

Dear Senators,

I wish to make a submission regarding the vegetation laws in New South Wales.

Being a farmer and real estate valuer in New South Wales I have gained a perspective which I would like to share.

The vegetation laws introduced by the New South Wales government have had a magnified effect in our locality and the localities I work in due to these areas having a significant amount of privately owned vegetation. These effects have been both personal and monetary, affecting all areas of our regional communities.

Personal effects have included dysfunctional families, depression and suicide. Monetary effects include loss of income, loss of land value, loss of production and loss of ability to effectively manage their farming operations.

The vegetation laws in New South Wales disregard sacred property rights that a land owner enjoys. These property rights should be compensated for if removed for the public good. I regularly undertake valuations under 'just terms' compensation which is adopted in different forms around the world. There are many aspects that must be addressed and have proven over time to be thorough, recognising and defining property rights. I do not wish to go into specifics but the headings can allow for such aspects as spiritual connection to the land. The compensation for lost vegetation management rights is relatively easy to calculate in comparison to native title and easier to substantiate.

I am aware of other methods of legislative vegetation control such as stewardship payments in South Australia which enables compensation for specified periods, recognising the property right owned by the farmer.

The native vegetation laws have proven to be inequitable generally rewarding those with money to clear in the increased value of cleared land and potential income. Those that have not been in a financial position or have decided to maintain more vegetation have suffered greater.

The abuse of legislation manipulating vegetation control on freehold land continues in other forms. Two further examples that come to mind include the potential ability of plantations to achieve carbon credits and not remnant vegetation with both being used by governments for carbon offsets. Another is the conversion to freehold process disabling current farming activities on leasehold land through covenant controls.

In essence, I believe the constitution has been and continues to be breached by the creation of the state vegetation laws and the Commonwealth should intervene to protect a fundamental Australian right.

Yours sincerely,

James Dedman