



AELERT

Australasian Environmental Law Enforcement and Regulators Conference

(Incorporating the 18th Australasian
Wildlife Law Enforcement Conference)

26–28 October 2005

Royal on the Park, Brisbane, Australia

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General information

Registration desk location and hours

The Registration Desk will be open as follows outside the Pavilion Room:

Wednesday 26 October	1600–1900
Thursday 27 October	0800–1700
Friday 28 October	0800–1700

Conference Dinner, Thursday

on board the Kookaburra Queen – Thursday 1900 for 1930 departure

The Kookaburra Queen departs from the Eagle Street Pier on Eagle Street – an easy 10-minute walk from the Royal on the Park. You may board the Kookaburra Queen from 1830 onwards and the vessel will depart at 1930 sharp. Entry to the dinner will be by ticket only. Please be aware that while the Conference Dinner is included in the registration fee, drinks will need to be purchased by delegates. A cash bar will operate throughout the cruise.

Useful telephone numbers

Royal on the Park	07 3221 3411
Taxis	131 008
Qantas	131 3 13
Virgin Blue	136 7 89

Name badges

Your name badge is your entry to all Conference sessions. Please wear it at all times. Entry to the Conference Dinner is by ticket only.

Speakers

If you have not already provided a copy of your presentation deliver your presentation to the Registration Desk. It will then be handed to the audiovisual technician, who will pre-load the presentation prior to the start of the session. All presenters should report 20 minutes prior to the start of their session to meet with the Session Chair and to check their presentation.

Special requirements

Every effort has been made to ensure that people with special needs are catered for. If you have not already done so, please advise the Registration Desk regarding any special dietary requirements (eg vegetarian, vegan, coeliac, diabetic). Vegetarian options will be provided at lunches and at the dinner.

Transport to the airport

If you wish to share taxis to the airport at the conclusion of the Conference, please see the Registration Desk.



Sponsors

Sponsors and organisers



Australian Government Department of the Environment and Heritage (DEH)
www.deh.gov.au



Qld Department of Natural Resources and Mines (NR&M)
www.nrm.qld.gov.au



NSW Department of Environment and Conservation (DEC)
www.dec.nsw.gov.au



Education Design Systems
www.educationdesignsystems.com.au



NSW Department of Natural Resources (DNR)
www.dnr.nsw.gov.au



Vic Department of Sustainability and Environment (DSE)
www.dse.vic.gov.au



Gold Coast City Council
www.goldcoast.qld.gov.au



Dedicated to a better Brisbane

Brisbane City Council
www.brisbane.qld.gov.au



Department of Conservation and Land Management (CALM)
www.calm.wa.gov.au



Program at a glance

Thursday 27 October

0845–1035	Session 1	Avro/Bristol
1035–1050	Morning tea	Southern Cross Pavilion
1050–1230	Session 2	Avro/Bristol
1230–1330	Lunch	Southern Cross Pavilion
1330–1535	Session 3	
1330–1400	Water Native Vegetation Pollution Wildlife Cultural Heritage Regulatory Practice	Catalina Di Havilland Avro Bristol Boardroom Terrace
1400–1405	Changeover	
1405–1435	Water Native Vegetation Pollution Wildlife Cultural Heritage Regulatory Practice	Catalina Di Havilland Avro Bristol Boardroom Terrace
1435–1440	Changeover	
1440–1510	Water Native Vegetation Pollution Wildlife Cultural Heritage Regulatory Practice	Catalina Di Havilland Avro Bristol Boardroom Terrace
1510–1535	Afternoon tea	Southern Cross Pavilion
1535–1700	Session 4	
1535–1605	Regulatory Practice 2 Native Vegetation Pollution Wildlife Regulatory Practice 1	Catalina Di Havilland Avro Bristol Terrace
1605–1610	Changeover	
1610–1700	Regulatory Practice 2 Native Vegetation Pollution Wildlife Regulatory Practice 1	Catalina Di Havilland Avro Bristol Terrace

Friday 28 October

0900–1030	Session 5	Avro/Bristol
1030–1100	Morning tea	Southern Cross Pavilion
1100–1225	Session 6	
1100–1140	Regulatory Practice 2 Regulatory Practice 1 Wildlife	Catalina Di Havilland Bristol
1140–1145	Changeover	
1145–1225	Regulatory Practice 2 Regulatory Practice 1 Wildlife	Catalina Di Havilland Bristol
1225–1325	Lunch	Southern Cross Pavilion
1325–1430	Session 7	Avro/Bristol
1430–1450	Afternoon tea	Southern Cross Pavilion
1450–1600	Session 8	Avro/Bristol



Program

Day 1, Thursday 27 October 2005

8.00 am	Registration opens	
8.45 am	SESSION 1	Avro/Bristol rooms
	Seating and administrative messages	
9.00 am	Welcome and Official Opening by host agency	
	– Brian Coulter , Deputy Director-General, Department of Natural Resources and Mines, Qld	
9.20 am	International speaker <i>Environmental crime: an international perspective</i>	
	– Andrew Lauterback , Chair, Interpol Environmental Crimes Committee (Pollution and Wildlife portfolios)	
10.00 am	International speaker <i>Environmental regulation: the UK perspective</i>	
	– Anne Brosnan , Principal Lawyer, United Kingdom Environment Agency, UK	
10.35 am	MORNING TEA	Southern Cross Pavilion
10.50 am	SESSION 2	
	International speaker <i>Wildlife smuggling trends in the US</i>	
	– Sam Jojola , Senior Investigator, US Fish and Wildlife Service, USA	
11.30 am	Guest speaker <i>The value and activities of international networks</i>	
	– Donna Campbell , Department of Environment and Conservation (NSW), Maria Comino , Department of Planning (NSW)	
12.05 pm	<i>AELERT working together across jurisdictions – an overview of the 2005 activities of AELERT</i>	
	– Mark Flanigan , Assistant Secretary, Policy and Compliance Branch, Australian Government Department of the Environment and Heritage, and Chair of the AELERT National Committee	
12.30 pm	LUNCH	Southern Cross Pavilion

This program was correct at the time of printing. The program is subject to change.



Day 1, Thursday 27 October 2005 (cont)

1.30 pm

SESSION 3 – BREAKOUT SESSIONS

Water

Catalina Room

Coordinator: Peter Gustafson, DNR (NSW)

1.30 pm *Effective metering and associated non-compliance*
Nigel Jeffares, Principal Project Officer, NR&M (Qld)

2.00 pm Breakout changeover

2.05 pm *Management of groundwater resources in the mid-Murrumbidgee section of the Murray/Murrumbidgee Region of NSW, between April 1999 and September 2005*
Rod Sewell, DNR (NSW)

2.35 pm Breakout changeover

2.40 pm *Enforcing compliance with nutrient leaching regulations – a new horizon in environmental enforcement*
Rob Dragten, Program Manager, Environment Waikato, NZ

Native Vegetation

Di Havilland Room

Coordinator: Brett Easton, DNRETA (NT)

1.30 pm *Investigation methodologies for large-scale illegal vegetation clearing*
Robert Lowe, Senior Investigator, NR&M (Qld)

2.00 pm Breakout changeover

2.05 pm *Ecology and compliance: the remediation link*
Susan Pucci, Senior Natural Resource Officer, and
Tom Celebrezze, Senior Natural Resource Officer, DNR (NSW)

2.35 pm Breakout changeover

2.40 pm *Spatial analysis pitfalls – how to avoid them*
Bruce Goulevitch, Principal Scientist NR&M (Qld)

Pollution

Avro Room

Coordinator: Peter Jackson, EPA (Vic)

1.30 pm *Unlawful placement of fill material into a watercourse*
Greg Bullen, Regional Investigator, NR&M (Qld)

2.00 pm Breakout changeover

2.05 pm *Spill of diesel oil to waterway*
Stephen Barry and **Tim Griffin**, Senior Investigators, EPA (SA)

2.35 pm Breakout changeover

2.40 pm *Prosecution of Mobil Oil by Brisbane City Council*
David Carlisle and **Leanne O'Brien**, Brisbane City Council (Qld)



Day 1, Thursday 27 October 2005 (cont)

Wildlife Bristol Room
Coordinator: Ben Parker, DEH (Commonwealth)

- 1.30 pm *Application of DNA technologies to issues in wildlife enforcement*
Janette Norman, Museum of Victoria
- 2.00 pm Breakout changeover
- 2.05 pm *Best practice investigation of marine mammal encroachments – regulating whale watching*
Scott Beaumont, Investigator, DEC (NSW)
- 2.35 pm Breakout changeover
- 2.40 pm *Threatened species enforcement reform in NSW*
Luke Bond, Compliance Officer - Threatened Species, DEC (NSW)

Cultural Heritage Boardroom
Coordinator: Russell Harrison, DEC (NSW)

- 1.30 pm *Environmental issues affecting NSW Aboriginal communities – a scoping report*
Brad Moggridge, DEC (NSW)
- 2.00 pm Breakout changeover
- 2.05 pm *The use of covenants to achieve compliance in cultural heritage matters*
William Zormann, DSE (VIC)
- 2.35 pm Breakout changeover
- 2.40 pm *The approach to Aboriginal cultural heritage investigations in NSW – including case studies*
Russell Harrison, Chief Investigator and **Rebecca Edwards-Booth**, Archaeologist DEC (NSW)

Regulatory Practice 1 Terrace Room
Coordinator: Greg Sullivan, NR&M (QLD)

- 1.30 pm *Making the most of the tools available*
Paul Woodward, General Manager, Compliance, Operational Review and Special Projects, NR&M (Qld)
- 2.00 pm Breakout changeover
- 2.05 pm *The implications of privacy legislation for sharing of criminal intelligence between law enforcement agencies*
Rodney Warren, Manager Compliance Support Group, DSE (Vic)
- 2.35 pm Breakout changeover
- 2.40 pm *Prioritisation systems – sorting the wheat from the chaff*
Garry Wills, Manager, Investigations Management Unit, DNR (NSW), and **Greg Sullivan**, Manager, Compliance Coordination Unit, NR&M (Qld)

Day 1, Thursday 27 October 2005 (cont)

3.10 pm	AFTERNOON TEA	Southern Cross Pavilion
3.35 pm	SESSION 4 – BREAKOUT SESSIONS	
	Native Vegetation	Terrace Room
	Coordinator: Brett Easton, DNRETA (NT)	
3.35 pm	<i>Net community benefits of seismic line remediation – a case study</i> Rob Langley , DPI&R (SA)	
4.05 pm	Breakout changeover	
4.10 pm	<i>Legal principles for sentencing tree clearing offences</i> Chris McGrath , Barrister at Law	
	Pollution	Terrace Room
	Coordinator: Peter Jackson, EPA (Vic)	
3.35 pm	<i>Vilo-Tollman discharge of biodiesel</i> James Braithwaite , Investigator, Regional Services, Metro Region, EPA (Vic)	
4.05 pm	Breakout changeover	
4.10 pm	<i>Enforcing ship-sourced pollution legislation in Australia</i> Annaliese Caston , Senior Adviser, Policy and Enforcement, Australian Maritime Safety Authority (AMSA)	
	Wildlife	Terrace Room
	Coordinator: Ben Parker, DEH (Commonwealth)	
3.35 pm	<i>ARAZPA's zoo and aquarium accreditation program</i> Trevor Long , President, Australasian Regional Association of Zoological Parks and Aquaria, and Director of Life Sciences, Sea World, Qld	
4.05 pm	Breakout changeover	
4.10 pm	<i>Case studies of three exotic fauna seizures</i> David Wilkinson and Warren Raddatz , NRM (Qld) and Richard McEvilly , Investigator, DEC (NSW)	
	Regulatory Practice 1	Terrace Room
	Coordinator: Greg Sullivan, NRE&M (Qld)	
3.35 pm	<i>ALARM system and Compliance Toolbox</i> David Carlisle , Brisbane City Council, and David Bellman , Environmental Health Officer, Gold Coast City Council	
4.05 pm	Breakout changeover	
4.10 pm	<i>Best practice interview techniques</i> Gordon Elliott , Barrister a Law	



Day 1, Thursday 27 October 2005 (cont)

Regulatory Practice 2

Terrace Room

Coordinator: John Cohen, Gold Coast City Council

3.35 pm *Environment regulation – the local government perspective*

Alison Bray, Pine Rivers Shire Council and
Kel Irwin, Gold Coast City Council

4.05 pm Breakout changeover

4.10 pm *The moral architecture of environmental regulation*

Robyn Bartel, University of New England

Are we overburdening regulation?

