



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PLANNING AND URBAN SERVICES

Report No.81 August 2001

A LAND ADMINISTRATION INFORMATION SYSTEM FOR THE ACT

Recommendations

Recommendation 1: That the government ‘un-bundle’ the complexity of existing institutional arrangements for managing and delivering spatial information and provide consistent standards to allow integration. In doing so, the government should have regard to the following essential principles:

—that as much information as possible should be available to users and the public

—that consideration should be given to introducing ACT privacy legislation to enable the free and ready transfer of land information among agencies

—that the full range of land administration services should be available without having to visit multiple sites, and

—that charges to access land data should reflect the cost of collecting and maintaining the data rather than be designed as a revenue-raising measure..

Recommendation 2: that the government consider reinforcing the lead role of the Department of Urban Services in coordinating all aspects of the development of a comprehensive, integrated, user-friendly land administration information system for the ACT; that a timeframe for all stages of the development of such a system be agreed upon and reported to the Assembly; and that the government provide regular updates to the Territory’s parliament on progress in meeting these stages.

Recommendation 3: that the coordination of a land administration information system involve (at the least) representatives of the Department of Urban Services, the Registrar-General’s Office, the AFP (ACT Policing), ActewAGL, the ACT Law Society, and the Master Builders’ Association. It also would be useful if the National Capital Authority was involved, in view of that organisation’s responsibility for the National Capital Plan.

THE STANDING COMMITTEE ON PLANNING AND URBAN SERVICES

The Standing Committee on Planning and Urban Services was established on 28/4/98 to inquire into and report on planning and lease management, road and transport services, infrastructure and asset management and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other related matter (*resolution of appointment, as amended on 25/11/99, 7/2/00 and 15/2/01*).

Committee members: Mr Harold Hird MLA (Chair), Mr Dave Rugendyke MLA (Deputy Chair), Mr Simon Corbell MLA

Secretary: Mr Rod Power Office secretary: Ms Judy Moutia For further information please contact the secretary on
ph: 02 6205-0435 or fax: 02 6205-0432 or e-mail: committees@act.gov.au

Recommendation 4: that speedy action be taken to fully integrate PALM's e.Map with the Registrar-General's Land Titles web browser.

Recommendation 5: that information on contaminated sites and heritage sites be included on a central land administration information system.

Recommendation 6: that the government encourage close liaison with other States and the Northern Territory in relation to a central land administration information system and, in particular, liaise with Brisbane City Council in relation to its Basic Land Information Network (BLIN) which includes speedy electronic access to cadastral information about property boundaries, surveys and valuations.

Recommendation 7: that the government consider approaching the Queensland Minister for Natural Resources and Mines to see if the key officer handling the Queensland electronic land data system [Dr Eden, General Manager, Information Policy, Department of Natural Resources and Mines] might be made available on secondment to advise ACT agencies on the further development of an integrated land database.

Recommendation 8: that the government facilitate the adoption by agencies of the "supply chain" approach to data management, whereby agencies are seen as the 'custodians' of datasets and the private sector is encouraged to act as the 'retailer' in terms of 'adding value' to the base data.

Recommendation 9: that the government consider making provision in the Utilities legislation to specifically require utilities to provide a facility that enables an ACT land administration information system to validate its address database.

Table of contents and page number

1. Background	1
2. Conduct of the inquiry	4
3. Structure of this report	6
4. ACT government: broad themes	7
5. Developments affecting PALM	9
6. Developments affecting the ACT Registrar-General.....	11
7. The view of the ACT Law Society	15
8. The view of the AFP (ACT Policing) and Master Builders' Association	18
9. Developments in other States.....	19
10. Conclusion and recommendations	23

1. BACKGROUND

1.1. The nature of the work that comes before the Standing Committee on Planning and Urban Services requires members to become familiar with the Territory's land administration system.

1.2. On two occasions during the Fourth Assembly, the committee has directed the attention of members to this issue.

1.3. In October 1999 we presented a report on the committee's attendance at the 1999 National Conference of Parliamentary Public Works and Environment Committees. In that report we made the following recommendation:

That the government investigate the introduction of a land information system in the ACT similar to the Tasmanian Internet-based LIST system. The committee considers the investigation could be undertaken by a working party comprising representatives of PALM, the Registrar-General's Office, Environment ACT, and other interested bodies. It would be useful if the National Capital Authority was also represented on the working party, in view of that organisation's responsibility for the National Capital Plan.¹

1.4. Our report outlined the main features of the Tasmanian LIST system:

It provides subscribers with Internet access to the following products: current Land Title information; property and valuation details; property sales information; electronic lodgement of priority notices; Registry of Deeds; dispatch inquiry; [and] purchasers index.

'The List' also provides an electronic version of the Tasmanian *Towns Street Atlas* at no cost, and a Map Display option to view or search for properties.

Subscribers to 'the LIST' hold an account with the [Tasmanian] Department of Primary Industry, Water & Environment. They are required to provide a letter with information regarding the nature of the organisation's business and the purpose for which the information is wanted. Subscribers then receive a unique User ID and password, enabling them to access the nominated services. They are invoiced on a monthly basis.²

1.5. Our report went on to observe that:

The committee is not aware that the ACT possesses such a comprehensive and easily accessed data base on the Territory's land.

A system such as 'the LIST' would bring together, in the ACT, information presently held by PALM (Block & Section numbers, and property boundaries) and the Land Titles Office. It could extend to information held by Environment ACT on contaminated sites.

The operation of such an integrated system in the ACT would bring considerable benefits to all those who need information about the Territory's land holding, including home-owners, lawyers, valuers, real estate agents, government departments and individual members of the public.

