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With the late 2011 Review into the LHPA overseen by Terry Ryan, landowners had their best chance in years with a new State Liberal Government to put forward their views about what LHPAs really do.

The NSW DPI website then stated that the final report of the Review Panel would be handed over to Minister Katrina Hodgkinson by the end of Nov 2011. By March 2012 there had been no update to this statement and that year's rate notices had then been issued.

For those rural dwellers brave enough to challenge this self absorbed, greedy and unproductive Statutory Authority with its arbitrary, unconstitutional rates and levies, be prepared for fierce resistance when you assert your common law rights as an owner of freehold title property to not support a narrow minded graziers' group, whose principle raison d'être is to extort as much money as they can from the maximum number of holdings to spend on whatever they choose – mainly wages and allowances, lavish offices and vehicles. Their expenditures on actual livestock health and pest controls are minimal, since the RLP Act 1998 does not even specify what performance criteria have to be met.

The first response of any rural dweller unfortunate enough to receive an unexpected demand for money in their mail from an unknown authority not actually providing them with local government services, electricity, phone, etc should be to treat the invoice or 'annual service' as fraudulent. Unscrupulous organisations often send out official looking invoices to businesses for goods and services never provided, and these are sometimes paid in ignorance, until they maybe send further unverifiable invoices.

OTHER FALSE DEBTS

I have received invoices from a rural supplies retailer in Mullumbimby, northern NSW for goods never provided on an account I had never opened, after only making purchases with cash or card. Three months after denying this debt, I received a solicitor's letter threatening legal action. A bitter phone call to the retailer stopped the action, but of course I will never do business with them again.

The ATO also fictitiously created a debt against me, based on a single year of taxable income for 2008, after successive years of losses and refunds, which resumed following the GFC. Of course I paid my income tax for 2008 based on a tax accountant's and ATO's assessment, but before I could lodge the next return ATO invented a figure and billed me, which I disputed by mail and phone. The legal firm who then commenced action against me had to be firmly told that their action had to be cancelled. Only when my tax return confirmed my return to a loss situation was the debt and reams of interest calculations and a repressive, falsely ordered schedule of payments cancelled. The Ombudsman made an investigation, but incompetently asked what my already concisely expressed complaints were, before refusing to make any recommendations to the ATO. No doubt others have been wrongly billed based on ATO regulations that have no relationship to their actual income, as correctly determined by a tax accountant.

DISPUTE YOUR LHPA BILL

So your second response should be to complain and appeal against the amounts charged when most likely no services have ever been provided. If more people like me who has refused to pay since buying a 12ha forested property in 1980, complained and consistently resisted complying, especially as has happened since the new LHPA exorbitantly raised rates in 2009, this unconstitutional levying of taxes by a fourth tier of government (Statutory Authorities or qangos) would have ceased decades ago.

Now we have a debt collector Executive Collections in Parramatta taking legal action against non payers, even while the Review is incomplete and Terry Ryan himself has raised the challenge to constitutional law by LHPA levies (see our petition).

DON'T GIVE IN!

If your notice contains a NCC (notional carrying capacity) and you graze no or minimal commercial stock, you should first appeal against this. Many smaller non rateable properties have had their NCC reduced to zero as a result of such an appeal. Don't be put off by the present $50 fee, or as one landowner in the 1970's told me, a 5 pound pre decimal fee crossed out and replaced by a $200 fee! Such is the largesse to itself of this semi government body operating outside of the normal oversight of parliament. I know owners who who have had their NCC cancelled without the payment of any fee, especially when LHPA is reminded that they have not carried out the 5 yearly reaasessment stipulated in the Act.

Then you are likely to get into absurd and convoluted arguments over their denial of having received an Annual Return of Land and Stock, when your property is unstocked, and maybe like me, you have made a Conservation Agreement or similar with NPWS, which prohibits animal grazing.

An affidavit I provided in 1999 asserting just this was totally ignored by the then DPI Minister and RLPBs, who then imposed fines called Animal Health Levies and Meat Levies. Anyone who accepts that they have to pay these because some narrow minded, self absorbed qango says so is a fool, but such is the coercive powers of this authority it seems no one else has resisted for as long or as strenuously as I have.

