

From: [REDACTED]
Sent: Sunday, 19 August 2012 8:16 PM
To: EHPP Landscapes & Ecosystems Section Mailbox
Subject: repeal the Act

B Cleary
[REDACTED] Dorrigo NSW

2453

19-8-2012

Dear Minister Robin Parker and Environment NSW,

We recently submitted our written request for the repeal of the Native Veg Act at the first Grafton community discussion meeting on the subject. We handed the submission to the departmental bureaucrat and he confirmed that it would be directly forwarded to the minister.

At the second Grafton meeting we asked what had happened to the previous submission to find the same bureaucrats had done absolutely nothing with the submission. We had to vigorously press them to find that they still had it but had deliberately not forwarded it.

Dept of Environment and Heritage bureaucrats are vetting and withholding the called for public submissions on a subjective basis. Thus any submissions that are critical to Act and the ongoing employment of said bureaucrats in the regulation and maintenance of the Act are vetted and withheld from the review process.

After our experience with the way the departmental bureaucrats are handling the review process, it is clear that the review has been corrupted by people with a pecuniary interest in maintaining the status quo.

We know that tinkering at the edges of the regulation, is what has been put forward by the bureaucrats thus maintaining their pecuniary interest. It is definitely not what the overwhelming majority of people who actually matter are submitting. The people who lawfully own the land have said in no uncertain terms that we want the Native Vegetation Act repealed.

Are you run by the department for the interest of its employees or do you run the department on behalf of the people who elected you.

Please find our attached submission.

If the community is said by some to demand national parks on private land or carbon credits from private land then the community must enter into an agreement with the owner and purchase or rent it. It is totally unacceptable for a government of any kind to steal from one sector on behalf of another sector who has no registered or lawful interest in the private property concerned.

yours sincerely, B Cleary

B Cleary

Dorrigo NSW 2453

23-11-2011

Re: Review of Native Vegetation Laws.

WITHOUT PREJUDICE

**DECLARATION
ON NATIVE VEGETATION AND ALL STATUTORY THEFT
LEGISLATION**

Dear Office of Environment & Heritage the Minister and Government responsible, (agent as principle and principle as agent),

In regard to your so called review of native vegetation laws.

If the community wants national parks on private property they must enter into a willing contract with the owner and pay just terms for what it is that the community requires. Statutory theft of vegetated land or any thing else is totally unacceptable and trespasses against our common law rights.

If it is not registered as an interest on our title and there is no lawful contract for an unregistered interest it is not lawful. Overriding statutes that remove what we have already purchased and permanently alienated from the Crown is nothing but theft! Over and above this the State in the name of the Crown has a fiduciary responsibility to protect and maintain the integrity of our land grant titles that can never be watered down or detracted from, (see Mabo).

It can not be over emphasized that a land grant in fee simple excludes all third party interests including governments and other unregistered individuals such as councils or so called stake holders, **there are no third party stake holders in private property.** We have no legal interest in your private property and you have no legal interest in ours when will you understand this as a simple common law fact.

No other individual, that is the body politic of a government, holding the power of an individual only, any other natural individual person and a corporation sole or a corporation under the laws of the Parliament, can interfere with or in any way denigrate your *inter vivos* trust, your will and testament bequeathed to your heirs and assigns. All unregistered so called overriding statutes that impose a trespass theft and extortion from our private property our will and testament are *ultra vires* and must be repealed. These include the Native Vegetation Act, the Local Government Act 1993, the Pastures Protection Act and all acts that create statutory authorities that violate our constitutional and common law right to quiet enjoyment of our private property without interference or torment from unregistered third parties.
Does the term free and common socage ring a bell?

As the Constitutionality and lawfulness of the Native Vegetation Act NSW is the subject of legal dispute in the Peter Spencer case and others the Native Vegetation Act must be suspended until the issue is resolved in the High Court. But in order for the Corporate State to uphold common and constitutional law the Native Vegetation Act must be repealed immediately vicarious liability applies.

