

Chairman's Report to the PRA AGM 2014

We began life assisting people who were inappropriately charged with vegetation management offences and every year I think that we should get to a place where we are unnecessary. Not only is it not happening but there are ever increasing challenges to our property rights. Some of these incursions are suffered by individuals who would have little recourse and no support except for PRA.

We would however like to congratulate the government on changes made to the Land Act through the Land and Other Legislation Amendment Act 2014. Changes include:-



The government is proposing to change the way rural rents are calculated. Rural rents for primary production term leases, licences and permits will be halved from 1.5 percent to 0.75 percent of the land value for rural rental purposes.

Perpetual leases will remain on 1.5 percent of the land value. These differential rates reflect the different terms relative security and conditions of use that apply to the respective tenures.

The annual cap on rent increases will also be halved from 20 to 10 per cent for all primary production tenures, which will provide additional rental relief to farmers.

To further cut red tape, it is proposed to amend legislation to:

- *remove restrictions that limit the number and type of rural leases that can be owned by individuals or corporations*
- *enable term leases for pastoral purposes to convert to freehold without first converting to a perpetual lease (subject to native title)*
- *enable term and perpetual leases to be amalgamated under certain circumstances.*

With native title a significant issue for leaseholders wishing to move to more secure title, we will be working with all interested parties to develop a better approach to native title negotiation, including incentives for all parties to enhance how consents are obtained.¹

These changes are all in line with our submission to the Land Rental Review.

General

We have discovered that there are actions of mining companies that can completely restrict the operations of rural businesses but are perfectly legal. Farms that are beside or close to mining operations can be difficult or impossible to sell. The same applies to properties quarantined for BJD.

¹ <http://www.dnrm.qld.gov.au/land/accessing-using-land/state-land/policies/reforms>

We have recently had a call for help in regard to BJD as landholders are being foreclosed on or are threatened with foreclosure and, sales are impossible. Compensation is very limited, does not touch the value of losses, and has conditions which can make it difficult to access.

Board members have dealt with many personal issues, many of them as a result of local government.

- We get quite a few calls from WA and we have kept in contact with Peter Swift who was found “not guilty” of illegal clearing but has been pretty much bankrupted by the process. We welcome the private members bill to be put forward by Government member Murray Nixon who has become frustrated with his own party’s inaction on the issue.
- A local authority matter in NSW where a private property developer was given permission to use a neighbouring property as environmental offsets without permission of the owner and without compensation.
- A small mining company that built a fence across the only viable access road to a working cattle station and tourist destination.
- An issue where a water corporation together with local government allowed inundation for a public purpose leaving the property unviable, fragmented and parts even inaccessible without adequate compensation.
- A member who had a fencing issue with a national park.
- Members who had fire issues with a national parks.
- Members who are involved in lengthy negotiations with Powerlink.
- Representations on behalf of members who have spent multiple hours in negotiations with resources or infrastructure companies.
- A variety of other random local government issues

Most local government issues are not easily resolved.

Trent’s court Case

Treasurer Trent Hindman had his appeal heard with respect to the magnitude of the fine previously imposed on him by the Court.

With the benefit of expert advice from Dr. Bill Burrows and represented by Phillip Sheridan the Court found that no environmental damage had occurred and the fine was reduced from \$110,000 to \$30,000. A substantial amount as a deterrent for cash strapped cattle producers.

Resources and co-existence

PRA understands that the crown has reserved the right for the mineral and petroleum resource but believes that the landowner's right remains impeded as long as there are legislative or regulatory requirements that favour the resource activity and where there is an unaddressed imbalance of power.

Some landowners in the last 12 months have started to reach acceptable conduct and compensation arrangements and realised full compensation for the life of the project including diminution of value but this is not a result enjoyed by all. Those who have reached such agreements have a great resilience, tenacity, resistance to stress, the ability to hang in there for the long haul and/or the ability to source and pay for professional costs into the hundreds of thousands of dollars. A full, just, outcome is therefore currently not an automatic right.

The Regional Planning Interest Bill has been the greatest step forward since the advent of the coal seam gas industry in improving the balance of power between multinational companies and a family farming business. In the yet to be announced regulations supporting the RPI bill the long awaited co-existence criteria will be revealed but it won't contain the ability to say No. Despite the improvements made by the RPI bill there is still a long way to go and much remains unresolved evident by revisiting PRA's submission to the Revised CSG water management policy from November 2012.

