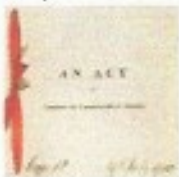


News

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"THE QUEEN" - DECLINED TO STOP GOVERNMENT LAND THEFT



Property rights activists believe serious civil unrest took another step closer in Australia when Queen Elizabeth II on September 2, 2010 declined to assist a Queensland age pensioner obtain compensation for the "Government theft" of her beachside land.

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Property rights activists believe serious civil unrest took another step closer in Australia when Queen Elizabeth II on September 2, 2010 declined to assist a Queensland age pensioner obtain compensation for the "Government theft" of her beachside land.



For seven years, Mrs Catherine Burns, the widow of a retired Queensland policeman, has been fighting the State Government for compensation after it declared her 26 acre freehold allotment at Cardwell, Far North Queensland, a 'known mahogany glider habitat'.

The Department of Environment and Resource Management has refused Mrs Burns permission to clear any part of the regrowth tree cover on her land for the building of a retirement cottage.

The 76 year old was forced to sell her Innisfail home in a depressed property market four years ago, to pay annual local authority rates and charges of \$6000 on her property. **"I pay rates but can only walk on my land now, it is of no use to me,"** a clearly upset Mrs Burns said.

"It can't be built on and because of State Government legislation it has no value, yet a lot of

other blocks near here have been developed, in fact the property next to mine which was the same acreage as mine has been subdivided and sold."

Mrs Burns' land lies directly opposite the world renowned Hinchinbrook Resort and the Whitsunday Passage.

In 2004, correspondence to the State MLA Mark Rowell from Environmental Protection Agency Director General James Purtill stated, "Mrs Burns property is not within a protected area and is not included in the current draft Mahogany Glider Plan.

"The draft plan only addresses mahogany glider habitat on State land, with one exception, the freehold landholder desires that the property be included," Mr Purtill wrote. Two years ago Mrs Burns applied to the State Government for housing. Her application was refused because she 'owned land'- the land at Cardwell on which her ownership only allows her to pay council rates.

Then the Federal Government delivered Mrs Burns another cruel blow several weeks ago by deducting \$100 fortnightly from her age pension, because she 'owned property' at Cardwell. In 1968 Mrs Burns and her husband Duncan, a serving police officer, purchased the property at a State Government public auction and the title Deed of Grant in Fee Simple was transferred to the couple.

Ironically one condition of sale stated the block had to be cleared and improved within two years.

The Burns' had the block selectively cleared within the contractual time frame leaving an aesthetically pleasing allotment ready for their retirement. The Monarch's refusal to intervene has reverberated throughout other Commonwealth countries, but in particular, regional Australia where property rights groups have received an avalanche of inquiries.

The long-running battle with the State and Federal Government has angered and aged Mrs Burns who has been unable to afford legal assistance or sell her land at a reasonable price.

Another former policeman, from an entirely different background, stepped into the fray in 2003 when he was told of Mrs Burns' plight by then National Party Member for Hinchinbrook, Mark Rowell.



David Walter was looking forward to putting up his feet after working for 20 years in remote Aboriginal communities then retiring from the Northern Territory Police as a "country copper" and prosecutor with a penchant for Constitutional law.

Walter described the case as one of the worst injustices he has ever known.

Government and bureaucratic intransigence and incompetence has seen him return to the bar table as a 'friend of the court' to salvage the life and dignity of Mrs Burns in a long-running and often heated Constitutional engagement that came to an end at Buckingham Palace in September.

In reply to Walter's appeal to Queen Elizabeth, her private Secretary wrote, **"....As a constitutional Sovereign, Her Majesty acts through her personal representative, the Governor General, on advice of her Australian Ministers and it is to them that your appeal should be directed...."** **"If Her Majesty can't assist one of her subjects then clearly the High Court is correct in their finding in the controversial 1999 Sue v Hill case, that Britain is indeed a foreign power,"** Mr Walter said.

A Sydney businessman, Henry(Nai Leung) Sue, in 1999, challenged the election of One Nation Queensland Senate candidate Heather Hill using Section 44 (i) of the Australia Constitution. The Court found she was ineligible to sit as a Senator because she held dual citizenship with Great Britain.

"Over the last year I have had many phone calls from lawyers and landowners who have found themselves in a similar position and getting no recognition in any Queensland or Federal Court," Mr Walter said.