Similar considerations apply to appeals made when you have not paid your previous rate notice.

So you will start receiving endless final notices, debt collector threats of confiscation of your belongings, garnishee of wages and bank accounts, credit rating blacklisting, and even forced sale of your property. **These are third world standard extortion and intimidation threats.** In 2011 sufficient citizens of many Middle Eastern countries rebelled. In Australia you are not likely to be killed when you oppose this government sanctioned extortion, although one man I visited had received death threats over the phone when he publicized the evil imposed upon him due to his totally forested 10ha land. Telstra refused to even bother tracing that call when requested.

THEIR TERRIBLE 'SERVICE'

And finally summonses are served on you – I have had at least half a dozen actual or attempted 'services' since the mid 1990's. My first was defended by mail to the court, excusing myself from a pre trial hearing on the grounds of working interstate. The court cancelled my defence and that was the last I heard. Was a default judgement imposed? I was never informed.

Their only tangible 'service' is their annual rates notice, served by post and in the recent past actually named "20xx service".

Late 1990's saw another summons served upon a similarly spelled address to mine, once my solicitor exposed the affidavit of service. When informed of this failure of due process, the RLPB was so relieved that after being ignored by me for 20 years they were finally being acknowledged and that negotiations for a settlement in their favour could now commence to stay their threatened sale of my land under the Act. Of course I was not so silly as to negotiate over anything they demanded. Instead the local media gave me good publicity for my declaration of war against them and preference for a prison sentence over any voluntary but extorted payments.

Another few years passed before another summons, returned to the server as inadequate. Again no further actions. By 2003 with many more letters and articles published and with some new Board Directors, I was invited to address one of their meetings. With a supporter, I blasted their evil actions and threats, warning of more bad press for them if they persisted. All they could do was cower, but later voted for and threatened in writing again their intended auctioning of my land. Months passed without so much as a legal letter notifying me of the sale – maybe it was addressed to my neighbour again.

In similar legal circumstances to this, where legislation permits the auctioning of a property under the Local Government Acts of all Australian States to 'recover' unpaid council rates, the owner must be formally notified of the impending auction, with the proposed date and the amount of money which is to be repaid out of the sale. Nothing like this occurred in my case, over a NSW State Govt. law, which prompts one to ask the question: If the auction has proceeded as the RLPB had directed without myself as owner being notified, would a legal challenge brought against this government authority for damages and lack of due process have been successful in annulling the auction?

As an example of this process, Remmo and Fanny Beerepoot in Tasmania refused to pay council rates on several properties, thereby having one sold at auction (supposedly at a markedly reduced price) as reported on page 5 of *The Australian* of 2-3 Sept. 2017.

Then one Monday eve, my nearest neighbour phoned me to disclose that during his job as local postman he had heard that my property was being auctioned on that coming Friday! Just how unjust and surreptitious is such a process?

Posing as an interested buyer I phoned the auctioneer to verify this, being informed that just over $1600 needed to be raised to pay off my concocted debt. So that could be the opening bid, with no reserve and around 20 potential buyers registered to secure a $300,000 property for a song.

That week became the most fearful of my adult life – mental images of a creeping, suffocating, amorphous monster, reviving my worst childhood memories of repression by a cruel but sober father, and a brutal teacher in my fifth grade.

INTELLIGENCE AND PREPARATION FOR BATTLE

Remember, a state of war had existed for some years now; it truly was a war in that my enemy wanted to control land that was rightfully mine and would take it from me by force if I didn't comply with their demands. However, the date of the decisive battle had been set, vital information not often available during modern warfare.

Also I had read the Rural Lands Protection Acts of 1989 and 1998, the most unpleasant and uselessly bureaucratic documents I had ever forced upon myself. So I knew with some certainty that if the outstanding rates were paid before the auction, then the auction had to be cancelled, However, a phone call and short meeting with a NSW lawyer who had also complained about his own forced payments was needed to reassure me that this defence action would save my land. A supporter phoned the enemy to be told that another $3,000 had to be paid to cover their legal costs to date – a bill of costs I had never received.