Paul Martin, Aglaw Centre, University of New England

1900 for
1930
departure

CONFERENCE DINNER

Kookaburra Queen



Day 2, Friday 28 October 2005

8.00 am	Registration opens	
9.00am	SESSION 5 – INDUSTRY SESSION Chair: Paul Woodward, NR&M (Qld)	Avro/Bristol Rooms
	<i>The view from industry – getting the balance right</i> <ul style="list-style-type: none">– Peter Kenny, President of Queensland AgForce– John Cherry, Chief Executive Officer, Queensland Farming Federation– Peter Cone, Cotton Australia	
10.30 am	MORNING TEA	Southern Cross Pavilion
11.00 am	SESSION 6 – BREAKOUT SESSION	
	Wildlife Coordinator: Ben Parker, DEH (Commonwealth)	Bristol Room
11.00 am	<i>Wildlife interceptions by Australian Customs</i> Heather Newell , Customs Investigator, Australian Customs Service	
11.40 am	Breakout changeover	
11.45 am	<i>Bear detection kits: a new tool to control illegal trade</i> Heather Potter , Campaign and PR Manager (Aust & NZ) World Society for the Protection of Animals	
	Regulatory Practice 1 Coordinator: Greg Sullivan, NR&M (Qld)	Di Havilland Room
11.00 am	<i>The impacts of decisions to investigate and prosecute in relation to environmental offences</i> Lestar Manning , Partner, P&E Law	
11.40 am	Breakout changeover	
11.45 am	<i>Training – a common standard for environmental investigators</i> Grant Pink , Assistant Director, Environment Investigation Unit, DEH (Cwth) – including panel session	
	Regulatory Practice 2 Coordinator: Russell Harrison, DEC (NSW)	Catalina Room
11.00 am	<i>Use of computer forensics in environmental investigations</i> Peter Chapman , Associate Director, Forensics Technology Services, PricewaterhouseCoopers and Jason Bentley , Investigator, DEC (NSW)	
11.40 am	Breakout changeover	
11.45 am	<i>The role of the AFP in responding to environmental crime</i> Barry Turner , Manager Brisbane Office, David Craig , Coordinator, Operations Monitoring Centre and Surveillance Teams and Kay Clifton , Australian Federal Police	



Day 2, Friday 28 October 2005 (cont)

12.25 pm	LUNCH	Southern Cross Pavilion
1.25 pm	SESSION 7 Coordinator: Paul Woodward, NR&M (Qld)	
	Keynote Speaker <i>Regulation to protect native vegetation: is it worth the cost?</i> – Paul Toni , WWF	
1.55 pm	Keynote Speaker <i>Sentencing principles and evidentiary issues</i> – His Honour Judge Marshall Irwin , Chief Magistrate (Qld)	
2.30 pm	AFTERNOON TEA	Southern Cross Pavilion
2.50 pm	SESSION 8	
	<i>Australia: over regulated and under enforced</i> – Peter Wells , General Manager Compliance DNR (NSW)	
3.30 pm	<i>Closing Address and the year ahead</i> – Donna Campbell , DEC (NSW)	



Biographies

Stephen Barry

Steve is a Senior Investigator with the SA EPA and has worked in government investigation positions for the past 16 years. He joined the EPA Investigations Unit in 1999 and has worked on a number of significant investigations, including the Mobil Oil Spill, Southcorp Wines, BRL Hardy and Trans Adelaide. In October 2002 he attended the US EPA Advanced Environmental Crimes Training Program at the Federal Law Enforcement Training Centre in the United States. Steve has a Bachelor of Arts majoring in Criminal Justice from Flinders University and is currently undertaking a Masters in Environmental Law at the ANU.

Robyn Bartel

Dr Robyn Bartel is from the School of Human and Environmental Studies at the University of New England. Robyn has a BSc(Hons)/LLB from the Australian National University and a PhD from the University of Melbourne. Robyn was a co-convenor of the inaugural AELERT Conference held last year in Melbourne and is a founding member of AELERT. Her fields of expertise are in environmental law and policy, regulatory theory, the human-landscape relationship, environmental change, effective rural governance and social, institutional and behavioural change. Her research concentrates on investigating the implementation of environmental regulation, to raise efficacy and establish best practice.

Scott Beaumont

Scott Beaumont is an investigator with the NSW DEC, and formerly an investigator with the NSW National Parks and Wildlife Service. He has been in this position since 2000, and since 2001 has been based on the far north coast of NSW. Scott is responsible for investigating offences contravening the National Parks and Wildlife Act, Threatened Species Conservation Act, and Protection of the Environment Operations Act. Prior to commencing environmental investigations, he was in the NSW Police as a Detective for 10 years working at the Major Crime Squad, Homicide Unit and divisional detectives offices around Sydney. Scott has a Bachelor of Policing (Investigations) through the Charles Sturt University.

David Bellman

David Bellman is currently the Environmental Health Officer, Health Regulatory and Lifeguard Services, Gold Coast City Council. He has been an Environmental Health Officer with GCCC for 10 years

Jason Bentley

Jason Bentley has been an investigator with the Specialist Investigations Unit, NSW Department of Environment and Conservation since its merger with the former NSW National Parks and Wildlife Service (NPWS) in September 2003. He is currently involved in the investigation of threatened species, cultural heritage, waste and other environmental offences. Prior to September 2003, Jason was an investigator with the NPWS where he was involved in the investigation of threatened species, wildlife and cultural heritage offences. Before joining the NPWS he was a member of the NSW Police for a period of 12 years. During this time he performed general and criminal investigation duties at several Local Area Commands, the Major Crime Squad South Region and Crime Agencies. Jason has completed a Diploma of Policing and has almost completed a Bachelor of Science majoring in marine science and management.

Luke Bond

Luke Bond is a Compliance Officer with the NSW Department of Environment and Conservation and has worked for 15 years in the field of environmental law enforcement for the Commonwealth, Victorian, Tasmanian and Canadian governments. Luke's primary role with the NSW DEC is to undertake threatened species investigations in the south-east of the state. However, as the only officer solely dedicated to threatened species compliance, his work also involves the review and drafting of amendments, development of procedures and participation in the state threatened species reform working group, which has identified methods that the Department will implement to improve the effectiveness of threatened species regulation.

James Braithwaite

James Braithwaite has a degree in Chemical Engineering from the University of Melbourne. For 11 years he worked in the chemical manufacturing industry. Since then he has spent 13 years at EPA Victoria. For the last 9 years he has specialised in law enforcement activities. He is an Informant for EPA and a keen bike rider.

Alison Bray

Alison graduated from Queensland Institute of Technology in 1982 and worked as a Health Inspector with Queensland Health for 2 years. Since then she has worked for Pine Rivers Shire Council in a range of environmental health roles and moved into an environmental health management position in 1995. Alison is currently the Manager – Community Response. Alison has recently completed a three-month



secondment as Acting Manager of Library Services and prior to that she completed a six-month secondment as Acting Manager of Customer Service and Marketing within Pine Rivers Shire Council. Over the years Alison has actively provided representation for the Local Government Association of Queensland on a number of working parties. Prior to the disbandment of the South East Queensland Regional Organisation of Council's she actively participated in the Environmental Health Networking Group. Alison is currently the President of the Queensland Branch of the Australian Institute of Environmental Health. From 2000 to 2005 she held the position of Vice President of the Queensland Cemetery and Crematoria Association. On the home front, Alison is married and has two teenage children.

Anne Brosnan

Anne is a solicitor with the Environment Agency in the UK and is on secondment to the DEC for a period of twelve months. She has been with the Environment Agency since its inception in 1996 and was before that with the UK's National Rivers Authority. She is the Principal Prosecuting Lawyer in the Agency's Anglian Region, which is a hands-on prosecution role. Additionally she deputises for the Agency's Chief Prosecutor in which capacity she has been involved in more strategic regulatory work such as appearing before a House of Commons Select Committee and attempting to raise the profile of environmental crime on the political agenda.

Anne will speak about the Environment Agency's Regulatory and Enforcement activities and will unveil some new developments for regulatory activity generally in the UK.

Greg Bullen

Greg Bullen is employed by the Queensland Department of Natural Resources and Mines as a Regional Investigator in the South Eastern Region. Prior to becoming an environmental investigator Greg has worked as an investigator with the Health Insurance Commission and then the Crime and Misconduct Commission. Greg has also served as a uniform and plain clothes police officer with the Queensland Police Service.

Donna Campbell

Donna Campbell has held the position of Executive Director, Legal Services in the Department of Environment and Conservation in New South Wales since it was created in September 2003. The new Department brought together the National Parks and Wildlife Service, the Environment Protection Authority, Resource NSW and the Botanic Gardens. Before the merger, Donna managed the Legal Branch of the NSW EPA from its creation in the early 1990s.

Throughout her legal career, which now spans more than 30 years, Donna has specialised in the fields of legislative

drafting, law reform and environmental law. She has drafted legislation in the Office of the Parliamentary Counsel in both Victoria and NSW. She has also worked for the Law Reform Commission of NSW and as manager of the legal branch of the NSW Department of Planning.

In her current position, Donna has a staff of some 30 environmental lawyers and seven specialist investigators. The Legal Branch provides services to the Minister and the Department in its capacities as a regulator and land manager. These services include legal advice, the review, development and implementation of legislation and the conduct of litigation, both criminal and civil.

The Branch also provides specialist investigation services to enable the Department to investigate and prosecute environmental offences effectively and efficiently. A key function of the Branch is to provide in-house training for all the Department's staff in legal matters and investigations.

Donna has a law degree from the University of Queensland and a diploma in legislative drafting from the Commonwealth Legislative Drafting Institute.

David Carlisle

David Carlisle is the Project Manager for ALARMS and Toolbox Implementation, Brisbane City Council. Prior to this, David was an Environmental Health Officer with GCCC for 1 year and BCC for 9 years.

Annaliese Caston

Annaliese Caston has worked in ship-sourced marine pollution related matters since 1987, with the then Commonwealth Department of Transport and the Australian Maritime Safety Authority (AMSA) since its establishment in 1991. She has two major roles: managing the investigation and prosecution of ship pollution incidents for the Commonwealth jurisdiction in Australian waters; and developing and implementing Australian government policy for ship-sourced marine pollution.

Annaliese has extensive experience in administering and interpreting the International Convention for the Prevention of Pollution from Ships (MARPOL73/78) as well as other pollution/compensation related conventions and their application in Australian legislation. She is closely involved in the work of the Marine Environment Protection Committee of the International Maritime Organization (London). She has also made a significant contribution to Australian marine pollution education through the development and production of a range of materials relating to ship-sourced pollution. Annaliese is also a member of the Interpol Environmental Crimes Committee.

Formal qualifications include a Master of Environmental Law (Australian National University), Certificate IV in

Fraud Control Investigations (Australian Federal Police) and Bachelor of Arts in Information Studies (University of Canberra).

Tom Celebrezze

Tom Celebrezze is a Senior Natural Resource Officer with the NSW Department of Natural Resources, where he assists in development of operational procedures, investigations and briefs of evidence for water and legislation breaches, and is developing an investigation function for the now-Department of Planning. He has also been working with Catchment Management Authorities to improve the enforceability terms of agreement for property vegetation plans. He holds a PhD in Ecology from University of Wollongong and a Masters of Science in Land Resource Management from University of Wisconsin, Madison. He has previously worked in natural resource management in Wisconsin, California and South Australia.

Peter Chapman

Peter is an Associate Director in the firm PricewaterhouseCoopers' Investigations and Forensic Services group, based in Sydney. He leads the Sydney Computer Forensics team, investigating computer-related crime and incidents as well as assisting with electronic discovery matters. This work involves the acquisition and analysis of electronic evidence on computers, networks and any other electronic media.

Prior to joining PricewaterhouseCoopers in 2002 he served for 7 years with the New South Wales Police Service. Peter spent three of these years attached to the High Tech Crime Unit as a Computer Forensic specialist. During this time he undertook the investigation of electronic evidence in major state crime matters. The skills he acquired while working in this department provided a solid base for his work in the corporate sector.

John Cherry

John Cherry commenced as the Executive Director of the Queensland Farmers Federation in July 2005. The Federation is the peak rural lobby group in Queensland, with 14 commodity groups as members covering the sugar, horticulture, cotton, dairy, chicken meat, pork and prawn farming sectors. Mr Cherry served as a Senator for Queensland (2001 to 2005), and previously worked as an economic policy adviser, industrial relations advocate and rural journalist.

Kay Clifton

Kay joined the AFP in 1997 after working as a high school teacher for six years. With the AFP she initially worked as a uniform member of ACT Policing and then as a Detective for 5 years. Kay then transferred to the Protective Security Intelligence stream of AFP National Operations.