¹ Standing Committee on Urban Services, Report No.32 *Report on Attendance of the Standing Committee for Urban Services at National Conference of Parliamentary Public Works and Environment Committees in Hobart on 13-15 September 1999* p.1

² Ibid p.4

The committee urges the government to speedily investigate the introduction of such a system to the ACT.³

1.6. In August 2000 the committee again directed attention to the desirability of an improved land administration system. Our Report No.53—again, a report on the committee’s attendance at the 2000 National Conference of Parliamentary Public Works and Environment Committees—provided the following brief assessment of the ACT’s progress in developing an integrated, modern, easily accessible land administration system:

The equivalent ACT system... is called ACTMAP and is based on a graphic design system. This ‘lacks functionality that users expect today’; hence, the Department of Urban Services is developing a new land information system that is based on a geographic information management strategy.⁴ The new ACTMAP will ‘maximise access to land information through the use of web-based technology’.⁵

However, the new system will not achieve all that the Tasmanian LIST already provides, particularly in the area of access by the general public and the capability to search by owner, by land title and by property sale.⁶

1.7. Our report described the Northern Territory Land Information System:

The Northern Territory land information system... reflects ‘a cooperative arrangement between Northern Territory government agencies—and potentially other governments and the private sector—that is designed to deliver better outcomes for government, the community and industry from the use of spatial data resources’.⁷ It links the following data sets: reference data; Cadastre; Land Tenure; topography; administrative boundaries; administrative interests; aerial photography; and development activity. Its coordination involved the following:

- a lead agency (nominated by Cabinet)
- role agreed by other agencies and endorsed by the government
- Memorandums of Understanding with other agencies
- nomination of a coordination group, with working groups for specific issues
- focus upon land information management
- cross-agency programs, and
- Intranet/Internet site.

³ Ibid p.4 (emphasis in original)

⁴ Briefings of the committee during 2000 by DUS officers

⁵ *ibid*

⁶ Standing Committee on Planning and Urban Services Report No.53 *Conference of Parliamentary Public Works and Environment Committees at Parliament House, Darwin, July 2000* p.7

⁷ Briefings at the Darwin conference by officers of the NT Department of Lands, Planning and Environment

In developing its land information system the Northern Territory is preparing policies for spatial data covering custodianship of corporate land information, information about data sets (Metadata), access to corporate land information, copyright and intellectual property, data supply agreements, commercial supply of data and management of liability. Some of these areas involve specific legislation (such as the way that privacy issues will be handled when information is made publicly available).⁸

1.8. After comparing the progress made by Tasmania and the Northern Territory compared to that made by the ACT, the committee concluded that:

The ACT is lagging in the preparation of these types of policies—and yet they are essential if the various existing data holdings of the Territory (including those held by ACTEW) are to be coordinated and made accessible to all government agencies as well as to the public.⁹

1.9. This conclusion led the committee to decide, on 27 July 2000, to conduct an inquiry with the following terms of reference:

- *to inquire into and report on a comprehensive, useable (for multiple purposes), publicly accessible and central Land Administration Information System for the ACT, and any related matter.*

1.10. The present report is the outcome of that inquiry.

⁸ Report No.53, op cit, p.7

⁹ Ditto, p.8

2. CONDUCT OF THE INQUIRY

2.1. The committee requested a government submission and placed advertisements in the local media inviting submissions from the public. These were due by 6 October 2000; however, the committee subsequently decided to accept material that was lodged after that date.

2.2. Written material was received from the ACT Law Society, the Australian Federal Police, the ACT Master Builders Association, and Queanbeyan City Council. In addition, the committee received responses from the following Ministers of other states and the Northern Territory following our request for information about their land administration information systems:

- The Hon. S. Bracks MP, Premier of Victoria¹⁰
- The Hon. Mr Beattie MLA, Premier of Queensland¹¹; and the Hon R. Welford MLA, (then) Minister for Environment and Heritage and Minister for Natural Resources¹²
- The Hon. R. Court MLA, (then) Premier of Western Australia¹³; and the Hon. D. Shave MLA, (then) Minister for Lands¹⁴
- The Hon. J. Olsen MLA, Premier of South Australia¹⁵
- The Hon. J. Bacon MLA, Premier of Tasmania.¹⁶

2.3. On 26-27 July 2001 the committee travelled to Brisbane and Darwin to hold discussions with relevant officials. These visits were organised with the agreement of the respective Ministers:

- The Hon. S. Robertson MP, Queensland Minister for Natural Resources and Minister for Mines
- The Hon. D. Burke MLA, Northern Territory Chief Minister and Attorney General, Northern Territory Government
- The Hon. T.D. Baldwin MLA, Northern Territory Minister for Lands, Planning and Environment
- Dr Richard Lim MLA, Northern Territory Minister for Local Government, Minister for Housing and Minister for Central Australia.

¹⁰ Correspondence dated 2/10/00

¹¹ Correspondence dated 3/10/00

¹² Correspondence dated 9/11/00

¹³ Correspondence dated 22/9/00

¹⁴ Correspondence dated 10/10/00

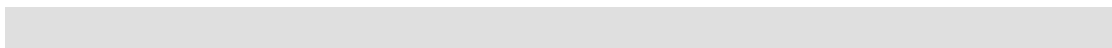
¹⁵ Correspondence dated 11/10/00

¹⁶ Correspondence dated 16/10/00

2.4. The committee held five public hearings at which the following persons/organisations appeared:

- 27 October 2000
Chief Minister's Department (Mr Tomlins, Project Manager, *Canberra Connect*)
- 3 November 2000
PALM (Messrs Ryan, Cook and Douglas)
- 5 July 2001
PALM (Messrs Cook, Ryan and Douglas, and Ms Lowe)
- 18 July 2001
ACT Law Society (Mr del Rio)
- 20 July 2001
ACT Registrar-General (Mr Taylor) and a member of his office (Mr Campagna).

2.5. The committee extends its appreciation to all those who participated in the inquiry.



3. STRUCTURE OF THIS REPORT

3.1. The following chapters of this report summarise the evidence presented to the committee during the course of the inquiry:

- Chapter 4 summarises the broad themes of the ACT government's submission;
- Chapters 5 and 6 provide greater detail about developments in the ACT administration (PALM and the Registrar-General, respectively)
- Chapter 7 summaries the view of the ACT Law Society;
- Chapter 8 summarises the views of the Australian Federal Police (ACT Policing) and Master Builders Association, respectively;
- Chapter 9 provides information about developments in Australian states and the Northern Territory; and
- Chapter 10 outlines the committee's conclusions and recommendations.

3.2. In line with its usual practice, the committee uses quotations from the evidence wherever possible. This ensures accuracy as well as focussing attention upon what was actually said (or written).

