

Western Australia

# **Land Information Authority Act 2006**

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# Land Information Authority Act 2006

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**Defined Terms**

Western Australia

## **Land Information Authority Act 2006**

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**No. 60 of 2006**

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**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 Acts.**

*[Assented to 16 November 2006]*

The Parliament of Western Australia enacts as follows:

## **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**

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 an SES organisation**

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

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## **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.

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- (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;

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- (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;
  - (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

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prescribe a greater amount for the purposes of this definition, the amount prescribed.

**14. Exemptions from section 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.
- (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. Meaning of "transaction" in sections 13 and 14**

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 —

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- (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 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 Minister for Public Sector Management.

**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 section 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 sections 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 Administration and Audit Act 1985* section 66.

**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 Administration and Audit Act 1985* (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 Administration and Audit Act 1985* section 69 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.

**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” held —

- (a) as part of the Trust Fund constituted under the *Financial Administration and Audit Act 1985* section 9; or
- (b) with the Treasurer’s approval, at a bank as defined in the *Financial Administration and Audit Act 1985* section 3(1).

**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 Fund 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 Fund 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.

**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 held as part of the Trust Fund constituted under the *Financial Administration and Audit Act 1985* section 9 and are not being used for the performance of the Authority's functions may be invested as the Authority's board of management determines.

**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 Fund, 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 Fund.

**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 Fund 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.

**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 Administration and Audit Act 1985***

The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.

**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 Administration and Audit Act 1985*; 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.

## **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.

## **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**

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 — Other Acts amended

### Division 1 — *Transfer of Land Act 1893* and related provisions

#### 102. The Act amended

The amendments in this Division are to the *Transfer of Land Act 1893*\* unless otherwise stated.

[\* *Reprint 7 as at 6 May 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 464 and Act No. 38 of 2005.]*

#### 103. Section 4 amended

Section 4(1) is amended as follows:

- (a) by deleting the definitions of “Department”, “Examiner of Titles”, and “Minister”;
- (b) by inserting in their appropriate alphabetical positions —

“

**“Authority”** means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

**“Examiner of Titles”** means a person who is an Examiner of Titles under section 8(1);

”.

#### 104. Section 5 replaced

- (1) Section 5 is repealed and the following section is inserted instead —

“

**5. Commissioner of Titles**

- (1) The Governor may designate a person to be the Commissioner of Titles under this Act.
- (2) A person cannot be the Commissioner of Titles unless —
  - (a) the person is a member of the Authority’s staff; and
  - (b) the person is a legal practitioner (as defined in the *Legal Practice Act 2003*), or a barrister or solicitor of the Supreme Court of another State or a Territory, of not less than 7 years’ standing and practice.
- (3) When the *Land Information Authority Act 2006* section 104(1) comes into operation the person who, immediately before then, is the Commissioner of Titles becomes the Commissioner of Titles as if designated under subsection (1) for the balance of the person’s term of office.

”.

**105. Section 6 amended**

- (1) Section 6(1), (1a), (2), and (3) are repealed and the following subsections are inserted instead —

“

- (1) The Governor may designate a person, or each of 2 or more persons, to be a Deputy Commissioner of Titles under this Act.
- (2) A person cannot be a Deputy Commissioner of Titles unless —
  - (a) the person is a member of the Authority’s staff; and

- (b) the person is a legal practitioner (as defined in the *Legal Practice Act 2003*), or a barrister or solicitor of the Supreme Court of another State or a Territory, of not less than 5 years' standing.
  - (2a) When the *Land Information Authority Act 2006* section 105(1) comes into operation a person who, immediately before then, is a Deputy Commissioner of Titles becomes a Deputy Commissioner of Titles as if designated under subsection (1) for the balance of the person's term of office.
  - (3) When and as often as the Commissioner is incapacitated by illness, absence or other sufficient cause from performing the duties of the Commissioner, a Deputy Commissioner nominated in writing by the Commissioner is to act as, and in the place of, the Commissioner during the Commissioner's incapacity.
  - (3a) When there is no Commissioner, a Deputy Commissioner nominated in writing by the former Commissioner before ceasing to be the Commissioner is to act as, and in the place of, the Commissioner.
  - (3b) If, in a circumstance described in subsection (3) or (3a), there is no Deputy Commissioner who has been nominated as described in that subsection and is able to act, a Deputy Commissioner nominated in writing by the Minister, is to act as, and in the place of, the Commissioner.
- ”.
- (2) Section 6(4) is amended by deleting “subsection (5)” and inserting instead —  
“ section 15 ”.
  - (3) Section 6(5) and (6) are repealed.

**106. Section 7 replaced**

Section 7 is repealed and the following section is inserted instead —

“

**7. Registrar of Titles**

- (1) The Governor may designate a person to be the Registrar of Titles under this Act.
- (2) A person cannot be the Registrar of Titles unless the person is a member of the Authority’s staff.
- (3) When the *Land Information Authority Act 2006* section 106 comes into operation the person who, immediately before then, is the Registrar of Titles becomes the Registrar of Titles as if designated under subsection (1).

”.

**107. Section 7A amended**

- (1) Section 7A(1) is repealed and the following subsection is inserted instead —

“

- (1) A person qualified to be the Commissioner of Titles may be, and may perform the functions of, both the Commissioner of Titles and the Registrar of Titles.

”.

- (2) Section 7A(2) is amended by deleting “appointed to both offices under this section” and inserting instead —

“

who is both the Registrar of Titles and the Commissioner of Titles

”.



**108. Section 8 replaced**

Section 8 is repealed and the following section is inserted instead —

“

**8. Other designations**

- (1) The Governor may designate a person, or each of 2 or more persons, to be an Examiner of Titles under this Act.
- (2) The Governor may designate a person, or each of 2 or more persons, to be an Assistant Registrar of Titles under this Act.
- (3) A person cannot be an Examiner of Titles or an Assistant Registrar of Titles unless the person is a member of the Authority's staff.
- (4) A person cannot be an Examiner of Titles unless the person is a legal practitioner (as defined in the *Legal Practice Act 2003*), or a barrister or solicitor of the Supreme Court of another State or a Territory.
- (5) When the *Land Information Authority Act 2006* section 108 comes into operation a person who, immediately before then, is an Assistant Registrar of Titles becomes an Assistant Registrar of Titles as if designated under subsection (2).

”.

**109. Section 8A inserted**

After section 8 the following section is inserted —

“

**8A. Designating statutory officers, generally**

- (1) This section applies to —

- (a) the designation of a person under section 5 to be the Commissioner of Titles; and
  - (b) the designation of a person under section 6 to be a Deputy Commissioner of Titles; and
  - (c) the designation of a person under section 7 to be the Registrar of Titles; and
  - (d) the designation of a person under section 8(1) to be an Examiner of Titles; and
  - (e) the designation of a person under section 8(2) to be an Assistant Registrar of Titles.
- (2) The power to designate a person includes —
- (a) the power to revoke a designation previously made under that power; and
  - (b) the power to designate a person to perform functions of another person who has that designation when it is impractical for that other person to perform the functions.

