

**STANDING COMMITTEE ON PUBLIC  
ADMINISTRATION  
AND FINANCE**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT MANDURAH  
ON TUESDAY, 27 AUGUST 2002**

**SESSION 6**

**Members**

**Hon Barry House (Chairman  
Hon Ed Dermer (Deputy Chairman)  
Hon Murray Criddle  
Hon John Fischer  
Hon Dee Margetts  
Hon Ken Travers  
Hon Sue Ellery**

**CURRAN, MR PHIL,**  
**Chairperson,**  
**Peel Action Group,**  
**examined:**

**GARE, MR GEOFF,**  
**Member, Peel Action Group,**  
**examined:**

**The CHAIRMAN:** You would have signed a document titled "Information for Witnesses". Have you read and understood that document?

**Mr Gare:** Yes.

**Mr Curran:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard please quote the full title of any document you refer to during the course of this hearing, and please be aware of the microphones. I remind you that the transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, members of the public and media will be excluded from the hearing. Please note that until the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Do you wish to make an opening statement?

**Mr Curran:** Yes. I thank the committee on behalf of the Peel Action Group. Our previous submission was presented by our past president.

**The CHAIRMAN:** Yes, we have a copy of that.

**Mr Curran:** The Peel Action Group has been in existence for seven or eight years, from the origins of the Peel regional scheme which commenced in the early 1990s right through until today, but it has not been gazetted in the year 2000. It has been a long, drawn-out exercise for everybody. The standing committees seem to change from Parliament to Parliament and I was wondering whether this committee has a date to get some resolutions, otherwise we will see this flow-on effect, which does not do anybody any good.

**The CHAIRMAN:** This is a committee of seven members representing all parties in the Legislative Council and five out of the six regions. The committee was constituted in approximately May last year and will remain here for the life of this Parliament. We still have a current life of two-and-a-half years before we become defunct.

**Mr Curran:** I appreciate you have a lifetime, but is there any sort of a time limit on when there will be a decision, as previous standing committees never came to a final decision for the benefit of anybody.

**The CHAIRMAN:** We have a firm commitment to report before this Parliament concludes, you can be rest assured of that, and our current goal is to report by about the middle of next year.

**Mr Curran:** There is some hope there then. I will raise some points and perhaps we can then discuss the small submission we have presented as a separate issue. The basic principle is that the Peel Action Group would like all the private land in the Peel regional scheme removed where it is not necessary for essential services, and that fair and just compensation be awarded to those landowners who are required to surrender property for essential services, which is not currently the case. A solution to this would be the creation of a joint management plan between the Peel regional park management and the other private landowners where the nature corridor is required as shown on the Peel regional scheme. That would result in a similar system to LandCare, instead of having resumptions and innuendos hanging over our heads for the next 30 to 50 years. We believe the only outcome that will solve our problems is for there to be a constitutional change; a process should be implemented to resolve the current crisis throughout the State in respect of all private property rights. All private property rights should be placed in legislation covering state agencies and planning. As members would be aware from the submission presented to the previous committee, there are in excess of 120 different agencies and policies concerning the resumption of land or, in some cases, tactics about how to get land off landowners for no cost whatsoever. Some agencies have charters stating they are not to pay anything of value to get the land from private landowners. Private land ownership is a cornerstone of our democracy and of capitalistic society. Whether it is good or bad, that is the way we live. We have this sort of constant threat from government departments over everybody in this State who owns private property, which is a bit of an unjust system. That is an opening statement and my other points are in my submission.

**The CHAIRMAN:** Perhaps if you can highlight some of those points.

**Mr Curran:** We have discussed this at length with the committee. As stated, hopefully there will be an outcome before a change of Government. The intimidatory nature of government officials and their attitude towards the public when involved in compensation deals is obvious. There is a much more modern approach to planning and the resumption of land. The current method, especially with the Peel regional scheme, is the old traditional system in which the Government or a department feels it has the right to resume land in a willy-nilly fashion that it may or may not need in the next 30 to 50 years, and not for any documented and specific purpose.