Kay commenced with DEH in March 2005 where she is responsible for assisting DEH in developing and delivering training packages; assisting with investigations; liaison between the AFP and DEH; assistance with referrals to the AFP; establishing exhibit handling procedures and protocols; and ensuring DEH have access to AFP facilities such as forensic services and the overseas network.

Robert Dragten

Rob Dragten is the Manager of Complaints and Enforcement at Environment Waikato, a Regional Council responsible for the sustainable management of natural resources in the Waikato Region, New Zealand. Rob has a MSc (Tech) in Soil Science and Hydrology. He has worked for Environment Waikato since 1999.

Rebecca Edwards-Booth

Rebecca Edwards-Booth is an archaeologist employed by the NSW Department of Environment and Conservation. She has a Bachelor of Arts (archaeology) from UNE and a Grad Dip in natural resource management. Rebecca works in the Northern Branch of the DEC's Environment Protection and Regulation Division. Her duties include licensing of all impacts upon Aboriginal sites, investigation of unlicensed impacts upon Aboriginal sites and the consideration of impact assessments prepared in relation to Aboriginal heritage matters. Rebecca has been employed by DEC (then NPWS) since 1994 in her present position.

Gordon Elliott

Gordon Elliot BA, MA, LL.M (Sydney Uni) LL.M (NSW Uni) spent 20 years with the Australian Federal Police, during which he managed the AFP detective program. He was the Associate Professor and Head of the Australian Graduate School of Policing, which was established by the Commonwealth Government for the professionalisation of Australian Police. The School is answerable to the Police Commissioners of Australia and NZ and the University. He has led a team to train the Human Rights investigators for Indonesian Government in 'How to' investigate Gross Violations of Human Rights. The PEACE model was the basis of that training. Gordon is currently a legal practitioner in Sydney.

Mark Flanigan

Mark is the head of the Policy and Compliance Branch, in the Australian Government's Department of the Environment and Heritage, a position he has held since January 2003. Among other things, the Branch is responsible for compliance and enforcement of the Government's key environmental legislation, the *Environment Protection and Biodiversity Act 1999*, as well as setting the policy direction for compliance across the whole department. In the last 2.5 years Mark has dramatically increased the enforcement capabilities of



the department through consolidating auditing, compliance and investigation functions.

Prior to this Mark ran the department's Marine Branch where he was responsible for setting up the Commonwealth's process to assess the environmental impact of fisheries.

Mark began his career as an urban and regional planner with the Western Australian Government before moving to Canberra to work on the Resource Assessment Commission Coastal Zone Inquiry in 1993. Mark was the department's liaison officer to the then Minister for the Environment, Senator Robert Hill, during the period when the EPBC legislation was originally drafted.

Bruce Goulevitch

Bruce Goulevitch is a Principal Vegetation Management Officer (Remote Sensing Team) from the Compliance, Operational Review and Special Projects group, in the Queensland Department of Natural Resources and Mines. Bruce's background is in the fields of satellite remote sensing, geographical sciences, and surveying. He has a Masters Degree in Geographical Information Systems from the University of Queensland, and a Bachelor of Applied Science (Surveying) from Queensland University of Technology. Bruce is also a licensed surveyor.

David Craig

David joined the AFP in January 1991 and is currently the Coordinator of the Operations Monitoring Centre and Surveillance Teams in Brisbane Office. Previous positions include Manager Cairns Office, Coordinator Intelligence and Specialist Teams Adelaide Office, National Coordinator Human Source Management, Station Sergeant UNCIVPOL (UN East Timor), Team Leader Operations, Team Leader Intelligence, Royal Commission into the NSW Police Service, Close Personal Protection, Drug Operations and Fraud and General Crime Branch. David received his Detective designation in 1993.

In his current portfolio David is responsible for leadership and coordination of teams located within the Operations Monitoring Centre and Surveillance, Brisbane Office. A primary facet of his role is the evaluation of referrals to the AFP from external agencies and the public and the prioritisation and allocation of surveillance resources.

Tim Griffin

Tim Griffin has been attached the EPA Investigations Unit in South Australia for approximately 4 years. He is currently seconded to the EPA's Policy Unit working on a number of projects, including the implementation of the civil penalties legislation that passed through State Parliament earlier this year. Prior to working with the EPA Tim served with the South Australia Police Department for 13 years and a short stint in the Attorney-General's Department. Tim has a Bachelor of Social Science (Justice Administration), a Bachelor of

Laws and was admitted to legal practice in South Australia in 2003.

Russell Harrison

Russell Harrison is the Chief Investigator, Specialist Investigation Unit, NSW Department of Environment and Conservation. Russell manages a team of investigators who provide expert investigative support to all operational areas of the DEC. That support includes the investigation of environmental offences, surveillance and training. The SIU investigate a broad range of environmental crime, including pollution incidents, illegal trade in flora and fauna, illegal land clearing, threatened species matters and Aboriginal cultural heritage offences.

Russell has a Bachelor of Social Science degree from the University of Newcastle and has completed all the requirements for a Master of Arts (Investigation Management). He has completed the USA EPA Advanced Environmental Crimes Training Programme and is a member of the INTERPOL Environmental Crimes Working Group. Russell is a founding member of AELERT and sits on the national AELERT committee

Kel Irwin

Kel has had over 20 years' experience as an Environmental Health Officer in local government with time spent at Brisbane City Council and Gold Coast City Council. Kel has worked in a range of operational and policy roles, with his current role as the Coordinator Health Services within the Gold Coast City Council giving him the privilege of supervising a group of 30 field-based EHOs with a compliance focus. Kel is actively involved in the fledgling Queensland AELERT group and sees this network, with a focus on compliance issues, as being a real benefit to his role.

Marshall Irwin

His Honour Judge Marshall Irwin joined Prosecutions Branch, Solicitors-General office as a clerk in 1973. He graduated from the University of Queensland and was admitted as a barrister in 1976. His Honour then worked as a legal officer with the Prosecutions Branch. In 1978 he was appointed a Crown Prosecutor, with periods as Central Crown Prosecutor (Rockhampton), Northern Crown Prosecutor and Deputy Director of Prosecutions (Townsville) until 1987. He then worked as a legal adviser to the National Crime Authority (NCA) in Melbourne before returning to Queensland in 1989 as General Counsel to Criminal Justice Commission until 1994. Judge Irwin then moved into private practice as a barrister in Brisbane. He was then a Member of the NCA from 1998 to 2002. After returning to private practice in 2003, he was appointed as a District Court Judge and Chief Magistrate in September 2003. His Honour is a co-author of Carter's Criminal Law of Queensland.

Sam Jojola

Senior Special Agent Sam Jojola has 22 years of conducting short- and long-term covert operations involving the international trafficking of rare and endangered wildlife, plants, and illegal wildlife products. SSA Jojola has successfully utilised a wide range of covert methods, including business front operations to infiltrate the wide range of illegal wildlife entering the US market. During his career, SSA Jojola has concentrated on targeting key sectors of the illegal wildlife trade that have had the most impact in wild populations of mammals, plants, reptiles, and birds.

Nigel Jeffares

Nigel has over 30 years' experience in the water industry in Victoria and Queensland. He has developed many resource management strategies that have involved ongoing compliance and enforcement activities. Nigel has extensive experience in working with flow meters and his experience has been put to excellent use in developing the Queensland Government's metering policy and implementation process. Nigel has a Bachelor of Arts in Justice Administration.

Peter Kenny

Peter was a Councillor and Secretary of the Cattlemen's Union of Australia Inc. and was a Cattlemen's Union representative on the AgForce Unity Working Group, established to oversee the formation of AgForce Queensland. He is the immediate past President of AgForce Cattle Ltd having served in that position from 2001 to 2004 and has been a member of the AgForce State Council and AgForce State Executive Committee since 1999. Working with Meat and Livestock Australia and the Department of Primary Industries, Peter has chaired the Queensland NLIS Education and Implementation Committee.

Rob Langley

Rob is a senior environmental compliance officer with the Petroleum Group of Primary Industries and Resources South Australia (PIRSA). For the past thirteen years his role has included the regulation of petroleum exploration companies with exploration licences in areas such as the Cooper Basin in the north-east of the state. He has produced a number of publications, which have been used by explorers to improve the environmental sustainability of their explorations. He is an Authorised Officer under the *Petroleum Act 2000* and the *Environmental Protection Act 1993*.

Rob has worked with the South Australian Government for nearly 26 years, previously with the Department of Mines and Energy involved with geophysical surveys including seismic, gravity, magnetics and electrical methods.

Rob's original qualification was as a topographical survey in Australian Army's Survey Corps where he spent nine

years on mapping projects in Papua New Guinea, Arnhem Land, the Kimberley's, Woomera and the north-west of South Australia.

In 1998, Rob was one of the first graduates to attain an Environmental Management Degree from Flinders University. Rob is a Member of the Environmental Institute of Australia and New Zealand (EIANZ).

Andrew Lauterback

Andrew Lauterback is a Senior Criminal Enforcement Attorney for the US Environmental Protection Agency and manages the international activities for EPA's Office of Criminal Enforcement, Forensics and Training. Mr Lauterback is also Chairman of Interpol's Environmental Crimes Committee and its Pollution Crimes Working Group. He is a member of the US Department of Justice Environmental Crimes Policy Group and was a member of the US Sentencing Commission's Environmental Crimes Advisory Group. Mr Lauterback has prosecuted many criminal cases arising under all the major federal US environmental statutes. He has also lectured extensively throughout the United States and abroad.

Trevor Long

Trevor Long is the President of the Australasian Regional Association of Zoological Parks and Aquaria (ARAZPA), the Director of Life Sciences, Sea World, and a long-time advocate of industry-based initiatives to recognise and improve standards in zoos and aquariums.

Robert Lowe

Robert Lowe has been a member of the Queensland NRM State Compliance Unit since its inception in April 2001. His first role with the unit was as the Regional Investigator for the North Region. He then held the position of Remediation Officer where he was responsible for developing orders for the revegetation of areas that had been unlawfully cleared. Rob is currently a Senior Investigator where he undertakes complex investigations as well as mentors and trains new staff. He has recently been the Principal Project Officer responsible for the development and completion of special projects, including the re-development of the department's case management system CIRaM.

Rob's greatest expertise lies in vegetation clearing investigations, as he was formerly a Vegetation Assessment Officer responsible for issuing permits. He has also researched and managed woody weed problems in Queensland. Rob has an academic background as a botanist and environmental scientist. His situation is further complemented by the fact his family were firmly with the Queensland cattle industry.



Lestar Manning

Lestar Manning is a principal of a specialist local government, planning and environmental law firm that he established at Maroochydore on the Sunshine Coast in April 1997. Lestar has a unique practice that operates throughout Queensland. His clients include major developers, conservation groups, other community groups, local governments, individuals and the state government.

Paul Martin

Professor Martin has recently taken up the role of Director of the Australian Centre for Agriculture and Law after a number of years as an entrepreneur in high technology, strategy advising for major corporations, and both research and application experienced in environmental policy. Of recent times he was the Chair of a NSW Catchment Management Board, and has published a number of studies and papers on sustainability strategies, and the role of regulation as part of an overall program for sustainability. Current work includes commissioned studies on the spread of invasives, research on coastal sustainability strategy, and a funded research program on mechanisms for more cost-effective natural resource regulation.

Richard McEvily

Richard McEvily is a investigator with the Department of Environment and Conservation. He has seven years in the Investigations Unit of the National Parks and Wildlife Service, investigating matters relating to illegal land clearing, bushfires, wildlife crime, pollution, and the commercial trade of plants and animals. Prior to this he was a Fisheries Officer for NSW Fisheries for approximately eight years, which included positions in task squads assigned to abalone, rock lobster, and blackmarketing. A lesser amount of this time was spent in positions of Fisheries Manager. Richard holds a Bachelor of Natural Resources, University of New England, and Postgraduate Certificate in Fisheries, Australian Maritime College.

Chris McGrath

Chris McGrath is a practising barrister in Brisbane specialising in environmental law. Prior to practising as a barrister, Chris worked for the Queensland Environmental Protection Agency in compliance and enforcement. Chris holds a LLB(Hons), BSc and LLM (Environmental Law).

Brad Moggridge

Brad Moggridge is the Aboriginal Heritage Coordinator, Environment Protection Regulation Division NSW Department of Environment and Conservation (DEC). He is a descendant of Kamilaroi people north-west NSW, but has grown up in Sydney. Brad is an environmental scientist with further qualifications in hydrogeology and a background in geology. He has eight years' experience

in the environmental field through positions in local and state government and has been an authorised officer under NSW environmental legislation for that time. His roles have included: environmental enforcement and compliance, environmental education, capacity building, community consultation (with considerable involvement with the NSW Aboriginal community), and his current position involves reviewing the way DEC regulates Aboriginal cultural heritage. Brad has a strong environmental ethic and as an Aboriginal person a responsibility to protect country. He believes in the phrase that 'if the country is sick then the people will be sick'. Brad's main professional goal to get more Aboriginal people involved in protecting the environment, as they have so much to offer.

