



Western Australia

Land Information Authority Act 2006

As at 01 May 2020

Version 01-c0-01
Published on www.legislation.wa.gov.au

Land Information Authority Act 2006

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
3.	Terms used	2
4.	Relationship between this Act and certain other Acts	3
Part 2 — Western Australian Land Information Authority		
5.	Authority established	4
6.	Status	4
7.	Authority to be SES organisation	4
Part 3 — Functions of Authority		
8.	Dual objectives of Authority	5
9.	Functions	5
10.	Guiding principles	6
11.	Duty to act in accordance with policy instruments	7
12.	Powers generally	7
13.	Transactions that require Minister's approval	9
14.	Exemptions from s. 13	9
15.	Term used in s. 13 and 14: transaction	10
16.	Pricing principles	10
17.	Certain information free of charge in exceptional cases	12
18.	Use of names for Authority and its operations	13
19.	Acting beyond limits of State	13
20.	Delegation by Authority	13

Part 4 — General administration of Authority

Division 1 — Board of Management

Subdivision 1 — General provisions

21.	Board is governing body	15
22.	How board is constituted	15
23.	Remuneration and allowances	16
24.	Term of office	16
25.	Casual vacancies	16
26.	Leave of absence	17
27.	Deputy chairman acting as chairman	17
28.	Alternate members	17
29.	Committees	18
30.	Disclosure of material personal interest	18

Subdivision 2 — Meetings

31.	Holding meetings	19
32.	Quorum	19
33.	Presiding at meetings	19
34.	Procedure at meetings	20
35.	Voting	20
36.	Inviting consultant to participate in meeting	20
37.	Holding meetings remotely	20
38.	Resolution without meeting	20
39.	Minutes to be kept	21
40.	Voting by interested board member	21
41.	Section 40 may be declared inapplicable	21
42.	Quorum where s. 40 applies	21
43.	Minister may declare s. 40 and 42 inapplicable	22

Division 2 — Staff and contractors

44.	Chief executive officer	22
45.	Other staff and contractors	22
46.	Use of government staff and facilities	23

Part 5 — Accountability and financial provisions

Division 1 — Accountability

47.	Draft strategic development plan to be submitted	24
48.	Transitional provision	24

49.	Negotiating strategic development plan	24
50.	Minister's powers in relation to draft strategic development plan	25
51.	Agreed strategic development plan	25
52.	Strategic development plan if not agreed	25
53.	Content of strategic development plan	26
54.	Modification of strategic development plan	26
55.	Draft statement of corporate intent to be submitted	27
56.	Transitional provision	27
57.	Negotiating statement of corporate intent	27
58.	Minister's powers in relation to draft statement of corporate intent	28
59.	Agreed statement of corporate intent	28
60.	Statement of corporate intent if not agreed	29
61.	Content of statement of corporate intent	29
62.	Modification of statement of corporate intent	29
63.	Consultation	30
64.	Minister to be kept informed	30
65.	Minister may give directions	30
66.	When directions take effect	31
67.	Minister to have access to information	32
68.	Deletion of commercially sensitive matters	32
	Division 2 — Financial provisions	
69.	Authority's funds	33
70.	Western Australian Land Information Authority Account	33
71.	Dividends	34
72.	Liability for duties, taxes, and other statutory imposts	35
73.	Investment	36
74.	Hedging transactions	36
75.	Borrowing	37
76.	Guarantees	38
77.	Charges for guarantee	38
78.	Authority may extend credit	39
79.	Notice of financial difficulty	39
80.	Half-yearly reports	39

	Division 3 — Other provisions	
81.	Application of <i>Financial Management Act 2006</i> and <i>Auditor General Act 2006</i>	40
82.	Protection for disclosure or compliance with directions	40
	Part 6 — Miscellaneous	
	Division 1 — Protection of people dealing with Authority	
83.	People dealing with Authority may make assumptions	42
84.	Third parties may make assumptions	42
85.	Matters that can be assumed	42
86.	When those matters cannot be assumed	43
	Division 2 — Other provisions	
87.	Execution of documents by Authority	44
88.	Contract formalities	45
89.	Confidential information officially obtained	45
90.	Protection from liability for wrongdoing	45
91.	Laying documents before House of Parliament not sitting	46
92.	Regulations	46
93.	Review of Act	47
94A.	Review to include consideration of fee-setting	47
	Part 7 — Transitional matters	
	Division 1 — Staff	
94.	Other staff in the former department	49
	Division 2 — General matters	
95.	Terms used	49
96.	General transitional provisions might not apply	49
97.	Certain references to former bodies	50
98.	Certain references to department	50
99.	References to things done in former offices	50
100.	References to documents of former bodies	50
	Division 3 — Regulations for other matters	
101.	Transitional regulations	51

Notes

Compilation table	52
Uncommenced provisions table	52
Other notes	52

Defined terms

Western Australia

Land Information Authority Act 2006

An Act to establish a State agency to administer certain land information and provide and promote the use of land information and related goods and services; and to provide for related matters, including the amendment of certain Acts¹.

Part 1 — Preliminary

1. Short title

This is the *Land Information Authority Act 2006*.

2. Commencement

- (1) This Act, other than this Part, comes into operation on a day fixed by proclamation.
- (2) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.

3. Terms used

In this Act, unless the contrary intention appears —

appointed member means a member of the Authority's board of management appointed under section 22(1)(b);

Authority means the Western Australian Land Information Authority established by section 5;

chief executive officer means the chief executive officer, under the *Public Sector Management Act 1994*, of the Authority;

goods and services provided by the Authority includes anything provided by the Authority;

land information includes information about, or related to, any point, line, surface, or space the location of which is fixed by reference to the earth, whether or not it is wholly on, under, or above the surface of the land or the sea;

member of the Authority's staff means the chief executive officer, any other person employed by the Authority or its employing authority as defined in the *Public Sector Management Act 1994* section 5, or a person whose services the Authority uses under section 46;

Treasurer means the Treasurer of the State.

4. Relationship between this Act and certain other Acts

If anything in this Act is inconsistent with a provision of another Act relating to a function that the other Act confers on —

- (a) the person who is the Commissioner of Titles under the *Transfer of Land Act 1893* or the Registrar of Titles under that Act; or
- (b) the person who is the Valuer-General under the *Valuation of Land Act 1978*,

the provision of the other Act prevails.

Part 2 — Western Australian Land Information Authority

5. Authority established

- (1) A body called the Western Australian Land Information Authority is established.
- (2) The Authority is a body corporate with perpetual succession.
- (3) Proceedings may be taken by or against the Authority in its corporate name.

6. Status

The Authority is an agent of the State and, except as stated in section 72, has the status, immunities, and privileges of the State.

7. Authority to be SES organisation

The Authority is to be an SES organisation under the *Public Sector Management Act 1994*.

Part 3 — Functions of Authority

8. Dual objectives of Authority

It is intended that the Authority —

- (a) act as a body through which the State performs certain functions related to land information on a basis that does not involve making a profit; and
- (b) in addition to acting as described in paragraph (a), generate for the State a fair commercial return from providing goods and services on a basis that may involve making a profit.

