

LEGISLATIVE COUNCIL

Question On Notice

Tuesday, 27 November 2018

1796. Hon Robin Chapple to the Minister for Environment

I refer to the list entitled, *Unlawful and Excessive Roadside Clearing 2016-2018*, found here: <https://robinchapple.com/unlawful-and-excessive-roadside-clearing-2016-2018>, and I ask:

- (a) for the years 2016-2018, how many cases of suspected unlawful clearing of vegetation along roadsides (that is, clearing without a valid Clearing Permit) or excessive clearing of vegetation along roadsides have been reported to the Department of Water and Environmental Regulation;
- (b) how many of these have been investigated by the Department of Water and Environmental Regulation;
- (c) how many of these investigations by the Department of Water and Environmental Regulation have concluded that there has been unlawful clearing or excessive clearing of vegetation along roadsides;
- (d) for what reason(s) did any of the Department of Water and Environmental Regulation investigations undertaken in relation to (c), conclude that there had not been unlawful clearing or excessive clearing of vegetation along roadsides;
- (e) for the years 2016-2018, have any local governments or private landowners been fined for unlawful or excessive clearing of roadsides;
- (f) if yes to (e), will the Minister table a list of which local governments and landowners, what the fine was for and how much the fine was;
- (g) if no to (e), why not;
- (h) have any of the local governments or private landowners been asked to fund revegetation for roadsides that have been cleared;
- (i) if yes to (h), which ones; and
- (j) if no to (h), why not?

Answer

(a) 104

(b) 104

(c) 59

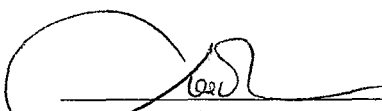
(d) As of 12 February 2019, the Department of Water and Environmental Regulation found that of the 45 matters:

- 15 were undertaken in accordance with an exemption under the *Environmental Protection (Clearing Of Native Vegetation) Regulations 2004*;
- Seven were authorised by a clearing permit issued under the *Environmental Protection Act 1986*;
- Two related to the clearing of non-native vegetation;
- Three could not be substantiated (due to insufficient evidence to identify clearing);
- One related to a traffic accident;
- Two were referred to the relevant authority for investigation; and
- 15 are still currently under being investigated.

(e-j) The Department of Water and Environmental Regulation determines enforcement action in accordance with its interim Compliance and Enforcement Policy. In the event that the Department of Water and Environmental Regulation considers re-vegetation to be an appropriate enforcement outcome, a Vegetation Conservation Notice (VCN) is issued to prevent further unlawful clearing or re-establish native vegetation. The Department did not determine that a VCN was appropriate for any of the concluded investigations.

Similarly, in accordance with the interim Compliance and Enforcement Policy, no fines were imposed between 2016 and 2018. Warning letters and educational advice have been provided to some offenders as a result of the Department's investigations.

The Department's Compliance and Enforcement Policy will soon be going out for public consultation. I have asked the Director General to ensure that when read in conjunction with the legislation, the final Policy will act as a significant deterrent to illegal roadside vegetation clearing by facilitating the application of more appropriate enforcement tools and associated penalties to offenders.



Hon Stephen Dawson MLC

MINISTER FOR ENVIRONMENT; DISABILITY SERVICES