



Hon Albert Jacob MLA
Minister for Environment; Heritage

Your Ref: EHW 17
Our Ref: 50-13981

Hon Ken Travers MLC
Chair
Standing Committee on Estimates and Financial Operations
Legislative Council
Parliament House
PERTH WA 6000

Attention: Mr Mark Warner, Committee Clerk

Dear Mr Travers

Thank you for your letter dated 26 July 2016 regarding 2016-17 Budget Estimate Hearings and the Department of Environment Regulation's (DER) response to Question Taken on Notice B8 about complaints and actions against environmental licence holders.

The Committee has requested that DER provides information about the types of complaints and incidents received over the last financial year. The attached report *Environmental Enforcement Quarterly Reporting Data Summary (July 1 - June 30 2016)* has been compiled using data from DER's Quarterly Reports, and provides a breakdown of complaints by type and region. The quarterly reports are publicly available and published to the Department's website.

I trust this report is of assistance to the Committee.

Yours sincerely

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Att.

- 9 AUG 2016



Environmental Enforcement Quarterly Reporting Data Summary

July 1 2015 – June 30 2016



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Contents

Purpose 1

Introduction..... 1

Quarter 1 2015–16: 1 July – 30 September 2015 1

Quarter 2 2015–16: 1 October – 31 December 2015..... 6

Quarter 3 2015–16: 1 January – 31 March 2016 12

Quarter 4 2015–16: 1 April – 30 June 2016 18

Purpose

This report summarises the performance of the Department of Environment Regulation (DER) in delivering its role of regulator enforcing Western Australia's major environmental legislation—the *Environmental Protection Act 1986* (EP Act), *Contaminated Sites Act 2003* (CS Act), and *Waste Avoidance and Resource Recovery Act 2007* (WARR Act).

Introduction

The statistical data appearing in this section are obtained from DER's Incident and Complaint Management System (ICMS), a tool designed to record complaints and incidents, and provide a case management framework through which investigations are conducted and enforcement outcomes are decided.

Quarter 1 2015–16: 1 July – 30 September 2015

Environmental complaints¹/incidents² by DER region³

Region	Q3 2013–14		Q4 2013–14		Q1 2014–15	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	9	102	8	70	5	30
Greater Swan	236	157	337	95	203	84
Indian Ocean Territories (IOT)	1	7	0	5	0	2
Midwest	4	30	7	16	4	21
North West	12	78	24	211	32	24
Perth	84	125	112	164	98	216
South Coast	22	106	16	48	11	26
Total	368	605	504	609	353	403

Environmental complaints/incidents by DER region

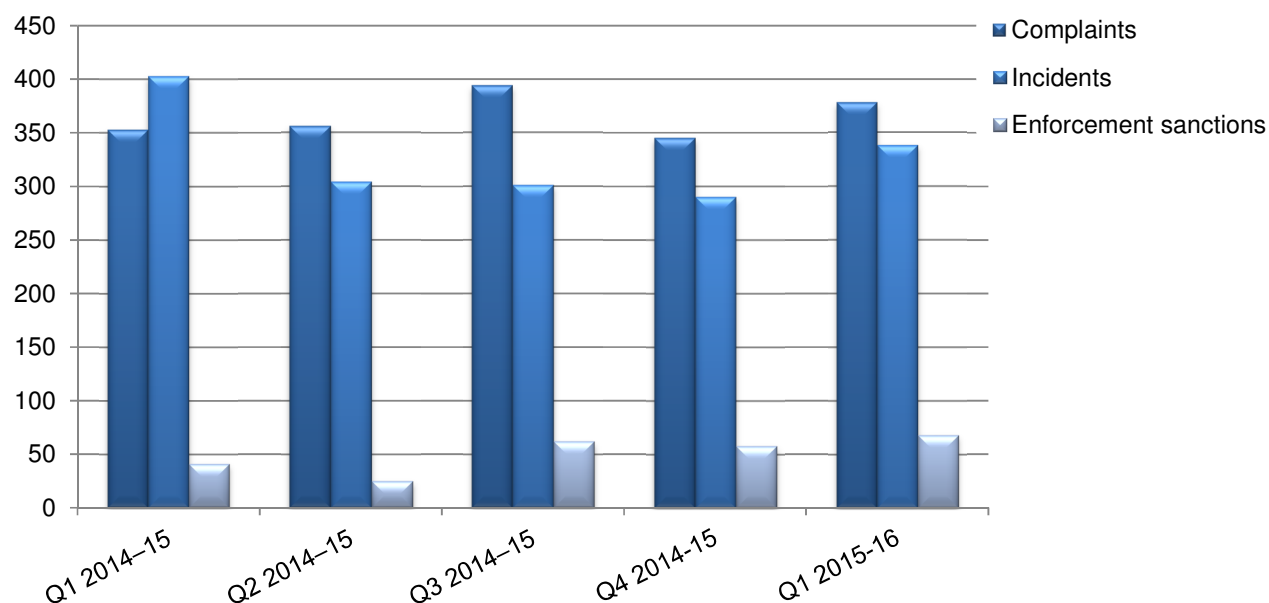
Region	Q3 2014–15		Q4 2014–15		Q1 2015–16	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	6	49	4	40	10	44
Greater Swan	196	75	171	65	194	74
Indian Ocean Territories (IOT)	1	1	0	0	0	3
Midwest	18	23	4	13	8	20
North West	7	34	17	56	20	70
Perth	156	90	133	94	126	111
South Coast	10	29	16	22	20	16
Total	394	301	345	290	378	338

¹ A complaint is the provision of information to DER concerning a potential breach of the legislation administered by DER.

² An incident is a confirmed event, which may involve a potential breach of the legislation administered by DER.

³ DER regional boundaries changed on 1 March 2014; figures associated with the former regional boundaries are incorporated in the new regional boundaries.