9. Functions

- (1) The Authority's main responsibilities include to provide, administer, and provide access to information in, land information systems as the laws of the State require.
- (2) The land information systems provided under subsection (1) may include other information as well as the information that the laws of the State require them to contain and will include notifications of interests of a type determined by the Minister in accordance with subsection (3) and prescribed by regulation.
- (3) The Minister will determine the types of interests in or notifications in respect of land that are issued or made by any public or private body, which must be notified to the Authority and be made publicly accessible on a basis which does not involve making a profit.
- (4) The Authority may also provide, administer, and provide access to information in, land information systems other than those that are required by the laws of the State.
- (5) The information that is in a land information system provided under subsection (1) or (4) may include information obtained from another person.

s. 10

- (6) The Authority's main responsibilities under this Act also include to provide staff, systems, and other resources and support, and to provide services and facilities, for the performance of functions that any other Act gives to a member of the Authority's staff.
- (7) The Authority may also —
 - (a) under arrangements that may be agreed between the Authority and any other person keeping land information, whether in the public sector or the private sector and whether to comply with a statutory requirement or otherwise, provide goods and services to that person; and
 - (b) provide goods and services related to any of its other functions under this or any other Act or that it is able to provide because of expertise related to any of those functions.
- (8) The Authority's other responsibilities under this Act are to, at the request of the Minister or as the Authority considers appropriate —
 - (a) develop policy and advise the Minister or any public body on matters related to the Authority's land information functions; and
 - (b) represent the State as a participant in the proceedings and activities of any body, whether local, national, or international, that has land information functions.

10. Guiding principles

- (1) In performing its functions under this Act, the Authority has to —
 - (a) act in a cost effective manner; and
 - (b) act on prudent commercial principles.
- (2) The Authority has to perform its functions under this Act in a way that supports the sustainable economic, social, and environmental management and development of the State.

- (3) In performing its functions under this Act, the Authority has to have regard to —
- (a) the maintenance of the integrity of the registers and other records that it or a member of its staff is required by law to keep about interests in land and the valuation of land; and
 - (b) the importance of satisfying the land information needs of the State government; and
 - (c) the requirements of participants in the land information industry within the State.

11. Duty to act in accordance with policy instruments

The Authority is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time under Part 5 Division 1.

12. Powers generally

- (1) The Authority has all the powers it needs to perform its functions under this Act or any other Act.
- (2) The Authority may, for the purpose of performing any of its functions under this Act or any other Act —
 - (a) acquire, develop, dispose of, and otherwise deal with, property;
 - (b) enter into any contract or arrangement, including a contract or arrangement with any person for the performance of the function by that person on behalf of the Authority;
 - (c) act as an agent or provide consultancy, professional, or technical services or other assistance under a contract for services or other arrangement;
 - (d) participate, with the Minister's approval, in any business concern and, with the Treasurer's approval, acquire, hold, and dispose of, shares, units, or other interests in, or relating to, a business concern;

s. 12

- (e) carry out any investigation, survey, exploration, feasibility study, evaluation, or review;
 - (f) collaborate in, carry out, or procure the carrying out of, research and publish information that results from the research;
 - (g) produce and deal in any equipment, facilities, or system associated with the performance of the function;
 - (h) use information that it derives from the performance of any function that this or any other Act gives the Authority or a member of its staff;
 - (i) develop and turn to account any technology, software, or intellectual property that relates to the function and, for that purpose, apply for, hold, exploit, and dispose of any patent, patent rights, copyright, or similar rights;
 - (j) promote the Authority and promote and market its goods and services.
- (3) Subsection (2) does not limit subsection (1) or any of the Authority's other powers.
- (4) The Authority may —
- (a) make any gift for a charitable purpose or any other purpose of benefit to the community or a section of the community;
 - (b) make any ex gratia payment that it considers to be in the Authority's interest;
 - (c) accept any gift or other payment if it is absolute, or subject to conditions that the Authority would be able to satisfy.
- (5) In this section —
- acquire** includes to take —
- (a) by way of a lease, licence, easement, or bailment; or
 - (b) in any other manner in which an interest in property may be acquired;

business concern means a company, a partnership, a trust, a joint venture, or any other business arrangement;

dispose of includes dispose of —

- (a) by way of a lease, licence, easement, or bailment; or
- (b) in any other manner in which an interest in property may be disposed of;

participate in includes to form, promote, establish, enter into, manage, dissolve, wind up, and do things incidental to participating in, a business concern.

13. Transactions that require Minister's approval

- (1) Despite sections 9 and 12, the Authority must have the Minister's approval before it enters into a transaction to which this section applies.
- (2) This section applies to a transaction if —
 - (a) it is to be entered into by the Authority; and
 - (b) it is not exempt under section 14; and
 - (c) the Authority's liability exceeds the relevant amount.
- (3) In subsection (2)(c) —

Authority's liability means the amount or value of the consideration or the amount to be paid or received by the Authority, ascertained as at the time when the transaction is entered into;

relevant amount means 5 million dollars or, if regulations made under section 92 on the Treasurer's recommendation prescribe a greater amount for the purposes of this definition, the amount prescribed.

14. Exemptions from s. 13

- (1) The Minister, with the Treasurer's concurrence, may by order exempt a transaction or class of transaction from the operation of section 13 either unconditionally or on specified conditions.

s. 15

- (2) An order under subsection (1) may be revoked or amended by the Minister with the Treasurer's concurrence.
- (3) An order under subsection (1) or (2) is to show sufficient particulars of the transaction or class of transaction to which it relates to enable the transaction or class to be identified.
- (4) The Minister must, within 14 days after an order under subsection (1) or (2) is made, cause the text of it to be laid before each House of Parliament or dealt with under section 91.

15. Term used in s. 13 and 14: transaction

In sections 13 and 14 —

transaction —

- (a) includes a contract or other arrangement or any exercise of the power conferred by section 12(2)(d); and
- (b) does not include any transaction under section 73, 74, or 75.

16. Pricing principles

- (1) This section fixes principles on the basis of which the Authority is to charge in certain circumstances for goods or services —
 - (a) that it provides under this Act; or
 - (b) that any other written law requires to be charged for in accordance with this section.
- (2) This section does not apply to the charging of an amount that is fixed by a written law.
- (3) Unless subsection (4) or (6) applies or an arrangement described in subsection (7) provides otherwise, charges that the Authority makes for providing goods or services for use for any purpose that involves any commercial benefit being derived are to be designed to provide to the Authority an overall profit representing a fair commercial return after covering the Authority's total costs related to the goods or services.

- (4) A charge that the Authority makes for providing fundamental land information —
- (a) to the State or a local government; or
 - (b) in accordance with an approval under subsection (9),
- for use for a purpose that does not involve any commercial benefit being derived, is to be designed to cover the Authority's costs of extracting the information and providing it.
- (5) The cost of extracting and providing fundamental land information, for the purposes of subsection (4) —
- (a) includes —
 - (i) the cost to the Authority of processing a request for information, extracting the information, providing it in the format in which it is extracted, and performing accounting related to the transaction; and
 - (ii) a proportion of the cost of accommodation, equipment, and other overheads required to provide the service;
 - but
 - (b) does not include any of the cost of collecting or maintaining the information.
- (6) A charge that the Authority makes for providing any goods or services, other than fundamental land information —
- (a) to the State or a local government; or
 - (b) in accordance with an approval under subsection (9),
- for use for a purpose that does not involve any commercial benefit being derived, is to be designed to cover the Authority's total costs related to the goods or services.
- (7) The Authority may charge a person for providing any goods or services on a basis that is different from the basis described by the other provisions of this section if the charge is in accordance

s. 17

with an arrangement agreed between the Authority and that person.

