

“Kenneth” Comment on : “Palmer skirts WA to launch \$30b claim”, *The Australian*, 14 Aug 2020.

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Kenneth 6 HOURS AGO

People should be aware that Western Australia is not the only state that has draconian legislation that can remove the rights of a legal land owner to the quiet enjoyment of their property without any right of compensation or any right to challenge the change in status of the land. In Victoria, the Aboriginal Heritage Regulations 2018, introduced by the Andrews government, allows any aboriginal or associated person to claim that any piece of land in Victoria has aboriginal cultural significance. Such a claim triggers a process that immediately and severely limits the allowed uses of the land and places onerous obligations on the land owner. It often has the effect of destroying all or most of the commercial value in the land. The claimant of cultural sensitivity has no obligation to provide proof of the claim often relying on some totally unsupported claim of verbal history. The burden of proving that the land is not significant falls totally on the land owner while the government fully supports the claimant. If the land owner continues to use the land as they may have for generations, they run the risk of



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supports the claimant. If the land owner continues to use the land as they may have for generations, they run the risk of unknowingly committing a very serious crime. with the possibility of going to jail and paying an enormous fine. The only solution often for the land owner is either to pay the person's organisation that made the original claim a very high fee to perform a cultural heritage assessment or commence a very expensive and difficult legal battle against the full weight of the Victorian government as the act behind these regulations specially states that the person making the claim is to be believed and that they have no obligation to prove their claims. Most amazingly, the land owner commits a serious crime if they even tells anyone, including the press, as to why the lands was considered of cultural sensitivity. The legislation also specifically denies the land owner any right of compensation. I will let you form your own view of the result of such disgusting law.

Report 

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Reply 

Peter 6 HOURS AGO

An irony is that the WA Parliament is conducting an Inquiry into Private