”.

**110. Section 11 amended**

Section 11 is amended by inserting before the full stop at the end of the section —

“

, except that an Assistant Registrar cannot exercise the power of delegation given to the Registrar by section 15A

”.

**111. Section 13 amended**

Section 13 is amended as follows:

- (a) by deleting “to be hereafter appointed”;

- (b) by deleting “of the duties of his office” and inserting instead —  
“ duties as the Registrar or an Assistant Registrar ”;
- (c) by deleting “office and”.

**112. Sections 15 and 15A inserted**

After section 14 the following sections are inserted —

“

**15. Delegation by Commissioner**

- (1) The Commissioner may delegate any power or duty of the Commissioner under another provision of this Act to —
  - (a) a Deputy Commissioner;
  - (b) an Examiner of Titles;
  - (c) any other member of the Authority’s staff who is a legal practitioner (as defined in the *Legal Practice Act 2003*) or a barrister or solicitor of the Supreme Court of another State or a Territory.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

- (6) A delegation to a Deputy Commissioner that the Commissioner made before the repeal effected by the *Land Information Authority Act 2006* section 105(3) becomes, when section 112 of that Act inserts this section, of the same effect as if the Commissioner had made the delegation under this section.

**15A. Delegation by Registrar**

- (1) The Registrar may delegate any power or duty of the Registrar under another provision of this Act to a member of the Authority's staff.
- (2) The delegation must be in writing signed by the Registrar.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Registrar to perform a function through an officer or agent.

”.

**113. Section 181 amended**

- (1) Section 181(1) is amended by deleting “The Commissioner may, with the approval of the Governor make regulations” and inserting instead —  
“ The Governor may make regulations ”;
- (2) After section 181(1) the following subsection is inserted —

“

- (1a) On the coming into operation of the *Land Information Authority Act 2006* section 113(1) (the “**commencement**”), regulations made by the Commissioner under subsection (1) before the commencement become of the same effect as if they were made by the Governor under subsection (1) as amended by the *Land Information Authority Act 2006* section 113(1).

”.

- (3) After section 181(2) the following subsection is inserted —

“

- (2a) Subsection (1a) does not prevent the Governor from amending regulations to which that subsection applies.

”.

**114. Section 188 amended**

Section 188(iv) is amended by deleting “or registered in the Department” and inserting instead —

“ the Authority or registered in its office ”.

**115. Section 190 replaced**

Section 190 is repealed and the following section is inserted instead —

“

**190. Money received by Registrar**

The Registrar is to pay to the Authority any money paid to the Registrar under this Act.

”.

**116. Section 239 amended**

Section 239(1) is amended as follows:

- (a) by deleting the full stop at the end of paragraph (j) and inserting instead a semicolon;
- (b) by inserting after paragraph (j) the following paragraph —
  - “
  - (k) any other document or information that is derived from records and dealings in relation to land under the operation of this Act and is prescribed for the purposes of this subsection by the regulations.
  - ”.

**117. Section 239A repealed**

Section 239A is repealed.

**118. Various references to department amended**

- (1) The Act is amended by deleting “Department” in each place listed in the Table to this section and inserting instead —  
“ Authority ”.

**Table**

s. 63A(2)(b)	s. 178(4)
s. 78	s. 181(1)(b), (ba), and (bb)
s. 105A(2)(a)	s. 189
s 149	s. 240(3)(b)
s. 150	Third Schedule

- (2) The Act is amended by deleting “Department’s” in each place listed in the Table to this section and inserting instead —  
“ Authority’s ”.

**Table**

s. 23	s. 172(3)
s. 162	s. 175

**119. Certain references in other Acts to plans and diagrams amended**

- (1) Other Acts are amended by deleting “Department within the meaning of the *Transfer of Land Act 1893* Plan” in each place indicated in the Table to this section and inserting instead —
- “ Land Titles Office Plan ”.

**Table**

*Builders’ Registration Act 1939* Schedule  
*Painters’ Registration Act 1961* Schedule  
*Western Australian Land Authority Act 1992* Schedule 2

- (2) Other Acts are amended by deleting “Department within the meaning of the *Transfer of Land Act 1893* Diagram” in each place indicated in the Table to this section and inserting instead —
- “ Land Titles Office Diagram ”.

**Table**

*Builders’ Registration Act 1939* Schedule  
*Painters’ Registration Act 1961* Schedule  
*Western Australian Land Authority Act 1992* Schedule 2

**120. Administration Act 1903 amended**

- (1) The amendments in this section are to the *Administration Act 1903*\*.

[\* *Reprinted as at 1 July 1999.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 6.]*

- (2) Section 19(2) is amended by deleting “the Registrar of Deeds or Registrar of Titles, as the case may be” and inserting instead —

“

the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5

”.

**121. *Agriculture and Related Resources Protection Act 1976*  
amended**

- (1) The amendments in this section are to the *Agriculture and Related Resources Protection Act 1976*\*.

[\* *Reprinted as at 15 October 1999.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 13-14  
and Act No. 6 of 2006.]*

- (2) Section 92(4)(b) is amended by deleting “the Department within the meaning of the *Transfer of Land Act 1893*, the Department of Lands and Surveys, the Department of Mines, or the Register of Deeds, as the case may be” and inserting instead —

“ a register or other records referred to in section 94(1)(b) ”.

- (3) Section 94(1)(b) is amended as follows:

- (a) in subparagraph (i), by deleting “or Deputy”;  
(b) by deleting subparagraph (iii) and inserting instead —

“

(iii) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* that a person is registered in that department as the owner or occupier of land;

(iiia) the chief executive officer of the department principally assisting in the administration of the *Mining Act 1978*



that a person is registered in that  
department as the owner or occupier of  
land;

”.

**122. *Anglican Church of Australia (Diocese of North West Australia) Act 1961* amended**

- (1) The amendments in this section are to the *Anglican Church of Australia (Diocese of North West Australia) Act 1961*\*.

[\* Reprinted as at 3 May 2002.]

- (2) Section 5(3) is amended by deleting “in the Office of Titles, the office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the  
*Registration of Deeds Act 1856*

”.

**123. *Anglican Church of Australia Diocesan Trustees and Lands Act 1918* amended**

- (1) The amendments in this section are to the *Anglican Church of Australia Diocesan Trustees and Lands Act 1918*\*.

[\* Reprinted as at 3 May 2002.]

- (2) Section 11 is amended by deleting “in the Office of Titles, the office of the Registrar of Deeds, and in the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* and the  
*Registration of Deeds Act 1856*

”.

**124. *Anglican Church of Australia Lands Act 1914* amended**

- (1) The amendments in this section are to the *Anglican Church of Australia Lands Act 1914*\*.