- (8) A charge under an arrangement agreed under subsection (7) may involve the making of a profit by the Authority.
- (9) The Authority may approve of any goods or services being provided at a charge described in subsection (4) or (6), as the case requires, if it is satisfied that the person to whom they are provided —
 - (a) has functions of a public nature; and
 - (b) will not use them other than for the purposes of education, research, or activities of a community or regional nature; and
 - (c) will comply with any conditions on which goods or services are provided at a charge as described.
- (10) In this section —

fundamental land information means any land information that the regulations prescribe as fundamental land information for the purposes of subsection (4).

17. Certain information free of charge in exceptional cases

- (1) The Minister may, under section 65(1), direct the Authority to provide information of a class identified in the direction free of charge.
- (2) The direction may be expressed to apply only in a case of a class identified in the direction.
- (3) The Minister may give a direction as described in subsection (1) even though it would require the Authority to act contrary to the principles described in section 16, but this section does not enable the Minister to require information to be provided free of a charge fixed by a written law.
- (4) Before giving a direction as described in subsection (1), the Minister has to consider the impact, if any, that complying with

the direction would have on the Authority's ability to achieve its objectives and targets outlined in its strategic development plan and its statement of corporate intent, and the Minister may give the direction even though complying with it may prevent, or significantly affect, achievement of any of those objectives and targets.

- (5) The Minister cannot give a direction as described in subsection (1) unless —
- (a) the Minister is satisfied that there is a public benefit sufficient to justify giving the direction; and
 - (b) the direction is given with the Treasurer's concurrence.

18. Use of names for Authority and its operations

The Authority may use and operate under one or more trading names allowed by the Minister, being —

- (a) an abbreviation or adaptation of the name given by section 5(1); or
- (b) any other name.

19. Acting beyond limits of State

In performing functions under this Act, the Authority is not confined to acting within the territorial limits of the State or the Commonwealth.

20. Delegation by Authority

- (1) The Authority may delegate to a person a power or duty of the Authority under another provision of this Act or under any other Act.
- (2) The delegation must be in writing executed by the Authority.
- (3) If a person is not a member of the Authority's board of management or a member of the Authority's staff, a power or duty can only be delegated to the person under this section if the

person has been approved for the purposes of this section by the Minister.

- (4) A delegation to a committee any member of which is not a member of the Authority's board of management or a member of the Authority's staff can only be made if the delegation has been approved by the Minister.
- (5) An approval under subsection (3) may be given in respect of —
 - (a) a specified person or persons of a specified class; or
 - (b) the holder or holders for the time being of a specified office or class of office.
- (6) The delegation may expressly authorise the delegate to further delegate the power or duty.
- (7) A person exercising or performing a power or duty that has been delegated to the person under, or as authorised under, this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (8) Nothing in this section limits the ability of the Authority to perform a function through a member of its staff or an agent.

Part 4 — General administration of Authority

Division 1 — Board of Management

Subdivision 1 — General provisions

21. Board is governing body

- (1) The Authority is to have a board of management.
- (2) The board is the governing body of the Authority and, in the name of the Authority, is to perform the functions of the Authority under this Act or any other written law.

22. How board is constituted

- (1) The members of the Authority's board of management are —
 - (a) the chief executive officer; and
 - (b) at least 4 but not more than 6 other people appointed as members by the Minister.
- (2) A person who is a member of the Authority's staff is not eligible to be an appointed member.
- (3) The Minister is to designate one of the appointed members to be the chairman and another to be the deputy chairman of the board.
- (4) The Minister is to ensure that the members of the board have, between them, the knowledge and experience needed to enable the Authority's functions under this Act to be effectively performed.
- (5) The Minister is not to appoint a person as a member of the board if the person has any other interests or duties that might be expected to conflict with duties as a member of the board.

23. Remuneration and allowances

Members of the Authority's board of management are entitled to be paid by the Authority any remuneration and allowances that the Minister may from time to time determine on the recommendation of the Public Sector Commissioner.

[Section 23 amended: No. 39 of 2010 s. 89.]

24. Term of office

- (1) The term for which the Minister appoints a person to be a member of the Authority's board of management is to be fixed in the instrument of appointment and is to be not longer than 3 years.
- (2) A person's eligibility for reappointment or the term for which a person may be reappointed is not affected by an earlier appointment.
- (3) A person whose term of office expires continues in office, for not more than 3 months after the term of office expires, until another appointment to the office comes into effect unless —
 - (a) under section 25, the person resigns or is removed from office; or
 - (b) under section 22(2), the person becomes ineligible to be an appointed member.

25. Casual vacancies

- (1) An appointed member may at any time resign from office by notice in writing delivered to the Minister.
- (2) The Minister may remove a person who is an appointed member from office on the grounds of —
 - (a) mental or physical incapacity to carry out the person's duties in a satisfactory manner; or
 - (b) the person being an insolvent under administration as that term is defined in the Commonwealth *Corporations Act 2001*; or

- (c) absence, without leave, from 3 consecutive meetings of the board of which the member has had notice; or
 - (d) neglect of duty; or
 - (e) misconduct.
- (3) The office of an appointed member becomes vacant if, before the term for which the person holding the office was appointed expires, the person dies, resigns, becomes ineligible under section 22(2) to be an appointed member, or is removed from office.

26. Leave of absence

The Authority's board of management may, on any terms and conditions it thinks fit, grant a member leave to be absent from duty.

27. Deputy chairman acting as chairman

- (1) If the chairman of the Authority's board of management is unable to act because of sickness, absence or other cause or if there is no chairman, the deputy chairman of the board is to act in the chairman's place.
- (2) An act or omission of the deputy chairman acting in the chairman's place cannot be questioned on the ground that the occasion to act in the chairman's place had not arisen or had ceased.

28. Alternate members

- (1) If an appointed member of the Authority's board of management other than the chairman is unable to act because of sickness, absence or other cause, the Minister may appoint another person as an alternate member to act temporarily in the member's place.

- (2) If the deputy chairman is acting in place of the chairman at a meeting, the Minister may appoint another person as an alternate member to act temporarily as the deputy chairman.
- (3) Section 22(4) and (5) apply to the appointment of an alternate member as if a reference in each of those provisions to a member included a reference to an alternate member.
- (4) While acting in accordance with the appointment the alternate member is to be taken to be, and to have any entitlement of, a member.
- (5) An act or omission of an alternate member cannot be questioned on the ground that the occasion for the appointment or acting had not arisen or had ceased.

29. Committees

- (1) The Authority's board of management may appoint committees to assist it to perform its functions, and may discharge or alter any committee it has appointed.
- (2) A committee may include people who are not members of the board but has to include at least one member of the board.
- (3) A committee may determine its own procedures but they have to be consistent with any directions of the board and the terms of any delegation under which the committee is acting.

30. Disclosure of material personal interest

- (1) A member of the Authority's board of management who has a material personal interest in a matter being considered or about to be considered by the board must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.

Penalty: a fine of \$10 000.

- (2) A member of a committee appointed by the Authority's board of management who has a material personal interest in a matter being considered or about to be considered by the committee must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the committee.
Penalty: a fine of \$10 000.
- (3) Subsection (2) applies to a person who is a member of the committee and also a member of the Authority's board of management even though the person has already disclosed the nature of the interest at a meeting of the board.
- (4) A disclosure under subsection (1) or (2) is to be recorded in the minutes of the meeting.

