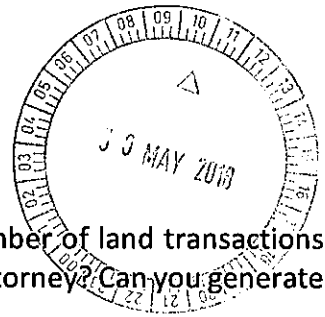


Landgate

Questions on Notice



Question 1

Hon MATTHEW SWINBOURN: 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: 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.

The CHAIRMAN: Let us take that as a question on notice 1. I should indicate at the outset that we will write to you with regards to these questions.

Answer to Question 1

It is not possible to ascertain how many land transaction documents were executed by an attorney under a power of attorney. However, I can provide the following limited information regarding transfer of land documents lodged in paper that were data captured in the 2017 calendar year. There were 46,552 lodged and of these 5,463 (11.7%) were executed using a power of attorney. The data captured does not record the type of power of attorney that was used to execute these documents.

Question 2

The CHAIRMAN: How many would be on the book at the moment?

Mr NELSON: Another question on notice, I think.

Mr CRANE: There are thousands of them. We can do a search and find that out very easily, if you want that, for powers of attorney.

The CHAIRMAN: Let us take that as question on notice 2.

Answer to Question 2

Landgate currently has on record 200,156 live power of attorney documents. Of this number, 155,155 are enduring powers of attorney and 45,001 are ordinary powers of attorney.

In the 2017 Financial year, 8,446 enduring powers of attorney and 481 ordinary powers of attorney were deposited at Landgate.

Question 3

Mr NELSON: To clarify, government agencies have exemptions for fees, and I presume that is the case with searching power of attorney documents. We actually have a schedule, which we can take notice as well and confirm.

The CHAIRMAN: We will take that on notice. Let us get a copy of—what is it—the exemption schedule?

Mr NELSON: Which agencies, yes.

The CHAIRMAN: That will be question on notice 3.

Answer to Question 3

There are only two agencies who have specific exemptions from search fees within their legislation, these being the Office of the Public Advocate and the Sheriff's Office.

Dept Lands, Planning & Heritage have direct access to Landgate systems to undertake searching. This is not chargeable.

WA Police, AFP, CCC are provided with search information without charge when requested with the appropriate authority e.g. warrant, fraud investigation or similar.

Question 4

The CHAIRMAN: It might assist the committee if again you would like to take that on notice.

Mr NELSON: Yes, I think we should. I will find out the cost of that as well.

The CHAIRMAN: It is to identify what searches are available to be done by a member of the public and what searches are able to be done by subscribers, and what are the criteria for being a subscriber. That will be question on notice 4.

Answer to Question 4

Currently all subscribers must register through Landgate's business systems and apply for credit with a credit check. They have access to the data that is relevant to their business needs based on required activity channels; e.g.

Conveyancing channel, Government channel or Surveyors channel.

All these channels can search the titles register (including POA) by name, parcel identifier or document number. All searches are tracked and recorded.

The General Public can search the register through the Landgate online shop and pay by credit card online.

The general public can only search online by address, parcel identifier or document number. If they wish to search by name they must attend in person and produce 100 points of ID, which Landgate will record to ensure all searches can be tracked. If they wish to search for the power of attorney by donor or attorney name, they need to attend in person and produce 100 points of ID

Question 5

Hon TJORN SIBMA: Call me up, Mr Chair, if this is better asked at some other place during this hearing, and you may have to take this on notice, but I am interested in the recurrent costs that Landgate bears in maintaining this kind of service provision and whether your charging regimen is geared towards a full cost recovery or there is an operating surplus as well that goes into maintaining the system?

Mr NELSON: We will have to take that on notice in terms of we are not financial people.

The CHAIRMAN: That will be question on notice 5.

Answer to Question 5

Like all Searches, Power of Attorney Searches are subject to regulated fees. The Land Legislation Amendment (Taxing) Act 2015 permits Landgate to retain the over recovered revenue the result of reducing costs, which would otherwise be returned to the Government. This provides Landgate incentive to continually improve its efficiency and hold price rises to CPI only.