[\* Reprinted as at 3 May 2002.]

- (2) Section 5 is amended by deleting “in the Department within the meaning of the *Transfer of Land Act 1893*.” and inserting instead —

“

with the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5.

”.

**125. *Argentine Ant Act 1968* amended**

- (1) The amendments in this section are to the *Argentine Ant Act 1968*\*.

[\* Reprinted as at 5 April 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 25.]*

- (2) Section 15(1) is amended as follows:

- (a) in paragraph (b)(ii), by deleting “or Deputy”;
- (b) by deleting all of the subsection after “or” after paragraph (b)(ii) and inserting instead —

“

- (iii) a certificate signed by the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* or of the department principally assisting in the administration of the *Mining Act 1978* that a person is registered in the

department as the lessee or occupier of premises,

is, until the contrary is proved, evidence that the person is the owner, lessee or occupier, as the case may be, of the premises.

”.

**126. *Bush Fires Act 1954* amended**

(1) The amendments in this section are to the *Bush Fires Act 1954*\*.

[\* *Reprint 7 as at 3 March 2006* .]

(2) Section 66(1) is amended as follows:

(a) by deleting paragraph (b)(iii) and inserting instead —

“

- (iii) a certificate signed by the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* that a person is registered in that department as the owner, lessee, or occupier of land; or
- (iv) a certificate signed by the chief executive officer of the department principally assisting in the administration of the *Mining Act 1978* that a person is registered in that department as the lessee or occupier of land or the holder of a concession or permit; or
- (v) a certificate signed by the chief executive officer of the department principally assisting in the administration of the *Conservation and Land Management Act 1984* that a

person is registered in that department  
as the lessee or occupier of land or the  
holder of a timber lease, concession or  
permit,

”;

(b) in paragraph (b), by inserting after subparagraph (i) —  
“ or ”;

(c) by deleting “the owner, lessee or occupier, as the case  
may be, of the land.” and inserting instead —

“

, as the case requires, the owner, lessee, or occupier of  
the land or the holder of the timber lease, concession or  
permit.

”.

**127. City of Perth (Leederville Park Lands) Act 1950 amended**

(1) The amendments in this section are to the *City of Perth  
(Leederville Park Lands) Act 1950*\*.

[\* *Act No. 43 of 1950* .

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 63.]*

(2) Section 2 is amended by deleting “in the Department within the  
meaning of the *Transfer of Land Act 1893*” and inserting  
instead —

“ under the *Transfer of Land Act 1893* ”.

**128. Control of Vehicles (Off-road Areas) Act 1978 amended**

(1) The amendments in this section are to the *Control of Vehicles  
(Off-road Areas) Act 1978*\*.

[\* *Reprint 3 as at 17 February 2006*.

*For subsequent amendments see Act No. 38 of 2005.]*

- (2) Section 19(1)(a)(i) is amended by deleting “Lands and Surveys Department” and inserting instead —

“

Western Australian Land Information  
Authority established by the *Land  
Information Authority Act 2006*  
section 5

”.

**129. Country Areas Water Supply Act 1947 amended**

- (1) The amendments in this section are to the *Country Areas Water Supply Act 1947*\*.

[\* *Reprint 7 as at 7 April 2006.*]

- (2) Section 85(1) is amended by deleting “Department within the meaning of the *Transfer of Land Act 1893* or the Registry of Deeds or in the Department of Mines” and inserting instead —

“

records of the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5 or of the department  
principally assisting in the administration of the *Mining  
Act 1978*

”.

- (3) Section 90(1)(b) and (c) are each amended by deleting “in the Office of the Registrar of Deeds” and inserting instead —

“ registered under the *Registration of Deeds Act 1856* ”.

- (4) Section 102 is amended as follows:

- (a) in subsection (3), by deleting “of the Office of the Registrar of Deeds” and inserting instead —

“ under the *Registration of Deeds Act 1856* ”;

- (b) in subsection (4), by deleting “in the Department within the meaning of the *Transfer of Land Act 1893* or the Office of the Registrar of Deeds.” and inserting instead —

“ as referred to in subsection (3). ”.

- (5) Section 120(1)(b) is amended as follows:

- (a) in subparagraph (i), by deleting “or deputy”;
- (b) in subparagraph (ii), by deleting “or his deputy”;
- (c) by deleting subparagraphs (iii) and (iv) and “or” after each of them and inserting instead —

“

- (iii) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* that any person is registered in that department as the owner, occupier or lessee of any land; or

- (iv) the chief executive officer of the department principally assisting in the administration of the *Mining Act 1978* that any person is registered in that department as the lessee or holder of any mining lease or other mining tenement; or

”.

**130. Country Housing Act 1998 amended**

- (1) The amendments in this section are to the *Country Housing Act 1998*\*.

[\* Reprinted as at 13 December 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 100 and Act No. 38 of 2005.]*

- (2) Schedule 2 clause 8(1) is amended by deleting “*Land Act 1933*” and inserting instead —

“ *Land Administration Act 1997* ”.

**131. Country Towns Sewerage Act 1948 amended**

- (1) The amendments in this section are to the *Country Towns Sewerage Act 1948*\*.

[\* *Reprinted as at 9 November 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 102.]*

- (2) Section 84(1)(b) and (c) are each amended by deleting “in the Office of the Registrar of Deeds” and inserting instead —

“ registered under the *Registration of Deeds Act 1856* ”.

- (3) Section 96 is amended as follows:

- (a) in subsection (3), by deleting “of the Office of the Registrar of Deeds” and inserting instead —

“ under the *Registration of Deeds Act 1856* ”;

- (b) in subsection (4), by deleting “in the Department within the meaning of the *Transfer of Land Act 1893* or the Office of the Registrar of Deeds.” and inserting instead —

“ as referred to in subsection (3). ”.

- (4) Section 118(1)(b) is amended as follows:

- (a) in subparagraph (i), by deleting “or deputy”;
- (b) in subparagraph (ii), by deleting “or his deputy”;
- (c) by deleting subparagraphs (iii) and (iv) and “or” after each of them and inserting instead —

“

- (iii) the chief executive officer of the department principally assisting in the

administration of the *Land Administration Act 1997* that any person is registered in that department as the owner, occupier or lessee of any land; or

- (iv) the chief executive officer of the department principally assisting in the administration of the *Mining Act 1978* that any person is registered in that department as the lessee or holder of any mining lease or other mining tenement; or

”.

**132. Dog Act 1976 amended**

- (1) The amendments in this section are to the *Dog Act 1976*\*.

[\* Reprinted as at 9 November 2001.

For subsequent amendments see *Western Australian Legislation Information Tables for 2005, Table 1, p. 129 and Act No. 38 of 2005.*]

- (2) Section 3(1) is amended in the definition of “townsite” by deleting “the Department within the meaning of the *Transfer of Land Act 1893* or the Department within the meaning of the *Land Act 1933*,” and inserting instead —

“

the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 or with the department principally assisting in the administration of the *Land Administration Act 1997*;

”.

