

## LEGISLATIVE COUNCIL

## Question on notice

Tuesday, 18 November 2014

2204. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

With regard to land clearing on Kimberley pastoral properties, I ask:

- (a) how many instances of land clearing without a permit have occurred on Kimberley pastoral properties in the past five years:
- (i) what was the total area cleared; and
- (ii) will the Minister table a list of those properties where clearing without a permit has occurred, the area cleared in each instance, and if not, why not;
- (b) what steps have been, or are being, taken to investigate instances of clearing without a permit;
- (c) what steps have been, or are being, taken to prosecute those who clear pastoral lands without a permit:
- (i) how many prosecutions have taken place in the past five years and how many have resulted in convictions;
- (d) is the Minister aware that the pastoral leaseholder SAWA Pty Ltd has been granted a permit to clear 450 hectares of native vegetation on Shamrock Station;
- (e) is the Minister aware of the land clearing that was carried out by SAWA Pty Ltd on Shamrock Station prior to the permit being issued:
- (i) if yes to (e), will the Minister confirm how much land was cleared;
- (ii) will the Minister table a list of which native species were killed or harmed as a result of the clearing; and
- (iii) what steps will the Minister take to prosecute those responsible;
- (f) will the Minister refer SAWA's application for a clearing permit to the Environmental Protection Authority and/or the Department of Environment Regulation (DER), and if not, why not;
- (g) has there been any consultation with Aboriginal native title holders about the land clearing, both that which has occurred and that which is currently the subject of an application to clear; and
- (h) is the Minister aware that SAWA Pty Ltd has submitted an application to clear 800 hectares on Moola Bulla Station, which DER has confirmed has already occurred:
- (i) is the Minister aware that not only has clearing without a permit taken place but crops have already been planted;
- (ii) what steps have been taken, or will be taken, to investigate the clearing without a permit and prosecute those responsible; and
- (iii) what steps have been taken or will be taken to investigate the problems within DER that allowed this to occur?

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**Answer**

The Minister for Environment has provided the following response.

- (a) As at 7 January 2015, a search of the Department of Environment Regulation's (DER) Incidents and Complaints Management System located seven recorded incidents of clearing without a permit in the Kimberley.

- (i) Approximately 1934 hectares (ha).
  - (ii) Moola Bulla Station - approximately 784 ha  
 Beefwood Park Station - approximately 821 ha  
 Shamrock Station - approximately 236 ha  
 Kilsto Station - approximately 60 ha  
 El Questro Station - approximately 6 ha  
 Thangoo Station - approximately 15 ha  
 Yarraloola Station - approximately 12 ha
- (b) Moola Bulla Station and Beefwood Park Station – investigations completed and undergoing assessment by DER before determining outcome. The Kilsto Station, El Questro Station, Thangoo Station, Shamrock Station and Yarraloola Station matters have been finalised.
- (c) DER advises the Moola Bulla Station and Beefwood Park Station investigations have been finalised and are undergoing further assessment before determining an outcome in accordance with DER's *Enforcement and Prosecution Policy* (July 2013).
- (i) No prosecutions.
- (d) DER advises Clearing Permit 5517/1 was granted on 24 September 2014.
- (e) DER advises clearing was confirmed by inspection on 26 August 2014.
- (i) DER advises approximately 236 ha was confirmed by inspection as having been cleared.
  - (ii) The vegetation cleared is described as – “Shrublands, pindan: *Acacia eriopoda* shrubland with scattered low bloodwood (*Eucalyptus dichromophloia*) and *Eucalyptus setosa* over soft and curly spinifex on sandplain”.
  - (iii) DER advises the investigation has been finalised and a Letter of Warning issued in accordance with DER's *Enforcement and Prosecution Policy* (July 2013).
- (f) DER is currently assessing an application from SAWA Pty Ltd to clear 800 ha of native vegetation on Moola Bulla Station.
- (g) In relation to clearing application CPS5517/1 for Shamrock Station, notification pursuant to the *Native Title Act 1993* was sent by the then Department of Environment and Conservation to the Karajarri People on 18 March 2013. In relation to clearing application CPS6280/1 for Moola Bulla Station, notification pursuant to the *Native Title Act* has not been given to date, as the application area is also currently the subject to a Soil Conservation Notice given under the *Soil and Land Conservation Act 1945* and, therefore, if a clearing permit was granted under the *Environmental Protection Act 1986* (EP Act) it would have no effect.
- (h) Yes – see answer to (a)(ii).
  - (i) DER advises inspections at Moola Bulla, Beefwood Park and Shamrock Stations showed cleared areas had been planted to sorghum.
  - (ii) See answers to (c) and (e)(iii).
  - (iii) DER is responsible for regulating the clearing of native vegetation which is subject to the provisions of the EP Act. DER also responds to complaints of alleged unauthorised clearing of native vegetation by recording, assessing and investigating complaints as required. Any outcomes are determined in accordance with the Department's *Enforcement and Prosecution Policy* (July 2013).

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