The local ABC radio station recorded an interview, apparently more concerned to know how I was going to stop the auction rather than portraying how unjust and deserving of widespread condemnation was this evil act of the Tweed-Lismore RLPB. The Board's secretary boastfully replied that "There wouldn't be much change out of five grand", but I knew by then that the payment of that entire amount could certainly not be forced upon me.

With just several days to spare I drove to Lismore for the legal advice and inquired at the local court house for an interview with the chamber magistrate to have an injunction put on the impending auction, as the Board had not complied with the Act, but his absence for some days made this option unavailable. Of course I could have let the auction proceed and then applied for a court order to terminate transfer of my property to the highest bidder, but according to the Act, the first payment from a sale was to be allocated to the costs of the sale, then the outstanding rates before any remainder was refunded to the owner – not an acceptable outcome.

So now the first rule of war must be understood and enacted:-

When your enemy is about to invade your land, you must be confident that during that battle their losses will be greater than yours. My intelligence had confirmed that I would lose less than $1700 while they would lose more than $3,000 plus ratepayer support, instead suffering further bad publicity and humiliation.

At 10.30am on Friday morning my supporter and I first stopped off at the auctioneer's to tell him off, before going to the Board office where my friend paid the outstanding rates bill that I had given him in cash. Of course the secretary demanded their costs be paid before they would call off the auction, but the hard copy of the Act put in front of him and a phone call to his lawyer finally convinced him that he was defeated. With just ten minutes to go before the scheduled auction at 11am on Friday 5th September 2003, it was called off, leaving all the opportunistic bidders deflated and disappointed, before reluctantly acknowledging that they too had been conned into believing that they were buying a property that was for sale, when legally it could not be sold.

Certainly the secretary could have allowed the auction to proceed to at least recover their costs, but then my planned court injunction would have prohibited transfer of title as I had complied with the Act but the Board had not. The winning bidder would have sued the auctioneer who would have sued the Board and I would have sued the bloody lot of them! It would have been a dramatic sequel, but an even more stressful period for me.

THE AFTERMATH

With an RLPB receipt in hand I went straight to my lawyer to have it recorded. Maybe I should have returned to the auctioneer's where I later heard that a large media contingent had assembled to record this historic event. Even the long time RLPB secretary had never heard of a previous auction of a property for unpaid rates, although there are a good few instances of this occurring on small country (especially town) blocks where the owner cannot be contacted for payment of long outstanding local council rates.

Anyway, the local ABC radio rural reporter came to the lawyer's office to record an interview, with the lame secretary subsequently unable to explain over the phone how his legal advice had led the conniving Board to this pyrrhic victory: they got their rates finally paid but it cost them around twice as much (over $3,000) to achieve this. As an incompetent government sanctioned entity they could get away with ignoring the first rule of debt or tax collecting:-

If the cost of collecting a debt is likely to be greater than the amount demanded, then write it off.

The local TV news that night featured a flyover of the property with good coverage of how the sale was thwarted. The Lismore based newspaper *The Northern Star* sent a reporter and photographer to my property that afternoon, printing a good article on page 3 the next day (Saturday). (See Forced Sale Foiled.) On the weekend I visited the local paper (*Byron Shire Echo*) who recorded a more comprehensive account of this absolute debacle.

A good few cups of calming camomile tea were drunk to recover from this near death experience for any owner of a much loved property that I had been trying to restore to native forest for 23 years.

The very next business day (Monday) the DPI Minister **unexpectedly** (?) announced the start of the long called for Review into the Board system (a coincidence?) – a review mandated in the Act, but successfully repeatedly postponed by the evil State Council with excuses such as "The drought stressed farmers are too busy or distressed to respond to a review now", completely ignoring the bleeding obvious that the prolonged dry spell had probably depleted them of funds to pay the fictitious charges mandated by their Boards.

Then a severely worded letter to this previously unresponsive minister (Ian Macdonald) only elicited a note of relief that I had paid the rates to prevent the sale of my land. Back went an even stronger rebuke that if the sale had proceeded, both the NSW Government and its feral pet qango the RLPB would have been sued for damages by my lawyer.

MORE PUBLICITY!

