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26 November 2018

Ms Renee Easten
Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By Email: lcsc@parliament.qld.gov.au

Dear Renee

Re: Human Rights Bill 2018 – AgForce Submission

AgForce members appreciate the opportunity for providing a submission for the Queensland Government's review of an important aspect of governance and government for all Queenslanders. Please find attached a brief submission that pays particular attention to the rights associated with property and the implications of this for broadacre agriculture.

AgForce asks the Queensland Government to consider the recommendations made in the submission attached and is available to meet at your convenience to discuss our concerns. Inquiries should be directed in the first instance to Dr Greg Leach, Senior Policy Advisor on [REDACTED] or by email: [REDACTED]

Yours sincerely

Michael Guerin
Chief Executive Officer

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August 2018

AgForce Submission

Human Rights Bill 2018

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1.0 INTRODUCTION

AgForce is the peak rural group representing the majority of beef, sheep & wool and grain producers in Queensland. The broadacre beef, sheep and grains industries in Queensland generated around \$7.2 billion in gross farm-gate value of production in 2016-17. AgForce exists to facilitate the long-term growth, viability, competitiveness and profitability of these industries. Our members provide high-quality food and fibre products to Australian and overseas consumers, manage around 42 per cent of the Queensland agricultural landscape and contribute significantly to the social fabric of rural and remote communities.

AgForce supports the growth and prosperity of rural and regional Queensland, which includes supporting member human rights for developing and managing resources on their properties to enable sustainable long-term production of ecological, production, social and economic outcomes. In this vein, AgForce welcomes the opportunity to provide a submission on the *Human Rights Bill 2018*.

Following recommendations outlined in the following paragraph the subsequent text separately expands on the section 24 of the Bill which refers to rights of property ownership:

“24 Property rights

- (1) All persons have the right to own property alone or in association with others.
- (2) A person must not be arbitrarily deprived of the person’s property.”

2.0 RECOMMENDATIONS

AgForce asks the Queensland Government contemplate the recommendations below and is available to meet at your convenience to discuss our concerns. Agforce recommends the Queensland Government:

1. Provide provision for the review of existing Acts in the Queensland Parliament to deal with the implications of Section 24, specifically that it is a human right for a person to own property and not be arbitrarily deprived of the person’s property.
2. Ensure clear provisions are outlined for the requirement of providing different forms of compensation to landholders for whom their property has been arbitrarily deprived.

3.0 SECTION 24 PROPERTY RIGHTS

2.1 Preventing Expropriation of Property Value and Diminution of Property Rights

The expropriation of property value and the diminution of property rights by Queensland Acts of Parliament such as the *Vegetation Management Act 1999*, *The Nature Conservation Act 1992* and the *Environmental Protection Act 1994* to varying extents need to be scrutinized regarding their individual and collective influence on property rights and property value.

For instance, since its inception, the *Vegetation Management Act 1999* (the VMA) has had 41 amendments, with more than 20 of these being considerable changes which required landholders to significantly alter their vegetation and property management plans and restrict the production potential of their properties. Currently there is virtually no possibility for a landholder to exercise their human right to develop the vegetation resources on their property without being arbitrarily deprived of the right to do so, without compensation. It was only in 2013 that the Queensland Government added further relevant purposes to Section 22A (s22A) for clearing vegetation, which included clearing for high value agriculture (HVA) and irrigated high value agriculture (IHVA). The amendments to the VMA in 2018 effectively removed the rights of landholders to develop land for HVA and/or IHVA, with the ultimate outcome that an external party (in this case the Queensland Government) has effectively taken away the rights of a landholder and decreased value of property for agricultural production without compensation. Arguably, landholders are arbitrarily deprived of their property for uses that their title and ownership should have historically allowed them to conduct.

In another example, the Protected Plants regulations under the Nature Conservation Act 1992 (NCA) is a more recent introduction by the Queensland Government of requirements for landholders to manage vegetation for endangered species. As with the VMA, the NCA does not provide any compensation for the landholder not to access and use specific areas of the property that are alleged to support Protected Plants.

Further to this, while the Environmental Protection Act 1994 seeks to integrate environmental values into economically sustainable development, land use planning and management of natural resources and seek remuneration of directly impacted landholders through defining environmentally relevant activities, the human rights of indirectly affected landholders are regularly ignored.

2.2 Supporting Market Based Instruments for Compensating Loss of Property Right

Compensation for loss of human rights is not clearly mentioned within the Human Rights Bill 2018. Enduring instruments that seek to provide some forms of compensation, either financially or through other credit or land-use agreements will surely be in the interests of ongoing value and preservation of human rights relating to land, particularly with reference to Section 24.

The Land Restoration Fund (LRF) is a new undertaking by the Queensland Government in seeking to increase the involvement of landholders in carbon abatement projects across the state. Effectively, the LRF has to potential to instigate a range of market-based income streams for landholders that compensate (in part) for services that their property provides and uses that they may have arbitrarily been deprived of in order to conduct 'land restoration' projects.

While the broader community good intentions of Acts such as the VMA, NCA and EPA may have the better interests of ecosystem health and preservation in mind, the human rights of the land owner(s) are regularly compromised. Further work is required in building on initiatives, such as the LRF, to ensure compensation for loss of property rights is factored into all land-based legislation and regulatory frameworks within Queensland.

4.0 CONCLUSION

AgForce members appreciate the opportunity of providing response to the Human Rights Bill 2018. The current drought across Queensland and also New South Wales highlights the need for landholders to have the human right be able to access, enjoy and develop their properties to be able to stabilize income streams, prepare for meeting protein deficiencies of livestock in dry times as well as improve flexibility of when animals can be prepared for market. AgForce strongly recommends that in order to provide this flexibility and deliver on the Queensland food and fibre policy, as well as meet Human Rights obligations generally in line with the Universal Declaration of Human Rights, the Queensland Government needs to ensure Human Rights through scrutiny of existing Acts and other regulatory frameworks as well as ensure instruments are made available for the ongoing compensation for loss of property rights.

AgForce invites further contact in order to provide more detail on this submission. For any questions or further discussion on these recommendations or this submission, please contact Dr Greg Leach, Senior Policy Advisor [REDACTED] on [REDACTED]