



Government of **Western Australia**  
Department of **Water and Environmental Regulation**

# 2020-21 environmental compliance program

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# 1 Purpose

This document sets out the Department of Water and Environmental Regulation's (the department) environmental compliance program priorities and targets for the 2020–21 financial year.

## 2 Introduction

The department supports Western Australia's community, economy and environment by managing and regulating the state's environment and water resources.

It undertakes environmental compliance activities principally under the *Environmental Protection Act 1986* (EP Act) and its associated regulations, and the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) in relation to:

- Ministerial Statements
- emissions and discharges
- clearing of native vegetation
- waste
- noise.

The department's environmental compliance activities are guided by its [Regulatory best practice principles](#) and are integrated and streamlined where possible.

The department is committed to being a responsive and credible regulator by consistently applying and enforcing the legislation it administers and using a range of regulatory activities and tools to promote, monitor and enforce compliance. We seek to identify and respond to breaches early before they develop into serious environmental problems. Information obtained through compliance activities is fed back into the regulatory process to ensure continual improvement of both regulatory and policy frameworks.

Our [Compliance and Enforcement Policy](#) details the department's approach to ensuring compliance with the legislation it administers and responding to breaches of the law to deter and punish offenders, and rehabilitate damage caused to the environment.

In 2020–21, proactive compliance will be undertaken using a multifaceted approach of compliance assessment, risk reduction and targeted programs. We will continue to implement our risk-based regulatory approach by focusing our effort on premises and activities that pose the greatest risk to public health and the environment. We will remain responsive to emerging issues and be intelligence led.

While risk is used to forecast the annual program, it is not possible to predict all compliance requirements that may arise during the year. The program is therefore continually assessed and amended to account for changing priorities.

### 3 Compliance programs

In 2020–21, the department will focus its environmental compliance activities on the programs listed in Table 1.

*Table 1: 2020-21 compliance programs*

<b>Program</b>	<b>Scope</b>
Ministerial Statements	Auditing of compliance with Ministerial Statements issued under Part IV of the EP Act.
Prescribed premises	Assessing compliance with licences and registrations issued under Part V of the EP Act. Targeted focus: <ul style="list-style-type: none"> <li>• Waste fixation activities</li> <li>• Alcoholic beverage manufacturers.</li> </ul>
Works approvals	Assessing compliance with works approvals issued under Part V of the EP Act.
Waste compliance	Assessing compliance of landfills subject to the landfill levy under the WARR Act.
Native vegetation clearing	Assessing compliance with clearing permits granted under Part V of the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Targeted focus: <ul style="list-style-type: none"> <li>• Roadside clearing by local governments</li> <li>• North West irrigated agriculture projects.</li> </ul>
Controlled waste	Assessing compliance with the Environmental Protection (Controlled Waste) Regulations 2004.
Statutory notices	Assessing compliance with regulatory notices issued under the EP Act.
Light industry	Education of light industry operators on reducing environmental impacts in partnership with local government.
Emerging issues	Using intelligence to identify and assess emerging issues that have the potential to cause pollution or environmental harm.
Plastic bags	Targeted monitoring of retailers to ensure compliance with the Environmental Protection (Plastic Bags) Regulations 2018.

### 3.1 Ministerial Statements

The department audits compliance with the conditions of Ministerial Statements using a variety of proactive and reactive methods, including audits of proposals, reviews of compliance assessment reports, onsite inspections and stakeholder engagement.

Proposals selected for audit are identified through a risk assessment which ensures a focus on key environmental issues that consider:

- the proposal's level of assessment applied during the environmental impact assessment process
- the number of environmental factors considered during the environmental impact assessment
- the number of management plans required by implementation conditions
- the proponent's performance
- the potential significance of environmental consequences if the proposal is not implemented in accordance with its implementation conditions.

### 3.2 Prescribed premises licences

The department undertakes proactive compliance of activities regulated under Part V of the EP Act to ensure activities do not pose unacceptable risks to water, the environment and public health. Compliance inspections of prescribed premises focus on determining whether emissions and discharges are managed appropriately by the current licence and assessing compliance with the instrument and associated relevant legislation.

There are currently 1,083 active prescribed premises licences. Premises are nominated for inspection based on a risk assessment informed by the type of activity, compliance history and intelligence gathered, including from complaints and incidents.

As part of our focus on risk reduction and emerging environmental risks and issues, in 2020–21 targeted compliance monitoring will be undertaken for the following activities:

- Waste fixation facilities where fixated waste is disposed to landfill.
- Alcoholic beverage manufacturers within Category 25 of Schedule 1 of the Environmental Protection Regulations 1987.

