

My name is Anne English. I am the principal of Atherton Tablelands Law in Atherton, right in the heart of our wonderful agricultural region on the Tablelands.

We elect our Politicians to make good laws not bad laws. This bill to amend the Vegetation Management Act is bad law.

Why is it bad?

Because it reverses the onus of proof for offences under this legislation.

It says to the farmer you are guilty of unlawful clearing until you prove your innocence.

One of the reasons Australia is a great nation is because we live in a democracy and we live by the rule of law.

One of the most important parts of the rule of law that gives us freedom and legal rights is the presumption of innocence.

Australian law has always recognised you are presumed innocent until proven guilty. Not the other way around.

It is normally up to the State to prove every element of an offence charged against a citizen.

The way this new law is written farmers will be presumed guilty of unlawful clearing even if a third party unbeknown to the farmer comes along and does some clearing – for instance a Local Government clearing for road upgrades along the sides of a road.

We all know that roads in rural areas are never in alignment. Often Council's clear trees for road upgrades off alignment on private land. Under this law it's not the Council that will be prosecuted it's the land holders, that's unfair.

Another example is where the land is leased. Both the owner and the lessee of land are regarded as occupiers and guilty for any illegal clearing even if only one has actually done it.

The reversal of the onus of proof that says you are guilty – prove your innocence, that's the hallmark of tyranny and oppression by a Government that doesn't respect human and civil rights.

Australians have been called upon to fight tyranny in the past. We are still remembering the 100 anniversary of WW1 between 1914 and 1918.

My Grandfather survived the trenches at Gallipoli then the mud and bloody front in France in WW1. He did that because he thought he was defending Britain, the Mother country as she was known then, from invasion from the German war machine and tyranny by an oppressive foreigner. Australians back then thought they had to keep Britain free from tyranny in order to keep Australia free. And back then they were right. If Britain had fallen so would her dominions. Australia was one of her dominions back then in 1916 and so we would have been subject to tyranny if we hadn't gone off to help defend the UK.

My grandfather fought bloody battles at Gallipoli and in Europe and managed to return home with a crippled arm (when so many paid the supreme sacrifice for the same ideals) in order to be free from tyranny and oppressive political regimes.

In any Westminster system (which we inherited from the poms) the basic presumption always is that a citizen is innocent until proven guilty. There is nowhere else in the world in a Westminster system that adopts the reverse – a guilty until proven innocent law.

Every time this has been tried it has been called out as discrimination.

The reversal of the onus of proof creates a different class of people who don't have the same rights as others. We are all supposed to be treated equally before the law but that does not happen if farmers lose the presumption of innocence. They become second class citizens. Its perverse law. Bad laws like this erode our basic civil rights that my grandfather and other Aussies fought so hard to protect.

100 years later I am going to call out and expose attacks on our basic civil rights. Attacks that are concocted through back room political

dealings between gutless Politicians who want to jump into bed together for purely political gratification.

We all need to call out against unfair and discriminatory laws.

Farmers should not be treated as second class citizens. We need to stand up for fairness – give the farmers a fair go.

Because if I don't and you don't – then who will be the next class of people whose rights will be eroded? Do we want to become second class citizens like the farmers are being treated?

Bringing in bad law like this is also just plain lazy and sneaky, you know why? Because the Government knows it has got flawed mapping and insufficient resources to do its job properly.

By introducing retrospective laws that turn clearing that was previously permitted under the last Government into unlawful clearing under these new laws – they know they would have a hard time getting a conviction. The presumption of innocence requires prosecutors to prove every element of an offence.

That's a tough job, it's not easy and if you don't have the correct mapping to start with (which they don't) it's going to be hard for the government to get a conviction.

So what's an easy way to fix that problem? They say let's make the farmers prove they are innocent. That fixes that – we don't have to prove our maps are right, we don't have to prove each element of the offence like we should, the poor old farmer he has to prove they are wrong.

By reversing the onus of proof the government is saying “we will shift the onus of proof to the farmers to prove their innocence. Shift the responsibility away from those who made the bad map. Shift the focus away from unlawful decisions that are made based on faulty maps and inadequate resources and make the farmer pay the cost of proving the Government is wrong.

Well that is not the way democracy is supposed to work.

That's the way tyranny works.

In 35 years of practice as a lawyer I have come across many cases where the government just gets it wrong, so they need an easy sly way out and that's reversing the onus of proof.

What's worse – these bad laws also take away the defence of mistake.

Under our criminal law if you make a genuine mistake about the facts of the alleged offence and it was a reasonable mistake in all the circumstances – you have a defence.

So if a farmer relies on one vegetation map produced by the Dept. to do some clearing and say that map is not correct, normally the farmer could say he made a mistake and relied on the faulty map and he would have a defence and not be convicted.

It's called a mistake of fact defence – it's available to every other citizen when charged with an offence but not to the farmers under these bad laws.

That's unfair and discriminatory.

Don't let this Government erode your civil rights.

Whenever society behaves in this way chaos follows. Neither the statutes nor parliament should ever be permitted to break the rules.

Don't let bad law be made by sly bed fellows.

Stand up for your civil rights because once you let it start with farmers – pretty soon the tyranny that is produced by sly Political preference deals pervades and weakens our society and our freedom is at stake.

**Remember all power corrupts and absolute power corrupts absolutely**

Don't let that happen - send Curtis Pitt, Billy Gordon and Peter Wellington a message.

To Billy Gordon I say the Labour party will never take you back. In the history of people kicked out, no-one has ever been invited back—don't betray your people's economic future by supporting this bad law.

To Peter Wellington I say – be consistent – you strongly opposed the VLAD laws which were oppressive – why should farmers be any less deserving than bikies or motorcycle riders?

To Curtis Pitt I say – almost 15 years ago I stood in this same park and spoke to a rally that I helped to organise for about 500 unhappy ratepayers who did not want the forced amalgamation of Cairns City Council and Mulgrave Shire Council. Your dad Warren was the sitting member then, he lost his seat at the next election to Naomi Wilson.

It was a pretty effective message!!!FAIR LAWS FOR FARMERS!!!