Compliance Policy for OEH Regional Operations
1. Introduction

The Office of Environment and Heritage (OEH) has legislative responsibilities to protect the natural environment and cultural and historic heritage assets across New South Wales. To effectively administer this legislation, OEH implements a range of programs which promote voluntary compliance and identify and respond to non-compliance with standards set by relevant conservation laws and regulations. Compliance programs complement an array of other OEH and government programs, such as funding by the Environmental Trust, strategic land-use planning, and education and community engagement, all of which combine to help the community to conserve and enjoy the environment and heritage of NSW.

This policy sets out the compliance approach taken by the OEH Regional Operations Group only. It recognises that other parts of the agency also have compliance functions, including the National Parks and Wildlife Group and Heritage Division as explained in Section 1.2 of this document. Except where otherwise indicated, the Regional Operations Group is simply referred to as ‘OEH’ throughout this policy.

OEH encourages and supports compliance through education and assistance to promote compliance and prevent non-compliance, thus avoiding harm to biodiversity and cultural heritage assets. This is backed up by a range of regulatory measures provided by legislation to deal with those who do not comply.

Compliance covers all of the activities which help to support adherence to the law. This includes engaging with communities to help prevent non-compliance, monitoring the status of protected assets and addressing emerging issues, investigating reports of possible non-compliance and taking appropriate regulatory and enforcement action where it is detected.

This Compliance Policy aligns with the OEH Corporate Plan and sets out how undertaking the compliance program will contribute to the achievement of the agency’s goals and strategic approach to ensuring vibrant natural and cultural heritage assets for the health and prosperity of NSW. The policy is underpinned by an internal implementation plan and together they form OEH’s Compliance Strategy.

The legislation administered by OEH is collectively referred to throughout this policy as ‘conservation legislation’. This legislation provides the compliance framework for three OEH ‘conservation themes’ – Aboriginal cultural heritage, native vegetation protection and threatened species conservation. The OEH objective for each conservation theme is referred to as the ‘conservation outcome’.

1.1 Purpose of this policy

This OEH Compliance Policy:

- explains the OEH compliance approach to conservation risks
- outlines how OEH develops its compliance approach to focus on the highest conservation priorities across the state
- explains the regulatory measures available to OEH where there is a failure in voluntary compliance
- guides OEH staff in making consistent compliance decisions that drive an effective conservation outcome.

This policy is not legally binding on OEH or any other organisation. The policy reflects OEH’s approach to compliance programs and is intended to provide a framework to encourage a consistent, fair and efficient approach.
1.2. Scope of this policy

OEH includes the National Parks and Wildlife Group, Regional Operations Group and Heritage, Legal, Policy and Science Divisions which collectively are responsible for promoting sustainability and protecting biodiversity, native vegetation, coasts, Aboriginal cultural heritage and historic heritage across the state. OEH as an agency is responsible for administering 31 pieces of legislation or parts thereof.

The OEH Regional Operations Group specifically administers compliance programs for the protection of native vegetation, threatened species and Aboriginal cultural heritage outside of national parks and reserve systems, as well as coastal protection.

This Compliance Policy relates to compliance work undertaken by OEH’s Regional Operations Group on native vegetation, threatened species and Aboriginal cultural heritage1 under the:

- Native Vegetation Act 2003
- Threatened Species Conservation Act 1995

1.3 Primary purposes of OEH compliance work

The primary purpose of OEH compliance work for native vegetation protection is to ensure sustainable management of native vegetation across NSW by promoting voluntary compliance, supported by enforcement that targets deliberate, unlawful clearing of high conservation areas.

The primary purpose of OEH compliance work for threatened species conservation is to prevent and remediate unlawful harm to critical habitat, threatened species, populations, ecological communities and their habitats.

The primary purpose of OEH compliance work for Aboriginal cultural heritage is to prevent harm to known Aboriginal objects and places and promote due diligence to avoid impacts to currently unknown Aboriginal objects and places.

2. OEH values and compliance culture

The OEH compliance program interacts with the community, witnesses, suspects, businesses and other government agencies at local, state and Commonwealth levels.