**133. Evidence Act 1906 amended**

- (1) The amendments in this section are to the *Evidence Act 1906*\*.



[\* *Reprint 13 as at 1 July 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 153 and Act No. 34 of 2004.]*

- (2) The Fifth Schedule is amended by deleting in each column the entry for the item that refers to “The Lands and Surveys Department” and inserting instead —

“

The department  
principally assisting  
in the administration  
of the *Land  
Administration  
Act 1997*

The Minister  
responsible for the  
administration of that  
Act, the chief  
executive officer of  
that department, or  
the Surveyor General

”.

**134. *Geraldton Foreshore and Marina Development Act 1990*  
amended**

- (1) The amendments in this section are to the *Geraldton Foreshore and Marina Development Act 1990*\*.

[\* *Reprinted as at 8 December 2000.*]

- (2) Section 3(2) is amended by deleting “by the Graphic Bank Crown Surveys within the Department of Land Administration.” and inserting instead —

“

by the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5.

”.

**135. *Health Act 1911* amended**

- (1) The amendments in this section are to the *Health Act 1911*\*.

[\* *Reprint 13 as at 15 July 2005.*

*For subsequent amendments see Act No. 34 of 2004.]*

- (2) Section 372 is amended by deleting “department within the meaning of the *Transfer of Land Act 1893* or Registry of Deeds, as the case may require” and inserting instead —

“

records of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5

”.

- (3) Section 375 is amended by deleting “Department within the meaning of the *Transfer of Land Act 1893* and Registry of Deeds, or any office of the Department of Lands and Surveys, or of the Department of Mines” and inserting instead —

“

records of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5, of the department principally assisting in the administration of the *Land Administration Act 1997*, or of the department principally assisting in the administration of the *Mining Act 1978*

”.

**136. *Heritage of Western Australia Act 1990* amended**

- (1) The amendments in this section are to the *Heritage of Western Australia Act 1990*\*.

[\* *Reprinted as at 1 June 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 207 and Act No. 38 of 2005.]*

- (2) The Act is amended by deleting “Executive Director of the Department of Land Administration” in each place listed in the Table to this section and inserting instead —

“

chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997*

”.

**Table**

s. 29(6)	s. 59(13)
s. 44(2)(b)	s. 80(4)
s. 56(1)	

**137. *Housing Act 1980* amended**

- (1) The amendments in this section are to the *Housing Act 1980*\*.

[\* *Reprinted as at 27 May 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 214 and Act No. 38 of 2005.]*

- (2) Section 24(2) is amended by deleting “Department within the meaning” and inserting instead —

“ Authority as defined in section 4(1) ”.

**138. *Kalgoorlie and Boulder Racing Clubs Act 1904* amended**

- (1) The amendment in this section is to the *Kalgoorlie and Boulder Racing Clubs Act 1904*\*.

[\* *Reprint 1 as at 7 May 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 239.]*

- (2) Section 2 is amended in the definition of “Minister for Lands” by deleting “and the Department of Lands and Surveys”.

**139. Land Administration Act 1997 amended**

- (1) The amendments in this section are to the *Land Administration Act 1997*\*.

[\* *Reprint 2 as at 24 June 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 242 and Acts Nos. 18 and 38 of 2005.]*

- (2) Section 3(1) is amended in the definition of ““Registrar” or “Registrar of Titles”” by deleting “appointed under” and inserting instead —

“ referred to in ”.

**140. Land Boundaries Act 1841 amended**

- (1) The amendments in this section are to the *Land Boundaries Act 1841*\*.

[\* *Reprinted as at 22 November 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 243.]*

- (2) Section 5 is amended by deleting “the Department within the meaning of the *Land Administration Act 1997*” and inserting instead —

“

the Western Australian Land Information Authority  
established by the *Land Information Authority  
Act 2006* section 5

”.

**141. Land Drainage Act 1925 amended**

- (1) The amendments in this section are to the *Land Drainage Act 1925*\*.

[\* *Reprint 3 as at 21 March 2003.*  
*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 244.*]

(2) Section 173(1)(b) is amended as follows:

(a) in subparagraph (ii) —

- (i) by deleting “or deputy”; and
- (ii) by deleting “Department within the meaning of the *Transfer of Land Act 1893*” and inserting instead —

“

records of the Western  
Australian Land Information  
Authority established by the  
*Land Information Authority  
Act 2006* section 5

”;

(b) by deleting subparagraph (iii) and inserting instead —

“

- (iii) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997*, or of the department principally assisting in the administration of the *Mining Act 1978*, that any person is registered in the relevant department as the owner, lessee, or occupier of any land,

”.

**142. *Land Tax Assessment Act 2002* amended**

(1) The amendments in this section are to the *Land Tax Assessment Act 2002*\*.

[\* *Act No. 52 of 2002.*]

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 245 and Act No. 38 of 2005.]*

- (2) The Glossary is amended in clause 1 in the definition of “registered” by deleting “Department within the meaning of the *Transfer of Land Act 1893*, the Registry of Deeds” and inserting instead —

“

Western Australian Land Information Authority  
established by the *Land Information Authority Act 2006*  
section 5

”.

- (3) The Glossary is amended in clause 2 as follows:

- (a) in subclause (1)(a), by deleting “publicly exhibited in the public office of the Department of Land Administration, or deposited in the Department within the meaning of the *Transfer of Land Act 1893* or Registry of Deeds” and inserting instead —

“

deposited with the Western Australian Land  
Information Authority established by the *Land  
Information Authority Act 2006* section 5

”;

- (b) in subclause (2)(e), by deleting “in the Department of Land Administration, or the Department within the meaning of the *Transfer of Land Act 1893* or Registry of Deeds;” and inserting instead —

“

with the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5;

”.

**143. Licensed Surveyors Act 1909 amended**

- (1) The amendments in this section are to the *Licensed Surveyors Act 1909*\*.

[\* *Reprinted as at 22 November 2002.*  
*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 253.*]

- (2) Section 3(1) is amended in the definition of “Authorised Survey”, in paragraph (d), by deleting “for acceptance or adoption by that department” and inserting instead —

“  
or the Western Australian Land Information  
Authority established by the *Land  
Information Authority Act 2006* section 5 for  
acceptance or adoption  
”.

- (3) Section 18 is amended by inserting after “department” —

“  
or the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5  
”.

**144. Local Government Act 1995 amended**

- (1) The amendments in this section are to the *Local Government Act 1995*\*.

[\* *Reprint 3 as at 5 August 2005.*  
*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 267 and Act No.38 of 2005.*]

- (2) Section 9.41(1)(b) is amended by deleting “or Deputy”.

