

Mrs Cheryl Edwardes; Ms Alannah MacTiernan; Chairman; Mr Shane Hill; Mr David Templeman; Mr Peter Watson

Division 48: Land Administration, \$46 291 000 -

Mr A.D. McRae, Chairman.

Ms A.J. MacTiernan, Minister for Planning and Infrastructure.

Mr G. J. Searle, Acting Chief Executive Officer.

Mr M. Smith, Acting Director, Business Support Services.

Mr G. Fenner, Valuer General.

Mrs C.L. EDWARDES: I refer the minister to the cost of valuation services by the Valuer General's office on page 746 of the *Budget Statements*. I understand that the Valuer General's office is moving to what is rumoured to be a more expensive property at Midland. Has a full cost analysis of moving the Valuer General's office from the city to Midland been undertaken? What consideration was given to the costs that will be incurred by property industry participants in their dealings with the Valuer General's office in Midland? How will that be dealt with? I also note that Paul Armstrong's piece in *The West Australian* a few weeks ago -

Ms A.J. MacTIERNAN: Which augmented the advice the member for Kingsley received from Mr Kierath.

Mrs C.L. EDWARDES: I have not spoken to Mr Kierath. I have only read Mr Armstrong's piece, which was quite amusing. I am sure that the minister will welcome the opportunity to put on the record that the costs will not be exorbitant and that there are valid reasons for shifting the Valuer General's office to Midland.

Ms A.J. MacTIERNAN: I thank the member for Kingsley for her question and for the opportunity to set the record straight. I gave Paul Armstrong an opportunity to salvage his reputation as an ethical journalist. However, he resisted that encouragement and was not prepared to publish a response to what was, strictly speaking, quite a defamatory article. For those who do not know, Mr Armstrong's article -

Mrs C.L. EDWARDES: Some of us found it quite witty.

Ms A.J. MacTIERNAN: I understand that it was quite witty, and that is fine. I do not have a problem with that. However, a serious allegation was made and I would have thought that, at the very least, even *The West Australian* would have wanted to give us the opportunity to set the record straight in a subsequent edition. I was not trying to undermine Mr Armstrong's journalistic flair. However, I would have thought that a balance would have provided the opportunity to respond. Unfortunately, he did not see it like that. I make it absolutely clear that neither the Premier nor the Treasurer refer to me as Lan. Further, I had no knowledge whatsoever that the property was owned by Mr Buckeridge. Perhaps this issue is about Mr Kierath doing a good job as Mr Buckeridge's henchman, or, perhaps, as I have long suspected, it is very dangerous to get between senior public servants and a central business district office. Public servants never want to be relocated to Midland. I have also found a lack of enthusiasm from the various offices that I have approached about relocating to Armadale. In fact, in those instances there was even more resistance. They will have to wait to see what we do with Armadale. It is important to understand some of the strides that have been made in other States. For example, major bureaucracies have been moved to Parramatta. The previous Labor Government established the Department of Land Administration in Midland in an attempt to do something about its failed policy. The Stephenson plan has fallen in a heap and the regional centres, other than Fremantle, have not thrived. We have attempted to make the regional centres regional centres. We are trying to do the same in Armadale, so an office has been built there. We must ensure that the staff are also there. We are restructuring DOLA, and crown land management will come into the Department for Planning and Infrastructure. The thinking behind this proposal - it was only ever a proposal - was that when crown land management people were moved out of that building to collocate with the Department for Planning and Infrastructure, the Valuer General, for example, could occupy that space, because we have long-term commitments.

Mrs C.L. EDWARDES: Where are the long-term commitments?

Ms A.J. MacTIERNAN: In the DOLA office in Midland. Quite obviously we had to do that to establish that site. Representations have been made to me by the Valuer General's staff through their union. They have cited a range of reasons that the move is not a good idea. Some of the reasons include the reasons that are always given when there is an attempt to relocate. Some of the other reasons advanced were matters of substance, and subsequently have been confirmed.

