Constitutional Property- Rights Association.
Inc 2002.

Response to Draft Productivity Commission of Inquiry into Impacts of NV Regulations. 2 pages

1. Thank you for your generous inclusions in the draft report It Is appreciated.

2. We cannot emphasise enough the importance of the principles of fee simple which underpin ALL developed landuses.

3. The CPRC [Constitutional Property Rights Committee] remains of the opinion that the terms of reference for your final 'conclusions', imply [perhaps unintentionally] but nonetheless still imply, that the past applications of Regulation and Control [especially since August 1995] over an already established commercial business enterprise [being Agriculture] has been and continues to be legal.

4. The perpetuated misapplication of Schedule 4 of the NV& C Act 1997 [NSW] by 'authorised' officers of the Dept of the former Land and Water Conservation [DLWC] contemptuously ignores the mandatory [ie Statutory] admonishment NOT to bias and prejudice the RIGHTS existing before the date of the gazettal. DLWC has recklessly applied [and continues to apply] the Regulations and Control before the Existing lawful approval has been abandoned from rural land [as described and identified in the Land and Valuation Notice]. This is the moist unconscionable abuse, and misuse, of a parliamentary and public service power and position, since colonisation.

5. The CPIRC draws attention to your page 30. 2nd dot point where we agree, that this statement reinforces our argument, that the tenets and principles of fee simple owner-ship, either have to prevail OR the community has to amend the existing established and accepted historical principles which have stood unchallenged for morn than 800 years in a constitutional referendum. There can be absolutely no compromise.

6. Unless the established principles of fee simple as existed until 1995 in NSW prevail:- we argue that the whole economic system will collapse. The question has to be asked….. does the community want a ‘government managed’ primary industry? Then the second question is: on the basis of clear examples of public mismanagement [hospital, transport, education etc etc] can the NATION afford to transfer this control?

7. Certainity and security of the freehold [ie private] investment-borrowing EXISTED prior to 1995 under the rules of Development approval as put in place at the time of the approval. UNLESS Regulation and Control of the landuse was a ‘condition’ of the approval to use the LAND … then NO Regulations and Controls can be subsequently applied while the Existing Approval remains lawful.

8. We reiterate that if the government of the day wishes to REVOKE and/or MODIFY a current lawfully approved use of land… then it must do so under the Statutory requirement to Notify each person in writing, who can be reasonable expected to be affected by the imposition of Regulation and Control and one NOT previously applying to the said LAND… so that that person [so affected], can object, and/or appeal to the Land and Environment Court… and later, if the Regulation IS imposed… can apply for compensation. [NB: We don’t want compensation…. We DEMAND our rights].

9. The CPRC STILL argues that such as instrument in Writing in order to bring about what is effect is actually a conservation and/or environmental control over the use of fee simple land will [in its primary landuse] be found to be constitutionally flawed.

10. With regard to para 9… we remind the Commission that the same Planning and Development law applies equally to all LAND… whether Urban or Rural.

11. We note the recent media-reported intention of the Government to 'develop' former Rural LAND [from memory about 1000 acres] in the Camden-Liverpool NSW area into a Commercial and Residential extension of the existing built area; said to be needed to accommodate urgent growth and development constraints. The LAND is in a Local Government area where all LAND-use is subject to EXEMPTION.

12. We remind the Commission, that LAND Zoned for " natural resource RURAL as opposed to the built Development of which [in at least all 1A Zones] the 'in the soil use of the land for agriculture' is a [Statory] ie 'specified' activity for the 'use' of that identified LAND [as LAND is defined…soil, water, air and vegetation] with no formal 'development Consent' requirement… as set down in PART 4 of the EP& A Act s76 (1).

13. We remind the Commission:- that this s76 is the common taw progression from the established understanding of the fee simple landuse principles… now absorbed to give STATUTORY protection of the investment and industry via the parliament so that orderly development can continue uninterrupted free of REGULATION and CONTROL.

14. We again remind the Commission:- that if the addition of REGULATION and CONTROL over an EXISTING and LAWFULLY APPROVED landuse is to continue [as now being scurrilously perpetrated] then as we have indicated. It can only be with the revocation and/or amendment of the Land and Valuation Act: Real and Property Act: Torrens Tide Act: Local Government Act: Planning and Environment Act: and perhaps others which do not readily come to mind.

In conclusion: we draw your attention to the new Regulations as envisaged in the 2004 Revision of Natural Resource Management.

- **This Revision** is nothing more than a continuation of this third party de facto authoritative interference, imposed under a n assumed parliamentary 'RIGHT'; recklessly and unconscionably enabling a public service intellectual management-regime to apply and put at risk, the viability and sustainability of investment-potentials accruing in legitimate expectation from a private, freehold, existing commercial-business, lawfully established and lawfully approved on fee simple LAND.

- **The 2004 revision is scurrilously misleading** and the government is gravely, in planning and development contempt of FEE SIMPLE LANDUSE PRINCIPLES in that it purports to have relaxed the 'unworkable' constraints in favor of local administration.

- At the end of the day…. Nothing has changed, only the deceitful illusion of change.

- Fee simple we continue to argue, is the binding commercial 'contract of exchange' for a tradeable commodity between the Crown [under the signature of whichever Governor of the day] as originally 'contracted' for a particular pastoral 'use' …. With 'pastoral' now being identified as agriculture …. Conveyed, registered and valued according to the various already mentioned Acts of Parliament.

We would appreciate further attendance at a Hearing…. And would request for convenience another session at Canberra.

Thank you

June Weston