**Mr Gare:** I must add that the problem we have with this is that it extends the powers of the Perth regional planning regime into country areas. We see government agencies come up with wish lists of private land they wish to acquire. They have all the legislative powers to blight country and, as Phil says, to set it aside for use at such time as they nominate. In the meantime, the hardship created, and the personal economic loss and despair, is untold. As we have stated previously - as Phil mentioned today - the problem lies with the state Constitution, which makes no provision whatsoever to protect the interests of private property owners in cases when certain causes for resumption or blighting are nominated. They usually relate to conservation. In the Peel region, that has been very much the case. Initially, 14 000 hectares of private property was set aside; prime riverfront country on the Serpentine and Murray Rivers was gazetted for conservation park use. After an uproar from the 300-odd landholders involved, it was amended to flood protection. That is the most

nebulous definition of a means to take control of private land that a person could come by. It offers the scope for government agencies to steal the land from private owners and transfer it later to other agencies such as LandCorp or another agency to sell at a profit. The fundamental ethics of private land ownership are very much at stake in these situations. The Peel region is the first to cop the extension of Perth city's powers and ways of doing things. Successive Governments have been somewhat afraid to gazette the Peel regional plan. The plan is proceeding but it is not going through Parliament, so there will be no questioning of it. As Phil said, the landowners involved face 30 to 50 years of uncertainty.

**Hon MURRAY CRIDDLE:** What is your plan of action?

**Mr Gare:** If the Government requires the land to be used in the public interest it should purchase it at the market price. If it does not have the money to purchase at the market price it should not take the land or affect the ownership of the land.

**Hon MURRAY CRIDDLE:** That gets us back to Phil's point about the Government adjusting land for essential services.

**Mr Gare:** There are two different things here. The previous Government got close to some resolution of one problem when it got the Department of Land Administration to address the problem of coordinating all government agencies that require land. That never got past first base. It is not just Western Power; there is the Water Corporation and other agencies that regard private land as fair game. The committee would be aware of the property south of Pinjarra in which five utilities are going through; it was one of the most valuable properties in the State and it has been rendered virtually unmanageable in large sections. LandCorp was instructed by the previous minister to look seriously at coordinating negotiations with landowners by streamlining the needs of all public utilities. It would cause the least amount of disruption to landowners. Where possible, the idea was to purchase land so that an owner could take the best price and relocate or do whatever he needed to do. Public utilities were to all follow the same route and cause the least amount of disruption. The solutions are all there; they have been discussed at least 15 times. People still have to put their own time at stake to constantly present submissions without any result. Everyone knows the solution but it is not going anywhere.

**The CHAIRMAN:** Phil used the word "resume". Correct me if I am wrong, but the word refers to not only compulsory acquisition but any government action that blights a piece of land.

**Mr Curran:** Correct. To us, a reservation is the same as a resumption.

**Hon ED DERMER:** I would like to pursue a matter. I believe Mr Curran said that some government agencies had a policy of acquiring private land without paying compensation.

**Mr Curran:** Correct.

**Hon ED DERMER:** Do you mean without payment of any compensation?

**Mr Curran:** Correct.

**Hon ED DERMER:** Are you able to say which government agencies?

**Mr Curran:** The only one I know of personally is the Environmental Protection Authority.

**Hon ED DERMER:** That is its stated policy?

**Mr Curran:** Yes, no compensation whatsoever. It is not allowed to pay compensation because of its charter.

**Hon ED DERMER:** My understanding is that the EPA is not acquiring land on a regular basis.

**Mr Curran:** It is one of their tricks; they can claim something and say that they are not allowed to compensate.

**Hon ED DERMER:** It makes recommendations to other bodies that can acquire land. I imagine that other bodies would pay the compensation.

**Mr Curran:** We have had discussions with the planning commission and the EPA to nail down exactly how the compensation system works. In all honesty, the closest we got was about 18 months ago when it was prepared, at that stage, to try to write a new document that the average individual could understand. All the correspondence we have received has been very intimidatory. It states that it will do this and that, and that the individual can do nothing. When a person fronts the departments they will say that they do not quite mean that and that the situation is not as bad as that; they say they can arrange to go this way or that way. We need to arrive at a format that the public can understand. If the department does not mean to take land off someone it should say so.

**Hon ED DERMER:** The EPA will make recommendations to another body?

**Mr Curran:** It will act as a purchaser.

**Hon ED DERMER:** The other body will pay compensation?

**Mr Curran:** Yes, under their terms. It may turn around later and say that it does not want the land. That is the policy with some of the reserves. Some regional open spaces are taken for environmental purposes but when it comes to settling a deal the department does not want it. It will say that it does not want to talk about it.

