

Charter for the  
**Australasian Environmental Law Enforcement &  
Regulators Network (AELERT)**

Version 5  
June 2009

## VERSION CONTROL

Version Number	Date Adopted	Amending Resolution
1	November 2004	
2	March 2007	Resolution 69
3	July 2007	Resolution 72
4	July 2008	Resolution 83
5	June 2009	Resolution 101

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## **BACKGROUND**

The **Australasian Environmental Law Enforcement and Regulators Network (AELERT)** is a network of environmental regulatory agencies. Its aim is to build relationships between jurisdictions to facilitate the sharing of information and improve the regulatory compliance capacity of member agencies. It also seeks to develop national standards for training and best practice in environmental regulation.

AELERT functions at two levels: the Australasian level (Tier 1) and within individual jurisdictions (Tier 2).<sup>1</sup>

## **MISSION**

To advance environmental sustainability by helping environmental regulators achieve best practice through promotion of inter-agency cooperation, cross-pollination of expertise, and the provision of a cooperative forum to raise professional standards in the administration of environmental law.

## **OBJECTIVES**

AELERT's overall objective is to support government and community efforts to protect the environment and support ecological sustainability.

*AELERT does this through:*

### ***Improving Operational Effectiveness***

- Creating gateways for liaison and cooperation between member agencies.
- Assisting member agencies to formalise bi-lateral and multi-lateral relationships through memoranda/letters of understanding and procedural guidelines.
- Establishing mechanisms for sharing statistical information, including information related to prosecutions and sanctions in response to breaches of environmental law.

### ***Enhancing Regulatory Compliance Capacity***

- Establishing protocols for information sharing and exchange.
- Establishing competency and training standards and promote professional development for staff.
- Facilitating the development and provision of nationally accredited and internationally recognised training.
- Establishing best practice standards to undertake strategic compliance activities and on the use of regulatory methods of intelligence, science, technology and expert evidence.

### ***Promoting Consistency of Approach to Operational Regulatory Reform***

- Helping member agencies to deliver on their legislative objectives.
- Helping remove unnecessary impediments to cross-jurisdictional environmental compliance and enforcement actions.
- Promoting nationally consistent approaches to compliance and enforcement

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<sup>1</sup> Jurisdictions include the Australian Government, every Australian state and territory, the New Zealand Central Government, and Australian/New Zealand Local Government entities.

- Forming beneficial associations with other organisations that may assist in advancing these objectives.

## COOPERATIVE PRINCIPLES

In joining AELERT, member agencies agree to cooperate, as far as they reasonably can (subject to relevant legislative requirements, such as privacy laws), in matters such as:

- The prevention, detection, investigation and prosecution of offences.
- Research, development, testing and use of, new systems and procedures relating to compliance with member agency legislation.
- Research into the efficacy of regulatory regimes.
- Training and personnel exchange to advance the understanding of techniques in use and for the support of specific compliance and enforcement operations.
- Supporting participation in relevant monitoring, audit, compliance, enforcement, and legal forums.
- The development of policy and procedural guidelines.
- The design, development and implementation of environmental and natural resource regulatory systems.
- Circumstances that may result in the commission of an offence against the relevant laws of the other party.
- Types of compliance and enforcement actions which might be useful to suppress offences against the relevant laws of other member agencies and, in particular, special means of combating offences.
- Methods found to have been used in committing offences.
- Observations and findings resulting from the successful application of new compliance and enforcement techniques.
- The movement of persons, objects, things, vessels, containers, vehicles and aircraft between the jurisdictions of member agencies in relation to possible non-compliance with any relevant laws.
- Other relevant intelligence, strategic compliance planning and compliance policies.

Membership of AELERT does not affect the legal rights and responsibilities of member agencies in relation to confidentiality, security and intellectual property, and parties may need to further formalise arrangements in this regard.

## MEMBERSHIP

AELERT has two forms of membership: Full Membership and Affiliate Membership.

Full Membership of AELERT is open to any Government agency in Australasia with environmental regulatory responsibilities.

For the purpose of AELERT membership eligibility, environmental regulatory responsibilities are defined as responsibilities for administering legislation relating to the environment, heritage or natural resource management.