Mrs C.L. EDWARDES: What are they?

Ms A.J. MacTIERNAN: Those issues include travel needs, the ability to continue to attract staff when there is a shortage of planners, and the shortage of property professionals. Those types of factors are issues. No decision

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has been made. I took on board a number of the comments of staff members, and we are now looking at other opportunities.

[11.40 am]

Mrs C.L. EDWARDES: What is the added cost to the Valuer General's office of rental?

Ms A.J. MacTIERNAN: The principle we are operating on is that, unlike some other Governments, we are not in the business of propping up particular people because they might happen to be donors or particularly influential people.

Mrs C.L. EDWARDES: Excuse me, I was asking a valid question about the additional cost.

Ms A.J. MacTIERNAN: There is no additional cost, because we are looking at areas in which we have empty government buildings. One of the disgraceful things that has happened is that all over the metropolitan area and the city centre government real estate is lying empty, while we are putting taxpayers' money into the coffers of the private sector to house people.

Mrs C.L. EDWARDES: How long has the Valuer General's office been in the building it occupies now?

Ms A.J. MacTIERNAN: I will just explain this to the member -

Mrs C.L. EDWARDES: The minister made an assumption that the Valuer General is still in a building apparently owned by BGC (Australia) Pty Ltd because of a decision made on the basis of the owner of the property. How long has the Valuer General been -

Ms A.J. MacTIERNAN: That is not what I was implying. I am saying that the underlying principle is that the Government will ensure that it minimises the rents it must pay. If we have long-term rental agreements for empty space, and other properties for which contracts must be renewed, we will not keep people in those buildings when we could relocate elsewhere and save that money. I understand that this particular lease arrangement is a good one, and it is quite likely that the Government will want to keep that property, be it for the Valuer General or some other agency, because it is a much better deal than the Government is getting elsewhere. However, we would rather move agencies to places where the Government has empty space for which it is already paying, than pay a very reasonable price to any property owner. The principle is that, where the Government has vacant space to which it is already committed, or where government-owned buildings are vacant, it is our strong preference that agencies move people into those areas. I am advised by the Valuer General that this property is very well priced, and although it will increase - it is \$80 a square metre at the moment and will be \$105 next year -

Mrs C.L. EDWARDES: What would the agency have to pay per square metre at Midland? It does not matter if it is vacant or filled, it must still be paid for.

Ms A.J. MacTIERNAN: I do not have those figures available, but we are taking a whole-of-government approach. I am asking what the additional cost to the Government would be. We are not targeting Mr Buckeridge. When we started canvassing this, I had no idea who owned the property.

Mrs C.L. EDWARDES: I am talking about the cost to the Valuer General's office.

Ms A.J. MacTIERNAN: It is a cost to the taxpayer and the whole of government that we are considering.

Mrs C.L. EDWARDES: That cost will then be spread out to those who purchase the services of the Valuer General's office.

Ms A.J. MacTIERNAN: Quite possibly.

Mrs C.L. EDWARDES: That, then, is the issue. It has nothing to do with who owns the building. Is the Government putting extra cost and burden on the Valuer General's office, which will then flow on to those people who purchase its services?

Ms A.J. MacTIERNAN: The member obviously did not hear what I said in the beginning.

Mrs C.L. EDWARDES: The minister said yes.

Ms A.J. MacTIERNAN: No, I said no decision had been made. A number of options have been looked at. A case was advanced by the staff of the Valuer General that they should not be relocated to Midland, and what the inconvenience would be for them. I know the Valuer General has been considering a range of different opportunities. In fact, no decision has been made in this matter. The question of cost will be taken into account, but the primary question of cost will be a whole-of-government one. We recognise that the property that the Valuer General occupies is very competitively priced, and it is more than likely that the Government, in some

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form or another, will want to continue to operate from that property because it is cheaper than other properties the Government is leasing. Our whole principle is to ensure that we minimise the amount we pay on rent. I have terminated leases in the city and moved staff into the Westrail building. The former Perth urban rail development team, which operated in city rental properties, has been moved to the Westrail building, along with the Transperth school bus operations, which were also previously in private rental accommodation. I expect to be applauded for this, because it is good economic management of the Government's resources. It has nothing to do with any antipathy to Mr Buckeridge.

