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LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

R Knight

12th November 1997

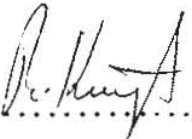
The Research Director,
Legal, Constitutional and Administrative Review Committee
Parliament House,
Brisbane, Q. 4000.

Dear Sir,

Enclosed please find a submission on the Preservation and Enhancement of
Individuals' Rights and Freedoms.

Thanking you,

Yours faithfully,



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R Knight

SUBMISSION

Preservation & Enhancement Of An Individual's Rights & Freedoms In Queensland

The Electoral and Administrative Review Act of 1989 refers to the Preservation and Enhancement of an Individual's Rights and Freedoms.

The Issues Paper refers to a report in August 1993 addressing the issues of Preservation and Enhancement of an Individuals Rights and Freedoms.

In analysis, that 1993 report studied just which particular rights should be included in any Bill and produced a Draft Bill of Rights.

The Issues Paper sets out the basis for assessing human rights and confirms Australia's acceptance of International standards, particularly in the protection of individuals from oppression and State interference, and also the right to own property.

From the above undertakings a question must arise as to how Government at all levels continues increasingly to place restrictions over private freehold lands, for purely aesthetic and cosmetic reasons, against an owners wishes and without any form of compensation.

Why should a landowner be forced to take court action at his own cost, inconvenience and mental strain, in an attempt to protect his private assets from unwarranted intrusions? An owner, trying to prove his innocence, takes such actions against unjustifiable intrusion knowing full well that his resources cannot match those against which he is pitted.

Surely preservation and enhancement of personal freedoms and rights calls for a balance to be a component of Common Law.

Additional breeches of commonly accepted rights to freedom from discrimination exist when the owners of rural land are treated entirely differently to owners of urban land.

Should authority wish to take control over an urban parcel of land it is usually through resumption with appropriate compensation. Should authority covet some attribute of rural land, control, particularly in recent years, is increasingly exercised through planning or perceived environmental control, without compensation or adjustment to valuations or rates charges.

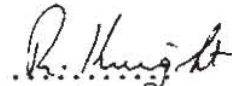
These matters when raised with the Anti-discrimination Commission drew the expected response that such blatant unfair treatment was "not within the grounds or areas covered by the Legislation" - in other words it was too hard.

It is the Legislation which allows these acts of discrimination and oppression to occur.

It would appear that the Legislative Standards Act 1992, if it is an acceptable standard, either requires enforcement or review, as recent Legislation has denied rural owners the principles of natural justice.

Is it considered that a properly prepared Bill of Rights would address these issues for owners of private freehold land in rural areas, whilst authority continues to enact legislation which progressively erodes freedom and privacy, and reduces the standard of living of rural people?

While Courts find in accordance with Legislation, the current system cannot be seen to be operating to an acceptable standard or in the best interests of the individual in preserving or enhancing his rights.


R Knight