



# Compliance and Enforcement Policy (Interim)

3 July 2017

The Department of Water, Department of Environment Regulation and the Office of the Environmental Protection Authority was amalgamated on 1 July 2017, to form the Department of Water and Environmental Regulation (DWER).

As a result of the formation of DWER, this interim Compliance and Enforcement Policy has been developed to provide immediate and overarching guidance on the DWER's compliance and enforcement functions.

## Compliance and enforcement principles

In undertaking its compliance and enforcement functions, DWER will apply its best practice regulatory principles, as follows:

### 1. Risk based

- Compliance monitoring will be targeted to the premises, activities and water resources that represent, or are at, the greatest level of risk.
- Enforcement action will be taken proportionate to the magnitude or seriousness of the alleged offence and based on the level of risk to public health, the environmental or water resources.

### 2. Evidence based

- Evidence will be collected and used to guide decision making on enforcement responses including when and when not to take action.

### 3. Transparent

- Compliance obligations will be clearly communicated to industry, community and government.
- The principles of procedural fairness will be applied during compliance monitoring and in the application of enforcement responses.

### 4. Effective regulation across government

- Compliance monitoring and enforcement action will be taken based on the department's statutory obligations and with regard to other regulatory agencies roles and responsibilities.
- Enforcement action will be taken to achieve the best environmental and community outcomes and based on whether or not it is in public interest to take certain actions.



## 5. Consistent

- Compliance monitoring and enforcement action will be applied consistently across all sectors of industry, the community and government.
- Enforcement action will only be taken when the statutory prerequisite for that action has been satisfied.

## 6. Responsive

- Decisions on enforcement action will be made in a timely manner.

## Compliance and enforcement policies

The following compliance and enforcement policies will continue to be applied by DWER in the interim, based on the applicable legislation, as detailed below.

Policy	Legislation
<a href="#">Department of Environment Regulation, Enforcement and Prosecution Policy (July 2013)</a>	<ul style="list-style-type: none"> <li>• <i>Contaminated Sites Act 2003</i></li> <li>• <i>Environmental Protection Act 1986 (Part V)</i></li> <li>• <i>Waste Avoidance and Resource Recovery Act 2007</i></li> </ul>
<a href="#">Department of Water, Compliance and Enforcement Policy (October 2015)</a>	<ul style="list-style-type: none"> <li>• <i>Country Areas Water Supply Act 1947</i></li> <li>• <i>Metropolitan Arterial Drainage Act 1982</i></li> <li>• <i>Metropolitan Water Supply, Sewage and Drainage Act 1909</i></li> <li>• <i>Rights in Water and Irrigation Act 1914</i></li> <li>• <i>Water Agencies (Powers) Act 1984</i></li> <li>• <i>Water Services Act 2012</i></li> <li>• <i>Waterways Conservation Act 1976</i></li> </ul>
<a href="#">Office of the Environmental Protection Authority, Compliance and Enforcement Policy (2015)</a>	<ul style="list-style-type: none"> <li>• <i>Environmental Protection Act 1986 (Parts III &amp; IV)</i></li> </ul>

## Duration and review

This interim Compliance and Enforcement Policy is intended to be applied from 1 July 2017 for a period not exceeding one year. A final Compliance and Enforcement Policy is intended to be developed consistent with DWER's policy framework and through a process of stakeholder engagement and consultation.