

## The Brigalow Corporation Myth



The conspiracy theory that the Brigalow Corporation had taken over all the land in Queensland originated in the material of [David Walter](#) and [Sue Maynes](#).

The *Brigalow Lands Development Scheme* in Queensland began in 1962 and involved the clearing and development of brigalow scrub land for producing beef cattle and other primary products. Originally, about 1.73 million hectares in the Fitzroy River Basin were to be developed. In 1965 the area of the Scheme was increased to about 2.01 million hectares, and in 1967 the area increased to about 4.52 million hectares with an extra 2.51 million hectares in the McKenzie-Isaacs River Basin being included in the Scheme.

The Land Administration Commission was constituted as a corporation under the *Brigalow and Other Lands Development Act 1962* for the purpose of administering the Brigalow Land Development Trust Fund and Agreement. Commonwealth funding was provided to the Land Administration Commission for subdividing and allocating blocks of land to settlers, and for the clearing of brigalow and the provision of fencing, yards, dips and watering points. Loans were provided by the Commission to lessees for clearing and development of the land.

About 250 lots were made available for lease by way of public competition by either public auction or ballot. Once the land had been developed, the lessees were able to apply to convert their leases to freehold. In 1992, when the Land Administration Commission was abolished, the Brigalow Land Development Trust Fund and Agreement were still operational, therefore it was necessary to replace the Land Administration Commission with an appropriate body. This replacement body was called the Brigalow Corporation, and the sole reason for its existence was to carry out the function of making advances under the Brigalow Scheme.

The explanatory notes for the amendment to the *Land Act 1962* explains just what the Brigalow Corporation was established for. The Chief Executive of the then Department of Lands was the sole person who comprised the Brigalow Corporation. As all the loans under the scheme have now been repaid, the Brigalow Corporation was abolished and the *Land Act 1962* was amended in February 2009 to remove the provisions that related to it.

<https://freemandelusion.com/wp-content/uploads/2018/07/brigalow-corp.pdf>

Turning to the myths in their *EnviroWild* letter to the Governor General:

CLAIM... *"On 29th January 1999 the Governor of the State of Queensland, the Representative of the Crown in Queensland was moved into the "Constitution Act 1867" as a parliamentary secretary and a public official."*

The only reference in legislation I can find that has Governor and Parliamentary Secretary in the same section is in [Section 24\(1\)](#) of the *Constitution of Queensland Act 2001* where it says the Governor in Council may appoint members of the Legislative Assembly as Parliamentary Secretaries. [Section 26\(3\)](#) also says the Governor in Council, at any time, may end the appointment. As only members of the Legislative Assembly may be appointed as Parliamentary Secretary by the Governor, how the conclusion was reached that the Governor is a Parliamentary Secretary is totally beyond me.

CLAIM... *"I refer to the following Acts - the "Reprints Act 1992", the "Statutory Instruments Act 1992", the "Legislative Standards Act 1992". These Acts were used in conjunction with the Constitution of Queensland 2001, section 92 to create the corporation Government of the State and then further to repeal those Acts under section 95 of that Constitution. Those Acts moved back in time, one may say like the Tardis, reprinting, removing the Crown out of all Acts as far back as the Magna Carta then reprinting back to the Australia Acts (Requests) Act 1985 and removing all the positions as cited in that Act."*

[Section 92](#) did not create a corporation Governor of the State, it merely says that references in other legislation, as repealed by the *Constitution of Queensland Act 2001*, to the Legislative Council are taken to refer only to the Queen and the Legislative Assembly.

[Section 95](#) says that the laws mentioned in Schedule 3 of the *Constitution of Queensland Act 2001* are repealed and Imperial laws in schedule 4 are repealed so far as they are part of the law of Queensland. The reason these laws are repealed is because all the required parts of this Act are now contained in the *Constitution of Queensland Act 2001*. Nothing that was contained in those repealed Acts that was still required has been removed.

CLAIM... *"By using the "Australia" "Acts (Request) Act 1985" section 12 in conjunction with the other three State Acts, the Acts reprinted Queensland into a corporate State. In conjunction with the "Acts Interpretation Act 1954" section 15DA(2) which allowed for the automatic commencement and assent of any Act that had been laying dormant for a period of twelve months, Acts which were framed to create the corporate State of Queensland in 1992, 1993 and 1994 were reprinted by the "Reprints Act 1992" which is under the Department of the Premier."*

Legislation that is passed by Parliament has to receive royal assent by the Governor before it can commence. The legislation can say that it commences on the day of assent, or on a date that mentioned in the legislation, or on a date that is published later in a regulation. Legislation automatically commences 12 months from the date of assent, if another date is not given for it to commence. Within the first 12 months a regulation may extend the period before commencement to not more than 2 years after the assent day.

When an Act is reprinted it is because the Act was amended, and the date of the reprint is the date of commencement of the amendments, either the date of assent or the date of the regulation that commenced, or the automatic commencement date. There is no hidden agenda in the term *"Reprinted as in force on ...date..."* on the front page of the legislation.