4. ACT GOVERNMENT: BROAD THEMES

4.1. Responsibility for re-developing the ACT government's on-line land information system lies with the Department of Urban Services [DUS] which previously developed ACTMAP with:

the aim of providing ACT government agencies and the community with access to on-line land related information. The redeveloped system... [is] called the Spatial Data Management System (SDMS). It will be the platform for the Urban Services Geographic Information Management (GIM) Strategy and will work from an Oracle data base on the ACT government Intranet. Ultimately, it will be complemented by a new Internet portal called e.Map and act as the "front door" to the community through the ACT government Web site.¹⁷

4.2. The government noted that:

The ACT cadastre is the official register of every parcel of land in the Territory and cadastral data is used by a large number of agencies for purposes such as land valuation, rating, land titles, environmental management, emergency services and asset management.¹⁸

4.3. The government's objective is as follows:

With regard to a "central" system for the ACT government, the SDMS Web site will link all ACT agency sites that have elements that relate to land administration. The linkages will be seamless in that while sites such as that of the Registrar-General's Office will not be incorporated into SDMS it will enable an inquirer of SDMS to access information on land titles without having to leave the SDMS web site. The government's aim will be to provide an e.Map site that allows the user to obtain the full range of available land administration services without having to visit multiple sites. Web browser technology will be utilised to enable all this to occur in the background...

The... [project] will ultimately provide the people of the ACT with a comprehensive, accurate, useable, publicly accessible an central land administration system. In relative terms, the ACT system will offer a system that will as easy to use as those already developed in other jurisdictions, but with a much greater degree of cadastral accuracy. The end result will be that persons or companies wishing to obtain land administration related data on the ACT will be able to obtain data of the highest quality and the utmost reliability.¹⁹

4.4. In relation to privacy aspects of data exchange, the government submitted:

The *Privacy Act 1998* (Clth) controls the exchange of information between government agencies and the subsequent accessing of information by subscribers. While it is true that the Privacy Act, through the operation of the Privacy Principles, does presently impose some restrictions on data exchange and data disclosure, these restrictions are not insurmountable.

The main relevant restrictions in this case are on the use and disclosure of personal information. These can, however, be overcome if the use or disclosure is "required or authorised by or under law" [Privacy Principles 10 (1)(c) and

¹⁷ ACT government submission dated 24/10/00

¹⁸ Ibid

¹⁹ Ibid

11(1)(d)]. If the committee favours a comprehensive land information system which includes a name and address data base, committee members may wish to support necessary changes to the *Land (Planning and Environment) Act* to allow agencies to share and disclose information...²⁰

4.5. In relation to ACTEW data, the government submitted:

The ACTEW name and address database is the most up to date in the Territory... Discussions are being held with ACTEW about information sharing but it must be recognised that, in the provision of digital land information, ACTEW is a commercial customer of the ACT government. apart from their customer database (which includes names and address), the information held by ACTEW is of a commercial-in-confidence nature, is highly technical and related to the asset management of their businesses.²¹

²⁰ Ibid

²¹ Ibid

5. DEVELOPMENTS AFFECTING PALM

5.1. PALM told the committee that it has been making improvements to its land administration system since August 1998:

We are extensively redeveloping components of the government on-line land information system... [which] used to be ACTMAP... We've now got two new components called Spatial Data Management System [SDMS] and e.Map...

[PALM has] an important role to play in underpinning the Urban Services Geographic Information Management Strategy... because that is going to help us build a range of business related datasets and applications right across Urban Services and indeed potentially, across government. The most obvious ones there are things like asset management systems...

The e.Map also is going to be a key source of information for the community and other government agencies. It'll be complimented ultimately... through an Internet portal...

On 27 June [2001] e.Map started rolling out on our departmental intranet... It operates on the standard government NT Windows platform... We've got a data layer using the Oracle Spatial Database...

[It's] a web based viewer, it's read-only...

e.Map works on a special... database which is a subset of data from the SDMS database, but it also brings in data from... the Planning and Lease Manager database... [which] has all the information about Block and ownership, sale history, all the cadastral information...

The sort of information that's going on to the system [includes] administrative boundaries, national land, all of the Block and Section details..., the lessee information, the Deposited Plans. There'll be another layer behind the Territory Plan land use. We've got all the road data, street names... survey control marks, water courses, lakes, open space. And we've got a range, and this is still developing,... of information about infrastructure [including] gas lines, water mains, eventually we'll have easements, we'll also have storm water data...

[Since] a lot of processes in government can be tied back to an address, one example... [of the usefulness of this system when fully developed is that] you could... click on the sports ground you want to book and be able to do it on-line...²²

All information from organisations such as Environment ACT, Canberra Urban Parks, ACT Roads and so on will be available in this environment. At the moment, this is mainly restricted to cadastral and related information but in the long term it's going to include things like all the aerial photography, the Fire Fuel Management Plans, endangered species, heritage sites, contaminated sites, a whole range of other data...²³

We are looking at how we can layer a government asset management system onto something like this where we're maintaining, say, a road or a stormwater drain...²⁴

²² Mr Cook *Transcript* 5/7/01

²³ Mr Douglas *Transcript* 5/7/01

²⁴ Mr Cook *Transcript* 5/7/01

5.2. In relation to lease and development conditions, PALM stated:

Right now there's a company actually scanning all the lease and development conditions... and that will be on the Internet and will be available to people as a separate [database], but ultimately it will be linked in as well.

This is part of the process of us having seamless links. So ultimately there'll be no reason why we won't be able to put a connection between a Block and Section in this system and be able to simply click onto another data set, which would be across to the Lease and Development Conditions Register...²⁵

5.3. PALM stated that it is working toward 'turning PALM into a group as a whole which uses electronic document management for its processes'.²⁶ At the moment:

Brisbane City Council is probably one of the most advanced [users of a central land data system]. They're using WAP phones so that essentially you can go out with your mobile phone, open it up and on the display of a WAP phone, get all the utility information that you need for that particular area...²⁷

5.4. In relation to charges, PALM stated that:

We'll be charging in the same way we charge for our lease conveyancing process at the moment... The most appropriate option seems to be a hot link to the Titles Office for their information, and use of the ACT Trading Post site for the payment aspect of what we're doing... We still need to do... some more policy development on that...²⁸

5.5. PALM is about to 'market' its product to Emergency Services, ActewAGL, AFP to try to bring them on-board' but this will involve payment by those agencies.²⁹

²⁵ Mr Ryan *Transcript* 5/7/01

²⁶ Mr Ryan *Transcript* 5/7/01

²⁷ Mr Douglas *Transcript* 5/7/01. WAP stands for Wireless Application Protocol, which is a universal standard to enable users to access Web-related services from their phones.