The CHAIRMAN: I note that the time is now 11.45 am, and remind members that there was some discussion about trying to complete this division within a relatively short time. Calls have been requested by the members for Geraldton, Mandurah and Albany.

Ms A.J. MacTIERNAN: There are still three hours after lunch.

Mr S.R. HILL: I refer the minister to dot point 8 on page 750, which deals with the extension of the electronic advice of sale system to include local governments. Will regional local government have access to that service?

Ms A.J. MacTIERNAN: They certainly will. I will ask Mr Searle to outline how the system operates. This is an example of just how the development of technology by the Department of Land Administration is delivering first-class results to industry.

Mr SEARLE: The electronic advice of sale system is an Internet-based system which enables conveyancers and settlement agents to effectively obtain balance day adjustments from organisations like the Water Corporation, the Office of State Revenue, and local government. Ninety local governments have already signed up to participate in the system, which is a great result. One of the real benefits will be to regional users of the system, who will now be able to use the Internet rather than STD calls to get in touch with all the agencies they need in one stop. A web-enabled function will give them all the balance day adjustments. It is a really positive initiative, and an indicator of where the future of the Department of Land Administration will be.

Mr D.A. TEMPLEMAN: I refer the minister to dot point 6 on page 750, which relates to the improvement of the geographical information in which DOLA is involved. Can the minister give an indication of the progress of that initiative?

Ms A.J. MacTIERNAN: This is another innovation by DOLA, which really uses its information technology capacities. Mr Searle will elaborate.

Mr SEARLE: There are two key elements at the moment in data improvement. We are looking at DOLA's topographic data, and putting it into a geographic information system-ready form. We are conducting a review at the moment, in conjunction with our customers, of the purposes to which the information is applied, and to make sure we can convert the data. We are also looking at enhancing and improving our property street address and valuation data. By the end of this year, all those three data sets will be significantly improved and ready for use in geographic information systems.

[11.50 am]

Mr D.A. TEMPLEMAN: What is the time line for their roll out?

Mr SEARLE: The topographic enhancement program should be completed this year with the transfer of data into a GIS-ready format. Property street addresses and evaluation roll enhancements are ongoing programs in which we verify and improve the data as we go forward by comparing it with other reliable data sets and making sure that they line up. Part of the property street address will be a national address file, which is geo referenced.

Ms A.J. MacTIERNAN: Members would be aware that we are restructuring the Department of Land Administration. We are taking out the crown land management function, which will go into the Department for Planning and Infrastructure. The land information and title registration systems will become a government trading enterprise. One of the things that we want to do is to build on the data we have available in order to provide a win-win for government and business. We have data sets available across government that could be brought together so that, for example, a property developer would be able at one time for a modest fee to find from DOLA all the land information that was available for a site, including heritage matters, Aboriginal heritage matters, native title matters, planning zonings and environmental issues. All those data sets could be brought together. By DOLA giving to the land information part of the organisation the capacity and focus of developing commercially enhanced projects, we will be able to marshal all that land information and have it in a way that can be accessed by the community and business, so we get an organisation that is self-funding and that can continue to keep up with the latest in technology development and be a leader in the field. At the same time business will get a quality of data that will be unmatched.

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Mr D.A. TEMPLEMAN: DOLA has obviously significant archive records. What is done for maintaining them so that they are protected? It may be a naive question.

Ms A.J. MacTIERNAN: It is a particularly interesting point given that we are now moving to digitalised titles. What will happen to all those magnificent old land grant documents and original certificates of title?