If the legislation says that it “*binds the State*” (and many do, some even say they bind the Commonwealth where it can), then the State and all its entities that represent it are bound by the legislation, and must comply with it just like everyone else.

*CLAIM... “As the corporation of Queensland, when it was formed, had no assets, it had to acquire assets if they wished to borrow. Under the “Queensland Government (Land” “Holding) Amendment Act 1992”, they immediately took all the Crown land and estates in fee simple registered under the “Property Law Act 1974” as equity for the corporation without compensation...”*

Up until 1992, the State of Queensland (as an entity) could not hold freehold title to land in Queensland. Land that was required for government use had to be set aside as a reserve under the *Land Act 1962*. In 1992, the government decided that it was more appropriate for land that was required for operational government use, such as schools, hospitals, police stations and so forth should be held as freehold land rather than as reserves under the *Land Act* because of the restrictions that Act placed on the use that could be made of the land outside of the gazetted use.

So the statement that they “*immediately took all the Crown land and estates in fee simple registered under the Property Law Act as equity for the corporation*” is patently wrong. All reserves and all vacant Crown land at the time the State was given the power to hold freehold land was already the property of the State and it could now be held under freehold title, and progressively since that time government departments have been obtaining freehold title over all their reserves. Incidentally, ownership of land is not registered under the Property Law Act, it was registered under the Real Property Act 1861, now the [\*Land Title Act 1994\*](#).

There was no power given to take control or ownership of land that was in the ownership of anyone else. The only power to take land is under the [\*Acquisition of Land Act 1967\*](#), and compensation must be paid to the owner for the land taken.

*CLAIM... “The Acts Interpretation Act 1954” (Qld) defines property both present and future, owned by you as an ‘individual and a corporation’ as subject to a statutory instrument only and that statutory instrument is not only applicable to your land, but all property as you, as a person now own, as opposed to the previous common law indefeasible deed of grant in fee simple, only an interest in your land under a statutory title. All land, including private land held previously in the common law estate of inheritance in fee simple by private individuals, is now held by the corporation of the State of Queensland known as the Brigalow Corporation.”*

The State of Queensland is a corporation that has all the powers of any other individual or company in Australia, including the power to buy and sell land freehold land. It appears to me the fact that the Brigalow Corporation “*represented the Crown*” and “*had all the privileges and immunities of the Crown*” - a common occurrence for some government bodies and not just for the Brigalow Corporation – seems to be the basis for this claim. It has been interpreted to mean that the Brigalow Corporation replaced the Crown, which quite clearly it didn’t. . A search of much of the Queensland legislation will reveal all number of bodies “*represent the Crown*”, though these days they represent the State and have all the privileges and immunities of the State. The change from “*Crown*” to “*State*” was a change of name only. The Governor still represents Her Majesty.

The term “*privileges and immunities of the State*” relate to such things as being exempt from State taxes and charges such as Stamp Duty and Land Tax, payment of registration fees, that sort of thing.

Every freehold land owner in Queensland still holds full title to their land. When land was granted by the Crown in fee simple it didn't mean it gave it away absolutely. It meant the land was granted by the Crown who retained certain rights over it – the right to resume it, or to pass laws relating to how the land may be used. Those laws have not taken our land away from from our ownership. They have just placed restrictions on how we may use our land.

CLAIM... “*The 3 October 2007 High Court of Australia rulings that removes all land ownership from the people of Queensland and puts it into the hands of the State Government.*”

The High Court heard two cases on 3 October 2007, [Wilson v Raddatz \[2007\] HCATrans 558](#) (an appeal from [Wilson v Raddatz \[2006\] QCA 392](#)), and [Glasgow v Hall \[2007\] HCATrans 557](#) (an appeal from [Glasgow v Hall \[2007\] QCA 19](#)), both involving David Walter and both dismissing applications for special leave to appeal against the orders of Queensland courts regarding penalties for starting an assessable development without a development permit (clearing of native vegetation). The primary decisions rejected the applicants arguments that the *Integrated Planning Act* did not apply to land held in fee simple and that the land was not comprehended by the term "freehold land" in the Act. (See article on [The Fee Simple Alienation Argument](#))

It would appear that the belief the Brigalow Corporation has removed land ownership from the people of Queensland comes from the restrictions on tree clearing on freehold land brought about by the *Vegetation Management Act*. The numerous court cases relied on to support that belief are all founded on either prosecutions for tree clearing without a permit or appeals against the refusal of an application for tree clearing.

[David Walter](#) and [Sue Maynes](#) have taken a few words from a number of court judgments and relied on them for support of their beliefs that their property rights have been removed. They have then gone searching for something to support that belief, and fell upon the creation of the Brigalow Corporation in 1992. The fact that the Brigalow Corporation “*represented the Crown*” and “*had all the privileges and immunities of the Crown*” - a common occurrence for some government bodies and not just for the Brigalow Corporation - has been taken out of context and they have interpreted it mean that the Brigalow Corporation replaced the Crown, which quite clearly it didn't.



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