

EVOLUTION, FUNCTION AND DISSOLUTION	1
THE ALL IMPORTANT ACT	2
IGNORE! DON'T PAY!	2
REVIEWS WITHOUT REFORM	3
MINISTER JUSTIFIES RLPB RATES	3
THE 2011-12 REVIEW	4
THE LLS PROPOSAL	4-5
2018 UPDATE	5

*“Unique to NSW”* trumpet various official documents describing the LHPA and its ratepayer funded services. But unmentioned is the state-wide lack of compliance with its discriminatory system of rates and arbitrary levies, resulting in unpaid rates exceeding 12 months of well over 20% of the total imposed on hapless NSW rural landowners now the persistent pattern for over 30 years.

#### **EVOLUTION, FUNCTION AND DISSOLUTION OF THE LHPA**

Anyone seeking the official version of the origin and present function of the LHPA can readily find this information in DPI literature. It is the propaganda of the State Government of the day, but most likely written by the self promoting LHPA State Council or whatever their latest name is. Until contributions are received from other enslaved ratepayers, the following description of the actual history by a rural landowner since 1980 will have to suffice.

During the 1970s, with accelerating changes in rural land use in coastal and highland regions of NSW, the long established Pasture Protection Boards gradually found their traditional financial support base of livestock farmers being depleted and replaced by mixed cropping farmers, communal living/younger owners or tenants and alternative life stylers, all shunning the old commercial grazing methods which had clearly widely damaged and often poisoned the natural environment. So the PPBs lobbied and pestered the State Government for more legally enforceable regulations and charges.

A retired Agriculture Minister Jack Hallam of the former Wran Labor Government confirmed just this to me and a supporter at his retirement home in Byron Bay in the late 1990s. “Just give them what they want and get them off my back” Wran instructed him.

Consequently, this narrow minded group of rapidly dwindling graziers wrote their own legislation and reinvented themselves as New Age saviours with the greenwash name of Rural Lands Protection Boards, when it was this very group of traditional diehards who had failed to protect the landscape since European settlement. Just look at their 1998 Annual Report with its cover picture of overgrazed, near treeless and eroded land!

Such a corrupt system cannot endure, so dissolution of the LHPA is needed.

## **THE ALL IMPORTANT ACT**

And so the RLP Act of 1989 was surreptitiously passed, with its Regulations mandating payments of rates and levies, apparently from 1986. It seemed the immense number of unpaid rate bills prior to 1986 could not be enforced; such was the PPBs' arbitrary calculations and sloppy bookkeeping. However, some of my statements of liquidation provided with the summonses have varying starting years between 1980 and 1986, with no one being able or willing to provide a comprehensive and consistent answer to explain this first discrepancy.

## **IGNORE! DON'T PAY!**

Many non graziers in particular through the 1980s and '90s learnt to recognise the regular newsletters, rate notices and Annual Returns as junk mail, either returning them unopened or consigning them to the bin, such was their irrelevancy to them. The RLPBs kept their heads down, no doubt grateful for the many small payments from deceived owners who still had a carrying capacity applied to their smaller acreages.

By 1993, Ian Causeley, Agriculture Minister in the John Faye Coalition Government called for a Review. The RLPBs panicked at the possible impending loss of their ratepayer base by despatching letters of demand and threats of legal actions. Many dutifully paid up out of fear; a few were served summonses and were no doubt advised that a legal defence would fail. Some more paid, a good number had default judgements imposed against them and were harassed by local court sheriffs, who often gave up trying to locate property owners hidden in the hills. A few had cars confiscated until the court ordered payment was made or an agreed schedule of instalments was accepted.

One old lady with five acres and no animals had to sell her valuable antique furniture, before the next owner appealed against the imposed and imaginary carrying capacity, having it reduced to zero. He still refuses to pay the remaining balance after having paid rates on other properties for 50 years without so much as an offer of assistance in controlling the usual pests and problems of farming, vaguely referred to in the Act. Once when an animal died he called his local RLPB vet, who came days later when a commercial vet had come without delay to identify the cause of death – so much for lazy government paid officers.

The now late Alleyne Thompson campaigned vigorously throughout the turn of century years to government ministers, the local RLPB and their hierarchy, to no avail. The repetitive replies that I viewed to his letters were full of obfuscation, biased towards “the carrying capacity must be assessed as if the grazing of stock was the only use of the land”. Such is the small-mindedness of this graziers' board that it is unable to consider any other agricultural use for farmland. Rural landowners in NSW have suffered a century of nepotism and incompetence from this authority, wrote another victim in a letter to *The Land*.

## **REVIEWS WITHOUT REFORM**

I made a submission to that first Review, with the minimum ratepayer representative Bruce Tucker, a former Grafton City Councillor submitting a minority report opposing the status quo of payments, especially for non graziers. His analysis seemed to focus more on an alternative funding regime rather than the need for absorption of the ineffective Boards into the DPI, as in other states. Also I complained to the then Labor Opposition, whose agricultural spokesman promised in writing sweeping changes and value for money.

The incoming Carr Government with a weak Minister Richard Amery dilly-dallied until 1998 when another Act was surreptitiously passed, according to Hansard reports I obtained. It reformed nothing and was even worse with its failure to recognise forested land as an obvious restriction on high notional carrying capacity, a new term designed to avoid possible conflict with the Constitution. (See the submission from Trevor Kirk.)

Another Review of the rating system occurred in 1999, again with no substantial changes. From another long postponed Review in 2004 and the Bull Report emerged a revamped administration system to be renamed the LHPA, consolidating the previous 47 Boards into 14 Authorities. During several years of a uniform 10ha minimum rateable area for the coast and tablelands, the RLPB had lobbied for a reduction to 4ha to restore their depleted ratepayer base.