"Make good" provisions are littered with uncertainty and unfairness. Landowners are limited by license in their water use but CSG are unfettered. "Efforts to make good" is not good enough.

"Make good" provisions need to apply to water quality as well as quantity.

Policy does not recognise any other contaminant present in CSG water other than salt.

The submission concludes with this observation, "There is no substitute for a clean, reliable underground water supply. All other options are vastly inferior."

MLA helped fund a study into co-existence and the tips are quite helpful. The document can be found by scrolling to the bottom of this page.

<http://www.mla.com.au/News-and-resources/Industry-news/Co-existence-checklist-for-landholders>

Liability from NVD Declarations

Recently, an issue has emerged as a result of news reports that CCA and ALFA commissioned a report into the liability of livestock producers who sign an NVD and are advertently or inadvertently found to have livestock which may be contaminated as a result of the actions of resources companies.

This report has been classed as "legally sensitive" and has not been released to livestock producers. This issue will, over time, have some producers caught up in it but MLA and the other cattle organisations have done nothing to inform livestock producers.

At the very least they should have suspended or amended the NVD's to attempt to limit the liability of producers.

The matter was raised at the Rockhampton hearing of the Inquiry into Grassfed Cattle Levies. The Senators requested a copy and I had to inform them that a copy had been requested from MLA. This request had been refused. It remains to be seen if the Senators are able to get a copy.

Powerlink

Property Rights members were involved in publicly supporting an e-petition asking for change to highlight Powerlink high voltage infrastructure requested by the resource sector in the North West Surat Basin for the Coal Seam Gas Industry and the imbalance of power that was occurring by utilising the community designation under the Acquisition of Land Act 1967 process for this type of infrastructure. In the last 12 months New Policy changes were introduced by Powerlink Qld that allows compensation for proposed easement and substation land resumptions to be detailed much earlier at the Draft Environmental Impact Statement release stage prior to acquisition and have all expert costs required for the compensation process met directly by Powerlink Qld for all landholders under the ALA. Both Origin & Santos are now detailing annual "goodwill" commercial compensation payments offers for the life of the CSG industry (or 30 years) in recognition projects in the North West Surat Basin are resource requested infrastructure and not community driven .

Social Media

No modern campaign would be complete without social media or internet comment. Your Board has used social media to disseminate information and we have used internet blogging to write about the activities of ENGO's for about three years. Comments as an addition to online opinion pieces are also a method that ENGO's use to muddy the reputations of target industries, often anonymously and untruthfully. To do battle on these site is often effective but not for the faint hearted nor the ill informed but it does often give one the opportunity to get our side of the message out.

GRSB

Property Rights Australia has been unwavering in shining a light on the history of WWF's Market Transformation Initiative of already established certification schemes and actions of WWF and Greenpeace in other countries. What they do is inappropriate for a first world country with an established rule of law and a first class reputation in science and social justice.

We welcome the actions and interest taken by Senators Boswell and O'Sullivan and the formation of the Beef Square Table.

Peter Spencer

Peter Spencer has been out of the media for quite some time as a result of a media blackout imposed on him by the National Farmer's Federation Fighting Fund which was funding him. They have recently withdrawn that funding. He still has the final court case coming up starting November 24th 2014 but is once again back to battling on his own.

Submissions by Property Rights Australia

Land tenure review

Local government and Other Amendments Bill

Strategic Cropping Framework Review

Darling Downs Regional Plan

Central Queensland Regional Plan

The Regional Interests Planning Bill. This Bill overrides many other pieces of legislation and how they relate to one another is as yet unclear.

Mining Notification and Objection Discussion Paper. This issue has the potential to have far reaching consequences and the agricultural community including those in our submission had minimal impact on the discussions.

Restricted Areas Discussion Paper

Barnaby Joyce's White Paper into Agricultural Competitiveness with an emphasis on the effects of vegetation management laws

Federal Inquiry into the Great Barrier Reef

Vice Chair Dale Stiller was invited to appear at the public hearing of the Regional Interests Planning Bill

Two of your Board members were separately invited to appear before the Grassfed levies

Inquiry as a result of personal submissions that they made to that inquiry.

Random Links of Interest

<http://www.abc.net.au/news/2014-04-04/queensland-government-under-fire-over-land-clearing-permits/5367458>

<http://www.dnrm.qld.gov.au/land/accessing-using-land/state-land/policies/reforms>