

The outrageous harassment of Dr Brian Senewiratne

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Australia

I am drawing the attention of the international Tamil community to the outrageous harassment of Dr Brian Senewiratne by the Brisbane City Council (BCC). It could result in Dr Senewiratne dropping out of the struggle of the Tamil people, and getting back to full-time Medicine. Should this happen, the loss to Tamil struggle for justice will be serious.

The problem is that the BCC has decided to acquire Dr Senewiratne's land and pay peanuts as compensation. As a 'softening up' process, he (75) and his wife (73) have been charged for clearing lantana (a noxious weed) – which, incidentally, the BCC ordered him to clear, and then charged him for clearing it in a manner unacceptable to Council! BCC filed a *criminal* charge, yes, believe it or not, a criminal charge, for allegedly damaging 'precious vegetation' (growing on his land, mind you). Lawyers appearing for the BCC advised Dr Senewiratne and his wife to lead "Guilty", adding that BCC had \$1.5 billion (of rate-payer's money) to fight the case if he chose to do otherwise. Dr and Mrs Senewiratne rightly refused to plead 'Guilty' and went ahead defending themselves. Their legal charges have now amounted to quarter of a million dollars and this is likely to increase, since the BCC has said that if the judgement goes against them, they will appeal. The cost of defending a case in the Appeal Court is \$35,000 a day.

The costs so far have taken Dr and Mrs Senewiratne to the financial wall. It has wiped their bank balances and savings and are now eating into their superannuation.

The real agenda of the BCC has now surfaced. Last month Dr Senewiratne had an acquisition notice for two thirds of his property, estimated at several million dollars for which a compensation offer of \$430,000 has been made. Once the legal bills from the spurious "lantana" charge are met, that will leave nothing.

As any decent person will agree, this is not just an injustice, but an outrageous act of frank robbery.

I am appealing to the expatriate Tamil community to lodge an immediate protest to the Mayor, and Deputy Mayor of the Brisbane City Council, the Premier of Queensland, and the Leader and Deputy Leader of the Opposition. **Action is urgent** since Dr Senewiratne is about to lose most of his property which will result in the Tamils losing his invaluable services.

My contact with Dr Senewiratne

Dr Senewiratne has been my treating doctor for three decades. I am now on permanent dialysis for kidney failure complicating diabetes. I know exactly what has happened with his land since I have lived in this area for nearly 50 years.

I was one of Dr Senewiratne first patients when he arrived in Brisbane, Australia in 1976 and have continued to be treated by him. He arrived in Brisbane with just \$35, all he was allowed to take out of Sri Lanka. He was then a full-time Physician and Associate Professor in Medicine in the University of Queensland. His salary was a mere \$19,000 a year, which, even at that time, was a paltry sum of money. Unable to afford the school-fees for his two children, he literally worked day and night (treating public patients and teaching medical students and young doctors from 7am to 5pm, and then seeing private patients from 6pm to midnight).

He has made a major contribution not only to patient care and the training of young doctors, but has addressed the significant problems in the health service in Queensland. In recognition of the latter, he was nominated by The Queensland Whistleblower's Action Group as "The Whistleblower of the Year" in 1995, for exposing the chaos in the Public Hospitals in Brisbane.

His tireless activity in the area human rights abuse in Sri Lanka over the past 40 years is too well known to require elaboration. Last year (2006) he was publicly recognised and awarded plaques of appreciation by expatriate Tamils in New York, Toronto and Brisbane.

The land

Arriving with just \$35, his wife and two children, he managed to make ends meet by sheer hard work. Taking a bank loan in 1978, he bought 10 acres (4.7 HA) of land which was essentially a dump in which people had dumped old cars, car parts, refrigerators, and refuse. Buying a rider-mower, he physically cleaned up the place, and got a house built on the land.

The land adjoins a forest owned by the BCC, a large part of which was being quarried by BCC (Pine Mt Rd quarry). The explosions were so severe that to build a house on this land was a significant risk.

As the explosions eased off and with land prices in the area rocketing up, people started moving into the area. Some of them had 'connections' with BCC, and fancied having an unbuilt area adjacent to them.

Devaluation

Then started a systematic program to devalue the land so that when 'acquisition-time' came, the compensation payable would be negligible.

The first round in this despicable plan was fired in 1992 when Dr Senewiratne received a notice from BCC that a 'vegetation protection order' was being imposed on half his land. The hypocrisy beggars belief. Here is a Council so concerned about protecting the environment to impose a restriction on clearing vegetation on private property, but not concerned enough to stop quarrying a huge area in the middle of the adjacent land, the Whites Hill Forest Reserve, (which continues to this day!)

The 'vegetation protection order' was accompanied by a reassuring letter from the then Mayor saying, "It will not prevent you from developing this land".

The next round was in 2000 when the 'vegetation protection order' was changed to an 'environment protection order'. There was now a restriction of what could even be mowed.

