

LEGISLATIVE COUNCIL
Question on notice

--6 SEP 2011

Wednesday, 10 August 2011

4471. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

In reference to my original question on notice No. 4240 to the Minister for Environment, redirected to the Minister for Mines, pertaining the area surrounding the Horizontal Waterfalls in Talbot Bay in the Buccaneer Archipelago, Kimberley, and photographs at [http://www.robinchapple.com/qdata "2011-05-25 Fires Pegasus Horizontal Falls.pdf"](http://www.robinchapple.com/qdata/2011-05-25%20Fires%20Pegasus%20Horizontal%20Falls.pdf), I ask -

- (1) Was any permission given by the Department of Environment and Conservation (DEC) to Pegasus Metals to clear tracts of land approximately 600 metres long for their exploration camp on their lease adjacent to the Horizontal Waterfalls?
- (2) If yes to (1), when and why?
- (3) If no to (1), will the department investigate who provided permission?
- (4) If no permission was provided in respect of (2) or (3), will the Minister initiate prosecution of the offenders?
- (5) Was permission sought or granted from DEC for the lighting of fires on the Pegasus tenements surrounding the Horizontal Waterfalls?
- (6) If yes to (5), will the Minister table the permit?
- (7) If no to (5), what action will the Minister take to prosecute the perpetrators of these fires?
- (8) Did DEC consider the conditions favourable for lighting fires in the area of the Horizontal Waterfalls on Wednesday, 25 May 2011?
- (9) If no to (8), what action will the Minister take against the perpetrators for lighting these fires at an inappropriate time?
- (10) If these fires were unauthorised will the Minister ask the Derby or Broome Police to investigate who lit the fires and for what purpose?
- (11) Has permission been given by DEC for water to be pumped from a nearby spring to the mining camp established on the Pegasus lease?
- (12) If yes to (11), when was this permission granted and why?
- (13) If no to (11), is any action available to the Minister in respect of this matter?
- (14) If yes to (13), will the Minister initiate such action?

Answer

(1)-(2) No.

(3)-(4) No investigation is required. Based on the information provided, the clearing is of a kind prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* as not requiring a clearing permit.

(5) This is Aboriginal Lands Trust land. The Department of Environment and Conservation does not regulate prescribed burning on Aboriginal Lands Trust land.

(6)-(10) Not applicable.

(11) No. Licences to pump or abstract groundwater are issued by the Department of Water under the *Rights in Water and Irrigation Act 1914*. In a non-proclaimed catchment such as the Pegasus lease area, a licence is not required if it is surface water only.

(12)-(14) Not applicable.

