

40TH PARLIAMENT



Report 32

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Inquiry into Private Property Rights—Extension of time

Presented by
Hon Adele Farina MLC (Chair)
September 2020

Standing Committee on Public Administration

Members as at the time of this inquiry:

Hon Adele Farina MLC (Chair)

Hon Darren West MLC

Hon Ken Baston MLC

Hon Jacqui Boydell MLC (Deputy Chair)

Hon Kyle McGinn MLC

Staff as at the time of this inquiry:

Ms Lisa Penman (Advisory Officer)

Ms Margaret Liveris (Committee Clerk)

Address:

Parliament House

4 Harvest Terrace, West Perth WA 6005

Telephone: 08 9222 7300

Email: lcco@parliament.wa.gov.au

Website: www.parliament.wa.gov.au

ISBN 978-1-925580-16-7



1 Inquiry into Private Property Rights

Extension of time

On 12 June 2019, the Hon Rick Mazza MLC moved that the House:

- (a) recognises the fundamental proprietary right of private property ownership that underpins the social and economic security of the community
- (b) recognises the threat to the probity of the Torrens title system, which guarantees disclosure, and re-establishes the necessity for registration of all encumbrances that affect land including environmentally sensitive areas, bushfire-prone areas and implied easements for Western Power that currently sit behind the certificate of title
- (c) recognises the property rights of government-issued licenses and authorities including commercial fishing
- (d) asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit; and
- (e) directs the Standing Committee on Public Administration to conduct an inquiry into the matters described above - with them as its terms of reference - and to report to the House within nine months of the date of the referral.

The Standing Committee on Public Administration (Committee) commenced the inquiry into Private Property Rights in June 2019. On 20 February 2020, the Legislative Council granted an extension of time for the Committee to report from 12 March 2020 to 24 September 2020.

It has been necessary for the Committee to receive additional evidence in relation to this inquiry. An extension of time will enable the Committee to assess and deliberate on new evidence received.

So as to properly discharge its reporting obligations to the Legislative Council, the Committee requests an extension of time in which to report from 24 September 2020 to 22 October 2020.



Hon Adele Farina MLC
Chair

Standing Committee on Public Administration

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

'5. Public Administration Committee

5.1 *A Public Administration Committee* is established.

5.2 The Committee consists of 5 Members.

5.3 The functions of the Committee are to —

(a) inquire into and report on —

- (i) the structure, efficiency and effectiveness of the system of public administration;
- (ii) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
- (iii) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions; and
- (iv) any Bill or other matter relating to the foregoing functions referred by the Council;

and

(b) consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Commissioner, the Information Commissioner, the Inspector of Custodial Services, and any similar officer.

5.4 The Committee is not to make inquiry with respect to —

- (a) the constitution, function or operations of the Executive Council;
- (b) the Governor's Establishment;
- (c) the constitution and administration of Parliament;
- (d) the judiciary;
- (e) a decision made by a person acting judicially;
- (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
- (g) the merits of a particular case or grievance that is not received as a petition.'



Parliament House,
4 Harvest Terrace, West Perth WA 6005
Telephone: +61 8 9222 7300
Email: lcco@parliament.wa.gov.au
Website: <http://www.parliament.wa.gov.au>