Heather Newell

Heather Newell has been with Customs for 23 years. She has recently moved to Brisbane International Airport as Duty Manager after five years in Investigations. She was in Intelligence before that. During her time in Investigations she was the case officer for a number of cases involving flora and fauna, most recently the ones subject of the presentation.

Janette Norman

Dr Janette Norman is the Senior Curator of Molecular Biology at Museum Victoria where she conducts DNA-based research on the origins, evolution and conservation of the Australian fauna. Her research has included studies of rare, threatened and migratory species such as the Green Sea Turtle, Corroboree Frog, Glossy Black-Cockatoo and Mountain Pygmy Possum. She has been a guest lecturer in Wildlife Forensics at Deakin University (Geelong) and has been instrumental in developing a forensic DNA database for the identification of parrots and cockatoos. She regularly performs DNA-based species identifications for wildlife enforcement agencies in Australia and New Zealand and is currently pursuing the development of DNA-based technologies for individual identification and parentage analysis.

Leanne O'Brien

A solicitor since 1999, Leanne has practised in planning, local government and environmental law. Leanne specialises in town planning law, local government law, environmental law, quasi-criminal prosecutions and public liability. Having completed her articulated clerkship in the personal injuries field, Leanne has a broad level of legal and litigation experience. Leanne has a science degree and has practical experience in the science field, having worked at the Queensland Department of Primary Industries and the Commonwealth Scientific and Industrial Research Organisation.

Grant Pink

Grant is an Assistant Director with the Environment Investigation Unit within the Australian Government's Department of the Environment and Heritage. Grant joined the department some 12 months ago to take up a position as one of the inaugural members of the Environment Investigation Unit (EIU). The EIU is the department's first dedicated investigative unit, having been established to provide quality investigative support within DEH.

In his current role Grant manages the Environment Operations Team (EOT), which is comprised of Senior Investigators with both law enforcement and scientific backgrounds that investigate matters that have the potential to have significant impacts upon matters of national environmental significance. The broad nature of the work requires maximum involvement of other areas within DEH and environmental (state and territory) partner agencies. It is commonplace for the EOT to form 'multidisciplinary teams' to advance investigations.

EIU achievements to date include coordinating the development (customisation) of a national standard and qualification for environmental regulators, together with advances in cross jurisdiction training and achieving closer working relationships with partner agencies.

Prior to commencing with DEH Grant accumulated 4 years' experience in conducting environmental investigations with State environmental agencies and prior to this some 12 years' law enforcement experience, specialising as an intelligence analyst and police prosecutor.

Heather Potter

Heather Potter has worked as a newspaper journalist and university lecturer (journalism and creative writing) in both Australia and the UK, and worked as senior press officer for WWF in England. Heather is currently campaigns manager for WSPA Australia-NZ. Her qualifications are BA Media and Communications and MA Professional Communications.

Susan Pucci

Susan is a Senior Natural Resource Officer with the Investigations Management Unit of the Compliance Branch in the NSW Department of Natural Resources. She has a BSc Honours degree in Zoology and a PhD in ecology. Susan has worked for five years in natural resource compliance. She conducts investigations, prepares compliance guidelines and procedures and assists with training.

Warren Raddatz

Warren Raddatz commenced as an investigator with the Qld Department of Natural Resources and Mines in January 2003 investigating breaches of natural resource management legislation with particular emphasis on

vegetation management issues ie unlawful vegetation clearing across south-east Queensland. As the Department is responsible for natural resource management legislation in Queensland, Warren also conducts investigations into water management and use, state land administration, land protection and Indigenous cultural heritage related offences.

Previous employment includes 17 years as a Forest Ranger with the Queensland Department of Forestry, Queensland Department of Natural Resources, and later with the Queensland Environmental Protection Agency, investigating forest protection and recreation management related offences.

Rod Sewell

Rod has been involved in natural resource management in the NSW Public Service for 15 years including Departments such as the Soil Conservation Service and the Departments of Conservation and Land Management, Land and Water Conservation and Infrastructure, Planning and Natural Resources. Rod's career has included an extensive involvement in dry land salinity mapping and management projects in particular through the use of electromagnetic survey techniques. However in 1999 Rod took a change of direction and became project leader for the metering and monitoring of groundwater extraction in the Mid-Murrumbidgee catchment area of south-western NSW. Rod was responsible for developing and implementing a program to protect the groundwater source from general over extraction and localised impacts caused by high yield works. A change in Department direction lead him to an appointment in the Murrumbidgee Region's Compliance Unit in 2001. Since this time, Rod has been involved in the roll out of the region's compliance strategy for surface and groundwater protection, native vegetation and rivers and foreshore management. Rod's training in incident investigation, report writing and the collection and preparation of evidence have seen him become more involved in water compliance, sponsoring management strategies for targeted water compliance and improved stakeholder education and awareness. Rod has also completed an Advanced Diploma in Land Management (Sydney University) and was one of the first to successfully complete the Compliance Officers Program at the NSW Police Academy. Rod lives in the local community of Wagga Wagga and outside of work and raising two children, loves nothing more than to indulge his passion for motorcycles and full bore rifle shooting.

Greg Sullivan

Greg Sullivan is the Manager of the Compliance Coordination Unit (CCU) within the Department of Natural Resources and Mines (NR&M). The CCU coordinates NR&M's regulatory compliance response across the areas of land, water, vegetation, pest management and cultural heritage. The unit also supports enforcement of Queensland's mineral resources legislation. Greg is the current Secretary of the AELERT



National Committee and has been involved with AELERT from its inception.

Greg has worked as a Principal Investigator with the Environmental Protection Agency (EPA) and served as a police officer with Queensland Police Service for over six years, including a period as a police prosecutor.

Greg holds a Bachelor of Laws and Master of Laws from the Queensland University of Technology and has completed the Bar Practice Course. Greg is currently completing a Masters of Public Administration through Griffith University.

Barry Turner

Federal Agent Barry Turner is the Manager Brisbane Office. Prior to commencing this role he had been the Commander (Policing) Australia-PNG, Enhanced Cooperation Program based in Port Moresby. He holds the rank of Commander. In 2002-03 he had performed the role of General Manager, AFP Northern Operations and the role of Director Operations in Northern. He had also been the Coordinator Americas for the Australian Federal Police in Washington DC for three years with responsibility for coordinating the AFP offices throughout North and South America. Prior to his advancement to Commander in 2002, he had held the rank of Superintendent since 1996.

Federal Agent Turner has over 27 years' experience in law enforcement. He commenced his career in 1978 with the Australian Federal Police (AFP) in Canberra. He moved from general uniform and traffic (motorcycle) patrol duties to the criminal investigation field in 1984. His investigative and leadership experience encompasses most areas of organised crime, international narcotic trafficking, major fraud and general crime investigations.

Rodney Warren

Rodney Warren is the State Manager for Compliance with the Victorian Department of Sustainability and Environment. He manages the Compliance Support Group that has been recently formed to investigate major environmental crime including the illegal trade in flora and fauna, exotic wildlife, native vegetation retention and illegal occupancies. Rod's early career was with the Law Department as a qualified clerk of courts holding positions as Deputy Prothonary Supreme Court, Assistant Registrar County Court, Clerk of the Magistrates', Coroners' and Children's Courts. He transferred into enforcement and prosecutions after 14 years in 1986.

Rod has been involved in the delivery of enforcement training since 1987 and his courses have been developed to meet National Competency Standards. In 1990 he drafted the Conservation, Forests and Lands Infringements legislation and introduced a new culture to offer warnings and infringements for minor offences. He continued to manage the process until recently.

In 1999 Rod established the Offence Management Unit within the Department of Natural Resources and Environment. As Chief Prosecutor and manager of the unit Rod was responsible for all prosecutions, legal advice, training and standards for the Department.

Recent studies have provided Rod with a Diploma in Frontline Management and a Diploma in Project Management both of which are extremely useful when tasked with improving compliance capacity and taking a more strategic and integrated approach to service delivery in his new role.

Peter Wells

Peter commenced his career as a researcher looking into virus ecology and transmission with Ross River virus and other mosquito-borne viruses. Since then over the past 11 years he has held a range of positions in environmental regulation in the former NSW EPA including Manager, Compliance Audit and more recently at the NSW Department of Natural Resources (DNR) as the General Manager, Compliance.

In DNR, he is responsible for coordinating compliance management across a range of legislation in NSW covering water, native vegetation, forestry and landuse planning.

Peter has experience in enforcement, auditing, risk management and regulatory delivery. From this point of view, he is keen to present a fresh view on how we might manage regulation and compliance delivery.

David Wilkinson

David Wilkinson commenced with the Queensland Department of Natural Resources and Mines in January 2003 investigating breaches of natural resource management legislation with particular emphasis on vegetation management issues ie unlawful vegetation clearing across south-east Queensland. A majority of the offences have been reported by and investigations are assisted with the use of remote sensing processes and technology. As the Department is responsible for natural resource management legislation in Qld David also conducts investigations into water, land protection and cultural heritage related offences.

Previous employment includes 20 years with the Qld Department of Primary Industries investigating fishery and marine related offences.

Garry Wills

Garry Wills is a former senior officer with the Australian Federal Police (AFP) with 28 years' service. Of this, 26 years' service was in investigations into matters such as major and organised crime, narcotics and special reference matters. He has also held senior positions on international deployments including Cyprus and East Timor. On leaving the AFP he has consulted in the private

and public sector in the areas of investigations and intelligence. In 2004 he took up his current position with the NSW Department of Natural Resources as the Manager of the Investigation Management Unit.

Paul Woodward

Paul Woodward is General Manager, Compliance, Operational Review and Special Projects in the Queensland Department of Natural Resources and Mines, based in Brisbane. Paul's business portfolio includes the Compliance Coordination Unit, the Operational Review Unit, Remote Sensing Team and the Non-Commercial Water Assets Group.

Prior to this position Paul gained extensive experience in organisational change and the development of natural resource management policy and legislation. Paul was seconded to lead the Policy Unit of the Old Parks and Wildlife Service in 1999–2000 before returning to NR&M to be Principal Advisor to the Director-General.

Paul holds a Masters degree in Public Sector Management from Griffith University and recently attended the Australian and New Zealand School of Government Executive Workshop *Managing Regulation, Enforcement and Compliance*.

William Zormann

William is one of two enforcement officers employed by Heritage Victoria (part of Department of Sustainability and Environment). He has been at HV for almost two years. His background is as a solicitor and role at Heritage Victoria has been a hybrid of 'core' enforcement type work and also more traditional legal work. There has been considerable cross over in the role and one of the things he has been recently involved in is the development of Covenants under the *Heritage Act 1995*.



Abstracts

Day 1 Session 1

Environmental crime: an international perspective

Andrew Lauterback, Chair, Interpol Environmental Crimes Committee (Pollution and Wildlife portfolios)

One of the essential requirements for an effective environmental enforcement program is the establishment of strong partnerships and networks. This is true both domestically and internationally. Besides providing assistance on cases having international implications, there is also a great deal to be learned by every environmental enforcement program through the interaction with other international colleagues and organisations. Such benefits include learning about applicable strategies that have worked elsewhere, emerging violations, trends and schemes, and also regulatory pitfalls to avoid, etc. In addition, more developed environmental enforcement programs have an obligation to share their successful strategies and approaches with other countries that may not be as far along. Interpol's Environmental Crimes Committee has been the international forum for environmental law enforcement officers for more than a decade. Last June, representatives from forty-six nations, including Australia, attended Interpol's Fifth International Conference on Environmental Crime. Andy Lauterback will discuss the work of Interpol's Environmental Crimes Committee and its current projects.

Environmental regulation: the UK perspective

Anne Brosnan, Principal Lawyer, United Kingdom Environment Agency, UK

Anne will be introducing the Better Regulation Action Plan, announced by the UK Government in May 2005, and explaining the key recommendations of the recent Hampton Review: Reducing Administrative Burdens – Effective Inspection and Enforcement.

In addition she will describe the types and classification of Environmental offences in the UK and the Environment Agency's system of prioritisation. Anne will present statistics to illustrate the differences between the regulated and unregulated sectors.

Finally Anne will describe some current enforcement practices in the UK by reference to recent cases and touch upon new initiatives designed to counter the changing nature of environmental crime.

