



Hon Albert Jacob MLA
Minister for Environment; Heritage

Our Ref:

Hon Simon O'Brien MLC
Chairman
Environment and Public Affairs Committee
Legislative Council
Parliament House
PERTH WA 6000

Simon

Dear ~~Mr O'Brien~~

Further to my letter of 10 April 2015, I am pleased to advise that the Department of Environment Regulation has located a copy of the Explanatory Memoranda for the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* in a file of the Department of Water, which was at that time part of the Department of Environment.

I have no objection to its publication, and attach a copy as requested.

Yours sincerely

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Att.

4 MAY 2015



Department of
Environment

Your ref:

Our ref:

Enquiries:

Direct tel: S McEvoy

Chairman
Joint Standing Committee on Delegated Legislation
Parliament House
Harvest Terrace
PERTH WA 6000

JOINT STANDING COMMITTEE ON ENVIRONMENTAL PROTECTION (CLEARING OF NATIVE VEGETATION) REGULATIONS 2004, COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE) AMENDMENT REGULATIONS 2004, ENVIRONMENTAL PROTECTION (ALCOA – HUNTLY AND WILLOWDALE MINE SITES) EXEMPTION ORDER 2004 AND PROCLAMATION NOTICE

The explanatory memorandum is only an aid to understanding and must not be substituted for the subsidiary legislation or other instrument gazetted, or made available to the public in any way.

Title

The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, *Country Areas Water Supply (Clearing Licence) Amendment Regulations 2004*, *Environmental Protection (Alcoa – Huntly And Willowdale Mine Sites) Exemption Order 2004* and Proclamation Notice for various sections of the *Environmental Protection Amendment Act 2003* were gazetted on 30 June 2004.

Purpose

The purpose of this proposal is to seek the Joint Standing Committee on Delegated Legislation's consideration and endorsement of:

- (a) The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- (b) The *Environmental Protection (Alcoa – Huntly and Willowdale mine sites) Exemption Order 2004*.
- (c) The *Country Areas Water Supply (Clearing Licence) Amendment Regulations 2004*.
- (d) The proclamation notice for provisions relating to clearing permits and environmental harm.

(a) The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* will:

- Declare when intentionally sown, planted or propagated vegetation is considered to be native vegetation.
- Define clearing of a prescribed kind, which is exempt from the requirement for a clearing permit unless done in an environmentally sensitive area.
- Define environmentally sensitive areas.
- Set fees relating to clearing permits.
- Prescribe records to be kept by the Chief Executive Officer.

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The regulations will commence operation on 8 July 2004.

(b) The *Environmental Protection (Alcoa – Huntly and Willowdale Mine Sites) Exemption Order 2004* will:

- Exempt clearing at the Huntly and Willowdale mine sites.
- Require that the clearing be done in accordance with an approval from, or a mining plan approved by, the Minister for State Development after taking into account advice from the Minister for the Environment and the Mining Management Program Liaison Group.
- Limit the area to which the exemption applies.

The order will commence on the day Part 9 of the *Environmental Protection Amendment Act 2003* comes into operation.

(c) The *Country Areas Water Supply (Clearing Licence) Amendment Regulations 2004* will:

- exempt clearing done under a clearing permit if no compensation has been paid under Part IIA of the *Country Areas Water Supply Act 1947* in respect of the area.

The regulations will commence on the day Part 9 of the *Environmental Protection Amendment Act 2003* comes into operation.

(d) The proclamation notice will:

- Proclaim provisions relating mainly to environmental harm and clearing permits.

It will come into operation on 8 July 2004.

Consultation

Consultation with industry stakeholders, Government and conservation interests has taken place since August 2003. This has included briefings and invitations to make written submissions. In addition, the Minister invited farmers through a press release to write to her with their comments and set up a working group of key stakeholders chaired by Hon Ken Travers MLC to gain a better understanding of farming issues. The results of this consultation have been considered in preparing the regulations

Contact

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D Carew-Hopkins
A/DIRECTOR GENERAL

Dr Judy Edwards MLA
MINISTER FOR THE ENVIRONMENT

-7 JUL 2004