



Landgate information statement

May 2022

Information statement

Foreword

The Western Australian *Freedom of Information Act 1992* gives the community a legal right to access state and local government documents. Documents may include written material, plans and drawings, photographs, tape recordings, films, videotapes or information stored in digitised formats.

This Information statement has been prepared as a guide for the community on how information held by Landgate can be accessed. It outlines:

- our structure, functions and values
- the legislation we administer
- the ways in which our functions (in particular, decision-making functions) affect members of the community
- arrangements that exist to enable community participation in the formulation of policy and the performance of our operations
- the kinds of documents that are usually held by us
- our arrangements and procedures for giving the community access to documents
- the procedures for amending personal information in our documents.

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1 Structure, functions and values

Since 1829, Landgate and its predecessor agencies have been responsible for developing and maintaining a secure land administration system for Western Australia. We remain committed to ensuring the integrity of the system and enhancing its value. In 2007, Landgate became a statutory authority, enabling us to operate commercially and deliver a broader range of products and services to Western Australians – providing even greater benefits to the State.

Landgate's main objectives and functions are to:

- administer the government's land information systems, principally comprising the land title register, valuation rolls, survey plans and geographic and geodetic databases
- provide access to government land information
- promote and market land information products and services for commercial purposes.

Landgate has a Board of Management that sets its strategic direction. The Board has two sub-committees – Audit & Risk Management and People, Environment and Sustainability Committee. The Chief Executive has responsibility for the alignment of Landgate's operations with the strategic direction. While the Chief Executive is ultimately accountable for all the agency's activities, each business unit, through its relevant General Manager, has significant autonomy in day-to-day decision making, the allocation of resources and determining business unit priorities.

Landgate is a separate entity, and has different functions, to DevelopmentWA and the Department of Planning, Lands and Heritage. DevelopmentWA is a land development agency that provides, or promotes, the provision of land for the social and economic needs of the State under the *Western Australian Land Authority Act 1992*; the Department of Planning, Lands and Heritage administers Western Australia's Crown land estate under the *Land Administration Act 1997*.

At Landgate, our values are at the heart of everything we do. They provide us with direction around how we behave, perform and interact with our customers, the community and our colleagues.

Commit and act

- We do what we say we will do
- We take personal responsibility and accountability
- Landgate employees are empowered to make decisions, take action and see things through
- We are bold, clear and prepared to tackle problems head on.

Dynamic and engaged

- We are passionate, proud and enthusiastic
- We make it easy to do business with us
- We continually strive to do everything well. Together we make Landgate an interesting, satisfying and enjoyable place to work and to do business.

Innovate and achieve

- We think about tomorrow in what we do today
- We celebrate success
- We take pride in our work, in our organisation and in each other's success
- We are constantly looking at ways to improve, to give our customers and the community an even better experience.

Honest and true

- We are supportive and respectful
- We communicate openly
- We take our roles seriously as guardian and protector of property rights
- We are the leader in provision of accurate and accessible land information
- We speak openly and honestly to each other, our customers and to the community. We always act with integrity.

2 Legislation

Enabling legislation

The *Land Information Authority Act 2006* (LIA Act) is the governing legislation which establishes the Western Australian Land Information Authority as a statutory authority with commercial powers. The authority operates under the business name of Landgate.

The LIA Act prescribes the powers Landgate has to perform its functions.

Legislation administered

Landgate is responsible for administering legislation in relation to the registration of land transactions and the regulation of land surveyors.

Some of the key Acts regulating the registration of land transactions are as follows:

- *Transfer of Land Act 1893*
- *Electronic Conveyancing Act 2014*
- *Strata Titles Act 1985*
- *Valuation of Land Act 1978*
- *Sale of Land Act 1970*
- *Registration of Deeds Act 1856*
- *Community Titles Act 2018*

The *Licensed Surveyors Act 1909* provides for the registration and licensing practice of land surveyors, the making of authorised surveys and the establishment of the Land Surveyors Licensing Board.

Landgate's operations are affected by more than 100 state and federal Acts. The *Fair Trading Act 2010*, which applies the Australian Consumer Law set out in Schedule 2 of the *Competition and Consumer Act 2010 (Commonwealth)*, and Part IV of the *Competition and Consumer Act 2010*, relates to Landgate's commercial operations. The *Financial Management Act 2006*, the *Auditor General Act 2006* and *State Supply Commission Act 1991* regulate finances, accounts and procurements.

3 Decision-making functions

Landgate exercises power under its principal Acts when conducting the following activities that affect members of the community:

- administering legislation for land transactions, including the maintenance of a secure land registration system, valuation rolls, survey plans and geographic and geodetic databases
- engaging and consulting with stakeholders and the community with respect to land registration, valuation or land information matters
- providing timely information to the community on registration, valuation and land information matters to promote awareness and support better decision making
- supporting the local community through various events and activities
- collecting revenue and fees.