"It seems the State Government can do what it likes with people's freehold and leasehold land and not pay any compensation or be accountable for their unlawful actions"

In a letter to Walter, the Minister for the Department of Natural Resources Stephen Robertson said there was no reason why Mrs Burns could not sell her land. "Mr Robertson has in effect placed a caveat over her land for some possible mahogany habitat," Mr Walter said.

"A real estate agent said Mrs Burns would have netted \$195,000 a block for 13 blocks, had she been able to subdivide and sell it, but nobody is interested with the conservation covenant."

In 'the State of Queensland Supreme Court', the matter of Bone v Mothershaw is consistently cited as a precedent in cases dealing with property rights. In it Judge McPherson stated:

"For this severe limitation on his rights as owner, he has received and will receive no compensation, although he continues to enjoy the privilege of paying the rates that the council levies on his land.....He has been stripped of virtually all the powers which make ownership of land of any practical utility or value".

Walter said he was dismayed by the actions of "out-of-control" government departments but was equally concerned that rural landowners throughout the State, whose livelihood had been destroyed by "dubious value" environmental laws, may soon take matters into their own hands.

His seven years of research has led him to the conclusion that the entire Australian system of government has been transformed into a corporation at statutory or civil law. In his letter to Her Majesty Queen Elizabeth, Walter explained that the removal of the Queen as the 'Crown' was initiated by the ill-fated Labor Government of Gough Whitlam when his request to create a 'Royal Style and Titles Act' was granted by Her Majesty in 1973.

The provisions of this Act allowed the statutory laws of this corporate government to reclassify the Queen of Australia as a 'patron' to the corporation, thus holding no sovereignty or no subjects.

Walter says this is evidenced by most if not all State and Federal Government departments including courts having been incorporated and allocated an Australian Business Number for dealings with the public or other entities.

"As such, no laws passed since 1973 have properly received Your Majesty's Royal Assent, because the Governor General now sits within this corporation," Walter explains.

Banknotes had the notation 'Commonwealth of Australia' removed and replaced with 'Australia' and references to the Queen as the Crown in Government literature and in school curriculums was removed.

The Australian system of government had morphed into a type of corporate republic with a fictitious Queen of Australia as 'patron'.

The Governor General, State Governors and the judiciary are inside that corporate structure at the direction of the Prime Minister of the Australian Government.

The State Premiers being members of the Council of Australian Governments also sit within the Corporation.

Perhaps the most revealing legal disclosure in support of Walter's argument in several court appeals came from the High Court of Australia in its refusal to hear the case. In a recent letter to Walter, who holds power of attorney for Mrs Burns, the Deputy Registrar stated:

"Your letter does not appear to raise any matter within the original jurisdiction of the Court. I am unable to assist further."

Originally Walter pleaded that the Queensland Government, since 2001 had been turned into a Republic when the former Beattie Government made changes to the Queensland Constitution, without referendum.

Indeed at a lecture given by then Prime Minister Kevin Rudd to a jobs summit at Mawson Lakes in South Australia on April 20, 2009, he referred to living in and coming from "..... The Peoples Republic of Queensland...." fuelling speculation that Walter was on the right track. Further research, however, showed that the entire system of Australian government already seemed to operate like a republic.

Walter maintains the High Court of Australia is no longer The High Court as cited in the Commonwealth of Australia Constitution Act 1901, Chapter III, The Judicature. "The judiciary is no longer vested with Your Majesty's powers to uphold the common law authority, or swear their oath to Your Majesty for the protection and the upholding of the civil and political rights and liberties of Your Majesty's subjects," he told the Queen.

In the Cairns Planning and Environment Court on March 18, 2004, presiding Judge Peter White savaged the Integrated Planning Act and the Vegetation Management Act during deliberations in Mrs Burns' original appeal against the decision of the Department of Natural Resources.

"She's now the privileged owner of a national park, is she?"

Judge White asked. - "I just find this astounding. Soviet Russia would be proud of these laws.

"...Fair-minded people might well consider that Mrs Burns has a legitimate gripe..."

Prominent North Queensland Independent Member for Kennedy, Bob Katter, in August, tabled a Constitution Referendum Bill in Federal Parliament for an Amendment to force Governments to pay just compensation in such cases where property rights have been removed by Government legislation.

Bill Benstead

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