²⁸ Mr Cook *Transcript* 5/7/01

²⁹ Mr Ryan *Transcript* 5/7/01

6. DEVELOPMENTS AFFECTING THE ACT REGISTRAR-GENERAL

6.1. The ACT Registrar-General stated that:

[The] only real involvement [of the Land Titles office] in a land information system is to give legal status to a Deposited Plan, which is in effect the engineering and survey drawing which establishes the boundaries of a block of land. Once registered by us, we call that a legal parcel. In other words, one that can be leased to somebody. Once we register it, we effectively lock it in place so that nobody can deal with it or touch it or change the boundaries without us knowing. So if you like, we're the honest broker in the middle...

[The Land Titles Register] consists of a number of tables... in a relational database management system called Oracle. It was probably the first Oracle application in the ACT government some ten or 11 years ago and it's getting pretty old now and we're looking in the next year or two to replace it using contemporary... products.

Some of the facilities include a land index which is an index of all the property that is subject to a Deposited Plan in the ACT. Added to that index are indexes of titles that are current [and] historic... We can access any of the titles... [though] we can't get in by street address, that's a shortcoming... [The information] is totally public... [as] it has to be available from a valuation perspective, it has to be available from a real estate buying and selling perspective and it's one of the principles of the Torrens system that we have an open state guaranteed government register of land...

We can see in a title search who the owner is, all the attributes of the title, the lease details, any specific restrictions like easements, present encumbrances and unregistered dealings... The Deposited Plan number is there... what boundaries it has, what relationship it has to other blocks, the area of the land in square meters, when the lease commenced, when it was granted and the term...

[And you can link to] the document management system... to access the source documents which contain the pages and pages of detail that make up mortgages, lease variations, Crown lease covenants...

We've got something like 1.08 million registered dealings with land since 1925 in the Register... [and] we can provide access to them with probably half an hour...

The next step for us is to take this to a customer's office on-line and to the mums and dads in the suburbs to be able to access it 24 hours a day and to be able to pay by single use as they go. One of the big benefits for the community would be that you could undertake land title searches in the comfort of your office instantly when you want to do them.

Another advantage is that you can package this product with other conveyancing products available through government on a web base to the extent that you can provide a conveyancing package which might typically include the Deposited Plan of a block, the Crown lease, the title search, the PALM conveyancing inquiry, a building file search, a rates account search. And such a product like that if linked through a land information or a conveyancing information service could be provided at a combo price...

[This would deliver] huge savings... In this situation what we're talking about is a central web-based data tank in which everybody with their own protocols, security levels, can go in and look at certain things and complete the necessary steps required out of the 20 or 30 that might be necessary for a conveyance...

We have asked the Victorian government whether or not they would be interested in piloting the system in the ACT because we're small, insular, [and] on the one area-wide network for government. We'll be getting a representative of the Victorian project team to Canberra within the next couple of months to address all the stakeholders in the process... But I can't run the project from my office because it's got far wider implications than a Titles Registry would have.³⁰

6.2. In relation to privacy aspects, the Registrar-General stated:

The ACT is subject to the Commonwealth Privacy Act and we've had extensive discussions with the federal Privacy Commissioner about the manner in which we should collect data from people, the way in which we should inform people about what uses we're going to make of that information, and the manner in which third parties can use that information commercially.

As a result of that, we've produced [a] form which has got the tightest privacy restrictions in Australia now...

[In relation to the information currently available from the Land Register] there is no privacy aspect to this information at all. It's just... [that we are operating] a ten-year old system and we haven't developed the structures that allow people to [easily use it]... It's not really what you'd call user-friendly... It hasn't got a Graphic User Interface..³¹

6.3. The Registrar-General stated that in recent years his office has made four significant advances:

The first [is to put] the Land Titles Register... [onto an electronic] database.

The next stage [is] a Document Management System... [involving] an image-based document management system to allow us to move away from the paper factory that we [seemed to be in the past], to the extent now that every time a conveyancing transaction is undertaken, all the source documents that are lodged with the Registrar-General—things like a discharge, a transfer, a mortgage—are imaged at the point of registration. And then six months on, with the agreement of the Australian Federal Police, the original source documents are destroyed...

The third element... is a fax-based remote access facility... [whereby a client can] fax to our central copy service... [a request for] a data-based product, an image product, copy of a map, and all of these things come from different electronic sources. We have somebody who sits at a desktop [and] controls, if you like, an electronic shopping basket, brings things in and puts them together [and] creates an invoice. And then faxes them back to [the client] with a guaranteed return time of 24 hours... Each customer is on an account base, with payment by the month. If no payment is made within the month, there's a sin bin... We have something like 280 account customers turning over something like \$1.2m pa... [with] customers in Sydney, Perth [and] Adelaide. We absorb the cost of transmission in the search fee...

The fourth element...[is] to build a Registrar-General's Office web site... [to enable] our customers to deal with us electronically on-line without us intervening... [The web site] provides you with accurate up-to-date fees and charges. It gives you a series of information leaflets on most commonly used functions or services that we provide [like] changing a name of a Land Title,

³⁰ Mr Taylor *Transcript* 20/7/01

³¹ Mr Taylor *Transcript* 20/7/01

notifying of the death of an owner, how to use the dial-a-search service or apply for an account...

We have a document that we've published called the *Land Titles Office Practice Manual* [which] is totally internally published... [and] is basically the Bible of everything that you need to know and do in relation to land titles.³²

6.4. Further progress is being made on the fax-based remote access facility:

We did a scoping study as part of our business plan in the last 12 months. INTACT recently told us that it would cost us in the order of \$300,000 to develop the process... That's a lot of money for us to come up with and probably prohibitive.

