Policy

Title:	Compliance and Enforcement Policy
Published:	6 August 2026

1. Purpose

The Department of Water and Environmental Regulation (the department) is Western Australia's primary water and environmental regulator. The department carries out assurance activities to support the health of the state's environment and water resources and is committed to being a responsive and credible regulator by consistently applying and enforcing the legislation it administers. This policy details the department's approach to promoting monitoring and enforcing compliance.

2. Scope

This policy is applicable to all legislation which the department principally assists the Ministers for Environment and Water to administer, and includes any legislation administered by other Ministers for which departmental officers are authorised or have statutory responsibilities.

It is relevant to all sectors of the Western Australian community, including:

- industry and commercial enterprises (licensed and unlicensed)
- members of the public
- federal, state and local government agencies
- legal practitioners.

It provides information on how the department undertakes its compliance and enforcement functions. However, it is general in nature and does not confine, restrain or limit the discretion of the department. Individuals/corporations/others should obtain independent legal advice on their legal obligations where needed.

3. Context

The department undertakes its regulatory responsibilities to reflect the regulatory cycle, driving improvement in assessment and assurance activities through a continual feedback loop.

Our regulatory approach contributes to sustainable development and responsible governance, aligning with evolving Environmental, Social, and Governance reporting and compliance requirements.

This policy is part of the department's regulatory approach. More information about our regulatory approach is available on the department's website.

Detail regarding the department's approach to compliance and enforcement is provided in the Compliance and Enforcement Guideline and, the Prosecutions Guideline. [Links to guidelines are provided in the Related documents section.]

4. Legislation

This policy is applicable to the administration of State legislation including (but not limited to) the following Acts and associated subsidiary legislation:

- *Contaminated Sites Act 2003*
- *Country Areas Water Supply Act 1947*
- *Environmental Protection Act 1986* (the EP Act)
- *Litter Act 1979*
- *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*
- *Rights in Water and Irrigation Act 1914*
- *Waste Avoidance and Resource Recovery Act 2007*
- *Waste Avoidance and Resource Recovery Levy Act 2007*
- *Water Agencies (Powers) Act 1984*
- *Waterways Conservation Act 1976*
- *Water Services Act 2012*

5. Outcome

It is intended that this policy will help all sectors to understand the department's approach to promoting, monitoring and enforcing regulatory compliance.

Increased understanding will support risk mitigation and transparency, consistent with the department's strategic goals, for the benefit of the Western Australian community.

6. Compliance and enforcement principles

In addition to satisfying the relevant legislative objectives and prerequisites, the department will promote, monitor and enforce compliance by applying these principles:

Accountable – consider the conduct of the parties and implications for administration of the legislation.

Appropriate - select enforcement outcomes which are appropriate to the particular circumstance

Clear – state compliance and enforcement requirements in unambiguous terms.

Collaborative – work collaboratively with regulated entities and other relevant regulators.

Consistent – apply enforcement actions consistently across all sectors and embrace impartiality, objectivity and adherence to due process.

Effective - consider the likelihood that the desired outcome will be achieved by the compliance / enforcement activity or action.

Risk-based – utilise available resources to undertake compliance and enforcement actions to achieve the best outcome for the environment and/or water resources by prioritising matters that represent the greatest level of risk.

Procedural fairness- decisions are made in a fair, transparent and reasonable manner, consistent with administrative law principles and the circumstances of each matter.

Proportionate- select compliance and enforcement actions which recognise the magnitude or seriousness of the impact, or potential impact, to the environment and/or water resources.

Timely – make compliance and enforcement decisions in a timely manner to support effective outcomes, public confidence and procedural fairness.

7. Promote compliance

The department is committed to working collaboratively with regulated entities to encourage, assist, and promote compliance and to discourage and prevent non-compliance.

Risk-based Compliance Priorities are published each year. [See link in the Related documents section.] Priorities are risk based and intelligence driven using past compliance findings and State Government priorities. This transparency is aimed at assisting regulated entities to proactively improve their compliance performance.

Other compliance assistance materials, such as guidelines and fact sheets are available on the department's website.

The outcomes of compliance and enforcement activities and actions will be made publicly available where possible. This may include publication of prosecutions, statutory notices and annual audit compliance reports on the department's website and in other places.

8. Monitor compliance

The department uses best available information to make regulatory decisions. Sources of information include inspections, reviews, audits, remote surveillance, intelligence analysis, statutory and self-reporting, other regulatory authorities, and community complaints/reporting.

The department makes regulatory decisions proportionate to the level of risk posed to the environment and water resources, with consideration of cumulative impacts.

Consistent with the risk-based approach, monitoring activity will use a combination of tools and intensify where there is evidence of non-compliance.

9. Enforce compliance

Responses to identified breaches of the law involve a range of actions to:

- support compliance
- deter and punish non-compliance
- reduce the risk of existing or ongoing impacts
- rehabilitate damage to the environment and/or water resources.

Where non-compliance is identified, the department considers the facts and circumstances surrounding the non-compliance to select an appropriate and proportionate response. Selection of enforcement actions will be consistent with our compliance and enforcement principles and guided by the following factors:

1. **Seriousness** e.g. extent and duration of impact, location.
2. **Behaviour** e.g. intentional harm or negligence, willingness to cooperate.
3. **Previous compliance history** e.g. frequency and/or seriousness of any past offences.

10. Compliance and enforcement tools

Compliance and enforcement tools that may be applied relative to seriousness, behaviour and previous compliance history include:

- non-statutory notice e.g. environmental field report
- non-statutory written warning e.g. formal letter of warning
- statutory notice or direction e.g. for protection, conservation etc.
- modified penalty notice (under section 99 of the EP Act)
- infringement notice (a fine)
- amendment of instrument conditions
- suspension or revocation of instrument e.g. works approval, licence, or permit
- revocation or amendment of exemptions
- prosecution.

Where the department is required to intervene to mitigate, contain, or remediate impacts due to risks to the environment or water resources, it will seek to recover reasonable costs of those actions from responsible parties.

Enforcement tools will only be used where statutory prerequisites for that action are satisfied and requirements will be stated in clear, unambiguous terms.

11. Document implementation

The Assurance Directorate is responsible for the implementation of this policy. This includes development and maintenance of associated guidance materials and delivery of the Authorised Officer Training Course to departmental officers and others such as local government officers.

The department collects, uses, stores and shares personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024*.

This policy comes into effect on the day that it is published on the department's website. The policy will not generally be used retrospectively by the department.

Related documents

Non-department documents	
Author	**Title**
WA State Parliament	*Contaminated Sites Act 2003*
	Country Areas Water Supply Act 1947
	Environmental Protection Act 1986
	Litter Act 1979
	Metropolitan Water Supply, Sewerage, and Drainage Act 1909
	Rights in Water and Irrigation Act 1914
	Waste Avoidance and Resource Recovery Act 2007
	Waste Avoidance and Resource Recovery Levy Act 2007
	Water Agencies (Powers) Act 1984
	Waterways Conservation Act 1976
	Water Services Act 2012

Department documents	
Author	**Title**
Department of Water and Environmental Regulation	*Guideline: Compliance & Enforcement*
	Guideline: Prosecutions
	Compliance priorities

Custodian and review

The currency of this document will be continuously evaluated and reviewed no later than five years from the date of issue or sooner as required.

Document details	
Lead group (custodian)	Assurance Directorate
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