Submission to the
Inquiry and Review
of the
Charter of Human Rights and Responsibilities Act 2006
from the
Land Owners Rights Association Inc.


LORA believes the ownership of property is an inherent human right and accordingly “Property Rights” rank equally with “Human Rights”. This basic understanding is supported by Article 25.

For very many years Property Rights have been subjugated by Government legislation and Local Government regulations. In particular conservation, biodiversity and other forms of environmental legislation have been and are given priority over Property Rights when applied to the use of privately owned land and are done so without compensation of any kind.

Much of this derogation of Property Rights has been incorporated within Government planning legislation catering for population growth and consequent development needs. The Green Wedges are the best example.

The reason why Property Rights have been overruled by environmental legislation is due to the political agenda of minority groups claiming catastrophic consequences for endangered species, wildlife in general and the biodiversity if land and water are not retained in their natural state. In this regard international events have had a significant effect on the population at large. For example, the “Save the Whale” project has had a large impact due to the dramatic action of the competing forces seen on television. Also there is no doubt individuals respond to emotive matters that have to do with Mother Nature. Visual evidence of animal motherhood provokes a complimentary instinctive reaction in humans. The subjectivity of environmental considerations can easily outweigh pragmatic appreciations of anticipated benefits of any land usage by mankind.

Unfortunately when subjective environmental propaganda is converted to legislation it has the advantage of not being constrained by any State Government constitutional property rights safeguard as there is with the “just terms” provision of The Australian Constitution.
This has enabled many forms of environmental legislation to be passed without Government concern for the consequences of ignoring or offending the rights of property owners. As a group, property owners are a minority and are sometimes portrayed as a very privileged and wealthy class who exploit the environment for selfish purposes.

These misleading perceptions have prevailed to such an extent Governments have seen environmental concerns as a vote winning “cause celebre” and have never given due consideration to the effect of environmental legislation upon the excellent economic effects of respected Property Rights. Governments have overlooked a complete and proper analysis of the beneficial economic relationship between human rights and property rights.

Nor have Governments given due consideration to the combined and related effect of human rights and property rights as the basic components of our once free, open and successful society. Erosion of economic human and property rights has seen more and more government intrusion into personal activity and liberty.

Giving preference to the animal and plant kingdom now prevails over the economic needs of human beings because Property Rights have not been economically equated with Human Rights. Yet if Property Rights are not equated with Human Rights the effect upon our society is that it reduces the economic status and dignity of the individual to that of a faceless non-entity in an overwhelming crowd and so destroys the opportunity for sustenance and wealth creation by both the individual and the State.

One could be excused for believing the surreptitious use of the environment and biodiversity to this end is conducted by a group bent on the destruction of economic progress in order to obtain and hold political power. It is not for the benefit of the birds and the bees.

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