There are organisations... [which] undertake this service for people like the Queensland Titles Office, who make a business of providing title searches for every titles office in Australia. And I guess they would be interested in getting the ACT's business to make up the one missing jigsaw puzzle piece that they don't have at the moment.

We propose to talk to them on a completely non-obligatory basis to decide whether or not they could provide that service to us as a broker to government. In other words, we would become then a wholesaler of information, and the broker would become the retailer of the information. The difficulty for the community is that... the retailer would want to add a margin to the cost of the product. But having said that, one consideration is that the conveyancing fees in Australia are at the low end of the cost of conveyancing in Australia.

And the Land Titles fee that are associated with that are... [only] paid [when] a person buys or sells a property... [which] in the ACT... [is] once in eight years. So it isn't a high additional cost to the community to introduce a broker to do something that would cost the government a whole lot more to do... NSW are doing that now. They have many brokers in NSW [as does] Queensland... [and] South Australia [and] Western Australia... There isn't enough business in the ACT to warrant many brokers putting their hands in their pocket to develop systems to do it. So it may very well be that a contract would have to be drawn up with one broker...³³

6.5. While the Registrar-General's Office does not yet have a direct on-line access to Land Titles:

[it] recently launched a Birth, Deaths and Marriages on-line certificate application service... People anywhere in the world now can visit this site and apply for a birth certificate, identify themselves, pay the fee and lodge the application and have the certificate returned... They pay the fee by either of two credit cards, Visa or MasterCard... [It] is a secure web site, totally secure at both ends... We're in the process of linking this to a new Births, Deaths and Marriages system which will allow the process to be totally automated...³⁴

6.6. The committee asked the Registrar-General for an assessment of how easy it would be to list contaminated sites on a Land Titles Register and he responded as follows:

³² Mr Taylor *Transcript* 20/7/01 (underlining added)

³³ Mr Taylor *Transcript* 20/7/01

³⁴ Mr Taylor *Transcript* 20/7/01

It would be very easy for our office to establish [a Contaminated Sites Register] but we have never been given a brief to do that. It doesn't come within the Land Titles Act or under the Registrar-General's Act.... There would be some difficulties to the extent that not all land is registered with the Registrar-General's Office. *Only land that is subject to a lease is registered in the form of a lease with us.* Deposited Plans may not be drawn up for lands that have contaminated sites, so hypothetically there [might be] a quarry somewhere and there were things dumped there and it's never been surveyed. We would never have a record of that and if we don't have a record of it, it would be difficult for us to be able to attach that to a land ownership record.

In those circumstances, the best we could do would be to maintain a publicly searchable register... So there would be two levels, those associated with leasehold land and those associated with unleased land, and I guess from that perspective it probably wouldn't ever become part of a Titles Search unless by legislation it was made to be a notable interest on land on title, which could be done through PALM...

[It would be] very simple to attach a notation, there is a repository... on the Title where that information could be shown... [and] it wouldn't really have any financial impact on what we do...

We would have to seek some legal advice as to how far the guarantee goes [regarding the accuracy of information on the Register] in relation to what are traditionally non-Title elements. People have asked us before if we could attach things like historic sites, protected properties, trees, all sorts of things to the Title and we've traditionally said no, we'd set that up as a separate non-guaranteed notation on a Register, because it traditionally doesn't go with the Torrens guarantee...

[NSW has] linked a whole lot of municipal authorities together by some form of land database linking system... and it produces a register report that said this came from Land Titles, this came from [the] Water Board, this came from Revenue—so it's more or less like a land information inquiry system. And now they have a process in place in Sydney called an integrated data warehouse which is, I guess, the forerunner to something that we're talking about with this inquiry.³⁵

³⁵ Mr Taylor *Transcript* 20/7/01 [emphasis added]

7. THE VIEW OF THE ACT LAW SOCIETY

7.1. The ACT Law Society told the committee that:

[it] is extremely supportive of the concept of a central land administration information system... The Law Society has been involved in the concept... for [over] 12 years. This concept had its origins in the *ACT Integrated Land Information Service* [ACTILIS], and it's extremely disappointing about the lack of progress that has been made in the intervening period of time...

The Law Society... [considered 12 years ago] that [the ACT was] in a unique position to centralise this data and lead the nation. We now find ourselves in a position where we are what can only be described as significantly behind the times... [And this is] because of internal squabbling by government agencies with respect to who owned the data, and who was responsible for its updating and collection...

One of the big problems that [the Law Society has is] that it's fine to make information available, but at the end of the day, the organisation that puts that information [out] needs to understand it is responsible if that information is incorrect..

And it's that liability issue which I believe has been used [by government agencies] as a shield [by saying] 'Well, we own the data, we want to make sure we're protected because it's our liability that's at stake'...

The Society accepts that there are privacy issues that need to be dealt with... [but] these can be overcome if there is a genuine commitment to work towards this concept.. the real problem is the lack of a will.³⁶

7.2. The Law Society considered that everyone would gain from an improved land administration information system, including resident groups and the development industry. In particular, the Law Society:

has been pushing... a concept equivalent to that which exists in NSW... known as zoning certificates for want of a better description, whereby, with respect to a particular block, you would be able to get all the planning information that related to that block — the accessibility of Section Master Plans, for example, is not obvious. You can go through the conveyancing process [at present] and not find out that there is a Master Plan that relates to your property.³⁷

7.3. The Law Society called for:

the development of a *Land Use Certificate*, which is capable of being relied upon, which would identify for each Block the purpose clause in the Crown Lease and relevant planning controls, guidelines and master plans. The existing Lease Conveyancing Enquiry should be incorporated into the proposed *Land Use Certificate*... [as should] the Contaminated Sites Register...

The Society would ideally like to see a situation where the Territory Plan Maps (currently available at www.palm.gov.act.gov.au) allow sufficient detail to drill down to an individual Block and Section and the information available on that block includes Building file information; ACTEW rates; ACT Revenue rates;

³⁶ Mr del Rio Transcript 18/7/01

³⁷ Mr del Rio Transcript 18/7/01

information contained in the proposed Land Use Certificate; and Land Titles information (including easements, covenants and Deposited Plans).³⁸

7.4. In relation to what lawyers (and the public) have to go through at present, the Society stated:

Firstly, there is Titles information ... [which] is done currently by way of either a physical search through the Titles Office or by way of a fax request...