Of course I did not cease my campaign with this victory, for I still had my promise to keep to the Tweed-Lismore Board that they would receive more bad press if they kept persecuting me. So in the following month of October, when I had the opportunity to mind the house of my supporter, I cultivated more media and local supporter contacts, arranging a TV crew to interview me with supporters on my saved hobby farm. My most scathing remarks against the Board's underhand methods were of course edited out, but at least the screening kept the issue alive.

Remember, for years I had been running this state wide government reform campaign out of my home office in Brisbane, with only occasional visits to the property and innumerable and extended sessions in public phone boxes calling local ratepayers and media. The apparent absence of concerted campaigns for justice by other apparently compliant and brainwashed or fearful rural home owners in NSW often made me reflect on why or how I was able to persist when others crumpled and gave in; but more on that insight later.

I wrote a comprehensive letter to the State Ombudsman over the Board's demand for payment of their costs in arranging the unlawful auction. The CEO Steve Orr had to agree that the Act did not clearly identify who was liable for such costs when no actual transfer of property occurred, while the Tweed-Lismore secretary had to concede that on legal advice their chances of recovering this money from me were nil. By the end of that Christmas break he was humiliated into resigning from his powerful, privileged position, citing "early retirement". Naturally I gave him a send off with a letter in the local paper urging ratepayers to not contribute to his retirement fund by paying their next rate notice.

THE TRAITOR

And finally there was my fiery letter to *The Northern Star* (see [The Burning Issue]). Those readers with sufficient perception may recognise that in many instances it responds directly but without acknowledgment to the biased preferences of Paul Recher in his recent article. After years of complaining about his own disputed payments to the Board, when elected as a new director in 2002, he was seduced by their powers over ordinary landowners and the lucrative allowances paid to oversee this iniquitous extortion. My supporter later suspected that it was this new director who instigated a vote to have my property auctioned to 'recover unpaid rates'.

My letter, given prominence, of course brought a reply, with weak suggestions that if I had been reasonable then the auction would not have been called. But one can never be reasonable with extortionists within a greedy government sanctioned authority who steals your property and tries to evict you from your own land which only you have paid for and worked hard on. So I considered his reply as unworthy of my response.

ANOTHER SUMMONS !

In 2007 a new debt collector based at Sutherland in Sydney posted another summons to me, based upon unpaid rates since 2003. I requested that the matter be transferred to the court nearest to where the dispute arose, which was Mullumbimby. I lodged a fairly comprehensive defence, highlighting the inconsistencies between the plaintiff's current claim and past claims, regarding the actual commencement date of my alleged liability for these charges and the accuracy of their recording and calculation.

At the pre-trial hearing in March 2008 the clerk of the court was astounded to see a media contingent including a TV crew outside to record this apparently trivial dispute. Their solicitor was late and barely made it in time to put the case for the RLPB. He claimed I had no chance of winning. Surprisingly, afterwards, I realised that he was the same person who had defended himself in court in a previous dispute with them and lost, then contacting me and providing details of his futile efforts to gain justice.

THE 2008 MULLUMBIMBY COURT HEARING

During the standard procedure of lodging claim and denial by mail, with a copy to the court, Tweed-Lismore RLPB CEO Brian McInnes provided insufficient evidence regarding the amount claimed, mainly relying on references to the Act and Regulations. So while the law was made clear, the facts concerning my case were not, a now common legal failing in enforcement of rural land rates.

At the hearing, the Magistrate Geoffrey Linden mumbled his considerations before quickly ruling in favour of the plaintiff: a claim of just $317 plus $438 in costs. No orders were made for the actual payment of this total of $755. When neither the court nor the plaintiff nor their solicitor subsequently failed to follow up on enforcement, neither the claim nor the costs were paid, so I surmised that the impending closure of RLPBs at the end of that year and their replacement with LHPAs had dampened their resolve.

However, I had formulated a secret plan to bring on their eventual demise, whatever they called themselves. More details below under "…a Stunning Sequel".

THE LATEST CONCOCTED DEBT

During 2010 the LHPAs state-wide requested Executive Collections in Parramatta to take 'debt recovery action' against thousands of ratepayers with years of unpaid annual notices. They demanded payment within 14 days or legal action, which could result in a liability to pay costs and possibly having one's credit rating affected.