In all its compliance interactions, OEH aims to be easy to work with, ensure the community knows what to expect from the agency, understand the perspectives of the regulated and broader community and, above all, strive to work cooperatively with the community to protect its natural and cultural heritage assets. In particular, the NSW Public Sector core values of service, integrity, trust and accountability are embedded in all aspects of OEH compliance and enforcement activities which adopt the following principles to be:

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1 OEH Regional Operations Group also administers the NSW Commercial Kangaroo Harvest Management Plan 2012–2016 as an approved wildlife trade management plan under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth). This legally binding document, endorsed by both Commonwealth and NSW Ministers for the Environment, sets out OEH’s approach to licensing, registration and compliance for kangaroo management and is separate from this policy. The Plan is being reviewed in 2014 and, depending on the outcome, compliance for kangaroo management may be integrated into this Compliance Policy.
Compliance policy for OEH regional operations

- Fair
- Credible
- Competent
- Targeted
- Effective
- Efficient
- Adaptive
- Collaborative

More detail on each of these principles is provided in Appendix I.

3. OEH approach to compliance

The OEH compliance program has five components:

- **prevention of non-compliance**, including encouraging voluntary compliance as set out in Section 4
- **compliance monitoring** (Section 5)
- **prioritising compliance issues** (Section 6)
- **compliance response** (Section 7)
- **compliance program evaluation** (Section 8).

All components are integrated and inform each other, enabling OEH to focus on the right compliance priorities and learn and adapt to continuously improve the appropriateness, efficiency and effectiveness of the compliance program. Figure 1 shows this integration.

Figure 1: OEH compliance approach

4. Preventing non-compliance

OEH understands that most people want to do the right thing and therefore works with the community to encourage voluntary compliance which prevents impacts to our environment and cultural heritage assets.

OEH makes it as simple as possible for people to comply by ensuring there is easily accessible information on:

- standards required by conservation legislation
- approaches to achieving those standards
• benefits to industry and the community for complying with the standards.

Education and information tools used by OEH to assist with voluntary compliance include:

• education and community engagement campaigns which may include:
  – extension work
  – stakeholder-specific training
  – workshops
• media campaigns
• audit programs
• advisory letters
• guidance published on the OEH website.

OEH continually reviews, updates and improves the guidance it provides and access to it to support voluntary compliance.

Appendix II provides details of some useful guidance material for each conservation theme.

OEH also collaborates with many other organisations that can help promote important information to help people comply, including Local Land Services, local government and Aboriginal communities.

5. Compliance monitoring

Monitoring compliance with conservation legislation is an essential part of the OEH compliance program. OEH monitors compliance with the legislation it administers to:

• detect individual instances of non-compliance in a reliable and timely manner
• assess the level of compliance and trends in compliance across the regulated community to provide information and intelligence for the development of compliance programs
• assess and review the effectiveness of its compliance operations and programs.

OEH’s compliance monitoring includes receiving reports from the community and the use of remote surveillance techniques, audits and investigations. OEH analyses this information and that from other sources and new research to identify emerging issues, define any associated problems, and develop and implement effective, well-targeted compliance responses.

5.1 Community reports

OEH receives reports of alleged breaches of conservation legislation from members of the public, industry, local councils and other government agencies. OEH recognises the value of information provided by these external sources and encourages the reporting of suspected breaches of the legislation it administers.

Breaches of regulatory requirements may also be detected through self-reports from the regulated community and by officers from other regulatory authorities during their own activities or as part of joint operations with OEH.

OEH’s preference is for reports of suspected non-compliance to be made by calling its Environment Line on 131 555, as this allows reports to be immediately logged in
the agency's compliance record system. Reports can also be lodged by email via info@environment.nsw.gov.au.

OEH assesses all reports from the community and determines an appropriate response to the matter in accordance with this Compliance Policy and other relevant Government policies. Environment Line reports are also used collectively to help OEH understand community concerns and analyse where its proactive compliance efforts should be focused.

