



Farm foreclosure political shame

Comment

By **MURRAY COWPER**

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THE pending foreclosure of Peter Swift's 600 hectare Manjimup farm scheduled for this month should be the catalyst for the State Government to make good its promises to correct serious anomalies in WA's land clearing laws.

Mr Swift's demise may not have occurred if the government had honoured promises in April last year to review farming activity in environmentally sensitive areas (ESA) on private land.

Our failure to act on this issue saw Mr Swift clobbered with an ESA infringement after he had spent three years defeating an unfounded, malicious land clearing charge against him.

Mr Swift has not only lost his property, his health has suffered and his future is uncertain because of the serious injustice he has suffered.

The ESA rules were written by bureaucrats and endorsed by the then State Labor Government in 2005 in a deliberate attack on private landowners in many of our most valuable farming areas.

They were used in a blatant retaliation against Mr Swift, for his Bunbury Court win, by the Department of Environmental Regulation (DER) to blight half of his property.

He had already incurred costs of more than \$300,000 defending the bogus land clearing claim over 15ha of his property which became unviable when the government declared half of the property to be an ESA, which cannot be grazed by livestock.

His appeal to the Attorney General for compensation last year was rejected despite the immense validity of his claim.

Mr Swift's case should embarrass all State parliamentarians as an example of gross injustice for many years to come.

The ESA rules are still in place despite repeated pledges to amend them by this government.

They will entrap many more private landowners in the proposed Perth-Peel Green development plan and that is why this initiative should be postponed until we clean up the mess.

If we do not fix these problems in this term of government, another 3000 to 4000 private farms between Cervantes and Walpole could be rendered unviable.

Necessary ESA regulation changes were clearly spelt out by an Upper House Standing Committee on Environment and Public Affairs in response to a petition by Murray Nixon, Gingin Private Property Rights Group, in August.

They provided for producers to be notified and

consulted where restrictions and exclusions were nominated for their property and for more effective rights of appeal.

Another more insidious barrier for farmers such as Mr Swift has been the lack of planning support from the Department of Agriculture and Food and in many cases the deliberate use of planning to frustrate rural development projects.

I am confident after a visit to farmers in my electorate by new Agriculture Minister Dean Nalder last week that this agency might become more of an advocate and less of an apologist when it makes decisions on rural planning policy.

The Swift case also confirms the need for a formal Land Court in WA on similar lines to the powerful Land and Environment Court set up in NSW in 1980.

This jurisdiction has replaced a range of landowner-unfriendly appeal processes and has the same status as the Supreme and Industrial Relations courts in NSW.

It has protected hundreds of private landowners in NSW from unjust environmental and planning prosecutions.

Serious threats to the property rights of many private investors in WA are continuing to the point where they now contradict our own increasing State calls for more investment in agriculture.



□ Murray Cowper.

My Private Members' Bill, which was partly introduced in late 2014, requires the government purchase or compensate private land on just terms.

I have been unable to progress it.

We need to confirm that if government is not prepared to purchase land on just terms, or adequately compensate private owners for it, then it should not be legislating to steal or control it.

As influential national agricultural policy maker the Wentworth Group declared when reviewing the impact on farming of the Federal Environmental Biodiversity and Conservation Act in 2002: "Whilst we expect farmers to accept a duty of care to protect the environment it is not fair to expect them to bear all of the costs when the benefits of their actions accrue to others."