Subdivision 2 — Meetings

31. Holding meetings

- (1) The first meeting of the Authority's board of management is to be convened by the chairman and subsequent meetings, unless convened under subsection (2), are to be held at times and places determined by the Authority's board of management.
- (2) A special meeting of the Authority's board of management may at any time be convened by the chairman.

32. Quorum

Without otherwise affecting the *Interpretation Act 1984* section 54(2), less than 3 members do not constitute a quorum of the Authority's board of management.

33. Presiding at meetings

- (1) The chairman, if present, is to preside at a meeting of the Authority's board of management.

- (2) If neither the chairman, nor the deputy chairman acting as the chairman, is presiding under subsection (1) the members present at the meeting are to appoint one of their number to preside.

34. Procedure at meetings

The Authority's board of management is to determine its own meeting procedures to the extent that they are not fixed by this Act.

35. Voting

- (1) At a meeting of the Authority's board of management, each member present has a deliberative vote unless section 40 prevents the member from voting.
- (2) A question is resolved according to how a majority of the votes are cast but if there is not a majority the question is resolved according to the casting vote of the person presiding.

36. Inviting consultant to participate in meeting

The Authority may arrange for a person who is not a member of the Authority's board of management to participate in a meeting in a consultative capacity, but that person is not entitled to vote at the meeting.

37. Holding meetings remotely

The presence of a person at a meeting of the Authority's board of management need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

38. Resolution without meeting

A resolution in writing signed or otherwise assented to in writing by at least half of the members of the Authority's board of management has the same effect as if it had been passed at a meeting of the board.

39. Minutes to be kept

The Authority is to cause accurate minutes to be kept of the proceedings at meetings of its board of management.

40. Voting by interested board member

- (1) A member of the Authority's board of management who has a material personal interest in a matter that is being considered by the board —
 - (a) must not vote, whether at a meeting or otherwise, on the matter; and
 - (b) must not be present while the matter is being considered at a meeting.
- (2) A reference in subsection (1)(a) or (b) to a matter includes a reference to a proposed resolution under section 41 in respect of the matter, whether relating to that member or a different member.

41. Section 40 may be declared inapplicable

Section 40 does not apply if the board has at any time passed a resolution that —

- (a) specifies the member, the interest and the matter; and
- (b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter.

42. Quorum where s. 40 applies

- (1) When the board is dealing with a matter in relation to which a member is disqualified under section 40, 3 members who are entitled to vote on any motion that may be moved in relation to the matter constitute a quorum.
- (2) The Minister may deal with a matter to the extent that the board cannot deal with it because of subsection (1).

43. Minister may declare s. 40 and 42 inapplicable

- (1) The Minister may by writing declare that section 40 or 42 does not apply in relation to a specified matter, either generally or for the purpose of dealing with particular proposed resolutions.
- (2) The Minister must, within 14 days after a declaration under subsection (1) is made, cause the text of the declaration to be laid before each House of Parliament or dealt with under section 91.

Division 2 — Staff and contractors

44. Chief executive officer

- (1) The chief executive officer cannot be excluded from the Senior Executive Service under the *Public Sector Management Act 1994* section 43(3).
- (2) Subject to the control of the Authority's board of management, the chief executive officer is responsible for, and has the powers needed to administer, the day to day operations of the Authority.

45. Other staff and contractors

- (1) The Authority may employ and manage staff in addition to any staff employed in the Senior Executive Service under the *Public Sector Management Act 1994* Part 3 Division 2.
- (2) This section does not detract from the power that the *Public Sector Management Act 1994* section 100 gives the Authority to engage a person under a contract for services or appoint a person on a casual employment basis.
- (3) The Authority may, by arrangement on such terms as are agreed with the relevant parties, make use of the services of a person employed by another person.

46. Use of government staff and facilities

- (1) The Authority may by arrangement with the relevant employer make use, either full-time or part-time, of the services of any officer or employee —
 - (a) in the Public Service; or
 - (b) in a State agency; or
 - (c) otherwise in the service of the State.

- (2) The Authority may by arrangement with —
 - (a) a department of the Public Service; or
 - (b) a State agency,make use of any facilities of the department or agency.

- (3) An arrangement under subsection (1) or (2) is to be made on terms agreed to by the parties.

Part 5 — Accountability and financial provisions

Division 1 — Accountability

47. Draft strategic development plan to be submitted

- (1) In each financial year the Authority's board of management is to prepare, and submit to the Minister for agreement, a draft strategic development plan for the Authority for the next financial year (the *relevant financial year*).
- (2) The Minister may from time to time, with the Treasurer's concurrence, by notice in writing to the Authority —
 - (a) fix a day in each year by which a draft strategic development plan is to be submitted under subsection (1); or
 - (b) cancel a notice given under paragraph (a).
- (3) The draft strategic development plan is to be submitted not later than —
 - (a) the day fixed under subsection (2); or
 - (b) if there is for the time being no day fixed under subsection (2), 6 months before the start of the relevant financial year.

48. Transitional provision

The first strategic development plan for the Authority is to be for the next full financial year after the commencement of this section.

49. Negotiating strategic development plan

- (1) The Authority's board of management and the Minister are to try to agree on a draft strategic development plan as soon as possible and in any case not later than one month before the start of the relevant financial year.

- (2) The Minister must have the Treasurer's concurrence before agreeing on a draft strategic development plan.

50. Minister's powers in relation to draft strategic development plan

- (1) The Minister may return a draft strategic development plan to the Authority and request that its board of management —
- (a) consider or further consider any matter and deal with it in the draft plan; and
 - (b) revise the draft plan in the light of its consideration or further consideration.
- (2) The Authority's board of management is to comply with a request under subsection (1) as soon as is practicable.
- (3) If the Minister has returned a draft strategic development plan to the Authority making a request under subsection (1) and, later than one month before the start of the relevant financial year, the Authority's board of management and the Minister have not agreed on a draft strategic development plan, the Minister may, under section 65, direct the Authority that its board of management is to —
- (a) take specified steps in relation to the draft plan; or
 - (b) make specified modifications to the draft plan.

51. Agreed strategic development plan

When the Authority's board of management and the Minister agree on a draft strategic development plan it becomes the Authority's strategic development plan for the relevant financial year or, if that year has started when agreement is reached, the remainder of the year.

52. Strategic development plan if not agreed

- (1) If the Authority's board of management and the Minister have not agreed on a draft strategic development plan before the start of the relevant financial year, the latest draft plan is to be the

strategic development plan for the Authority until a draft strategic development plan is agreed.

- (2) In subsection (1) —

latest draft plan means the draft strategic development plan submitted, or last submitted, by the Authority's board of management to the Minister before the start of the relevant financial year with any modifications made by the board, whether before or after that time, at the direction of the Minister.

53. Content of strategic development plan

- (1) The strategic development plan for a year is to cover a forecast period of 5 years commencing at the beginning of the relevant year or a lesser period that the Minister and the Authority's board of management agree.
- (2) The strategic development plan is to set out the Authority's medium to long term objectives in performing its functions under this or any other Act and is to include —
- (a) matters as required by regulations made under section 92 with the Treasurer's concurrence; and
 - (b) any other matters that the Minister and the Authority's board of management agree are to be included.

54. Modification of strategic development plan

- (1) A strategic development plan may be modified by the Authority's board of management with the agreement of the Minister.
- (2) The Minister cannot agree to a modification of a strategic development plan without the Treasurer's concurrence.
- (3) The Minister may, under section 65, direct the Authority to cause its board of management to modify a strategic development plan but only with the Treasurer's concurrence and after the Minister has consulted with the Authority's board of management and taken its views into account.