Full Membership incurs the following responsibilities:

- Upon joining AELERT, agencies are to nominate a primary point of contact.
- Within 28 days, agencies are to provide relevant points of contact for the AELERT After-Hours Register.<sup>2</sup>
- Agencies are to engage with their jurisdictional representative to participate in decision making at jurisdictional (Tier 2) level.
- Agencies are to contribute to the relevant jurisdictional report.

Affiliate Membership may be granted at the discretion of the AELERT Steering Committee. Eligible organisations may include:

- Government agencies without environmental regulatory responsibilities, but for whom engagement with AELERT may be mutually beneficial; and
- academic institutions whose engagement may further the objectives of AELERT.

Affiliate members will not be formally represented on the Steering Committee and will have limited access to AELERT resources. Any access to resources will be determined by the Steering Committee.

The AELERT membership application form is at Appendix 1.

Members may withdraw from AELERT at any time.

All members regardless of status or standing are encouraged to participate in specific AELERT activities including sub-committees, conferences, and intra-jurisdictional (Tier 2) AELERT events.

### ***Management Framework***

AELERT's management structure is based on broad representation from relevant jurisdictions and the tiers of government from which membership is drawn.

Within the COAG framework, AELERT is responsive to the Environment Protection and Heritage Council (EPHC) and the Natural Resource Management Ministerial Council (NRMMC). This responsiveness is achieved through:

- annual and as-requested reporting to the EPH Standing Committee (which will also act as a conduit for the NRM Standing Committee);
- specific tasking by the Ministerial Councils or associated Standing Committees on an as required-basis; and
- Financial accountability for activities and results.

### ***Internal Management Structure***

AELERT is to be internally managed by the AELERT Steering Committee, supported by a full-time secretariat. The Steering Committee is to meet face-to-face not less than two times per year, and is to comprise the following positions (drawn from full members of AELERT):

<sup>2</sup> Established to facilitate inter-agency operational effectiveness.

- Executive office holders (Chair, Vice Chair, Secretary, Treasurer) appointed by the AELERT Steering Committee for nominated periods;
- Jurisdictional representatives (endorsed by respective jurisdictions' EPH Standing Committee members);
- Chairs of subject matter specific AELERT sub-committees; and
- An entity to represent the collective interests of Local Government Authorities (LGA).

### ***Decision Making***

Steering Committee decisions are generally to be consensus-based. Where a vote is necessary to determine a decision outcome, this is to be achieved via the following voting model:

- Each jurisdiction and the body acting on behalf of LGA will have one vote.
- Executive office holders from jurisdictions which have also provided designated jurisdictional representatives will not vote; the exception being that the Steering Committee Chair will have a casting vote in the event of an evenly divided ballot.
- Sub-Committee Chairs and other meeting attendees who are not designated jurisdictional representatives will not have voting rights.

Where a resolution or vote becomes necessary, a quorum must be present. The quorum shall consist of 50% of the total number of Steering Committee members eligible to vote, plus one additional voting member.

### ***Executive Office Holders***

Executive office holders are to include a Chair, Vice Chair, Secretary and Treasurer. Additional positions may be designated as office holders at the discretion of the AELERT Steering Committee.

Executive office holders are to be drawn from among AELERT full member agencies.

Agencies nominating a member to fill an executive office holder position are to be cognisant of the workload inherent in the relevant position, including the expectation that office holders will provide in-kind strategic and higher-level management support to the Secretariat, and will attend AELERT meetings as they are scheduled (refer to role statements in Appendix 2).

## **AELERT SECRETARIAT**

The Secretariat provides administrative and co-ordination support to AELERT's activities. This is mainly provided through the Secretariat project officer, whose role and functions are listed in Appendix 2.

The Secretariat is to be housed within a nominated member agency ('the managing agency'). The managing agency is to:

- provide staff at the appropriate level commensurate with the funding for the AELERT Secretariat / Project Officer position/s;
- provide facilities for the Secretariat at no cost to AELERT; and

- fill the executive office holder role of AELERT Secretary to ensure the Secretary and the Project Officer are co-located, unless alternative arrangements are approved by the AELERT Steering Committee.