Probably the next thing you do is a Building File search. [This] is by far and away the most primitive, in that it requires a physical search of a manual file, a hand-written report that is prepared by a building section and photocopying of a file...

We would obtain rates information from both the ACT Revenue Office (and that includes land tax information if properties are rented) and also from ActewAGL with respect to its rates searches and then there's also special water meter readings. These things are done by the completion of the manual form...

There are significant fees... [to get the] information. Those fees have escalated disproportionately over time... They're now roughly \$100 whereas ten years ago they were \$2...

From the Law Society's perspective, whatever the fee is, [it] is simply passed onto purchasers. [However,] the fee needs to be reflective of the service that's provided...

And the last important bit of the process is what's known as a lease conveyance inquiry, which is a document directed to PALM to obtain information with respect to whether there's any existing breaches of the Crown Lease... [It is this search which] I believe could easily be converted into the zoning information [referred to above].

There's also issues with respect to contaminated sites, where at the moment there is no contaminated sites registry... There is an informal arrangement with respect to the provision of information. So if you wish to find out about contaminated sites, you need to write a letter to an individual who responds whether there is any information with respect to that property.

So it's all done on a very disparate basis... [and] a lot of the problems [in the conveyancing process] relate to the length of time that it takes to get this information back...³⁹

7.5. The Law Society stated that, though it has been involved in discussions with the Titles Office about the delivery of electronic services, it has not been involved at the overall level:

There's hasn't been... a holistic view about what information the profession would like to have available and what it believes that individual members of the public would like available.

³⁸ Submission dated 27/10/00

³⁹ Mr del Rio *Transcript* 18/7/01 (underlining added)

7.6. The Law Society observed that the ACT is ‘unique in that... we’ve got aerial photography of blocks’ in the ACT, so ‘there’s no reason why you shouldn’t be able to see the aerial photography of a particular Block and Section’.⁴⁰ Also, the ACT:

is fairly unique... [in] that when a developer develops an area they are required to supply to DUS in digital form a Block and Section layout [showing] exactly where all the services are, where the hydrants are... where sewer and stormwater lines are, where Telecom lines are... We used to give that [information] to buyers [but] we ceased doing that (i) because of the cost and (ii) because [it]... never ended up in the [hands of the resident but stayed with] the builder... [Yet] that information is extremely useful.⁴¹

⁴⁰ Mr del Rio *Transcript* 18/7/01

⁴¹ Mr del Rio *Transcript* 18/7/

8. THE VIEW OF THE AFP (ACT POLICING) AND MASTER BUILDERS' ASSOCIATION

8.1. The AFP (ACT Policing) submitted:

ACT Policing is particularly interested in the concept of introducing a comprehensive and centralised Land Administration Information System.

ACT Policing is aware of the model currently operating in Tasmania and the benefits derived from it by Tasmanian investigators. The Tasmanian LIST system provides a single point of access for all land related data held by government specific to individual addresses. At present ACT investigators are required to approach each relevant agency separately, which can be time consuming and impact upon operational objectives.

Access to all information relating to leases in the ACT would be of use to ACT Policing, particularly if that information included data currently held by ACTEW. Examples of the manner in which ACT Policing could utilise the proposed system include collection of data for search warrants, coordinating emergency responses to specific leases and providing support for more general policing activities...

Given the obvious concerns which may arise over privacy issues, I would support restricted access by approved agencies over the web with password protection.⁴²

8.2. The Master Builders' Association of the ACT expressed support for:

the introduction of a comprehensive system, however, at this stage we would require more detailed information to properly assess it's overall value to both industry and the community.⁴³

⁴² Submission dated 5/10/00 by AFP, ACT Policing (Mr Murray)

⁴³ Correspondence dated 9/10/00 (Mr Dawes)

9. DEVELOPMENTS IN OTHER STATES

9.1. The committee was provided with the following information about developments in other states and the Northern Territory:

Queensland

[Queensland] does not support a centralised Land Administration Information System... [but prefers a] market-based approach, including providing opportunities for private sector investment and involvement and the provision of multiple paths for access to information resulting in greater use....

[This is known as] the “supply chain” approach. Over 80 licence agreements have been issued to either users, distributors or those organisations who wish to add value.⁴⁴ These licences cover cadastre, valuation and titling information and shortly will extend to cover aerial photography and survey control data, while continuing to work on further natural resource information (eg. soils, water). This approach is resulting in the data being integrated in the private sector and tailored to business and community demand. This ensures that business and the community have access to products and services they need, while government can continue to focus on the business that generates the information.

A primary component to this approach is the concept of custodianship [of a dataset], where issues such as ownership, responsibilities and accountabilities are considered.⁴⁵ The Queensland Custodianship Standard sets out the duties of organisations that have data.⁴⁶ The Standard clearly requires the custodian⁴⁷ to decide what data they will make available and in what form. The Standard recognises the private sector can be custodians. For the purposes of Queensland government agencies, each agency would be seen as a separate custodian...

[Pricing] is the responsibility of the custodian... [taking account of a common] information standard that sets out...principles for charging ranging from “free” through “cost of provision” to “commercial charges”...

We have not considered the issues of inter-operability to be significant. With the supply chain focus, data can be supplied to third parties, who take and integrate the data and on-supply as necessary...

[We believe] that by opening up data access to value-adders and distributors the use of the information will be greatly enhanced. This will limit the requirement for government to provide expensive on-line systems to provide integrated

⁴⁴ A ‘user’ is defined as ‘an organisation or person receiving the dataset as an integral part of a product or service for own use but not for resale’—Qld government, Qld Spatial Information Infrastructure Council, *Draft Custodianship Standard*, 2000 p.7

⁴⁵ An ‘owner’ is defined as ‘an organisation owning the intellectual property rights for the dataset. A state government department is the owner on behalf of the State of Queensland’—Qld government, Qld Spatial Information Infrastructure Council, *Draft Custodianship Standard*, 2000 p.7

⁴⁶ ‘Standard’ is defined as ‘a standard published by a recognised international, national or state body’—Qld government, Qld Spatial Information Infrastructure Council, *Draft Custodianship Standard*, 2000 p.7