Day 1 Session 2

Wildlife smuggling trends in the US

Sam Jojola, Senior Investigator, US Fish and Wildlife Service, US

Wildlife smuggling trends have evolved over the years, but the impacts are still traumatic and far reaching. This presentation will cover an in-depth examination of the exotic wild bird trade, and begin with a brief historical overview of the trade in the US in the mid-1980s. This presentation will begin with video footage of a smuggling operation in Southern California that was centralised in Tijuana, Mexico. An overview of a sophisticated smuggling network that began with a low-profile exotic bird dealer in the Los Angeles area who collaborated with a veterinarian from Mexico and wildlife dealers in Brazil, and Singapore will be examined. Video footage of the covert operation will document the movement of smuggled birds from Australia, Brazil, and Mexico to the US.

An overview of current smuggling trends involving exotic birds along the US/Mexican border will be examined in the second segment of this presentation. The second presentation will compare the past trends with current trends with respect to exotic bird smuggling, and include an overview of recent investigations in Southern California, including a profile on methodology, and demographics.

The third segment of the presentation will cover the repatriation of psittacine birds originally smuggled into the US from Mexico. Repatriation is a novel approach to dealing with live wildlife that the US Fish and Wildlife Service have been involved with since 1998. This presentation will cover two key repatriation events that involved CITES Appendix I and Appendix II psittacine birds in 2000, and CITES Appendix II species in 2004 that were repatriated to Mexico from the US. These birds were returned to Mexican wildlife authorities for placement in breeding programs, and possible return of some species to the wild. The presentation will cover the organisation and logistical planning, which will include an overview of video footage of the 2004 repatriation ceremony.

This final segment of this presentation will cover smuggling trends with respect to reptiles, and plants smuggled into the US from previous investigations. Other current illegal aspects of the wildlife trade will include ivory smuggling, fish smuggling, and the trafficking in eagle parts will be discussed. The capabilities of the National Wildlife Forensics Laboratory in Ashland,

Oregon will be briefly mentioned to conclude this final segment of the third presentation.

The value and activities of international networks

Donna Campbell, International Network for Environmental Compliance and Enforcement (INECE),
Maria Comino, Department of Planning (NSW)

Summary

This presentation will describe this international network and how it can assist environmental enforcement and compliance practitioners. It will briefly report on the 2005 conference held in Marrakech with participants from over 60 countries.

About INECE

The International Network for Environmental Compliance and Enforcement (INECE) is a partnership of government and non-government enforcement and compliance practitioners from over 100 countries.

INECE's goals are:

- raising awareness to compliance and enforcement
- developing networks for enforcement cooperation
- strengthening capacity to implement and enforce environmental requirements.

It was founded in 1989 by environmental agencies in the Netherlands and the United States, in partnership with UNEP, the European Commission, the World Bank, OECD and others. It was created as a result of the growing recognition that past environmental lawmaking has not sufficiently arrested environmental degradation and that enforcement and compliance must become a priority issue in the future.

People involved in INECE

The Network is comprised of over 2500 members from international organisations, governmental agencies, and non-governmental organisations. The Dutch and US environmental agencies, who founded INECE in 1989, remain key funders, with additional support from the United Nations Environment Programme (UNEP), the World Bank, and the European Commission, as well as Environment Canada and the Organisation for Economic Co-operation and Development (OECD).

All environmental professionals are invited to make use of the materials and resources provided on this website and to contribute to the networking and exchanges.

The INECE website <<http://inece.org>> is an extremely useful resource. The main components of the website are:

- *INECE Forums* section, which is designed to encourage ongoing topical discussions between INECE members, as well as training for government officials, NGO partners and others in the environmental compliance and enforcement community
- a *regional section* to highlight country-level enforcement initiatives
- an *extensive searchable library* of practitioner literature and data
- *INECE news* and *biannual newsletters*
- *calendar* of international compliance and enforcement events.

AELERT working together across jurisdictions – an overview of the 2005 activities of AELERT

Mark Flanigan, Assistant Secretary, Policy and Compliance Branch, Australian Government Department of the Environment and Heritage, and Chair of the AELERT National Committee

At the inaugural AELERT Conference last year, AELERT was formally launched and its Charter released. An interim National Committee was formed, with the National Committee meeting for the first time in December 2004 and quarterly since. At the National level, the National Committee consists of the traditional executive positions together with the chairpersons of any sub-committees and representatives from each jurisdiction. The committee has resolved that the position of Chair will rotate to the Vice Chair at the end of each financial year. The position of Chair will then generally rotate to the jurisdiction where the following annual conference is to be held. It is intended that such a mechanism will encourage agencies to share a sense of commitment to the network; to this end, the National Committee approaches its decision making on a consensus basis rather than using a voting model.

With this collegiate backdrop the past 12 months has seen a significant increase in interoperability between partner agencies with numerous joint activities being undertaken at an operational, policy and strategic level.

Summary of the activities of the sub-committees

The National Committee has formed three sub-committees to deal with best practice, training and the organisation of an annual conference.

The Best Practice sub-committee – currently chaired by the Department of Sustainability and Environment (Vic). Established to identify 'best practice' solutions to both operational and policy issues, it is anticipated that the Best Practice sub-committee will prepare discussion papers periodically and identify emerging issues that may be covered at the annual conference.



The following issues are currently under consideration:

- intelligence sharing
- the use of civil penalties in environmental regulation
- the application of proceeds of crime/confiscation of profits legislation in environmental regulation
- enforcement policies and compliance guidelines
- case prioritisation guidelines.

The Training sub-committee – currently chaired by the Department of Infrastructure, Planning and Natural Resources (NSW). Established with the initial primary objective of formulating an agreed national standard for environmental investigators. A number of Certificate IV level courses dealt with generic investigative skills, however there was no suitable package in existence that was designed with environmental investigations specifically in mind. The sub-committee, working with consultants, has customised two pre-existing nationally recognised courses for the environmental practitioner, namely; Certificate IV in Statutory Compliance (Government) and Certificate IV in Government (Investigations). Both courses are considered suitable entry points for the 'environmental practitioner' in that they cover the entire compliance and enforcement spectrum, initial enquiries have commenced in advancing these courses to diploma level.

The first of these courses (Investigation) was conducted in September this year and involved 12 participants (internal DEH together with representatives from Australian Customs Service and Department of Natural Resources and Mines, Qld).

The Conference sub-committee – currently chaired by the Department of Natural Resources and Mines (Qld). Established to attend to the demanding tasks associated with all aspects of the annual conference. The sub-committee determines the theme of each conference and the content of all sessions. It liaises with events organisers, venue administrators, sponsors and guest speakers to ensure that the conference proceeds smoothly.

Day 1 Session 3

Water

Effective metering and associated non-compliance

Nigel Jeffares, Principal Project Officer, NR&M (Qld)

The Queensland Metering Project will introduce new standards in compliance and enforcement. The reasons for this will be the application of new standards in metering and the collection of usage data.

Key elements of the metering policy and the implementation process provide the basis for a system that has enabled a system to be developed that has 'integrity'.

Integrity of the system is based on an implementation process outlined in the Metering Process Manual. The process requires the metered entitlement user to comply with several requirements and this will mean an increase in compliance and auditing, surveillance, and enforcement activities.

Improved technologies, and the trend to non-mechanical meters will provide adequate tools to effect prosecutions, however much work is yet to be done in areas of accuracy/testing and in situ calibration.

There will be 'new age tampering' techniques as some people attempt to corrupt the new meters performance.

Statutory provisions are in place to address many of the problems anticipated.

Management of groundwater resources in the mid-Murrumbidgee section of the Murray/Murrumbidgee Region of NSW, between April 1999 and September 2005

Rod Sewell, DNR (NSW)

Groundwater metering, surveillance and audits are part of the Compliance Unit's functions in the Murray/Murrumbidgee Region. These functions came from decisions made back in the 1960s, when the distribution of water resources was evolving.

Licenses were given with no allocation or entitlement and the theory of 'controlled aquifer depletion' over 30 years was in place. Then the Murray-Darling Basin Commission (MDBC) brought in a 'cap' on surface water licenses. This placed more pressure on the groundwater sources as farmers sort access to more water.

This significant increase in entitlements coupled with the new model of 'sustainable yields' showed that the existing entitlements were exceeding the estimated recharge of the aquifers.

In the Murrumbidgee Region, an embargo was placed on the alluvial system in August 2000, to arrest the increase in entitlements. As part of the Compliance Unit's role and with no more resources available for monitoring, a new metering system is being implemented. Farmers are being required to fulfil part of their licence conditions and keep a record of their water usage over each 12-month period.

Enforcing compliance with nutrient leaching regulations – a new horizon in environmental enforcement

Rob Dragten, Program Manager, Environment Waikato, NZ

Legislation relating to the sustainable management of New Zealand's physical resources was incorporated into a single Resource Management Act in 1991, including the control of land use for management of water quality. To date, regulatory attention has mostly focused on point source discharges. However, there is increasing attention for effects that non-point source discharges from agricultural land have on water quality and habitats. Water quality in Lake Taupo, one of New Zealand's most iconic and pristine lakes, is degrading due to leaching of nitrogen from the surrounding catchment, primarily from pastoral agriculture. Environment Waikato has recently proposed a new set of rules in the catchment, requiring landowners to obtain permits to use their land for farming. The permits will place a limit on the amount of nitrogen that can be lost from each property. This presents new challenges in terms of compliance and enforcement as nitrogen loss from a property cannot easily be measured. This paper will describe the strategies that Environment Waikato will use to collect evidence and enforce compliance with these new rules. Strategies for managing rural community attitudes and perceptions to perceived infringements and private property rights will be described.

Native Vegetation

Investigation methodologies for large-scale illegal vegetation clearing

Robert Lowe, Senior Investigator, NR&M (Qld)

A Queensland property was found to have unlawfully cleared in excess of 11 000 ha of vegetation. This consisted of about equal portions of remnant (original or native) and non-remnant (regrowth) areas.

Information was initially received from officer within the department stating that there were areas of the property they believed to have been cleared without a permit. A preliminary assessment of available remotely sensed imagery and check of departmental permit databases confirmed that there were areas where vegetation had been disturbed and there was no authority for tree-clearing. The disturbed areas cannot be confirmed as tree-clearing without an on-ground inspection.

Due to the size of the property and the extent of the disturbed areas two investigating teams were required to visit a total of 20 sites. At each site a GPS position and observations was recorded and photographs were taken to illustrate the information collected. It was confirmed that the disturbance was tree-clearing.

The information was then forwarded to remote sensing experts to delineate all the areas that had been cleared on the property. While this analysis was being completed a formal record of interview was conducted with the entity. During this process the entity made full admissions to the relevant clearing. Having completed these tasks a brief outlining the facts of the case was drafted and forwarded to the department's Legal Services for assessment of whether or not a prima facie case existed. A complaint and summons was subsequently issued and the matter heard before a Magistrates Court. The entity entered a plea of guilty and the Court imposed a fine of \$100 000 and ordered the entity to cooperate with the department in regard to preparing a compliance notice for remediation.

Ecology and compliance: the remediation link

Susan Pucci, Senior Natural Resource Officer,
Tom Celebrezze, Senior Natural Resource Officer, DNR (NSW)

Currently under the NSW *Native Vegetation Conservation Act 1997*, the Department has the option to require remediation of harm caused by clearing. Although regional compliance units have issued more than 50 such directions, there has been no statewide audit of environmental outcomes of these directions. In general, the current directions rely on a 'lock-it-up and leave it' approach. However, most ecologists believe that many natural processes that contribute to biodiversity may be simulated by active management, and that a lock-it-up approach may not achieve good outcomes. The current situation offers an excellent opportunity to test the assumption that 'lock-up' approaches can achieve environmental outcomes. It also presents an opportunity to consolidate the state of knowledge of restoration and revegetation technologies from other sources (such as community-based groups, Greening Australia and other agencies). The project will draw together scientists, bush regenerators, and regional compliance staff to develop operational guidelines for commonly encountered circumstances (for example, dry sclerophyll woodland with shrubby understorey that has



been cleared and cultivated) with appropriate methodologies (such as seeding, tubestock planting, strategic grazing, and fire management). These guidelines do not replace the need for assessing the achievability and reasonableness of remediation directions, factors that are assessed in legal appeals and should be considered prior to issuing directions.

Spatial analysis pitfalls – how to avoid them

Bruce Goulevitch, Principal Scientist NR&M (Qld)

As the sun beats down on another perfect day in Queensland, a D9 bulldozer fires up. Joe Grazier from western Queensland is pulling some more country today. He's confident because he knows he's done the right thing; well, pretty close anyway. He went to the government and jumped through all the hoops to get the bit of paper that says he can clear some trees on the bottom paddock. They won't notice if he pulls a few here in the top paddock too ...

