

Title: Adjournment Narrogin Beef Producers

Database: Senate Hansard

Senator BERNARDI (South Australia) (6:54 PM) —I rise tonight to speak about the plight of a family on the cusp of losing everything they have worked for. Matt and Janet Thompson came to Australia from the United States in 2001. They had expertise in cattle farming and they applied their life savings to establishing a feedlot in Narrogin in Western Australia. It took a year for them to receive approval from the Department of Environment and Conservation for that feedlot, which is nearly five kilometres from Narrogin. Approval was given for the construction of a feedlot to house up to 15,000 cattle—or slightly less than 15,000 cattle. They invested their time and their money and they are at risk of losing it all.

I am advised the Thompson family have broken no law, they have no outstanding environmental infringements, they have done everything asked of them by government, they are popular in their local community and nearby towns, and yet they still face ruin. They run a profitable business—or they ran a profitable business. But an over-officious and what would appear to be an overzealous government bureaucracy has cut the profitability of their business and their ability to access any capital.

We go back: the Thompsons applied for construction approval for a feedlot. They received it and they gradually built their farm up to house more than 10,000 head of cattle by 2007. By all reports it was a very successful business. By all reports they were turning away business because people wanted to tap into their expertise. So they applied to further increase their licence to house the maximum of 15,000 cattle. And this is where the problem came in. They were advised to apply for their licence, which they did, and it took a full 11 months for it to be approved. But the unsettling case is that in 2007 the department started to make further inquiries into the feedlot operations because of complaints about the smell. What I neglected to mention before is that this feedlot is located next to a piggery. The piggery has been in operation for some decades in Narrogin, and apparently in the town some people have been complaining about the smell. They have not been complaining about the piggery smell; they have been complaining about the feedlot smell. I am not quite sure how you determine the smell of a pig versus the smell of a cow when they are located next to each other, but somehow the department has concluded that it is the feedlot that smells.

The end result of this is that rather than continue their licence for 10,000 head of cattle which the Thompson family had invested in—they had entered into contracts for feed and water for those cattle—the licence was cut to 6,000 for the Thompsons' feedlot operation. They could not sustain that. They could not sustain their operations and fulfil their contractual operations with only 6,000 head of cattle. Everything, all the capital they had invested—some \$10 million in input costs in the previous year—had come to nowt because this licence was cut unilaterally.

Even the department, in a meeting with the Thompson family, acknowledged that there are procedures and processes that need to be gone through in order to cut people's licences. And in a meeting on 15 December 2009 a department official said: 'This is true. The Thompsons have not been treated in a fair and

proper manner by the department. There was no process.' So there was no appropriate process applied by the government department. There has been no law broken by the Thompson family, and yet they still stand on the cusp of losing everything simply because the department decided to change the conditions of their licence.

In the department's defence, whatever departmental defence I can mount for them, they did, after some 15 months of stalling, give the Thompson family the ability to have 10,000 head of cattle on their property once again. The difficulty was that the licence was due to expire only months after it had been approved and no bank would lend or advance capital, on the assumption that all licences were in such short-term supply and that there could be a reduction or a change in licence conditions without notice, without due process, at the whim of the department. So the Thompsons have not been able to access the capital necessary to sustain their operations.

Today the Thompson family have administrators at their gates trying to enter their property because they cannot continue their operations, which were approved in the initial instance. The difficulties come because the department has also said that if one complaint about smell is received then the licence can be removed and they will have to reduce the number of cattle on their property again. Primary production business cannot continue to operate like this. When people come to this country, become Australian citizens, raise their families, invest their money, break no laws and establish profitable businesses, why is it that government departments can shut them down without due process?

There are other alarming aspects to the Thompsons' case. In 2008 they hired attorneys in Perth because they did not think they were going to get a positive outcome from the Department of Environment and Conservation. After the attorneys got up to speed with the case, the solicitor and barrister recommended they meet with a gentleman who was an environmental attorney skilled in property matters such as this, Dr Schoombee. The Thompsons met with Dr Schoombee, who advised them that they had no legal standing for the approval of the original feedlot and that they should apologise to the Department of Environment and Conservation for their initial development. In his advice, which took 40 minutes, Dr Schoombee recommended that he should be continually retained to meet with the department and smooth things over.

By the Thompsons' account, for the original 40-minute consultation they were charged \$4,000—at \$100 a minute it is not bad money if you can get it. But people can charge what they like and give the advice that they like as long as it is competent and impartial. What is disturbing is that Dr Schoombee is the convenor of an organisation called the Environmental Defender's Office. The Environmental Defender's Office is a non-government organisation, but it is actually funded by government and it advises and teaches a small group of complainants how to file writs and appeals and target businesses or practices with regard to environmental matters. This is all a matter of fact which the Thompsons have put on the record, I believe, at a Western Australian parliamentary inquiry hearing. The fact is that Dr Schoombee is a convenor of the EDO and on its website the EDO lists 'the fight against Narrogin Beef Producers', which is the Thompsons' business, as a major accomplishment in 2008. Dr Schoombee won lawyer of the year, partly for his work with the Environmental Defender's Office.

I would suggest that something smells in Narrogin, but I do not think it is the Thompsons' feedlot. Something smells when people come here, invest their money and seek unbiased advice and then find that government departments are running roughshod over people who have not broken any law and have complied with all the environmental requirements made of them and find that individuals

who are advising these people on how to deal with their problems are also running organisations which specialise in advising people on how to mount such spurious complaints. Something does smell in Narrogin. Having now raised it in this place, I feel it might be too late for the Thompsons. But there is a lesson for all Australians: we cannot allow government bureaucrats and departments to ride roughshod over common sense and common decency. We cannot allow government to become unruly and unwieldy in its restraint of decent businesses. To do so would send a very poor message, not only to people intent on building up their own investments in Australia but to people who are interested in investing here from overseas, like the Thompsons.

I raise this issue not because I think it can make a great deal of difference to the Thompson family. It may be too late—though I hope it is not. I hope that they can retain their farm and that the people of Narrogin, who have already pledged a great deal of support, will be able to rise up and ensure that this previously successful business can continue to operate. But a point that I think we all need to be aware of is that the way government officials or people in public office respond to constituents is absolutely important. The Thompsons' case needs to be aired publicly; a number of people are trying to do so. I stand with them and wish Janet and Matt Thompson and their family a successful outcome.

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