

SENATE FINANCE AND PUBLIC ADMINISTRATION REFERENCE  
COMMITTEE

INQUIRY INTO NATIVE VEGETATION LAWS, ETC.

Submission from Graham R. Davies,

Summary;

1. A brief history of our circumstances.
2. The inadequate “assistance measures” They would not say “compensation”
3. The inappropriateness of the method of calculating asset values.
4. Productivity Commission and other reports.
5. A small sample of recent correspondence.

1. In accordance with the terms of reference I wish to refer mainly to the impact of native vegetation laws on my family’s well being, particularly the diminution of land asset value and productivity.

We bought a property in the mid 90’s at \_\_\_\_\_ consisting of approx 1100 Ha of cleared land and 1300 Ha of bush, at least half of which was suitable for clearing for the production of crops and pastures.

My son and his family joined my wife and I in this venture with the intention of clearing more land to make the property viable enough to support two families. We were not inexperienced and were capable of achieving this objective had we not run into a decade long bureaucratic nightmare which resulted in us being prevented from clearing any land.

2. By early 2000 we were offered, not compensation, but assistance under the Natural Resource Adjustment Scheme, to survey off two areas of bush, one 800 Ha the other 200 Ha, from the cleared farmland, onto separate titles.

3. The proponents of the scheme concocted the unlikely theory that the bush blocks on separate titles could be sold to release our capital for more productive enterprises. As well as paying for the surveying and some fencing, an adjustment payment was dreamt up, being the bureaucracy’s idea of the difference between the value of the land if it could be cleared and it’s value with a clearing ban in place and a conservation covenant in perpetuity registered on the title. This latter value was wildly wide of the mark as we found when we tried to sell the bush blocks.

There is virtually no market for the larger block at any price and we were eventually very lucky to sell the smaller block for a lot less than it would have been worth if some was cleared or could be cleared.

In 2004 at age 68 we sold the cleared farmland to retire, but retain to this day the 800 Ha bush block which is a severe burden on a modest retirement income.

4. Only a few years ago the Productivity Commission of the Federal Government studied and reported on this whole business of the effect of land clearing laws, so this Senate Committee could and should study that report.

Also last year an “expert committee” released a similar report to the W.A. State Minister for the Environment which highlighted the injustice suffered by those landowners prevented from clearing.

The Minister has not responded to the report yet, as far as I am aware.

5. Of the thousands of letters I have written over the past 15 years I wish to submit three recent examples, as part of my submission, (assuming I can get the cooperation of my computer) as each outlines some of the difficulties we face.

A. 15-05-09 to the W.A. Premier with copies to the Minister for Agriculture and Minister for the Environment.

B. 11-09-09 to the W.A. Minister for the Environment, with questions as yet unanswered.

C. 29-09-09 to the W.A. Premier.

G.R.Davies.

To Hon. Terry Redman. Minister for Agriculture. Copy of letter sent to the Premier & Donna Faragher, the Minister for the Environment, from G.R.Davies, 15-05-09.

In the mid 1990's the Court Coalition State Government brought in measures to stop rural land clearing, by Cabinet decree, without legislation or debate in parliament or in the public arena.

This was done mainly as a result of agitation by small "green" groups within Government Departments and the public who saw land clearing as the cause of all the environmental problems in the state.

These bans on rural land clearing did not affect those who had already over cleared their properties and may have contributed to land degradation but had a devastating effect on a small number of farmers (myself included) who had not over cleared their land but wished to clear some land for reasons of viability or to accommodate the next generation.

It was not intended that those disadvantaged by the clearing bans should bear the financial burden of reduced land value and lost opportunity, as when Richard Court came back from the 1999 COAG meeting it was announced that as part of the Action Plan On Salinity and Water Quality those affected by clearing bans would be compensated under a joint Commonwealth-State agreement. This never happened.

Monty House, the then Minister for Agriculture, brought in a scheme called The Natural Resource Adjustment Scheme which was declared to NOT be a compensation scheme but "Assistance" to allow landowners to release the capital tied up in now unproductive land.

Assistance was provided with the cost of surveying onto separate titles areas of bush where clearing had been banned, and fencing these areas, and a small adjustment payment was arbitrarily calculated and paid on the difference in value of the land with and without a clearing ban.

The theory was that the bush blocks on separate titles could be sold (to whom was never revealed) and the capital reclaimed used to buy productive assets.

Soon after the Labor Government were elected and we got scant consideration from Kim Chance and his lot for 8 years, while those who had over cleared their farms were getting Government handouts (not means tested) for landcare and conservation work.

We surveyed off two blocks of bush, one 800Ha the other 200 Ha. under the scheme.

The above long drawn out process took 10 years, during which time my son had to leave and make a career elsewhere because the farm had insufficient cleared land to support two families.

By 2004 I was 68 years old and had to sell the cleared farmland to retire. The buyer of the farm of course did not want to buy the bush blocks which had a conservation covenant in perpetuity on them as part of the Natural Resource Adjustment Scheme.

We have since been able to sell the 200 Ha. Block for far less than it would have been worth if some was cleared or could be cleared.

We are still the owners of the 800 Ha. block of bush which is costing us money we can ill afford in retirement, over \$1000 per year in shire rates (& rising), maintaining tractor and equipment to preserve firebreaks, half the cost of common boundary fences when neighbours wish to renew and other costs including GST as we are no longer in business and can not reclaim GST or other expenses as a tax deduction.

