



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

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VEGETATION MANAGEMENT AMENDMENT BILL

Mr FELDMAN (Caboolture—CCAQ) (4.46 p.m.): There are many facets of our culture and heritage that are important to Australians, and one very prominent part of that culture revolves around the absolute immutability of freehold title and the rights bestowed by that tenure. Freehold title is the cornerstone of our society. It is the ultimate dream of most Australians to own their own home or a property that has been handed down to them through three or four generations. Many rural Australians work from dawn till dusk for most of their lives just to be able to establish a property to pass on to their children. That same process was repeated generation after generation as industrious pioneers aspired to own their own little piece of Australia. It has not been easy. These founders of our nation have endured flood and famine. They have battled depressed commodity prices and financial pressures, but they have loved the life; they owned their property, generally in partnership with their bankers. And I acknowledge what was said by the previous speaker: they were masters of their own destiny.

Those people have an affinity with their land and, with few exceptions, they are ultimately conservationists. They know the capacity of their property and they know that, to achieve maximum viability, they must respect the land and operate it in a sustainable way. They have pride of ownership and have been prepared to invest in their properties with the confidence and security afforded to them by freehold title.

Anyone who requires further evidence of the security of freehold title need look no further than the judgment by the Full Bench of the Australian High Court. This assumption of absolute rights bestowed by freehold title is not just a figment of the landowners' imagination. It has been codified by the courts of our nation. In August 1923 in the case of the Commonwealth versus the State of New South Wales the High Court of Australia clarified those rights as being—and I cannot help but quote it again; and probably other speakers will do the same—

"... the most extensive in quantum, and the most absolute in respect to the rights which it confers, of all estates known to the law. It confers, and since the beginning of legal history it always has conferred, the lawful right to exercise over, upon, and in respect to, the land, every act of ownership which can enter the imagination."

But they did not expect this legislation to enter their imagination.

This judgment was referred to by the High Court in the case of *Mabo v. Queensland (No. 2)* (1992) and most recently in *Fejo v. Northern Territory* in 1998. At paragraph 93 of that judgment, Justice Kirby quotes directly the passage quoted by Justice Isaacs in the *Commonwealth v. New South Wales* of 1923. The evidence is crystal clear. This Government has thumbed its nose at the rulings of the High Court of Australia, reinforced at least twice by the same authority and as recently as 1998. It does not have that right.

This Government does not have the right to ride roughshod over the rights of the citizens of this State. It demonstrated that cavalier and dictatorial attitude, as the honourable member for Keppel said, when it used its numbers to gag the debate and railroad this legislation through the Parliament. But to attempt to take away the basic right of Queensland landowners is an even more serious breach of the powers mandated to this Government by voters who expected it to use those powers far more responsibly than it has with this piece of legislation.

This is a knee-jerk reaction by a Government that does not understand the nature of farming in this State and does not care. It is driven and controlled by the loony Left environmentalists and cannot come to grips with the fact that the vast majority of supposed tree clearing is actually regrowth control, a phenomenon which is not so prevalent or necessary in other States. No doubt we are paying the price for what those other States have done. This Government cannot accept the fact that the vast majority of landowners are deeply involved in the sustainability of their farming operations. Many are involved in Landcare groups and take a proactive approach to sustainable property management.

I am afraid that all of the farmers up in Caboolture, where I live, and in Kilcoy and Woodford, where I grew up, kept their chain to the acre; they looked after the land. This Government cannot accept the fact that those farmers have the sustainability of their farming land at heart. Were the Government to take an encouraging rather than bludgeoning approach to conservation, the result would be a far more satisfying and satisfactory outcome.

Restricting the ability of a freehold landowner to use his land to make a lawful living amounts to theft. There is no other description for it. This legislation has the potential to cost some freehold landowners their livelihood and their rights—rights which have been so clearly codified by the ultimate court of the land—and they have been taken away from them without compensation. As the previous speaker said, they have done it hard and have done it hard for a long time. Now they are going to do it even harder, but I do not see them cry. Will the Minister be prepared to face those people, look them in the eye and say, "I'm sorry. But to appease the environmentalists I have had to prevent you from making a living and have condemned you and your family to financial hardship." Maybe he will have to get his boss to do that. His boss is good at saying sorry, due mainly to the damage that he has done in the short stint he has had at the helm.

The City Country Alliance supports the right to farm. We acknowledge that much of our farming and grazing is carried out on leasehold land and that lease conditions can change from time to time, provided that those changes are made in compliance with the terms of that lease. In fact, it is rather ironic that in earlier times one of the main requirements to comply with the lease conditions was that the leaseholder had to undertake to perform a nominated amount of clearing and pasture development per year—very ironic. Now the opposite is the case.

With conditions becoming more and more restrictive, as unpalatable as that is, that has always been the risk with leasehold tenure. But it should be vastly different with freehold title, to the security that one would expect from freehold title. The extra cost of freehold land should be reflected in that superior security—the type of security that was outlined three times by the High Court and the type of security that encouraged banks and financial institutions to lend money against freehold land as one of the best and most secure forms of collateral. But with one stroke of the legislative pen, the Minister has undermined confidence in the security of freehold title. Many a rural bank manager will be preparing the "for sale" signs as he analyses the debt to equity levels of his farming clients whose equity has slumped because of the devaluation of their freehold land. This legislation has savaged not only their equity but also their cash flows as they struggle to maintain gross income without the opportunity of further development.

The Federal Government has realised the inadequacies of this legislation in its original form and has refused to fund it. To seek to gazette part of this Act would be an absolute travesty of parliamentary procedure. The Act must be repealed in its entirety and the Government's next attempt to come up with replacement legislation must be again debated fully in this Parliament. We reject this legislation in its entirety.
