

Clearing offences and penalties

Environmental Protection Act 1986

This fact sheet provides information on offences that relate to unlawful clearing under the *Environmental Protection Act 1986* (EP Act). It also outlines the enforcement tools the Department of Water and Environmental Regulation (the department) uses to deal with unlawful clearing.

Unlawful clearing (section 51C)

A person who causes or allows clearing commits an offence unless the clearing is either:

- done in accordance with a clearing permit
- an exempt purpose of a kind set out in Schedule 6 of the EP Act
- an exempt purpose of a kind prescribed in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Maximum penalty:

Individual: \$250,000
Body corporate: \$500,000

Contravention of clearing permit conditions (section 51J)

The holder of a clearing permit who contravenes a condition to which the permit is subject commits an offence.

Maximum penalty:

Individual: \$62,500
Body corporate: \$125,000

Material or serious environmental harm (sections 50A and 50B)

A person who causes material or serious environmental harm or allows material or serious harm to be caused commits an offence.

Acting in accordance with a clearing permit or a requirement contained in a vegetation conservation notice is a defence against a charge of causing serious environmental harm or material environmental harm (section 74A of the EP Act).

Maximum penalty:

► Serious environmental harm:

Individual: \$250,000 or 3 years imprisonment or both
Body corporate: \$500,000

► Intentional or with criminal negligence:

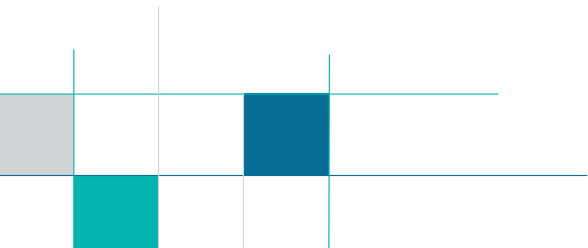
Individual: \$500,000 or 5 years imprisonment or both
Body corporate: \$1,000,000

► Material environmental harm:

Individual: \$125,000
Body corporate: \$250,000

► Intentional or with criminal negligence:

Individual: \$250,000 or 3 years or both
Body corporate: \$500,000



Enforcement actions

Responses to clearing offences are guided by the department's [Compliance and Enforcement Policy](#). Primary enforcement tools include:

- written warning
- injunction preventing unlawful clearing from continuing
- revocation or suspension of a clearing permit
- prosecution.

Vegetation conservation notice

In addition to the enforcement actions, a vegetation conservation notice may be given, requiring the person bound by it to ensure that no unlawful clearing, or no further unlawful clearing, takes place on the land in question.

The notice may also, or alternatively, require the person bound by it to restore the unlawfully cleared land. More information on vegetation conservation notices can be found in [Fact sheet 17: Vegetation conservation notices](#).

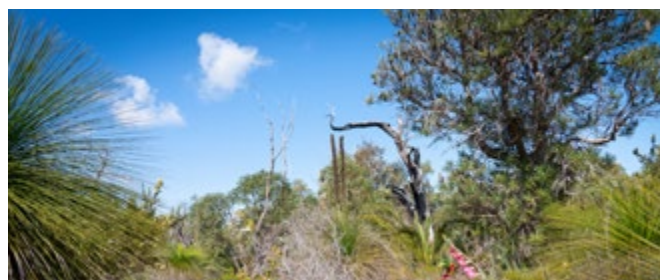
Lodging a report

If you wish to report an incident of illegal clearing, please complete an online reporting form at www.dwer.wa.gov.au or email pollutionwatch@dwer.wa.gov.au.

Your report should include:

- your contact details
- time and date of the clearing
- location of the clearing and coordinates if known
- how many hectares were cleared or what was cleared
- any other information you believe is relevant.

The department encourages suspected illegal clearing to be reported as soon as possible, as this may minimise harm to the environment.



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 EP Act and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations), available at www.legislation.wa.gov.au

- Legislation concerning exemptions from the requirement for clearing permits can be found in: Schedule 6 of the EP Act for clearing under other laws
- Regulation 5 of the Clearing Regulations for general day-to-day activities that have a low environmental impact.

Compliance assistance documents

Additional publications relating to clearing laws, clearing permits, and application forms are available online at www.dwer.wa.gov.au or can be requested by phoning 6364 7000.

Compliance advice

For advice on compliance with clearing laws and clearing permits, or any other related matter, please contact the Department of Water and Environmental Regulation on 6364 7000. For applications related to mineral and petroleum clearing activities contact the Department of Mines, Industry Regulation and Safety on 9222 3333.

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