I am still concerned that the minister is able to ensure that certain information is excluded, even though the Financial Administration and Audit Act suggests otherwise. Such information will be deleted. The only saving grace in the legislation is that that area of deletion must be accompanied by an opinion from the Auditor General stating that the information being deleted is commercially sensitive. Again, I am looking for some parameters with some definition of "commercially sensitive". I am worried that that will be worked out between the Auditor General and the minister. Also, I cannot understand why, if the minister and, no doubt, the minister's staff can have access to commercially sensitive information, others cannot have that access. Clause 67(1)(b) states that the minister can make and retain copies. I have no doubt that certain members of the minister's staff will also have access to that commercially sensitive information. However, there is no way that members on this side of the chamber will have it; that will not be allowed because it will be decided that the information is commercially sensitive. Anything that is considered commercially sensitive will be excluded. Other people can see that information, but not people on this side of the chamber. Why can the Leader of the Opposition not be included in the assessment process? I do not care who is in government when I say this; I would still make the point that I am now making. Members on this side of the chamber are never privy to such things. I will ask more about that aspect during the committee stage, so that the parliamentary secretary can provide satisfactory answers.

In the main, as Hon Ken Baston said, the opposition is not opposed to this bill. However, we are concerned about certain aspects relating to staffing spelt out in the second reading speech. It is all well and good to say that the staff's continuity of employment will be dealt with administratively. Members who went to Midland are aware that there are some problems, although not major problems. However, I think that any problem in the staffing area, considering the expertise associated with this undertaking, should be made known to this chamber, rather than just creating the authority regardless of whether it will become a house of cards and then worry about that aspect "administratively". That is not the way to put legislation through this place. Therefore, the government must provide some information - I am not asking for details of names, addresses, ages or anything of that nature - to indicate that everything is under control. The expertise exists at the moment; will the government be able to retain the expertise to run this authority? I do not think that is an unreasonable question to ask, rather than simply allowing the government to ask for a blank cheque and then telling us at some time in the future the amount it placed on that cheque.

I am sure other questions will be asked for clarification purposes during the committee stage of this bill. However, as Hon Ken Baston said, the opposition supports the legislation. The land information people are doing an absolutely marvellous job. The presentation of the products that we saw, which were both static as well as computer based, was absolutely marvellous. We were advised - I accept the advice - that the product is cutting edge and world class. Indeed, in some instances I believe we are leading the world. One hopes that that will continue. The staff recognised that some of the equipment they were using was ageing and needed replacing, and I am sure that the government will find the funds to do that where necessary. I understand that the customer service area in the Midland office is being refurbished.

Hon Kate Doust: It started last week.

Hon RAY HALLIGAN: Yes. I have seen the tender. The refurbishment will be done at some considerable expense. However, having visited the office and having seen what is intended to be done, I have no problem with the very large amount of money - it is a seven-figure amount - that will be expended on it. The refurbishment will make the office much better. That is the beauty of a briefing that allows members to visit the site and talk to the people and ask questions of them. It was very good indeed and I appreciate being given the opportunity to do that because I am far better informed now than I was. I know full well what is proposed to be done and what the likely costs will be. I have now seen the tender price, and it does not cause me any concern at all. I wish the authority well. We are trying to ensure that the government has developed the structure, no doubt in accordance with the authority's wishes, in a manner that provides the accountability that everyone would expect. When and if the bill is passed through Parliament, it will provide the authority with the opportunity to continue the very good work it has been doing.

Debate adjourned, on motion by **Hon Kate Doust (Parliamentary Secretary)**.