Mr SEARLE: When DOLA converted its title records to digital form over the past couple of years, a conscious decision was made to convert the current status of that land so that the historical interests in the land were not converted as part of the conversion process. The original documents are still stored in a very secure and climate-controlled environment. They are packed and stored in such a way that they will not be flammable and burn. We are relatively confident about the long-term storage of all those documents. They are maintained, indexed, filed and stored in an appropriate manner.

Mr P.B. WATSON: On page 751, the sixth dot point of the major achievements for 2002-03 refers to the gross rental values for the fire and emergency services levy having been completed on time and on budget. What is DOLA's involvement in the collection of the levy and what is the significance of gross rental values?

Mr SEARLE: The major component of this valuation was a series of currently non-rateable properties. About 120 000 properties in total needed to be valued as part of the process, in order for them to be included in the levy. While the levy on the gross rental value reflects the level of improvements, it also reflects the ability to pay because of its link to market rentals. The real difference is that the levy covers all properties, so everybody will pay the levy, unlike the old basis under which overseas insured, non-insured and vacant land owners avoided making a contribution. The Valuer General's Office had to undertake quite a significant program across the entire State to value these properties. It has done it very well in the time line given and within the allocated budget.

Mr P.B. WATSON: What percentage of the total properties are insured?

Mr SEARLE: I think the appropriate number was about 800 000 that were already in the rate base, but the additional 120 000 are those currently non-rateable properties.

Mr P.B. WATSON: People in the City of Albany were very pleased with it. Was this a popular decision all over the State?

Ms A.J. MacTIERNAN: I think that by and large people recognise that it is a sensible measure and that it provides much greater equity in providing for these services. The system contains some fundamental distortions that were intolerable and placed an undue burden on those people who did the right thing and insured. It is therefore a much more sensible system. Local government is obviously always reluctant to be seen as levying these imposts, but it is very clear in the community consciousness that this is not an impost imposed by local government. I think the general view is that it is very sensible and long overdue.

Mr S.R. HILL: The minister will be aware that I attended the Gascoyne muster with her. On page 754 under major initiatives for 2003-04 reference is made to the forum that was held last year in Carnarvon. What initiatives have emerged and what progress has been made?

Ms A.J. MacTIERNAN: I very much appreciate the member's attendance at the forum. It was very well attended by parliamentary members. There was not only the member and Hon Jon Ford from the government side but also Hon George Cash and Hon Norman Moore from the Opposition. I do not recall anyone from the National Party, but a member of One Nation was there and Hon Robin Chapple from the Greens (WA). It was therefore very well attended by politicians.

It was a very constructive forum. The idea for it was similar to the idea we were talking about during the previous division. There is a need to get people from opposite persuasions together to try to work through issues. On the second day of the forum, as the member would know, Aboriginal people and the native title working unit were talking about native title. They were very impressive. A very good dialogue was set up as a result of that. People were there from the conservation movement to put the point of conservation. There were also people from the mining industry.

Mr S.R. HILL: And tourist operators.

[12 noon]

Ms A.J. MacTIERNAN: Yes, and tourist operators as well. There was no preordained agenda on this matter, but the issues that arose out of it led to the formation of five committees to deal with the different areas of pastoralism: sustainability, Aboriginal access and living areas, third party access to pastoral leases, alternative models of land tenure, and economic monitoring requirements. Those committees are now working their way through the issues. The first three committees provided interim reports in October this year that fed into the

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decisions we would make on exclusions. We sent those exclusion notices out and have had responses. The group is very positive and continues to meet regularly. It is fantastic to see the doyens of the pastoral industry at a meeting with Aboriginals to work through those issues.

Mr S.R. HILL: I think it was a positive step.

Mrs C.L. EDWARDES: I will add further to that. At the recent Pastoralists and Graziers Association conference in Mt Magnet, the Minister for Agriculture described the excisions for conservation purposes etc from pastoral leases of, I think, some two million hectares or acres as an ambit claim and said that it would not be the case. The response from the Minister for the Environment and Heritage was that it was no ambit claim and that that is exactly what was wanted, through the Department of Conservation and Land Management. Given that the minister will be responsible for this, can she advise of her position on the matter?