55. Draft statement of corporate intent to be submitted

- (1) In each financial year the Authority's board of management is to prepare, and submit to the Minister for agreement, a draft statement of corporate intent for the Authority for the next financial year (the *relevant financial year*).
- (2) The Minister may from time to time, with the Treasurer's concurrence, by notice in writing to the Authority —
 - (a) fix a day in each year by which a draft statement of corporate intent is to be submitted under subsection (1); or
 - (b) cancel a notice given under paragraph (a).
- (3) The draft statement of corporate intent is to be submitted not later than —
 - (a) the day fixed under subsection (2); or
 - (b) if there is for the time being no day fixed under subsection (2), 6 months before the start of the relevant financial year.

56. Transitional provision

The first statement of corporate intent for the Authority is to be for the next full financial year after the commencement of this section.

57. Negotiating statement of corporate intent

- (1) The Authority's board of management and the Minister are to try to agree on a draft statement of corporate intent as soon as possible and in any case not later than one month before the start of the relevant financial year.
- (2) The Minister must have the Treasurer's concurrence before agreeing to a draft statement of corporate intent.

58. Minister's powers in relation to draft statement of corporate intent

- (1) The Minister may return a draft statement of corporate intent to the Authority and request that its board of management —
 - (a) consider or further consider any matter and deal with it in the draft statement; and
 - (b) revise the draft statement in the light of its consideration or further consideration.
- (2) The Authority's board of management is to comply with a request under subsection (1) as soon as is practicable.
- (3) If the Minister has returned a draft statement of corporate intent to the Authority making a request under subsection (1) and, later than one month before the start of the relevant financial year, the Authority's board of management and the Minister have not agreed on a draft statement of corporate intent, the Minister may, under section 65, direct the Authority that its board of management is to —
 - (a) take specified steps in relation to the draft statement; or
 - (b) make specified modifications to the draft statement.

59. Agreed statement of corporate intent

- (1) When the Authority's board of management and the Minister agree on a draft statement of corporate intent it becomes the Authority's statement of corporate intent for the relevant financial year or, if that year has started when agreement is reached, the remainder of the year.
- (2) The Minister must, within 14 days after agreeing to a draft statement of corporate intent under subsection (1), cause the text of it to be laid before each House of Parliament or dealt with under section 91.

60. Statement of corporate intent if not agreed

- (1) If the Authority's board of management and the Minister have not agreed on a draft statement of corporate intent before the start of the relevant financial year, the latest draft statement is to be the statement of corporate intent for the Authority until a draft statement of corporate intent is agreed.
- (2) In subsection (1) —
latest draft statement means the draft statement of corporate intent submitted, or last submitted, by the Authority's board of management to the Minister before the start of the relevant financial year with any modifications made by the board, whether before or after that time, at the direction of the Minister.

61. Content of statement of corporate intent

- (1) The statement of corporate intent is to be consistent with the strategic development plan under this Division.
- (2) The statement of corporate intent is to include —
 - (a) matters as required by the regulations made under section 92 with the Treasurer's concurrence; and
 - (b) any other matters that the Minister and the Authority's board of management agree are to be included.

62. Modification of statement of corporate intent

- (1) A statement of corporate intent may be modified by the Authority's board of management with the agreement of the Minister.
- (2) The Minister cannot agree to a modification of a statement of corporate intent without the Treasurer's concurrence.
- (3) The Minister may, under section 65, direct the Authority to cause its board of management to modify a statement of corporate intent but only with the Treasurer's concurrence and after the Minister has consulted with the Authority's board of management and taken its views into account.

63. Consultation

- (1) The Authority's board of management and the Minister, at the request of either, are to consult together, either directly or through appropriate representatives, in relation to any aspect of the Authority's operations.
- (2) The Authority's board of management must consult the Minister before the Authority enters upon a course of action that in the board's opinion —
 - (a) amounts to a major initiative; or
 - (b) is likely to be of significant public interest,

whether or not the course of action involves a transaction to which section 13 applies.

64. Minister to be kept informed

The Authority must —

- (a) keep the Minister reasonably informed of the operations, financial performance, and financial position of the Authority, including the assets and liabilities, profits and losses, and prospects of the Authority; and
- (b) give the Minister reports and information that the Minister requires for the making of informed assessments of matters referred to in paragraph (a); and
- (c) if matters arise that in the Authority's opinion may prevent, or significantly affect, achievement of the Authority's objectives and targets outlined in its strategic development plan and its statement of corporate intent, promptly inform the Minister of the matters and its opinion in relation to them.

65. Minister may give directions

- (1) The Minister may give written directions to the Authority with respect to the performance of its functions under this or any other Act, either generally or in relation to a particular matter,

and the Authority is to give effect to any such direction when it becomes effective under section 66.

- (2) The Minister must cause the text of any direction under subsection (1) to be laid before each House of Parliament or dealt with under section 91 —
 - (a) within 14 days after the direction is given; or
 - (b) if the direction is the subject of a notice under the *Statutory Corporations (Liability of Directors) Act 1996* section 17, within 14 days after it is confirmed under that section.

- (3) The text of a direction under subsection (1) is to be included in the annual report submitted by the accountable authority of the Authority under the *Financial Management Act 2006* Part 5.

[Section 65 amended: No. 77 of 2006 Sch. 1 cl. 94(1).]

66. When directions take effect

- (1) Subject to this section, a direction under section 65(1) becomes effective on the expiry of 7 days after the Authority receives it or of such longer period as the Minister may, at the request of the Authority's board of management, determine.
- (2) If the Authority's board of management asks the Minister to extend the 7 day period under subsection (1), the Minister must decide whether or not to agree to the request and notify the Authority of that decision before the 7 day period has expired.
- (3) If a direction is the subject of a notice under the *Statutory Corporations (Liability of Directors) Act 1996* section 17, it does not become effective before it is confirmed under that section or the expiry of any extension of time notified under subsection (4).
- (4) Despite the *Statutory Corporations (Liability of Directors) Act 1996* section 17(4), the Minister may, when confirming a direction under that section, extend the time for the direction to become effective and notify the Authority of the extension.

67. Minister to have access to information

- (1) The Minister is entitled —
 - (a) to have information in the possession of the Authority;
and
 - (b) if the information is in or on a document, to have, and make and retain copies of, that document.
- (2) For the purposes of subsection (1) the Minister may —
 - (a) request the Authority to furnish information to the Minister;
 - (b) request the Authority to give the Minister access to information;
 - (c) for the purposes of paragraph (b) make use of the staff of the Authority to obtain the information and furnish it to the Minister.

- (3) The Authority has to comply with a request under subsection (2) and make staff and facilities available to the Minister for obtaining information under subsection (2)(c).

- (4) In this section —

document includes any tape, disk or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

information means information specified, or of a description specified, by the Minister that relates to the functions of the Authority under this or any other Act.

68. Deletion of commercially sensitive matters

- (1) The Authority may request the Minister to delete from —
 - (a) a copy of a report under the *Financial Management Act 2006* (and any accompanying document) that is to be laid before a House of Parliament or made public; or

- (b) any other document of the Authority that is to be, or might be, made public,

a matter that is of a commercially sensitive nature, and the Minister may, despite the *Financial Management Act 2006* section 64 or an obligation, however arising, to make the document public, comply with the request.