I received an unsigned demand in mid December and replied re this omission, notifying them about the unconstitutionality of the RLP Acts and LHPA Regulations, with a reminder that such matters cannot be resolved through the local courts in NSW who are obliged to enforce such State Acts. In mid January 2011 a signed reply from Karl Balian their solicitor at the same address rejected my letter contents and warned legal proceeding may be commenced after just 7 days.

After requesting through them a detailed account from North Coast LHPA, I received only the usual annual rate notice, while KB did not reply till mid-year with an updated amount. When another Review of the LHPA ordered by the new Coalition Government commenced in the second half of the year, KB was instructed to issue a Statement of Claim against some non-payers. I was served by a female process server in November, soon after the public hearings into the LHPA system.

I replied to the Parramatta Court with an 'Intention to Defend' with references to a smaller amount of $271 also being invoiced, LHPA's ignoring of my requested appeal, the then ongoing review throwing doubt upon the lawfulness of the rates, and a petition then before the Commonwealth Government. They returned to me only the necessary forms to complete and have witnessed to request a transfer to the court nearest my NSW property, while in my Defence submission I simply referred to the "Intention to Defend'.

STRATEGIES

The first consideration when fighting unjust laws and their tyrannical enforcement is to the recall the maxim: '***Justice delayed is justice denied***'. Its converse could be expressed as '***Injustice delayed is justice preserved***'. So the execution of the regulations must be put off for as long as possible by the adoption of targeted defences. My initial defences were based upon the unconstitutionality of these rates (an excise on primary production which is prohibited in the Australian Constitution) and their illegality under the Trade Practices Act which prohibits the restriction of free trade between states.

I received detailed legal advice from lawyer Sue Higginson at the local Environmental Defenders Office. Unfortunately the case histories revealed that Supreme Court hearings using these very defences were unsuccessful during the 1980s, so a different strategy would be required to defend my opposition to paying rates and levies. While a clear plan was not evident at this stage, I had faith that my secret plan enacted following the 2008 hearing would eventually deliver victory.

This secret weapon was formulated by my identification with fictional characters in a recent work of Australian literature which I read in the mid 1990s. This will be detailed in another section, but suffice to say that the story so closely resembled mine that it was ideal for adopting as a tool. In reading it, a certain course of action then became evident to me, but was ridiculed by other supporters, just as detailed in the book.

With a full decade now having passed before I finally could bring myself to clearly compose the last two paragraphs and complete the record below, it further became clear that the next rule of war must be followed to bring justice. Following this 2012 hearing I sought further legal advice on a possible perjury charge against the writer of the false claims against me. I also supported another defendant in court, taking up a whole day just waiting for her application for transfer from Parramatta Court to the nearest courthouse (Byron Bay) to be considered, after a judgement had already been delivered due to the disregarding of the posted application for transfer; this is "Abuse of Process". At the subsequent pre-trial hearing a solicitor for the prosecution had appeared and a robust confrontation similar to my 2008 pre-trial occurred before the clerk. However, the defendant subsequently buckled and later paid up.

Now with the passage of time it has become evident that the details of my final defence need to be supressed so that the enemy cannot be given the opportunity to formulate a response. As the years have passed, new proxies for the enemy have been appointed and previous records have not been sufficiently maintained to continue the prosecution. However, I still have my defences which can be represented to give a win.

The second rule of war is essentially the first rule of espionage :-

Do not reveal to your enemy what you know about their weaknesses. Another way of stating this is: ***Do not promote your successes or your superiority to the enemy.*** On the other hand you need to publicize your wins to gain support from other victims who are then more likely to follow your praiseworthy examples.

THE 2012 LISMORE COURT HEARINGS

At the preliminary hearing I was subsequently given six weeks to prepare a proper defence. Then at the following mention hearing Magistrate Lawton advised of the requirement to notify the State Attorney General regarding my legal challenge to NSW State laws which I was claiming were contrary to Federal Law. A timetable for lodging a response to my defence and my further reply to that was ordered, so there we were.

From my lesson learnt at the 2008 trial where a comprehensive defence was essentially ignored by Magistrate Linden, this time I prepared a fairly basic defence, now omitting the challenge on constitutional and trade practices grounds. The plaintiff responded with a detailed affidavit, repeatedly referring to the legislation and regulations, along with my non-compliance.

