

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION
AND FINANCE**

**TRANSCRIPT OF EVIDENCE TAKEN
AT NORTHAM
ON WEDNESDAY, 11 SEPTEMBER 2002**

SESSION 2

Members

**Hon Barry House (Chairman
Hon Ed Dermer (Deputy Chairman)
Hon Murray Criddle
Hon John Fischer
Hon Dee Margetts
Hon Ken Travers
Hon Sue Ellery**

JUJNOVICH, MR TONY
Property Partner and Farmer,
examined:

JUJNOVICH, MR JOE
Property Partner and Farmer,
examined:

The CHAIRMAN: Welcome to the meeting. You have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Mr Tony Jujnovich: I have not read it. I have impaired vision so I had it read to me.

The CHAIRMAN: But do you understand the contents of it?

Mr Tony Jujnovich: Most of it.

Mr Joe Jujnovich: I have read it and I understood it.

The CHAIRMAN: Are there any parts of the document that you do not understand Mr Tony Jujnovich?

Mr Tony Jujnovich: I understand it in general but it was read to me. I have impaired vision and cannot read.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing and please be aware of the microphones through which Hansard is recording these proceedings. I remind you that your transcript will become a matter for the public record. If, for some reason, you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement to the committee?

Mr Joe Jujnovich: We originally purchased property in the Inkpen area in the 1960s and we have increased its acreage and ended up with some conditional purchase property that was originally cleared by Wundowie Charcoal Iron and Steel. Owners of CP land must declare 50 per cent of their land over a period of five years. I was a member of the Northam Land Care Development Committee and the Wooroloo LCDC and we cleared part of our land. We were pretty wise to it and thought there could be problems so we cleared the part of the land that was going to cause the least problems with salinity and so forth. We took some time to work out what we would do with the rest of the property. In the meantime, the land clearing bans came into operation and, at the same time, on part of our property, industrial land development was being carried out by LandCorp on Inkpen estate. Part of our property that was yet to be cleared ended up being in a buffer zone, which ended everything. During

the time in which I attended land care meetings, the feeling from the officer in charge was that there was to be no clearing whatsoever. I tried to do my best to work this out with the farms in the area that had salt problems and were totally cleared, bar a bit of rock. I asked why one property should have 50 per cent of its land in virgin bush while the next door neighbour's land is in salinity and he does not have to do a darn thing? I presented a map of what I intended to do to our property and, as I was a land care officer, I gave it to him to look at. A few months went by and I asked what he had done with my map. He said it was still around somewhere. This was ongoing for 12 months. I did not keep a copy of the map because I gave it to him personally and thought it would be all right -

The CHAIRMAN: Who did you give the map to?

Mr Joe Jujnovich: I gave it to a Mr Martin Revellee from the Department of Agriculture. I kept asking him what was happening. The information I received was that I would not be able to clear my land. However, I knew what was happening with my friends and neighbours down the road with conservation notices and so forth. At that time I was not going to end up with a conservation notice on my property because I had a mortgage and a bank will discharge a mortgage if you have a conservation notice on your property. Eventually, Mr Revellee was transferred to the Water and Rivers Commission and I asked him what he had done with my clearing proposal. He said he did not know and that he could not find anything on his table so I would have to submit another one. That was the end of that story.

Hon JOHN FISCHER: How many months passed from when you had originally given him the proposal?

Mr Joe Jujnovich: It would have been about six to 12 months from the time he was transferred to the Water and Rivers Commission. In the meantime, I had spoken to the local member, Max Trenorden, about the matter and he felt it was unjust and something should be done. He advised me that he might have a word with Harry Lauk from the Department of Agriculture to see what was going on but I have not followed up on it. I was more or less under the impression that if you put in a permit to clear your property, you would get a conservation notice on your property whether or not the clearing was approved. You would then have to fence and maintain the land and everything else. It was in 1992 that LandCorp created a buffer zone on the property. It has been a long time since 1992. If only one or two farmers on the land care committee attend these meetings, you have no show. It was just a standard practice; you could not clear your land and that was it. That was the problem all along.