Hundreds of kilometres above the Earth's surface, earth resource satellites collect data from the planet. Among the myriad users of these data are compliance teams trying to establish the legal status of tree clearing events within areas governed by legislation. It sounds easy: laws define where, when and under what conditions clearing can occur; data sets delineate what vegetation was present where and at what time. It should be as simple as merging these data sets to produce a list of cases to investigate.

Drawing on recent experience, this paper describes some of the complexities involved in this sort of analysis, and brings to light many pitfalls of spatial analysis that need to be addressed to produce accurate results.

Pollution

Unlawful placement of fill material into a watercourse

Greg Bullen, Regional Investigator, NR&M (Qld)

On 28 May 2004 the Department of Natural Resources and Mines (NR&M) Regional Compliance Team at Nambour received a complaint from a Caboolture Shire Council officer that fill had been deposited within the bed and banks of a watercourse.

An inspection of the subject property revealed large amounts of fill had been deposited, consisting of large slabs of concrete, vegetation, metal objects, bedding, timber offcuts, reinforcing mesh, bricks, PVC piping, corrugated roofing sheets and a variety of other items. The inspection confirmed area fill had been placed within bed and banks of the river. The area measured 17.3 metres height, 29.7 metres wide with an

approximate 40 degree slope. At the top of the bank the fill measured 25 metres wide and went 15 metres into property.

Inquiries with witnesses revealed that numerous large trucks had been carrying and depositing fill at the property over the past eighteen months.

An electronic interview was conducted with defendant. The defendant stated that there was a leaking dam at rear of property that had been partly filled in with car bodies, which he removed. He replaced the car bodies with clean fill but denied depositing any fill containing refuse. He did state that he deposited fill, namely large concrete slabs transported from redevelopment at the Morayfield Shopping Centre. He also suggested some unknown persons deposited other material without his knowledge.

A Compliance Notice was issued that required the defendant to remove material from bed and banks of watercourse, reinstate bed level and bank position to that which existed prior to fill being placed, replace any vegetation destroyed and rectify any excavation or placing of fill that may happen as part of removal of matter

The defendant was convicted and fined \$20 000.

Spill of diesel oil to waterway

Stephen Barry, Tim Griffin, Senior Investigators, EPA (SA)

The presentation is of an investigation into the spill of 15 000 litres of diesel from the state-owned rail yard into the Torrens Lake in the centre of Adelaide in July 2003. This discharge caused serious environmental harm with a clean up and remediation costing \$300 000. The diesel caused actual serious environmental harm to a significant proportion of the aquatic fauna over 2.2 kilometres of the Torrens Lake. A diesel slick, fumes and odour impacted the amenity of the lake and the river was closed for 3 days. At the time of the spill the rail car depot was operated by private contractor.

The following issues were of significance to this investigation:

- response to an oil spill on inland waters (responding agencies)
- volunteer wildlife organisations and good record keeping
- who polluted the environment – operator v owner?
- the relationship and responsibility of private operators of government infrastructure
- use of experts and technology and the prosecution of government authorities

- the limit of penalties for the Environment and Resources Court of SA.

Prosecution of Mobil Oil by Brisbane City Council

David Carlisle, Leanne O'Brien, Brisbane City Council (Qld)

Brisbane City Council laid a complaint against three defendants:

- the owner of the service station, the equipment and the fuel
- the franchisee
- the commission agent of the franchisee, being the operator of the service station in question

in respect of two charges arising out of alleged offences against the *Environmental Protection Act 1994* (Qld), namely, causing serious environmental harm and failing to notify the leak.

The franchisee and operator pleaded guilty to both charges. After some days of the trial, there were discussions between the owner and Council. As a result of those discussions, the owner pleaded guilty for failing to notify. Council withdrew the charge of causing serious environmental harm.

Between 14 April 2001 and 27 April 2001 approximately 14 000 litres of unleaded petrol leaked from a service station into the environment. The central issues in the prosecution were:

- whether the leak took place beyond a reasonable doubt
- whether the owner caused the leak and thereby 'caused' the environmental harm
- the extent of the leak and the harm
- whether the owner discharged the general environmental duty such that it had a defence to the complaint under section 437 of the Environmental Protection Act
- whether and when the owner gave notice of the harm.

The paper will discuss briefly the facts and the issues arising from the prosecution and then, using that prosecution as a background, show how the powers under the Environmental Protection Act can be effectively utilised upon which to base a prosecution.

In particular, the paper will discuss:

- the importance of a timely and thorough investigation in circumstances where there are a number of possible defendants and where the relationships between those defendants are legally complex
- the importance of the investigators being able to foresee possible defences and their ability to focus their attention on those potential defences during interviews
- the use, and some examples, of notices given to potential defendants and third parties
- powers of entry and seizure
- legal strategy in terms of discovering the defendant's defence, if any, and advantageously positioning the prosecutor in terms of costs; and some general litigation tips.

Wildlife

Application of DNA technologies to issues in wildlife enforcement

Janette Norman, Population and Evolutionary Genetics Unit, Museum Victoria, **Les Christidis**, Division of Research and Collections, Australian Museum

The potential applications of DNA technologies in the area of wildlife law enforcement are numerous but have been both poorly developed and under-utilised in Australia. Major applications include species identification, parentage and kinship analysis, and identity testing. While DNA technologies can overcome many of the limitations posed by traditional identification techniques, such as the ability to make identifications from trace samples and partial remains (eg hair, feathers, blood, saliva, bone) there are limitations to their use and implementation. Primary among these is the need to develop DNA technologies on a species-by-species basis, provide extensive validations of the methodology and generate baseline DNA data of populations or species for diagnostic comparisons. Using case studies involving the analysis of DNA from bird eggs we illustrate some of the benefits, limitations and future directions in the application of DNA technologies to issues in wildlife law enforcement.

Best practice investigation of marine mammal encroachments – regulating whale watching

Scott Beaumont, Investigator, DEC (NSW)

I will be presenting a power point, on the ongoing issue in New South Wales of commercial vessel operators and private boats approaching marine mammals within the prescribed distances (as outlined in the National Parks and Wildlife Act). My presentation will focus on problems associated with investigating these types of offences, and innovative approaches that can be used by investigators to establish the proofs of these offences for a prosecution. I hope to show a portion of some video footage taken very recently showing an offence and may be able to outline aspects of this current investigation.

Threatened species enforcement reform in NSW

Luke Bond, Compliance Officer – Threatened Species, DEC (NSW)

More than 80 species of native plants and animals are listed as extinct in NSW and around 1000 more are threatened with extinction. The *Threatened Species Conservation Act 1995* has brought significant gains in both knowledge and conservation through recovery planning, research and education, however, as species and habitat continue to decline, more powerful tools are required to halt this trend and promote recovery of our threatened biodiversity.

Within the NSW Government, the Department of Environment and Conservation is the lead agency dealing with biodiversity and threatened species issues. As part of this role, the Department has reformed threatened species legislation and, in doing so, improved and strengthened enforcement capabilities and methods.

The enforcement and compliance component that complements a range of other threatened species management reforms, has built on the Department's regulatory role to ensure compliance with the threatened species legislation.

Enforcement and evidentiary provisions of the legislation have been amended for consistency with other environment protection legislation and to overcome enforcement difficulties such as compelling persons to answer questions and vicarious liability were a land owner will claim no knowledge or involvement in an offence committed on their land. Along with improved investigative powers for authorised officers, penalty infringement notices will be introduced with penalties of up to \$1500 for an individual and \$3000 for a corporation and a toll-free 24-hour reporting service is now available.

The Department's capacity to enforce the legislation has been increased through the cross authorisation of both the former NPWS and EPA officers. Threatened species

legislation is now enforced by far more officers with staff from the Operations Units from the Environment Protection and Regulation Division, Regional Specialist Investigators, Rangers from the Parks Service Division and the centralised Specialist Investigation Unit. Prosecution penalties have remained unchanged at up to \$220 000 and/or two years in prison and with the possibility of rehabilitation orders and special penalties that can be imposed upon conviction.

Cultural Heritage

Environmental issues affecting NSW Aboriginal communities – a scoping report

Brad Moggridge, DEC (NSW)

Researching the environmental issues affecting Aboriginal people and engaging the Aboriginal community in environment protection is a priority identified within the NSW Department of Environment and Conservation (DEC) corporate plan.

A project was devised in 2003, with the main objectives being researching environment protection issues facing NSW Aboriginal communities, through a mix of desk-top research and background discussions followed up by extensive consultation and site visits (55 Aboriginal communities in total).

A report was written outlining possible strategies and actions for the DEC to undertake to reduce the environmental issues affecting NSW Aboriginal communities. The project findings included the following:

- lack of cultural protocols followed by government
- community hesitation
- illegal access and waste dumping on Aboriginal lands
- littering in communities
- unsatisfactory municipal activities operated by local councils affecting communities
- land use conflicts
- sewage services to Aboriginal communities
- Crown Land handover and degraded land legacies
- stormwater affecting cultural sites.

The DEC Executive is currently considering the recommendations for actioning.

The use of covenants to achieve compliance in cultural heritage matters

William Zormann, DSE (VIC)

Developing enforceable models that operate pre-emptively to protect cultural heritage into the future.

Introduction into the Victorian Heritage Act of 'alternative sentencing options' for the Court.

Heritage Victoria has recently begun to utilise alternative enforcement tools – such as covenants and the adoption of body corporate rules to better ensure the long-term management of cultural heritage. In certain circumstances the use of tools such as covenants can provide for unique and valuable additional tools to aid in enforcement and protection issues. Their use, particularly in circumstances where a successful prosecution may be hard to determine or not be cost or time effective, will be explained. Examples of recent enforcement related matters where covenants have been used will be discussed as will some of the other issues associated with breaches of cultural heritage protection legislation in Victoria.

The approach to Aboriginal cultural heritage investigations in NSW – including case studies

Russell Harrison, Chief Investigator, **Rebecca Edwards-Booth**, Archaeologist, DEC (NSW)

This presentation will provide an overview of the Department of Environment and Conservation approach to Aboriginal cultural heritage investigations in NSW. It will outline the legislative framework and offence provisions as well as detail some problems associated with investigating these type of offences in the past and how those challenges have been overcome.

The presentation will include case studies of actual investigations into incidents involving Aboriginal objects including, scarred trees, Aboriginal middens, Aboriginal rock art and other Aboriginal objects.

Regulatory Practice 1

Making the most of the tools available

Paul Woodward, General Manager, Compliance, Operational Review and Special Projects, NR&M (Qld)

This presentation will cover the range of compliance tools available to an agency like the Queensland Department of Natural Resources and Mines that has the statutory responsibility for the regulation of a wide range of natural resource and cultural heritage legislation.

Drawing on the outcomes of the recent Australian and New Zealand School of Government Executive Workshop on Managing Regulation, Enforcement and Compliance, the concept of getting the best results by the integrated use of an appropriate selection of these tools will be explored.

The paper will then briefly look at how we can identify high-risk/high-priority compliance 'problems' through the use of all available information from within and external to an agency to achieve an effective balance between proactive and reactive compliance activities.

The implications of privacy legislation for sharing of criminal intelligence between law enforcement agencies

Rodney Warren, Manager Compliance Support Group, DSE (Vic)

The key to law enforcement success is the ability to build an agency operating capability by collaboration and criminal intelligence sharing. By taking a more strategic and integrated approach to law enforcement agencies can form partnerships with each other to combat common problems and solve them. In days gone by a number of officers and agencies were precious about withholding information until a complete pattern or trend occurred within that agency and would react by targeting offenders for specific breaches of the agencies legislation. This often meant that two or more agencies would be working on the same persons of interest with no liaison with each other.

At times this caused great angst and frustration when a long-standing investigation was derailed due to the action of another agency. Best practice suggests that the sharing of criminal intelligence and joint task forces and operations can provide a real solution to combat criminal activity by increasing the operating capability to solve the problem.

The Commonwealth and States have introduced privacy legislation, which enshrines the national Principles for the Fair Handling of Information (NPPs) in both the private and public sectors. Law enforcement agencies are exempted from some principles to allow for an exchange of information for law enforcement purposes.

The paper provides a recipe to navigate through the privacy principles using templates that can be adapted to all law enforcement agencies. There are a number of ways information can be shared between agencies and the private sector, some cooperative and some coercive. Informal networks generally exist where long-standing relationships occur at inter-agency level. This has usually developed through discussions at conferences, committees and workshops dealing with mutual issues of concern that relate to cross-border or cross-jurisdictional environmental crime.