- (2) A copy of a document from which any matter has been deleted under subsection (1) must —
 - (a) contain a statement, at the place in the document where the matter was deleted, detailing the reasons for the deletion; and
 - (b) be accompanied by an opinion from the Auditor General stating that the information deleted is commercially sensitive.

[Section 68 amended: No. 77 of 2006 Sch. 1 cl. 94(2).]

Division 2 — Financial provisions

69. Authority's funds

The funds available for enabling the Authority to perform its functions under this or any other Act consist of —

- (a) money borrowed by the Authority under section 75; and
- (b) other money that is, under this or any other Act, lawfully received by, made available to, or payable to, the Authority, whether directly or through any member of its staff and, if through a member of its staff, whether or not the money is for the performance of a function that a written law gives directly to that member.

70. Western Australian Land Information Authority Account

Money received by the Authority is to be credited to, and money paid by the Authority is to be debited to, an account called the

“Western Australian Land Information Authority Account” that is to be established —

- (a) as an agency special purpose account under the *Financial Management Act 2006* section 16; or
- (b) with the Treasurer’s approval, at a bank as defined in section 3 of that Act.

[Section 70 amended: No. 77 of 2006 Sch. 1 cl. 94(3).]

71. Dividends

- (1) The Authority’s board of management, as soon as is practicable after the end of each financial year, is to make a recommendation to the Minister as to —
 - (a) whether the Authority should pay to the Consolidated Account a final dividend for that year; and
 - (b) if so, the amount that should be paid.
- (2) The Minister, with the Treasurer’s concurrence —
 - (a) may accept a recommendation under subsection (1); or
 - (b) after consultation with the Authority’s board of management, is to direct the Authority to pay a final dividend of an amount fixed in the direction.
- (3) The Authority is to pay the dividend —
 - (a) as soon as practicable after the Minister fixes an amount under subsection (2); and
 - (b) in any case not later than —
 - (i) 6 months after the end of the financial year for which the final dividend is to be paid; or
 - (ii) such other time as the Treasurer and the Authority’s board of management may agree.
- (4) If the Authority’s board of management considers that payment to the Consolidated Account of an interim dividend for a financial year is justified, the board may make a

recommendation to the Minister as to the amount of the interim dividend that should be paid.

- (5) The Minister, with the Treasurer's concurrence —
- (a) may accept a recommendation under subsection (4); or
 - (b) after consultation with the Authority's board of management, is to direct the Authority to pay an interim dividend of an amount fixed in the direction.
- (6) The Authority is to pay the dividend —
- (a) as soon as practicable after the Minister fixes an amount under subsection (5); and
 - (b) in any case not later than the end of the financial year for which the interim dividend is to be paid.
- (7) The Minister must, within 14 days after a direction is given under subsection (2) or (5), cause the text of it to be laid before each House of Parliament or dealt with under section 91.

[Section 71 amended: No. 77 of 2006 s. 4.]

72. Liability for duties, taxes, and other statutory imposts

- (1) Despite any other written law but except as stated in subsection (2) —
- (a) the Authority; and
 - (b) deeds or other instruments to which it is a party,
- are liable to and chargeable with duties, taxes or other imposts under any written law.
- (2) Despite subsection (1) but subject to subsection (3), the Authority is not liable to pay any local government rate or charge.
- (3) Subsection (2) does not apply to the liability to pay any rate or charge in respect of land held under a lease or tenancy agreement from the Authority.

- (4) The Authority is to pay to the Treasurer in respect of each financial year an amount equivalent to the sum of all local government rates and charges that, but for subsection (2) and the *Local Government Act 1995* section 6.26(2)(a)(i), the Authority would have been liable to pay in respect of that financial year.
- (5) Subsection (4) does not apply in relation to rates and charges in respect of land referred to in subsection (3).
- (6) An amount payable under subsection (4) —
 - (a) is to be determined in accordance with such principles as the Treasurer may direct; and
 - (b) is to be paid at such time or times as the Treasurer may direct.
- (7) The first payment under subsection (4) is to be in respect of the next full financial year after the commencement of this Act.

73. Investment

Funds of the Authority that are not being used for the performance of the Authority's functions may be invested as the Authority's board of management determines.

[Section 73 amended: No. 77 of 2006 Sch. 1 cl. 94(4).]

74. Hedging transactions

- (1) The Authority, with the Treasurer's approval, may, for the purpose of managing, limiting or reducing perceived risks or anticipated costs in connection with the exercise of any power conferred by section 75 —
 - (a) enter into an agreement or arrangement to effect any of the following transactions —
 - (i) a foreign exchange transaction;
 - (ii) a forward foreign exchange transaction;
 - (iii) a currency swap;
 - (iv) a forward currency swap;

- (v) a foreign currency cap, a foreign currency collar or a foreign currency floor;
- (vi) a forward interest rate agreement;
- (vii) an interest rate swap;
- (viii) a forward interest rate swap;
- (ix) an interest rate cap, an interest rate collar or an interest rate floor;
- (x) an option for interest rate or currency management purposes;
- (xi) a futures contract or a futures option;
- (xii) any other transaction that is approved in writing by the Minister, with the Treasurer's concurrence, as a transaction to which this paragraph applies or is of a class that is approved in writing by the Minister, with the Treasurer's concurrence, as a class of transactions to which this paragraph applies;

or

- (b) enter into an agreement or arrangement to effect any transaction that is a combination of —
 - (i) 2 or more transactions permitted under paragraph (a); or
 - (ii) one or more transactions permitted under paragraph (a) and one or more transactions permitted under section 75.
- (2) In subsection (1)(a) —
interest rate includes coupon rate, discount rate, and yield.

75. Borrowing

- (1) The Authority may, with the Treasurer's prior approval —
 - (a) borrow or re-borrow money;
 - (b) obtain credit;

- (c) otherwise arrange for financial accommodation to be extended to the Authority.
- (2) The Authority is to keep any register that the regulations require for the purposes of this section.

76. Guarantees

- (1) The Treasurer, on the Minister's recommendation, may, in the name and on behalf of the State, guarantee the performance by the Authority, in the State or elsewhere, of any financial obligation of the Authority.
- (2) A guarantee is to be in the form, and subject to the terms and conditions, determined by the Treasurer.
- (3) The due payment of money payable by the Treasurer under a guarantee is to be charged to the Consolidated Account, which this subsection appropriates accordingly.
- (4) The Treasurer is to cause any amounts received or recovered, from the Authority or otherwise, in respect of any payment made by the Treasurer under a guarantee to be credited to the Consolidated Account.

[Section 76 amended: No. 77 of 2006 s. 4.]

77. Charges for guarantee

- (1) The Treasurer may, after consultation with the Authority, fix charges to be paid by the Authority to the Treasurer for the benefit of the Consolidated Account in respect of a guarantee given under section 76.
- (2) Payments by the Authority to the Treasurer in respect of those charges are required to be made at times, and in instalments, as determined by the Treasurer.

[Section 77 amended: No. 77 of 2006 s. 4.]

78. Authority may extend credit

- (1) The Authority may provide credit to any person with whom it deals in the normal course of business.
- (2) The credit may be secured as the Authority considers appropriate or unsecured.