In the meantime, I have leased property off my neighbours and I have 660 acres. I have 330 acres of bush and I pay rates on it. I must maintain that land and I must turn around the property to make a viable living off the leased land, which is costing me additional money.

Mr Tony Jujnovich: We have been treated fairly harshly. A buffer zone was set up for this industrial development that was meant to go ahead. The people involved were certain about the development and said we could not do anything about it. Our land was going to be in the buffer zone, then the development fell in a heap. Nothing is happening there now. In the meantime, we have not been able to go on with clearing the land. When the application was presented in the first place to clear the land, the answer was that we could not clear it and then we were told to hang on while they sorted the matter out. Time has now passed and we have ended up with nothing. We

must pay our rates and lease the land and all the rest of it. We need some form of compensation or otherwise. Now that this industrial area has gone by the board, we should be allowed, in consultation with the Environmental Protection Authority and the like, to tidy up our block. It had been felled and was originally regrowth. Therefore, we should be able to clear what portions of the property can be cleared. We are not seeking monetary compensation but that would be a fair deal. We have ended up with a property that has been devalued because it was going to become a buffer zone for an industrial development. In the acreage that has not been cleared, there is a certain portion that can be cleared without causing any other problems. We should be entitled to clear that portion of the property.

Mr Joe Jujnovich: In the area, there is land that has been cleared since the clearing bans have been in; for example, down the highway and adjoining Buckridge land on the opposite side. I complained about it. The owners said they did not have a permit but it was cleared land with trees on it and they will have to revegetate the property. To this day there are no trees there. My neighbour down the road, Rob Chester, brought himself a bulldozer and I said to Martin that Rob would be getting stuck into some clearing now. Martin said he may as well sell it because he is not going to clear an acre of land. I do not think Rob's land was even assessed at that stage. It was common practice that if you did not know the law, you took the officers good word for it and you believed him. You were told that you could not clear and that was that. Therefore, I did not pursue the matter. After the LandCorp matter in 1991, I spent about eight years fighting it from one site to another site and ended up fighting for my own site and so it went. It is injustice and all we want is what is fair. Why should we pay the penalty for everyone else that took no consideration and just wiped the lot off their property. They do not even have to plant a tree. I have now pulled out of land care and I will never plant another tree in my life if this legislation stays as it is.

Mr Tony Jujnovich: This blanket cover is just not right when developers and people cut up bits and pieces of land. We have not cut up any of our land and we do not intend to. We make a living off that land, which is what we got it for. We are not developers. We have been on the property since 1960 when we first purchased it. That is quite a few years ago and we think the legislation has been pretty tough on us.

Mr Joe Jujnovich: They say there is less than 20 per cent bush left in the catchment. I do not think anyone even knows how much bush there is left in the catchment. I do not think any study has been done into it. There is 20 000 acres of Mundaring Weir water catchment area on my boundary.

The CHAIRMAN: So this is a 10-year battle that you have fought.

Mr Joe Jujnovich: That is right. I went to a land care inquiry chaired by Mr Alex Campbell back in 1995. I explained my story to him and he asked me to put it in writing, which is in the letter I have submitted to the committee.

The CHAIRMAN: Our committee is interested in the process. Was your contact with Government officials always on a verbal basis or have you had a written exchange of letters?

Mr Joe Jujnovich: No. All I did was draw up a map of my property and put in the cleared and the uncleared land and so forth. At that time, if you wanted to clear land you would ring the Department of Agriculture and officers of that department would come and inspect the land. However, they then changed their process and said that we had to put it in writing. If it was put in writing and the department came to look at your property, I was led to believe whether you can or cannot clear the land, you

would end up with a conservation notice. I had a mortgage on the place so that is why I did not want a conservation notice placed on it. In the meantime, the buffer zone was proposed for the land and the first clearing by-laws came in stating that I could not clear any more.

