

Diamond Creek Landcare
1 Herberts Lane
Diamond Creek 3089
19 May 2000

INQUIRY INTO PUBLIC GOOD CONSERVATION

Legislated conservation requirements imposed on private landowners can frequently be indisputably justified on the grounds that they bring environmental benefits to the community at large. In these cases it is difficult to argue against such legislation. However while the community benefits it is frequently at the expense of the private landowner (in one way or another) as this inquiry will no doubt determine and which was also highlighted in the Victorian Town Planning Compensation Committee of inquiry (March 1978) by the then Mr. J. A. Gobbo Q.C.

This cost is not imposed on the landowner by some equitable formula in accordance with local, state, federal or international law or practice but rather it is imposed arbitrarily on the landowner only because he happens to own property which has to some extent or other some quality that the community wishes to confiscate and take charge of for its own good. It has been argued that it is only a short step from confiscating some aspect of property to confiscating the whole property and the consequence of those oppressive regimes (which practice this) is still in evidence in the world today.

While the benefit to the community at large may well be indisputable, such treatment of landowners is contrary to the intent of article 17 of the United Nations Declaration of Human Rights and, taken together with article 2 (prohibiting discrimination on the grounds of property) and article 30, could be seen to be a violation of those rights with all the consequences which that implies.

Ray Maino
President

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