



Have you been hired to clear native vegetation?

Environmental Protection Act 1986 (EP Act)

Under the *Environmental Protection Act 1986* (EP Act), native vegetation can only be cleared with a clearing permit unless exempt. The responsibility of ensuring that clearing is undertaken lawfully is shared with the permit holder and the person carrying out the clearing.

Clearing permit

Clearing permits are held by the landholder or an authorised entity, such as a local government authority (LGA), company or project manager. Copies of clearing permits are also available from the 'data' page of <www.dec.wa.gov.au/nvp>.

Clearing permits will specify the dates the clearing can be carried out and indicate the area that is allowed to be cleared. The permit may also contain conditions that the person doing the clearing, such as a contractor, are required to follow, such as the need to clean machinery prior to and after entering an area to be cleared.

Clearing permits granted to LGAs and government utilities will not always indicate the area to be cleared, so ensure that you clear under the direction of the project manager.

Clearing permit holders responsibility

Clearing permit holders may authorise employees, contractors and agents to clear native vegetation on their behalf. The clearing must be done for the purposes of the clearing permit and is subject to compliance with the conditions of the clearing permit.

Contractor responsibility

Prior to clearing the native vegetation, the contractor needs to be satisfied that the clearing is authorised under the EP Act. This includes either obtaining a copy of the clearing permit, and any relevant documentation from the person hiring the contractor, or ensuring that there is an exemption.

The contractor is to familiarise themselves with the requirements of the clearing permit, and relevant documentation, or the exemption.

Exemptions

Exemptions are outlined in Fact Sheet 1 and discussed in detail in Guide 1.

Do not clear beyond the scope of a clearing permit or exemption

If a contractor is doing the clearing, it is the contractor's responsibility to ensure that clearing does not go beyond what is allowed by a clearing permit or an exemption. If in doubt, check with the permit holder prior to clearing.

While both the permit holder and contractor have a shared responsibility if unlawful clearing occurs, if a contractor acted beyond the scope of authorisation without proof that the permit holder requested them to do so, the contractor may be solely liable for their actions.

What if unlawful clearing of native vegetation occurs?

If the contractor carries out clearing beyond the scope of authorisation they may be liable for prosecution. For information about the penalties for companies and individuals convicted of unlawful clearing refer to Fact Sheet 2.

More information

DEC provides a range of information at <www.dec.wa.gov.au/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> 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>

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>

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). 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.