The CHAIRMAN: Therefore, you did not get any written response from the Government officials in terms of what you could do?

Mr Joe Jujnovich: No, I just received the response verbally from the head honcho, Martin Revellee.

Hon JOHN FISCHER: Did you get any notification regarding the buffer zone? From the map that you held up, I take it that the industrial area was totally surrounded by your property. Is that correct?

Mr Joe Jujnovich: They took half of my property; the uncleared piece.

Hon JOHN FISCHER: Was the land that they intended to clear for development any different from the land that they stopped you from clearing? Was your land all regrowth as well?

Mr Joe Jujnovich: One block that they were going to develop was already a reserve. They shifted from the reserve into two adjoining properties to the west; properties that adjoin my land. That block had only remnant bits of rock left on the hilltops. My appeal to clear the vegetation on the property was objected to because there was nothing much left on the property. They dismissed my appeal because the remnant was of little use and the industry would be replanting trees. That was in a document from the minister.

Mr Tony Jujnovich: They dismissed all the things I have here: a letter from LandCorp about noxious industry at Avon location 2679, and a letter to the Minister for the Environment signed by N.E. Hill.

The CHAIRMAN: Will you leave those documents with the committee?

Mr Tony Jujnovich: Yes. If it is good enough for them to knock down the trees, why is it not good enough for me to knock them down and replant where the salt appears?

Hon ED DERMER: You made the point very clearly that you decided, before it was required of you, not to clear half of your property. If I understand correctly, the restrictions that prevent you from clearing first came into place for the purpose of the industrial buffer in and around 1992.

Mr Tony Jujnovich: Yes.

Hon ED DERMER: When the industrial proposal was no longer extant, other regulations came into place that also precluded you from clearing land.

Mr Tony Jujnovich: Yes.

Hon ED DERMER: You made the point about the rates. What are the annual rates on your entire property?

Mr Tony Jujnovich: On that property, \$1 000.

Hon ED DERMER: If it is \$1 000 each year for the entire property, half of that would relate to the uncleared part?

Mr Tony Jujnovich. Yes.

Hon ED DERMER: At any point, since you were first advised about the industrial buffer in 1992 to the present, were you offered any monetary compensation?

Mr Tony Jujnovich: Nothing; never.

Hon ED DERMER: At any point have you asked for monetary compensation?

Mr Tony Jujnovich: At the land clearing hearing by Alex Campbell I put a case for compensation and so forth. It says there that compensation should be provided. I have done that, and I think the outcome of Alex Campbell's inquiry was that people who have land they cannot clear should be paid damages or compensation. That has never been legislated.

Hon ED DERMER: A letter dated 4 November 1995 has just been put in front of us.

Mr Tony Jujnovich: That began in 1992, but it took a few years before Alex Campbell held his inquiry, which was in 1995. I attended that, and he asked me to write to him. That is probably the letter that I wrote to him.

Hon ED DERMER: Was that the only time you put up a case for compensation?

Mr Tony Jujnovich: It was not just me. It was a general meeting. I expressed my concerns at the meeting, and he asked me to put my concerns on paper and send them to him.

Hon ED DERMER: You have not received a specific response to that request for compensation?

Mr Tony Jujnovich: I do not think anything followed from the inquiry; it may have been thrown in the heap because here we are having another one now. I would say they have not acted on his findings or on anything else.

Hon SUE ELLERY: I understand there are two issues that are relevant to this committee's work: one is LandCorp's proposed development, and the second is your desire to clear your land, which is separate from that. I will ask you the same question about both of those things - the LandCorp development and your desire to clear land: what systems or processes would have made it easier for you to work through all the issues? Let us go back to 1992 when you heard about the proposal from LandCorp. What in the system would have made it easier for you to deal with that? Later on, when you wanted to clear, how could the system have better helped you to work your way through those issues?

