

**Supplementary submission to Senate Finance and Public Administration
Committee re Sub 14 and 317.**

(Native Vegetation Laws, Greenhouse Gas Abatement and Climate Change Inquiry)

Mr Ron Bahnisch, chair of Property Rights Australia

Trauma

I believe I made the point in my oral submission to the Senate Committee in Rockhampton but I will reiterate.

As chairman of an organisation set up specifically to administer a Fighting Fund to challenge the administration of the Vegetation Management Act in court, I believe I am in a unique position to appreciate the damage both financial and emotional, to landowners being investigated for alleged tree clearing infringements.

In this matter I would like to refer Senators to my submission No 317 as Chairman of Property Rights Australia, in which I state, *“The laws to administer vegetation management in Queensland must rank amongst the most repressive anywhere in legal jurisdictions using our Westminster system of government.”* I then quote a Professor at Law, the President of the Australian Council of Civil Liberties and a Barrister at Law endorsing that statement.

Again to quote, *“In the transcript of the proceedings in the Magistrate’s Court at Dalby, (MAG-492/05), Peter Robert Witheyman vs Harvey Scott Simpson at the bottom of page 8, the magistrate notes the boundary alignment was moved twice for the purposes of the prosecution.*

This is an example of the lengths authorised officers are willing to go to, to get a conviction.

Under these draconian laws:

- *A map change can occur at a whim*
- *An infringement can be reported at a whim*
- *Prosecutions launched at a whim*
- *Number of charges decided at a whim*
- *Boundary lines changed at a whim*
- *A compliance notice imposed at a whim*
- *A case dropped at a court door at a whim- after the accused has spent money preparing his defence*
- *Retrospective legislation passed at a whim*

The separation of powers is overturned and the Henry the Eighth, “The law is in my mouth” applies.

The object of the whole regime- and this is their boast – is to render landowners, once accused, virtually indefensible.”

These draconian laws are being administered in the field by vegetation management officers some of whom are ex the police force (including officers ex the drug squad).

These recruits would be particularly aware that a lot of the restraints of a citizen's civil rights in their previous employment do not apply under the VMA.

This process, particularly when taken to court, has reduced honest landowners who have never even had a traffic fine to tears and their wives to the edge of mental breakdown.

There have been examples of vindictive pursuit of high profile citizens. In one landmark case a recommendation for prosecution went forward BEFORE the infringement was investigated. After six years, seven court cases and the expenditure of half a million dollars in defence, the matter was dismissed as an abuse of process.

Because all development was suspended for the six years of the court proceedings and the law subsequently changed, no further development could take place on this property. 22,000 acres of land now permanently locked up could conservatively run another 1900 fattening cattle if developed.

Court cases are always as protracted as the law allows and a win by the landowner automatically attracts an appeal.

Suspected infringements to the VMA can be reported by any passer by or anyone anywhere using Google Earth. These suspected infringements however frivolous must be investigated. This enables anyone with a grudge to visit trauma on an unsuspecting landowner when the disturbance may be due to a natural cause – fire, drought, insect attack etc. The landowner is still put in a position of having to prove his innocence.

Another area of trauma is thwarted intergenerational transfer. I would commend Peter and Sue Jolliffe's submission 243 for Senator's perusal as an example and of course there are many more.

Forestry

The turning of a profitable, well- managed 103 year old sustainable Forestry at Barakula into a virtual National Park has slipped under the radar. This has been highlighted in a submission from Mr Dale Stiller, number 253 with additional witness statements plus two academic studies on carbon and biodiversity.

The futility and potential for perverse outcomes of 'lock up and leave' policies have also been highlighted in the Pillaga and Red Gum Forest Regions of NSW in Submission 352 by Mr Rod Young among others.

In addition to PRA's submission number 14, I would commend Dr Bill Burrow's (297) and Dr Ian Beale's (343) contribution to the science opposing present veg management policies.

Compensation

In considering compensation there is a particular group of landowners who are very unfairly impacted. These are older Australians who have worked hard all their working lives and invested in land with the hope of realising that investment to finance their retirement.

In many cases they are facing failing health and their asset value has fallen to the extent that they cannot afford to relocate to be near medical attention. This diminution in value is variously caused by recent changes to law such as

- Land not being able to be subdivided
- Land may be zoned rural but as it is thickly overgrown and they cannot clear it, it cannot be used to farm
- Land may be zoned a koala corridor and as such must be left to regenerate

There is a confusing mix of federal, state and local government acts impacting them. They may see nothing wrong with the community putting a value on its trees and its koalas, but why should one person be expected to bear the **whole** cost of these community expectations.

Submission 71 is one example.

Thankyou for making this opportunity available.

Ron Bahnisch