The Secretariat will be administratively managed by the managing agency, but will be operationally responsive and answerable to the AELERT Steering Committee through the AELERT Secretary.

## **FINANCIAL MANAGEMENT**

### ***Enabling Funding***

The AELERT Secretariat shall be funded by contributions from across the COAG constituency in accordance with an equitable funding model approved by the overseeing Ministerial Council or its associated Standing Committee.

### ***Funding of Specific Activities***

Specific activities such as the AELERT Annual Conference are to be funded by self-generated income (including profits, surplus funds held, and corporate and/or agency sponsorship). By agreement, this may be supplemented by (levy-like) contributions from member agencies.

Profits or excess funds appropriated by AELERT may be used for any AELERT activities provided:

- they are for a proper purpose commensurate with AELERT's mission and objectives;
- expenditure is approved by the AELERT Steering Committee; and
- expenditure is consistent with relevant financial management legislation, regulations, delegations and guidelines.

### ***Housing and Dispersement of Funds***

The managing agency shall constitute an entity able to receive and manage funds for the purpose of day-to-day expenditure on AELERT's behalf.

The dispersement of funds on specific projects and activities must receive prior authorisation by the AELERT Steering Committee. Such authorisation shall be in the form of a resolution approving in-principle or actual expenditure up to a specified amount.

Notwithstanding the above requirement, the AELERT Steering Committee may pass a resolution giving an executive office bearer a nominal financial delegation in order to facilitate the efficient day-to-day administration of AELERT.

## **AELERT CHARTER**

The AELERT Charter may be amended from time to time in response to changes in AELERT's operating environment or governance requirements. Amendments are to be approved via a resolution of the AELERT Standing Committee.

Each amendment or set of concurrent amendments result in a new version of the Charter, a draft of which is to be circulated to AELERT members for comment prior to its adoption. Existing members will be taken to have endorsed the proposed new version of the Charter and agreed to continue as members unless they indicate to the contrary.

**APPENDICES**

1. AELERT Membership Application Form
2. AELERT Role Statements

**Australasian Environmental Law Enforcement &  
Regulators Network (AELERT)**

**MEMBERSHIP APPLICATION**

Applicant Organisation: .....  
*(insert agency or organisation name)*

The organisation named above applies to become a

- Full Member  
*(tick as appropriate)*
- Affiliate Member

of the **Australasian Environmental Law Enforcement & Regulators Network (AELERT)**

The organisation applies for membership on the grounds contained in the attached statement.<sup>1</sup>

The organisation commits to the terms of the AELERT Charter.

The organisation's primary point of contact for AELERT matters is

.....  
.....  
*(insert name, appointment title, email address and telephone number)*

Signed on behalf of the organisation by )  
..... )  
*(insert name, appointment title)* )  
..... )  
*(insert organisation name)* ) .....  
this .....day of .....20..... )  
in the presence of: )  
..... )

Witness: .....  
*(print name)* .....  
*(signature)*

<sup>1</sup> Attach a short statement justifying membership on the grounds of agency responsibilities (if seeking Full Membership), or general grounds / benefit to AELERT (for Affiliate Membership).

## Australasian Environmental Law Enforcement & Regulators Network (AELERT)

### ROLE STATEMENTS

The roles and functions of AELERT Key Appointments are as described below. Agencies whose members fill these appointments agree to incur the associated workload and costs inherent in these positions.

#### 1. Executive Office Holders

Appointment	Role and Functions
Chair	<p><b>Role:</b> To lead AELERT</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• Leadership and oversight of the AELERT body and the AELERT Steering Committee</li> <li>• Representation of AELERT at functions, forums and events at which AELERT is invited/represented</li> <li>• Strategic engagement of partner entities and agencies</li> <li>• Attendance at Steering Committee meetings and other key events as they are scheduled</li> <li>• Provide a casting vote in the event of a tied Steering Committee vote</li> <li>• Advocacy on behalf of AELERT</li> </ul>
Vice-Chair	<p><b>Role:</b> To understudy and assist the Chair</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• Assist with the leadership and oversight of the AELERT body and the AELERT Steering Committee</li> <li>• Assist other executive office holders with strategic and management functions as required</li> <li>• Attendance at Steering Committee meetings and other key events as they are scheduled</li> <li>• Advocacy on behalf of AELERT</li> </ul>