Analysis—complaints, incidents and sanctions over five quarters

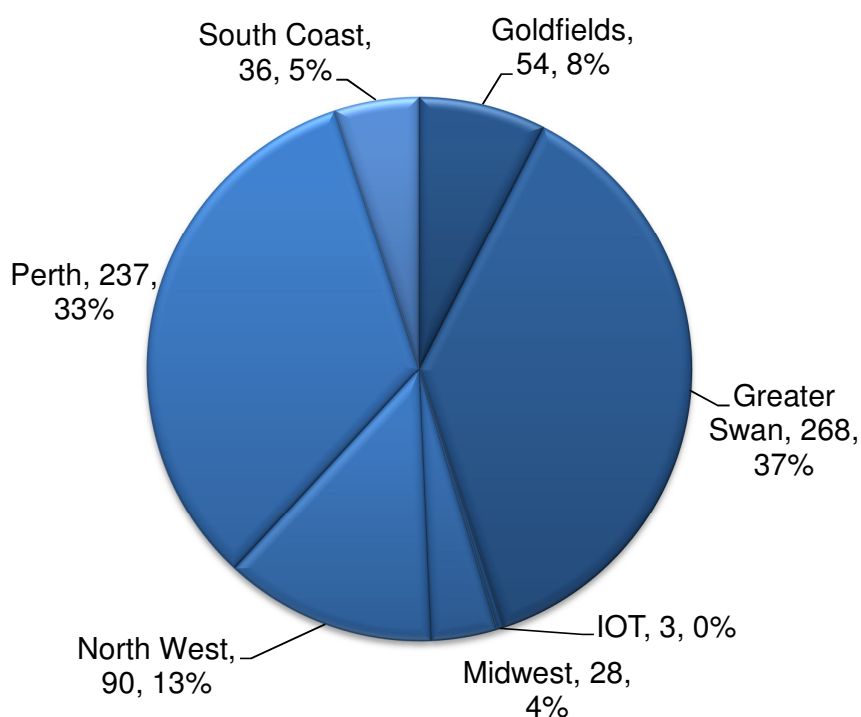


Environmental complaints/incidents reported by sub-category, Q1 2015-16

Category	Complaints /Incidents	Enforcement Actions
Clearing of native vegetation including:	42	18
Burning	0	
Cutting	41	
Draining	1	
Grazing	0	
Poisoning	0	
Unspecified	0	
Compliance including:	109	13
Clearing permit	0	
Industry licence	71	
Industry registration	5	
Proactive compliance	15	
Statutory reporting requirement	9	
Works approval	5	
Unspecified	4	
Contaminated sites	0	0
Controlled waste including:	32	3
Disposal site	22	
Unauthorised disposal	2	
Unauthorised transport	8	
Waste generator	0	
Unspecified	0	
Dumping including:	36	0
Asbestos	5	
Construction & demolition	6	
Green waste	2	
Hazardous materials	4	
Household waste	14	
Tyres	5	
Unspecified	0	
EP licence breach including:	90	4
Condition breach—late report	17	
Condition breach—licence limit	9	

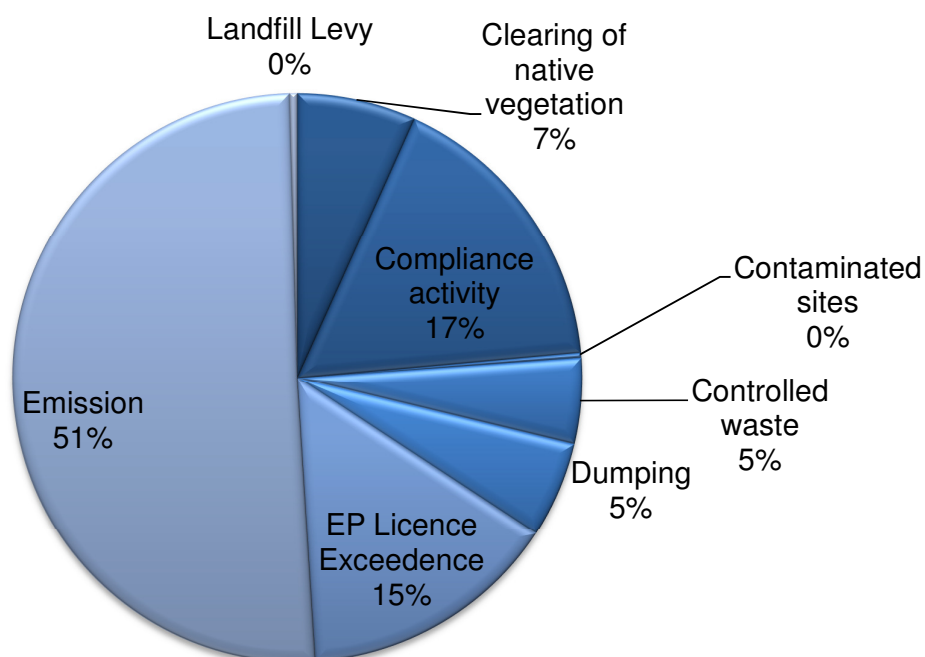
Category	Complaints /Incidents	Enforcement Actions
Condition breach—reporting condition	37	
Condition breach—other	24	
Unspecified	3	
Emission including:	345	30
Air quality	3	
Dumping waste	7	
Dust	25	
Hazardous material	12	
Light	0	
Liquid waste	109	
Noise	36	
Odour	98	
Pesticide	4	
Smoke	19	
Solid waste	10	
Unauthorised discharge	22	
Unspecified	0	
Landfill levy	0	0
Non-payment of levy	0	
Fail to submit return	0	
Threat/Aggression/Assault⁴	0	0
Risk rating: Low	0	
Other	62	0
Total	716	68

Complaints and incidents received by DER region, Q1 2015–16



⁴ Incidents where a DER employee is assaulted or subject to threatening or aggressive behaviour.

Complaints and incidents as percentages, Q1 2015–16



Enforcement sanctions undertaken over six quarters

Type of action	Q4 2013–14	Q1 2014–15	Q2 2014–15	Q3 2014–15	Q4 2014–15	Q1 2015–16
Environmental field report (EFR) ⁵	19	0	3	28	31	18
Letter of warning ⁶	25	32	16	26	20	30
Infringement notices ⁷	0	6	3	4	5	4
Environmental protection notice (EPN) ⁸	0	0	0	0	0	0
Stop work order ⁹	0	0	0	0	0	0
Statutory direction/notice ¹⁰	0	0	1	0	0	0
Modified penalty ¹¹	0	0	0	0	0	4
Prosecutions commenced ¹²	0	0	2	4	2	9
Pending prosecutions	11	9	8	5	9	12
Current prosecutions before the court	4	3	3	5	8	11

⁵ An environmental field report (EFR) replaced the environmental field notice effective end of Q2 2014–2015. The EFR is a non-statutory written notice identifying an alleged offence, and may include a request to the recipient to take remedial action.

⁶ A letter of warning is a non-statutory notice to an offender that prima facie evidence of a legislative breach is alleged and been noted on record.

⁷ An infringement notice is a modified penalty for an alleged offence requiring the payment of a fine or election to have the matter heard in court.

⁸ An environmental protection notice is a statutory notice issued pursuant to section 65 of the *Environmental Protection Act 1986*.

⁹ A stop work order is a statutory order made by the Minister pursuant to section 69 of the *Environmental Protection Act 1986*.

¹⁰ A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time; for example, a pollution prevention notice.

¹¹ A modified penalty is a statutory notice that an offence has occurred and that, in the opinion of DER, the offence has met the prescribed legislative requirements to minimise and remedy the environmental impact.

¹² A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.

