

Submission to Australian Federal Senate's Finance and Public Administration References Committee

## INQUIRY INTO NATIVE VEGETATION LAWS, GREENHOUSE GAS ABATEMENT AND CLIMATE CHANGE MEASURES

### Background

In Nov 1996, we purchased property on , near Gingin in . Our plan was to clear about 40% of the 1,000 acres, in order to run our 50 head cattle. Prior to making the decision to purchase, we gained permission from the Shire of Gingin, the Department of Agriculture, The Lands Department, and the EPA to ensure we would be allowed to clear. (We were given permission to clear from all of the above Departments). We also had our lawyer look into the agreement, knowing there may be some loop holes that we didn't know about. Everything looked to be in order, so we proceeded with the land purchase.

In February 1997, we officially applied to the Department of Agriculture for permission to clear, only to find out by the time they had done their research, the law had changed (May 1997) and we weren't allowed to clear.

Further complicating the clearing issue, there has been identified a Declared Rare Flora (DRF) on our property. The DRF is known as Chamelaucium Lullfitz or Gingin Wax. Our property has been identified as home to one of the 5 populations of this plant, that was ranked as critically endangered in November 1998.

### Diminution of land asset value and productivity

Unencumbered, our property, based on comparable market values, would be worth approximately \$2 million at this point in time. Due to the fact that the property is tied up in native vegetation and DRF rulings, it is virtually valueless.

If we had been able to clear the 400 acres as originally approved, comparable figures put annual profit at approximately \$50 per acre in real terms, or \$20,000 per year. Over the 12 year time frame, this equates to \$240,000 in lost income.

We have spent over \$3,000 on legal fees and associated costs.

We have been forced to sell all our farm machinery & all cattle associated yards & materials whilst waiting on a decision from the Department of Agriculture. We have lost the value of the 50 head of cattle that we kept on adjustment for 2 years, hoping to come to a common-sense solution and bring them to our own property. 15 years of cattle management & breeding improvements have been lost.

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The stress of dealing with all of the above caused health issues for both of us. I can't put a dollar figure on that, but the impact was significant. The people in the Government Departments we were dealing with didn't even stay in the same office position, but the results of their decisions stayed with us for always.

The total dollar amount exclusive of these very real but immeasurable costs now stands at \$2,243,000 +.

#### Compensation arrangements

The Department of Agriculture offered us \$100,000 in 2007. But the offer came with so many stipulations that it would have cost us \$145,000 to accept. (We are happy to provide these stipulations should you wish to see them.) So we declined the offer. We have been told that by refusing that offer, we gave up all rights to pursue the case further. We have not pursued it, because our health was suffering, and we decided that was more important than continuing to fight this headless monster.

#### Appropriateness of Method of Calculation

The method of calculation that the Department of Agriculture used in their offer was woefully inadequate. It did not come anywhere close to compensating us for the decrease in land value that resulted from the blights. Besides that, we just wanted to operate our property as we had intended. We did not want to sell. We had been very careful before purchasing the property about what we could do, and we did everything correctly. Can the rules change so drastically without regard to the real impact on individual people?

#### Related matters

The Native Vegetation Act, The Wildlife Conservation Act 1950, the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act 1999, (presumably soon) the World Conservation Union (IUCN, 2000), and I'm sure other acts that we do not even know about all affect our property. But we did not know this when we purchased the property, and it is not fair or just in a free society for this to happen to honest people. We have always been law-abiding citizens, and have done everything as right as we possibly could. What has happened to us leads us to not encourage anyone else to try to play by the rules.

As a matter of interest: "Application for a composting facility is on the agenda for the property on the eastern boundary of our property and an application for a sand- mine on the western boundary property is being investigated at this time. Neither has been given approval. Many Government departments to appease for the sand mine, and as far as I

know, the only hurdle left for them is the Main Roads Dept. The composting facility is still in the early stages, but the Directors of that company assure us it will go ahead, we just don't know when."

In the mean time, we are caught in the middle, unable to do anything.

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### Conclusion

There are obviously many acts, laws, regulations and policies that bureaucrats can utilise to continue to keep us from enjoying and using our property as we originally intended. To take just one of these, the declaration of Gingin Wax as an endangered species: if society at large thinks that it is important to protect this newly-discovered species, then surely society will be willing to pool their resources and compensate the rightful owners of the affected property, in order to protect that species. It cannot be right or just for a property to be declared untouchable by the owners, supposedly for the benefit of society, without just terms compensation. This is not the we thought we belonged to.

Thank you for your interest in situations such as ours. We hope you can help to move our society back to a reasonable point with regard to the sanctity of private property rights. If we can follow up in any way, please contact us.

Sincerely,