Landgate publishes important decisions, arrangements and policies on its website (www.landgate.wa.gov.au). Landgate's Statement of Corporate Intent is a strategic plan which provides an overview of key initiatives annually, including services provided to government, and our financial performance and investments. Our Land Matters e-newsletter, Customer Information Bulletins, Surveyor Notices and Valuer-General bulletins, media releases, notices and reports are also regularly published on our website to inform the government, industry and the general community about changes to practice and procedures, legislative changes and reform.

4 Community participation

Ongoing stakeholder relationships provide a vehicle for community consultation and feedback on the performance of Landgate functions and policy, including partnerships with industry, community organisations and other stakeholders.

The most common way in which the community interacts directly with Landgate is through the purchase of products and services. Landgate welcomes feedback from the community about the products and services that it provides. Anyone wishing to provide feedback can contact Landgate on +61 (0)8 9273 7373 or complete a [feedback form via our website](#):

Members of the community and other stakeholders also have the opportunity to provide feedback on Landgate's performance of its functions and policies via customer surveys and/or focus groups.

5 Documents held by the agency

Documents held by Landgate have been created for the operation of our business.

[Publications, including Land Matters, our Business Activity Profile \(BAP\), annual reports, bulletins and manuals](#), are available on our website at no cost.

A list of documents available, including land title and associated documents, for purchase [and associated fees and forms](#) can also be found on our website.

A range of [current and historical survey documents](#) is available in a variety of formats on our website.

A range of [maps, spatial datasets and](#) imagery can be inspected and/or purchased via our website.

If you have any further queries on the documents we hold at Landgate, contact our Customer Service Centre on +61 (0)8 9273 7373 or via email: customerservice@landgate.wa.gov.au

6 FOI procedures and access arrangements

It is our aim to make information available promptly at the least possible cost and whenever possible documents will be provided outside the Freedom of Information (FOI) process. If information is not routinely available, the *Freedom of Information Act 1992 (WA)* (FOI Act) provides the community with a right to access documents held by Landgate and to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

Freedom of information applications

Access applications must:

- be in writing
- give enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent
- be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to:

FOI Coordinator
Landgate
PO Box 2222
Midland WA 6936
Telephone +61 (0)8 9273 9416

OR

FOI Coordinator
Landgate
FOI@landgate.wa.gov.au

FOI application forms are available from our website: <http://www.landgate.wa.gov.au> or from the FOI Coordinator. Applications will be acknowledged in writing and notification of the decision will occur within 45 calendar days.

Freedom of information charges

Landgate's fees and charges align with the scale of fees and charges set out in the *Freedom of Information Regulations 1993*.

There is no charge for personal information about the applicant. Apart from the application fee for non-personal information, all charges are discretionary. The fees and charges are currently as follows:

| Item | Cost |
|--|-------------|
| Application fee (for non-personal information) | \$30.00 |
| Charge for time dealing with the application (per hour, or pro rata) | \$30.00 |
| Access time supervised by staff (per hour, or pro rata) | \$30.00 |
| Employee time for photocopying (per hour, or pro rata) | \$30.00 |
| Per photocopy | \$0.20 |
| Transcribing from tape, film or computer (per hour, or pro rata) | \$30.00 |
| Duplicating a tape, film or computer information | Actual cost |
| Delivery, packaging and postage | Actual cost |

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For disadvantaged applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

Deposits

An advance deposit may be required in some circumstances.

Access arrangements

Access to documents can be granted by way of inspection, a hard or electronic copy of a document or a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Notice of decision

As soon as practicable, but in any case within 45 days, you will be provided with a notice of decision which will include details such as:

- the date the decision was made
- the name of the officer who made the decision
- if access is refused, the reasons for refusal and findings on any material questions of fact underlying those reasons
- information on the rights of review and appeal (if any) and the procedures to be followed to exercise those rights.

Refusal of access

Applicants who are dissatisfied with a decision made by Landgate are entitled to ask us for an **internal review**. The internal review application should be made in writing within 30 calendar days of receiving Landgate's notice of decision. You will be notified of the outcome of the review within 15 calendar days.

If you disagree with the result, you can apply to the Information Commissioner for an **external review**. The external review application should be made within 60 calendar days of receiving Landgate's written notice of the internal review decision.

If you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your application within 30 calendar days of receiving written notice of the internal review decision.

The Office of the Information Commissioner details are as follows:

Phone: (08) 6551 7888

Freecall (WA country landline callers only): 1800 621 244

Email: info@foi.wa.gov.au

Web: www.oic.wa.gov.au

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000.

Amending personal information

The right to amend personal information in a document held by Landgate exists to ensure that personal information which may be used by us does not unfairly harm the person referred to, does not misrepresent the facts and does not give a misleading impression.

Applicants must provide details and if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. In addition, applicants must indicate how they wish the amendment to be made within the options set out in the FOI Act, namely:

- altering information
- striking out or deleting information
- inserting information
- inserting a note in relation to information
- or in two or more of these ways.

The agency will make a decision within 30 days of receiving the application and notify the applicant of this in writing. Where the decision is made to amend information, the notice will give details of the amendment and where practicable, will include a copy of the amended document.

Requests for amendment of personal information held by Landgate can be made to the FOI Coordinator.