

B.J. & S.L. Burns,  
W.A.

Native Vegetation Inquiry,  
Productivity Commission,  
LB2 Collins Street, East,  
MELBOURNE VIC. 8003.

Dear Sir/Madam,

Re:                   Impacts of Native Vegetation and  
Biodiversity Regulations

The Environmental Protection Authority Act, 2002. (now nearly law in W.A. - just needs Governor's signing to assent to become law), will have serious and far reaching repercussions on those thus affected with clearing bans imposed on their properties.

In W.A., I personally would be one of the worst affected.

Out of 8000 acres of freehold land - (freeholded 1988), I can now only use 2000 acres

- 1300 acres used for cropping
- 700 acres shelter, shade

I am the owner of Kent Loc. 1664 - 3500 acres, Jacup  
Roe Loc. 2598/99 - 4500 acres, Lake Grace

Both these agricultural blocks were freeholded in 1988. That is, there were sufficient improvements Carried out to ensure titles were issued by W.A. Government.

On Kent Loc. 1664, Jacup, approximately 12500 acres were developed. 1000 acres was cropped twice on the Nth. East, alongside Reserve Road. The last crop in 1986 season (wheat). The balance, 1500 acres, was seeded to pasture. This was worst regrowth area. Initially the blocks had been burnt before development commenced, which retarded development. The Commissioner of Land Conservation, has enacted a Conservation Notice (in perpetuity) on the whole 3500 acres! There is no logical, or fair reason, why this has been done.

At Lake Grace, Roe Loc. 2598, 2599, 1 have 4500 acres, with 2500 acres placed under a Conservation Notice, (in perpetuity) applied. This block has a salt problem, but because of the misadministration of the Soil and Land Conservation Act of 1945, being administered by Agwest incorrectly, 50 farmers further upstream, (who incidentally have overcleared their land) are allowed to export their salt, through the natural drainage system, through my land. (This is contravening the said Act) Appropriate regulations and guidelines are set out in the Act to prevent this from happening, but Agwest refuses to enforce them. They administer the Act in partiality, when and where it suits them.

In 1988, I was involved in a road accident; hit on the right side by a car doing approx. 90 kph. A 'P' plate driver collided with my car, which I was driving; where I had right of way. He drove straight through a 'Stop' sign, without breaking, and I copped the full impact of his car on my driver's door. His explanation was he was reading a road map. The impact was on my right arm and shoulder.

At the time, being self employed, carrying out house relocation contracting, and farming, I couldn't get sickness benefits, and was forced to sell off some of my assets in order to survive. (Front end loader and other assets). After 6 weeks at home, I forced myself to go back to work, in order to pay bills. At the time my 5 children's ages ranged from 3 years to 12 years.

Up to this point, I was developing my land by doing contract work. But because of the car accident injury (ongoing), it drastically slowed up my work output considerably, and my farm development was curtailed. The sustaining injury took a long time to heal (soft tissue), and I could not get my work done as fast and as efficiently as before. I lacked finance and time to get back into ongoing development.

In 1989 I did have the foresight to apply for, and receive a permit to clear regrowth on Kent 1664 - no sunset clause.

In 1996, there was also the floodgates of extreme conservation definitions and regulations opened up. After applying for permits in 1996, my requests were refused on the say so of incompetent Agric. Dept. staff. The Conservation Notices indicated that. in Deputy Commissioner, Andrew Watson's opinion, I was refused permission to clear - he feared salt degradation off site; even though my plan was to grow water absorbing plants, equal to native vegetation, and have shelter belts facing against prevailing winds, and salt traps installed to ensure no salt, if any, was exported. The water would be conserved on my property with contour ploughing\$ and deep ripping. The outflowing water courses would have salt traps installed so as to remove salt drainage down Stream. (A salt trap is a deep trench across water way, or a dam Slightly off water flows so as an automatic bypass is established) The water thus trapped in excavation, has the dense salt laden concentration at the bottom. This is pumped into an evaporative pond, or natural salt lake. when crystals are formed by evaporation, wind and heat. In summer the salt can be harvested when deposits warrant collection.

In my considered opinion, this positive approach is most reasonable. However, certain professional officials in the Agricultural Department. are against this and deep drainage, because their professional pride wont allow them to back down.

The knowledge is there, and if developers are tied down to their plan of action, it is a progressive approach.

