

Our regulatory approach





A message from our Director General

Our regulatory approach provides clarity for our stakeholders on what our regulatory responsibilities are, how we undertake our regulatory functions and how they all fit together to achieve water and environmental outcomes for Western Australia.

The environmental, waste management and water resource management challenges we face as a society today require multifaceted interventions, designed collaboratively and delivered collectively. We recognise that credible and responsive regulation is a fundamental foundation to addressing these challenges.

We have a wide range of regulatory responsibilities: water resource management, environmental protection, waste avoidance and resource recovery, and legacy contamination management.

We also undertake a broad range of other activities to ensure the state's water resources and environment are healthy and able to support a strong economy.

We influence water and environmental outcomes through proactive scientific, sustainability and policy initiatives. We work to build the capacity of all sectors to act in ways that enhance our environment and sustainability. We also provide advice on water and environmental matters to enable sustainable development through the state's planning system.

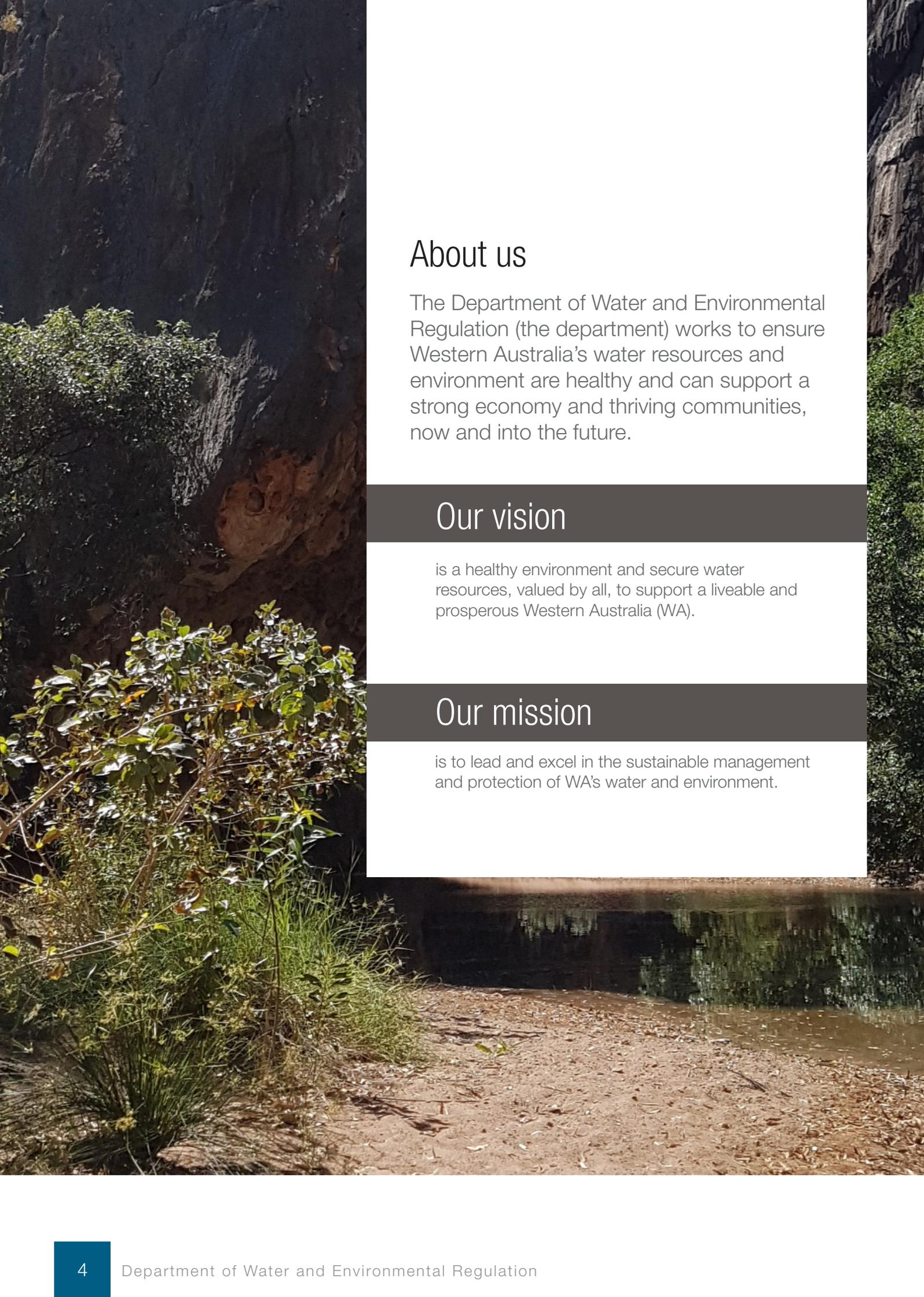
Being a successful regulator depends on strong relationships and we have found that collaborating with others leads to better, holistic whole-of-government outcomes.