A new Minister Ian Macdonald relented, attracting a flood of complaints from small hobby farmers and farmlets, who were getting zilch for their payments. So in 2009 the new LHPA substantially and indiscriminantly raised rates on the restored minimum 10ha, eliciting a veritable deluge of scorn and invective just as the GFC impoverished the world. *The Land* newspaper printed a fair sample of letters, with their opinion column revealing that "LHPAs are effectively being castigated for doing the State Government's political dirty work" (14 May 2009 p.24) and conducting a survey that recorded an overwhelming 70% of farmers wanting the LHPA dissolved. (Reading this figure correctly is the key to recognising that it is 70% of the traditional, conservative type of graziers and cropping farmers who would buy *The Land*, whereas the newer, alternative type settlers who would not buy this paper would be far more biased against the LHPA which just taxes them arbitrarily for no benefit.)

## **MINISTER JUSTIFIES RLPB RATES**

His replacement, following allegations of corruption against Ian Macdonald was Mr. Steve Whan, who wrote, in part, on the 10th February 2011; Quote: "There is considerable NSW legislation enabling taxation to be charged apart from the Rural Lands Protection Act, such as the Local Government Act 1993, Payroll Tax Act 2007, Betting Tax 2001, Duties Tax 1997, Insurance Tax Act 2001 and the Land Tax Act 1956".

In the same correspondence Mr. Whan likened the LHPA rates to that of local council rates under the Local Government Act 1993.

### **THE 2011-12 REVIEW**

By 2011, with unrelenting complaints to LHPA offices, the Minister and the rural press across the state, the new Coalition Government Minister Kristina Hodgkinson commissioned yet another Review, this time to be overseen by supposedly independent consultant Terry Ryan.

Very little publicity was given to the commencement of this Review, with the result that submissions were limited and attendances at public meetings were poor, except for an over representation of paid LHPA staff.

Even the DPI website continued to proclaim well into 2012 that the findings of the Review would be presented to the Minister by 30 Nov 2011. In late March 2012 a report was made available for comment, with an invitation for further submissions on it until Wednesday 23<sup>rd</sup> May, before the NSW Government made any decisions. The section on Alternative Rating Schemes covers just over one page of the 80-odd page report, when it is this very rating system that is the bane of ratepayers state wide.

The Ryan Report, finally made public in March 2012 was reported in *The Land* 29 March as “A Damning Review into the LHPAs” and “The system should be abolished”.

### **THE LLS PROPOSAL**

But of course the NSW Government could not just throw away this big bucket of easy money, so it looked for some justification for fleecing rural dwellers of their hard earned income, scraped from harsh land alternately inflicted with droughts, fires and floods.

Their preferred solution was to offer nominal services for a wide range of possible rural needs, and make it locally directed, like the past RLPBs, which some farmers appreciated. Thus the concept of Local Land Services was born. However, the incompetent administration of the LHPAs had become so discredited that the Catchment Management Authority model had to be chosen. With DPI's Agricultural Extension Officers to be transferred to this new body, the government considered this could then justifiably be called a services board.

At Community Consultation Meetings around NSW early in 2013, the line of “Have your say” was peddled as a ploy to deceive farmers into believing that their wishes would be listened to, when the Government and its bureaucrats had already decided that the collection of these rural land rates was a given, so why not expand the ratepayer base by reducing the rateable area to just 2ha or 5acres?

The Chairman of the LLS stakeholder reference panel Dr. John Keniry revealed these very plans at the community meetings. There was widespread disappointment, hostility and even defiance of the legal requirement to keep paying LHPA rates, even from some cattle farmers. Many in attendance would not complete the survey forms, which were clearly biased towards the certainty of 'essential' government services benefitting everyone to inevitably be paid for by only some rural landowners.

In this period the final insult to our intelligence was then Minister Katrina Hodgkinson's LLS update letter published no doubt in its full 500 words filled with infatuation on page 19 of Opinion in *The Land* on 1<sup>st</sup> August 2013, in which it is stated that "Over a four-year period LLS will have projected revenues in excess of \$500 million." Then LLS is described as having access to a dedicated \$35 million Future Fund, with no mention that the difference between these two figures could almost certainly be expected to come from impoverished mug farmers large and small, such is the hubris of those who wield power over us.

All this guff while for the previous two years since 2011 thousands of recalcitrant non payers of LHPA and past RLPB rates had been repeatedly threatened by the debt agency Executive Collections in Parramatta and its Solicitor Karl Balian. (See Legal Actions.)

### **2018 UPDATE**

With a completely new structure containing different directors and staff, the new Local Land Services took a while to establish their procedures, still using the wording of past Acts, with LLS replacing LHPA.

The first CEO of the North Coast LLS Kent Lee lasted barely two years, citing the need for new blood, when it was the poisoned chalice properties of his job that would have made his work life unbearable. Around this time Minister Hodgkinson also got the boot by new Premier Mike Baird. These matters were noted in my letter to The Byron Shire Echo, published in full on 23 June 2015.

Niall Blair took over as Minister for Agriculture and Water, getting himself into some very hot water over his department's poor administration of the Murray-Darling irrigation scheme, in which the upper Darling's water was stolen by some large farming businesses, leaving precious little for anyone downstream. Letters to this minister by anyone complaining about LLS rates went unanswered, so by mid 2017 I wrote to the latest Premier Gladys Berejiklian, initially about the absurdity of mandatory lodgement of Annual Returns of Land and Stock even when no stock existed on rateable properties. The Premier's office referred my concerns to the DPI Minister who in turn passed the buck to the bureaucracy, whose letters were returned to the former, as the legislative matters I raised needed to be dealt with by the parliament.

Further issues will now be detailed in the attachment Legal Actions.