The land which, up to that point, had been kept in a good condition with the undergrowth cleared, could not be mowed or cleared. The result was that lantana and other weeds took over.

Then came a series of notices from BCC that 'noxious weeds' including lantana, were growing on the land and that this was an offence. Would Dr Senewiratne clear the weeds or face prosecution.

Aside from weeds taking over the land, the uncleared vegetation constituted a serious fire hazard. A fire did occur on the land, burning a shed with hundreds of patients notes stored in it. Some of my early records which documented my diabetes and kidney damage dating back to 1976 were destroyed in the fire.

The fire would have also taken his house, had not the fire brigade arrived with the fire just meters away from the house. The Fire Officer declared that what existed was an unacceptable fire hazard and should another fire occur, and the wind was blowing from the North, nothing could be saved, especially since there was no accessible water.

Dr Senewiratne applied to BCC for permission to clear the undergrowth and lantana, as suggested by the Fire Service and ordered by BCC. BCC responded with a permit to clear the lantana and a firebreak.

He went ahead and started clearing the lantana and undergrowth if only to prevent a major fire wiping out his house and those of his neighbours whose homes abut the whole length of the eastern side of his land. A few hours into the clearing, a BCC officer arrived and declared that damage was being done to "sensitive native vegetation", and would he stop the clearing immediately (which he did).

He was then issued with a 'Compliance Notice' which requested him to cut down 5 dead trees on the land, remove the cleared vegetation from a dry gully and replant the cleared area with some 4,200 plants (specified by the Council and most of which had never existed on the property), water and look after them

for 2 years and replace any dead plants. BCC said that the cost of the plants would be \$4,200. However, when a local nursery was contacted, the cost was estimated at \$50,000.

That aside, there was no water in the area and simply no way that the plants could be watered. During the Court Case, one of the Council officers giving evidence, said that Dr Senewiratne could have paid for a water tanker to come in to water the plants! This was in a land of 10 acres with no roads.

Dr Senewiratne cut and removed the dead trees and cleared the gully (as ordered to), but did not do any planting, since it was an absurd request.

The next was a charge sheet. a criminal case, yes, a *criminal* case, filed by BCC for damaging vegetation and not replanting as requested. BCC's so-called 'experts' say that what Dr Senewiratne should have done was to cut each Lantana twig and put a drop of poison on the cut stem within 15 seconds! They are talking about a 10 acre property! If that is not absurd, I do not know what is.

As I have said, the case, which is currently being heard, has literally taken Dr Senewiratne to the financial wall and an Appeal is certain if Council does not win

Some weeks ago, the final act was played out. A notice was sent from BCC that two thirds of the land was being acquired. Acquired for what? For protection of the environment – but BCC continues to operate a huge quarry in the adjoining property.

The land adjoining Dr Senewiratne's on the other side, has been fully developed with scores of houses. There is no way animals, (even if they were there – which they are not), could traverse his land since there is nowhere they can go, the adjoining land being, as I have said, a fully built up residential area. So the 'wild-life' protection canard of BCC is nonsense. So are the supposed 'environmental concerns'. All of this is sheer bluff and nonsense. The hidden agenda however, is very real.

Compensation

The compensation offered is laughable. BCC are about to acquire 2.7HA (27,000 square metres) of land. One building block of 500 square metres in this prime residential area currently costs about \$350,000. A simple bit of arithmetic will indicate the potential value of the land. And what is BCC's offer? A generous \$430,000 for the lot! They say that they will get an "independent" valuer appointed by the Council (!) to value the land. If that is not robbery, I don't know what it is.

Intention

Dr Senewiratne has for years told me that his intention was to sell this land when he reached 70, stop seeing patients and devote his entire energy to what he has wanted to do for the past 3 decades – to campaign for justice in Sri Lanka. Brisbane City Council has seen to it that that is a pipe dream.

What we are looking at here is a serious injustice done to someone who has played, and continues to play, a major role in addressing the escalating violation of human rights in Sri Lanka.

If we do not act and Dr Senewiratne has to get back to full-time Medicine (which he will have to do, if only to pay the lawyers, the Tamil community will lose a very powerful and effective lobbyist.

This acquisition must be stopped or Dr.Senewiratne compensated on the current property values (not on the intentionally devalued price).

The alternative is for BCC to give Dr Senewiratne a land of the same size in another part of Brisbane (BCC owns thousands of acres in this area), in what is generally known a 'land-swap'. Simply to take his land and pay peanuts as compensation, is just not acceptable.

Aboriginal Australians can testify to the grabbing of their land and the payment of peanuts as 'compensation'. This has gone on for 200 years and has brought Australia international discredit. It is

outrageous that this despicable activity still goes on and is now affecting others, as is seen from what has happened to Dr Senewiratne. It is a land-grab - nothing less than stealing. It should not occur in a country such as Australia, and if it does, it is up to Australians and the rest of the world to see that those responsible for this outrageous behaviour do not get away with it.

