



# Compliance inspection and clearing laws

## *Environmental Protection Act 1986*

Under the *Environmental Protection Act 1986* (EP Act), native vegetation can only be cleared with a clearing permit unless exempt.

This fact sheet provides information on the Department of Environmental and Conservation's (DEC) inspection program in relation to the clearing laws under the EP Act.

### Compliance inspections

Inspections are a key activity of DEC in order to implement, monitor and ensure compliance with the environmental laws it administers.

Inspections are often pre-arranged by telephone and conducted during normal business hours. Sometimes inspections are undertaken without advanced notice or as the clearing activity takes place.

### Why is my land being inspected?

DEC conducts inspections for numerous purposes. In context of the clearing laws, inspections are conducted to:

- monitor compliance with the EP Act
  - audit clearing of native vegetation conducted under a clearing permit
  - audit activities required to meet clearing permit conditions
  - audit clearing of native vegetation undertaken for exempt purposes
- and/or
- identify the cause of significant vegetation decline.

Inspection programs may be based on the level of environmental risk or from information supplied by members of the public, other government agencies or from satellite imagery.

### What happens during a compliance inspection?

Upon arriving at the property the inspectors will introduce themselves and advise of the reason and purpose of the inspection. If requested the inspectors must identify themselves with photo identification.

The inspector may ask about recent clearing, including dates, the purpose of the clearing and if any approvals have been granted to allow the clearing. The inspector may compare the area cleared with aerial photography or satellite imagery of the site.

In some cases, an inspector may evaluate more than one area of environmental compliance.

It is helpful to involve your employees who have knowledge of the environmental activities at your property.

### What kinds of records will the inspector review?

The inspector may request to view approvals to clear, records kept to comply with an approval to clear, or other documents relied on to qualify for an exemption. Records may include:

- the clearing permit granted under the EP Act
- reports required by clearing permit conditions
- clearing licence granted under the *Country Areas Water Supply Act 1947*
- Implementation Agreement granted by the Minister for Environment under the EP Act
- outcome of the Notification to Clear Land under regulation 4 of the *Soil and Land Conservation Regulations 1992* (now repealed)
- written direction to clear from a Bush Fire Control Officer under the *Bush Fires Act 1954* or
- any other written approval or direction to clear native vegetation.



### Will the inspector take photographs?

The inspector may take photographs of vegetation to document observations during the inspection and to provide a record of your compliance with clearing laws. Measurements of the amount and location of clearing may also be taken, together with samples of vegetation.

### What happens after the inspection?

Landowners and persons responsible for control of land will be advised of the findings of the inspection.

Should a contravention of the EP Act be found to have occurred, DEC will consider the circumstances of the breach and will take appropriate actions. All actions will be undertaken in accordance with the DEC's Enforcement and Prosecution Policy which is available at <[www.dec.wa.gov.au](http://www.dec.wa.gov.au)>.

### More information

DEC provides a range of information at <[www.dec.wa.gov/nvp](http://www.dec.wa.gov/nvp)>

**Fact sheets** provide basic information to cover the most common questions DEC receives about the EP Act clearing provisions

**Application forms** include guidance on what information is required to complete the form

**Guides** provide additional detail to what is covered in the facts sheets or forms

**Environmentally sensitive areas** can be viewed from the Native Vegetation Map Viewer at <[www.dec.wa.gov.au/nvp](http://www.dec.wa.gov.au/nvp)> in the 'Data' section

**Be clear before you clear** – if you require assistance please contact DEC's Native Vegetation Conservation Branch on 9219 8744 or email <[nvp@dec.wa.gov.au](mailto:nvp@dec.wa.gov.au)>

If your clearing relates to **mining or petroleum project** please contact **Department of Mines and Petroleum (DMP)** Native Vegetation Assessment Branch for assistance on 9222 3333 or visit: <[www.dmp.wa.gov.au/nvabinfo](http://www.dmp.wa.gov.au/nvabinfo)>

### Please note.....

*The above information provides a general guide to the clearing provisions of the Environmental Protection Act 1986 (available at <[www.slp.wa.gov.au](http://www.slp.wa.gov.au)>). DEC has endeavored to ensure the accuracy of the contents of this document, it accepts no responsibility for any inaccuracies and persons relying on this document do so at their own risk.*