



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

Compliance priorities 2023-24

Department of Water and Environmental Regulation

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Contents

1. Purpose	2
2. Scope	2
3. Context	2
4. Legislation	3
5. Compliance priorities	4
5.1 Compliance reform	4
5.2 Compliance backlog	4
5.3 Compliance programs	4
6. 2023–24 compliance programs	5
6.1 Ministerial Statements	6
6.2 Environmental licences and works approvals	6
6.3 Native vegetation clearing	6
6.4 Water resource management	7
6.5 Waste levy	8
6.6 Controlled waste	8
6.7 Environmental statutory notice compliance	9
7. Strategic programs	9
7.1 Light industry and minor pollutant compliance	9
7.2 Construction and demolition waste	10
7.3 Asbestos	10
7.4 Proactive illegal dumping reduction program	10
7.5 Single-use plastics	11
7.6 Container deposit scheme	11
7.7 Contaminated sites investigation and remediation	11
7.8 Green energy	12
7.9 Offsets	12
8. Compliance targets	12
9 Reporting	15

Tables

Table 1	General compliance subprograms 2023–24 priorities and targets regionally	13
Table 2	Strategic compliance subprograms 2023–24 priorities and targets ..	14

1. Purpose

As Western Australia's primary water and environmental regulator, the department has a responsibility to be an influential and future-focused organisation. With our vision for a low-carbon state with a healthy environment and secure water resources, the department has wide-ranging statutory and regulatory responsibilities directed at achieving improved outcomes for public health, the environment and water resources. Assurance activities, including the promotion and monitoring compliance with the legislation we administer is one of our fundamental roles.

This document sets out the department's proactive compliance priorities for 2023–24.

On 7 December 2023 the Minister for Environment issued the Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023 (Alcoa exemption order) under s.6 of the *Environmental Protection Act 1986* (EP Act). This was to exempt Alcoa of Australia Limited (Alcoa) from compliance with s.41A of the EP Act which would otherwise prohibit Alcoa from implementing a proposal under assessment by the Environmental Protection Authority (EPA).

To ensure that the conditions of the Alcoa exemption order are complied with, the Department of Water and Environmental Regulation (the department) developed an [initial assurance program](#) outlining its assurance activities. Until backfills are in place, resources are being diverted from existing compliance programs. This is affecting delivery of some subprograms outlined in this document. Where delivery of a subprogram has been affected, it is noted in bold text in the document below, and amended targets are provided.

2. Scope

This document outlines the department's proactive compliance focuses and priorities for the period from 1 July 2023 to 30 June 2024. Additional compliance activities will be undertaken on a reactive basis as risks are identified.

This document does not address our response to any breaches of legislation identified through our assurance activities. This is guided by our [Compliance and Enforcement Policy](#) and is outside the scope of this document.

The assurance activities related to the Alcoa exemption order are not included within this document.

3. Context

The department's [Strategic plan 2022–26](#) sets out how we work and outlines three primary goals to:

- improve our regulatory capability
- better manage the environment
- pursue strategic solutions to our big environmental challenges.

Compliance monitoring is an important component of improving our regulatory capability. Information obtained from assurance activities, such as inspections and audits, is vital input into the regulatory cycle, providing valuable data to encourage continual improvement and enhance public health, environmental and water resource outcomes. Information from compliance monitoring may be used to identify emerging issues and risk, to improve statutory instruments and to guide development and modification of policies, guidelines and regulations.

Compliance promotion and monitoring are elements of the department’s strategy to ensure stakeholders meet their regulatory requirements and support better management of the environment. The department works to ensure we educate and support stakeholders in understanding their obligations as well as undertaking activities to improve and modify compliance behaviours. Compliance promotion and monitoring may assist in the effective implementation of strategic solutions to environmental challenges.

In August 2023 the department commenced a transition into a portfolio operating model where departmental functions are grouped into one of three portfolios: Climate and Sustainability, Approvals, and Strategy and Performance. As a result of these reforms, the Compliance and Enforcement directorate is transitioning to the Assurance directorate within the Approvals portfolio.

The new Assurance directorate incorporates not just compliance and enforcement skills and capabilities but enhances the delivery of our assurance activities through the introduction of Environmental Sciences (noise, air quality and contaminated sites) into the directorate.

