

Parliamentary enquiry into Property Rights

Dear Distinguished Member/s of Parliament,

Thank you for taking the time to hear our concerns regarding an issue we have been dealing with, which has caused great stress, anxiety and financial hardship for myself and other members of my family. Ours is a story that should be told and this enquiry will give us the opportunity to have our situation placed on public record. Like many land owners who bought land as a farm/asset/home or investment it was quarantined and devalued for public benefit. We foolishly believed that the processes required us to received fair compensation for the asset and property rights we owned by that land title would be a fair and just process, how wrong we were. After all the government had taken our right to the enjoyment of asset for public purpose.

Our family is made up of hard working honest people that first arrived as soliders settlers from England in 1923, in 1938 purchased crown land at the market price to develop and expand our growing farming business in Mandogalup a suburb of Kwinana in the Perth metro area. The family set about clearing this land by hand to increase our market gardening and dairy operations. The bush areas of our land were grazed by cattle to reduce the fire hazard and vegetation for clearing. In 1993 the Jandakot Draft Structure Plan recognized the area for urban development. Alcoa that has residue tailing ponds in the area didn't want any urban encroachment to their land holdings in 1998 our land was identified as bush plan, which put a stop to all grazing and clearing etc. The government hadn't carried out any studies on vegetation etc. and we believe the land was taken to provide a buffer and stop development around Alcoa's land holdings. In 2010 a 40-hectare site was reserved for "bush forever site 268" some 12 years after our land had been quarantined and blighted by bush plan the predecessor of bush forever. If our land hadn't been taken by the government between 1998 and 2003 there was a 5-year window where clearing permits weren't required and the area could have been cleared no permit required. Bush plan stopped all activity and development on the property from 1998.

In 2010 the 40-hectare site was reserved enabling us to seek compensation for a property which was bought from the government as rural only to have the same government remove all right to develop this land for this purpose. The process to compensation requires land owners to carry out environmental, vegetation and planning studies at huge costs to prove what? It can't be developed anyway, it was a private land holding taken from the owner for public purpose, early in the process the WAPC claimed we didn't put our development application in good faith. We have a hand written letter between two staff members of the WAPC stating "due to budget restriction lets question the good faith of their application". This cost us thousands of dollars and delayed the case for over a year, the process for compensation has private land owners trying to recover costs for the loss of an asset in a legal system where the opponent has the unlimited resources of the public purse. The

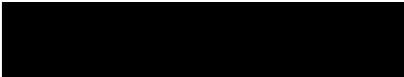
government lawyers use the deliberate tactic of complicating the process by using technical argument and rulings from previous cases to delay and complicate the process, to deliberately increase costs and force the owners into financial submission. In our case there is no environmentally sensitive areas, no nesting areas for black cockatoos and no rare plants. It is the same bush that is on all neighbouring properties that have and are still being cleared and developed. Our land has a huge resource of yellow building sand, some of the neighbouring properties have mined yellow sand up to the northern boundary of our land. Yet the WAPC argues that the development band which the bush forever restriction placed over our land has made no difference to the value of our asset.

What I asked you the members of this enquiry to do is to place yourself in the same situation as ours. You have an asset you have worked hard to achieved an asset you planned to use to fund your retirement, reduced debt or to pay for your entrance into palliative care. The government takes your asset for public purpose fights in the legal system for any requirement for them to pay compensation for your asset. As the legal land owner you are still required to pay council rates, land tax, carry out maintenance on your land, fire breaks, removal of dumped rubbish etc. costing thousands of dollars a year. You can not receive a commonwealth pensions as you still hold the asset and the state government has made that asset worthless. As the property cannot be developed and can't be used to derive an income.

How is this fair, would it pass the pub test?

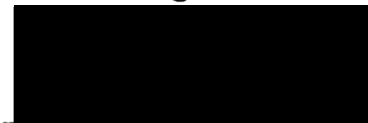
I would be glad of the opportunity to address the enquiry.

If that is a possibility, please do not hesitate to contact me.



Thank you for your time

Kindest Regards



Robert White

Signing on behalf of all owners

Debbie White, Caroline Basilio, Greta White, Jeffery White, Peter White and Jennifer Swift