





Home	Magazine	Opinion	Arts & Letters	Quadrant TV	Shop	Subscribe	Advertise	Contacts	What's On	Search
------	----------	---------	----------------	-------------	------	-----------	-----------	----------	-----------	--------

[\*\*GMP Compensation Lawyers\*\*](#)  
Accredited Personal Injury Lawyers No Win No Fee, First Consult Free  
[www.GerardMaloufPartners.com](http://www.GerardMaloufPartners.com)



[\*\*GMP Compensation Lawyers\*\*](#)  
Accredited Personal Injury Lawyers No Win No Fee, First Consult Free  
[www.GerardMaloufPartners.com](http://www.GerardMaloufPartners.com)



[\*\*Ask a Lawyer Online Now\*\*](#)  
7 Lawyers Are Online. Ask a Question, Get an Answer ASAP.  
[JustAnswer.com/Law](http://JustAnswer.com/Law)



## Doomed Planet

*“Today’s debate about global warming is essentially a debate about freedom. The environmentalists would like to mastermind each and every possible (and impossible) aspect of our lives.”*

*Vaclav Klaus  
Blue Planet in Green Shackles*

### Peter Spencer

*by Justin Jefferson*

*December 21, 2009*

Last Friday I joined a protest of over 80 people at farmer Peter Spencer’s property in the mountains near Cooma. Peter (61), is now past the twenty-eighth day of a hunger strike, perched high above the ground on a communications tower on his property. Looking down from his eyrie he seemed at first somewhat curious and dishevelled, but when he spoke he was lucid, his arguments were cogent, and passions ran high.

Peter Spencer is demanding the Australian government pay fair compensation to him and all Australian property-holders whose property rights were taken without compensation pursuant to the Kyoto Protocol. He also demands a Royal Commission into the way governments acquired those property rights, because it seems to have been deliberately intended to, and did, subvert the constitutional protection against the unjust acquisition of property.

Why is Spencer directing his fire at the Federal government, since it was the State government, through the Native Vegetation Act (NVA) that passed the laws restricting farmers use-rights? The answer is because the Federal government moved the States for, benefited from, and paid them to make these unjust acquisitions.

The Commonwealth decided to meet its Kyoto Protocol targets to reduce so-called greenhouse gas emissions by restricting farmers land use across Australia. Farmers made an easy target compared to power stations or other emitters.

Under the Australian Constitution, if the Commonwealth wants to acquire a person’s property, it must do so on just terms, i.e. pay fair compensation. Since land-use rights form part of the equity of a property, the taking of those rights, and vesting the control and benefit of them in government bodies, is in effect a compulsory acquisition of property rights.

To give you some idea of the scale, Peter Spencer’s property is 12,000 acres, the use-rights of which were in effect confiscated along with his livelihood. One farmer at the protest said these laws cost him \$30,000 a year. Another landowner lost \$1.2 million worth of equity from a 40 acre block of land.

Think of the whole of Australia, and you can see that the value of the property rights thus forcibly acquired without payment, from the entire landscape of property-holders, must run into billions of dollars.

Coveting private property, but not wanting to pay for it, what did the Feds do? They got the States to take it instead. Unlike the Federal Constitution, State Constitutions (except one) contain no provision for the payment of fair compensation for the taking of property. NSW legislation requires it, but the NSW State simply overrode that with ordinary legislation, smacking of rule by decree.

Using the Commonwealth Natural Heritage Trust of Australia Act the Commonwealth gave NSW \$1.2 billion, that it got from the sale of Telstra, for their part in stealing billions of dollars worth of other people’s property.

So Mr Spencer’s case is this. He can’t sue the Commonwealth because, though they sponsored the acquisitions of property, acquired the benefit for their purposes, and are constitutionally liable to pay compensation, they didn’t actually do the deed themselves.

And then he can’t sue the State because, although they acquired his property rights, they aren’t legally liable to pay for it.

In the High Court, the Commonwealth is arguing that the Constitution was not intended to protect against forced acquisitions of property by the executive arm of government! The absurdity, or dishonesty, of this argument should be obvious. If it were accepted, it would make the very idea of private property, and constitutional and limited government, meaningless.

And now to compound the offence, faced with Peter Spencer’s hunger strike, the Commonwealth says it’s all a State matter.

Either it is entirely appropriate to call for the Commonwealth to fix the problem, since they can obviously use the same measures with the States to fix the problem as they did to

**Recent posts**  
Muddle on the Murray  
Finding "lost" rainfall

**Online Opinion list**  
Bill Muehlenberg  
David Flint  
Doomed Planet  
History Wars  
Michael Connor  
QED

 [Subscribe to RSS feed](#)

cause it.

Or the Native Vegetation Acts should be repealed and replaced with nothing.

If you want someone to grow beef, or wheat, or tomatoes on their property, you don't pass a law making it a criminal offence to grow something else. If there is a social need for a person's property which is to be forcibly acquired, then society needs to pay for it. But if society can't afford to pay, then it can't afford to have it and is not entitled to it.

To breach this principle, as the Federal and State governments have done, violates basic ethics, blatantly subverts our Constitution, and is already spelling the end of limited government and a free society.

All Australians should understand that the Commonwealth is implicated up to its neck in what it blames on its accomplices the States, and should join in demanding a Royal Commission into this devious and appalling abuse, and fair compensation for all persons affected by this unprecedented case of massive governmental theft.



[Printable version](#)