

Susan Downs & Francis Trichet

Kristina Crichton  
Committee Clerk  
Standing Committee on Public Administration  
Legislative Council  
Parliament House GPO Box A11  
PERTH WA 6837

Re: Inquiry Into Private Property Rights

To the Committee,

Thank you for the opportunity to address your committee on the Private Property Rights here in WA.

My fiancé and I would like to comment on point (d) fair and reasonable compensation must be paid to an owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a government benefit.

We have been put into this position by the zoning of the West Mundijong Amendment Scheme. Since 2012 we have been unable to sell our property and after the WAPC and Main Roads decided our land would be left as rural until such time as the Rail realignment would go through we have been left with a property we cannot do anything with, and we cannot seem to get an answer from anyone regarding a timeline or a decision on the realignment actually happening. If we were 20 years younger we would just wait but at our age this is not an ideal position to be in.

Right from the beginning of this process, or at least the beginning where our small estate is concerned, we have been understanding of the need for the shire to provide employment opportunities and have declined to be obstructive to their plans in any way. Once an area has been identified for a specific use surely it would be better for the WAPC, Main Roads Department or Public Transport Authority to quickly reserve or resume the land so the landowners involved do not spend years wondering what will happen. This is our 7th year in limbo. In this time we have tried to sell, 18 months of trying, and not even a hint of interest and it seems the pending possibility of the rail alignment is the problem. In the meantime we are still paying rates and thousands of dollars in interest on a mortgage for land we will never be able to call our own.

At the time we were invited to a special meeting so the shire council could explain their plans for our area, we were in the process of deciding how we would progress into retirement. At no time were we anticipating having to work into our 70s but as our mortgage still has 15 years to run and we are in our 60s, unless we have a resolution from government it seems we will have no choice and if anything should happen to one of us from a health standpoint it will leave the other person in an untenable situation.

Apparently should the decision be against the Freight Rail alignment going ahead at this time we could be looking at a 12 – 15 year timeline for the work to be done if at all. We can go cap in hand to the WAPC to request they buy the land but we know they will not give a fair price and if we are unhappy they will just suggest we take them to take court knowing that we will be unlikely to have the finances to do so and if we did and won they would continue to appeal against the decision until it reaches the highest court in the land. We wonder who this benefits in the long run as it certainly isn't the landowner and it is tax payer's money funding the WAPCs fight.

We would like the opportunity to also appear before the committee to plead our case.

Yours sincerely,

[Redacted Signature]

SUSAN DOWN AND FRANCIS TRICHET.

[Redacted Address]