79. Notice of financial difficulty

- (1) The Authority's board of management must notify the Minister if it forms the opinion that the Authority is unable to, or will be unlikely to be able to, satisfy any of its financial obligations from the financial resources available or likely to be available to it at the time the financial obligation is due.
- (2) The notice is to be in writing, giving reasons for the board's opinion.
- (3) Within 7 days of receipt of the notice, the Minister must —
 - (a) confer with the Treasurer and the Authority for the purpose of determining what action is required to ensure that the Authority is able to satisfy the relevant financial obligation when it is due; and
 - (b) initiate such action as is required to ensure that the Authority is able to satisfy the relevant financial obligation when it is due.
- (4) For the purposes of subsection (3) the Minister may, with the Treasurer's concurrence, give the Authority a direction under section 65 requiring the Authority to cease or limit the performance of any function.

80. Half-yearly reports

- (1) In addition to the reporting requirements referred to in section 81, the Authority must, for the first half of a financial year, give to the Minister a report on the operations of the Authority.

- (2) A half-yearly report must be given to the Minister —
 - (a) within 2 months after the end of the reporting period; or
 - (b) if another period after the end of the reporting period is agreed between the Minister and the Authority, within the agreed period.
- (3) The Authority must give a copy of each half-yearly report to the Treasurer.
- (4) A half-yearly report must include any information that a statement of corporate intent under Part 5 Division 1 requires the report to include.

Division 3 — Other provisions

81. Application of *Financial Management Act 2006* and *Auditor General Act 2006*

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.

[Section 81 amended: No. 77 of 2006 Sch. 1 cl. 94(5).]

82. Protection for disclosure or compliance with directions

- (1) The Authority or another person performing a function under this Act or any other Act is not liable —
 - (a) in respect of any claim arising as a consequence of the disclosure of information or documents under section 63, 64, 67, 79, or 80 or a duty imposed by the *Financial Management Act 2006* or the *Auditor General Act 2006*; or
 - (b) for the fact of having done or omitted a thing that is required to be done or omitted by a direction given under this Act.

- (2) Subsection (1) does not extend to the manner in which any thing is done or omitted if it is done or omitted contrary to the *Statutory Corporations (Liability of Directors) Act 1996* section 9 or 10.

[Section 82 amended: No. 77 of 2006 Sch. 1 cl. 94(6).]

Part 6 — Miscellaneous

Division 1 — Protection of people dealing with Authority

83. People dealing with Authority may make assumptions

- (1) A person having dealings with the Authority is entitled to make the assumptions described in section 85.
- (2) In any proceedings in relation to the dealings, any assertion by the Authority that the matters that the person is entitled to assume were not correct must be disregarded.

84. Third parties may make assumptions

- (1) A person (the *third party*) having dealings with a person (the *new owner*) who has acquired, or purports to have acquired, title to property from the Authority (whether directly or indirectly) is entitled to make the assumptions described in section 85.
- (2) In any proceedings in relation to the dealings, any assertion by the Authority or the new owner that the matters that the third party is entitled to assume were not correct must be disregarded.

85. Matters that can be assumed

The assumptions that a person is, because of section 83 or 84, entitled to make are —

- (a) that, at all relevant times, this Act has been complied with; and
- (b) that a person who is held out by the Authority to be a member of the Authority's board of management, the chief executive officer, another member of staff, or an agent of a particular kind —
 - (i) has been properly appointed; and
 - (ii) has authority to perform the functions customarily performed by a member of the Authority's board of management, the chief

executive officer, another member of staff, or an agent of that kind, as the case may require;

and

- (c) that a member of staff or agent of the Authority who has authority to issue a document on behalf of the Authority has authority to warrant that the document is genuine; and
 - (d) that a member of staff or agent of the Authority who has authority to issue a certified copy of a document on behalf of the Authority has authority to warrant that the copy is a true copy; and
 - (e) that a document has been properly sealed by the Authority if —
 - (i) it bears what appears to be an imprint of the Authority's common seal; and
 - (ii) the sealing of the document appears to comply with section 87;
- and
- (f) that the members of the Authority's board of management and the Authority's chief executive officer, other members of staff, and agents have properly performed their duties to the Authority.

86. When those matters cannot be assumed

- (1) Despite sections 83 and 84, a person is not entitled to assume a matter described in section 85 if —
 - (a) the person has actual knowledge that the assumption would be incorrect; or
 - (b) because of the person's connection or relationship with the Authority, the person ought to know that the assumption would be incorrect.
- (2) If, because of subsection (1), a person is not entitled to make a particular assumption in relation to dealings with the Authority,

section 83(2) does not apply to any assertion by the Authority in relation to the assumption.

- (3) If, because of subsection (1), a person is not entitled to make a particular assumption in relation to an acquisition or purported acquisition from the Authority of title to property, section 84(2) does not apply to any assertion by the Authority or another person in relation to the assumption.

Division 2 — Other provisions

87. Execution of documents by Authority

- (1) The Authority is to have a common seal.
- (2) A document is duly executed by the Authority if —
- (a) the common seal of the Authority is affixed to it in accordance with subsections (3) and (4); or
 - (b) it is signed on behalf of the Authority by a person or persons authorised to do so under subsection (5).
- (3) The common seal of the Authority is not to be affixed to any document except as authorised by the Authority.
- (4) The common seal of the Authority is to be affixed to a document in the presence of 2 members of the Authority's board of management, each of whom is to sign the document to attest that the common seal was so affixed.
- (5) The Authority may, by writing under its common seal, authorise —
- (a) any member or members of the Authority's board of management; or
 - (b) any other member or members of staff,
- to sign documents on behalf of the Authority, either generally or subject to conditions or restrictions specified in the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

- (7) When a document is produced bearing a seal purporting to be the common seal of the Authority, it is to be presumed that the seal is the common seal of the Authority unless the contrary is shown.

88. Contract formalities

- (1) In so far as the formalities of making, varying or discharging a contract are concerned, a person acting as authorised by the Authority may make, vary or discharge a contract in the name of or on behalf of the Authority in the same manner as if that contract were made, varied or discharged by a natural person.
- (2) The making, variation, or discharge of a contract in accordance with subsection (1) is effectual in law and binds the Authority and other parties to the contract.
- (3) Subsection (1) does not prevent the Authority from making, varying or discharging a contract under its common seal.

89. Confidential information officially obtained

- (1) A person who, without lawful authority, directly or indirectly, records, uses, or discloses confidential information obtained by reason of any function that the person has, or at any time had, in the administration of this Act commits an offence.

Penalty: imprisonment for 12 months and a fine of \$12 000.

- (2) In subsection (1) —
confidential information includes information that the person has a duty to keep confidential regardless of how the duty of confidentiality arises.

90. Protection from liability for wrongdoing

- (1) An action in tort does not lie against a person other than the Authority for anything that the person has done, in good faith, in the performance or purported performance of a function under this or any other Act.

- (2) The protection given by subsection (1) applies even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted.
- (3) Despite subsection (1), neither the Authority nor the State is relieved of any liability that it might have for another person having done anything as described in that subsection.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.
- (5) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

91. Laying documents before House of Parliament not sitting

- (1) If section 14(4), 43(2), 59(2), 65(2), or 71(7) requires the Minister to cause the text of a document to be laid before each House of Parliament, or dealt with under this section, within a period and —
 - (a) at the commencement of the period, a House of Parliament is not sitting; and
 - (b) the Minister is of the opinion that the House will not sit during that period,

the Minister is to transmit a copy of the document to the Clerk of that House.