I see no prospect of selling the 800 Ha at \_\_\_\_\_ to a private buyer, it's too large for a weekender or a lifestyle block and has no services.

Subdivision into smaller blocks and provision of some services such as water might help but the huge expense would be beyond my resources with no great likelihood of sales thereafter.

Purchase by the state at a fair price, for a nature reserve or annex it to the nearby Stirling Range National Park, would be the obvious best option.

I put it to you that we have had a rough deal, along with a small number of other landowners who were badly affected , probably no more than a few dozen in total who had more than 40% of their farm in bush when these bans came into force.

Probably this small number is the reason why Government has chosen to ignore us, there are no votes in it and no electoral backlash for doing nothing.

Picture the mass clearing that has gone on and continues for housing and commercial development in the metro area, and imagine the backlash if there had been a clearing ban there.

See the mass clearing that is done for open cut mining at Collie, in the Goldfields and the Pilbara and imagine the backlash if clearing bans were applied there.

I put it to you that governments of all persuasions were happy to pander to the “green” city voters by being seen to be doing something about salinity (even if it was totally ineffective) and if a few “cockies” got hurt, well too bad it wouldn’t cost much in votes or money.

The attitude of Government and bureaucrats to us, and others like us who had their land devalued, has been both stingy and unsympathetic and I can not help but compare this with the mind boggling amounts of money thrown at and in many cases wasted by the welfare industry.

There are two classes of citizens in this country now, those who are given large sums of money by Government and give nothing in return, and those who produce the wealth of this country and from whom Government take as much as they can, and the latter are getting very resentful of the former.

Graham Davies

15-05-2009

Graham Davies

11-09-2009

The Hon. Donna Faragher, Minister for the Environment and Youth  
Dumas House  
Havelock St. West Perth 6005

Dear Minister,  
Re.

W.A.

It is now a long time since I wrote to the Premier on 15-05-2009, concerning the effects of clearing bans on me and my family, and the letter was passed on to you.

Following that I met you and your assistant in to discuss the matter and you assured me that the matter was under consideration and a response would follow.

I know that the wheels turn slowly and you have many other issues to consider, but have you progressed my matter to the point where you could answer the following questions?

1. Do you agree that the intention of the State and Commonwealth Governments was to compensate land owners who had clearing bans imposed on them under or at the time of the National Action Plan On Salinity and Water Quality?
2. Do you agree that this would have been fair and reasonable?
3. Do you agree that the Natural Resource Adjustment Scheme was not fair and reasonable compensation as it relied on a false premise that there would be a market for bush blocks and they would have a value sufficient to allow land owners to release their capital for more productive enterprises?
4. Do you believe that bush blocks, where clearing has been stopped, will ever have a value for their carbon capture and storage, and that the State should buy such bush blocks for that reason as well as for the more obvious reason of flora and fauna conservation, biodiversity, and salinity control?
5. Do you believe it is fair and reasonable that, until some resolution of this issue is achieved, we should have to bear the cost of maintaining this bush

block (Rates, fencing, firebreaks,etc) when, as I said in my letter of 15-05-09 we can ill afford in retirement the financial and physical burden, while many landowners are getting Government handouts to repair the damage caused by their over clearing.

I do hope that in the near future you will find time to answer the above questions and perhaps indicate the direction of the Government's thinking on this matter.

Yours sincerely,

G. R. Davies.

From  
G.R. Davies

1

To  
Colin Barnett MLA  
Premier

Dear Sir,

Thank you for your letter of 22 September 2009.  
I was disappointed with it's brief and dismissive contents.  
It appears you have not read or taken notice of the Regulation Review:  
Clearing of Native Vegetation, Report to the Minister for the Environment  
by the Expert Committee, April 2009. Section 3.5 is of particular relevance  
to my situation.

Of course I am aware that the various adjustment schemes you mentioned  
are no longer current.

I was hoping that your Government would have the decency to institute the  
sort of compensation scheme envisaged by Richard Court and John Howard  
and agreed to at the 1999 COAG meeting when the "Action Plan on salinity  
and Water Quality" was conceived, which resulted in bans on clearing and  
started the hardship and troubles that affected a small number of people  
(including myself) very badly.

Certainly the Labor Government that followed the 2000 election refused to  
consider a compensation scheme but did follow through with Monty House's  
Natural Resource Adjustment Scheme which was designed to save the  
Government money and was based on the false premise that bush blocks  
surveyed off on separate titles would have some market value. In most cases  
they have not, particularly the larger blocks.

It is totally unfair for the State to now say "Too bad, we tried to help. It's  
your bad luck if you can't sell your bush" on top of the loss of capital value  
and disruption to life and family plans caused by the clearing bans.

2

This issue will not go away while a small number of people badly affected  
by the situation (including me) are still alive.



I now await a response from the Minister for the Environment to a series of questions I put to her in a letter dated 11-09-2009, and any results from lobbying efforts by the W.A.Farmers Federation on our behalf.

Almost everyone I speak to agrees that we have been treated harshly by the State simply to appease the “green” section of society.

If the clearing that was stopped had any benefit, it was the State that benefited, but only the land owners suffered.!!

Yours sincerely,

G.R.Davies.  
27-09-2009