

Clearing under State Agreements

Environmental Protection Act 1986

How is clearing under State Agreements regulated?

Clearing under a State Agreement is subject to the requirements of the *Environmental Protection Act 1986*. However, there is a delegation of the majority of the powers to regulate clearing under the *Environmental Protection Act 1986*, to the Department of Industry and Resources for clearing done for activities under a State Agreement administered by that Department.

There are no express exemptions for clearing for mining and petroleum activities conducted under State Agreements. However, the current exemptions in respect of exploration and prospecting and low impact mining and petroleum activities conducted under the *Mining Act 1978*, the *Petroleum Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982* apply to those activities conducted under State Agreements where the activities are themselves regulated through one of those other Acts and fit within the scope of the relevant exemptions.

A review was conducted in conjunction with the Office of Development Approvals Coordination in 2006. It was recommended that the exemptions for exploration and prospecting and low impact mining and petroleum activities be extended to State Agreements projects, outside of environmentally sensitive areas, where these are carried out under another approval which has the capacity to give a legally equivalent standard of environmental protection. On 22 November 2006, Cabinet endorsed this recommendation subject to the obtaining of further advice. The Department of Environment and Conservation and the Department of Industry and Resources are working cooperatively on how to give effect to this recommendation. The departments are also clarifying the extent to which the current exemptions already apply to clearing for mining and petroleum activities conducted under

State Agreements. Relevant industries will be advised of the outcome of this work.

More information

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the *Environmental Protection Act 1986* and Environmental Protection (Clearing of Native Vegetation) Regulations 2004, available from the State Law Publisher. Free electronic copies are available from www.slp.wa.gov.au.

Compliance assistance documents

Additional publications relating to clearing laws, clearing permits, and application forms are available online from www.dec.wa.gov.au/nvc or can be requested by phoning 9334 0333.

Compliance advice

For advice on complying with your permit, please contact your nearest DEC office:

Albany	9842 4500
Bunbury	9725 4300
Geraldton	9921 5955
Karratha	9182 2000
Kununurra	9168 4200
Kwinana	9411 1777
Perth	6250 8000

