

From: [fred morgan](#)
To: [Public Administration Committee](#)
Subject: Property Rights Submission 2019
Date: Sunday, 28 July 2019 1:20:40 PM
Attachments: [Property Rights Submission 2019.pdf](#)

Att: Kristina Crichton.
Legislative Council Committee Office of Western Australia

Hello Kristina,

Please find attached my submission on property rights to The Standing Committee on Public Administration.

Should the committee decide to hold hearings i would like to be advised and given the opportunity to appear before the committee.

Kind Regards
Wayne Gowland

Submission to the inquiry into Private Property Rights 2019

As referred to the Standing Committee on Public Administration on the 12 June 2019.

(A) Recognizes the fundamental proprietary right of private property ownership that underpins the social and economic security of the community

A individual engaging in their fundamental, cultural, historical and personal proprietary right of private property ownership whether for investment or for the quiet and peaceful use of can find their rights and their financial security adversely impacted when the investment they have made (in private property for future growth and development whether for the purpose of producing food or other activities, EG. Housing development) has the value impacted and diminished by ESA's or anti clearing laws, or other Legislation, consideration needs to be given to the financial impact on the property owner/investor and how it requires them to bear a significant financial burden. Not only is the property owner denied the right to use the land, as part of his business or farming operation thereby losing the profits from that land, the property owner is also committed to pay rates, insurances, maintenance costs and such other costs that maybe required to meet biosecurity requirements. This also adversely impacts jobs and the of creation of jobs which impacts the economic security of the members of the community who are reliant on employment as a alternative to welfare benefits.

When Government passes laws that deny a property owner the rights to use his/her property or a portion of that property for his/her benefit and enjoyment, there needs to be compensation, of a fair value, to be paid to the Property owner/s to cover the costs involved and the loss of profit and benefits that they would have otherwise derived from use of the property. This could be done on an annual payment of a per acre basis. The cost to the overall economy of having the use of private property denied for environmental reasons cannot be expected to be borne by the small percent, of the population who are running in most cases a small business and yet who collectively contribute and bring in 50 – 60 billion dollars of foreign exchange to the economy. Plus providing employment to approximately a quarter of a million Australians.

Plus agreements must be taken into account:

Re United Nations Universal Declaration of Human Rights

Article 17

1. Everyone has the right to own property alone as well as in association with others
2. No one shall be arbitrarily deprived of his property.

An argument can be made in regard to this article that:

As Australia is a signatory to this Declaration, the State of Western Australia and Australia as a whole, needs to review if it has been in breach of this Declaration and if it is denying property owners the use of their properties in a way that deprives them of the benefits and economic gains of property ownership.

It is in the interests and the social well bring and health and security of the community and the country as a whole, to have secure and reliable sources of food. Where that food supply is under threat of contagion by biosecurity breaches, the property holder is in an impossible position. As laws allow access by parties who do not have to give consideration to the biosecurity controls, this puts the premises at serious risk. Which as seen in the past has led to animals having to be destroyed and businesses forced into bankruptcy and the resultant loss to the economy and lost jobs.

The rights of private property of owners have been eroded due to the powers given to both private and public agencies to access and use private property without the consent of the land owner. This has led to contradictions in the law where you cannot meet the requirements of the biosecurity laws because in order to maintain and uphold the biosecurity law, you would find yourself in breach of other laws relating to denying access to the property, EG. Western Power staff. You cannot have quarantine and true biosecurity unless you can lawfully deny and restrict access to the property by equipment, animals, and people. All of whom are capable of inadvertently transferring from external sources a contagion or biosecurity risk onto any property that they can access or visit

(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;

The security of tenure of land and private property is threatened by the imposition of Environmentally Sensitive Areas and laws which remove control of freehold property from the care and control of the property owner and places it in the care and control of various government depts. Who hold more control over the property than the person who paid for and owns the property and has to continue to pay the costs of holding the property which they are denied the use of. As more people become aware of the potential for their property to be compromised by laws of which they are mostly unaware - because these areas are not registered on the title - this will have an impact on their decisions to invest in property and the decisions to invest in and develop property. This will have an impact on the overall economy and the jobs that may be lost or never created by this loss of investment. How do we gauge the loss to the economy in social terms and displacement of people from country to city in search of work?

Once again I refer to the United Nations Universal Declaration of Human Rights

Article 17

3. Everyone has the right to own property alone as well as in association with others
4. No one shall be arbitrarily deprived of his property.

In regard to Environmentally Sensitive Areas:

All human population individually and collectively has a carbon footprint which impacts the environment in a multitude of ways, from land clearing, areas needed for housing to be built on, to mining the products needed for their housing requirements and travel and food requirements.

Everyone is aware and acknowledges that all food production has an impact on the environment, EG. The nitrate fertilizers and animal by products-EG. Blood and bone fertilizers and animal manures. Which are needed to grow vegetables, these leach into the soil. This is made worse when most vegetables are grown on sandy ground, which is highly porous. Along with this, there is the repeated chemical spraying of vegetables with insecticides and fungicides etc. This also applies to cropping land, which requires the use of huge quantities of diesel fuel and fertilizers and a range of chemicals that are needed to grow crops. Then there is the methane gas, which is produced by large scale pig/ chicken farming, plus the amount of land needed to grow crops that supply the pigs and chickens with their food.

This is the same with advanced farming systems all over the world, as it is not possible to farm in any other manner because no other system can supply the amount of food needed to feed the 7 or 8 billion people on this planet.

There is not yet any practical alternative power supply that can power a 500 horse power broad acre tractor other than diesel, a fossil fuel. Bearing in mind and using Australia as an example: that if each person consumes 400gm of grain products a day cereals, bread, beer, biscuits, pasta, etc ,(which doesn't take into account the grain that is needed to be produced to feed the farmed animals, such as pigs, chickens, etc, that are consumed by people). 400gms x 26 million people equals 10, 400,000 kilograms per day of grain alone, that needs to be seeded, sprayed, fertilized harvested and processed. Not only are large tractors required but larger diesel trucks are needed to transport the fertilizer to the farms because of the Government preference of using road over rail. The harvest is often moved by various sized trucks to sidings.

(C) Recognises the property rights of government-issued licences and authorities

Including commercial fishing

Recipients of government issued licences and rights need to be able to rely on the validity and reliability of these licences, in order to feel comfortable to make investments and employ staff. The staff also need job security which is based on the rights conferred by the licences. Where licences have been arbitrarily removed there should be a right to compensation or a conditions free reinstatement of the licence.

(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;

Where the assessment is made that the property or a portion of the property is of more value to the community, (whether for environment reasons, for roads, power lines, pipelines or other infrastructure) than to the current property owner, the community can be fairly expected to reimburse the property owner for the losses incurred. So that the burden is shared and thus avoids the inequity of placing the burden on a small number of the population, who are not in a position to be able to sustain the losses incurred by regulatory burden

(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 time line imposed for submissions is too limited to be able to address and reference all International Treaty's and Historic Legislation in regards to freehold property and the rights conferred by ownership of property that has been the foundation of both society and the economy, which is recognised as far back as the **Domesday Book**. Which was a land survey commissioned by William the Conqueror in 1086, to assess the extent of the land and resources owned in England at the time and the following provisions or rights to property owners to use the property how they deemed most suitable without interference.