A Land swap

To be realistic, BCC will never pay Dr Senewiratne what this land is really worth. As such, the *only* alternative is for him to be given an equivalent piece of land in the area, in exchange. Having lived in the area for 50 years, I know full well that BCC owns hundreds of acres on land in the vicinity. Much of this is scrub with lantana and other weeds growing in the unkempt land. All of this cannot be contain "protected" vegetation and an attempt by BCC to claim that it does is simply not acceptable.

Action

If you would like to act, write to the Mayor, Cr Campbell Newman and the Deputy Mayor, Cr David Hinchcliffe, expressing your sense of outrage at this serious injustice.

Brisbane City Council does come under the Queensland Government. As such, it is appropriate to also write to the Premier of Queensland, Hon Peter Beattie, and the Leader and Deputy Leader of the Opposition, Hon Jeff Seeney and Hon Dr Bruce Flegg, all of whom know Dr Senewiratne, and who may well be unaware of this gross injustice done to him by BCC.

To write to the Media is most important. Some of the TV Channels have recently expressed serious concern at the injustices committed by BCC, and are prepared to give this sort of totally unacceptable behaviour by petty bureaucrats, the necessary publicity. Several of the journalists listed below know Dr Senewiratne as one of the few outspoken doctors on the state of the Health service. I doubt if any of them know what he is being subjected to by bureaucrats with a despicable agenda in the BCC. If they did, they will most surely act. I give below, their addresses

I hope you will contact as many of them as possible, and express your concern at what is going on and urge that they act to prevent a serious injustice. An international protest could well make a difference to stop this outrage.

Daniel David
Brisbane
Australia

30 June 2007

Here are the addresses

The Mayor and Deputy Mayor. *Writing to them is essential.*

Mayor. **Cr.Campbell Newman**

email LORDMAYOR@brisbane.qld.gov.au

Address GPO Box 1434
Brisbane
Australia 4001

Deputy Mayor. **Cr David Hinchcliffe**

email central.ward@ecn.net.au

Address Shop 11, 31 Duncan Street, Fortitude Valley,
Australia 4006

The Premier and Opposition

Hon Peter Beattie MP

Premier of Queensland (who has known Dr Senewiratne for years)

Level 15 Executive Bldg, 100 George St, Brisbane, Australia 4000
email premiers@ministerial.qld.gov.au

Hon Jeff Seeney, MP Leader of the Opposition, Queensland Parliament

Level 6, Parliamentary Annexe, Alice St, Brisbane, Australia 4000
e-mail: leader@opposition.qld.gov.au

Hon Dr Bruce Flegg, MP Deputy Leader of the Queensland Opposition (who knows Dr Senewiratne very well).

18 Brookfield Rd, Kenmore Australia 4069
email: moggill@parliament.qld.gov.au

Media

Tracy Grimshaw – Channel 9. She hosts “*A Current Affair*”

She is a much-respected journalist who has repeatedly asked to be informed of injustices such as is happening here.

Channel 9, Sir Samuel Griffith Drive, Mt Coot-tha, Australia 4066
email: aca@nine.com.au

Ross Coulthart – Channel 9 *Sunday* program. He has known Dr Senewiratne for many years and has hosted programs with him. He will be shocked to hear what is going on.

POBox 27, Willoughby, New South Wales, Australia 2068
email: rcoulthart@nine.com.au

David McEvoy – Channel 7. Director of *Today Tonight* Current Affairs program

Channel 7, Sir Samuel Griffith Drive, Mt Coot-tha, Australia 4066
email: DAVID_MCEVOY@btqpo.ccmil.compuserve.com

Cathy Border - Channel 10 (who knows Dr Senewiratne very well. He has often appeared on her Channel re. issues on Public Hospitals.)

Channel 10, Sir Samuel Griffith Drive, Mt Coot-tha, Australia 4066
email: cborder@networkten.com.au

Kerry O'Brien Australian Broadcasting Corporation (ABC TV), *7.30 Report*

He is a multi-award winning journalist
ABC, GPO Box 9994, Sydney Australia 2001

email: o'brien@abc.net.au

Steve Austin ABC Radio (who knows Dr Senewiratne very well). He hosts an important Radio program daily. He will be outraged if he knows what is going on.

ABC, GPO Box 9994, Brisbane, Australia 4001
email: austin.stephen@abc.net.au

David Fagan, Editor *Courier Mail*, the most widely read newspaper in Queensland
41 Campbell St, Bowen Hills Australia 4006

email: fagand@qnp.newsltd.com.au

Liz Deegan, Editor *Sunday Mail* the most widely read Sunday newspaper in Qld.
41 Campbell St, Bowen Hills, Australia

email deegane@qnp.newsltd.com.au