

28th February 2010

ATTENTION: The Chairperson
Senate Finance and Public Administration Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Chairperson

Re NSW Native Vegetation Legislation

Property Rights

I am writing to express our deep concerns at the manner in which Native Vegetation legislation and the erosion of property rights by all levels of government is impacting upon us.

As long-time farmers, we are deeply committed to employing sustainable practices on our property, but without the ability to address the issue of infestations of native species such as Native Olive, Wilga and Black Pine, over half our medium-value grazing country will be totally unusable in the near future. Apart from the impenetrable nature of this growth, the resulting provision of shelter for rabbits, foxes, feral cats and the exploding population of feral pigs, along with a dangerous accumulation of highly combustible material, is hardly what could be regarded as a desirable environmental outcome. We have been granted a permit to selectively clear 80 hectares of this particular area, but the conditions of the permit are impossibly restrictive, especially given that this area was previously cleared.

Interesting to note that under the law, we are responsible for fire control on our property but in practice we have very little in the way of legal facility to do so. Requests to undertake hazard reduction burns or to clear fire trails always end up in a stalemate between the RFS and the Native Vegetation people. Usual result is that the time taken by this idiotic, but apparently mandatory, bureaucratic buck-passing inevitably takes us outside the window of opportunity. Most approaches to the relevant bureaucracy then result in the receipt of a photocopy of the legislation accompanied by a threatening letter outlining the punitive provisions if we don't adhere to strict compliance provisions. As far as the punitive provisions of such legislation are concerned, any classroom teacher worth their salt can tell you that if ownership of a project is not promoted and if you employ the 4P strategies (Persecute, Prosecute, Penalise, Punish) then the project is doomed to certain failure. On the other hand, when ROPE (Reward, Ownership, Praise, Encouragement) strategies are utilised, progress may be slow but it is almost guaranteed.

Whilst it may be beyond the comprehension of city dwellers, we are deeply concerned at the intrusive manner in which we are quickly being legislated and regulated out of our lifestyle, our livelihood and, eventually, our lives, by people who have no concept of what the real issues, causes and effects are in our environment. Yet, for the most part of their lives these same people live in, contribute to and participate happily in the most obscene environmental abomination of all – the city of Sydney. Their time and energies would be better directed in addressing the monumental urban pollution issues which are far more detrimental to the environment than anything we are likely to do on our property.

We need to impress upon you that we find the ignorance, arrogance and dictatorial attitude of urban-based green groups and bureaucrats to be offensive in the extreme, especially since we are doing more every day in a practical sense to enhance desirable environmental outcomes than the great majority of them will ever do in a lifetime.

Whilst we do understand that it is a cornerstone of the green extremist agenda to dismantle the social, cultural and commercial infrastructure of the rural community, we are at a total loss to understand what real benefit this will be to the community at large at any stage. When answers to this question have been sought, the issue has been totally avoided. At grass roots level the response follows a familiar pattern eg "It's about time you (expletive) farmers were brought to your knees. You've had it too good for too long". This is followed by a tirade about subsidies, government handouts to farmers (wish we could have accessed a few of those!), capitalising profits, socialising losses, and a variety of other well-worn emotive clichés which have no factual basis.

The sneaky way in which the Federal and NSW State Governments have colluded over the years to dispossess landowners without fair and just compensation is almost unbelievable. Robert Mugabe is despised internationally for the manner in which his government has dispossessed landholders but I have to say that when you compare that with what has happened in Australia, there seems to be very little difference in the final result. One small area of difference is that Mugabe has quite openly beaten and murdered dissidents whereas the Australian experience seems to be that the victims of this policy of dispossession have too often been pressured into a point of no return and have taken their own lives. Governments as a whole have continually denied responsibility for this tragic loss of life, always claiming that the victims should have used the "justice" system to have their particular issue resolved. The problem seems to have been that the "justice" system is so loaded against victims via the corrupt legislation supporting land seizures by the state that they have no chance of any access to a fair hearing. As under Mugabe's regime, these victims end up dispossessed and/or dead, courtesy of Government policy. Nobody has yet been able to explain satisfactorily to me what difference there is in the final analysis.

Politicians may rabbit on endlessly about what a complex issue land resumption is, they may justify it by claiming it is "in the National Interest" (a very handy phrase when you know you're in the wrong) or that cataclysmic climate change will suddenly engulf mankind if properties of environmental significance aren't immediately resumed by the state. This sort of alarmist, political hogwash is not only untruthful, but offensive in the extreme.

It all comes back to a very simple principle – if the property in question is so important, then by all means take it – but PAY FOR IT. If the government of the day can't afford to pay compensation, then DON'T STEAL the place, as has been the practice in recent years. Similarly, if our agricultural activities are to be limited by state resumption of vegetation or other resources, PAY FOR IT.

The current practice of sidelining the Constitution to allow state theft of private property and assets, by whatever means, must be brought to an immediate end.

Yours faithfully

Wilf MacBeth