




Speech By  
**Colin Boyce**

**MEMBER FOR CALLIDE**

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Record of Proceedings, 1 May 2018

## **VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr BOYCE** (Callide—LNP) (5.00 pm): The Vegetation Management and Other Legislation Amendment Bill is a direct attack on the rights and interests of rural people in Queensland. The Land Title Act clearly gives total and absolute security and tenure and absolute ownership rights to the holder of freehold title. Any reservations or interests in a lot that accrue to the benefit of other persons, including the state, must be registered in the land titles register and duly noted on the freehold certificate of title. The object of the Land Title Act is to consolidate and reform the law regarding the registration of freehold land interests in freehold land and in particular to define the rights of persons with an interest in the regulation of freehold land.

The application of the revised Vegetation Management Act over freehold land has the potential to cause substantial economic burdens through the direct loss of productivity and ensuing loss of productive potential that is granted to freehold title holders throughout the state. Amending the proposed section of the vegetation act will remove all elements of doubt surrounding the legality of the act's application on freehold land and remove any liability by the state for compensation for loss of production on freehold tenure. Freehold title has granted absolute security of tenure and absolute ownership rights to the holder of freehold title. These are the rights that should be upheld by any government that wishes to be regarded as the government of the people. For thousands of years people have fought over property rights and certain freedoms. Australian soldiers are still giving their lives today to defend these rights. As stated by Justice Mason in the High Court of Australia—

If the courts of common law do not uphold the rights of individuals by granting effective remedies, they invite anarchy, for nothing breeds social disorder as quickly as the sense of injustice which is apt to be generated by the unlawful invasion of a person's rights, particularly when the invader is a government official. The appellant is entitled to have his right of property vindicated by a substantial award of damages.

Dan McDonald states in his submission that this bill is an absolute violation of justice and that, as evident in the explanatory notes, the writers of the bill openly acknowledge that this bill does not comply with the Legislative Standards Act 1992. Socialist ideals or otherwise, there is no lawfully justifiable excuse for any bill to proceed when it is noncompliant with the Legislative Standards Act.

Fundamental principles of real property law are embedded in the Australian Constitution, the Property Law Act 1974, the Land Act 1994 and the Land Title Act 1994. The *Land Title Practice Manual* is given statutory recognition by section 9A of the Land Title Act. The *Land Title Practice Manual* provides the following description of freehold land—

Land is any part of the earth's surface which can be owned as property, and everything annexed to it, whether by nature or by the hand of man.

It further states—

Land tenure is the means of identifying who has the right to use and occupy land in accordance with the varying degrees of ownership.

Security of tenure is a term which is commonly used to differentiate between the 'value' of certain tenures. For example, freehold is considered a more 'secure' and valuable tenure than State leasehold.

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Outright freehold title is where the land has been alienated from the State and the ownership rests with the individual owner for an estate in fee simple. This simply means that the State has no right or claim to the land and, should the State require the land, it must acquire it from the owner either by negotiation or by resumption and payment of compensation. However, with very few exceptions, all minerals and petroleum are reserved to the State. These reservations were extended to include quarry material as from 31 December 1991.

The most offensive provision in this entire bill is without doubt clause 4, which seeks to amend section 19O. This provision seeks to remove the rights over the property which reside in the registered name of the owner's title and place those rights in the hand of the minister. This is undeniably unlawful. It is then asserted that the right to the effective use and benefit of the landholder's private property will then be allowed or denied at the sole discretion of that minister. Such a position not only clearly constitutes the taking of that property in a manner inconsistent with the fundamental principles of property law but also clearly constitutes the crime of trespass. It is worth noting that the violation of justice that is embodied in this bill only arises as a direct result of the failure of the government to comply with the fundamental principles that are legislated within the Legislative Standards Act 1992.

I drove 3,500 kilometres across the breadth of Queensland to attend vegetation management hearings in Rockhampton, Cloncurry and Charleville. With the exception of committee members, there was nobody present from the government who pushed this legislation. They are not interested in the views of rural people, the true conservationists. Their arrogance is monumental. This bill is not about achieving environmental outcomes: it is about appeasing Green ideology so the Labor Party can remain in power. This morning hundreds of people gathered at the gates of Parliament House asking to be heard by the government which is advocating this bill; however, they were ignored. This was a most shameful act of treachery by a government that claims to support farmers. I do not support this bill in any way, shape or form.