We have a comprehensive forward program of legislative reform and business transformation enabled by digital innovation. I look forward to working with you as we continue to build our regulatory capability to enable our vision of a healthy environment and secure water resources, valued by all, to support a liveable and prosperous Western Australia.

A handwritten signature in black ink, appearing to read 'Mike Rowe'. The signature is fluid and cursive, with a large initial 'M'.

Mike Rowe

Director General



About us

The Department of Water and Environmental Regulation (the department) works to ensure Western Australia's water resources and environment are healthy and can support a strong economy and thriving communities, now and into the future.

Our vision

is a healthy environment and secure water resources, valued by all, to support a liveable and prosperous Western Australia (WA).

Our mission

is to lead and excel in the sustainable management and protection of WA's water and environment.



Five key strategic directions

We undertake a range of interrelated activities coordinated under five key strategic directions to achieve this vision and mission:



Share responsibility for water and the environment.



Deliver effective legislation and policy.



Be a responsive and credible regulator.



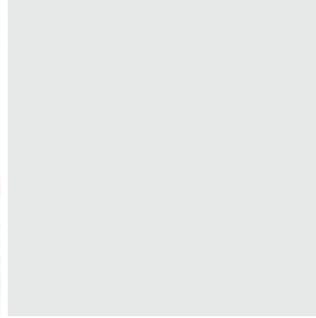
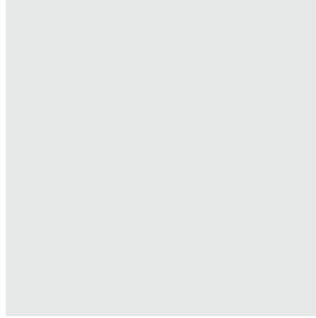
Deliver trusted information, science, and evidence-based advice.



Build organisational excellence.

We have a wide range of regulatory responsibilities, from water resource management, environmental protection, waste avoidance and resource recovery to managing legacy contamination.

This document describes how we will undertake our regulatory responsibilities, what you can expect from us as a regulator and where we will be focusing our regulatory efforts during the next four years.



What is regulation?

Regulation is a tool for achieving the government's social, economic and environmental objectives. Regulation applies a set of instruments, tools and approaches to influence or compel individuals and organisations to behave in a way that enables these objectives to be achieved.

Our regulatory roles

The department has regulatory responsibilities under several Acts, including the following legislation:

- 📍 *Environmental Protection Act 1986* and Regulations
- 📍 *Rights in Water and Irrigation Act 1914* and Regulations
- 📍 *Contaminated Sites Act 2003* and Regulations
- 📍 *Waste Avoidance and Resource Recovery Act 2007* and Regulations
- 📍 *Waste Avoidance and Resource Recovery Levy Act 2007* and Regulations.

These set out the state's legislative frameworks for:

- 📍 the prevention, control and abatement of pollution and environmental harm
- 📍 the conservation, preservation, protection, enhancement and management of the environment
- 📍 the regulation, management, use and protection of water resources
- 📍 the identification, recording, management and remediation of contaminated sites
- 📍 waste avoidance and resource recovery.

We provide services to the Environmental Protection Authority (EPA), which advises the Minister for Environment on the environmental impact assessment of significant proposals under Part IV of the *Environmental Protection Act 1986* (EP Act) and assessment of schemes referred under Part IV Division 3 of the EP Act.





How we regulate

As the state's primary water and environmental regulator, our job is to ensure that the functions required under our legislation are executed, and that the obligations and rules outlined in our legislation are met, to enable the sustainable management and protection of Western Australia's water and environment.

