

Home Address: NSW

PH  
FAX.

**COUNCILLOR BEVAN O'REGAN  
MEMBER OF "CONSTITUTIONAL PROPERTY RIGHTS COMMITTEE"  
AND THE NARRABRI SHIRE COUNCIL**

**"Impacts of Native Vegetation & Biodiversity Regulations"**

My submission is based on the premise that Sepp 46 and the Native Vegetation & Conservation Act 1997 is flawed in many instances particularly where it contravenes Local Governments use of States Planning Act called the 1979 Environmental & Assessment Act (1979 E. P. & A. Act).

I will be as brief as possible.

Land & land use is the charta of Local Government.

In 1976 a three year inquiry was carried out called the Royal Commission into Land Tenure.

Sir Justice Else-Mitchell chaired this inquiry.

The "Inquiry" was commissioned under Letters Patent by Sir John Kerr, Governor General.

The 1979 E. P. & A. Act was a direct result of this enquiry as a guide to continuing and existing use of land & property rights.

Local Government held and holds the key to property rights and issues certificates (S149) called 149 certificates to guarantee "use".

"Existing use" in prohibited areas is (S106), "Continuing use" is explained in (S107) and guaranteeing continuing this use is (S109B).

My arguments are against the premise that the 1997 N. V. & C Act can overrule the E.P. & A. Act.

The 1979 E.P. & A, Act must take precedent. Further, relating to the Royal Commission of Enquiry of 1976 the pertinent section is the chapter on compensation.

As we know all Acts of Parliament are bound by Common Law and the history of Common Law is via the Magna Carta.

On "Compensation" the Commission of Enquiry is explicit when it says;- "Thus Magna Carta 1215 C29, guarantees that no free man shall be dispossessed of his freehold or liberties or free customs, but, by the law of the land."

This simply means with attempting to lock up land use under Vegetation Laws, it is subject to compensation forever - a cost no country could ever afford.

With regard to the Wilderness Act this has now made inroads into land values in our Shire of Narrabri.

Almost 22,000 ha of land has been clouded under a veil of wilderness.

This land is now unsaleable and so the rating value is decreased very measurably,

My brief submission is based on my 21 years as a Shire Councillor, my 51 years as a farmer and my 12 months as a member of the Constitutional Property Rights Committee (C.P.R.C.)

I have made arrangements to attend the hearing in Moree on 20 August 2003.

My sincere apology for this late submission.

I would like to follow up this with verbal support on 20 August.

Yours sincerely

Councillor Bevan O'Regan