



CORPORATE POLICY STATEMENT NO. 38

COMPLIANCE AND ENFORCEMENT

March 2026

1. OBJECTIVE

To guide staff of the Department of Biodiversity, Conservation and Attractions (the department) in the principles of compliance and enforcement to ensure a consistent, integrated, coordinated and risk-based approach is maintained.

2. SCOPE

This policy applies to all staff of the department, with specific application to enforcement officers.

The policy does not apply to compliance and enforcement matters undertaken pursuant to the *Botanic Gardens and Parks Authority Act 1998*, *Rottnest Island Authority Act 1987* or *Zoological Parks Authority Act 2001*.

3. CONTEXT

An instrument of designation is required for staff to have functions conferred on them under legislation administered by the department. The designation enables decisions to be made in a timely manner by staff with the appropriate expertise, experience, and training. The Chief Executive Officer (CEO) / Director General always remains responsible and accountable for the acts of the enforcement officer.

Undertaking compliance and enforcement is essential to meeting the objectives of the legislation administered by the department.

The department has responsibility for the management, use and protection of public lands and waters in accordance with the *Conservation and Land Management Act 1984* (CALM Act) and the *Swan and Canning Rivers Management Act 2006* (SCRM Act). This includes the State's national parks, conservation parks, Swan Canning Riverpark, nature reserves, regional parks, marine parks, State forests and timber reserves. Management may occur jointly with Aboriginal people and other parties.

The department has statutory responsibility to conserve and protect biodiversity and biodiversity components, and for the ecologically sustainable use of biodiversity components in accordance with the *Biodiversity Conservation Act 2016* (BC Act).

To achieve efficiencies across government, departmental staff may also receive authorisations under legislation administered by other government agencies.

4. LEGISLATION

The legislation administered by the department applicable to this policy includes:

- *Biodiversity Conservation Act 2016*;
- *Conservation and Land Management Act 1984*;
- *Swan and Canning Rivers Management Act 2006*; and
- regulations made under the above Acts.

5. POLICY

The department will:

- 5.1 Apply legislation consistently and fairly throughout the State, across all sectors of the community, industry and government.
- 5.2 Encourage compliance with relevant legislation by providing information and education to the community and industry.
- 5.3 Respond appropriately and promptly to reported or detected offences against relevant legislation.
- 5.4 Undertake enforcement action in a manner that is:
 - lawful;
 - fair, impartial, ethical and respectful;
 - proportionate to the magnitude and/or impact of the alleged offence; and
 - within officers' and the department's authority.
- 5.5 Consider prosecution:
 - where it is the appropriate response to a particular circumstance;
 - where it is in the public interest;
 - to protect the environment, biodiversity and the community; and/or
 - to provide a mechanism for courts to impose appropriate penalties and/or restitution orders on offenders.

6. STANDARDS

Compliance and enforcement activities will be undertaken in accordance with the principles of natural justice and procedural fairness. The Ombudsman Western Australia's [Guidelines for procedural fairness](#) (natural justice) provide further information on these principles and how they should be applied in investigations and decision making.

Guidance on establishing a *prima facie* case and evaluating the public interest in proceeding to prosecute, including determining if there is a reasonable prospect of conviction and a number of other relevant factors is provided in the Office of the Director of Public Prosecutions' [Statement of Prosecution Policy and Guidelines 2022](#).

7. POLICY IMPLEMENTATION STRATEGIES

The department will:

- 7.1 Prepare corporate guidelines, instructions, compliance plans and other supporting protocols and procedures.
- 7.2 Prepare, maintain and update information on the department's website, and through other media and opportunities, to inform the community of their obligations under legislation administered by the department.
- 7.3 Use the enforcement option or combination of options most appropriate to each situation, available under each statute.
- 7.4 Make decisions on enforcement action in a timely manner.
- 7.5 Ensure relevant departmental staff are appropriately trained to undertake the responsibilities and duties of an enforcement officer.

8. CUSTODIAN

Executive Director Conservation and Ecosystem Management

9. PUBLICATION

This policy will be made available on the department's website and intranet.

10. KEY WORDS

Enforcement officer, compliance, enforcement, environment, legislation, natural justice, offence, offender, *prima facie*, procedural fairness, prosecution.

11. REVIEW

This policy will be reviewed every five years after the date of approval or earlier if required.

12. DIRECTOR GENERAL APPROVAL

Approved by



Stuart Smith
DIRECTOR GENERAL
CHIEF EXECUTIVE OFFICER

Date: 16 March 2026