Enforcement actions undertaken by corresponding financial year quarter

Type of action	Number of actions undertaken by quarter ¹³			
	Q1 2012–13	Q1 2013–14	Q1 2014–15	Q1 2015–16
Licence review/amendment ¹⁴	0	6	2	4
Prescribed action ¹⁵	0	1	1	0
EFR	41	41	0	18
Letter of warning	6	10	32	30
Infringement notices	21	5	6	4
EPN	2	1	0	0
Stop work order	0	0	0	0
Statutory direction/notice	0	1	0	0
Modified penalty	2	0	0	4
Prosecution	3	3	0	9

Native vegetation regulation activity, Q1 2015–16

Activity	Number
Vegetation conservation notice (VCN) ¹⁶	1 (46 active)
Clearing applications	129
Clearing approvals	68
Letters of warning	15
Prosecutions	1

¹³ Quarters 4 for 2011–12 and 2012–13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, Quarter 4 figures for 2013–14 do not include actions/sanctions undertaken by SRT.

¹⁴ DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.

¹⁵ A prescribed action is any physical intervention undertaken by DER to remedy a breach of legislation or when undertaking remedial action. If this occurs, the occupier or polluter may be pursued for the cost of the clean-up. Such action will be taken only where authorised by legislation and in accordance with that legislation.

¹⁶ A vegetation conservation notice is a statutory notice given under s 70 of the EP Act when the CEO of DER suspects, on reasonable grounds, that unlawful clearing of native vegetation is likely to take place, is taking place, or has taken place on the land.

Quarter 2 2015–16: 1 October – 31 December 2015

Environmental complaints¹⁷/incidents¹⁸ by DER region¹⁹

Region	Q4 2013–14		Q1 2014–15		Q2 2014–15	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	8	70	5	30	2	42
Greater Swan	337	95	203	84	209	90
Indian Ocean Territories (IOT)	0	5	0	2	1	2
Midwest	7	16	4	21	11	30
North West	24	211	32	24	17	47
Perth	112	164	98	216	106	68
South Coast	16	48	11	26	10	25
Total	504	609	353	403	356	304

Environmental complaints/incidents by DER region

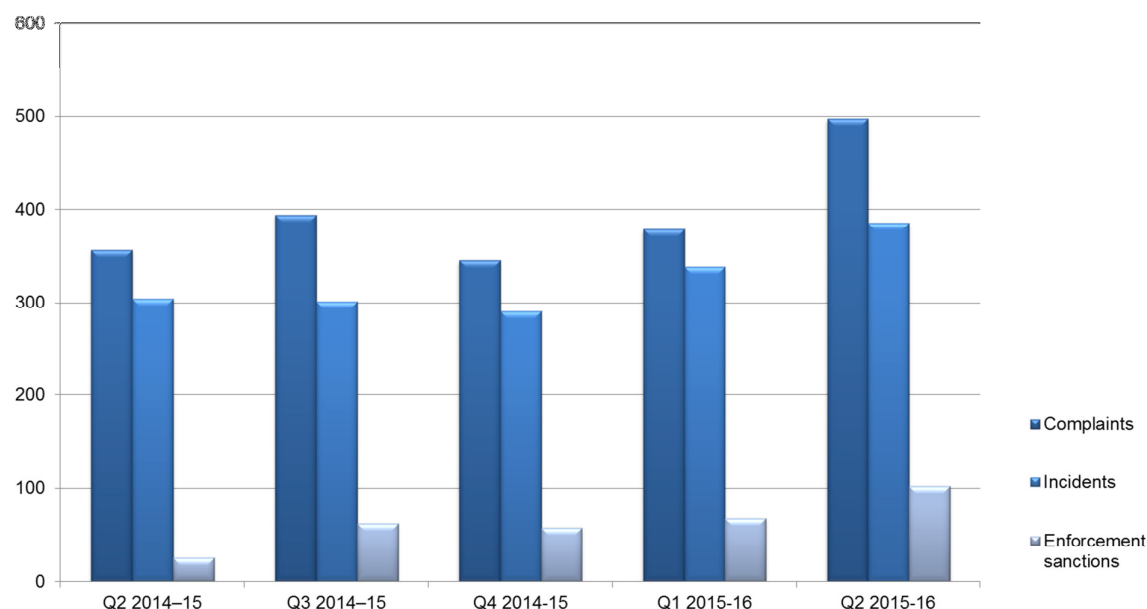
Region	Q4 2014–15		Q1 2015–16		Q2 2015–16	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	4	40	10	44	9	42
Greater Swan	171	65	194	74	265	131
Indian Ocean Territories (IOT)	0	0	0	3	0	5
Midwest	4	13	8	20	6	20
North West	17	56	20	70	37	45
Perth	133	94	126	111	165	129
South Coast	16	22	20	16	15	13
Total	345	290	378	338	497	385

¹⁷ A complaint is the provision of information to DER concerning a potential breach of the legislation administered by DER.

¹⁸ An incident is a confirmed event, which may involve a potential breach of the legislation administered by DER.

¹⁹ DER regional boundaries changed on 1 March 2014; figures associated with the former regional boundaries are incorporated in the new regional boundaries.

Analysis—complaints, incidents and sanctions over five quarters



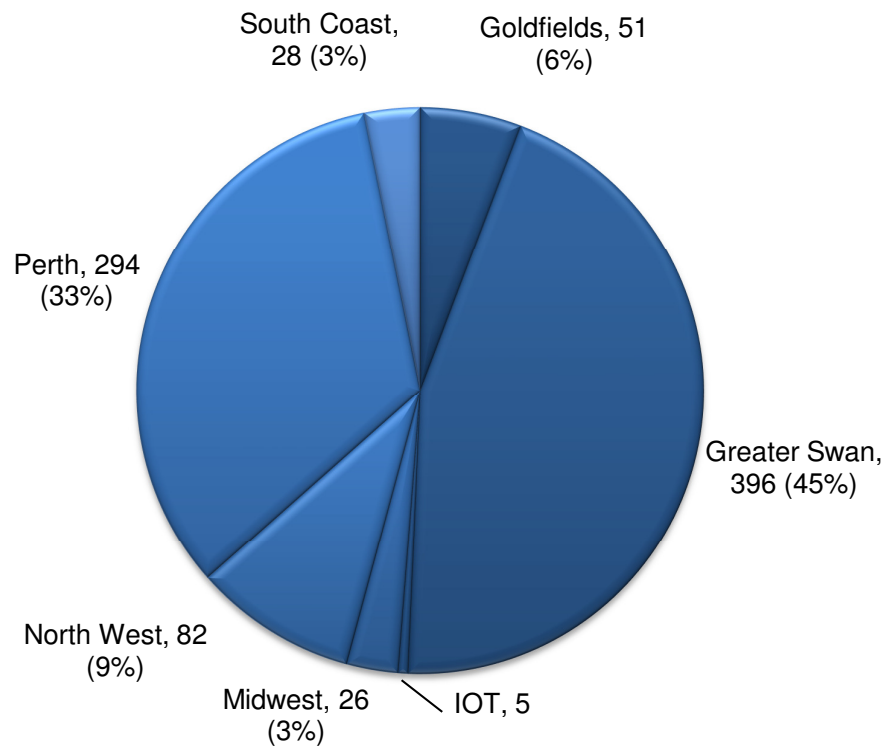
Environmental complaints/incidents reported by sub-category, Q2 2015-16

