

## Regulation during the COVID-19 pandemic

This information sets out our expectations of those we regulate, how we will deliver our regulatory functions and what to do if you experience regulatory difficulties as a result of COVID-19.

The Department encourages people to stay up to date with the [public health and social measures](#) to manage COVID-19 in our community.

Should COVID-19 impact you or your business to the extent that you are unable to continue to effectively manage the risks to the water resource, environment and public health from your activities, please contact DWER's Pollution Watch at the earliest opportunity on **1300 784 782** (24 hours) or email [pollutionwatch@dwer.wa.gov.au](mailto:pollutionwatch@dwer.wa.gov.au)

## Our regulatory response to the COVID-19 pandemic

The Department of Water and Environmental Regulation (DWER) is implementing its own COVID-19 Business Continuity Plan to protect our workforce and continue to maintain service delivery and fulfill our environmental and water regulation responsibilities.

The Department will continue to receive and assess new referrals and approval applications in the normal way, although it is expected that our assessment and decision-making timelines will extend if our workforce is significantly impacted by COVID-19.

We will also continue to implement our risk-based compliance program and respond to incidents in line with our responsibilities under the State Emergency Management Plan.

Our responses to general enquiries may take longer than usual while the most urgent and important matters are prioritised.

The Department's compliance and enforcement decisions will continue to be based on our *Compliance and Enforcement Policy* and will consider the steps taken by operators to comply with requirements and any measures taken to prevent or minimise risks and impacts to the water resource, environment and public health.

Some compliance activities may become desk-based or virtual, however, where we need to visit premises, we will conform with Public Health Act Directions and all reasonable safety and protective measures that operators have in place to minimise the risk of COVID-19 spread, while still meeting our regulatory obligations.

## Responsibilities of the regulated community

We expect individuals and businesses to continue to comply with the obligations of their approvals and statutory notices. We also expect businesses to have up-to-date business continuity plans in place.

For those who hold statutory approvals or have been issued a statutory notice, you remain responsible for:

- managing the water resource, environment and/or public health risks and impacts from your activities
- complying with the conditions of your statutory approvals
- meeting the requirements of any statutory notices.

It is the responsibility of operators to communicate with the Department if service disruption due to COVID-19 is expected or predicted. We also expect you to factor in disruption to transport networks or services providing technical input to meet regulatory requirements.

## DWER COVID-19 regulatory response position statement

Licence holders and other entities regulated by the Department should have business continuity plans and management strategies in place to meet regulatory requirements and assist in minimising risks to water resources, the environment and public health during the pandemic.

These strategies should be assessed and revised to account for changing circumstances, such as reduced staff numbers or the loss of key personnel, with particular focus given to high-risk activities. The Department is available to provide advice or discuss individual circumstances as needed.

The Department's compliance and enforcement decisions will continue to be based on our *Compliance and Enforcement Policy* and will consider the steps taken by operators to comply with requirements and any measures taken to prevent or minimise risks and impacts to the water resource, environment and public health.

The Department has regulatory discretion to consider individual circumstances on a case-by-case basis and take into consideration relevant circumstances such as COVID-19 prevention measures and business continuity plans.

## Business continuity plans

A business continuity plan sets out how a business will prepare for, and continue operating, after an incident or crisis. This may include:

- identifying alternative measures where needed to minimise risks to the environment and human health
- priority responsibilities of maintaining and operating pollution control equipment, and storing, transporting and disposing of waste appropriately
- considering other challenges such as staffing issues or disruptions to the supply chain or communications.

Further information and resources (including templates) on business continuity planning can be found on the [Australian Government Business website](#).

## For specific areas of concern contact us as soon as possible

Area of concern	What you need to do	How you can contact us
<b>Water resource, environmental, or public health impacts</b>	Should COVID-19 impact you or your business to the extent that you are unable to continue to effectively manage the risks to water resources, the environment and/or public health from your activities, please contact DWER's Pollution Watch at the earliest opportunity.	Pollution Watch: <b>1300 784 782</b> (24 hours) <a href="mailto:pollutionwatch@dwer.wa.gov.au">pollutionwatch@dwer.wa.gov.au</a>
<b>Compliance deadlines</b>	We expect individuals and businesses to take all reasonable and practicable measures to comply with the obligations of their approvals and statutory notices.  If you need to notify DWER that you are unable to meet a compliance deadline, please notify DWER as soon as you become aware that compliance will not be achieved. Explain how COVID-19 has impacted your ability to comply, propose a timescale for achieving compliance and include details of any actions that you will implement to mitigate any increased risks to the water resource, environment and public health caused by the delay.	Our Compliance team: <a href="mailto:Compliance@dwer.wa.gov.au">Compliance@dwer.wa.gov.au</a>
<b>Controlled Waste</b>	COVID-19 may result in constraints on licensed vehicle and driver availability. Waste managers should ensure licence applications are submitted as soon as possible to ensure licensed vehicle and driver redundancy is available.  Any urgent licence applications as a result of COVID-19 impacts will be prioritised by DWER, however applications must include information on the extent to which COVID-19 has impacted operations and the implications of waiting 30 days or more for the licence.	<a href="mailto:controlled.waste@dwer.wa.gov.au">controlled.waste@dwer.wa.gov.au</a> <b>6364 7000</b>
<b>Waste storage and disposal at prescribed premises</b>	Increases in clinical or other waste volumes may require revised management approaches such as increased storage times or volumes.  Applications to amend existing licences or for approval of a new premises should be submitted in the normal manner. DWER will prioritise COVID-19 related applications  Read <a href="#">further information</a> that is required to be provided to support prioritisation and assessment of applications relating to prescribed premises.  <i>Note that any approval considered under the EP Act does not negate the requirement to obtain other relevant local, State and/or Commonwealth approvals.</i>	<a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> – include: "COVID LICENCE REQUEST" and your existing instrument number (if relevant) in the subject header