⁴⁷ A ‘custodian’ is defined as ‘an organisation accepting the obligations for the collection, maintenance and provision of a dataset in accordance with a specified standard or specification. A custodian may also be the owner.’ The custodian is responsible for the ‘specification’ of the dataset, which is defined as ‘a description of the dataset published by the custodian including accuracy, format, quality and structure’—Qld government, Qld Spatial Information Infrastructure Council, *Draft Custodianship Standard*, 2000 p.7

information beyond their own needs while at the same time provide improved community access to integrated products and services they require.⁴⁸

9.2. Queensland has fully automated its Titles ownership database so that a paper entry can be imaged from offices throughout Queensland onto the central database. A search of the database can be conducted electronically and payment can be made by credit card to a broker who pays a monthly fee to the controlling department. Entries on the Queensland Contaminated Sites Register are placed there by the Environment Protection Agency and are flagged on the titles database.⁴⁹

9.3. The *Queensland Spatial Information Infrastructure Strategy* 'is the responsibility of all agencies which use or require spatial information as part of their business'. The Council overseeing the Strategy has identified '22 essential State spatial information products required to meet the needs of Qld businesses'. They include regional mineral and energy analysis; preferred regional development areas analysis; regional priority protection areas analysis; disaster risk management analysis, road maintenance and utilisation analysis; property interests analysis; regional employment by industry analysis; regional water allocation analysis; school site optimisation analysis; health services optimisation analysis; public housing stock analysis; government buildings asset analysis; native title (tenure histories) interests analysis, surplus government land analysis; leased land revenue land analysis; and integrated planning regulations analysis.⁵⁰

Western Australia

The WA Land Information System (WALIS) coordinates the management of land and geographic information in WA.

Privacy: It is WA government policy that agencies must not make available land and geographic information which contravenes individual privacy. More specifically, agencies may not transfer information from which a person's identity or personal details can be determined or reasonably inferred without that persons' permission.

Pricing: If data is to be used by WA state government agencies and local authorities for non-commercial or community groups helping to implement a government policy, then the data will be priced at the cost of transfer with no charge for production and maintenance of the data. This is a very low price... [However,] anyone wanting to use the data commercially will be charged a commercial rate which includes a contribution to the cost of data production and maintenance.

Data ownership: WA government agencies do not 'own' data, rather they are nominated as custodians of a dataset. We have adopted custodianship as the means of ensuring accountability for the care and maintenance of information within the public sector. A custodian is responsible for the data on behalf of everyone else in WALIS.

⁴⁸ Correspondence dated 9/11/00 from the Hon.R. Woodford MLA, Minister for Environment and Heritage and Minister for Natural Resources, Qld government

⁴⁹ Briefing by QLD officials during the committee's visit in July 2001.

⁵⁰ Qld Spatial Information Infrastructure Strategy *Future Spatial Information Products* 1997

Interoperability: Whether one database needs to be able to ‘talk’ to another database depends entirely on the business case for the information system, product or system being developed. It is an expensive option when all the aspects of data integrity, consistency and security are considered. There are a number of other options available which cost less and may still deliver the required level of service.⁵¹

South Australia

South Australia, though the Automated Title Land Administration System Project, currently is undertaking the development of electronic land administration which will include the emergence of new enabling technologies and systems.

The Land Services Group of the Department for Administrative and Information Services, incorporating the Lands Title Office, is the lead agency for land administration... and incorporates the statutory roles of the Register-General, Valuer-General and the Surveyor-General...

The Torrens Stem of Land Ownership is founded upon a full and public disclosure of all details relating to land ownership...

Commercial arrangements for the sale of property sales data already exist. These arrangements are in the course of being refined so that government will sell the data to “retailers” wishing to distribute it. Issues such as privacy, security, downstream control of the data set and minimising the risk to government are being considered...⁵²

Tasmania [see also Chapter 1]

The Land Information System Tasmania (LIST)... was initiated in March 1998. Tasmania classified LIST as an Infrastructure Project under the Premier’s Direction Statement of April 1997 and some \$2.6m was allocated over two years. LIST has a subscriber base for land use information and a credit card payment system for access on-line, which generates revenue for the Tasmanian government. Unlike the ACT where the Commonwealth *Privacy Act 1988* applies, there is no State government privacy legislation in Tasmania and the government policy enables subscribers in “allied professions” to search the data base by name as land titles data is in the public domain. Members of the public accessing LIST can search by address but not by name... [LIST provides] very effective seamless links to a variety of state government and local government spatial and related information.⁵³

LIST enables searches by owner, address or Block/Section, land title, property sales; and it displays thematic maps as well as printing maps and other business systems [that] can use its live data... LIST is fully integrated with the Tasmanian Land Titles system.⁵⁴

⁵¹ Correspondence dated 10/10/00 from the Hon.D. Shave MLA, Minister for Lands

⁵² Correspondence dated 11/10/00 from the Hon. Mr Olsen MLA (Premier)

⁵³ ACT government submission dated 24/10/00 p.2

⁵⁴ PALM presentation on ACTMAP SDMS

There were six key success factors which led to the successful development of the LIST. These factors were:

- bi-partisan political patronage and recognition of land information as a whole of government issue;
- cooperation amongst the various stakeholders irrespective of the organisation or level of government they represent;
- adoption of sound information management principles which recognise data as being largely independent of the applications which use it;
- innovative human resources in both the government and private sector;
- quality data which is made available from the most appropriate source; and
- use of leading edge technology which can be interfaced to the Internet.⁵⁵

Northern Territory [see also Chapter 1]

[The NT Land Information System] is the mechanism for the capture, organisation, management, exchange and integration of corporate land-related information in the NT.⁵⁶

Spatial data [should be] comprehensive, consistent, captured to accepted standards, able to be located, accessible, useable, useable for multiple purposes [and] well managed.