4. Legislation

This program outlines compliance monitoring activities related to the following legislation:

- [Environmental Protection Act 1986](#) (EP Act)
- [Contaminated Sites Act 2003](#) (CS Act)
- [Waste Avoidance and Resource Recovery Act 2007](#) (WARR Act)
- [Rights in Water and Irrigation Act 1914](#) (RIWI Act)
- [Country Areas Water Supply Act 1947](#)
- [Metropolitan Arterial Drainage Act 1982](#)
- [Metropolitan Water Supply, Sewerage, and Drainage Act 1909](#)
- [Water Agencies \(Powers\) Act 1984](#)
- [Water Corporations Act 1995](#)
- [Water Efficiency Labelling and Standards Act 2006](#)
- [Water Services Act 2012](#)

- [Waterways Conservation Act 1976](#)

5. Compliance priorities

5.1 Compliance reform

Through 2023–24 the department will continue to progress reforms to address the findings and recommendations of the Auditor General’s Report 11:2022-23 [Assessing Compliance with Environmental Mining Conditions](#) (Auditor General’s Report).

We will continue to focus on:

- building a best practice framework for assurance to ensure we deliver a balance, holistic and effective regulatory approach
- aiding effective delivery by reducing duplication and increasing regulatory consistency and efficiency
- finalising and implementing an integrated approach to assurance activities for premises and activities subject to regulation
- structuring an approach to training and development that is aimed at increasing and spreading specialist knowledge and capabilities across the Assurance directorate, supporting greater workforce mobility in responding to priority issues.

The outcome of these reforms will not only ensure more effective and holistic compliance activities, but it will support a more efficient use of resources. This will ensure that when the department undertakes an audit or inspection, it assesses and considers all potential environmental approvals and/or impacts.

5.2 Compliance backlog

Each year most approval holders are required to self-report their compliance status to the department, and we also receive thousands of annual reports and complaints. The department has been unable to process many of these reports in a timely manner, resulting in a backlog of unassessed submissions. The risks associated with this backlog were identified in the Auditor General’s Report.

In 2023-24 the department will investigate the use of technology, including artificial intelligence (AI), and complete streamlining projects like the [Reduced Reporting Burden project](#), to improve screening and prioritisation of submissions. Additionally, a dedicated backlog project will be undertaken to regain oversight and ongoing management of self-reported compliance submissions.

5.3 Compliance programs

Our compliance programs are risk-based. The department will consider a range of factors to inform and provide context for establishing risk-based compliance priorities

and selecting premises, locations or industry sectors for compliance activities. These are:

- the industry type, nature, hazards, scale, complexity of the property, activity or event
- the compliance and complaints history of the business or person associated with the property, activity or event
- the controls and measures a person or business has in place to mitigate impacts on public health, the environment or water resources
- the location of water resources and the environment, including people, and their susceptibility to impacts to their value, beneficial use, quality, vulnerability or rarity
- any suspected impacts to public health, the environment, water resources and users
- where intelligence or investigations has identified a potential risk, offending or grounds for environmental concern
- other factors of significance, such as the period since the previous inspection, area of disturbance and cultural heritage setting.

While risk is used to forecast our compliance program, it is not possible to predict all compliance requirements that may arise during the year. The program is therefore continually reviewed throughout the year and may be amended to account for shifting priorities or to redirect compliance resources to respond to emerging issues or emergencies.

6. 2023-24 compliance programs

Acknowledging the diversion of resources to deliver compliance reform program, the department proposes to deliver a baseline compliance program in 2023–24.

A range of subprograms that target identified strategic risks or projects will also be implemented. These sub-programs have been developed based on intelligence received by the department, or to support government initiatives or programs. Some strategic programs will focus on compliance promotion to educate and raise awareness of regulatory requirements within the targeted industry, aiming to improve compliance behaviours.

Planned proactive compliance activities will be undertaken using a multi-faceted approach to compliance assessment and risk reduction, with strategic objectives in mind. Reactive activities will allow the department to deliver an intelligence-led response to emerging issues.

Both announced and unannounced compliance inspections will be undertaken. Announced inspections are aimed at increasing voluntary compliance, while unannounced inspections establish a more accurate compliance status for a premises or activity.

We will increase our use of technology to support both on-site and remote compliance assessment and increase our verification of self-reported compliance.

6.1 Ministerial Statements

Ministerial Statements are issued under Part IV of the EP Act and outline how a proposal is to be implemented and, if applicable, what conditions and procedures that implementation is subject to.