(3) Section 9.69 is amended as follows:

(a) in subsection (1), by deleting the definition of “Department” and inserting instead —

“

“**Authority**” means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

”;

(b) in each of subsections (2) and (4), by deleting “registered or deposited in the Department” and inserting instead —

“ deposited with the Authority ”.

(4) Schedule 6.3 is amended in each of clause 1(1)(a) and (3) by deleting “by the Registrar of Deeds” and inserting instead —

“ under the *Registration of Deeds Act 1856* ”.

**145. Metropolitan Water Supply, Sewerage, and Drainage Act 1909 amended**

(1) The amendments in this section are to the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*\*.

[\* Reprint 9 as at 17 February 2006.]

(2) Section 114 is amended by deleting “Department within the meaning of the *Transfer of Land Act 1893* or the Registry of Deeds” and inserting instead —

“

records of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5

”.

(3) Section 165(2) is amended as follows:

(a) in subparagraph (a), by deleting “or deputy”;



- (b) in subparagraph (b), by deleting “or his deputy,”;
- (c) by deleting subparagraph (c) and inserting instead —

“

- (c) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* that any person is registered in the department as the owner, occupier, or lessee of any land,

”.

**146. *Morley Shopping Centre Redevelopment Agreement Act 1992* amended**

- (1) The amendments in this section are to the *Morley Shopping Centre Redevelopment Agreement Act 1992*\*.  
[\* Reprinted as at 9 November 2001.]
- (2) Section 3(1) is amended by deleting the definition of “Department of Land Administration”.
- (3) Section 3(2) is amended by deleting “by the Graphic Bank Crown Surveys within the Department of Land Administration.” and inserting instead —

“

by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5.

”.

**147. *Planning and Development Act 2005* amended**

- (1) The amendments in this section are to the *Planning and Development Act 2005*\*.  
[\* Act No. 37 of 2005.]

(2) Section 4(1) is amended as follows:

(a) by inserting in its appropriate alphabetical position —

“

“**Authority**” means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5.

”;

(b) in the definition of “lot” —

(i) by deleting paragraph (a) and inserting instead —

“

(a) depicted on a plan or diagram available from, or deposited with, the Authority and for which a separate Crown Grant or certificate of title has been or can be issued;  
or

”;

and

(ii) by deleting paragraph (c)(iv) and “or” after it and inserting instead —

“

(iv) a part-lot shown on a diagram or plan of survey of a subdivision deposited with the Authority; or

”;

(c) by deleting the definition of “TLA Department”.

(3) Section 146(3)(d) is amended by deleting “TLA Department” and inserting instead —

“ Authority ”.

(4) Section 150(3)(a) is amended as follows:

(a) by inserting after “subdivision” a comma;

- (b) by inserting after “1985” a comma;
  - (c) by deleting “at the TLA Department;” and inserting instead —  
“ by the Authority; ”.
- (5) Section 165(2) and (4) are each amended by deleting “at the TLA Department” and inserting instead —  
“ with the Authority ”.
- (6) Section 167(1)(a) is amended as follows:
- (a) by inserting after “subdivision” a comma;
  - (b) by inserting after “1985” a comma;
  - (c) by deleting “at the TLA Department;” and inserting instead —  
“ by the Authority; ”.
- (7) Section 168 is amended as follows:
- (a) in subsection (1) —
    - (i) by inserting after “subdivision” a comma; and
    - (ii) by inserting after “1985” a comma; and
    - (iii) by deleting “in the TLA Department” and inserting instead —  
“ with the Authority ”;
  - (b) in subsection (3) —
    - (i) by inserting after “subdivision” a comma; and
    - (ii) by inserting after “1985” a comma; and
    - (iii) by deleting “at the TLA Department” and inserting instead —  
“ with the Authority ”;
  - (c) in subsection (5), by deleting “in the TLA Department”;
  - (d) in subsection (6), by deleting “in the TLA Department or in” and inserting instead —

“ with the Authority or ”.

- (8) Schedule 3 is amended by deleting “Department as defined in the *Transfer of Land Act 1893*” in both places where it occurs and inserting instead —

“ Land Titles Office ”.

**148. *Plant Diseases Act 1914* amended**

- (1) The amendments in this section are to the *Plant Diseases Act 1914*\*.

[\* *Reprinted as at 21 December 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 345.]*

- (2) Section 38(1)(b) is amended as follows:

- (a) in subparagraph (ii), by deleting “or deputy”;
- (b) by deleting subparagraph (iii) and inserting the following subparagraph instead —

“

- (iii) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* or of the department principally assisting in the administration of the *Mining Act 1978* that any person is registered in the department as the lessee or occupier of any land,

”.

**149. *Redemption of Annuities Act 1909* amended**

- (1) The amendments in this section are to the *Redemption of Annuities Act 1909*\*.

[\* *Reprint 1 as at 4 March 2005.*]

- (2) Section 2 is amended in the definition of “Registrar” by deleting “deputy, assistant,” and inserting instead —

“ assistant ”.

**150. Registration of Deeds Act 1856 amended**

- (1) The amendments in this section are to the *Registration of Deeds Act 1856*\*.

[\* *Reprint 2 as at 9 April 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 385.]*

- (2) Section 2 is amended as follows:

- (a) by deleting “there shall be maintained as heretofore at Perth” and inserting instead —

“

the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 (called the “**Authority**” in this Act) is to maintain

”.

- (b) by deleting “person holding the appointment of Registrar of Deeds and Transfers at the time of the passing of this Act shall continue to be Registrar of the aforesaid office under this Act, and that every person appointed to the office of”.

- (3) Section 2A is amended as follows:

- (a) by deleting “all such persons as are or have been appointed to be” and inserting instead —

“

a person holding an office because of which the person is

”;

- (b) by deleting “person holding the appointment of”.

- (4) Section 6 is amended by deleting “into the Registrar’s office” and inserting instead —  
“ to the Authority ”.
- (5) Section 9 is amended by deleting “in the said Registry Office” and inserting instead —  
“ given by the Registrar ”.
- (6) Section 10 is amended by deleting “his” and inserting instead —  
“ the Authority’s ”.
- (7) Section 11 is amended by deleting “of his office” and inserting instead —  
“ under this Act ”.
- (8) Section 12 is amended by deleting “his” and inserting instead —  
“ the Authority’s ”.
- (9) Section 13 is amended as follows:  
(a) by deleting “said Registrar’s” and inserting instead —  
“ Authority’s ”;  
(b) by deleting “his said” and inserting instead —  
“ the Authority’s ”.
- (10) Section 22 is amended as follows:  
(a) by inserting before “That” at the beginning of the section the subsection designation “(1)”;  
(b) by deleting “Commissioner of Titles, appointed under the *Transfer of Land Act 1893*, with the approval of the Governor,” and inserting instead —  
“ Governor ”;

- (c) by inserting at the end of the section the following subsections —

“

- (2) On the coming into operation of the *Land Information Authority Act 2006* section 150(10) (the “**commencement**”), regulations made by the Commissioner of Titles under this section before the commencement become of the same effect as if they were made by the Governor under subsection (1) of this section as amended by the *Land Information Authority Act 2006* section 150(10).
- (3) Subsection (2) does not prevent the Governor from amending regulations to which that subsection applies.