### 3.3 Works approvals

The department monitors compliance with works approvals to ensure works are completed in accordance with conditions of the approval.

There are currently 348 active works approvals. Only a proportion of these will complete works in 2020–21. Relevant construction compliance reports for works approvals are submitted once works have been completed. Compliance inspections

are undertaken as part of works approval compliance activities where considered necessary.

### 3.4 Waste compliance

The waste compliance program examines compliance at landfill premises subject to the landfill levy and associated industries such as transfer stations and waste processing facilities. Compliance is assessed against regulatory instruments as well as landfill levy obligations and exemptions. Information obtained from inspections of associated industries is used to identify potential levy evasion practices.

### 3.5 Native vegetation clearing

Compliance with clearing permits, including the implementation of offsets, is monitored by the department through inspections and imagery. We also review annual reports required by clearing permit conditions and use imagery to detect unauthorised clearing.

As part of our focus on risk reduction and emerging environmental risks and issues, in 2020–21 targeted compliance monitoring will be undertaken on a number of specific native vegetation matters:

- Roadside clearing by local governments.
- North West irrigated agriculture projects.

### 3.6 Controlled waste

This compliance program focuses on the obligations of controlled waste carriers, drivers, waste holders and waste facilities. The department monitors controlled waste movements across the state using its online controlled waste tracking system.

In 2020–21, the controlled waste compliance program will focus on unauthorised unloading of controlled waste.

### 3.7 Statutory notices

The department monitors compliance with active statutory notices, including Vegetation Conservation Notices, Prevention Notices, Closure Notices and Environmental Protection Notices. The number of active notices will vary throughout the program period.

### 3.8 Light industry

Compliance promotion and risk reduction is an important component of the compliance program. The department aims to develop the capability and capacity of the industries regulated to improve their overall compliance and environmental outcomes.

This program is a partnership between the department and local government authorities that aims to educate light industry operators on ways to reduce the environmental impact of their business. Local government and department officers conduct unannounced light industry inspections, focusing on activities that might

impact the environment, including chemical storage, waste management and preventing unauthorised discharges.

### **3.9 Emerging issues**

The department collects and reviews intelligence such as complaints and incidents to identify and assess emerging issues that have the potential to cause pollution or environmental harm. Appropriate responses to emerging issues are determined based on the risks presented to the environment and public health.

### **3.10 Plastic bags**

The department engages a third party to monitor, on its behalf, retailers' compliance with the Environmental Protection (Plastic Bags) Regulations 2018, which imposed a ban on the supply of single-use plastic bags by retailers from 1 January 2019.

## 4 Prioritises and targets

The priorities and targets for the 2020–21 compliance program are shown in Table 2 below.

*Table 2: 2020-21 compliance program priorities and targets*

Area	2020–21 priorities and targets
Ministerial statements	<ul style="list-style-type: none"> <li>• 60 audits of proposals.</li> <li>• 80% of compliance assessment reports submitted by proponents reviewed within 60 days.</li> </ul>
Prescribed premises licences	<ul style="list-style-type: none"> <li>• 100% of planned inspections of prescribed premises completed. Target of 100 inspections completed.</li> <li>• 80% of potential environmental risks identified during compliance monitoring rectified within 60 days.</li> </ul>
Works approvals	<ul style="list-style-type: none"> <li>• 100% of all referred works subject to a compliance assessment and, if necessary, an inspection.</li> </ul>
Waste compliance	<ul style="list-style-type: none"> <li>• 100% of planned assessments undertaken targeting landfill levy compliance. Target of 100 inspections completed.</li> </ul>
Native vegetation regulation	<ul style="list-style-type: none"> <li>• Ongoing compliance monitoring of authorised clearing and offset compliance.</li> <li>• Review of submitted annual reports.</li> <li>• 100% of planned targeted regulatory compliance activities completed.</li> </ul>
Controlled waste	<ul style="list-style-type: none"> <li>• Ongoing investigation of unauthorised unloading of controlled waste.</li> </ul>
Statutory notices	<ul style="list-style-type: none"> <li>• Monitor compliance against all active statutory notices.</li> </ul>
Light industry	<ul style="list-style-type: none"> <li>• Ongoing scheduled compliance activities completed with participating local government.</li> </ul>
Emerging issues	<ul style="list-style-type: none"> <li>• Ongoing review and monitoring of intelligence.</li> </ul>
Regulation of plastic bags	<ul style="list-style-type: none"> <li>• 100% of regulatory compliance activities completed as planned. A total of 1,200 inspections planned.</li> </ul>

## 5 Performance reporting

The department reports on its progress against key annual compliance priorities and targets quarterly in its [Water and Environmental Regulation regulatory performance reports](#).