

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Forty-first Report — “Petition No. 42 – Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005” — Tabling

HON SIMON O'BRIEN (South Metropolitan) [2.18 pm]: I am directed to present the forty-first report of the Standing Committee on Environment and Public Affairs titled “Petition No. 42 – Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005”.

This report discusses the effect of the environmental protection environmentally sensitive areas notice 2005 known as the ESA notice. The ESA notice declares an environmentally sensitive area. There are a vast number of ESAs in this state—98 042 parcels of land that are crown reserves or state forests include an ESA. The legal effect of the ESA notice is that the well-known day-to-day clearing of native vegetation exemptions in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 do not apply to an ESA; a permit is required to clear any native vegetation in an ESA. The impact of ESAs in Western Australia is significant and of particular concern to our farmers and graziers, as wetlands, which are ESAs, are prime agricultural land. Landowners not aware of an ESA may be subject to significant fines for clearing an ESA, and an ESA may cause significant financial impact and devalue land. While accepting that some areas of special environmental sensitivity should be afforded protection, the committee recommends a review of the ESA notice and of the seemingly all-encompassing scope of wetlands declared as ESAs. The committee recommends that the grazing exemption that permits maintaining existing areas in the clearing regulations should apply to ESAs. It is extraordinary that the government, when passing the ESA notice, did not formally notify affected landowners. The committee recommends that the department formally notify each landowner of the law and its impact.

The government has proposed amendments to land clearing laws. In the committee’s view the proposed referral model may provide some administrative convenience to the department, but will not resolve the substantial issues identified by the committee. The committee also recommends that section 51C of the Environmental Protection Act 1986 be redrafted to state in clear, direct and positive language the circumstances in which a person is authorised to clear native vegetation. I commend the report to the house.

[See paper 3068.]