Ms A.J. MacTIERNAN: I certainly would not rely on *The West Australian* to make a final determination on the comments of the Minister for Agriculture. I know, tragically, from my own history, that things are not always reported as they were said, and we have discussed that scurrilous article about the Valuer General. What I have said, which I think is consistent with the position of both ministers, is that blue sky was not contained in those agreements. We sat down and went into great detail and clawed back some of the claims proposed by some of the agencies. That is not to say that we have got this thing absolutely right and that there will not be some matters of detail open to negotiation - that may occur even where we have got it right. I think this is what the Minister for Agriculture was talking about. We have made it clear that while we want some areas to be protected for whatever reason - be it for tourism or conservation - there is still the possibility that these areas may continue to operate under some sort of lease arrangement.

[Mr A.P. O'Gorman took the Chair.]

Ms A.J. MacTIERNAN: It might not necessarily be the existing pastoral lease arrangement but a separate and discrete lease arrangement. However, we recognise the potential for existing lessees to have an ongoing role in the future management of some of that land. For example, we have noted for exclusion an area on the western side of the Fitzroy River for tourism and recreational third party access purposes - the popular demand was for that to occur. It may well be that if, for example, the shire is not particularly interested or does not see itself as the appropriate body to manage that land, it could be managed by the current lessee, Yeeda station, under a separate and discrete lease. It would then require a different regime of third party access and it might also have grazing rights. In all of these matters we are infinitely flexible, and this is what the Minister for Agriculture was talking about. It is possible that the current lessees could manage some of the conservation estate - we have said this before - in that we make a distinction between batch 1, 2 and 3 areas. Batch 1 includes areas such as wetlands that have been identified, in many instances over decades, as areas that must be preserved. Those areas have a high conservation value and it would be most unlikely - CALM would be very reluctant - that they would be subject to some sort of management arrangement. Batch 3 areas are still of some conservation value but perhaps not of the same scale. With regard to those areas, the Minister for Agriculture and I - CALM is certainly open to the idea - are prepared to consider whether we can enter into some management arrangement with the lessee. From my discussions with the Minister for Agriculture, who is very much involved in drawing this up, that is what I believe he meant. It is not blue sky in these claims, but there are a number of different ways in which we can deal with them.

Mrs C.L. EDWARDES: Thank you.

Mr D.A. TEMPLEMAN: I refer to page 753 of the *Budget Statements* and output 4, crown land services. Obviously, the Swan Valley Nyungah Community falls under the jurisdiction of community purposes under crown land services. When did the minister become seriously concerned about the activities occurring on that Swan Valley Nyungah Community site and what has she done to address these concerns?

Ms A.J. MacTIERNAN: The member would be aware that the report of the Gordon inquiry raised serious concerns about the operation of that site, the availability of government services to the community on that site and the way in which it operated as a closed community. It recommended that measures be taken to put in a different management regime. I think it recommended that some sort of memorandum of understanding be entered into. I was then charged by Cabinet - the matter comes under my portfolio - to investigate the current management arrangements and to put forward and implement proposals to change them. The land had been handed over by the previous Government to the Swan Valley Nyungah Community - I accept the bona fides of the previous Government in doing that - but, unfortunately, absolutely no thought was given to its management and how the Government would ensure proper facility delivery to that community. A simple one-liner was placed on the vesting order that basically said it should be vested in the Swan Valley Nyungah Community Aboriginal Corporation for the use and benefit of Aboriginal inhabitants. It was a very vague statement. The

