

LEGISLATIVE COUNCIL
Question On Notice

Tuesday, 25 June 2019

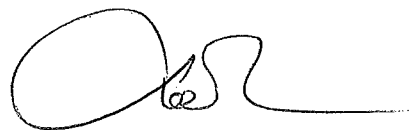
2234. Hon Robin Chapple to the Minister for Environment

I refer to question on notice 1796 asked in the Legislative Council on 27 November 2018 in relation to *Unlawful and Excessive Roadside Clearing 2016-2018*, and ask:

- (a) has the investigation into the two matters that were referred to the relevant authority for investigation concluded;
- (b) if yes to (a), will the Minister table the results of those investigations;
- (c) if no to (a), why not;
- (d) if no to (b), why not;
- (e) has the investigation into the 15 matters that were still being investigated concluded;
- (f) if yes to (e), please list the actions that have been taken against parties deemed to have unlawfully or excessively cleared roadside vegetation;
- (g) if no to (e), when are the investigations expected to conclude;
- (h) if yes to (e), were any parties fined, who were the parties, and what was the offence; and
- (i) if yes to (e) and no action was taken, why not?

Answer

- (a) Yes
- (b) One matter was referred to the relevant local government and has been noted with no further action taken. The second matter was referred to the Department of Biodiversity, Conservation and Attractions (DBCA) and has been finalised by way of an infringement issued for breaching section 103(1) of the *Conservation and Land Management Act 1984* – Unlawfully taking of forest produce.
- (c)-(d) Not applicable
- (e) As of 13 August 2019, three of the matters have been concluded and two have been referred to the relevant authorities for investigation.
- (f) The three investigations concluded by the Department of Water and Environmental Regulation (DWER) were dealt with by letter of warning and/or educational advice.
- (g) The 10 matters that are still under investigation by DWER have been prioritised based on the circumstances of the clearing and level of environmental risk. Investigation timeframes are dependent on several factors and an accurate timeframe for completion of each cannot be provided.
- (h) DWER determines enforcement action in accordance with its interim Compliance and Enforcement Policy. None of the parties were prosecuted (fined) as letters of warning or education advice was considered to be more appropriate. Two of the investigations involved private land owners, and one investigation involved a local government. The offence investigated in each case was unauthorised clearing of native vegetation pursuant to section 51C of the *Environmental Protection Act 1986*.
- (i) Not applicable



Hon Stephen Dawson MLC
**MINISTER FOR ENVIRONMENT;
DISABILITY SERVICES; ELECTORAL AFFAIRS**