

The road to neo-serfdom

by David Collyer



Late last year, the NSW Liberal/National government revealed plans to sell off the NSW Lands Office and retained JPMorgan to produce a scoping study. The Victorian Liberals tried this on before the last state election, and lost.

Many will simply see this as part of the neo-conservative 'sell everything that moves' philosophy.

Cynics will point to a grubbier agenda – that the neo-cons want to create yet another private rent-seeking opportunity. Land titling is a monopoly function, and cost-insensitive as well: citizens will tolerate a very high price for fault-free land title registration.

The L/NP claim to earmark the proceeds from the sale to build sporting stadiums is an outright lie. The income from any sale must be credited to the big money pot – Consolidated Revenue – negating any revenue/spending relationship politicians may confect. It is a key rule of government that all revenue and spending decisions are considered apart and on their merits. In practice, there can be no hypothecation of one to the other.

This leaves aside the donkey-like stupidity of government subsidising football stadium construction when there are real needs like better education or simply lower taxes.

All very ugly. My concerns are deeper and risks more far-reaching.

Accurately registering who owns which parcel of land matters – for individual financial security, for borrowing, even for finding the owners of lost dogs. Under our Torrens titlesystem, government guarantees title against fraud and abuse without limitation.

This is a key reason why it is a core government function: "Each state and territory has a central register of all land in the state which shows the owner of the land. The land title is the official record. It can also include information about mortgages, covenants, caveats and easements."

What if the neo-cons actually wanted to hide who owns the land? As it is in the Scotland where despite strenuous efforts that began with the Registration Act of 1617 and accompanying Register of Sasines, the owners of only 26% of the land in Scotland have ever been identified.

Consider the implications of unrecorded title. It would exempt owners from public scrutiny, land tax, capital gains tax and the myriad pesky land use rules lesser mortals are subject to.

The risks and costs of, say, adverse possession pale in comparison to these profound personal benefits.

The first baby step would be to de-nationalise the land registry – to put wealthy landowners on the road to the creation of allodial title.

And remember, nobody believed Margaret Thatcher's agenda.