



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

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VEGETATION MANAGEMENT LEGISLATION

Mr FELDMAN (Caboolture—CCAQ) (6.45 p.m.): It is with pleasure that I rise to support the motion of the member for Barambah which was seconded by the member for Gladstone. I take note of what the member for Everton said. He hit the nail right on the head when he said that the peak industry groups were not representative of their grassroots members' interests in this particular issue.

The extent of the concern about this issue, especially in the areas of the City Country Alliance Queensland members and the Independents, should be noted. This issue is not just about tree clearing. It is not just about the disruption to farming operations and the destruction of the viability of thousands of family farms. It is not just about the destruction of the livelihoods of thousands of battling Queenslanders and the trampling of all their hopes and aspirations built up over several generations. This issue goes deeper than that. This is about the removal of one of our most basic rights, an inalienable right that was bestowed by freehold title, which has forever been the cornerstone of our society. It has been every Australian's dream to own his or her own little corner of this great country, whether it be a quarter acre block in suburbia or the family farm. Generations of Australians have drawn great comfort from the security afforded to them by their freehold title over their own little corner of Australia or, in this case, Queensland.

This assumption of the absolute right bestowed by freehold title is not just a figment of landholders' imaginations. It has been codified by the courts of our nation. In the August 1923 case of *The Commonwealth v. The State of New South Wales*, the High Court of Australia clarified these rights in what is now known as the *Royal Metals* case as being—and it has already been quoted, but I will quote it again, because we have to get it through someone's head—

"... 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."

Mr Seeney: It's called freehold land.

Mr FELDMAN: That is called freehold land; that is correct. 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* 1998. At paragraph 93 of that judgment, Justice Kirby quotes directly the passage quoted by Justice Isaacs in *The Commonwealth v. The State of New South Wales* of 1923.

The evidence is crystal clear. What this Government has done is thumb its nose at the rulings of the High Court of Australia, reinforced at least twice by that 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 when it used its numbers to gag the debate and railroad this legislation through the Parliament. But to attempt to take away a basic right of Queensland landowners is an even more serious breach of the powers mandated to the Government by the voters who expected it to use those powers more responsibly.

This is the most gross attack on private property rights that I have ever seen; it is even more offensive than the resumption of the land at South Bank last year. This is a knee-jerk reaction by a Government which does not understand the nature of farming in this State and blatantly 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 the supposed tree clearing is regrowth control—a phenomenon which is not as prevalent and necessary in other States as it is in Queensland. The Government cannot accept the fact that the vast majority of landowners are extremely concerned about and involved in the sustainability of their farming operations. Many are involved in land care groups and take a proactive approach to sustainable property management.

If the Government were to take an encouraging rather than bludgeoning approach to conservation, the outcome would be a much more satisfactory one. The Federal Government has realised the inadequacies of this legislation and has refused to fund it. To seek to gazette part of this Act would be a travesty of parliamentary procedure. This Act must be repealed in its entirety, and the Government's next attempt to come up with replacement legislation must be debated fully in this House.

Time expired.