So here we have my defence, based on the truth of facts, justice and the record in literature verses the enemy's reliance on State Government legislation, a level of subordination several steps below the reality of facts. It was in the end my reliance on what was my duplication of submission detailed in literature but feigned in this real world that eventually carried the day for me and brought their claim unstuck. What was initially an apparent surrender to their authority then became a simple submission of my truthful affidavit to the plaintiff's solicitor and the court.

With some of the sworn statements on their final affidavit now revealed to be false as a result of me altering my normal actions to mimic what was written in literature, I could then not only refute their claim but also prove it with documentation, which I did as required by providing copies to their solicitor and the court.

At the previous court hearing, their appointed solicitor from the firm whose former partner had previously had issues with rate notices for denied services inadvertently directed me to reply to the debt collector rather than the legal firm who managed both businesses. So I simply followed these instructions, resulting in my reply affidavit being withheld for some days from the solicitor who was managing this case. When they discovered this, it was the day before the next hearing, so in haste without being able to resolve these inconsistencies in opposing affidavits, they had to advise their court solicitor in Lismore to seek an adjournment, which was verbally conveyed to me at the beginning of the day. It appeared as if this solicitor was on my side, making me quietly content, knowing that this process would fulfil the enactment of the converse of the maxim described above.

So we waited it out all morning for a hearing, as I went through my papers again, only to shockingly realise that I did not have my original exhibits of evidence with me. How could I have left them behind in a pile on my bed back in Brisbane? But I did!

THE USUAL JUDGEMENT BUT A STUNNING SEQUEL

With the lunch recess now almost upon us, Magistrate Lawton hurriedly brought up our civil matter, clearly wanting to get it off her list. She claimed to have read all our affidavits, without acknowledging the recently revealed inconsistencies. When I tried to raise this fact, she rudely cut me off with the excuse that she was attempting to deliver her judgement, so before the court solicitor could even raise his request for an adjournment, she proceeded with her delivery.

Without my exhibits I had no fall-back, but quickly realised that with the facts still in dispute, any judgement based solely on the law would be unsound. That is exactly what we got! This was the reason for my mislaying of my exhibits – it was meant to be to ensure an unsound judgement.

The best QCs in the game could not have obtained a better judgement, as they would have only limited the claim against me, based on my true affidavit and the plaintiff's false one. So the enemy won in court, an outcome any litigant would accept, without appeal, whereas I had lost in court but won on the basis of the facts, thus conveying to the media that I would appeal, even though this was now unnecessary, as any future attempt at enforcing the court order could be thwarted by reasserting these facts. It is now mid 2018, no enforcement has occurred and the statute of limitations will soon knock this hasty, unsound judgement off their books.

Even a future action against me by LLS is likely to falter due to its inability to set a clearly justifiable date for the commencement of my liability to pay past rates, levies, interest and court costs.

WHERE TO NOW ?

There appear to be no new court actions to 'recover' unpaid rates or levies in this 2013-2018 period, although previous court orders resulting from an insufficient defence were sometimes resolved through mediation, resulting in an imposed schedule of payments, like for Howard Furner who had to comply with a $20 per month payment, in spite of good coverage in *The Land* of 14 Nov 2013. A new debt agency was engaged by mid 2017.

For those like Trevor Kirk and me, who mounted detailed defences and persisted till the bitter end, rulings plus costs awarded against us both were simply ignored, with just the usual mailed reminders subsequently sent to us, month after month. Howard's difficulty in sometimes paying anything encouraged the local LLS office to arbitrarily reduce some of the debt and interest.

With the LLS Act allowing rate relief for properties like mine having a Voluntary Conservation Agreement in place since 1998, their regulations should have been amended by now, but nothing has been done. Similarly, the abolition of a mandatory Annual Land and Stock Return (ALSR) for unstocked properties has yet to be adopted for rateable holdings. Even my affidavit back then asserting that no grazing was permitted on my VCA property has been repeatedly ignored – it is easier for these lazy bureaucrats to keep fining landowners sent this unnecessary form and not completing it due to its irrelevance.

Please go to www.llsclassaction.com and support the legal challenges to this most egregious government extortion racket in modern Australia.