Mr Tony Jujnovich: It is hard to answer that. We should have been given the right information about applying for a permit. I would have been happy if we had been told, "Well, you can't clear this, or you can clear that." Why place a conservation notice on our property when we have not broken the law. I have not broken the Soil and Land Conservation Act, but I was told that if I do apply and it is rejected, a conservation notice will apply on my land. That is the first thing. I am not one to demolish everything on the property. I know there could be a problem with the piece that is left. It is my main dam. I have done a lot of clearing in my day. I have left a lot of bush. I have respect for conservation and for trees. I have cleared land, and wherever it was recommended there could be a problem, I have left it. That is not on my property, but on a lot of other properties that I have cleared. I have been excavating dam sites and that type of thing. I am not one to destroy everything, just for the sake of having a few acres of land.

Hon SUE ELLERY: I understand how important that issue is to you, and I do not want to dismiss it, so it is important that we hear from you about that. However, if

this committee is to make recommendations, they will be about the systems and the processes. I am interested in how you think we could make those better. Apart from the obvious point that your clearing application should not have been lost, what things could the bureaucracy have done to make it easier for you to work your way through those systems?

Mr Tony Jujnovich: One thing is that the land clearing committees could listen to people, instead of one person saying, "No, you can't clear that." There should be someone to represent the farmers. Financiers provide finance for farmers and there are consultants for the economics of farming; all that comes into it. There should not be only one person who does not care how you are going to pay your rates and your bills. Farming must be economical and viable. It also has to be environmentally acceptable. As I said, why should one person carry the can for everyone else, when the ones who have created the damage do not have to do a darn thing? A lot of the property owners in my area are not farmers; they are just investors and hobby farmers, and they do not earn their income from farming.

Hon MURRAY CRIDDLE: I am well aware of the idea of clearing because I have been involved in CP blocks as well. You said that it used to be a reasonable process, where you went in and made an application. Can you outline what happened in those days?

Mr Tony Jujnovich: In those days you went into the Department of Agriculture. Early in the piece John Blake was there and Harry Locke. I would speak to them and ask if it was okay if I did this or put a dam there. They would recommend that I put it here or there, shift this or do not do that. We would come to an agreement, and I would do what they recommended and that was it. As I say, I do not want to be greedy and take the whole lot. All we want is a fair and honest go, the same as everyone else. We do not want discrimination where someone has the whole block cleared and someone else has nothing cleared. The Ag Department would come out and assess things and so forth. I do not mind sticking to their rules and regulations, whatever they are. However, the attitude now is that you will get a conservation notice slapped on you, so what do you do?

Mr Joe Jujnovich: There is no overall plan. That is it. You used to approach the Ag Department and whoever was there was the law. He told you what to do. In this case, we have been fooled; it is as simple as that. What is more, because he did not do his job and you got on their backs, you were a pest. That is all you were to them, and they soon get rid of you, one way or another. With all this clearing and all the rest of it, there is no overall plan. There could be six, seven, eight, nine or 10 properties and there is a watercourse through this or that block. No-one looks at the overall plan. They come along, and bang, you cannot do anything. This is going back to what happened in Europe during the war years. It is a dictatorship - that is what we have here - from someone, when it all boils down, who has no authority. Anyone who has borrowed money will know that as soon as these conservation notices are put on you, they will say that your property is only worth half of that, or a quarter or whatever it is. Then you have to make up the balance within so many days with another mortgage or this or that. How the hell can people operate like that? You asked what can be done. In the first place, a government department should set up a committee that goes to one shire to look at the overall plan. I can have a property that is damn perfect, but the next one is a problem and there is salt etc because that person does not give a damn as he gets his income from somewhere else. He is a bad bugger as far as we are concerned. Then there is another good property, but this bad one is messing

up a good property over here. If they are dinkum about doing something, why in the hell do they not turn around and work out an overall plan, buy out all these farmers who are there now and then create whatever they want by putting things wherever they want and then reallocate the farmer's land proportionately. Something like that really needs to be done. At the present moment, one farmer does one thing and someone does another. The laws are lax. If I do something bad, you blokes have got to turn around and sue me, etc. When you get right down to tintacks you do not have the power to sue me, in certain cases. We are doing the right thing and we get penalised because of some bureaucrat. As Jim Ferguson mentioned before, there are that many bungles in the law; it is not straightforward. You cannot interpret in one way; it can be interpreted in 101 ways.

