

LEGISLATIVE COUNCIL

Question On Notice

Tuesday, 17 September 2019

2473. Hon Robin Chapple to the Minister for Environment

I refer to question without notice C672, asked on 25 June 2019; and specifically, the answer supplied by the Minister for Environment to part 6, and I ask:

- (a) could the Minister advise whether either party (i.e. the Department or Shanghai Zenith Investment Holdings Pty Ltd) has, at present, engaged any litigation process as a result of the land clearing discussed in question without notice C672;
- (b) does the Minister consider it likely that either party will move for litigation;
- (c) does the Minister consider the *Environmental Protection Act 1986* to be sufficient in preventing unauthorised land clearing:
 - (i) if yes to (c), could the Minister explain how land clearing occurred at Yakka Munga Station; and
 - (ii) if no to (c), how does the Minister propose to further safeguard against such instances;
- (d) does the department provide international companies with targeted information relating to Australian environmental protection law:
 - (i) did Shanghai Zenith liaise with the department, at any point prior to the incident, in relation to Australian environmental law; and
 - (ii) if yes to (d)(i), on what dates did Shanghai Zenith undertake correspondence with the department; and
- (e) does the Minister consider Shanghai Zenith to have been adequately informed, in relation to relevant legislation, to have avoided such an incident from occurring?

Answer

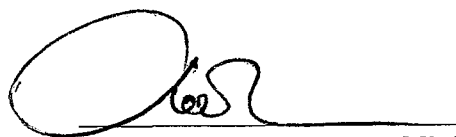
- (a) As of 9 October 2019, I am not aware of any current court proceedings in relation to this matter.
- (b) The investigation by the Department of Water and Environmental Regulation into the unauthorised clearing is ongoing. Once finalised, the most appropriate enforcement response will be determined by the Department in accordance with its Compliance and Enforcement Policy. I cannot comment on the likelihood of legal action being taken by Shanghai Zenith Investment Holdings Pty Ltd (Zenith) against the State Government.
- (c) Yes
 - (i) In accordance with the *Environmental Protection Act 1986* (EP Act) it is an offence to clear native vegetation unless the clearing is undertaken in accordance with a clearing permit, or the clearing is of an exempt kind.
The Department of Water and Environmental Regulation did not grant a clearing permit to Zenith for clearing at Yakka Munga Station and was not aware of the clearing until after it had occurred and was reported. Shortly after receiving the report, the Department commenced an immediate investigation into the matter and found that the clearing was not of an exempt kind and was unauthorised. On 20 June 2019, a Vegetation Conservation Notice was issued to stop any further unauthorised native vegetation clearing.
 - (ii) Not applicable
- (d) Information on the EP Act and native vegetation clearing legislation is available through a series of Fact Sheets and Guidelines that are published on the Department's public website.

The onus is on all companies, including international companies, to ensure that any activities undertaken within the state are compliant with current Australian and Western Australian environmental law.

(i) The Department has no record of Zenith making enquiries about Australian environmental law or clearing of native vegetation at Yakka Munga Station prior to the incident.

(ii) Not applicable

(e) See response to (d).

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller 'D' and a horizontal line extending to the right.

Hon Stephen Dawson MLC
**MINISTER FOR ENVIRONMENT;
DISABILITY SERVICES; ELECTORAL AFFAIRS**