Category	Complaints /Incidents	Enforcement Actions
Clearing of native vegetation including:	44	13
Burning	1	
Cutting	42	
Draining	0	
Grazing	0	
Poisoning	1	
Unspecified	0	
Compliance including:	94	39
Clearing permit	0	
Industry licence	62	
Industry registration	1	
Proactive compliance	11	
Statutory reporting requirement	10	
Works approval	7	
Unspecified	3	
Contaminated sites	0	0
Controlled waste including:	7	0
Disposal site	2	
Unauthorised disposal	1	
Unauthorised transport	4	
Waste generator	0	
Unspecified	0	
Dumping including:	41	5
Asbestos	5	

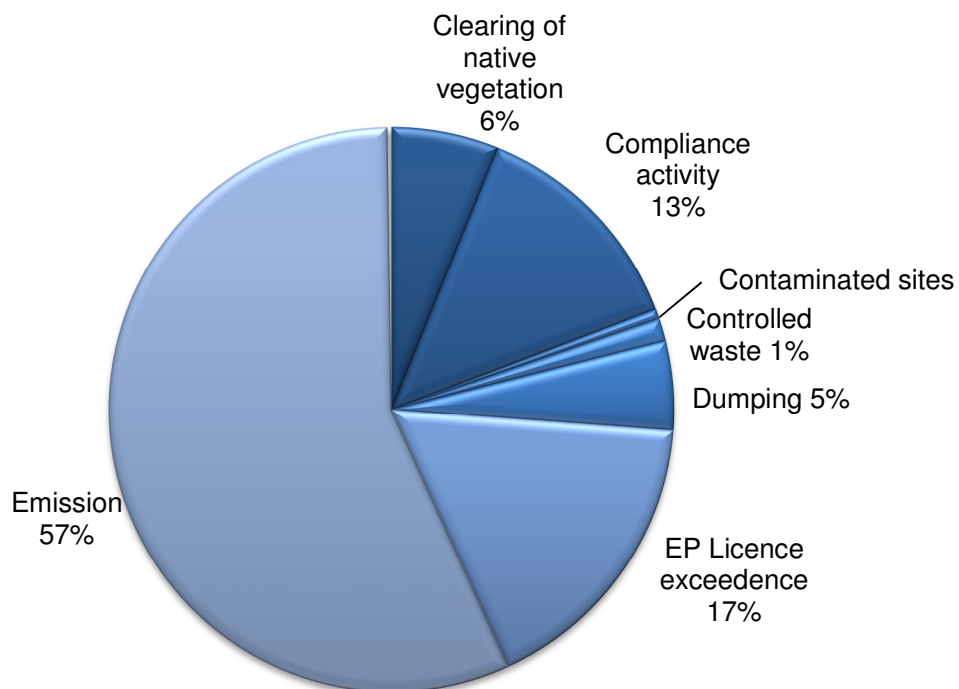
Category	Complaints /Incidents	Enforcement Actions
Construction and demolition	1	
Green waste	6	
Hazardous materials	5	
Household waste	18	
Tyres	6	
Unspecified	0	
EP licence breach including:	138	0
Condition breach—late report	29	
Condition breach—licence limit	14	
Condition breach—reporting condition	54	
Condition breach—other	41	
Unspecified	0	
Emission including:	471	21
Air quality	2	
Dumping waste	18	
Dust	81	
Hazardous material	25	
Light	3	
Liquid waste	84	
Noise	45	
Odour	169	
Pesticide	3	
Smoke	16	
Solid waste	7	
Unauthorised discharge	18	
Unspecified	0	
Landfill levy	1	0
Non-payment of levy	1	
Fail to submit return	0	
Threat/Aggression/Assault²⁰	0	0
Risk rating: Low	0	
Other	86	13
Total	882	91

²⁰ Incidents where a DER employee is assaulted or subject to threatening or aggressive behaviour.

Complaints and incidents received by DER region, Q2 2015–16



Complaints and incidents as percentages, Q2 2015–16



Enforcement sanctions undertaken over six quarters

Type of action	Q1 2014–15	Q2 2014–15	Q3 2014–15	Q4 2014–15	Q1 2015–16	Q2 2015–16
Environmental field report (EFR) ²¹	0	3	28	31	18	64
Letter of warning ²²	32	16	26	20	30	27
Infringement notices ²³	6	3	4	5	4	6
Environmental protection notice (EPN) ²⁴	0	0	0	0	0	0
Stop work order ²⁵	0	0	0	0	0	0
Statutory direction/notice ²⁶	0	1	0	0	0	0
Modified penalty ²⁷	0	0	0	0	4	0
Prosecutions commenced ²⁸	0	2	4	2	9	5
Pending prosecutions	9	8	5	9	12	10
Current prosecutions before the court	3	3	5	8	11	11

²¹ An environmental field report (EFR) replaced the environmental field notice effective end of Q2 2014–2015. The EFR is a non-statutory written notice identifying an alleged offence, and may include a request to the recipient to take remedial action.

²² A letter of warning is a non-statutory notice to an offender that prima facie evidence of a legislative breach is alleged and been noted on record.

²³ An infringement notice is a modified penalty for an alleged offence requiring the payment of a fine or election to have the matter heard in court.

²⁴ An environmental protection notice is a statutory notice issued pursuant to section 65 of the *Environmental Protection Act 1986*.

²⁵ A stop work order is a statutory order made by the Minister pursuant to section 69 of the *Environmental Protection Act 1986*.

²⁶ A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time; for example, a pollution prevention notice.

²⁷ A modified penalty is a statutory notice that an offence has occurred and that, in the opinion of DER, the offence has met the prescribed legislative requirements to minimise and remedy the environmental impact.

²⁸ A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.

Enforcement actions undertaken by corresponding financial year quarter

Type of action	Number of actions undertaken by quarter ²⁹			
	Q2 2012–13	Q2 2013–14	Q2 2014–15	Q2 2015–16
Licence review/amendment ³⁰	4	2	7	6
Prescribed action ³¹	2	0	0	0
EFR	81	42	3	64
Letter of warning	15	12	16	27
Infringement notices	11	5	3	6
EPN	0	1	0	0
Stop work order	0	0	0	0
Statutory direction/notice	2	0	1	0
Modified penalty	0	0	0	0
Prosecution	6	4	2	5

Native vegetation regulation activity, Q2 2015–16

Activity	Number
Vegetation conservation notice (VCN) ³²	0 (41 active)
Clearing applications	95
Clearing approvals	85
Letters of warning	10
Prosecutions	0

²⁹ Quarters 4 for 2011–12 and 2012–13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, Quarter 4 figures for 2013–14 do not include actions/sanctions undertaken by SRT.

³⁰ DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.

³¹ A prescribed action is any physical intervention undertaken by DER to remedy a breach of legislation or when undertaking remedial action. If this occurs, the occupier or polluter may be pursued for the cost of the clean-up. Such action will be taken only where authorised by legislation and in accordance with that legislation.

³² A vegetation conservation notice is a statutory notice given under s 70 of the EP Act when the CEO of DER suspects, on reasonable grounds, that unlawful clearing of native vegetation is likely to take place, is taking place, or has taken place on the land.

Quarter 3 2015–16: 1 January – 31 March 2016

Environmental complaints³³/incidents³⁴ by DER region³⁵

Region	Q1 2014–15		Q2 2014–15		Q3 2014–15	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	5	30	2	42	6	49
Greater Swan	203	84	209	90	196	75
Indian Ocean Territories (IOT)	0	2	1	2	1	1
Midwest	4	21	11	30	18	23
North West	32	24	17	47	7	34
Perth	98	216	106	68	156	90
South Coast	11	26	10	25	10	29
Total	353	403	356	304	394	301

Environmental complaints/incidents by DER region

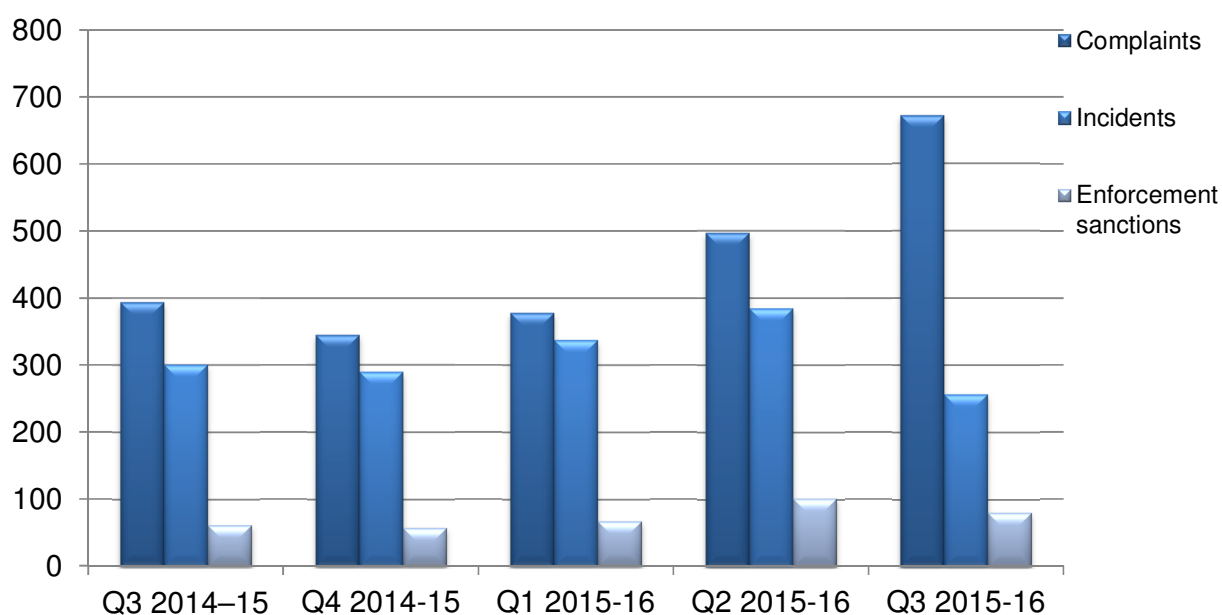
Region	Q1 2015–16		Q2 2015–16		Q3 2015–16	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	10	44	9	42	5	37
Greater Swan	194	74	265	131	404	58
Indian Ocean Territories (IOT)	0	3	0	5	0	0
Midwest	8	20	6	20	3	8
North West	20	70	37	45	95	25
Perth	126	111	165	129	159	123
South Coast	20	16	15	13	6	6
Total	378	338	497	385	672	257

³³ A complaint is the provision of information to DER concerning a potential breach of the legislation administered by DER.

³⁴ An incident is a confirmed event, which may involve a potential breach of the legislation administered by DER.

³⁵ DER regional boundaries changed on 1 March 2014; figures associated with the former regional boundaries are incorporated in the new regional boundaries.

Analysis—complaints, incidents and sanctions over five quarters



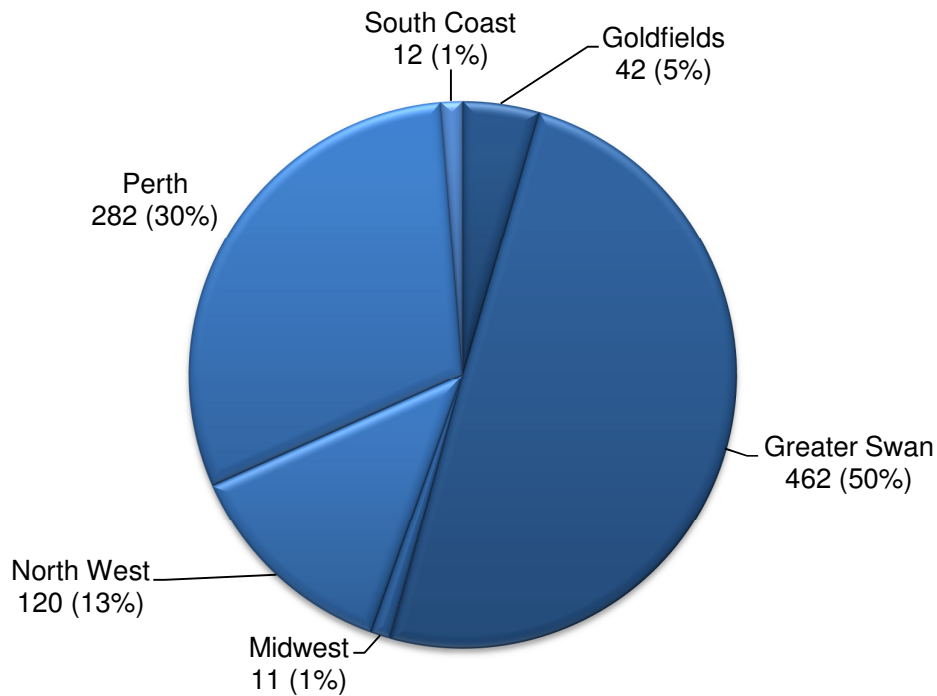
Environmental complaints/incidents reported by sub-category, Q3 2015-16

Category	Complaints/ Incidents	Enforcement Actions
Clearing of native vegetation including:	50	9
Burning	0	
Cutting	48	9
Draining	1	
Grazing	0	
Poisoning	1	
Unspecified	0	
Compliance including:	48	28
Clearing permit	1	
Industry licence	25	27
Industry registration	1	
Proactive compliance	7	
Statutory reporting requirement	8	
Works approval	2	1
Unspecified	4	
Contaminated sites	0	0
Controlled waste including:	7	0
Disposal site	2	
Unauthorised disposal	3	
Unauthorised transport	2	
Waste generator	0	
Unspecified	0	
Dumping including:	77	6
Asbestos	1	
Construction & demolition	15	
Green waste	9	
Hazardous materials	2	
Household waste	49	6
Tyres	1	

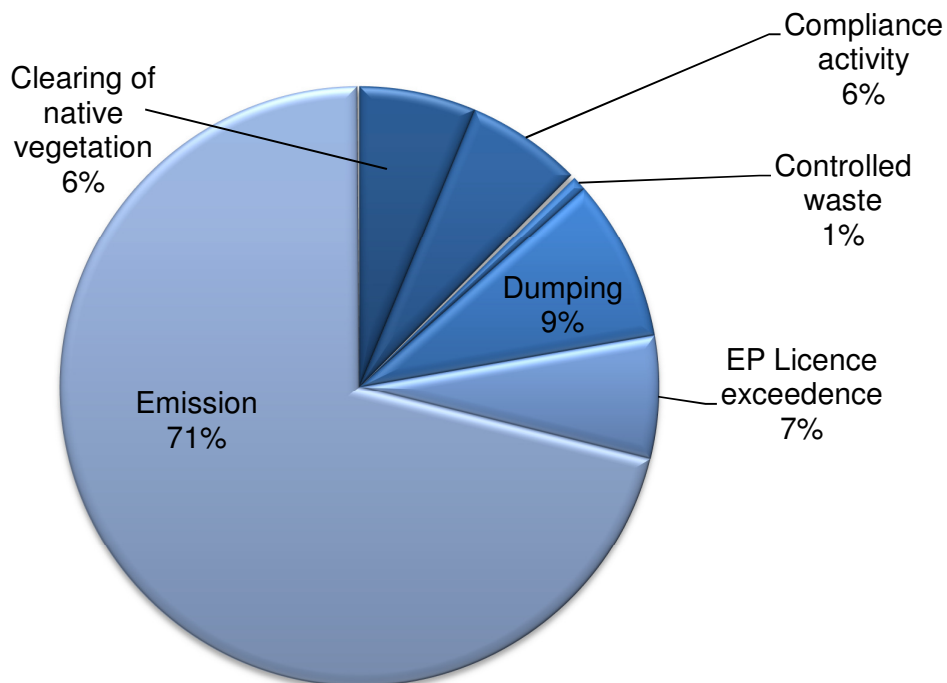
Category	Complaints/ Incidents	Enforcement Actions
Unspecified	0	
EP licence breach including:	55	0
Condition breach—late report	11	
Condition breach—licence limit	13	
Condition breach—reporting condition	22	
Condition breach—other	9	
Unspecified	0	
Emission including:	629	30
Air quality	4	2
Dumping waste	6	
Dust	129	
Hazardous material	16	2
Light	1	
Liquid waste	79	3
Noise	65	
Odour	266	
Pesticide	3	
Smoke	17	
Solid waste	8	
Unauthorised discharge	35	23
Unspecified	0	
Landfill levy	0	0
Non-payment of levy	0	
Fail to submit return	0	
Threat/Aggression/Assault³⁶	0	0
Risk rating: Low	0	
Other	63	8
Total	929	81

³⁶ Incidents where a DER employee is assaulted or subject to threatening or aggressive behaviour.

Complaints and incidents received by DER region, Q3 2015–16



Complaints and incidents as percentages, Q3 2015–16



Enforcement sanctions undertaken over six quarters

Type of action	Q2 2014–15	Q3 2014–15	Q4 2014–15	Q1 2015–16	Q2 2015–16	Q3 2015–16
Environmental field report (EFR) ³⁷	3	28	31	18	64	65
Letter of warning ³⁸	16	26	20	30	27	10
Infringement notices ³⁹	3	4	5	4	6	1
Environmental protection notice (EPN) ⁴⁰	0	0	0	0	0	0
Stop work order ⁴¹	0	0	0	0	0	0
Statutory direction/notice ⁴²	1	0	0	0	0	0
Modified penalty ⁴³	0	0	0	4	0	3
Prosecutions commenced ⁴⁴	2	4	2	9	5	2
Pending prosecutions	8	5	9	12	10	8
Current prosecutions before the court	3	5	8	11	11	10

³⁷ An EFR replaced the EFN effective end of Q2 2014–2015. The EFR is a non-statutory written notice identifying an alleged offence, and may include a request to the recipient to take remedial action.

³⁸ A letter of warning is a non-statutory notice to an offender that prima facie evidence of a legislative breach is alleged and has been noted on record.

³⁹ An infringement notice is a modified penalty for an alleged offence requiring the payment of a fine or election to have the matter heard in court.

⁴⁰ An EPN is a statutory notice issued pursuant to section 65 of the EP Act.

⁴¹ A stop work order is a statutory order made by the Minister pursuant to section 69 of the EP Act.

⁴² A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time; for example, a pollution prevention notice.

⁴³ A modified penalty is a statutory notice that an offence has occurred and that, in the opinion of DER, the offence has met the prescribed legislative requirements to minimise and remedy the environmental impact.

⁴⁴ A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.

Enforcement actions undertaken by corresponding financial year quarter

Type of action	Number of actions undertaken by quarter ⁴⁵			
	Q3 2012–13	Q3 2013–14	Q3 2014–15	Q3 2015–16
Licence review/amendment ⁴⁶	7	2	1	0
Prescribed action ⁴⁷	5	2	0	0
EFR	226	34	28	65
Letter of warning	108	11	26	10
Infringement notices	66	4	4	1
EPN	1	0	0	0
Stop work order	0	0	0	0
Statutory direction/notice	5	3	0	0
Modified penalty	2	0	0	3
Prosecution	5	3	4	2

Native vegetation regulation activity, Q3 2015–16

Activity	Number
Vegetation conservation notice (VCN) ⁴⁸	2 issued (45 active)
Clearing applications	96
Clearing approvals	88
Letters of warning	5
Prosecutions	0

⁴⁵ Quarters 4 for 2011–12 and 2012–13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, Quarter 4 figures for 2013–14 do not include actions/sanctions undertaken by SRT.

⁴⁶ DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.

⁴⁷ A prescribed action is any physical intervention undertaken by DER to remedy a breach of legislation or when undertaking remedial action. If this occurs, the occupier or polluter may be pursued for the cost of the clean-up. Such action will be taken only where authorised by legislation and in accordance with that legislation.

⁴⁸ A vegetation conservation notice is a statutory notice given under s 70 of the EP Act when the CEO of DER suspects, on reasonable grounds, that unlawful clearing of native vegetation is likely to take place, is taking place, or has taken place on the land.

Quarter 4 2015–16: 1 April – 30 June 2016

Environmental complaints⁴⁹/incidents⁵⁰ by DER region⁵¹

Region	Q3 2014–15		Q4 2014–15		Q1 2015–16	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	6	49	4	40	10	44
Greater Swan	196	75	171	65	194	74
Indian Ocean Territories (IOT)	1	1	0	0	0	3
Midwest	18	23	4	13	8	20
North West	7	34	17	56	20	70
Perth	156	90	133	94	126	111
South Coast	10	29	16	22	20	16
Total	394	301	345	290	378	338

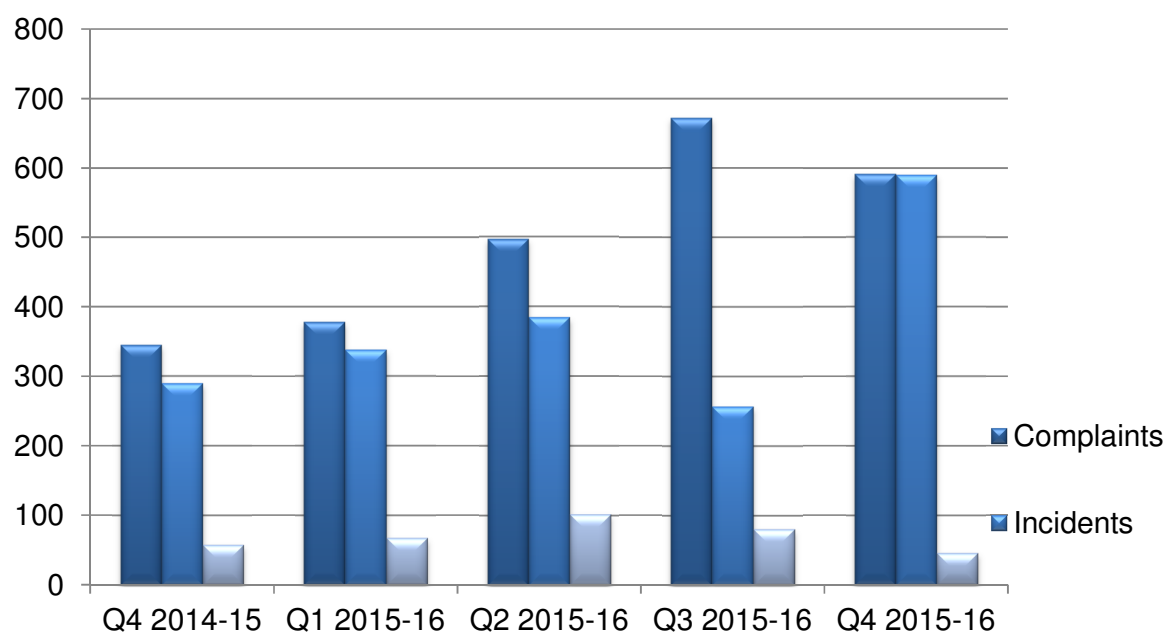
Environmental complaints/incidents by DER region

Region	Q2 2015–16		Q3 2015–16		Q4 2015–16	
	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	9	42	5	37	6	30
Greater Swan	265	131	404	58	281	73
Indian Ocean Territories (IOT)	0	5	0	0	0	0
Midwest	6	20	3	8	5	17
North West	37	45	95	25	47	41
Perth	165	129	159	123	238	422
South Coast	15	13	6	6	14	7
Total	497	385	672	257	591	590

⁴⁹ A complaint is the provision of information to DER concerning a potential breach of the legislation administered by DER.

⁵⁰ An incident is a confirmed event, which may involve a potential breach of the legislation administered by DER.

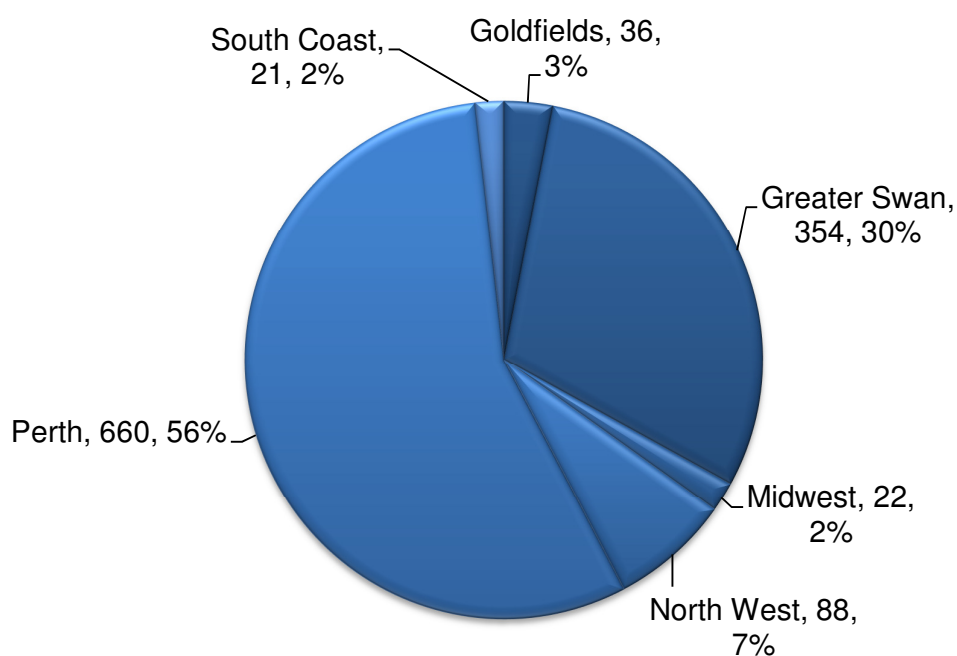
⁵¹ DER regional boundaries changed on 1 March 2014; figures associated with the former regional boundaries are incorporated in the new regional boundaries.