There are about 485 active Ministerial Statements. The department aims to audit at least 40 active Ministerial Statements this year. Of these audits, 25 per cent will aim to include an audit of self-reported compliance assessment reports under the relevant Ministerial Statements followed by verification inspections.

The program will also place an increased focus on assessing and determining compliance with greenhouse gas and carbon offset conditions.

This subprogram has been affected by the diversion of resources to assurance activities associated with the Alcoa exemption order. It is expected that this will reduce the expected number of completed audits of Ministerial Statements by 75 per cent.

6.2 Environmental licences and works approvals

Prescribed premises with the potential to cause emissions and discharges to air, water or land are managed through works approvals, environmental licences and in some cases through registrations under Part V of the EP Act.

There are about 1,135 active environmental licences, 461 works approvals and 1,239 registrations in Western Australia. The department is planning to undertake 40 inspections in 2023–24. Further premises may be identified and prioritised for inspection through information obtained as part of another compliance subprogram or through the investigation and management of other high-risk sites or activities.

This subprogram has been affected by the diversion of resources to assurance activities associated with the Alcoa exemption order. It is expected that this will reduce the expected number of inspections in 2023–24 by 40 per cent.

6.3 Native vegetation clearing

Clearing native vegetation is an offence under the EP Act unless it is subject to a valid clearing permit, or the clearing is for an exempt purpose. Clearing permits are granted to proponents to allow for clearing of native vegetation in certain areas or for a specific purpose. There are about 1,000 active clearing permits in Western Australia.

In 2023–24 our native vegetation clearing compliance program will focus on:

- compliance promotion activities
- a compliance audit of statewide clearing permits

- detecting potential illegal clearing through surveillance and community outreach
- monitoring vegetation changes by analysing satellite imagery across Western Australia to identify unauthorised clearing of native vegetation
- assessing compliance with clearing permits.

This subprogram has been affected by the diversion of resources to assurance activities associated with the Alcoa exemption order, resulting in a significant reduction in native vegetation clearing assurance activities in the second half of 2023–24.

6.4 Water resource management

Water is a precious resource in Western Australia, particularly within the context of a drying climate, an increasing population and continued growth in the state's economy. The department currently manages about 12,750 water licences across more than 1,150 proclaimed water resource areas, and administers authorisations in certain circumstances for the construction of water-use infrastructure and the interference of watercourse beds and banks. The department is continuing to leverage collaborative opportunities across water resource and general environmental compliance areas to increase and improve overall water resource and environmental compliance outcomes.

Statewide water resource management compliance priorities are currently delivered via six regional areas. Our compliance activities are concentrated within high-risk water resource management areas and areas with significant cultural heritage and environmental receptors. Our activities are targeted to the highest-risk water licences within these areas. Compliance monitoring efforts within individual water resources are proportionate to the current level of water use, the demand for new or increased water entitlements, and the likelihood of damage to the water resource and water-dependent environment resulting from non-compliance with water licences or breaches of water resource legislation.

In 2023–24 the department will undertake a range of compliance initiatives and activities aimed at promoting and encouraging protection of the water resources and the water-dependent environments these resources support. We will also continue to provide a range of support mechanisms to licensees that promote self-regulation in complying with the terms, conditions and restrictions of their individual water licences.

Compliance monitoring will consist of both on-ground and off-site monitoring activities, including water licence compliance inspections (some of which may be undertaken as part of integrated inspections associated with other programs), water meter audits, desktop surveys, and the review of licensee submissions.

Additionally, the department will continue to conduct locally based, on-ground compliance monitoring programs across the intensive horticultural precincts including the Gnamptara, Myalup and Carnarvon groundwater resource areas.

6.5 Waste levy

A waste levy applies to waste generated in the Perth metropolitan area which is disposed of to landfill. The waste levy helps divert the amount of waste to landfill, encouraging investment in alternative waste treatment options and other State Government initiatives to support increased recycling.

In 2023–24 compliance activities will include site inspections and audits of waste levy returns and exemptions. The department will seek to increase its assessment of compliance at waste to identify and address potential levy evasion practices. Landfills outside the metropolitan area that receive waste subject to the waste levy may also be included in the program, with inspections prioritised based on the risk of levy evasion and environmental harm.

