

Coalition for Agricultural Productivity

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Submission to Australian Federal Senate's Finance and Public Administration References Committee

INQUIRY INTO NATIVE VEGETATION LAWS, GREENHOUSE GAS ABATEMENT AND CLIMATE CHANGE MEASURES

Summary

The impact of Native Vegetation Laws and general regulation that surrounds greenhouse gas abatement measures is wholly negative, and almost impossible to quantify.

Many individual owners of private property will be able to put specific damage numbers to this, but in almost every case, the damage figures submitted will be too low.

Successful societies, without fail, have at their foundation strong and inalienable assurance of property rights. If an owner is not able to do with his property what he wants, then he does not truly own that property. Any changes in law, legislation or regulation that substantially change a property owner's ability to use his property fully, constitute an attack on these important, fundamental rights, and our society will suffer dire consequences as a result.

In our state of Western Australia, private freehold land accounts for just over 7% of the entire land mass. Pastoral leases account for a further approximately 30% of our land mass. These land areas are the best managed lands in our state. Wildlife is prolific, and raging bushfires are rare. Not only do these land areas not cost the taxpayers anything, they actually bring money into State coffers through lease payments, property rates, and GST and income tax payments from functioning businesses.

To manage the State's assets efficiently and effectively, more land should be released to freehold titles.

Vitality, the land that is currently held in freehold or pastoral lease should be free of government actions that limit the use of that land by the rightful owner.

Diminution of land asset value and productivity

Due to native vegetation laws and legislated greenhouse gas abatement measures, landholders in this state have seen both land asset value and productivity decrease significantly. A specific example is that of a retirement-age man wanting to subdivide his farm, intending to sell off 150

acres to fund his retirement. The DEC has stated that he may subdivide, but 90 acres of bushland on this portion of the property must be set aside as a conservation reserve. Obviously, the value of this land is significantly less if the prospective buyers cannot do with the property what they please. Why would anybody pay for land that they cannot use? This effectively constitutes takings of land, but the landowner is not afforded just terms compensation. This is but one example of thousands in our state.

Compensation arrangements

Compensation arrangements are avoided in almost every case, as most of the affected property avoids being classified as “takings.” The Government should have to pay just terms compensation for blighting of property as well as takings.

Appropriateness of Method of Calculation

The method of calculation of asset value is quite tricky, but at the very least, the assessment of property value should be based on the value prior to any taking or blighting. A valuation from a third party valuer hired by the property owner should be taken into consideration in any case.

Related matters

The Commonwealth Government has used the private property of its citizens without due compensation for that property. In short, when the Federal Government committed to meeting Kyoto Protocol targets for controlling greenhouse gas emissions, they met that commitment by forced restrictions on clearing of individuals’ lands. They then used this “native vegetation” in accounting tricks that “proved” that Australia had met its commitments.

The States implemented Native Vegetation Acts at the behest of the Commonwealth Government. Knowing that these Acts were outside the existing Land Administration Acts, States were able to avoid just terms compensation for these takings.

Conclusion

Surely, in our modern society, if the people of Australia were interested in any public policy that affected individuals within our society, those people should be willing to pay the individuals affected by that public policy. This is only right.

Two solutions exist:

1. Compensate land owners for the loss of asset value and productivity that resulted from these horrendous policies; or

2. Change the policies to give the property back fully to its rightful owners.

In the absence of either of the above occurring, our society will eventually pay through decreased productivity that always follows the nationalisation of property for the “common good.”

Thank you for your consideration of this submission. Please do not hesitate to contact our representative, Janet H. Thompson (08 9881 5595 or 0417 815 595), should you require expansion on or clarification of any of the above.