

[ADDRESS ON PROPERTY RIGHTS TO THE LIBERAL PARTY ROOM MAY 2014.](#)

Murray Cowper

For several years I have been raising the concerns of my constituents with respect to the Property Rights issue in this place.

For the information of new members, the Liberal party in 2005 in its pre-election campaign and subsequent election campaigns has promised to introduce legislation to deal with gross injustice perpetrated against land owners who for varying reasons, have had their land blighted and rights trampled under more than 200 separate individual pieces of legislation.

The promise was to introduce legislation that provided an avenue for the fair and just recompense of land taken by the crown.

It is approaching 10 years since the then leader of the Opposition and now Premier gave repeated undertakings to deal with this issue.

The Liberal Party Conferences since have been littered with motions and committees formed, but we do not seem to be any closer to the introduction of any tangible legislation.

You may recall that in the absence of any legislation being delivered, I spent my last winter recess developing private members Bill titled

Taking of Property on Just Terms Bill 2013

In Sept 2013 I brought this Bill to this place and advised the party room of my concerns.

On the premise that the Attorney General's department was generating a Bill, and that a Government Bill was imminent, I withheld the tabling of my Bill and suspended its introduction.

I have since offered to assist in the development of a Government Bill, but that offer has not been engaged.

Meanwhile, I have land owners in my constituency whom have had land stolen from them, causing significant stress, both emotionally and financially. I have even had the suicide of one farmer following the acquisition of his land for the Forrest Highway.

I commend to all new members the report conducted by the Legislative Council, Chaired by Hon Barry House:

‘Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia.’

2)

A Liberal Government was supposed to be the saviours of the land owners and much support was garnished from the public discussions in and around this issue.

But there comes a point when the tide of inaction changes and now we “The Liberal Government” are seen as the perpetrators of this injustice, particularly when this Government had added to the list of 200 pieces of legislation in seemingly innocuous Trojan horse type legislation.

One such example was the “Geosequestration Bill” introduced by the Minister for Mines and Petroleum last year.

Our inability or worse, our unwillingness to address massive injustices being committed by State bureaucracies against the private property owners who make up most of our strongest constituents, is seriously eroding our support base.

I will continue to issue warnings, because despite repeated, unanimous Liberal conference motions and council instructions from our State member base, we have continued to ignore the hopeless plight of our own landowners in dealing with government agencies that are increasing their moves to convert private land to public land at little or no cost.

Claims that we have addressed these concerns with a few token concessions to landowners on land clearing and with plans to vary other aspects of the ‘anti-landowner’ provisions of our regulations, will prove to be of little consequence.

You have only to look beyond the metropolitan area, to regions such as the Peel, through which utilities must convey goods and services from country to city and vice-versa, to see the massive extent of this problem.

For example, the Dampier to Bunbury gas pipeline and the new water pipelines cutting through my electorate are on largely private land extorted from its freehold owners by our own government agencies.

Negotiations have taken an unacceptable number of years. Even where private landowners have accepted settlement values well below the worth of the land. they continue to wait for payment.

Then there is the issue of edicts and actions taken by the WA Planning Commission at both State and Regional level.

From Australind to Amarillo (now Keralup) the Murray Wellington electorate is littered with the casualties of conflict between landowners and those with the power to direct development for industry and population growth.

3)

I have many constituents who are or were holding tracts of land supposedly gazetted for residential development. The plans are changed without warning and the landowners either file for bankruptcy, or sell to a 'more favoured' developer at a lower value.

I have been trying since my election as Member for Murray Wellington, to see a major new industrial area developed at Nambeelup, between Pinjarra and Mandurah.

The owners of this land are getting nowhere, potential industrial users are going elsewhere and other investors have declared for bankruptcy. Those still hanging in there are seeing their land holdings whittled away by environmental 'controls' and any other new measure that State Planning, Landcorp or the Environmental agency can dream up to diminish the status of these private investors.

Such practices are so widespread and so un-Australian, that if they were committed by a private company or individual, the ACCC would see to it that healthy fines or gaol terms would result.

Many newer Liberal members of Parliament need to understand that these massive injustices are being perpetrated mainly against rural owners of private land by agencies such as the WA Planning Commission, the Department of Water and its Water Corporation, the Department of Environment and others. More recently, even Local Government has been getting into these undemocratic acts of private property blighting and theft.

As a government, we continue to encourage these agencies to act as a law unto themselves, because their actions are not only unchallenged – but often encouraged by Cabinet and individual Ministers in a wide variety of situations.

The Upper House report led by Barry House and published in 2004 is essential reading for any new Member because it fully documents the degree of misappropriation and theft and the personal impacts on our supporters that led them to commit the State Liberal Party to address the problem.

But we continue to be just as guilty as our opponents in endorsing and continuing to support the legislation that allows these agents of government to trample private property rights.

I will repeat my personal belief that we have an obligation as Liberals to uphold the pledge of our annual conferences since 2000 to address the private property rights anomalies in this state.

4)

I understand that valuable work was done by some of brightest representatives both within and without of the parliament to find a more equitable way of treating our private landowners more equitably.

Unfortunately the bureaucracy continues to succeed in frustrating any government resolve to address these problems.

The answer quite simply is that if government is not prepared to pay fair market value for private property, it should not be permitted to steal it, or to diminish its value.

That principle underlies a private Members Bill I will be introducing this week or next to focus new attention on this festering private property rights 'sore.'

I understand that my Bill may not pass beyond the second reading stage, but at least I can be honest with my constituency and say that I gave it my best shot.

For those members who do not support the Bill, may I remind you that ultimately, you may also need to be accountable to your constituency.