



Native title and native vegetation clearing applications

Environmental Protection Act 1986

Purpose

This fact sheet provides information on the Department of Environment Regulation's (DER) approach to complying with procedural requirements relating to native title for applications to clear native vegetation.

Introduction

The *Environmental Protection Act 1986* (EP Act) makes it an offence to clear native vegetation unless the clearing is done in accordance with a clearing permit, or an exemption applies.

These laws apply to private and public lands throughout Western Australia.

The granting of a clearing permit under the EP Act may be a "future act" under the *Native Title Act 1993* (NT Act). Procedural requirements under the NT Act apply for some future acts.

Areas likely to be subject to native title requirements

Native title may exist on unallocated Crown land, non-exclusive pastoral leases, public reserves, inland waters that are not privately owned and some leases held by or for Aboriginal people or Torres Strait Islanders.

Native title does not exist in areas where native title has been extinguished or determined not to exist. This is generally the case in areas such as privately owned freehold land, and exclusive pastoral and agricultural leases.

Native title identification

DER identifies native title holders, claimants and registered bodies from the National Native Title Tribunal database from Native Title Vision.

Native title processes and notification

If the grant of the clearing permit application will be a future act under the NT Act, notification may also be done in accordance with the relevant subdivision under Part 2 Division 3 of the NT Act.

The notification period under the NT Act occurs concurrently with the direct interest and public comment period of the clearing permit application under section 51E(4) of the EP Act.

More information

For further information on native title please contact the National Native Title Tribunal 1800 640 501 or the Land, Approvals and Native Title Unit of the Department of the Premier and Cabinet (08) 6552 5333.

For further information on native vegetation clearing applications contact DER (08) 6467 5000.

For applications related to mines and petroleum activities under delegation contact the Department of Mines and Petroleum (08) 9222 3333.

This document is available in alternative formats and other languages on request.

Related documents

More information about the assessment of native vegetation clearing applications and the exemptions from requiring a clearing permit is available online from DER at www.der.wa.gov.au/nvp –

- *Guide 1 – Exemptions and regulations for clearing native vegetation*
- *Guide 2 – A guide to the assessment of applications to clear native vegetation*

or can be requested by phoning 6467 5000.

Legislation

Please refer to the State Law Publisher (SLP) and the Australian Government ComLaw for copies of the relevant legislation. Free electronic copies are available from the SLP website www.slp.wa.gov.au and the ComLaw website www.comlaw.gov.au.

The information contained in this document is provided by DER in good faith as a public service. However, DER does not guarantee the accuracy of the information contained in this document and it is the responsibility of recipients to make their own enquiries as to its accuracy, currency and relevance. The State of Western Australia, DER and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring, for any act or omission occurring in reliance on the information contained in this document or for any consequence of such act or omission.