LEGISLATIVE COUNCIL
Question on notice

15 MAY 2012

Tuesday, 20 March 2012

5330. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

I refer to the Section 46 application to delete Condition 7 of the Ministerial statement 627 dealing with the protection of the 'Monolith' associated with the development of the 2003 Windarling Range W1 mining activity, the new section 22 to be added to statement and the minutes of the Koolyanobbing Project Community Reference Group of 22 September 2011, and I ask -

(1) When was the Environmental Protection Authority (EPA) first approached by Cliffs Asia Pacific, its consultants or lobbyists in relation to their desire to have condition 7 replaced?

(2) Will the Minister name the companies, people, consultants or lobbyists that have met with the EPA or Department of Environment and Conservation (DEC) staff in relation to the matter of the removal of condition 7?

(3) If no to (2), why not?

(4) Was the Koolyanobbing Project Community Reference Group, the submitters or appellants to assessment number 1888 advised of the proposed removal of Ministerial condition 7?

(5) If no to (4), why not?

(6) When did the Minister or his predecessor first become aware of Cliffs Asia Pacific, its consultants or lobbyists desire to have condition 7 replaced?

(7) When was the Minister first advised that the EPA was considering allowing the removal of condition 7?

(8) Did the Minister or EPA discuss with the Department of Indigenous Affairs (DIA) the removal of the Indigenous heritage monolith and site associated with the monolith before any consideration was given for its removal?

(9) If yes to (8), on what date did this occur?

(10) If no to (8), why not?

(11) If yes to (8), what was the decision of the DIA in this matter?

(12) Who initiated the discussions between Cliffs Asia Pacific and the DEC regarding Cliffs Asia Pacific providing $150,000 to DEC to facilitate the purchase of the Ennuin Pastoral Lease?

(13) Will the Minister identify the dates of all meetings or correspondence in relation to Cliffs Asia Pacific provision of funds to DEC?

(14) In relation to (12), if it was Cliffs Asia Pacific or any representative, is this not an inducement for the EPA to make a decision in the favour of the proponent?

(15) In relation to (12), if it was DEC or the EPA, is this not a request for an inducement for the EPA to make a decision in the favour of the proponent?

(16) What is the current status of the Tetrathica plant in the Windarling area?

(17) Was the Minister for Mines and Petroleum advised of the proposal to have condition 7 replaced, and the provision of funding to purchase Ennuin Pastoral Lease?

(18) If yes to (17), on what date, or dates, did this occur?

(19) Did the Minister for Mines and Petroleum or the Department of Mines and Petroleum (DMP) express a view on these issues?

(20) If yes to (19), will the Minister for Environment table all correspondence on these matters between his departments and the Minister for Mines and Petroleum or the DMP?

(21) If no to (20), why not?

(22) At what stage in the discussions between the EPA, DEC and Cliffs Asia Pacific was the amount of $50,000 per annum for 5 years ($250,000 in total) for the management of Ennuin Pastoral Lease discussed? Please identify the dates specific to this issue.

(23) Who initiated the discussions outlined in (22)?

(24) How will DEC manage Ennuin Pastoral Lease after the five years of assistance?

(25) Who was the previous owner of the Ennuin Pastoral Lease?

(26) Does $150,000 for the purchase of the Ennuin Pastoral Lease reflect market value?

Answer

(1) August 2010.

(2) Mr Paul West, Manager, Environmental Services, Cliffs Asia Pacific Iron Ore P/L.

(3) Not applicable.

(4)-(5) Cliffs Asia Pacific Iron Ore consulted members of the Community Reference Group and other parties on the Landscape and Geological Features Protection Plan required by condition 7, but not specifically on the proposed removal of condition 7.

(6) September 2010.

(7) In October 2010 the Environmental Protection Authority (EPA) recommended that the then Minister for Environment initiate a review of the conditions and then, following the review, the EPA recommended in June 2011 that the Minister for Environment delete condition 7 from Ministerial Statement 627.

(8) No.

(9) Not applicable.

(10) The Department of Indigenous Affairs was not identified as a decision making authority with which the Minister for Environment was required to consult pursuant to section 45(1) (as applied by section 46(8)) of the *Environmental Protection Act 1986*. Cliffs Asia Pacific Iron Ore needs to meet its statutory obligations under the *Aboriginal Heritage Act 1972*.

(11) Not applicable.

(12) A Department of Environment and Conservation (DEC) officer involved in the acquisition of land for conservation.

(13) Provision of funds to DEC for offsets was discussed at the EPA Board meeting on 9 June 2011 which DEC attended.

(14) Not applicable.

(15) The approach by DEC to Cliffs in April 2011 did not involve the EPA and was not linked by DEC to the removal of Condition 7.

(16) *Tetratheca paynterae* subsp. *paynterae* is a threatened (declared rare flora) species ranked as critically endangered and only known from the Windarling Range.

(17)-(18) The Office of the Appeals Convenor consulted the Department of Mines and Petroleum as they were identified as a decision making authority. The question as to what the Minister for Mines and Petroleum was advised should be directed to that Minister.

(19)-(20) As part of the consultation process under section 45(1) (as applied by section 46(8)) of the *Environmental Protection Act 1986,* the Department of Mines and Petroleum did express a view on the proposed amendments.

(21) Not applicable.

(22) June 2011.

(23) The EPA.

(24) Through DEC's budget appropriation.

(25) The lease is still held by the lessees who acquired it in 1994.

(26) Yes, the price for the proposed purchase was agreed to by both parties after each received independent valuation advice.