

The rights of the Registered Owner of an indefeasible title to an Estate in Fee Simple of registered land alienated from the Crown within the said State, include the bundle of rights attached to land, as defined in the still effective *Real Property Act*. Landowner rights are confirmed by the High Court of Australia and Governors past, and by the lawful Constitutions of the States and the Commonwealth of Australia.

THE REAL PROPERTY ACT

“LAND shall extend to and include messuages tenements and hereditaments corporeal and incorporeal of every kind and description whatever may be the estate or interest therein together with all paths passages ways waters water courses liberties privileges easements plantations gardens mines minerals and quarries and all trees and timber thereon or thereunder lying or being unless the same are specially excepted.”

Oxford Dictionary meanings:-

“include”: comprise or contain as part of a whole

“messuages”: *Law* a house with outbuildings and land

“tenements”: *Law* any permanent property, e.g. lands or rents, held from a superior

“hereditaments”: *Law* dated any item of property that can be inherited

“corporeal”: *Law* consisting of material objects

“incorporeal”: *Law* having no physical existence

(Note: incorporeal = **intangible** e.g. **rights**)

“path”: a way or track laid down for walking or made by continual treading

“passage”: the action or process of moving through, under, over or past something on the way from one place to another

(Note: i.e. the owner of the ‘land’ owns the right to control the ‘passage’)

“way”: a route or means taken in order to reach, enter or leave a place

“water”: the liquid which forms the seas, lakes, rivers, and rain and is the basis for the fluids of living organisms.

“water course”: a brook, stream, or artificially constructed water channel; the bed along which this flows

“liberty”: the power or scope to act as one pleases

“privilege”: a **special right** or special advantage or special immunity

“easement”: *Law* a right to cross or otherwise use another’s land for a specified purpose

“plantation”: an area in which trees have been planted, especially for commercial purposes; a large estate on which crops, such as sugar, are grown

“garden”: a piece of ground used for growing flowers, fruit, or vegetables

“mine”: an excavation in the earth for extracting minerals

“mineral”: a substance obtained by mining

“quarry”: a place, typically a large pit, from which stone or other materials may be extracted

“tree”: a woody perennial plant typically with a single stem or trunk growing to a considerable height and bearing lateral branches

“timber”: wood prepared for use in building and carpentry

“unless”: except when

“excepted”: not included (Note: Most Estates in Fee Simple have exceptions such as reservations to the Crown for Crown rights to gold, minerals and petroleum)