



Private Property Rights & Resources Bulletin

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April 2015

Standing Committee on Environment and Public Affairs

RE: Petition No 42 - Oppose Environmental Protection (Environmentally Sensitive Areas) Notice 2005.

In February 2015 a petition was lodged with the Legislative Council by Murray Nixon and supported by the "Property Rights Industry Working Group" (PRIWG). The PRIWG group was formed following an unsuccessful prosecution of a landowner for allegedly clearing native vegetation within an Environmentally Sensitive Area. The Working Group comprised of the Pastoralists and Graziers Association, WA Farmers Federation, Gingin Property Rights Group Inc, and WA Property Rights Group.

A meeting of the working group was held in March 2013 to gauge the extent of knowledge on the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 particularly relating to the wetlands identified in a report by V&V Semeniuk Consulting Group. It became evident that there was very little knowledge about the Environmentally Sensitive Areas Notice amongst the Private Property Right groups or the affected landowners.

That raised the question as to the adequacy of the consultation process prior to the release of the notice in the west Australian Government Gazette in April 2005. The Environmental Protection (Environmentally Sensitive Areas) Notice 2005 was made by the Minister under section 51B of the Environmental Protection Act 1986.

The grounds for opposing the notice was that the Government failed to fulfil the requirements of the Environment Protection Act (EPA) 1986 as spelt out in section 51b prior to the placement of the notice.

Section 51b of the EP act states that before a notice is published under this section the Minister shall:

- (a) Seek comments on it from the Authority and from any public authority or person which or who has, in the opinion of the Minister an interest in its subject matter and;
- (b) Take into account any comments received from the authority or such public authority or person

Few if any landowners were advised of the Notice. Still today it is not generally known by landowners, that many of their traditional farming practices may be illegal because of the notice.

The Property Rights Industry Working Group is of the view that if the full legal requirements of the notice were fully implemented it would destroy the livelihood of an estimated 4,000 property owners from Kalbarri through to the SW corner to east of Esperance.

The ESA's in the notice are wetlands identified by the V&V Semeniuk Research Group and were compiled from aerial photos covering an area from Kalbarri to East of Esperance. The Research Group stated in their report that due to the large number of wetlands, the remoteness of many of the wetlands and the difficulty of accesses it was not possible to address all the selection criteria within the time and budget constraints.

The PRIWG is of the opinion that the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 is an additional layer of Red tape that can be removed without adversely affecting the environmental outcomes sought by the Government. The wetlands are well protected by the Environmental Protection Act 1986 and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

The petition calling for the repeal of the Environmental Protection Notice 2005 was referred to the Standing Committee on Environment and public Affairs which conducted a public hearing on the 11 March 2015.

For further information contact Zak during office hours at the PGA on Ph 9192 6900

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