



## MINISTER FOR LANDS AND PLANNING

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Ms Verena Pichler  
Lawyer  
Environmental Defenders Office  
GPO Box 4289  
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Dear Ms Pichler

Thank you for your letter dated 9 December 2015, raising concerns in relation to the clearing of native vegetation at Section 4106 (1 Boulter Road), Hundred of Bagot.

In regard to this matter, I can assure you that both the Development Consent Authority (DCA) and I take the issue of illegal clearing of land very seriously. Therefore, following completion of investigations by the Department of Lands, Planning and the Environment, advice was sought on whether there were any additional avenues to pursue the matter in light of the evidence.

These avenues have now been fully investigated and unfortunately, even with the assistance of the NT Police, a viable case against the 'primary parties' responsible for the clearing is unable to be compiled. I note that in your letter you state that you do not believe this to be the case, as you believe that a viable prosecution could be brought against Litchfield Green Waste Recyclers (LGWR).

In this regard, I clarify that by the 'primary parties', I refer to those parties responsible for directing the clearing to take place, and not LGWR. While a viable case may be able to be brought against LGWR, the Department understands that LGWR was only taking directions from others. For this reason, it is my position that prosecution of a local small business owner (LGWR) should only be undertaken if it will serve to set an example to others to ensure they do not undertake similar clearing work in the future.

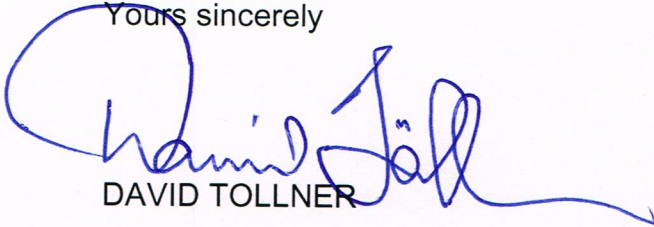
Although I understand your position in that you believe prosecution of LGWR is the correct approach in order to stop others from undertaking such activities, legal advice obtained by the Department indicates that due to the circumstances of this particular case, a successful prosecution of LGWR would be unlikely to attract significant penalty.

Such an action would in my opinion serve little purpose and could in all likelihood be counterproductive, as it may encourage others to do the same and be taken by industry as simply the 'cost of doing business'.

While you may disagree with this approach, I believe that both the Environmental Defenders Office and I have the same intended outcome in that we both want to take the most appropriate course of action to discourage further illegal clearing from taking place. In order to ensure similar activity does not take place in the future, I have directed the Department to undertake a review of the regulatory provisions of the *Planning Act* with a view to increasing the Department's investigatory and enforcement powers.

Should you have any views or expertise you would be willing to share in relation to the effective implementation of regulatory changes to the *Planning Act*, I encourage you to contact Mr Douglas Lesh, Director Development Assessment Services on telephone 8999 7937 or by email at [douglas.lesh@nt.gov.au](mailto:douglas.lesh@nt.gov.au)

Yours sincerely



DAVID TOLLNER