We undertake a wide range of activities to ensure the objectives of our Acts are met:

- 📍 we assess potential impacts on our environment from certain activities to determine if those impacts are acceptable
- 📍 we assess the take of water from the state's water resources to ensure they are sustainable now and into the future
- 📍 we work to ensure legacy contamination is identified and addressed to protect human health and the environment
- 📍 we also provide advice into the planning system to ensure environmental and water resource outcomes are achieved
- 📍 we promote, monitor and enforce compliance
- 📍 we respond to emerging water and environmental risks and issues.

Our 'regulatory cycle' outlines how our activities connect and contribute to the achievement of our vision and mission and inform the review, reform and delivery of our legislation and policies.

There is more information about our regulatory cycle on the next page.







Our regulatory cycle

We advise the Government of Western Australia on the development of regulatory and non-regulatory solutions to the state's water and environmental challenges. We influence sustainable environmental and water-related outcomes through a range of proactive activities.

We deliver the state's legislative and policy foundations for water and environmental protection and management based on good science. We develop standards and guidance on how we apply the legislation.

We educate stakeholders on expected standards of operation and regulatory compliance. We raise awareness of and encourage good environmental and efficient water management practices.

We assess potential impacts to our environment and water resources and determine if those impacts are acceptable.

We promote, monitor and enforce compliance as required. We gather intelligence and target resources to the greatest risks to our environment and water resources.

We manage the instruments we regulate to ensure they are fit for purpose and achieve intended outcomes.

We evaluate and review our regulatory performance to ensure our approach is agile and adaptable so we can respond to emerging risks and issues.





Our principles of better regulatory practice

Our activities are guided by a set of better regulatory practice principles. These clearly outline what you can expect from us:

01

Risk based

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

Department resources are targeted to the greatest risks to public health, the environment and water resources.

02

Evidence based

The department applies an evidence-based approach based on the best available information, including sound science, to inform regulatory decision-making.

03

Transparent

The department:

- consults with stakeholders in relation to proposed regulatory policies and plans
- provides clear publicly available, reliable and relevant information on regulatory processes and requirements
- is informed by the public when considering regulatory decision-making
- applies the rules of procedural fairness to all regulatory functions.

04

Collaborative

The department works collaboratively with other regulators to share information, avoid unnecessary regulatory duplication, and support whole-of-government outcomes.

05

Consistent

The department's regulatory actions are consistent with legislation and within statutory powers.

06

Responsive and effective

The department responds in an effective and timely manner.

You will see these principles reflected throughout our regulatory policies and guidance and some principles will be the subject of further specific guidance.

We are currently reviewing our assessment and decision-making processes across our regulatory deliveries to build a clearer understanding of how we consider impacts on the environment and water resources. This will enable us to transition to a more outcomes-based impact-assessment approach, focused on better practice environmental management.



Collaboration and engagement

The environmental, waste management and water resource management challenges we face as a society require multifaceted interventions, designed collaboratively and delivered collectively.

We recognise that being a successful regulator depends on strong relationships and that collaborating with others leads to better outcomes.

We seek to build strong relationships with our co-regulators at all levels of government, our partner organisations, our stakeholders and the Western Australian community, as well as those we regulate.

We believe in harnessing the capability of all sectors and stakeholders to work together to tackle issues and co-design solutions.

We champion opportunities to work collaboratively with stakeholders while ensuring we execute our regulatory responsibilities appropriately.

Evaluation

We intend to evaluate and report on our regulatory performance based on four key measures. Our evaluation will inform improvements to our regulatory approaches and activities.



Effective water resource and environmental outcomes



We will work with our key stakeholders to develop or improve our metrics for the above measures.



Delivery of timely water and environmental regulatory services



We will provide annual updates to our stakeholders as we continue to build our regulatory capability.

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Have your say

We are committed to our better regulatory practice journey and the continuous improvement of our regulatory deliveries. We are keen to hear what you think about our approach and how we are going. Progress will be reported against this approach on an annual basis.

Please direct your feedback to betterregulatorypractice@dwer.wa.gov.au

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Printed on recycled paper.

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November 2020