More formal networks occur when an agency becomes aware that another agency has an interest in a subject or syndicate dealing in illegal activity ie drugs/firearms/wildlife smuggling and money laundering. At the very least in the formal networks letters are exchanged to ensure intelligence can be shared and joint operations can occur.

A memorandum of understanding may be prepared and signed off by all agencies to allow for seamless intelligence sharing where there is likely to be an ongoing relationship. Some agencies have coercive powers to retrieve intelligence holdings from other agencies. The paper will discuss the range of tools available to share information and conform to the privacy principles.

Prioritisation systems – sorting the wheat from the chaff

Garry Wills, Manager, Investigations Management Unit, DNR (NSW), Greg Sullivan, Manager, Compliance Coordination Unit, NR&M (Qld)

No law enforcement agency has the resources to investigate every notification it receives. This paper will examine a variety of the prioritisation systems used by environmental regulators in Australia, highlighting key features of the various approaches. The effectiveness of prioritisation systems will be discussed through case examples.

Day 1 Session 4

Native Vegetation

Net community benefits of seismic line remediation – a case study

Rob Langley, DPI&R (SA)

In 1999, Santos' Petroleum Exploration Licenses 5 and 6 in the South Australian portion of Cooper Basin lapsed. To ascertain if seismic lines were left in good condition, Petroleum Group of Primary Industries and Resources South Australia (PIRSA) undertook an aerial inspection of seismic lines that had been recorded over a period of approximately forty years. This inspection sampled over 6000 kilometres of seismic lines in the 72 000 square kilometre license areas and focused on the various impacts associated with seismic lines such as vegetation regrowth, erosion, visibility and third-party usage.

From this inspection, the seismic lines that were identified as being in poor condition were mainly those that traverse the gibber plains and tablelands of the Merninie Ranges to the north of Innamincka. Removal of

the protective gibber mantle has resulted extensive areas of gully erosion along many segments of 1978 to 1984 seismic lines. During this period, seismic lines were deeply 'cut' by bulldozers to make a smooth access track for seismic vehicles. This practice stopped in 1985.

Over 1200 kilometres of the seismic lines recorded in during 1978-1984 assessed in a GIS project over the area. This involved obtaining aerial geo-referenced video imagery, classifying the degree of severity of erosion and windrows and preparing a series of maps to aid the planning of any remedial actions.

After analysing the maps and obtaining specialist advise, Santos Ltd, National Parks and Wildlife Services (NPWS) and PIRSA agreed that any physical rehabilitation of windrows or erosional gullies would be unlikely to make a significant improvement to the impacted lines. The effort and cost of any physical remediation program would therefore largely be wasted.

In lieu of undertaking any physical remediation, PIRSA, Santos Ltd and NPWS agreed that other options would provide a better net benefit to the local environment. As a consequence, Santos Ltd funded \$660 000 of projects that will be of direct benefit to the Innamincka Regional Reserve. Proposed projects include a biological survey of the reserve, feral animal and plant control, the protection of the old Coongie Homestead Site and other reserve management projects.

Legal principles for sentencing tree clearing offences

Chris McGrath, Barrister at Law

The myriad of laws regulating vegetation clearing in Australia are typically backed by criminal or civil sanctions being imposed by the courts against unlawful clearing. There is a tension between the traditional, broad political and public support of land clearing and the modern restrictions of it. This tension is reflected in small penalties often being imposed by courts for unlawful clearing. This presentation considers the principles that (leaving aside individual judge's subjective views) guide the sentencing of clearing offences (both criminal and civil). Large penalties are generally reserved for cases where the clearing or logging occurs on public land in protected areas such as national parks (and is analogous to stealing) and/or where the courts emphasise the need to deter others from clearing for commercial gain. Prosecutors should, therefore, emphasise these factors if higher penalties are sought.

Pollution

Vilo-Tollman discharge of biodiesel

James Braithwaite, Investigator, Regional Services, Metro Region, EPA (Vic)

Offence

Cause and permit an environmental hazard (section 27A(1)(c) of the Environment Protection Act 1970. Two defendants. Vilo Asset Management Pty Ltd (Vilo) were convicted and ordered to pay \$20 000 to the Truganina Explosives Reserve Preservation Society and costs of \$18 400. Tollman Pty Ltd was convicted and fined \$8000 plus ordered to pay costs of \$10 000.

Facts

On 7 April 2003 a mixture of 11 500 litres of partially reacted biodiesel were discharged into the atmosphere from a premises in Laverton North, an industrial suburb of Melbourne.

EPA Victoria administers a works approval and licensing system for certain activities in the state. Vilo had been through the works approval process and held a licence to manufacture certain chemical products.

On 7 April 2005 a batch of biodiesel (vehicle fuel) was being produced in a pressure vessel at the site. Vilo did not have a works approval or licence to make biodiesel. The pressure in the vessel increased and the rupture disk on the vessel burst, allowing the partially reacted biodiesel that included methanol, potassium hydroxide and waste cooking oil to be discharged into the air.

A person who delivered lunches was tidying up her vehicle on the other side of the road and downwind of the Vilo site. This person was covered in the biodiesel. She was unable to work for 3 weeks.

Vilo held the EPA licence and had a verbal agreement for Tollman to provide labour to operate the equipment, which included making trial batches of biodiesel.

Court result

Both parties pleaded to one charge of cause or permit environmental hazard. The defendants agreed that they both shared responsibility for the deficiencies of the plant and the operational instructions that led to the incident. Under section 67AC of the Act, the Magistrate ordered Vilo to pay \$20 000 to the Truganina Explosives Reserve Preservation Society for the planting of sedge, and to publish an agreed text describing the offence and outcomes in the Age, Herald Sun and Financial Review and the company's annual report.

Enforcing ship-sourced pollution legislation in Australia

Annaliese Caston, Senior Adviser, Policy and Enforcement, Australian Maritime Safety Authority (AMSA)

Australia as an island continent depends almost exclusively on shipping to move its imports and exports. This transport task poses a continual risk of pollution to the marine environment. The International Convention for the Prevention of Pollution from Ships (MARPOL) has been adopted by Australia and domestic legislation currently regulates discharges of oil, chemicals, harmful packaged substances, sewage and garbage. The legislation also requires ships to implement waste/emergency management plans and to maintain various records.

Ship-sourced pollution is a global problem. The enforcement of international maritime environmental law presents a unique set of challenges, primarily related to jurisdiction and meeting the burden of proof. Strategies for compliance and enforcement of shipping regulations are applied through control inspections in ports, educational programs, investigations of specific incidents involving potential or actual pollution, and international cooperation in detection and enforcement. The presentation will address some of the tools the Australian Maritime Safety Authority utilises for the enforcement and prosecution of ship-sourced pollution.

Wildlife

ARAZPA's zoo and aquarium accreditation program

Trevor Long, President, Australasian Regional Association of Zoological Parks and Aquaria, and Director of Life Sciences, Sea World, Qld

The newly launched ARAZPA Accreditation Program will assess and certify zoos and aquariums with respect to excellence and ethical practice in all areas of operation. It has been developed over the past four years in consultation with 55 zoological institutions, as well as all relevant regulatory agencies throughout Australia and New Zealand.

The involvement of the regulatory agencies was particularly important in light of the widely varying regulatory environment for Australian zoos and aquariums throughout the states and territories. A key aim of ARAZPA's Accreditation Program was to provide a single set of standards, developed by industry, which could be applied to zoos and aquariums across Australasia. This will provide all state and territory governments with a framework to assist with harmonising relevant regulations. Towards this end, the program's development was formally endorsed by the



Australian Government, and ARAZPA established the first forum to promote communication among state and territory regulatory authorities.

This talk will discuss the program's development, scope and proposed operation.

Case studies of three exotic fauna seizures

David Wilkinson, Warren Raddatz, NRM (Qld),
Richard McEvilly, Investigator, DEC (NSW)

The Queensland Department of Natural Resources and Mines is responsible to the management of non-native flora and fauna species within the state. The *Land Protection (Pest and Stock Route Management) Act 2002* contains the legislative requirements for the keeping, breeding, distributing, controlling and excluding of these flora and fauna species depending on the risk that they pose to our communities and our environment.

Departmental investigators regularly conduct investigations into suspected offences of this legislation and this presentation concentrates on three recent examples of exotic fauna seizures that were carried out in south-east Queensland by the presenters. It gives an enlightening insight into what is really slithering, scampering and swimming in our neighbourhood.

Regulatory Practice 1

ALARM system and Compliance Toolbox

David Carlisle, Project Manager, ALARMS and Toolbox Implementation, Brisbane City Council, **David Bellman**, Environmental Health Officer, Gold Coast City Council

Background

Local governments are under increasing pressure to 'do more with less'. The current environment is one of constant legislative change and increasing devolution of powers to Councils. In addition, financial constraints and the National Competition Policy have reduced the resources available to provide services to the community. This has impacted on local government's ability to perform its core business, which includes regulatory compliance, enforcement and assessment functions.

Councils around Australia provide similar services to their community. Carrying out these roles requires the use of guidelines and procedures to interpret acts, regulations and local laws. Each Council is generally responsible for interpreting legislation and developing procedures for their staff to use. This can lead to inconsistency between Councils, especially when procedures become out of date or when legislation changes. In addition, staff within the same Council can have access to different information, which leads to inconsistent service delivery and confusion for the customers.

What is ALARMS and Toolbox?

A risk-based framework called **ALARMS** (A Licensing and Risk Management System) prioritises workloads for Councils to use in licensing and complaint management processes across a range of service types. The framework has assisted in estimating (based on risk) the requirement for the frequency of inspections, development of checklists, service levels for managing workloads and documentation for responding complaints.

A web-based software product called the **Toolbox** has also been developed to provide staff with consistent documentation and procedures to assist them to do their job. In south-east Queensland, the Toolbox is hosted on the Internet as a one-stop shop for Councils to access consistent information. A question commonly asked by the community is 'why should Councils deal with the same issue differently?' The Toolbox would reduce the apparent inconsistencies the community perceives and acts as a regional collaboration and knowledge-sharing tool.

Benefits realised

To date, implementation of the concept has resulted in:

- clearer processes, defined standards of service and improved decision-making tools
- faster, more consistent and targeted decisions resulting in better outcomes
- improved staff, organisation and customer satisfaction
- integrated, consistent and complete customer information with better management of expectations
- methodology and learnings that can be applied to extend risk management to other areas
- resources shifted from lower risk services to high-risk services due to the development of tools to manage low-risk issues
- a more proactive rather than a reactive approach.

Really important take home messages

Councils (and other government organisations) are required to do more with less. **ALARMS** enables organisations to identify what is important to them and allocate resources accordingly. The **Toolbox** provides simple access to procedures and other tools to ensure staff are undertaking services consistently and effectively.



Best practice interview techniques

Gordon Elliott, Barrister at Law

The scientific model (or paradigm) is used by modern public sectors to assist in the development of strategies for handling natural resources.

However, the model used in the areas of compliance and investigations to regulate natural resource laws is based on the old police model used in investigations of small offences (ie not the scientific model).

Reasons are examined as to why that is the case, and the paper will suggest that a change of paradigm is needed for compliance and investigations of natural resource regulation.

The presentation will also outline

- the Australian law on admissions – it's not admissible unless it's voluntary
- the ethical procedures – the interview is a search for truth
- the PEACE model is world's best practice – its history and development
- basic skills in interviewing
- common errors in interviews
- management of compliance officers/investigators
- issues for public sector management involved in investigations.

Regulatory Practice 2

Environment regulation – the local government perspective

Alison Bray, Pine Rivers Shire Council, **Kel Irwin**, Gold Coast City Council

Environmental legislation sounds simple enough. The Environmental Protection Act was introduced in 1996, with it came environmental protection policies, and later a regulation. The Act provided wide-ranging powers with respect to protecting the environment; it also devolved responsibilities to local government. This devolution of responsibilities required local governments to implement significant licensing programs across industry, respond to environmental incidents and address community expectation.

The journey has been far from smooth. Some of the main issues that have confronted local government are as follows:

- the continual legislative changes
- state government's expectation following legislative initiatives
- industry's attitude and acceptance of legislative change
- rapid development of SE Queensland
- managing the financial and resource implications.

Continual legislative change

Since the introduction of the Environmental Protection Act, there have been either additions or amendments to the legislation every 18 months to 2 years. One of the most significant impacts was the calling up of the Environmental Protection Act within the Integrated Planning Act.

To introduce and bed down any significant program one needs time and financial resources to adequately educate and work in partnership with target groups. This was difficult to achieve due to the legislative burden that was imposed on small business in particular. As the legislation continued to change, this in turn confused the small business operators, which lead to the difficulties with industry accepting the legislation.

