

14th June 2017

Senator Chris Back
Chair
Senate Standing Committee on Foreign Affairs Defence and Trade
PO Box 3468
SUCCESS WA 6964
By email: senator.back@aph.gov.au

Dear Senator Back

RE: MENTION OF OUR COMPANY WITHIN YOUR COMMITTEE PROCEEDINGS

As Australian proponents of a property development at 'Paga Hill' in Port Moresby, Papua New Guinea, we write in relation to our recent mention in questions posed by Senator Scott Ludlam at your recent Committee hearing on Foreign Affairs, Defence and Trade.

Specifically, Senator Ludlam posed questions to Mr Daniel Sloper, First Assistant Secretary Pacific Division, over "allegations of human rights abuses or corruption or involuntary displacement" in the pursuit of our property development. The Senator's questions were followed with a [Facebook post](#) on 1st June 2017, sharing a video of proceedings, stating:

"Not only has the aid budget been cut, it seems as though a substantial sum is being spent to displace a community from their land so facilities for an AEC summit can be built. Yes this government still call that 'aid'."

This statement has a number of defamatory and/or patently false imputations for us. Namely,

1. that PHDC are the recipients of Australian government funding;
2. that Paga Hill belonged to the settlers;
3. that PHDC 'displaced' the settlers; and
4. that APEC facilities are to be built on Paga Hill.

We note that Senator Ludlam failed to contact our company, PHDC, prior to raising the questions and making this public post, which we consider to be defamatory and ill-advised. Upon learning of the post, we wrote to Senator Ludlam on 7th June 2017 (attached), bringing this to his attention, however he has failed to respond. As such, we proactively provide you with a comprehensive response for the Committee's record.

Questions raised

We note from the official Hansard transcript that Senator Ludlam sought to confirm whether the United Nations Basic Principles and Guidelines for Development-based Evictions and Displacement were followed at Paga Hill. We address this below, together with the false/defamatory imputations listed above.

PHDC has never received Australian Government funding, nor will we benefit from APEC

Firstly, our project/company has never been the recipient of Australian government funding, neither directly nor indirectly (such as for the State's development of a ring road around Paga Hill). As much

as we have looked to develop a hotel at Paga Hill in time for APEC, and in spite of widespread government support, we have been unable to finalise a partnership to realise such a development. In fact, no aspect of the property development at Paga Hill will be ready for Port Moresby's imminent hosting of APEC. Further, in a live interview on TVWAN on 1st June 2017, Minister for APEC Justin Tkatchenko stated that Paga Hill has never been factored in planning for APEC-related accommodation. As such, the idea that development at Paga Hill will benefit from APEC, or that the settlement was relocated in readiness for APEC, is completely false.

The settlers had no right to Paga Hill

PHDC has held title over Paga Hill since 1998. Prior to this, the land was a National Park. The courts have upheld the due process followed in rezoning and acquiring the site, together with our extensive consultation process with the settlers that dates back many years (OS 573 of 2012 and SCA 18 of 2014), and as such the settlement was deemed to have been knowingly illegally squatting.

PHDC did not 'displace' the settlement

Given the settlers were illegally squatting, PHDC was not required to relocate the community, however we undertook the first privately-funded, humanitarian resettlement of an illegal squatter community of its kind in the country. The courts recognised our extensive consultation process, together with their agreement to harmoniously relocate, in the form of a Consent Order (DC 96 of 2012). An extensive relocation package was provided, including financial and logistics support, literacy, business and community governance education, basic services at site, as well as a landmark Land Use Agreement vehicle for the donation of land they could now call their own. This was undertaken with the collaboration of a seasoned UN professional, an experienced community development expert, as well as esteemed humanitarian Dame Carol Kidu. Some settlers would resist the relocation, challenging the validity of PHDC's title, together with their requirement to relocate. PHDC would wait over two years to access the site whilst the settlers exhausted every legal avenue available to them, all the way to the Supreme Court. At every stage, the validity of our title was upheld, so too their requirement to relocate.

