

From: [Tim Houweling](#)
To: [Public Administration Committee](#); [Karen Smith](#)
Subject: Submission to Property Rights Committee
Date: Friday, 2 August 2019 12:32:59 PM

Dear Sir,

Due to pressures of trials I was not able to lodge a submission for the benefit of the Committee.

I have work extensively in the area generally described as "Property Rights" for 20 years and run many of the significant hearings in matters of land compensation in WA.

I wish to address the Committee on the importance of Property Rights.

I wish to deal with the following dozen points by way of a detailed oral submission:

1. What is property and what are Property Rights;
2. What happens in a society that does not respect the rights of property;
3. What are reasonable restrictions on Property Rights (early planning - air and light to the Garden City in the 1920's to environmental planning)
4. How is compensation assessed under the Planning and Development Act;
5. Recent problems with compensation payments and claims;
6. Takings of Land under the Land Administration Act;
7. The intentions of Government to "value capture"; the Forrestfield example and Metronet;
8. The absence of compensation for Electricity lines and water pipes and why it is no longer appropriate given infrastructure is now largely rolled out;
9. The Environmental Protection Act, it's significance as a planning constraint and the lack of compensation for landowners;
10. What can we do as a matter of fairness and policy with any change to any legislation to ensure greater fairness to landowners when claiming compensation.
11. The South Regal case and it's application in Western Australia in Western Australia.
12. Why hasn't anything happened since the 2004 Barry House report on Property rights.

I believe I would be best places to deal with these matters orally to enable me to explain matters if asked. It is a complex area and I would like the Committee to have all relevant information available to them.

I lecture Ethics and Native Title at Murdoch University to Law Students and will keep my discussion engaging. I will not be put off by questions and am use to addressing courts.

Kind regards.

Tim Houweling
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Adjunct Professor at Law