

25 July 2019

Kristina Crichton
Committee Clerk
Standing Committee on Public Administration
Legislative Council
Parliament House
PERTH WA 6000

By email: lcpac@parliament.wa.gov.au

Dear Ms Crichton

INQUIRY INTO PRIVATE PROPERTY RIGHTS

Thank you for your letter dated 5 July 2019 regarding the Inquiry to the Standing Committee on Public Administration (Standing Committee) on the following motion:

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 licences 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;*
- 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 Law Society has considered the terms of reference of the inquiry and agrees with the matters recognised and asserted in the motion and that an inquiry into these matters is necessary and that guarantees under private property rights should be clearly recognised.

The Law Society looks forward to having an opportunity to give evidence to the Standing Committee inquiry and to receiving a copy of the Standing Committee's report in due course.

Yours sincerely



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President

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