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first thing I did was to visit the community. It was clear that Mr Robert Bropho held the whip hand at the community. A meeting was held at which 15 to 20 people attended. Only two Aboriginal people spoke at the meeting. A number of white people were present who spoke in support of Mr Bropho. I attempted to garner opinions and comments. I was particularly keen to get some of the women involved. It was my impression that they did not feel at all free to speak. Mr Bropho was certainly a very forceful and dominant presence at the meeting. When we started to examine exactly what is the Swan Valley Nyungah Community Aboriginal Corporation we discovered that Mr Bropho had no formal status in the organisation. I made it clear that we must have dialogue with the people who were the elected representatives of the body. We were given a document; it is somewhat interesting. It purports to give Mr Bropho the power to be the community's representative. I can table it if required. It is a letter dated 1986 signed by various people. It states that Mr Bropho was appointed as the spokesperson. There has been no subsequent affirmation of that. When I looked at the organisation it became very apparent that there was no clear understanding of who was a member. I asked who were the members and was told that everyone who lived at the site was automatically a member. I told them that that is not what their constitution stated. I asked them how they determined membership. It was quite clear that although there was a formal structure of an organisation, in reality there were no standards of corporate governance. The body vested with the administration of the site is not being properly administered. I am very concerned about that. The notion of having a corporation has to be taken seriously. Aboriginal corporations are under the jurisdiction of the federal Government. Because of these concerns I wrote to the Office of the Registrar of Aboriginal Corporations providing some background. I expressed my concerns about the lack of compliance and accountability. It is not so important that this is a technical breach but that the absolute lack of compliance and accountability created the environment in which one or two individuals without any official position have dominated the community to the detriment of others.

[12.10 pm]

Mrs C.L. EDWARDES: What is the date of the letter?

Ms A.J. MacTIERNAN: It is dated 10 September 2002. We have had great difficulty making contact and obtaining any cooperation from the registrar's office. They are very rarely there. It is very disappointing even though we have sent a copy of the Gordon inquiry and the coroner's report into the death of Susan Taylor. I also wrote to Hon Philip Ruddock seeking his intervention. I asked him to ask the registrar to appoint an examiner to investigate whether the corporation was operating genuinely as a corporation.

Mrs C.L. EDWARDES: What date was that?

Ms A.J. MacTIERNAN: The same day. I enclosed to him a copy of the letter I sent to the registrar. At the same time we tried to improve the accessibility of government agencies to the site. I revoked the management order and reissued the site again to the community with a number of very detailed stipulations aimed at obtaining increased and open access. The management order made it very clear that no approvals were required by any government agencies - whether federal, state or local - that wanted to access the residents on that site. There was no requirement for a government agency to ask for permission from any of the management on that site. To make that physically possible we demanded that a non-lockable gate be installed at the front of the premises so there would always be access. That was done. The Registrar of Aboriginal Corporations wrote back stating that she had completed a preliminary investigation. She stated that immediate intervention by way of a formal examination of the affairs of the corporation was premature. Rather strangely she stated it was premature while her investigation was proceeding. At one level she says she is investigating but at another she was not having a review. The department has made numerous attempts to communicate with the registrar and find out what is going on. In October, because my staff could not get through, I started talking directly to the office to see whether we could progress the issue. The office was contacted again in April without success. It was contacted again in May. To date, there has been no response. There is some indication that the office might be undertaking a review. The office has not covered itself in glory in this matter. It is very tragic. When a site like that is handed over to a corporation there has to be some confidence that the corporation is run properly. With everything I requested I had absolutely no confidence that there had been meetings or proper elections. The corporation sought to rely on a letter dated 1986 in which a few people stated that Bob Bropho could be the spokesperson as a mechanism for ensuring that he had control. It demonstrates part of the problem. It is not the total problem but had the organisation been run properly with properly articulated membership and decision-making processes and participation we may not be in this unfortunate situation today. I express regret that we have not been able to get the federal authorities to work with us. There are still ongoing concerns by some agencies, notwithstanding the fact that they acknowledge that as a result of the change to the management order there has been an improvement in access to the site. The climate of fear and domination by a number of individuals means that there is not free access. From my discussions with Mr Bropho it is quite clear that he does not believe that government agencies should be allowed on the site. He has long held an ideological view

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that he does not want government agencies on the site delivering services to his community. That is an indication that it will be very difficult to keep the community in operation in any functional way.

The appropriation was recommended.

[12.20 pm]