In South Australia, salt drainage has been practised for many decades. They also pay farmers compensation for land use forcibly taken for conservation. Minister Kin Chance referred to “stand alone compensation” for outstanding cases, but the Government is not willing to attend to the justice aspect across the board.

The regrowth on my land has obviously increased, due to Government intervention, which would make the job of reclearing much more expensive. The Govt. valuers don't recognise that "a stitch in time, saves", My farming plans are financially ruined. When I faced an Appeal Committee, the two Government reps. couldn't, or wouldn't, see the impact/setback on a person who started out with nothing, and had to work hard, to nearly achieve his goal. (to farm)

About 3 years ago, my 8 reel Pederick root rake and a 150 hp John Deere tractor were stolen from Kent 1664. Other plant has deteriorated in time, by standing idle.

I am now 64, and have 4 sons and a daughter. My life's savings have gone into my farming venture. Three years Army Service 1957 - 1960. Six years Milk Vendor, Albany, and 37 years contracting/farming.

The Government has taken away my Superannuation, and put me in a tight economic situation. I don't wish to leave my children a Conservation Reserve. The Government should give me enough money to buy a farm, or else pay me a lease for the use of my Reserve, and quit the bullying tactics. How would the Ag. Dept. Bureaucrats like most of their savings neutralized? - not to mention the mindless Party vote of Members of Parliament.

After seven years dialogue with Watson, Hartley and Robertson; no constructive direction is forthcoming. Correspondence over 600 mm high.

This end time Legislation is totalitarian.

Surely to goodness amicable compensation is justice?

Yours faithfully,

B.J. Burns

Appendix pages 4&5: S.L. Burns

The impact of long and protracted dealings with Agwest. and associated bureaucracies, and their failing to compensate for the loss of over 6000 acres of our freehold land, has had an irreparable, and damaging impact on our family, financially and emotionally.

Dealing with Brian's road accident in 1988, was one devastating issue, especially as our young family of 5, ages from 3 - 12, and no financial assistance available from any source, because our so called 'assets' at Lake Grace, and Jacup, were valued for a means test, and were valued outside the criteria for us to receive any financial help.

The impact of this road accident has had a far reaching and devastating effect. The Court hearing (District and Supreme) did not give any consideration for the effect this was to have on our lives and the flow-on effect, regarding the regrowth at the Jacup property, because Brian was not able to get out there and continue any farming practise, because it was a battle to work in a reduced capacity, and survive from day to day, with bills to pay, and mouths to feed, let, alone have time to spend with family - (holidays were out - our children have never experienced a family holiday). The court cases were protracted by lawyers and compensation from accident didn't eventuate until 1995/96, with the lawyer taking the cream off with Court costs etc.

I have had to live with the ordeal of my husband contemplating suicide during this time, because of stress emotionally and financially. (Deputy Commissioner, Andrew Watson is well aware of this).

A lot of correspondence to Agwest and associated bureaucracies are ignored, and do not even receive an answer.

Why should conservation be put on the shoulders of a few (especially when they have not overcleared, and especially when the argument for not clearing is weak and invalid, with them stating there is only a possibility that it may cause salt degradation. This is not a conclusive argument. Just a lot of piffle stipulated by some arrogant bureaucrat whose own pride won't allow him to back down, and in so doing, lose face.

We are paying rates on land we cannot use.

Shouldn't the Government be shouldering the responsibility of conservation, and not the individual. We are paying rates on land we cannot use. Instead the Government should be leasing our land from us and pay an annual fee, as for tree farms, if they want us to take on conservation responsibilities for the benefit of fellow Australians!

In the early 80's, we were approached by one of our neighbours to buy our land, and were offered a fair a d. reasonable price, for our Lake Grace property. However, we did not have freehold title, and still had to comply with Conditional Purchase conditions. (Not that we wanted to sell anyway).

The Rural Adjustment Scheme, year later, offered us a ridiculous figure. The situation there was take it or leave it - no options. It was insulting.

We have lost our land, and have become an owner of a Reserve, still on which we pay rates. We now are probably are going \to have to sell our family home to survive. There is no foreseeable alternative way out, as my husband is nearly 65 years, with no superannuation now.

The ALP Caucus voted for proper payment, equal to water catchment compensation; but once in power, failed to implement this policy.

Yours faithfully,

Shirley L. Burns.