



Have you been hired to clear native vegetation?

Environmental Protection Act 1986

Purpose

This fact sheet outlines the responsibility of an employee, contractor or agent that has been hired to clear native vegetation.

Introduction

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 [DER's website](#).

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 the fact sheet, [Native vegetation clearing legislation in Western Australia](#) and discussed in detail in [A guide to the exemptions and regulations for clearing native vegetation](#).

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.

More information

For advice on native vegetation clearing, or related matters, please contact the Department of Environment Regulation (DER) on +61 8 6467 5000.

This document is available in alternative formats and other languages on request.

Related documents

More guidelines and fact sheets on native vegetation clearing process are available from [DER's website](#).

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 State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the [SLP website](#).

Disclaimer

The information contained in this document is provided by DER in good faith as a public service. However, DER does not guarantee the accuracy of the information contained in this document and it is the responsibility of recipients to make their own enquiries as to its accuracy, currency and relevance. The State of Western Australia, DER and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document or for any consequence of such act or omission.

Limitation

The Western Australian Government is committed to providing quality information to the community and makes every attempt to ensure accuracy, currency and reliability of the data contained in this document. However, changes in circumstances after the time of publication may impact on the quality of information. Confirmation of the information may be sought from the relevant originating bodies or the department providing the information. DER and the State of Western Australia reserve the right to amend the content of this document at any time without notice.

Legal advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.