



# Property rights inquiry launched

## News

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1 week, 6 days ago



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Aidan Smith

19 Jul 2019, noon

News



% Shooters, Fishers and Farmers Party's Agricultural Region MLC Rick Mazza has been successful in his bid to have an inquiry into private property rights in WA. The Standing Committee on Public Administration's Private Property Rights Committee will table its findings on March 12, 2020.

THE Upper House Standing Committee on Public Administration will conduct an inquiry into private property rights.

This follows the successful motion by Agricultural Region MP Rick Mazza, of the Shooters, Fishers and Farmers Party, in the Legislative Council.

Mr Mazza raised a number of issues in his June 12, 2019 motion, primarily the need for registration on the certificate of title of

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encumbrances such as environmentally sensitive areas (ESA), bushfire prone areas and implied easements for Western Power that currently sit behind the certificate of title.

He also discussed compensation for people whose land or livelihood was affected in the process of their property being "sterilised for conservation".

"If a public benefit is going to be derived from a piece of land, the public should be willing to bear the cost," Mr Mazza said.

"At the moment the cost is being borne by a few landholders who carry the burden of any reduced land values.

"Currently government can apply ESA restrictions without notifying landowners, who are expected to make their own inquiries.

"Any encumbrances need to be registered on the title to warn potential buyers."

Mr Mazza said more than 98,000 parcels of privately owned land in Western Australia have ESA restrictions.

This makes it an offence to clear native vegetation unless done under legislative exemption or a permit, with heavy fines of \$250,000 existing for individuals and \$500,000

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for companies.

He said unfortunately, many owners were unaware that their property was affected.

"Parliamentary reports into property related issues were conducted in the past, in 2004 and 2015 and to go through that process again in nine months will be a big undertaking, however those reports are available to the committee to refer to," Mr Mazza said.

The Inquiry into Private Property Rights committee will table its findings on March 12, 2020.

Pastoralists and Graziers Association of WA property rights spokesman Gary Peacock congratulated Mr Mazza on being able to win support for the inquiry to go ahead but questioned whether anything would change as a result.

"I'm sceptical of the outcome," Mr Peacock said.

"There's been umpteen inquiries over the years

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and State governments have not implemented one recommendation that I am aware of.

"I can't tell you one change that has been made.

"However, I look forward to seeing what comes out of the inquiry."

Mr Peacock said there had been 20 years of promises by politicians to introduce State legislation on property rights or at least make things better for property owners but "not one has delivered".

He said the only reason he could find to explain the inaction was the cost that would be incurred by government.

"It can only be treasury that's prevented State action," Mr Peacock said.

WA Liberal environment spokesman Steve Thomas said the impacts on landowners "needed to be addressed in a manner far better than they are at the moment".

He said it was no "slight on the current government" because past State government's had failed to act.

"Various departments, particularly the Department of Water and Environmental Regulation, have not done adequate work to

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make sure that every piece of land it identified as environmentally sensitive is genuinely so," Dr Thomas said.

"That is going to take a significant investment in both time and resources.

"However, the alternative is to say that the bureaucratic process will have the capacity going forward to encumber

land on the basis of a desktop study or a set of geomorphic datasets.

"That is not sufficient.

"That is not adequate.

"We need to make sure that a genuine attempt is made to ensure that the references are adequate and that somebody with adequate training has walked over each of those sites and made sure that what is theoretically an environmentally sensitive area that requires protection is genuinely an environmentally sensitive area that requires protection.

"There will be some areas that impact on individuals and there will be some that impact on somebody's right to farm.

"It is incumbent on the State to invest adequately to ensure that those people are not disadvantaged."

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Dr Thomas also said he was not a fan of the heritage system, calling it a "diabolical thing".

"The reality is that if people purchase an artificial structure, they should have every right to do with that artificial structure as they wish," he said.

"If they want to upgrade, even to a modern design and if they have made the effort to purchase the property, they should be able to do so.

"If the government wants to dictate what people can or cannot do on their property, it should be forced to buy it.

"All the terrace houses that nobody can do anything with should be required to be purchased by the government or it should allow the owners to get on with the job."