”.

**151. *Rights in Water and Irrigation Act 1914* amended**

- (1) The amendments in this section are to the *Rights in Water and Irrigation Act 1914*\*.

[\* *Reprinted as at 10 January 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 391.]*

- (2) Section 79(2) is amended as follows:
- (a) in subparagraph (a), by deleting “or his deputy”;
- (b) in subparagraph (b), by deleting “or deputy”;
- (c) by deleting subparagraph (c) and inserting instead —

“

- (c) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* or of the department principally assisting in the administration of the *Mining Act 1978*, that any person is registered in the

department as the occupier or lessee of  
any land,

”.

**152. Roman Catholic Bishop of Broome Property Act 1957  
amended**

- (1) The amendments in this section are to the *Roman Catholic Bishop of Broome Property Act 1957*\*.

[\* *Reprint 1 as at 7 February 2003.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 399.]*

- (2) Section 6 is amended by deleting “in the Office of Titles, the office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the  
*Registration of Deeds Act 1856*,

”.

**153. Roman Catholic Bunbury Church Property Act 1955  
amended**

- (1) The amendments in this section are to the *Roman Catholic Bunbury Church Property Act 1955*\*.

[\* *Reprint 1 as at 7 February 2003.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 399.]*

- (2) Section 6 is amended by deleting “in the Office of Titles, the Office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the  
*Registration of Deeds Act 1856*

”.



**154. Roman Catholic Church Property Act 1911 amended**

- (1) The amendments in this section are to the *Roman Catholic Church Property Act 1911*\*.

[\* Reprint 2 as at 7 February 2003.]

- (2) Section 11 is amended by deleting “in the Department within the meaning of the *Transfer of Land Act 1893*, the Office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the  
*Registration of Deeds Act 1856*

”.

**155. Roman Catholic Geraldton Church Property Act 1925 amended**

- (1) The amendments in this section are to the *Roman Catholic Geraldton Church Property Act 1925*\*.

[\* Reprint 1 as at 7 February 2003.]

- (2) Section 7 is amended by deleting “in the Office of Titles, the Office of the Registrar of Deeds, or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the  
*Registration of Deeds Act 1856*

”.

**156. Roman Catholic New Norcia Church Property Act 1929 amended**

- (1) The amendments in this section are to the *Roman Catholic New Norcia Church Property Act 1929*\*.

[\* Reprint 1 as at 7 February 2003.]

- (2) Section 10 is amended by deleting “in the Office of Titles the Office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the  
*Registration of Deeds Act 1856*,

”.

**157. Sale of Land Act 1970 amended**

- (1) The amendments in this section are to the *Sale of Land Act 1970*\*.

[\* Reprinted as at 25 January 2002.

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 406 and  
Act No. 38 of 2005.]*

- (2) Section 13(2) is amended by deleting “in the Department within the meaning of that Act.” and inserting instead —

“

with the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5.

”.

- (3) Section 13(3) is amended as follows:

- (a) by deleting “at the Department within the meaning of the *Transfer of Land Act 1893* shall be deemed to be and to always have been registrable notwithstanding any” and inserting instead —

“

as described in subsection (2) but was defective is to be taken to give as good an entitlement to be registered as proprietor as it would give if there were no

”;

- (b) in paragraph (a), by deleting “withdrawn from the Department within the meaning of the *Transfer of Land Act 1893*,” and inserting instead —

“  
having been withdrawn from the registration process;  
”.

**158. Settlement Agents Act 1981 amended**

- (1) The amendments in this section are to the *Settlement Agents Act 1981*\*.

[\* *Reprint 3 as at 8 July 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 413 and Act No. 38 of 2005.]*

- (2) Schedule 2 clause 1(1) is amended as follows:

- (a) by deleting paragraph (a) and inserting instead —

“  
(a) searching land titles and dealings in the records of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 (the “**Authority**”) and searching for caveats against any of those dealings;  
”;

- (b) in paragraph (f), by deleting “at the Department within the meaning of the *Transfer of Land Act 1893*” and inserting instead —

“ with the Authority ”;

- (c) in paragraph (g), by deleting “Department within the meaning of the *Transfer of Land Act 1893*” and inserting instead —

“ Authority ”.

**159. Standard Survey Marks Act 1924 amended**

- (1) The amendments in this section are to the *Standard Survey Marks Act 1924*\*.

[\* *Reprint 2 as at 5 September 2003.*]

- (2) Section 3 is amended by deleting “in the Department of Land Administration and certified copies supplied to the Registrar of Titles, the Under Secretary for Public Works” and inserting instead —

“

by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 and certified copies supplied to the Registrar of Titles, the chief executive officer of the department principally assisting in the administration of the *Public Works Act 1902*

”.

**160. Strata Titles Act 1985 amended**

- (1) The amendments in this section are to the *Strata Titles Act 1985*\*.

[\* *Reprint 5 as at 20 May 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 438 and Act No. 38 of 2005.]*

- (2) Section 3(1) is amended as follows:

- (a) by inserting in its appropriate alphabetical position —

“

“**Authority**” means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

”;

- (b) in the definition of “Registrar of Titles” by deleting “appointed” in both places where it occurs and inserting instead —  
“ who is ”.
- (3) Section 18(2) is amended by deleting “office of the Registrar of Titles” and inserting instead —  
“ Authority’s office ”.
- (4) Section 21Z(2) is amended by deleting “Office of Titles” and inserting instead —  
“ Authority’s office ”.
- (5) Section 31K(2) is amended by deleting “Office of Titles” and inserting instead —  
“ Authority’s office ”.
- (6) Section 40(2)(b) is amended by deleting “office of the Registrar of Titles” and inserting instead —  
“ Authority’s office ”.
- (7) Section 41(2)(b) is amended by deleting “office of the Registrar of Titles” and inserting instead —  
“ Authority’s office ”.
- (8) Section 115(1) is amended by deleting “office of the Registrar of Titles” and inserting instead —  
“ Authority’s office ”.
- (9) After section 129A the following sections are inserted —

“

**129B. Delegation by Commissioner of Titles**

- (1) The Commissioner of Titles may delegate the power that section 129A gives the Commissioner to any other member of the Authority’s staff who is a legal

practitioner (as defined in the *Legal Practice Act 2003*) or a barrister or solicitor of the Supreme Court of another State or a Territory.

- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.
- (6) In this section —  
“**Commissioner of Titles**” means the Commissioner of Titles under the *Transfer of Land Act 1893* but does not include a Deputy Commissioner of Titles under that Act except when acting as, and in place of, the Commissioner.

**129C. Delegation by Registrar of Titles**

- (1) The Registrar of Titles may delegate any power or duty of the Registrar under another provision of this Act to a member of the Authority’s staff.
- (2) The delegation must be in writing signed by the Registrar.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to

be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

- (5) Nothing in this section limits the ability of the Registrar to perform a function through an officer or agent.
- (6) In this section —  
    **“Registrar of Titles”** does not include an Assistant Registrar under the *Transfer of Land Act 1893* except when acting as, and in place of, the Registrar.

**129D. Money received by Registrar**

The Registrar of Titles is to pay to the Authority any money paid to the Registrar under this Act.

”.

- (10) Schedule 3 clause 7(1) is amended by deleting “in the office of the Registrar of Titles” and inserting instead —  
    “ for registration ”.

**161. Tamala Park Land Transfer Act 2001 amended**

- (1) The amendment in this section is to the *Tamala Park Land Transfer Act 2001*\*.

[\* *Act No. 15 of 2001.*]

- (2) Section 3 is amended in the definition of “Registrar of Titles” by deleting “appointed”.

**162. The Salvation Army (Western Australia) Property Trust Act 1931 amended**

- (1) The amendments in this section are to *The Salvation Army (Western Australia) Property Trust Act 1931*\*.

[\* *Reprint 2 as at 17 January 2003.*]

- (2) Section 6(4) is amended by deleting “the Under Secretary for Lands” and inserting instead —

“

the chief executive officer of the department  
principally assisting in the administration of the *Land Administration Act 1997*

”.

- (3) Section 17(1) and (2) are amended by deleting “the Under Secretary for Lands” and inserting instead —

“

the chief executive officer of the department  
principally assisting in the administration of the *Land Administration Act 1997*

”.

- (4) Section 22 is amended by deleting “the Under Secretary for Lands” and inserting instead —

“

the chief executive officer of the department  
principally assisting in the administration of the *Land Administration Act 1997*

”.

**163. Toodyay Cemeteries Act 1939 amended**

- (1) The amendments in this section are to the *Toodyay Cemeteries Act 1939*\*.

[\* *Act No. 8 of 1939.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2005, Table 1, p. 456.]*

- (2) Section 5 is amended by deleting “in the Office of Land Titles” and inserting instead —

“

of the Western Australian Land Information  
Authority established by the *Land Information  
Authority Act 2006* section 5



”.

**164. *Transfer of Land Amendment Act 2003* amended**

- (1) The amendments in this section are to the *Transfer of Land Amendment Act 2003*\*.

[\* *Act No. 6 of 2003.*]

- (2) Section 56 is amended in the proposed section 166C(2)(a)(i) by deleting “Department” and inserting instead —

“ Authority ”.

**165. *Water Boards Act 1904* amended**

- (1) The amendments in this section are to the *Water Boards Act 1904*\*.

[\* *Reprint 5 as at 12 August 2005.*]

- (2) Section 158 is amended by deleting “Land Titles and Registry of Deeds, or any office of the Department of Lands or of Mines” and inserting instead —

“

the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5, of the department principally assisting with the administration of the *Land Administration Act 1997*, or of the department principally assisting with the administration of the *Mining Act 1978*

”.

- (3) Section 160(2) is amended as follows:

- (a) in subparagraph (a), by deleting “or his deputy,”;  
(b) in subparagraph (b), by deleting “or deputy”;

(c) by deleting subparagraph (c) and inserting instead —

“

(c) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* or of the department principally assisting in the administration of the *Mining Act 1978*, that any person is registered in the department as the occupier or lessee of any land,

”.

**Division 2 — Valuation of Land Act 1978 and related provisions**

**166. The Act amended**

The amendments in this Division are to the *Valuation of Land Act 1978*\* unless otherwise stated.

[\* *Reprint 4 as at 10 February 2006.*]

**167. Section 4 amended**

Section 4(1) is amended as follows:

- (a) by deleting the definitions of “section” and “subsection”;
- (b) by inserting in its appropriate alphabetical position —

“

“**Authority**” means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

”.

**168. Section 6 replaced**

Section 6 is repealed and the following section is inserted instead —

“

**6. Valuer-General**

- (1) The Governor may designate a person to be the Valuer-General under this Act.
- (2) A person cannot be the Valuer-General unless —
  - (a) the person is a member of the Authority’s staff; and
  - (b) the person has, in the opinion of the Minister, the qualifications and experience appropriate to the exercise of the powers, and the performance of the duties and functions, conferred or imposed upon the Valuer-General by or under this Act.
- (3) The power to designate a person to be the Valuer-General includes —
  - (a) the power to revoke a designation previously made under that power; and
  - (b) the power to designate a person to perform functions of another person who is designated to be the Valuer-General when it is impractical for that other person to perform the functions.
- (4) When the *Land Information Authority Act 2006* section 168 comes into operation the person who, immediately before then, is the Valuer-General becomes the Valuer-General as if designated under subsection (1) for the balance of the person’s term of office.

”.

**169. Section 9 amended**

Section 9 is amended by deleting “Department within the meaning of the *Transfer of Land Act 1893*, the office for the Registration of Deeds, any office of the Department of Lands and Surveys and the Department of Mines and” and inserting instead —

“

records of the Authority, a department principally assisting in the administration of the *Land Administration Act 1997* or the *Mining Act 1978*, or

”.

**170. Section 13 amended**

Section 13(1) is amended by inserting after “this Act” —

“

and to the Authority and every person who is or has been a member of the Authority’s board of management or of a committee appointed by the Authority or is or has been a member of the Authority’s staff

”.

**171. Section 14 amended**

Section 14(2) is amended as follows:

- (a) by deleting “when in his opinion” and inserting instead —

“

being of the opinion after consulting the Valuer-General that

”;

- (b) by deleting “Valuer-General to” and inserting instead —  
“ Authority to ”.

**172. Section 16 amended**

- (1) Section 16(1) is amended by deleting “The Valuer-General may engage under contract for services” and inserting instead —

“

The Authority’s employing authority has to act on the advice of the Valuer-General whenever it exercises its powers under the *Public Sector Management Act 1994* section 100(1) relating to the engagement under contract for services of

”.

- (2) Section 16(2) is amended by deleting “The Valuer-General shall not engage a person under this section as a valuer” and inserting instead —

“

A person cannot be engaged under contract for services as a valuer to assist in the performance of the Valuer-General’s duties and functions

”.

- (3) Section 16(3) is amended by deleting “by the Valuer-General under this section” and inserting instead —

“

under contract for services as a valuer to assist in the performance of the Valuer-General’s duties and functions

”.

- (4) Section 16(4) is repealed.

**173. Section 16A amended**

Section 16A(4) is amended in the definition of “staff of the Valuer-General” by deleting “appointed under section 6(1)” and inserting instead —

“ provided by the Authority to assist the Valuer-General ”.