**Executive Office Holders (Continued)**

<b>Appointment</b>	<b>Role and Functions</b>
Treasurer	<p><b>Role:</b> To assist in the financial management of AELERT</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• To provide oversight of AELERT financial management on behalf of the Steering Committee</li> <li>• Assisting other executive office holders with strategic and management functions as required</li> <li>• Attendance at Steering Committee meetings and other key events as they are scheduled</li> <li>• To provide financial reports to the Steering Committee as requested.</li> <li>• Advocacy on behalf of AELERT</li> </ul>
Secretary	<p><b>Role:</b> To ensure AELERT receives the necessary enabling support to facilitate its activities</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• The actioning and preparation of correspondence on behalf of the AELERT Steering Committee</li> <li>• Overseeing the secretariat project officer to ensure AELERT receives the necessary enabling support</li> <li>• Assisting other office holders with strategic and management functions as required</li> <li>• Attendance at Steering Committee meetings and other key events as they are scheduled</li> <li>• Representation of AELERT at functions, forums and events at which AELERT is invited/represented</li> <li>• Advocacy on behalf of AELERT</li> </ul>

**2. Other Office Holders**

<p>Jurisdictional Representatives</p>	<p><b>Role:</b> To represent the interests of their respective jurisdictions via the AELERT Steering Committee</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• Liaison with member agencies within the home jurisdiction so as to be able to represent the holistic interests and perspectives of that jurisdiction.</li> <li>• Preparation of periodic jurisdiction reports to the AELERT Steering Committee</li> <li>• Coordination of AELERT Tier 2 (intra-jurisdiction) activities</li> <li>• Attendance at Steering Committee meetings and other key events as they are scheduled</li> <li>• Representation of AELERT at functions, forums and events at which AELERT is invited/represented</li> <li>• Advocacy on behalf of AELERT</li> </ul>
<p>Sub-Committee Chairs</p>	<p><b>Role:</b> To lead the relevant subject matter specific sub-committees and act as conduit between the sub-committees and the AELERT Steering Committee</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• Coordination of sub-committee activities</li> <li>• Take ownership of, and responsibility for, progressing sub-committee projects and the delivery of related outcomes</li> <li>• Attendance at sub-committee meetings as they are scheduled</li> <li>• Preparation of periodic sub-committee reports to the AELERT Steering Committee</li> <li>• Liaison with sub-committee members to ensure progress of projects</li> <li>• Attendance at Steering Committee meetings and other key events as they are scheduled</li> <li>• Advocacy on behalf of AELERT</li> </ul>

### 3. Secretariat Support

Appointment	Role and Functions
Secretariat Project Officer	<p><b>Role:</b> To provide Secretariat support to facilitate the AELERT operations</p> <p><b>Functions:</b></p> <ul style="list-style-type: none"> <li>• Central and primary contact point for AELERT Secretariat.</li> <li>• Receiving/sending correspondence external to the AELERT Network as directed by executive office holders.</li> <li>• Development and maintenance of AELERT website</li> <li>• Coordination of and attendance at meetings, and facilitating teleconferences and other key events as they are scheduled</li> <li>• Recording and promulgation of meeting outcomes and results of other AELERT activities</li> <li>• Registration of new members</li> <li>• Liaison/correspondence with members and potential members</li> <li>• Provision of written report to Steering Committee meetings</li> <li>• The drafting and compilation of reports to the overseeing Ministerial Council or its associated Standing Committee as directed</li> <li>• Research and drafting papers as directed (through the AELERT Secretary)</li> <li>• Representing AELERT in discussions with other organisations</li> <li>• Collation of nominations for training courses</li> <li>• Assist with co-ordination of AELERT activities, including (but not limited to): <ul style="list-style-type: none"> <li>– the AELERT Annual Conference</li> <li>– AELERT sub-committees</li> <li>– training courses</li> </ul> </li> <li>• Act as conduit to other organisations as directed</li> <li>• Advocacy on behalf of AELERT</li> <li>• Other tasks as directed by AELERT executive office holders</li> </ul>