

## A New Face to an Old Struggle

Private ownership is not a privilege reserved for the rich and powerful.  
Nor is it an 'optional extra' – easily done without.  
Private ownership is the driving force of a democracy – its life blood.  
Without it, democracy cannot endure.

A general erosion of property rights soon results in loss of economic momentum as securities underpinning ownership are weakened. When due process of Law is also subverted or too expensive, conflict results and frequently ends in violence.

Happily, in this wonderful country such extremes are rare.  
We witnessed one such occasion at Eureka but the strong underlying tradition of English Common Law protected us from further bloody excess.

Habeas Corpus, right to fair trial, freedom of speech and the right to own, use and enjoy property are all cherished derivatives of English Common Law.

At least, until recently.

We are now confronted by new destructive disease undermining that great tradition. The malaise is entrenched in the mindset of the wider community, within the bureaucratic and regulatory framework of government and finally within the legal system itself, as practitioners increasingly knee-jerk to Statute Law with scant consideration of Common Law, Natural Justice or even of common sense. Not surprisingly its effects are also evident in the parliamentary process itself.

Such is the complexity and volume of new legislation in recent years, Ministers simply cannot cope. All too often they become marionettes dancing lamely to the jiggle of party factions, lobbyists and most of all to their bureaucratic minders. Make no mistake – Sir Humphrey is alive and well in West Perth. To make matters worse many new regulations emanate from Policy Documents signed off by compliant Ministers. Such documents are not subject to review by Parliament. Government agencies have found a way around parliamentary scrutiny.

Popular mythology is quickly disillusioned by disaster. One such catastrophe has been the recent Victorian fires as a consequence of which community attitudes have changed. The mindset of the wider community, local and state government regulations and the justice system itself will be examined and hopefully held to account to do justice to the many who died and the many others who lost friends, pets homes and livelihoods.

The new religion goes by many names. Detractors refer to it perhaps unkindly, as "Ecofascism" - like all religious movements it has its extremists. The latter in this case regard private ownership with barely concealed contempt as ownership stands in the way of their vision for a new world order. Owners are referred to as 'stakeholders' and all manner of impositions are inflicted in the name of the greater good

Environmental protection, bio-diversity, heritage and a myriad of other shibboleths, however benign and important, rapidly become malignant in the hands of fanatics.

The traditional right to own, use and enjoy property always carried responsibilities and limitations under provisions of laws of nuisance for instance. However today we find those provisions so extended by government that almost every aspect of private land management is circumscribed by regulation. Clearing bans, conservation reserves, region schemes wetland protection, water licensing, fertilizer controls, occupational health and safety regulations, animal welfare issues, transport controls, heritage listing and embargoes – the list grows longer each year and the use, enjoyment and profitability of ownership is seriously diminished.

**Remember – all this in a State where freehold land constitutes 7% of the total area and the Crown estate is 93% (Landgate figures).**

It is time to stand up for our traditional rights and declare: ENOUGH!

Enough of this gilded theft with little if any compensation – stealing in the Queen's name is still theft as it was in 1215 when King John signed the Magna Carta. Enough of this persecution and intimidation, enough of this contemptible deceit which threatens to destroy not only our individual well-being but much of the productive enterprise of this nation – and ironically with that, the means of adequately funding proper conservation programmes. Impoverishment is the single greatest threat to environmental protection.

Our war with the new religion is on three fronts. Firstly, we must oppose its excess in the popular mindset, in our homes, schools and workplace. Secondly, we must oppose its excess in government agencies and carefully review 'policy initiatives'. Finally we must encourage legal practitioners to defend traditional common law rights and to resist those in power who are determined to see them diminished.

The popular mindset must be challenged and many of its assumptions questioned - especially when scientific data is used selectively or dishonestly. Science all too often follows funding. Selecting data that suits our case, while omitting that which does not, is dishonest. True science and clear thinking must remain our guide – they are powerful destroyers of myth.

Environmental protection is a vital weapon in society's struggle against pollution and species destruction. However it is a co-operative endeavour and depends on wealth creation for funding. Little will be achieved by intimidation and impoverishment.

We must participate in debate and confront extremists especially when public policy is formulated. Apathy will otherwise be our undoing. If necessary we must horsewhip our MPs into action – they represent us, NOT government agencies. They must take notice of sensible mainstream opinion rather than be intimidated by strident minorities. We should contribute to local government on platforms that respect the rights of ownership. We must support Conservation in a just and balanced manner remembering that when we diminish the value of someone's asset for the common good, the community ought compensate those individuals 'on just terms'.

We must oppose government planning schemes that rob people of their life's assets without compensation. We must engage with media to encourage fair and balanced reviews of public policy and government planning schemes.

We must champion Common Law Rights and not stand by as others distort and abort them in the name of 'the common good'. That cry has been a favourite of every dictator in modern times. The wider community does not endorse unfair discrimination and theft, in their name, they expect people to be treated fairly.

We must ensure that proposed government statutes imposing new regulations with significant penalties must be subject to parliamentary scrutiny. Otherwise our democracy becomes a toothless charade.

It's time legal practitioners focused again on principle – legal representation must be affordable or ordinary people will look to more radical solutions. When individuals cannot afford legal challenge, the risk of biased precedent is established, as only the powerful prevail.

We must in these ways re-invent Democracy – so that government of the people, by the people and for the people does not perish from the earth - as it surely will do unless we act now.

“Men at some time are masters of their fates.

The fault Dear Brutus is not in our stars, but in ourselves that we are underlings.”

William Shakespeare (Julius Caesar)

L.P.Killigrew (March 2009)

Unchecked this movement has the potential to seriously weaken the economic and cultural framework of this Nation. Its ambit is already global and its influence arguably more effective than Christianity, especially amongst the young. It is unrealistic to expect the latter, when priced out of the market, to vigorously defend traditional principles of ownership or even of Natural Justice.

Prime Minister Rudd cites the vicious greed of Wall Street as the cause of our current peril and certainly we need protection from greedy hyenas when dealing with hard earned savings. However, destroying the means of production and hence of savings before investment, should be of even greater concern.

Threats to wealth creation come in many forms, from many directions. Mr Rudd needs look no further than within his own Cabinet for the 'Wong' solution.