6.6 Controlled waste

The department administers the Environmental Protection (Controlled Waste) Regulations 2004 (Controlled Waste Regulations) that provide for the licensing of carriers, drivers and vehicles involved in the transportation of controlled waste on roads in Western Australia. Movement of controlled waste is tracked from the point of generation to unloading at an authorised waste facility. The tracking data is reported to the department by industry via the online Controlled Waste Tracking System or by the submission of paper tracking forms.

The department currently has 3,176 active controlled waste carrier, driver and vehicle licences, with an average of 476,386 controlled waste collections reported to the department annually.

In line with our new integrated approach, compliance with the Controlled Waste Regulations will be assessed as a component of other environmental compliance programs including licence and waste levy compliance. This may include desktop audits of waste tracking and on-site inspections of documentation and licences.

The department will also investigate several technology improvements which can be leveraged to improve the recording and reporting of controlled waste movement. This will further support the controlled waste compliance and intelligence development in relation to the waste industry.

The National Environment Protection (Movement of Controlled Waste between States and Territories) Measure (Controlled Waste NEPM) ensures controlled wastes moved between states and territories are properly identified, transported and disposed of. In 2023–24 the department will continue to monitor compliance with the Controlled Waste NEPM through the issue of consignment authorisations for controlled waste entering Western Australia and tracking of that waste to ensure it is transported to an appropriate waste facility.

6.7 Environmental statutory notice compliance

A statutory notice or direction is a written notice that requires that certain actions be undertaken, or ceased, within a specified time. Examples of statutory notices issued by the department include vegetation conservation notices, prevention notices, closure notices, environmental protection notices, and various directions prescribed for use under the RIWI Act as well as investigation, clean up and hazard abatement notices under the *Contaminated Sites Act 2003* (CS Act).

Through increased compliance actions and activities, the department is increasing the application of these notices to prevent conditions of pollution from arising and to improve compliance behaviours or support other enforcement actions. It is an offence not to comply with a statutory notice and the department therefore monitors compliance with the notices it issues.

In 2023–24 the department will continue to use these important environmental compliance and environmental protection tools to achieve its strategic and environmental protection objectives and will continue to assess compliance with active notices through a combination of approaches. The number of active notices will vary throughout the program period.

The department will also continue a program started in 2020–21 to audit a selection of vegetation conservation notices through desktop audits and site inspections.

7. Strategic programs

7.1 Light industry and minor pollutant compliance

The Environmental Protection (Unauthorised Discharge) Regulations 2004 are designed to regulate materials such as detergents, petrol, sewage, dark smoke, animal waste and paint. These are often referred to as minor pollutants. The impact of minor pollutants and the potential for accidents to cause pollution means light industrial premises pose a significant cumulative pollution risk.

The Light Industry Program is a partnership between the department and local government authorities to promote compliance and reduce environmental risk. It aims to educate light industry operators on ways to reduce the environmental impact of their business and to assess their compliance with relevant environmental legislation.

In 2023–24 the department will continue to work with local government officers to conduct unannounced light industry inspections, with an aim of five inspections per month across participating local government authorities. These inspections will be focused on activities that are likely to discharge pollutants into the environment.

A further two inspections per month will be undertaken across selected industrial estates, focusing on management of minor pollutants by unlicensed businesses. These industrial estates and businesses will be selected based on risk prioritisation by industry and minor pollutant type.

Through 2023–24 the department will review synergies between the Light Industry Program and minor pollutant compliance to ensure operational efficiencies are maximised.

7.2 Construction and demolition waste

Construction and demolition waste makes up a substantial proportion of Western Australia's waste stream and represents a significant opportunity for waste avoidance and material recovery to support a circular economy.

In 2023–24 the department will focus on increasing resource recovery of construction and demolition waste and ensuring its appropriate disposal and payment of levy where necessary. This will be achieved by improving our understanding of the flow of construction and demolition waste. This will involve working with local government and other government agencies to identify major demolition activities and monitor disposal of associated waste. There will be a targeted approach to waste operators involved in the processing of construction and demolition waste. This may involve compliance promotion activities to ensure waste operators are aware of their obligations and compliance monitoring activities to track the flow of construction and demolition waste between waste operators.

7.3 Asbestos

In Western Australia many older residential and commercial buildings built prior to 1990 may contain asbestos in their building materials. When disturbed, asbestos fibres may be released into the air. These fibres pose a significant health risk if inhaled.

