

# **Inquiry into Private Property Rights**

## **Public Administration Committee**

Submission by David and Gail Guthrie

Of 

We request That the House —

- (a) recognises the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
  - We support this right, as this ensures the best results for the economic production of food and fibre in modern day society.
  
- (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;
  - Without full disclosure of these encumbrances, there is an unfair devaluation of property through implied threat even when none exists. These should be fully disclosed at the time of issue so that they can be addressed by the owner of the land immediately.
  
- (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;
  - This is extremely important as it is unfair to property ownership where these encumbrances exist and the value of the property is

either significantly devalued or rendered worthless to the owner. Where these encumbrances exist, whether known or unknown, the owner is still liable for the payment of rates and other management costs, yet can derive no income from that land. This in turn renders what was once a property of value, worthless. In our own case, of a 280-hectare property, approximately 90 hectares has been encumbered with a moratorium forbidding any use of that property, yet full costs are still payable including shire rates on that land. Therefore, while the moratorium is placed for the public (conservation) good the land is worthless to us, and devalues the overall value of the property. This moratorium was forced on us and placed there as a condition of boundary realignments, but gives no benefit to us. This could be alleviated to some degree by the ability to use a small portion of the land for gravel extraction, building site (there are good coastal views) or timber production, none of which would detract to a significant degree on the original intent of the moratorium. We therefore support the premise that fair and reasonable compensation should be given, and the requirement to pay shire rates on this land should be removed if the land remains in private ownership.

(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.

Signed:

