



# Quarterly environmental enforcement statistics

*Environmental Protection Act 1986/Litter Act  
1979*

1 April 2013 to 30 June 2013

As part of the changes to machinery of government, the Department of Environment and Conservation (DEC) was divided 1 July 2013 into two agencies: the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW).

This report relates to activities under the former DEC for the period 1 April 2013 to 30 June 2013. Quarterly reporting from 1 July 2013 will relate to the Department of Environment Regulation.

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July 2013

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## Purpose of report

On 1 July 2013, the Department of Environment and Conservation (DEC) separated into two agencies: the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW).

The purpose of this quarterly report is to provide statistical and supporting information outlining DEC's enforcement activity and outcomes. Quarterly reporting from 1 July 2013 will relate to the Department of Environment Regulation.

This is a summary report which has been prepared from more detailed reports. If required, more detailed information may be made available through the Environmental Enforcement Unit Senior Analyst.

Note: The categorisation of complaints and incidents is currently under review. Categories and sub-categories of matters will vary from previous reports.

## Quarterly statistics since 1 October 2011

Table 1. Environmental complaints/incidents by DEC region, October 2011 to June 2013

| REGION                  | 2 <sup>nd</sup> Quarter | 3 <sup>rd</sup> Quarter | 4 <sup>th</sup> Quarter | 1 <sup>st</sup> Quarter | 2 <sup>nd</sup> Quarter | 3 <sup>rd</sup> Quarter | 4 <sup>th</sup> Quarter |
|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
|                         | Oct 2011–<br>Dec 2011   | Jan 2012–<br>Mar 2012   | Apr 2012–<br>Jun 2012   | Jul 2012–<br>Sep 2012   | Oct 2012–<br>Dec 2012   | Jan 2013–<br>Mar 2013   | Apr 2013–<br>Jun 2013   |
| Christmas Island        | 1   0                   | 0   0                   | 0   0                   | 2   1                   | 3   0                   | 3   4                   | 2   2                   |
| Cocos (Keeling) Islands | 0   0                   | 0   0                   | 0   0                   | 1   0                   | 0   3                   | 0   0                   | 0   0                   |
| Goldfields              | 16   29                 | 14   33                 | 9   38                  | 12   33                 | 11   69                 | 7   59                  | 6   74                  |
| Kimberley               | 4   7                   | 3   13                  | 5   20                  | 2   14                  | 2   10                  | 2   8                   | 6   15                  |
| Midwest                 | 14   4                  | 7   14                  | 9   30                  | 7   26                  | 2   19                  | 10   11                 | 7   11                  |
| Perth                   | 131   50                | 68   137                | 64   72                 | 64   91                 | 61   152                | 70   115                | 78   72                 |
| Pilbara                 | 7   54                  | 10   29                 | 11   49                 | 12   26                 | 15   20                 | 12   27                 | 11   38                 |
| SRT                     | 38   19                 | 34   17                 | 33   25                 | 29   20                 | 54   14                 | 46   32                 | 31   33                 |
| South Coast             | 15   12                 | 8   25                  | 4   32                  | 12   22                 | 20   30                 | 24   65                 | 20   49                 |
| South West              | 48   2                  | 29   11                 | 22   32                 | 25   92                 | 18   101                | 13   31                 | 18   14                 |
| Swan                    | 247   18                | 331   13                | 185   26                | 175   59                | 190   23                | 237   77                | 328   44                |
| Warren                  | 5   2                   | 2   5                   | 6   6                   | 4   8                   | 6   41                  | 1   34                  | 5   6                   |
| Wheatbelt               | 9   7                   | 15   47                 | 11   6                  | 4   8                   | 4   9                   | 12   5                  | 8   58                  |
| <b>TOTAL</b>            | <b>535   203</b>        | <b>535   424</b>        | <b>359   336</b>        | <b>349   400</b>        | <b>386   491</b>        | <b>437   468</b>        | <b>520   416</b>        |

Figure 1. Complaint, incident and sanction analysis, 2008–2013

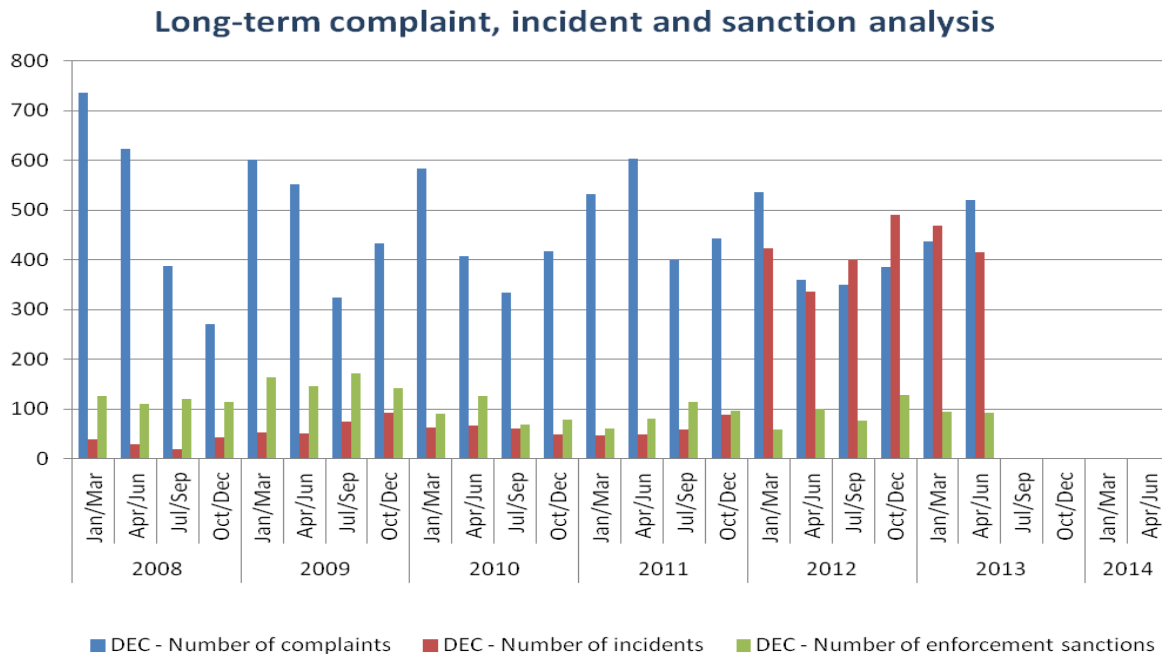


Figure 2. Complaints, incidents and enforcement sanctions, 2011–2013

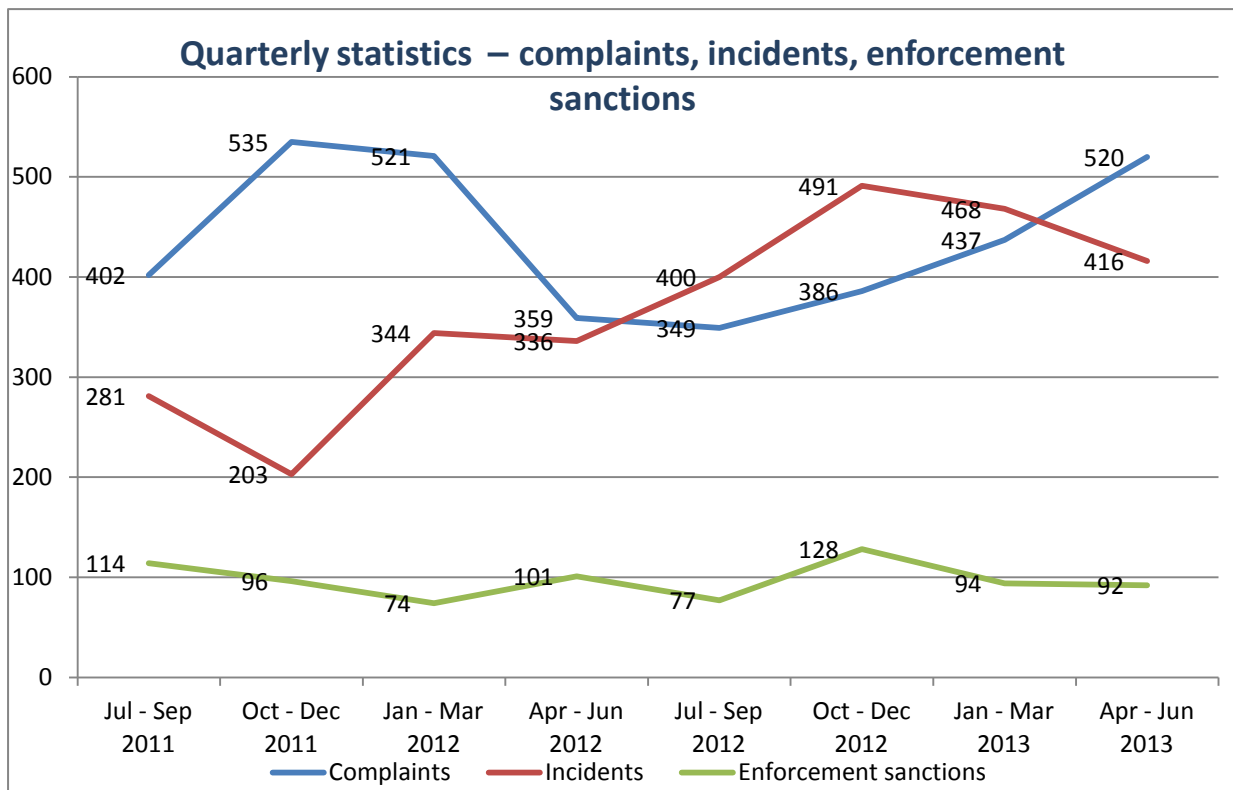


Figure 3. Complaints by region, 1 April to 30 June 2013

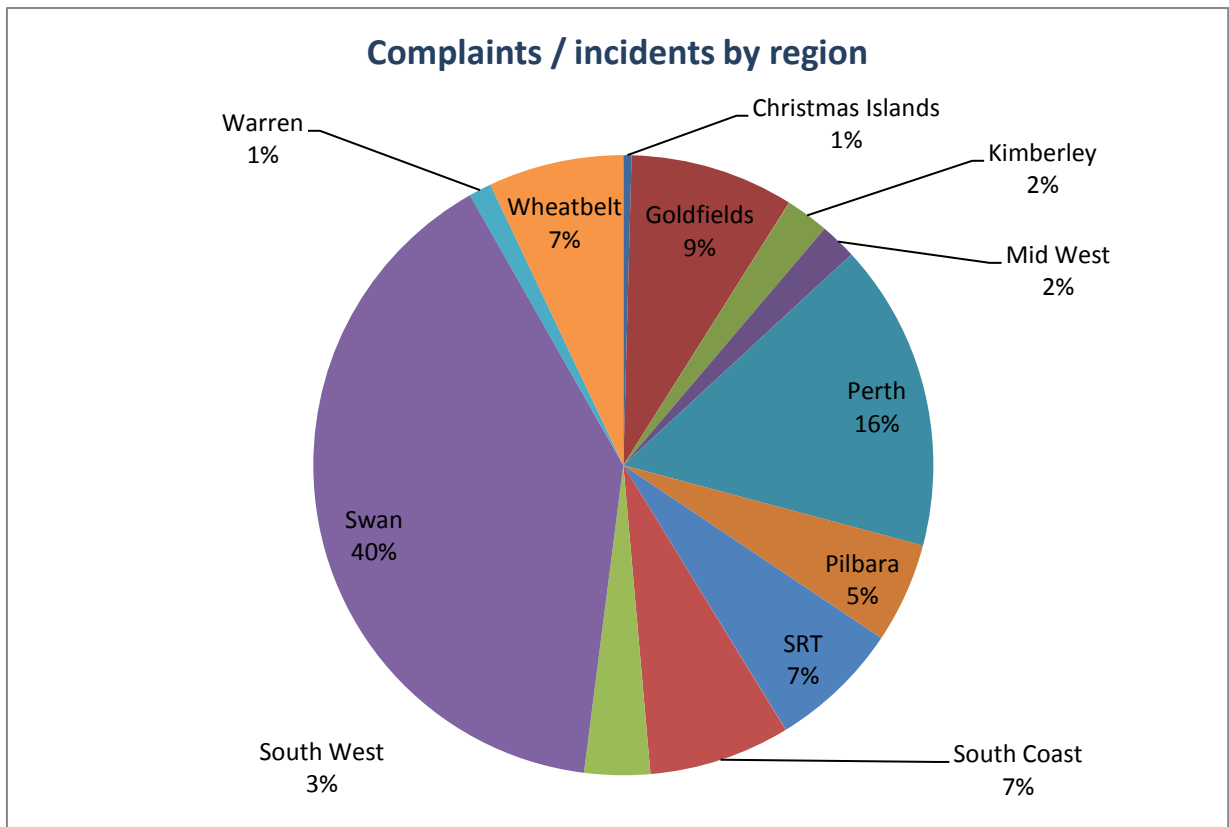


Figure 4. Complaints as percentages, 1 April to 30 June 2013

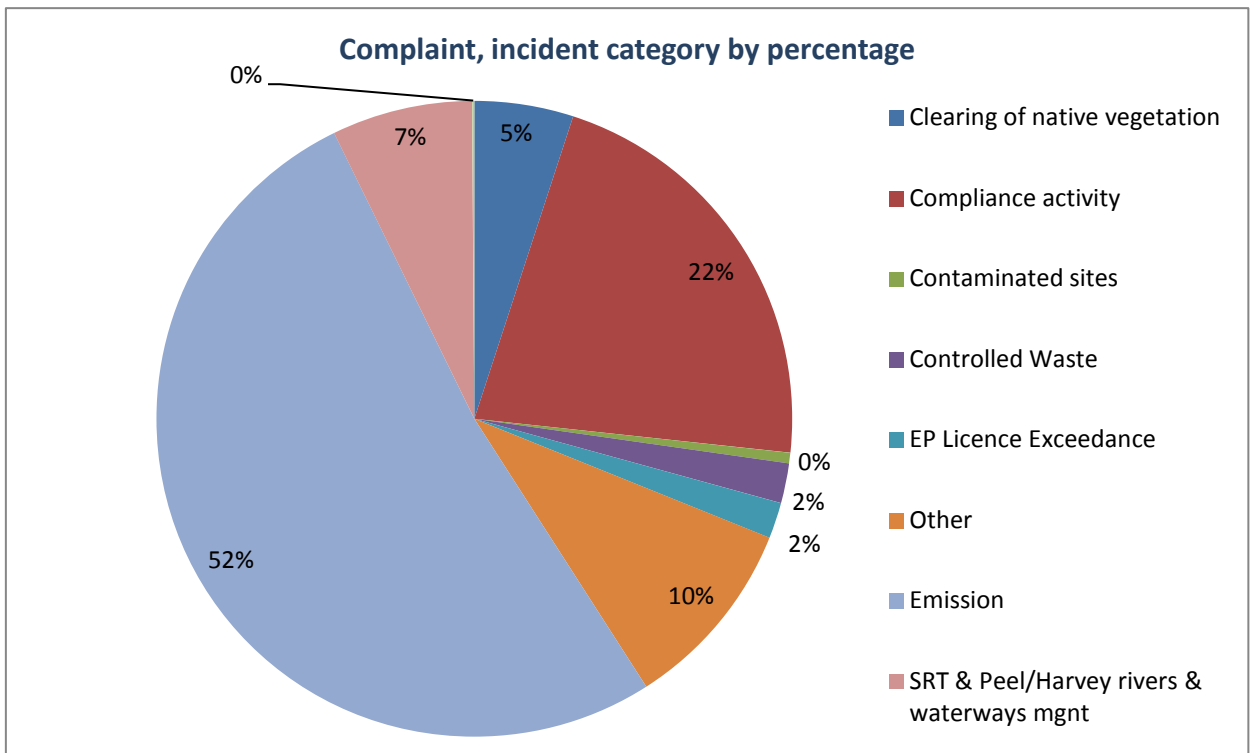


Table 2. Environmental complaints/incidents reported by sub-category

|  | Complaints received | Enforcement actions undertaken |
|--|---------------------|--------------------------------|
| <b>Clearing of native vegetation</b>     | <b>44</b>           | <b>179</b>                     |
| Burning                                  | 2                   |                                |
| Cutting                                  | 40                  |                                |
| Draining                                 | 1                   |                                |
| Grazing                                  | 1                   |                                |
| Poisoning                                |                     |                                |
| Unspecified                              |                     |                                |
| <b>Compliance activity</b>               | <b>184</b>          | <b>343</b>                     |
| Clearing permit                          |                     |                                |
| Industry licence                         | 162                 |                                |
| Industry registration                    | 22                  |                                |
| Landfill levy                            |                     |                                |
| Statutory notice                         |                     |                                |
| Unspecified                              |                     |                                |
| <b>Contaminated sites</b>                | <b>0</b>            | <b>16</b>                      |
|  |                     |                                |
| <b>Controlled waste</b>                  | <b>16</b>           | <b>65</b>                      |
| Disposal site                            | 1                   |                                |
| Unauthorised disposal                    | 8                   |                                |
| Unauthorised transport                   | 6                   |                                |
| Waste generator                          | 1                   |                                |
| Unspecified                              |                     |                                |
| <b>Pollution</b>                         | <b>465</b>          | <b>690</b>                     |
| Air quality                              | 12                  |                                |
| Dust                                     | 23                  |                                |
| Hazardous material                       | 20                  |                                |
| Liquid waste                             | 43                  |                                |
| Noise                                    | 25                  |                                |
| Odour                                    | 254                 |                                |
| Pesticide                                | 1                   |                                |
| Smoke                                    | 9                   |                                |
| Solid waste                              | 2                   |                                |
| Unauthorised discharge                   | 76                  |                                |
| Unspecified                              |                     |                                |
| <b>Rivers &amp; waterways management</b> | <b>66</b>           | <b>409</b>                     |
| Algal blooms                             | 2                   |                                |
| Aquatic deaths                           | 1                   |                                |
| Chemical spills                          |                     |                                |
| Destruction of vegetation                | 8                   |                                |
| Foaming                                  | 2                   |                                |
| Foreshore damage                         | 1                   |                                |
| General complaints                       | 14                  |                                |
| Herbicide/pesticide spraying             | 1                   |                                |
| Industrial discharge/dewatering          | 9                   |                                |
| Offensive odour                          |                     |                                |
| Oil slicks/fuel spills                   |                     |                                |
| River discolouration                     | 1                   |                                |



|                          |            |             |
|--------------------------|------------|-------------|
| Sewage discharge         | 2          |             |
| Unauthorised development | 5          |             |
| Waste/rubbish dump       |            |             |
| Watercraft nuisance      | 12         |             |
| Unspecified              | 8          |             |
| <b>KABC</b>              | <b>55</b>  | <b>427</b>  |
| Littering                | 17         |             |
| Dumping waste            | 36         |             |
| Bill posting             | 2          |             |
| <b>Other</b>             | <b>106</b> | <b>15</b>   |
| <b>TOTAL</b>             | <b>936</b> | <b>2144</b> |

Table 3. Enforcement sanctions undertaken 2012–13\*

| Type of action                                 | 01 Apr to<br>30 Jun 12 | 01 Jul to<br>30 Sep 12 | 01 Oct to<br>31 Dec 12 | 01 Jan to<br>31 Mar 13 | 01 Apr to<br>30 Jun 12 |
|--|------------------------|------------------------|------------------------|------------------------|------------------------|
| Environmental field notice (EFN)               | 57                     | 41                     | 81                     | 64                     | 46                     |
| Environmental protection notice (EPN)          | 0                      | 2                      | 0                      | 1                      | 1                      |
| Infringement notices                           | 5                      | 21                     | 11                     | 16                     | 27                     |
| Keep Australia Beautiful Council infringements | 858                    | 953                    | 1201                   | 1310                   | 1255                   |
| Stop work order                                | 0                      | 0                      | 0                      | 0                      | 0                      |
| Letter of education                            | 5                      | 7                      | 10                     | 4                      | 28                     |
| Letter of warning                              | 13                     | 6                      | 15                     | 6                      | 15                     |
| Statutory direction/notice                     | 0                      | 0                      | 2                      | 0                      | 1                      |
| Modified penalty                               | 2                      | 2                      | 0                      | 0                      | 0                      |
| Prosecutions                                   | 8                      | 3                      | 7                      | 3                      | 1                      |

\*Quarterly breakdown reflects the sanctions undertaken by the end of each quarter, on matters received during the quarter.

Table 4. Enforcement actions/sanctions undertaken 2009–2013\*\*

| Type of action                                 | Number of actions undertaken by financial year |           |           |             |
|--|--|-----------|-----------|-------------|
|  | 2009–2010                                      | 2010–2011 | 2011–2012 | 2012–2013** |
| EFN  | 286  | 202       | 245       | 285         |
| EPN  | 3  | 2         | 2         | 1           |
| Email  | 3019   | 2820      | 2430      | 4235        |
| Further investigations                         | 1129   | 912       | 568       | 808         |
| Infringement notices                           | 96   | 65        | 57        | 97          |
| Keep Australia Beautiful Council Infringements | 4672   | 3911      | 3603      | 4719        |
| Letter   | 606  | 531       | 427       | 616         |
| Letter of education                            | 0  | 0         | 18        | 109         |
| Letter of warning                              | 112  | 86        | 41        | 188         |
| Licence review/amendment                       | 17   | 12        | 4         | 9           |
| Modified penalty brief                         | 0  | 1         | 3         | 2           |
| Phone call                                     | 3652   | 3563      | 3033      | 3784        |
| Prescribed action                              | 12   | 6         | 10        | 6           |
| Prosecution                                    | 25   | 10        | 20        | 14          |
| Provide advice                                 | 129  | 139       | 86        | 57          |
| Site inspection                                | 482  | 553       | 424       | 649         |
| Site visit                                     | 902  | 1004      | 796       | 686         |
| Statutory direction/notice                     | 8  | 32        | 8         | 7           |
| Stop work order                                | 6  | 0         | 0         | 0           |
| Pending prosecutions                           |  |           |           | 18          |
| Current prosecutions before Court              |  |           |           | 8           |

\*\* Calculated at the end of each financial year, or part thereof.

Table 5. **Native vegetation regulation matrix, 1 April 2013 to 30 June 2013**

|                                      |               |
|--------------------------------------|---------------|
| Vegetation conservation notice (VCN) | 0 (40 Active) |
| Clearing applications                | 135           |
| Clearing approvals                   | 103           |
| Letters of warning                   | 7             |
| Prosecutions                         | 1             |

## Key definitions

|  |  |
|--|--|
| <b>Complaint</b>                             | A complaint is when a person informs DER of an environmental event. This includes events such as strong odours, high amounts of smoke, noise pollution, illegal dumping and fish kill in a waterway.   |
| <b>Enforcement sanction</b>                  | A penalty administered by DER at the conclusion of an investigation. Enforcement sanctions can include Environmental field notice (EFNs), Environmental protection notice (EPNs), infringement notices, letters of warning, prosecution briefs, modified penalty briefs, statutory direction/notices and stop work orders. |
| <b>Enforcement action</b>                    | An enforcement action is an activity undertaken by DER during the investigation process. Enforcement actions include enforcement sanctions plus emails, further investigations, letters, licence reviews, phone calls, prescribed actions, provision of advice, site inspections and site visits.                          |
| <b>Environmental field notice (EFN)</b>      | An environmental field notice is a non-statutory based written notice of an offence. An EFN instructs the recipient to take immediate remedial actions.  |
| <b>Incident</b>                              | An incident is a single event verified by DER (that may have been verified by visual inspection, photographic evidence etc) that has resulted in an environmental impact (such as an odour or dust exiting the facility)   |
| <b>Infringement notice</b>                   | 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.   |
| <b>Letter of warning</b>                     | A letter of warning is a non-statutory notice to an offender that a legislative breach has occurred.   |
| <b>Licence review/ amendment/ revocation</b> | DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.   |
| <b>Modified penalty</b>                      | 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.  |
| <b>Prosecution</b>                           | A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.  |

**Referred to other agency**

This occurs when a matter is determined, after preliminary investigation, to fall under regulatory responsibility of an agency other than DER.

**Statutory direction/notice**

A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time. Examples include an environmental protection notice and a pollution prevention notice.

**Threats/aggression/assault**

This category relates to incidents where a DER employee is assaulted or subjected to threatening or aggressive behaviour.