Demolition waste is frequently at risk of being contaminated with asbestos, and asbestos is often dumped illegally. Incorrect management of asbestos waste poses a health risk to the public and workers who may come into contact with the waste. It may also contaminate otherwise recyclable materials, increasing waste to landfill and reducing confidence in recycled products.

In 2023–24 the department will focus on monitoring compliance of waste operators who receive asbestos or process waste which is at high risk of being contaminated with asbestos. This may involve audits and inspections to assess compliance with asbestos management plans, asbestos guidelines and licence conditions pertaining to asbestos at licensed waste facilities. This subprogram was originally planned for 2022–23 but was postponed because of changing priorities.

7.4 Proactive illegal dumping reduction program

Illegal dumping is committed by a wide range of people within the community and is unfortunately very common. The circumstances in which it occurs makes it difficult to identify offenders if the illegal dumping was not witnessed or recorded.

In 2023–24 the department will focus on reduction of illegal dumping through promotion of legal alternatives, the reduction of opportunities to dump waste and education of local government on the importance of supporting the department in the prosecution of identified illegal dumpers.

7.5 Single-use plastics

The State Government’s Plan for Plastics provides a roadmap towards a more sustainable, plastic-free Western Australia. This is being achieved through the introduction of regulations to ban a range of single-use plastic items in two stages. A full list of banned plastic items is available on the [Plan for Plastics](#) webpage.

The Plan for Plastics bans are established through the Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018. Stage 1 came into effect on 1 January 2022 and Stage 2 came into effect in February 2023. Both stages provide transition periods before the offence provisions come into effect. The Stage 2 transition periods vary from six to 18 months depending upon the item.

In 2023–24 the department will focus on an education-first approach to compliance for the introduction of the bans.

7.6 Container deposit scheme

The container deposit scheme (CDS) is established under the WARR Act. The CDS is implemented by a scheme coordinator under regulatory oversight from the department. The current scheme coordinator is WA Return Recycle Renew Limited (WARRRL).

A major class of risk to the CDS is scheme integrity, such as fraud or beverage suppliers not participating in the scheme. Although more than 95 per cent of suppliers of eligible beverage products have entered into supply agreements, a small number continue to supply products in Western Australia illegally.

In 2023–24 WARRRL will continue to implement its programs to detect and deter issues that could risk the scheme’s integrity. Where issues exceed WARRRL’s non-statutory options, they will be referred to the department for compliance action.

The department and WARRRL will continue to meet regularly to maintain lines of communication and a shared understanding of compliance within the scheme.

7.7 Contaminated sites investigation and remediation

The CS Act provides for the identification, recording, management and remediation of contaminated sites to protect human health, the environment and environmental values. Risk-based assessment is central to effective administration of the CS Act.

In 2023–24 the department will monitor progress of required actions at ‘contaminated – remediation required’ sites as well as at ‘high-priority’, ‘possibly contaminated – investigation required’ sites with the potential to pose a high risk to human health or

the environment. This will include and be supported by greater alignment of contaminated sites and compliance teams, to leverage expertise across the department and to improve management and response to known strategic high-risk contaminated sites, including current and historic landfill operations. This will be achieved through the departments approach to integrated compliance inspections which will include the identification of contaminated site related reports or issues at sites targeted or identified for reactive or proactive inspections or audits.

7.8 Green energy

The department will support assurance and compliance service delivery for new and emerging green energy projects through the 2023–24 program. Work will focus on the development of a green energy assurance framework. Green energy projects will substantially be captured under either Part IV or V of the EP Act; however, as a new area of technology, the department will explore the need for tailored assurance approaches.

Leveraging international experience in relation to green energy projects and associated assurance activities will be a key element for supporting the development of a robust green energy compliance approach in the context of Western Australia's environmental legislation.

7.9 Offsets

Offsets are intended to counterbalance the significant residual environmental impacts or risks that may result from a project implemented under a clearing permit or Ministerial Statement. Many of these offsets are published in the State Government's [Environmental Offsets Register](#) for the public to view.

In 2023–24 the department will undertake targeted monitoring offset compliance as part of its Ministerial Statement compliance and native vegetation compliance subprograms.

Additionally, the department will be exploring opportunities to leverage both remote sensing and satellite technology, along with inter-jurisdictional environmental regulation relationships, to improve the assessment of compliance with offset commitments. This is important, since many projects approved in Western Australia include offsets based interstate; therefore, verification of the completion and quality of these offsets are important elements of assuring compliance and preventing greenwashing.

