

Legal battle looms over protected fig

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THE parents of one of Brisbane's most prominent lawyers are taking on the State Government and city council over a grand old fig tree that has slashed their home's value.

Graeme and Jan Morris, parents of barrister Tony Morris, QC, have already seen the value of their upmarket Hamilton property reduced by almost \$500,000 because the protected tree restricts development of the site.

A series of legal wins significantly reduced their Brisbane City Council rates bill and could open the floodgates for other homeowners to claim discounts.

The couple are also planning an appeal in an attempt to further reduce their rates bill, arguing the unimproved value used to calculate rates at their 2000sq m block should be reduced to almost nothing.

"If the house hadn't been built where it is now, the tree would have undermined the whole of the land, so the land theoretically has no value," Mr Morris, a retired lawyer, said.

The sprawling white fig has been protected since 1997, when a senior council officer spotted it from atop a nearby hill and slapped a vegetation protection order on the tree.

The couple unsuccessfully opposed the order at the time and ever since have been fighting the Government over the property's value.

"They said, 'You're going to have it, whether you like it or not.' It wasn't anyone asking for it. It was a self-propelled council officer, a busybody," Mr Morris, 79, said.

Thousands of properties in Brisbane are subject to protection orders and owners face stiff penalties for removing the trees without council approval.

Former rugby league star Gordon Tallis was last week told to pay \$12,000 in fines and court costs for illegally clearing



TREE CHALLENGE: Jan Morris with the fig that the Morrisses claim has devalued the family property. Picture: Jamie Hanson

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— Graeme Morris

14 trees on his Bardon property, in Brisbane's west.

In a succession of Land Court cases against the Natural Resources department, Mr and Mrs Morris have succeeded in slashing their property valuation.

The most recent case, in February, led a judge to rule the tree had cut the unimproved value of their property by 25 per cent, or \$437,500, to \$1.31 million. Legal action cost the couple "thousands of dollars a day" but led their council

rates bill to drop from about \$10,000 a year to \$8000 a year.

In the process, Mr Morris demonstrated legal skills to match that of his noted son, who has represented clients including the late fugitive Christopher Skase.

Justice Smith said: "I was impressed by Mr Morris's evidence and accept in its totality the truthfulness of all of his evidence before the court."

Mr Morris says he is prepared to take the case to the High Court if necessary.

"It freezes millions of dollars worth of land. You can't do anything with two-thirds of this land," he said.

"When you want to go and preserve other people's property you have to bear the consequences."