

WILSON TUCKEY

FEDERAL MEMBER FOR O'CONNOR

Property Rights

"The protest in NSW by Peter Spencer, which for his sake I am pleased is now ended, highlights the issue of property rights and more particularly the abuses perpetuated by State Government agencies to acquire virtual property rights by legislative fiat" Wilson Tuckey said today.

"At the 2005 Federal Council of the Liberal Party I successfully moved on behalf of the WA Liberal Party the following motion and I have drawn its existence to the attention of our new leadership:

That Federal Council congratulates the Federal Government on its commitment to properly compensate the community where the action of Governments intrudes on their property rights, and to this end calls upon the Government to propose a Constitutional amendment by Referendum of the Australian People to amend section 51 (xxx) of the Constitution so that the 'just terms' provisions of the clause:

- a) apply to all levels of Government within the Commonwealth of Australia; and*
- b) encompass both acquisition and other decisions of Government that affect property rights by directly imposing conditions and restrictions on the property that has a negative affect on its value.*

"The Australian Government is heavily constrained in such matters by the Section 51 (xxx) of the Australian Constitution which says:

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxx) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has the power to make laws;

"The Australian Government can only alter the Constitution by referendum of the people.

"State Governments can change theirs by achieving an absolute majority vote in each Chamber of the Parliament.

"Worse, they avoid even the moral responsibility to pay compensation by utilising regulatory measures unrelated to property ownership i.e.; you can retain your property but you cannot plough certain paddocks because a certain plant species grow there or we have rezoned your property so that it becomes unsaleable to a future purchaser" Mr Tuckey said.

"In the metro area, high value residential blocks including a rusted corrugated iron structure are declared a heritage site" Mr Tuckey said.

HON WILSON TUCKEY MP

Media contact: Alana Lacy 08 98 426228

0428 391 882

13th January 2010