8. Compliance targets

The compliance priority and, where applicable, the corresponding performance target for general subprograms are presented in Table 1 and Table 2 for strategic subprograms.

Table 1 *General compliance subprograms 2023–24 priorities and targets regionally*

Subprogram	2023–24 Priority and/or target	Applicable region/s
Ministerial Statement compliance	Audit of Ministerial Statements Target of 40 audits completed, 25 per cent of these also audited for verification of self-reported compliance Target affected by diversion of resources to Alcoa exemption order assurance – reduced by 75 per cent	All regions
	Review of Compliance Assessment Reports	
Environmental licences and works approvals	Planned inspections of 40 premises The department has a target of 100 per cent of inspections completed as planned Target affected by diversion of resources to Alcoa exemption order assurance – reduced by 40 per cent	All regions
	Potential environmental risks identified during compliance monitoring are rectified The department has a target of 40 per cent of non-compliances rectified within two months	
	Reactive inspections of premises in response to intelligence	
Native vegetation clearing compliance	Encouraging compliance with clearing provisions through compliance promotion	All regions
	Detecting potential breaches through community outreach and analysing satellite imagery to monitor vegetation change	
	Remediating harm to the environment and providing community-wide general deterrence to unlawful clearing	
	Compliance with statewide clearing permits	
	Assessing compliance with clearing permits	
	Subprogram affected by diversion of resources to Alcoa exemption order assurance Significant reduction in assurance activities in second half of 2023–24	
Waste compliance	100 planned inspections of premises subject to waste levy and associated industries	Metro region

Subprogram	2023–24 Priority and/or target	Applicable region/s
	<p>The department has a target of 100 per cent of inspections completed as planned</p> <p>Potential environmental risks identified during compliance monitoring are rectified</p> <p>The department has a target of 40 per cent of non-compliances rectified within two months</p>	Regional areas receiving metropolitan waste
Water resource management compliance	<p>Targeted monitoring of unlicensed or exempt water use, and unauthorised construction of wells and surface water infrastructure</p> <p>Management of community complaints involving proclaimed and unproclaimed groundwater and surface water resources, including matters relating to surface water interference and stream disputes</p> <p>Targeted monitoring of licensee compliance with water licence terms, conditions and restrictions, with a focus on water metering and annual water entitlement compliance</p> <p>Targeted desktop and on-ground monitoring activities to support the recoup of unused licensed water entitlements</p>	All regions
Controlled Waste	N/A – Compliance will be assessed as a component of other programs	All regions
Environmental Statutory Notices	<p>Assess compliance with all active prevention notices and environmental protection notices</p> <p>Assess compliance with selected vegetation conservation notices</p>	All regions

Table 2 Strategic compliance subprograms 2023–24 priorities and targets

Strategic subprogram	2023–24 Priority and/or target
Light Industry Program	<p>Five inspections per month of light industries in conjunction with participating local governments.</p> <p>Increased local government authority participation in the Light Industry Program</p>
Minor Pollutants	<p>Two inspections per month based on risk-based prioritisation of unlicensed operators</p> <p>Review of synergy between Light Industry Program and regulation of minor pollutants to improve operational efficiency</p>
Construction and demolition wastes	Encourage increased material recovery of Construction and demolition waste.

Strategic subprogram	2023–24 Priority and/or target
	Improve our understanding of the flow of construction and demolition waste streams
Asbestos	Monitor compliance of 35 waste operators who receive, or process waste potentially contaminated with asbestos
Illegal dumping	Reduce illegal dumping by 20 per cent in selected high-risk areas through the installation of physical deterrents and co-ordinated approach to reduce the cycle of offending.
	Increase awareness of legal alternatives to illegal dumping
	Increase local government support for the prosecution of identified illegal dumpers
	Progress the development of an illegal dumping strategy
Single use plastics	Investigate complaints received from members of the public and other stakeholders
	Educate retailers and suppliers
Container deposit scheme	Investigate companies alleged to be supplying beverages in Western Australia without a current supply agreement with WARRRL
Contaminated sites investigation and remediation	Monitor progress of required actions at 'contaminated – remediation required' sites and 'high priority', 'possibly contaminated– investigation required' sites.
Green energy	Development of Green Energy Assurance Framework
Offsets	N/A – Compliance will be assessed as a component of other programs

9 Reporting

The department provides an overview of its compliance outcomes quarterly in its [regulatory performance reports](#).