

## Mark Trowell KC joins Tony Maddox property rights appeal

King's Counsel Mark Trowell KC has joined the fight to overturn charges laid on Toodyay farmer Tony Maddox for repairing a creek crossing without knowing he had to apply for the Minister's approval.

Mr Maddox said he is hoping Mr Trowell's experience will undo the precedent that could open the floodgates for hundreds of others to be charged for unknowingly breaching cultural heritage laws.

"This is a case of bureaucracy gone mad. I'm hoping Mr Trowell can help us put the whole thing to bed, so no other West Australian landowner has to suffer the same fate," Mr Maddox said.

"I got permission from everyone I knew to strengthen an existing creek crossing on my property."

"I had no idea the Department of Planning, Lands and Heritage had drawn a line around the tributary on a map which effectively made it illegal to move a rock or even a fallen tree branch."

"When I became aware, I offered to undo the work but was told that would be illegal too!"

"Like most landowners, I respect our cultural heritage and would never disturb historical remains or artifacts, but no one has ever suggested any exist on my farm."

"After I bought the property, the department decided that every tributary of the River is a cultural site and, without consulting - or even informing - any of the affected landowners, painted lines on a map."

"I haven't changed the watercourse or stopped its flow – in fact I've planted 2,000 trees and improved the flow. Local elders told me the culvert doesn't offend them or interfere with the legendary Wagyl."

"It is good intentions gone very, very mad."

"There are lines drawn around the Maylands, South Perth and Claremont golf courses, the whole of the Perth CBD, most of Kings Park, Hyde Park and massive swathes of residential areas, so if this precedent is allowed to stand, presumably everyone in those areas will be fair game."

"We need all the help we can get to bring some common sense to the issue of balancing the protection of Australia's Cultural Heritage and landowners' use of their property," Mr Maddox said.

### Other information:

- The appeal will be heard by the Supreme Court on 20 February 2026.
- Mr Maddox has a website to provide information and help pay legal costs – please visit [www.tonymaddox.info](http://www.tonymaddox.info)
- The DPLH Cultural Heritage Map: <https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS>
- [WAFarmers](#) and [PGA](#) are providing in-kind support to Mr Maddox

### For interviews:

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