PHDC followed UN guidelines, and the resettlement was commended by the UN in PNG

The idea that PHDC did not adhere to UN guidelines, together with a false link to Australian government funding and APEC, are recent attempts by activists and 'The Opposition' filmmakers to pursue relevance and notoriety for the film. Of course, UN guidelines were followed. PHDC went over and beyond what was required, which accounts for the UN's public commendation for our relocation efforts. This came from the UN's highest post in PNG, the UN Resident Coordinator, Mr Roy Trivedy, both [at the relocation site's official handover ceremony](#) in October 2014, and as recently as October 2016 in a [Post Courier article](#) calling for the outlaw of forced evictions. The idea that PHDC would have breached these guidelines is absurd in this context of UN acclaim. Attempts by Aid/WATCH, together with the film their petition promotes, to hold us to account over the current state is similarly ridiculous given that it is almost three years since the site's handover, at a time when many of the former settlers have sold their land and meaningfully moved on with their lives.

Unwarranted calls to compensate the former settlers

We note that Senator Ludlam questioned First Assistant Secretary Sloper as to whether there were plans to 'adequately compensate and accommodate' the former Paga Hill settlers. We are aware that 'The Opposition' film now ends with a 'call to action', referring the audience to a petition by Australia's Aid/WATCH organisation, calling for the Australian government to halt support of APEC until the former settlers are 'rightfully accommodated and compensated'. Of course, this petition is futile, and is merely an shameless attempt to promote the film by giving it notoriety and relevance. The settlers were illegally squatting, had agreed to harmoniously relocate, only for a subset of them

to challenge this (including our claim to the land), all the way to the Supreme Court. Further, our landmark relocation efforts were over and above what was required of us, and were commended by the United Nations in PNG. The idea that the settlers are owed anything outstanding is misleading and outright false. In fact, a subset of the former settlers, led by 'The Opposition' protagonist Joe Moses, actually filed action against PHDC, the PNG Police and State, seeking compensation but the proceedings were comprehensively dismissed in June 2016 (WS 30 of 2016). Despite bringing this to the attention of Aid/WATCH in a written letter on 10th May 2017, they persist with their contemptuous and defamatory petition, referring to PHDC as 'land grabbers'.


'The Opposition' film

We advise that 'The Opposition' is far from a documentary. A specious but contemptuous storyline, it is a shameless pursuit of the most marketable narrative available, coming at the expense of truth, together with the reputations of PHDC, the PNG judiciary, PNG government and others. For example, the film's narrative is centred around a 'miscarriage of justice', an 'illegal land grab' by a corrupt company that the PNG Government has shares in, illegally displacing a community off 'their' land, all of which is of course highly misleading, patently false, and flies in the face of readily available facts. We are dumbfounded at the incessant and unscrupulous efforts of the filmmakers, together with its supporters such as Aid/WATCH, in shamelessly misleading the likes of yourself to actively promote their interests, creating a sense of notoriety and relevance for the film that only serves to benefit their profiles and commercial interests. It is evident that this will only stop with legal action, and as such we have filed proceedings against Joe Moses, both for his contemptuous statements as main protagonist within the film, together with his subsequent promotion of the same. Similarly, we are in the process of filing proceedings against the filmmaker.

Conclusion

We would have appreciated Senator Ludlam requesting comment/information prior to making his statements, both within and outside of Parliamentary Privilege, however we can appreciate how one might empathise with the specious claims that are unscrupulously being peddled by the film and its supporters. Ironically, Senator Ludlam's sharing of a video of the Committee has him pressing First Assistant Secretary Sloper for not validating media reports on Paga Hill, but yet a simple online search would have unearthed a plethora of readily available information to comprehensively refute the film's and activist claims. Even so, we trust this information assists with the Committee's inquiries, and we would more than welcome any further questions or requests for clarification.

Yours sincerely

 **Gudmundur Fridriksson**
Chief Executive Officer

George Hallit
Chief Operating Officer

Enclosed

1. Email to Senator Scott Ludlam, dated 7th June 2017, including attached letter from PHDC to 'The Opposition' filmmakers and Aid/WATCH, dated 10th May 2017