One of you mentioned 300 acres of uncleared land. If you thought that we did not want to clear it because of conservation, that is not right. We cleared a certain amount, and we were going to decide about the remaining portion. You cannot go along and bulldoze the whole lot because what you bulldoze may be a problem area and that will mess up another area. That is the situation on our property. If there is too much water on one corner of our property, it may cause a problem for the next door neighbour.

Hon ED DERMER: You made that very clear.

Mr Joe Jujnovich: That is why you need time to do it. We have our own bulldozers. We were bulldozing contractors years ago. We used to do dams and all the rest of it, so we know the land. We were born and bred on the land.

Hon ED DERMER: You made it clear that you decided to clear half initially and leave the other half.

Mr Joe Jujnovich: You had to because that was the law.

Hon ED DERMER: You left the other half to make decisions on at a later time, and when you went to take action, you found you no longer could.

Mr Joe Jujnovich: At the present moment there is land there. A portion of that land can be cleared and it will not affect anything, but we cannot clear it. Then this LandCorp thing came up. Are we going to clear out land at a couple of hundred bucks an acre, plus super etc when we do not even know what the compensation is?

Mr Tony Jujnovich: There is none.

Mr Joe Jujnovich: In one other instance, which does not relate to us but was a job I was doing for a person, they determined what was produced off that area. In this case, okay, we are producing nothing. Then they will say that that area produced nothing so they will give us nothing when they take that portion of land. Are we going to spend \$200, \$300 or \$400 an acre when we are not going to get it back? You would have to be an absolute donkey if, when you are told you are in the buffer zone, you went and did something. That is why I came back to it. As far as I am concerned, we should now be allowed to go in there, with the department and the rest, and sort out a few patches so that we can at least tidy up our property so that it looks decent.

Hon MURRAY CRIDDLE: I want to clarify whether any compensation at all was paid for the industrial.

Mr Tony Jujnovich: None, at the moment. Gavin Troy came and asked me, and said it was funny that they did not compensate for out estate, when they were compensating the one at Geraldton where the steel mill was going.

The CHAIRMAN: So Landcorp never made you an offer?

Mr Tony Jujnovich: No, never. All we did was spend eight years fighting them to get them out of the place.

Hon JOHN FISCHER: You did approach them for compensation, did you not?

Mr Tony Jujnovich: We put submissions in to the Environmental Protection Authority and all that. I have all that stuff at home. I thought all I wanted to do was bring this along to prove that I was doing the clearing part when this happened.

The CHAIRMAN: You have done it very well. If there is any other information you wish to provide to our committee, after you have gone, which might support your argument, please provide it.

Mr Tony Jujnovich: Will do. I can leave some of these copies behind. I might send them in.

The CHAIRMAN: We have pretty well exhausted our time, but is there anything you would like to say in conclusion, just to round off?

Mr Tony Jujnovich: No, I think we have said it all. All we want is a fair go; nothing better or worse than anyone else.

Mr Joe Jujnovich: Our circumstances may be different from a lot of other people because of this industrial estate. If there was not an industrial estate, something would have happened, and likewise with the department. Perhaps it cannot tell us to go ahead and do it because it knows that there is an industrial estate coming up. One of the politicians here, whoever he was, came up with the idea of this industrial estate and all the rest of it. It went right in his face, because he intends to put all the toxic industry down there, and that would pollute everything. It is amazing how the Environmental Protection Authority reckons that is okay, at that early stage. All the local people had to get money to fight it and eventually get rid of it, after eight years.

Mr Tony Jujnovich: We would have been happy to sell them land for a buffer zone, but they did not want to pay, it is as simple as that.

The CHAIRMAN: Thank you for your time.