



# DER Annual Compliance Program

*2015-16 priorities and targets*

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## Document control

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## Purpose

The purpose of this report is to outline the Department of Environment Regulation's (DER) key compliance priorities for the 2015–16 financial year.

## Introduction

DER undertakes environment regulation functions, principally under the *Environmental Protection Act 1986* (EP Act), of licensing, approvals, compliance and enforcement in relation to:

- emissions and discharges;
- waste;
- noise; and
- clearing of native vegetation.

Licences and works approvals authorise activities that may otherwise be unlawful and in granting such approvals, DER carries a responsibility to ensure the activities do not pose unacceptable risks to public health or the environment.

## Background

DER is currently undergoing significant regulatory reform aimed at developing a comprehensive risk based approach to its regulatory functions, including how compliance and enforcement activities are planned and delivered.

In 2015, DER published its [Guidance Statement: Regulatory Principles](#) outlining how DER will apply good regulatory principles to its regulatory functions.

In accordance with these Regulatory Principles:

- Compliance and enforcement resources and activities will be targeted at premises or activities that present the greatest risks to public health and the environment.
- Enforcement action will be proportionate to the magnitude or seriousness of the potential or actual harm to public health or the environment, taking into account the conduct of the responsible parties.
- Compliance and enforcement decision-making should result in consistent outcomes under similar circumstances.
- Responses will be targeted, effective and proportionate to the risk to public health or the environment.

## Increasing Transparency

In October 2015, DER developed and published for consultation a [draft Guidance Statement – Publication of Annual Audit Compliance Returns required under Part V Licences](#).

This Guidance Statement outlines how the Department intends to increase transparency on environmental performance by publishing Annual Audit Compliance Returns submitted by Licensees on its website.

## 2015–16 Compliance Activities

In 2015–16, DER will undertake compliance activities under six major programs as outlined below:

**Table 1 Compliance Programs**

Program	Scope
Prescribed premises compliance program	Assessing compliance with licences and registrations issued under Part V of the <i>Environmental Protection Act 1986</i> .
Waste Compliance Program	Targeted compliance at landfills and associated waste industries.
Controlled Waste Compliance Program	Assessing compliance with the <i>Environmental Protection (Controlled Waste) Regulations 2004</i> .
Native Vegetation Compliance Program	Assessing compliance with the <i>Environmental Protection (Native Vegetation Clearing) Regulations 2004</i> .
Light Industry Compliance Program	Joint program with Local Governments targeting light industrial areas.
Environmental Risk Reduction Program	Includes interagency inspections targeting hazardous materials storage.

### Prescribed Premises Compliance Program

Prescribed premises compliance inspections focus on determining if all emissions and discharges from prescribed activities are managed appropriately by the current instrument and relevant legislation.

Premises are categorised as High, Moderate or Low and inspection frequencies are dictated accordingly.

**Table 2 Prescribed Premises Inspection frequency**

Prescribed premises rating	Inspection frequency
High risk premises	Every 12 months
Moderate risk premises	Every 24 months
Low risk premises	Every 36 months

Based on the above inspection frequencies, approximately 39 per cent (384) of the Department's prescribed premises will require inspection under the 2015–16 Compliance Program.

## Waste Compliance Program

Under the Government's [Waste Strategy](#), a dedicated waste compliance capability was established within the Department to focus on ensuring consistent performance is achieved at landfills, transfer stations and related facilities.

This program encompasses a range of inspections, including solid waste-related prescribed premises compliance inspections, Landfill Levy return auditing and Landfill Levy compliance inspections.

Both the Prescribed Premises and Waste Compliance inspections will be used to inform the development and implementation of Environmental Standards being developed under DER's wider regulatory reform program.

## Controlled Waste Compliance Program

The purpose of the *Environmental Protection (Controlled Waste) Regulations 2004* is to ensure the safe and authorised transportation of controlled waste on public roads in Western Australia.

This compliance program focuses on the obligations of controlled waste carriers, drivers and waste facilities and includes a range of inspections. DER monitors controlled waste movements across the state using its online controlled waste tracking system. Information from the monitoring is used to inform the development of the controlled waste compliance program.

## Native Vegetation Compliance Program

The Native Vegetation Compliance Program examines compliance with the *Environmental Protection Act 1986* regarding the regulation of the clearing of native vegetation. The program examines levels of compliance with native vegetation clearing permits and targets specific aspects of the clearing regulatory process, such as compliance with decisions (refusals) and Vegetation Clearing Notice compliance.

The program consists of four separate projects with each project having a duration of three months. The first project will assess compliance with high risk clearing permits, while the second project will focus on compliance with clearing permits issued to utilities and major projects. The third project will focus on compliance with decisions (refusals) and the final project will look at vegetation change detection.

## Light Industry Program

This two-year program involves joint inspections carried out with officers of seven Local Governments within priority catchments in the Swan-Canning River system. The inspections target light industrial premises that conduct activities that present a risk of pollution of the river systems to ensure compliance with the EP Act.

## Environmental Risk Reduction Program

This program includes inter-agency inspections with the Department of Mines and Petroleum and the Department of Fire and Emergency Services. It focuses on hazardous materials handling and storage to ensure that appropriate measures are in place to prevent, minimise, mitigate and abate risks to human health and/or the environment in the event of a large scale emergency or incident.

It also includes intelligence-based reactive inspections that focus on identifying potential environmental hazards and taking action to reduce the risk of pollution.

## Annual Compliance Program Inspection Targets

DER's inspection targets for each of the above programs are outlined below:

**Table 3 2015–16 Inspection targets**

Compliance Program	2014–15 Inspections Actual	2015–16 Inspection Targets
Prescribed Premises Compliance Program	334	384
Waste Compliance Program	354	300
Controlled Waste Compliance Program	282	200
Native Vegetation Compliance Program	30	32
Environmental Risk Reduction Program *		40
Light Industry Program*		250
Total	1000	1206

\*New programs

Inspection numbers have increased under the 2015–16 Compliance Program due to the inclusion of two additional programs targeting light industrial premises and environmental risks from hazardous materials storage.

## Performance Reporting

DER reports on its progress against the Annual Compliance Plan targets quarterly. Key targets are summarised in Table 3 above.

Progress against these targets are reported in [DER's quarterly Regulatory Performance and Reporting](#).