A Grant in Fee Simple Title

Most Australians do not know or understand what they actually own when they purchase a parcel of land. As this knowledge is vital to clearly understand what is being removed from us via statutory theft

The following details are included:



The Australian structure of land ownership is centuries old. The best definition of it can be found in *Blackstone's Commentaries on English Law*, which are still a primary reference in all High Court land cases.

<http://www.yale.edu/lawweb/avalon/blackstone/blacksto.htm>

Blackstone's definition of a Grant in Fee Simple land ownership (commonly known as Freehold) states we own –

- **Tenements.** The land itself and any structures already in place on that land.
- **Messuages.** The right to build any structures of any kind on that land.
- **Corporeal Hereditaments.** This consists of substantial and permanent elements of the land – the ground, soil, or earth whatsoever; as arable, meadows, pastures, woods, moors, waters, marshes, furzes, and heath. It legally includes buildings, as they use the land as their foundation. Water cannot be owned, but the land which holds it can. In its legal significance, land has an indefinite extent both upwards and downwards to the centre of the earth.
- **Incorporeal Hereditaments.**
This is a right issuing from the physical element of land, such as rent, incomes from an enterprise on the land. They are a right to have an idea that will become physical on the land, ie to develop a business and produce an income. An incorporeal hereditament is the things we do with our land including waste it.

As an element of our Fee Simple ownership we also have the following responsibilities.

- At common law, landowners are not entitled to use their land in ways detrimental to their neighbours' use of their own land.
- An owner of land may be able to sue for nuisance against someone who does something that adversely affects the landowner's land.

- Landowners, or anyone else entitled to the possession of land, have a legal right to exclude trespassers.

High Court cases in support of our land ownership rights

- The Commonwealth of Australia -v- The State of New South Wales [1923] HCA 23; (1923) 32 CLR 200 [5 June 1923]
- Fejo v Northern Territory of Australia [1998] HCA 58 (10 September 1998)
- The Wik Peoples vs. the State of Queensland & Ors; The thayorre People v The State of Queensland & Ors [1996] HCA 40 (23 December 1996)

Extract from FLORA News Letter SUE MAYNES



Torrens Title legislation aims to overcome difficulties of conveyancing and land ownership under general law or old system title and is based on four fundamental principles and protections, it is the Crown's fiduciary duty to uphold these, thus any breach via statutory theft is shown for what it is.

- The "Mirror" principle- the Register reflects accurately and completely all the facts and matters relevant to the title of a parcel of land.
- The "Curtain" principle- a purchaser needs only to search the title on the Register and need not make inquiries regarding interests which are not disclosed on the title.
- The "Insurance" principle- persons deprived of interests or incurring loss through the operation of the system should be compensated.
- The "Indefeasibility" (undefeatability) principle.

From Australian Business Law / Paul Latimer 1997.

Clearly all the unregistered statutory interests such as the Native Veg Act, the Local Govt Act, LHPA Acts, MLA legislation and all the rest commit trespass and theft from our above mentioned common law rights. We do have rights over and above the Crown as we are the sovereign people under our Constitution and our elected representatives are only there as our servants this is not a totalitarian state and they can not steal from us.

The requirements of the Native Vegetation Act, that attempt to create national parks on private property clearly indicate that the conservation of our biophysical resource base, threatened and endangered species in national parks and the reserve system has failed and the department

responsible is incompetent or unable to perform its duty. The State has failed the community expectations that it has an adequate reserve system.

If the reserve system is inadequate as the Native Vegetation Act clearly indicates then the State must lawfully acquire the additional land that is needed but it can only acquire the so called necessary land on just terms. Statutory theft is not an option it never has been in a free and democratic society and never will be.

The Native Vegetation Act and associated regulations have reverted us back to the dark ages before the Magna Carta and the Bill of Rights. We are now subject to "off with their heads legislation" in the name of the Crown without mandate. We are now faced with the totalitarian anti freedom political conditions today as the people faced under James II bring on the next Glorious Revolution. All the people want is a reduction in the cost of living and the right to the quiet enjoyment of their hard won private property without perpetual torment and State sponsored trespass and theft.
Unjust laws bring revolution.

Abolition of the Native Vegetation Act is the only option.

Yours sincerely,

B Cleary