**Hon ED DERMER:** On the same piece of land that the planning commission is moving to restrict?

**Mr Curran:** Yes, through the Peel regional scheme.

**Hon ED DERMER:** Restriction of use of land without offer of compensation?

**Mr Curran:** Yes.

**Mr Gare:** There is an extension to that as well when we talk about agencies taking land for no compensation. There is a grey area with the Western Australian Planning Commission. From our membership, we are aware of a number of instances in which people have become desperate. The WAPC has asked people for their riverfront land - which may now be part of a reservation - in return for approval of a subdivision on other property. This is a sort of thing that goes on.

**The CHAIRMAN:** Is that ever in writing?

**Mr Curran:** There is a case attached to this document. It is a case against the WAPC.

**Hon ED DERMER:** Was an offer presented in writing?

**Mr Curran:** The written article refers to Temwood Holdings Pty Ltd v Western Australian Planning Commission. It is attached to my submission.

**Hon SUE ELLERY:** We have some articles attached about federal government plans to secure property rights.

**The CHAIRMAN:** Is there anything else in these documents that you want to enlarge upon?

**Mr Curran:** The only other thing I want to expand on is that when a scheme is put into place through planning by a department, there never seems to be any public notice of it. The Real Estate Institute of WA is never involved and cannot warn or advise people of what is about to happen. In many cases, people have come to our group after purchasing property and then found out that they are involved in the Peel regional scheme. They have invested money in property for lifestyle or superannuation purposes, and then discovered a huge blight attached to it. A real estate salesman has no obligation to tell purchasers that in the first place. He is there only to do the deal. An example I have included is that of a property on Hampton Road, Pinjarra. It is about 15 acres; that is about six hectares. It is advertised as "future residential" for \$145 000. It seems like a very good deal. The property is zoned rural at the moment; it is not future residential at all. It is also owned by Homeswest and is in the Peel regional scheme. It is destined to become a natural resource protection area. That means that whoever buys the land has very little chance of doing anything with it apart from getting back to the EPA. That we have a system in which that sort of thing goes on and the public can be misled or coerced into buying such land - especially when the State Government is involved - highlights the problems with this process. Things drag out and people get caught in the loop through no fault of their own.

**Hon ED DERMER:** Are you suggesting the need for a centralised and user-friendly source of information?

**Mr Curran:** People should be aware. It does not matter whether it is the Peel regional scheme or something in Bunbury or the wheatbelt. There are always proposals and people get caught in the loop without being aware of them.

**The CHAIRMAN:** How many people are in your Peel action group?

**Mr Curran:** About 35 to 40 people are physically involved. We represent close to 300 people, mostly landowners.

**The CHAIRMAN:** You said that prime riverfront land was not being used for agriculture.

**Mr Curran:** Yes, anything covered by the Peel regional scheme. The majority of it is riverfront and wetlands. There are urban and environmental issues.

**The CHAIRMAN:** Without mentioning names, can you highlight a few case studies of the impact of the current situation on individuals?

**Mr Curran:** I am not personally involved with some of the individuals to know them on that sort of basis. However, you hear stories through people who have been involved with the scheme since its inception of the associated health problems, family disasters and people who have had their life savings tied up in a property that is now unsaleable. There are plenty of verbal examples of hardship. Geoff may be able to expand on some of those personal stories but I do not know the people personally.

**Mr Gare:** At every rural property along the Murray and Serpentine Rivers, there will be a problem to the extent that some people have built houses on their riverfront areas and found that the reservation lines go through their house. Some years ago people purchased property as their superannuation for sums of up to \$8 million. Now, they would be lucky to realise \$2 million for those properties because of the reservations

covering just about all of them. It is area that is claimed, as I mentioned earlier, as floodway protection but it lies along the route for the freeway and it involves areas for utility. Local government is saying that this is where our future recreations areas will be once the Government has stolen the property from the owners. This is the sort of thing that is going on at the expense of private individuals. You only have to drive along the Pinjarra Road towards Pinjarra and see the one or two "For Sale" signs there. One of them in particular bears direct resemblance to the blackmail story I mentioned involving the Western Australia Planning Commission, where there is a possibility of some subdivision on the road if the river front country is relinquished. That is under a reservation that is technically loose but the Government has given its bureaucracy the power to do this sort of thing to private owners.

**The CHAIRMAN:** Do you think there is a place for government agencies to negotiate with private owners on land swaps?

**Mr Gare:** There is a place for that, provided those sorts of things are at a fair market value. The experience we have is that as far as government agencies are concerned, private land is of little or no value.

**The CHAIRMAN:** You have just about covered everything. Is there anything else you want to add in terms of your submission?

**Mr Curran:** No thanks.

**The CHAIRMAN:** We have copies of your previous submission plus today's submission. Thank you very much for your time.