- (2) A copy of a document transmitted to the Clerk of a House is to be regarded as having been laid before that House.
- (3) The laying of a copy of a document that is to be regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

92. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are

necessary or convenient to be prescribed for giving effect to the purposes of this Act.

- (2) Regulations under this section may —
- (a) provide that contravention of a regulation is an offence;
 - (b) prescribe, for an offence against the regulations, a penalty not exceeding a fine of \$2 000.

93. Review of Act

- (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after every fifth anniversary of the commencement of this section and in the course of each review the Minister is to consider and have regard to —
- (a) the effectiveness of the operations of the Authority; and
 - (b) the need for the continuation of the functions of the Authority; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (2) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared (and in any event not more than 12 months after the relevant anniversary), cause it to be laid before each House of Parliament.

94A. Review to include consideration of fee-setting

- (1) Without limiting section 93, in the course of each review carried out under that section the Minister is also to consider and have regard to —
- (a) how the fees prescribed for the purposes of the following Acts have been calculated during the period covered by the review —
 - (i) the *Registration of Deeds Act 1856*;
 - (ii) the *Strata Titles Act 1985*;
 - (iii) the *Transfer of Land Act 1893*;

- (iv) the *Valuation of Land Act 1978*;
 - and
 - (b) whether, since the last review carried out under that section, the Authority has achieved efficiencies in its operations that would enable the fees referred to in paragraph (a) to be reduced or not increased.
- (2) For the purposes of subsection (1)(a), the things that the Minister is to consider and have regard to include —
 - (a) the principles and methodologies applied in determining the prescribed fees; and
 - (b) how those principles and methodologies were applied in determining the amount of each prescribed fee.
- (3) Subsection (1) ceases to apply in relation to fees prescribed for the purposes of an Act listed in subsection (1)(a) if the provision of that Act referred to in subsection (5) expires.
- (4) This section expires on a day fixed by proclamation.
- (5) The day fixed under subsection (4) must not be before all of the following provisions have expired —
 - (a) the *Registration of Deeds Act 1856* section 22AA;
 - (b) the *Strata Titles Act 1985* section 225;
 - (c) the *Transfer of Land Act 1893* section 182AA;
 - (d) the *Valuation of Land Act 1978* section 50.

[Section 94A inserted: No. 11 of 2015 s. 4; amended: No. 30 of 2018 s. 151.]

Part 7 — Transitional matters

Division 1 — Staff

94. Other staff in the former department

- (1) On the day fixed under section 2(1) (the *commencement day*) a person who, immediately before that day, was employed, other than as the chief executive officer or a senior executive officer, in the Department of Land Information becomes a member of the Authority's staff as if employed by the Authority under section 45(1).
- (2) Subsection (1) does not prevent the chief executive officer or a senior executive officer of the Department of Land Information from becoming a member of the Authority's staff.

Division 2 — General matters

95. Terms used

In this Division —

document is not limited to any restricted meaning that the term has in any written law, and it includes a document depicting information by graphic representation;

former body means any of the bodies formerly known as the Land Titles Office, the Valuer-General's Office, the Department of Lands and Surveys, the Department of Land Administration, or the Department of Land Information;

former office means an office in which documents were, before the day fixed under section 2(1), dealt with under the *Transfer of Land Act 1893* or the *Registration of Deeds Act 1856*.

96. General transitional provisions might not apply

A transitional provision in this Division applies to the extent that a contrary intention does not appear.

97. Certain references to former bodies

A reference however expressed in a written law or other document to a former body may be read as including a reference to the Authority.

98. Certain references to department

A reference however expressed in a written law or other document to the department of the Public Service principally assisting the Minister in the administration of the *Transfer of Land Act 1893* may be read as including a reference to the Authority.

99. References to things done in former offices

A provision in a written law or other document, however expressed, about —

- (a) anything being given to, or lodged or deposited at or with, a former office; or
- (b) anything being held, registered, noted, or in any other way recorded or dealt with, at a former office,

is to be read as if the reference to the former office had been amended to be a reference to the Authority or its office, as the case requires.

100. References to documents of former bodies

A reference however expressed in a written law or other document to any document the description of which indicates that it is a document of a former body is to be read as a reference to the same document even if, on the day fixed under section 2(1), it becomes a document of the Authority.

Division 3 — Regulations for other matters

101. Transitional regulations

- (1) If there is no sufficient provision in this Act for dealing with a transitional matter, regulations under this Act may prescribe all matters that are required or necessary or convenient to be prescribed for dealing with the matter.
- (2) In subsection (1) —
transitional matter means a matter that needs to be dealt with for the transition required because of this Act.
- (3) Regulations under subsection (1) may provide that specified provisions of a written law do not apply, or apply with specified modifications, to or in relation to any matter.
- (4) Even if regulations under subsection (1) provide that a specified state of affairs is to be taken to have existed, or not to have existed, before the day on which the regulations are published in the *Gazette* but not before the commencement day, the regulations have effect according to their terms.
- (5) In subsections (3) and (4) —
specified means specified or described in the regulations.
- (6) If regulations contain a provision referred to in subsection (4), the provision does not —
 - (a) affect, in a manner prejudicial to any person (other than the State, an authority of the State, or a local government), rights that the person had before the regulations were published in the *Gazette*; or
 - (b) impose liabilities on any person (other than the State, an authority of the State, or a local government) in respect of anything done or omitted to be done before the regulations were published in the *Gazette*.

[Part 8 omitted under the Reprints Act 1984 s. 7(4)(e).]

Notes

This is a compilation of the *Land Information Authority Act 2006* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Land Information Authority Act 2006</i>	60 of 2006	16 Nov 2006	Pt. 1: 17 Nov 2006 (see s. 2(2)); Act other than Pt. 1: 1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4 and Sch. 1 cl. 94	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Public Sector Reform Act 2010</i> s. 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
<i>Land Legislation Amendment Act 2015</i> Pt. 2	11 of 2015	29 Apr 2015	30 Jun 2015 (see s. 2(b) and <i>Gazette</i> 2 Jun 2015 p. 1937)
Reprint 1: The <i>Land Information Authority Act 2006</i> as at 4 Sep 2015 (includes amendments listed above)			
<i>Strata Titles Amendment Act 2018</i> Pt. 3 Div. 10	30 of 2018	19 Nov 2018	1 May 2020 (see s. 2(b) and SL 2020/39 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Community Titles Act 2018</i> Pt. 14 Div. 11	32 of 2018	19 Nov 2018	30 Jun 2021 (see s. 2(b) and SL 2021/69 cl. 2)

Other notes

¹ The provisions in this Act amending these Acts have been omitted under the *Reprints Act 1984* s. 7(4)(e).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
acquire.....	12(5)
appointed member.....	3
Authority.....	3
Authority's liability.....	13(3)
business concern	12(5)
chief executive officer.....	3
commencement day	94(1)
confidential information.....	89(2)
dispose of	12(5)
document.....	67(4), 95
former body.....	95
former office	95
fundamental land information.....	16(10)
goods and services	3
information.....	67(4)
interest rate.....	74(2)
land information.....	3
latest draft plan.....	52(2)
latest draft statement	60(2)
member of the Authority's staff.....	3
new owner.....	84(1)
participate in	12(5)
relevant amount.....	13(3)
relevant financial year.....	47(1), 55(1)
specified	101(5)
third party.....	84(1)
transaction.....	15
transitional matter	101(2)
Treasurer	3