Industry attitude and acceptance of the legislative change

As local government was required to administer the legislation across small business, it was required to implement a licensing regime together with conditions. From the small business perspective this protecting the environment stuff just meant a cost burden to business, ie annual licence fees, upgrades of the facilities to include bunding etc. They could not see why they were required to go to all this trouble, 'what harm am I doing ... we've been doing it this way for years' – they could not or did not want to see that they were a part of the accumulative effect. Additionally, the diverse range of activities now being regulated by local government increased small business expectations on the levels of expertise within local government 'you're the expert ... you tell me how to comply'.

State government expectation following legislative initiatives

After the amendment calling the Environmental Protection Act up in the Integrated Planning Act came an expectation from the state government that all environmental nuisance would be easily resolved as nuisance related conditions would be placed on every development application. This matter continues to create tension between both state and local government in how these nuisance matters are to be resolved. This amendment was also another way of devolving a significant amount responsibility to local government.



Rapid development of SE Queensland

While there has been continual legislative change during that the last 9/10 years there has also been a significant growth in development and population. This in turn has provided another layer of difficulties for local government, a typical example of this would be service stations -- a service station operating prior to the introduction of the legislation has one type of licence with minimal conditions, a service station built five (5) years on will have a different licence/approval with different conditions, and a service station just opened for business will have another form of licence/approval. This type of issue creates numerous difficulties for the local government.

Managing the financial and resource implications

To manage the devolved responsibilities local governments have been required to tool up. This has meant not only an increase in staff, fleet and organisational on costs, but also the requirement to purchase environmental monitoring equipment (noise level meters, water monitoring equipment etc).

We live in an ever-changing world and local government as the third or first tier of government (depending on your perspective) is not unique in terms of challenges being faced. Currently, laws designed to protect the environment require review. Consultation with local government, as a major stakeholder in these laws is essential. Ambiguity over roles, especially between state and local agencies require review with further cost shifting untenable. It is hoped that the current project of roles and responsibilities being conducted by the Environmental Protection Agency and the Local Government Association of Queensland will help to address these issues.

The moral architecture of environmental regulation

Robyn Bartel, University of New England

One of the most conflict-ridden areas of environmental regulation over the past few decades in Australia has been land clearance regulation. Historically, land clearance has been regarded as beneficial and, through the institution of property, landholders have come to consider themselves as sole occupiers, rights-holders and beneficiaries. Other more recently recognised consequences of land clearance; declining biodiversity, the enhanced greenhouse effect and water and land degradation, are far from beneficial. These conflicting viewpoints form the heart of the problem of raising the implementation efficacy of regulation. How do we address past regulatory failures and ensure regulatory success in the future? This paper will map a way forward from conflict to confluence of interests, of aims, and of outcomes.

Are we overburdening regulation?

Paul Martin, Aglaw Centre, University of New England

Recently there has been a spate of criticism of environmental (and other) regulation on economic grounds. These criticisms tend to conflate two questions: 'Is the underlying constraint imposed by the law justified as policy?' and 'Is the instrument being used to implement policy efficient?' A failure to un-bundle these distinct questions has led to overly broad criticisms of the cost/benefit of environmental regulation, with instrumental inefficiencies being used as a justification for attacks on the fundamental policy purposes.

This paper focuses on the instrumental efficiency question. It asks whether the transaction costs built into our regulatory systems are over-burdening the system, and will illustrate the ways in which transaction costs become 'actors' in the regulatory system which can determine cost-effectiveness. The paper will look at the strategic issue of the affordability of the current regulatory framework given broad fiscal trends, then at the opportunities that are available to achieve marked improvements in the cost-effectiveness of regulation (without necessarily moving away from the policy aims of environmental regulation). In particular the paper will address potential efficiency-improvement strategies in regulatory processes, regulatory instruments and the national regulatory architecture. A set of research initiatives will be outlined, targeted at transaction cost reduction while maintaining environmental policy goals. Finally the paper will look at the potential for a behavioural systems approach to lead to more sophisticated approaches to natural resource management that are more affordable by the community.

Day 2 Session 5

Industry session

The view from industry – getting the balance right

Peter Kenny, President of Queensland AgForce

AgForce is seeking an alternative attitude to how rural industry is perceived by the community for providing environmental services. To introduce this across broad-acre industry, a number of initiatives have been commenced by AgForce in data delivery, interpretation and mechanisms for securing activities on land.

As natural resources sciences improve the effect that rural production has on the natural environment is better understood. Because we understand more about the relationship between rural production and the environment a significant resource of time, labour and

money are expended by rural producers on sustaining the natural resource. This increased workload and expenditure is offset to some extent by the effect of increasing land value and returns from production, however no cash flow benefit is received until the land is sold. High property values and associated debt is then transferred to the purchaser.

Rural producers need investment security so that they can continue to be actively involved in sustainable and productive agriculture. There also needs to be public recognition of rural producers that undertake actions to manage land sustainability and environmental quality for future generations. Fundamental change is also needed to give farmers more encouragement to retain and care for native vegetation in the long term.

John Cherry, Chief Executive Officer, Queensland Farming Federation

Farmers are no great fans of regulators. Yet, increasingly, natural resource management, food quality and the management of business enterprises are wrapped in a dizzying array of regulatory arrangements. The Queensland Government is increasingly turning to non-regulatory, voluntary means to achieve policy objectives. In March the Queensland Government signed a memorandum of understanding with the Queensland Farmers Federation to promote a voluntary Farm Management Systems industry initiative to promote more sustainable and profitable farming. Under FMS, QFF and its industry member organisations are developing programs to show farmers how to better manage on-farm risks and achieve better profitability and sustainability. Along the way, we hope farmers will get some more control over their land and their future.

When to regulate and when not to regulate needs to be a more carefully balanced decision in government-based on finding the best means to achieve the best policy outcome. Voluntary land management initiatives provide greater flexibility for landholders in achieving policy outcomes, and can have lower transaction costs for government. This presentation will address some of the advantages and disadvantages of non-regulatory approaches and discuss current developments in Queensland.

Day 2 Session 6

Wildlife

Wildlife interceptions by Australian Customs

Heather Newell, Customs Investigator, Australian Customs Service

An officer from the Australian Customs Service will give a session on recent importations of fauna through Brisbane International Airport. The session will include methods of concealment, types of fauna encountered, relevant legislation, procedural arrangements with relevant stakeholders and results of court cases.

Regulatory Practice 1

The impacts of decisions to investigate and prosecute in relation to environmental offences

Lestar Manning, Partner, P&E Law

The goal of this paper is to consider the impacts of decisions to investigate and prosecute in relation to environmental offences, with an emphasis on vegetation clearing. The paper will set the scene by consideration of various state guidelines on decisions to investigate and prosecute. It will consider the impacts of resource allocation and specific targeted approaches, consider actual and perceived bias in the decision to proceed and transparency of decision making. It will conclude by discussing the impact of the decisions on the propensity to commit offences and the type of advice a defence lawyer must prudently give a client.

Training – a common standard for environmental investigators

Grant Pink, Assistant Director, Environment Investigation Unit, DEH (Cwth)

Education and training is vital for a professional and efficient workplace. Law enforcement agencies have recognised this as can be seen by the numerous specialised investigative courses endorsed by them.

The Environmental Regulatory Community (Compliance and Enforcement) has up until this point only had generic training or training adapted from the law enforcement context.

With this in mind the Commonwealth engaged a consultant to customise the following nationally accredited courses:

- Cert IV Government (Statutory Compliance)



- Cert IV Government (Investigations).

Customisation was to suit the needs and requirements of the broader Environmental Regulatory Community.

Background

The lack of a national accreditation specific to the environmental regulatory community has for a long time been a point of frustration for the practitioner, management and agencies alike. The lack of a national accreditation has the potential to contribute towards the inconsistent application of environmental regulation across the nation. This fact in itself is reported as being of major concern for the wider regulated community who repeatedly call for consistency in the way they are subjected to regulation.

Issues

There have been numerous issues that have prevented this issue from being resolved or addressed earlier, including:

- economic factors
- arduous requirements as to the RPL/RCC process
- a lack of emphasis placed on compliance and enforcement by the environmental community
- resistance to cultural change by the environmental community
- misunderstanding of the aims of the regulatory system
- lack of legislative framework for the environmental community to work with.

Outcomes

To ensure that all practitioners, involved in compliance and enforcement, are highly trained and skilled. This will allow them to work with all stakeholders to meet the requirements of their parent/partner agencies within their legislative framework. It also provided for inter operability and transferability

This package, while already customised, has the ability to be further tailored to meet the specific needs/requirements of any environmental agency in an efficient and economically viable manner.

Regulatory Practice 2

Use of computer forensics in environmental investigations

Peter Chapman, Associate Director, Forensics Technology Services, PricewaterhouseCoopers, **Jason Bentley**, Investigator, DEC (NSW)

This session will be presented by Peter Chapman of the Investigation and Forensic Services section of PricewaterhouseCoopers in conjunction with Jason Bentley from the New South Wales Department of Environment and Conservation. The session will explain the concepts of computer forensics, focusing on electronic evidence gathering for investigators. The session will also include detailed case studies of electronic evidence gathering and analysis performed for Department of Environment and Conservation investigations. An informal question and answer period will also be held at the end of the session.

The role of the AFP in responding to environmental crime

Barry Turner, Manager Brisbane Office, **David Craig**, Coordinator, Operations Monitoring Centre and Surveillance Teams and **Kay Clifton**, Australian Federal Police

The presentation will open by highlighting the role of the Australian Federal Police (AFP) in the investigation and prevention of crime against the Commonwealth; protection of Commonwealth interests in Australia and overseas; and Community Policing in the ACT and External Territories.

The presentation will provide an overview of the current structure of the AFP and the role and responsibilities of the Economic and Special Operations Functional Stream. This will include the AFP's investigative responsibilities and the role of the AFP in assisting other agencies to achieve their objectives, particularly in relation to environmental crime. The Economic and Special Operations Functional Stream is responsible for the investigation of environmental crime.

An explanation of the role of the AFP's State and Territory Office Operations Monitoring Centres will be provided. This will include an overview of the role of office and national Client Services Teams, together with a description of the types of assistance the AFP can provide to other agencies.

Finally, the AFP member currently outposted to Environment Investigation Unit located within the Australian Government's Department of the Environment and Heritage will present on the role and experiences of an outposted officer.



Day 2 Session 7

Regulation to protect native vegetation: is it worth the cost?

Paul Toni, WWF

Unrestricted clearing of remnant native vegetation is a serious environmental issue in Australia. As a result, legislation has been introduced in many jurisdictions limiting the ability of agricultural enterprises to clear native vegetation on their properties. These regulations have placed a limit on commercial options available to the enterprises impacted. Since the introduction of legislation regulating clearing of native vegetation, a variety of studies have been prepared detailing the financial impact of these regulations on agriculture enterprises, with very few considering the economic benefit of retaining vegetation. Although these studies are on limited regions with qualified results, in many cases they have been interpreted as showing that regulations protecting native vegetation are having a significant financial impact on the agriculture industry in Australia. Further that due to the financial impact on these commercial enterprises, that the level of regulation should be reduced.

The presentation will consider evidence presented in recent reports on the financial impact of the regulation of native vegetation to determine whether the impacts on the agriculture industry in Australia could be considered to be excessive and whether they justify reducing the level of protection. It will also explore whether regulation is economically justified, that is whether the private and public benefits outweigh costs.

The structure of the presentation will be as follows:

- level of land clearing in Australia
- environmental impact of clearing native vegetation
- economic impact of regulation
- cost to the agriculture industry
 - actual cost
 - opportunity cost
- distribution of costs
- conclusion.

Day 2 Session 8

Australia: over regulated and under enforced

Peter Wells, Compliance Manager DNR (NSW)

When faced with a problem in society, the Australian community often expects and gets regulatory responses. Speeding, tax avoidance, hooligans in the street or even Coroner's findings can often result in the passing of legislative amendments or new issue-specific legislation. Often, these responses can make sense in isolation and give us some comfort as a reasonable response. However, in sum, this often leads to a rapid build-up of regulatory requirements or even of conflicting requirements yet is occurring against generally static resourcing for compliance functions in agencies.

Increasing regulatory requirements presents an ever more complex regime for the regulated community as well as for the regulator. Regulators effectively receive a growing list of legislative requirements against which to deliver effective compliance programs.

In this environment of increasingly complex regulation, the expectation and pressure from the media, industry and the community on the performance of regulators is growing sharply, leading to a growing mismatch. There will be a strategic need for all regulators to manage this situation.

Regulation will need to be considered carefully, simplified where possible and enforced more appropriately and clearly. This talk will explore the issue and how it might be managed.