Analysis—complaints, incidents and sanctions over five quarters

Category	Complaints/ Incidents	Enforcement Actions
Clearing of native vegetation including:	60	5
Burning	2	
Cutting	35	5
Draining		
Grazing		
Poisoning	1	
Unspecified	22	
Compliance including:	360	23
Clearing permit		
Industry licence	46	6
Industry registration	1	11
Proactive compliance	284	
Statutory reporting requirement	5	
Works approval	3	
Unspecified	21	6
Contaminated sites	3	
Controlled waste including:	7	1
Disposal site	1	
Unauthorised disposal		
Unauthorised transport	6	1
Waste generator		
Unspecified		
Dumping including:	140	4
Asbestos	15	
Construction & demolition	20	
Green waste	10	1
Hazardous materials	5	1
Household waste	78	
Tyres	10	
Unspecified	2	2

Category	Complaints/ Incidents	Enforcement Actions
EP licence breach including:	46	
Condition breach—late report	2	
Condition breach—licence limit	4	
Condition breach—reporting condition	20	
Condition breach—other	17	
Unspecified	3	
Emission including:	540	13
Air quality	7	
Dumping waste	4	
Dust	67	
Hazardous material	38	
Light	3	1
Liquid waste	116	
Noise	60	
Odour	183	1
Pesticide	3	
Smoke	26	
Solid waste	9	
Unauthorised discharge	17	11
Unspecified	7	
Landfill levy	1	
Non-payment of levy	1	
Fail to submit return		
Threat/Aggression/Assault⁵²	2	
Risk rating: Low	2	
Other	22	
Total	1181	46

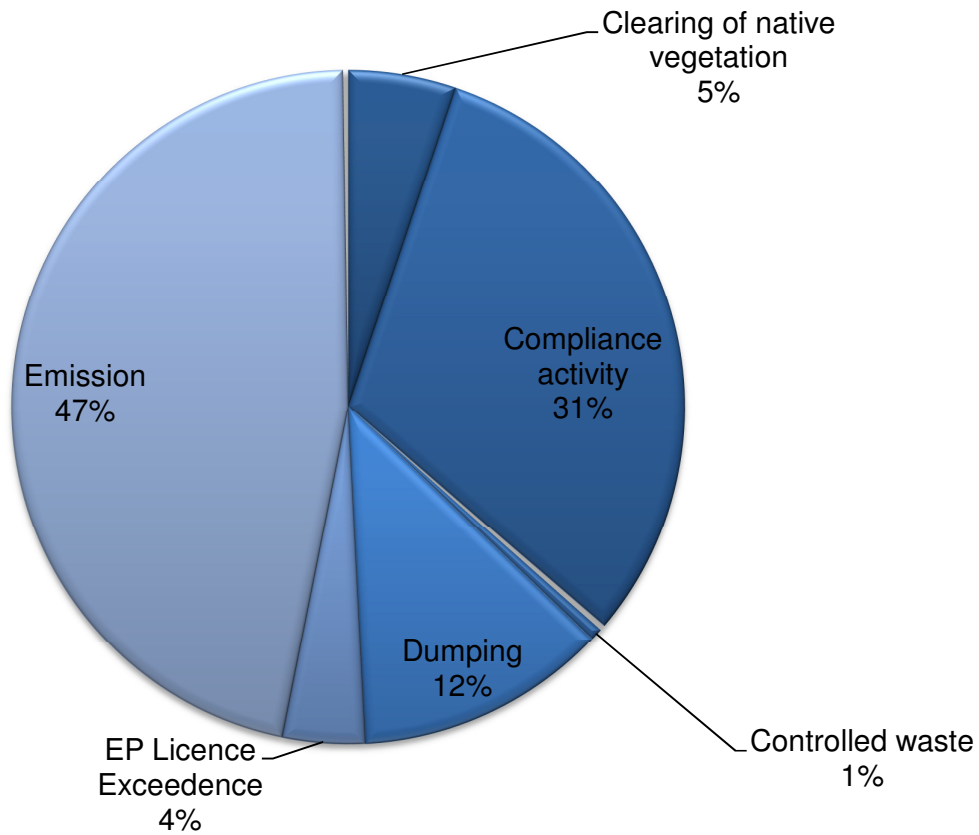
Complaints and incidents received by DER region, Q4 2015–16



⁵² Incidents where a DER employee is assaulted or subject to threatening or aggressive behaviour.

Complaints and incidents as percentages, Q3 2015–16

Complaint, incident category by percentage



Enforcement sanctions undertaken over six quarters

Type of action	Q3 2014–15	Q4 2014–15	Q1 2015–16	Q2 2015–16	Q3 2015–16	Q4 2015–16
Environmental field report (EFR) ⁵³	28	31	18	64	65	27
Letter of warning ⁵⁴	26	20	30	27	10	8
Infringement notices ⁵⁵	4	5	4	6	1	6
Environmental protection notice (EPN) ⁵⁶	0	0	0	0	0	0
Stop work order ⁵⁷	0	0	0	0	0	0
Statutory direction/notice ⁵⁸	0	0	0	0	0	0
Modified penalty ⁵⁹	0	0	4	0	3	0
Prosecutions commenced ⁶⁰	4	2	9	5	2	5
Pending prosecutions	5	9	12	10	8	5
Current prosecutions before the court	5	8	11	11	10	10

Enforcement actions undertaken by corresponding financial year quarter

Type of action	Number of actions undertaken by quarter ⁶¹			
	Q4 2012–13	Q4 2013–14	Q4 2014–15	Q4 2015–16
Licence review/amendment ⁶²	4	2	1	0
Prescribed action ⁶³	0	2	0	0
EFR	46	19	31	27
Letter of warning	35	25	20	8
Infringement notices	2	0	5	6
EPN	1	0	0	0
Stop work order	0	0	0	0
Statutory direction/notice	1	3	0	0
Modified penalty	0	0	0	0
Prosecution	1	0	2	5

⁵³ An EFR replaced the EFN effective end of Q2 2014–2015. The EFR is a non-statutory written notice identifying an alleged offence, and may include a request to the recipient to take remedial action.

⁵⁴ A letter of warning is a non-statutory notice to an offender that prima facie evidence of a legislative breach is alleged and has been noted on record.

⁵⁵ An infringement notice is a modified penalty for an alleged offence requiring the payment of a fine or election to have the matter heard in court.

⁵⁶ An EPN is a statutory notice issued pursuant to section 65 of the EP Act.

⁵⁷ A stop work order is a statutory order made by the Minister pursuant to section 69 of the EP Act.

⁵⁸ A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time; for example, a pollution prevention notice.

⁵⁹ A modified penalty is a statutory notice that an offence has occurred and that, in the opinion of DER, the offence has met the prescribed legislative requirements to minimise and remedy the environmental impact.

⁶⁰ A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.

⁶¹ Quarters 4 for 2011–12 and 2012–13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, Quarter 4 figures for 2013–14 do not include actions/sanctions undertaken by SRT.

⁶² DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.

⁶³ A prescribed action is any physical intervention undertaken by DER to remedy a breach of legislation or when undertaking remedial action. If this occurs, the occupier or polluter may be pursued for the cost of the clean-up. Such action will be taken only where authorised by legislation and in accordance with that legislation.

Native vegetation regulation activity, Q4 2015–16

Activity	Number
Vegetation conservation notice (VCN) ⁶⁴	41 active
Clearing applications	128
Clearing approvals	112
Letters of warning	5
Prosecutions	0

⁶⁴ A vegetation conservation notice is a statutory notice given under s 70 of the EP Act when the CEO of DER suspects, on reasonable grounds, that unlawful clearing of native vegetation is likely to take place, is taking place, or has taken place on the land.