[The Northern Territory Cabinet] nominated... [a] lead agency [whose] role [was] agreed with other agencies and endorsed by government. Policies for spatial data [were developed for] custodianship of corporate land information; information about datasets (metadata); access to corporate land information; copyright and intellectual property; data supply agreements; commercial supply of data; [and] management of liability.⁵⁷

⁵⁵ Correspondence dated 16/10/00 from the Hon.J. Bacon MHA (Premier)

⁵⁶ Correspondence dated 22/9/00 from the NT Department of Land, Planning and Environment

⁵⁷ Presentation by NT Department of Lands, Planning and Environment

10. CONCLUSION AND RECOMMENDATIONS

10.1. The committee notes the developments taking place within the ACT administration in relation to a central land administration information data base. In particular, the committee appreciates that progress is being made to provide the public with access, via e.Map, to a wide range of information including aerial photography; ACT cadastre including Blocks, Sections, suburbs, street names and street addresses, major buildings, rural contours; trees; roads and bridges information; contaminated sites; heritage sites; vegetation; geology and soils; and bus routes.

10.2. However, it seems at this stage of the project that e.Map is a read-only system for users within government. Hopefully, by the time the project is completed, e.Map will be able to provide an interactive, publicly accessible, comprehensive land information database.

10.3. The committee considers that most of the information held by government is a 'public good' which should be in the public domain. Much of this information can be fitted into a geographic information system (GIS) made up of spatial data (pertaining to geography and space) and attribute data (spatially related data such as population, income, crime, disease, etc). The GIS enables the organisation, comparison and analysis of disparate types of information into one organised system which can be 'fitted' to the needs of each user.

10.4. The ACT is so small a jurisdiction, compared to the Australian states or the Northern Territory, that it should be a leader in this field. The committee regrets that this is not the case. Indeed, the evidence provided by the Law Society suggests that the ACT was nearer to having an integrated land information system 12 years ago than it is now [see Chapter 7].

10.5. The committee welcomes the development by the ACT Registrar-General of an electronic application service of Births, Deaths and Marriages that is accessible from all over the globe and which is totally secure at both ends. **The committee wishes to see this type of system in place for land-related data.**

10.6. Such a system has many advantages. One, it is quicker than the system it replaces:

The use of spatial information will often help individuals or organisations plan for the future and make better decisions. When the community uses information already collected, it may save significant time and money resulting in encouraging the wider use of spatial information.⁵⁸

10.7. Second, it enables users to access information at times of their choosing:

The government is a really big shopping mall of information and services that is not open at key shopping times. If we can get technology to keep it open, then it provides much better service.⁵⁹

⁵⁸ Qld government, Qld Spatial Information Infrastructure Council, *Draft Custodianship Standard*, 2000 p.3

⁵⁹ Mr Tomlins *Transcript* 27/10/00

10.8. Third, it enables users to find the information that is directly relevant to them:

Down the track you will be able to develop your own portal or ask us to arrange for a portal to be developed for valuers, plumbers, electricians... There are systems—and I think it is in Virginia—where there is a tool on the web whereby you can develop your own portal. So if you are a valuer you might say, “When I sign on I want these 50 pieces of information brought up... I want access to the land value, the map showing fire hydrants” and these sorts of things. So you will be able to actually personalise your portal... [but] we are not promising that too quickly.⁶⁰

10.9. Four, it enables government employees to concentrate on more important tasks than just providing over-the-counter paper information:

[Improved electronic connections] increase levels of customer service, because increasingly in an IT-savvy city the customers are likely to use the web to get their information. They can pull a lot of that basic information off for themselves and it is user friendly, and perhaps there is then more time for staff in government agencies to handle the more complex queries...⁶¹

10.10. Five, it enables a whole-of-government service delivery.

10.11. Six, it facilitates the development of a comprehensive and up-to-date management system for maintaining public assets.

10.12. And seven, an interactive, publicly accessible, comprehensive land data information system should reduce costs to users and hence improve productivity across the board. The committee understands that has been the experience in Queensland following the introduction of an electronic, publicly accessible, central land information database.

10.13. In light of the information obtained by the committee during the course of its inquiry, the committee makes nine recommendations as follows.

Recommendation 1: That the government ‘un-bundle’ the complexity of existing institutional arrangements for managing and delivering spatial information and provide consistent standards to allow integration. In doing so, the government should have regard to the following essential principles:

—that as much information as possible should be available to users and the public

—that consideration should be given to introducing ACT privacy legislation to enable the free and ready transfer of land information among agencies

—that the full range of land administration services should be available without having to visit multiple sites, and

—that charges to access land data should reflect the cost of collecting and maintaining the data rather than be designed as a revenue-raising measure..

⁶⁰ Mr Tomlins Transcript 27/10/00

⁶¹ Mr Cook Transcript 3/11/00

Recommendation 2: *that the government consider reinforcing the lead role of the Department of Urban Services in coordinating all aspects of the development of a comprehensive, integrated, user-friendly land administration information system for the ACT; that a timeframe for all stages of the development of such a system be agreed upon and reported to the Assembly; and that the government provide regular updates to the Territory's parliament on progress in meeting these stages.*

Recommendation 3: *that the coordination of a land administration information system involve (at the least) representatives of the Department of Urban Services, the Registrar-General's Office, the AFP (ACT Policing), ActewAGL, the ACT Law Society, and the Master Builders' Association. It also would be useful if the National Capital Authority was involved, in view of that organisation's responsibility for the National Capital Plan.*

Recommendation 4: *that speedy action be taken to fully integrate PALM's e.Map with the Registrar-General's Land Titles web browser.*

Recommendation 5: *that information on contaminated sites and heritage sites be included on a central land administration information system.*

Recommendation 6: *that the government encourage close liaison with other States and the Northern Territory in relation to a central land administration information system and, in particular, liaise with Brisbane City Council in relation to its Basic Land Information Network (BLIN) which includes speedy electronic access to cadastral information about property boundaries, surveys and valuations.*

Recommendation 7: *that the government consider approaching the Queensland Minister for Natural Resources and Mines to see if the key officer handling the Queensland electronic land data system [Dr Eden, General Manager, Information Policy, Department of Natural Resources and Mines] might be made available on secondment to advise ACT agencies on the further development of an integrated land database.*

Recommendation 8: *that the government facilitate the adoption by agencies of the "supply chain" approach to data management, whereby agencies are seen as the 'custodians' of datasets and the private sector is encouraged to act as the 'retailer' in terms of 'adding value' to the base data.*

Recommendation 9: *that the government consider making provision in the Utilities legislation to specifically require utilities to provide a facility that enables an ACT land administration information system to validate its address database.*