**174. Section 16B inserted**

After section 16A the following section is inserted in Part II —

**16B. Yearly report by Valuer-General**

- (1) The Valuer-General is required, after the end of each financial year of the Authority, to submit to the Minister a report on the performance of the Valuer-General's functions during the year, containing —
  - (a) information about the accuracy, currency, and completeness of valuation rolls and about any significant matters associated with the making of other valuations by the Valuer-General during the year; and
  - (b) a summary of —
    - (i) the number, if any, and the nature of objections received by the Valuer-General under this Act during the year, and the outcomes of objections, if any, resolved during the year; and
    - (ii) the number, if any, and the nature of proceedings under the *State Administrative Tribunal Act 2004* commenced during the year for the review of decisions of the Valuer-General, and the outcomes of review proceedings, if any, resolved during the year.
- (2) The Valuer-General has to submit the report that subsection (1) requires within the period of 2 months after the last day of the year to which the report relates.

- (3) When submitting the report to the Minister, the Valuer-General has to give a copy of the report to the Authority's chief executive officer for submission to the Authority's board of management.

”.

**175. Section 25 amended**

Section 25(8) is amended as follows:

- (a) by deleting “he” and inserting instead —  
“ the Authority ”;
- (b) by deleting “Valuer-General” before “determines” and inserting instead —  
“ Authority ”;
- (c) by deleting “Valuer-General” before “would have raised” and inserting instead —  
“ Authority ”.

**176. Section 28 replaced**

Section 28 is repealed and the following section is inserted instead —

“

**28. Custody, inspection and availability of valuation rolls**

- (1) After completing a valuation roll for a valuation district or making any addition, deletion, correction or amendment to it the Valuer-General is to provide a copy of the original valuation roll to the Authority.
- (2) The Authority is required to —
  - (a) make true copies of a valuation roll available for public inspection at such places, at such times and upon payment of such fee as may be prescribed; and

- (b) furnish to each rating or taxing authority that is obliged to adopt or use any valuations entered in a valuation roll and pays any fee that may be prescribed a true copy of the valuation roll or of any addition, deletion, correction or amendment to it, as the case may be.
- (3) A copy of a valuation roll and of any addition, deletion, correction or amendment to it furnished to a rating or taxing authority may be in writing or transcribed upon magnetic tape or in such other form as the Authority and the rating or taxing authority may agree.

”.

**177. Section 29 amended**

- (1) Section 29(1) is amended by deleting “Valuer-General” and inserting instead —  
“ Authority ”.
- (2) Section 29(2) is amended as follows:
  - (a) by inserting before each of “copy” and “extract” —  
“ certified ”;
  - (b) by deleting “certified by the Valuer-General”.
- (3) At the end of the section the following subsection is inserted —  
“
  - (3) In this section —  
“**certified**” means certified by the Valuer-General.”.

**178. Section 38 inserted**

After section 37 the following section is inserted —



“

**38. Charges for making valuations under Part III**

The Authority may, after the Valuer-General makes or causes to be made valuations under Part III, raise against each rating or taxing authority required to use the valuations a charge in accordance with the pricing principles fixed in the *Land Information Authority Act 2006* section 16.

”.

**179. Section 39 amended**

- (1) Section 39(1) is amended by inserting after “make valuations of land for” —

“ , and provide valuation advice to ”.

- (2) Section 39(2) is repealed and the following subsection is inserted instead —

“

- (2) The Authority may determine the charge payable to it for a valuation made, or for advice given, under subsection (1) but, in doing so, has to accord with the pricing principles fixed in the *Land Information Authority Act 2006* section 16.

”.

**180. Section 39A replaced**

Section 39A is repealed and the following section is inserted instead —

“

**39A. Authority may provide goods and services**

- (1) Subsection (2) limits the extent to which the Authority may, under the *Land Information Authority Act 2006* and otherwise than as authorised by this Act, provide goods and services derived from or related to the

performance of the Valuer-General's functions under this Act (called "**valuation related goods and services**" in this section).

- (2) The exception in section 13(2) does not apply to the provision by the Authority of valuation related goods and services.

”.

**181. Section 40 replaced**

Section 40 is repealed and the following section is inserted instead —

“

**40. Money received by Valuer-General**

The Valuer-General is to pay to the Authority any money paid to the Valuer-General under this Act.

”.

**182. Section 48 amended**

Section 48(b) is amended by deleting “office of the Valuer-General.” and inserting instead —

“ office of the Authority. ”.

**183. Interpretation Act 1984 amended**

- (1) The amendment in this section is to the *Interpretation Act 1984*\*.

[\* *Reprint 5 as at 12 August 2005.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 228 and Act No. 38 of 2005.]*

- (2) Section 5 is amended in the definition of “Valuer-General” by deleting “appointed”.

**184. Taxation Administration Act 2003 amended**

- (1) The amendment in this section is to the *Taxation Administration Act 2003*\*.

[\* *Reprint 1 as at 14 October 2005.*  
*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 451 and Act No. 38 of 2005.*]

- (2) The Glossary at the end of the Act is amended by deleting the definition of “Valuer-General”.

**Division 3 — Acts requiring minor changes**

**185. Constitution Acts Amendment Act 1899 Schedule V amended**

- (1) The amendment in this section is to the *Constitution Acts Amendment Act 1899*\*.

[\* *Reprint 14 as at 21 April 2006.*  
*For subsequent amendments see Acts Nos. 18 and 38 of 2005.*]

- (2) Schedule V Part 3 is amended by inserting before the item commencing “The board of management of the Western Australian Sports Centre Trust” the following item —

“

The board of management of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

”.

**186. Financial Administration and Audit Act 1985 Schedule 1 amended**

- (1) The amendment in this section is to the *Financial Administration and Audit Act 1985*\*.

[\* *Reprint 9 as at 10 February 2006.*]

- (2) Schedule 1 is amended by inserting in the appropriate alphabetical position the following item —

“ Western Australian Land Information Authority ”.

**187. Public Sector Management Act 1994 Schedule 2 amended**

- (1) The amendment in this section is to the *Public Sector Management Act 1994*\*.

[\* Reprint 6 as at 14 May 2004.

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 368-9 and Act No. 18 of 2005.]*

- (2) Schedule 2 is amended by inserting after item 58 the following item —

“

59 Western Australian Land Information Authority, established by the *Land Information Authority Act 2006*

”.

**188. Statutory Corporations (Liability of Directors) Act 1996 Schedule 1 amended**

- (1) The amendment in this section is to the *Statutory Corporations (Liability of Directors) Act 1996*\*.

[\* Reprint 3 as at 7 November 2003.

*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1, p. 434.]*

- (2) Schedule 1 is amended by inserting in its appropriate alphabetical position the following item —

“

Western Australian Land Information Authority	a member of the Authority’s board of management	<i>Land Information Authority Act 2006</i>
---	---	--

”.

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Defined Terms

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**Defined Terms**

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

*The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
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