



Premier's Circular

Number:	2021/09
Issue Date:	04/11/2021
Review Date:	30/06/2025

TITLE

PRIVATE PROPERTY RIGHTS CHARTER FOR WESTERN AUSTRALIA

POLICY

The State Government has adopted a Private Property Rights Charter for Western Australia (The Charter) (**Attachment A**) which aims to ensure proper regard is given to the rights of private land owners.

Public officers should have regard to the principles in the Charter when contemplating or taking government action which may adversely affect private property rights in land. This Circular applies to all entities covered by the *Public Sector Management Act 1994 (WA)*. In addition, those entities listed in Schedule 1 of the Act are encouraged to comply.

BACKGROUND

The Government is committed to ensuring fairness, transparency and certainty for private land holders when Government actions may affect the value, enjoyment or ownership of privately owned land throughout the State.

The Private Property Rights Charter sets out principles to inform the decision making process of public officers.

Except where otherwise indicated, this Charter applies to the following government actions which may adversely affect private property rights in land:

- Making or amending laws or subsidiary legislation for the compulsory acquisition of privately owned land;
- Making or amending laws or subsidiary legislation which restrict the use of privately owned land;
- Compulsory acquisition of privately owned land; and
- The exercise of statutory powers which may restrict the development or use of privately owned land (including by refusing to grant a permission which will relax those restrictions).

This Charter is intended to guide public officers in the choices available to them when exercising relevant statutory powers. It is not intended to affect or alter the conditions provided by statute or the common law for the valid exercise of any statutory power. Public officers must continue to exercise those powers in accordance with all applicable statutory procedures and requirements. Government action which adversely affects private property rights in land may only be taken as authorised by, and in accordance with, the law.

Mark McGowan MLA
PREMIER

For enquiries contact:	Brett Sadler (08) 6552 5227 Director, Economic and Deregulation Department of the Premier and Cabinet
Other relevant Circulars:	n/a
Circular/s replaced by this Circular:	2014/04