

**See tabled paper.**

**LEGISLATIVE COUNCIL**  
**Question on notice**

**Tuesday, 24 February 2015**

2712. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

I refer to question on notice No. 2204, that was answered on 17 February 2015, regarding land clearing on Kimberley pastoral properties, and I ask:

- (a) have the further assessments of clearing on Moola Bulla Station and Beefwood Park Station by the Department of Environment Regulation (DER) been completed and have the outcomes been determined:
- (i) if yes to (a), when did these occur;
- (ii) if yes to (a), what were the outcomes; and
- (iii) if no to (a), why not;
- (b) what were the outcomes in relation to allegations of clearing without a permit on Kildo Station (60ha), El Questro Station (6ha) and Thangoo Station (15ha) and what were the sanctions imposed:
- (i) if no sanctions were imposed, why not;
- (c) will the Minister table the DER Letter of Warning that was issued to SAWA Pty Ltd in relation to the clearing without a permit of 236ha on Shamrock Station:
- (i) what was the rationale by which clearing permit 5517/1 was granted on 24 September 2014, when it was clear from DER inspections conducted on 26 August 2014 that the 236ha clearing had already occurred;
- (d) is the issue of retrospective clearing permits by DER a common practice and, if so, how does the Minister explain and justify this to the public;
- (e) does the Minister support the practice of clearing without a permit on pastoral leases and what will he do to reduce the practice;
- (f) regarding an application by SAWA Pty Ltd to clear 800ha on Moola Bulla, is the Minister aware that this land has already been cleared and cropped and is the subject of DER assessments, as per (a) above:
- (i) has this application been determined and, if so, what was the outcome; and
- (ii) if the landholder has been found in breach of land clearing regulations, have there been any prosecutions, have any sanctions been imposed and, if so, what were they and, if not, why not; and
- (g) how many investigations and how many prosecutions have taken place during the past ten years in response to concerns about clearing on pastoral properties without a permit?

**Answer**

The Minister for Environment has provided the following response.

- (a) Assessment of the alleged unlawful clearing on Moola Bulla and Beefwood Park stations has resulted in the Department of Environment Regulation (DER) commencing prosecutions on 5 March 2015 against SAWA Pty Ltd for the alleged unauthorised clearing of native vegetation offences under section 51C of the *Environmental Protection Act 1986* at both properties.

- (b) **Kilto Station** – no offence established and no sanction administered.  
**El Questro Station** – no offence established and no sanction administered.  
**Thangoo Station** – no offence established and no sanction administered.
- (c) Yes. [see tabled paper no #]
- (i) DER staff attended Shamrock Station on 26 August 2014 and found that 236 hectares of native vegetation had already been cleared and was regenerating. A total of 163 hectares of the 236 hectares already cleared was subject to an application to clear 450 hectares. DER's assessment found that the proposed clearing of 450 hectares was unlikely to have a significant environmental impact, resulting in the granting of Clearing Permit CPS 5517/1 to SAWA Pty Ltd on 25 September 2014.
- (d) No. Clearing Permit CPS 5517/1 was not granted to retrospectively approve the clearing already carried out. The permit authorised 450 hectares to be cleared, of which 163 hectares was regenerating following a previous clearing event. All decisions on clearing permit applications are publicly available.
- (e) No, unless the clearing is in accordance with an exemption. DER will continue to investigate alleged unauthorised clearing and take action in accordance with DER's *Enforcement and Prosecution Policy*.
- (f) Yes. This clearing is subject to prosecution.
- (i) No
- (ii) This matter is subject to a prosecution and future court determination and subsequently it is inappropriate that I comment further.
- (g) Eight investigations have been undertaken resulting in the commencement of two prosecutions.

A handwritten signature in black ink, appearing to be the initials 'AG' followed by a stylized flourish.



Government of Western Australia  
Department of Environment Regulation

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Mr Nicolaas Botha  
Company Secretary  
SAWA Pty Ltd  
PO Box 244  
KARRINYUP WA 6921

Dear Mr Botha

**LETTER OF WARNING FOR NON COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION ACT 1986**

The Department of Environment Regulation (DER) has conducted an investigation into the clearing of 236 hectares of native vegetation on pastoral lease CL377/1966, Shamrock Station.

The Department has determined that there is prima facie evidence that the clearing was not authorised by a clearing permit and was not for a purpose exempt from the requirement for a clearing permit so is therefore a breach of section 51C of the *Environmental Protection Act 1986* (the Act).

The Act provides penalties upon conviction for an offence of this nature of up to \$500 000.00 for a body corporate or \$250 000.00 for an individual.

After consideration of the circumstances in this instance, and in accordance with the Department's Enforcement and Prosecution Policy, DER has elected to deal with this breach of the Act by way of this **formal letter of warning** and noting the warning on record.

If you have any queries or require further information, please contact Senior Inspector Mal Wright at the Environmental Enforcement on 6467 5049 for assistance.

Yours sincerely

Alex Bite  
Senior Manager, Investigations  
Environmental Enforcement

18 November 2014

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