Information received by OEH is handled confidentially to the standard required under the Privacy and Personal Information Protection Act 1998.

OEH will provide feedback to members of the public who report alleged breaches when requested to the extent that is legally permissible for confidentiality and privacy reasons and that will not compromise investigation and enforcement actions. Reports made through Environment Line can be followed up by calling 131 555 and quoting the report number. OEH will respond to people making reports via letter or email in accordance with the agency's Guarantee of Service.

The Government Information (Public Access) Act 2009 also provides the public with the right to access government information, unless there is an overriding public interest against its release.

5.2 Remote surveillance

OEH’s monitoring activities include high-resolution satellite imagery, aerial surveys and photography and surveillance flights to detect changes in native vegetation and land use in targeted areas.

This information is regularly analysed to detect land surface changes at a small scale to identify activities of unlawful clearance of native vegetation and those that may affect vegetation that supports threatened species. Remote surveillance also helps OEH to focus its compliance efforts in areas and on issues that represent the greatest risk to conservation outcomes.

5.3 Audits

OEH conducts audits which:

- assess levels of compliance with conservation legislation and Ministerial Orders, permits, approvals, licences and notices issued under that legislation
- inform OEH’s risk assessment process
- enable OEH to check and confirm whether its compliance programs are focused on the greatest risks
- serve as a general deterrent to non-compliance by reminding the regulated community that OEH may randomly assess compliance
- assist OEH to design compliance programs
- educate the regulated community about legal responsibilities, conservation standards and areas where conservation management may be improved.

OEH designs audit programs with a defined purpose, methodology and reporting arrangement. The methodology used for each audit program reflects the purpose of the program and the powers available to OEH under relevant conservation legislation.
5.4 Investigations

OEH follows up all reports of non-compliance and actively investigates those that present the greatest risks to conservation outcomes or may influence others to consider non-compliant activities as well as matters of high public interest.

During an investigation, authorised OEH officers gather evidence on the alleged incident to establish whether an offence against the relevant conservation legislation may have been committed and, if so, the seriousness of the offence to conservation outcomes and who might be responsible. This evidence may take the form of samples, photos, videos, witness statements and records of interview.

OEH will not provide detailed information to the public about matters under investigation because of legal and privacy considerations, unless legally required to do so. However, OEH will inform those involved of the outcome of an investigation and the reasons for any compliance response.

6. Compliance priorities

OEH continually identifies the nature, source, cause and impact of past, current and emerging risks to conservation outcomes to assist in identifying compliance priorities.

The risk analysis process is used by OEH to:

- efficiently allocate compliance resources to deal with the highest conservation priorities or matters where compliance activity is likely to be most effective
- adapt to new information and respond to emerging risks
- improve business and community support and guidance for compliance on important conservation issues.

6.1 Risk analysis framework

The type and nature of OEH’s response to compliance issues is guided by a risk analysis framework which is used to both:

- identify trends or groups of compliance issues that may require a planned and programmed response
- determine the urgency and level of compliance response to individual instances of non-compliance.

The need for planned compliance programs is identified by examining relative risk to conservation outcomes through analysis of the combination of:

- past non-compliances to determine the likelihood of certain types of non-compliance occurring
- the seriousness of these types of non-compliances for each conservation theme.

Decisions to respond to individual instances of non-compliance are based on an initial assessment of each matter for its:

- seriousness to conservation outcomes
- effect on the integrity of the regulatory system
- likely effectiveness of a regulatory response.

The matters most likely to attract priority focus for OEH compliance attention, either as part of a collective programmed response or as an individual matter, are those that seriously affect conservation outcomes, are of high public interest and/or which
occur frequently throughout the community, repeatedly by the same person, or in patterns or trends.

Figure 2 shows the general risk analysis approach OEH follows.

**Figure 2: Assessing risks of non-compliance to conservation outcomes and regulatory integrity**

OEH undertakes this risk analysis using quantitative and published data where available. The likelihood of non-compliance with relevant legislation is assessed using data on past incidences of non-compliance obtained from OEH’s compliance monitoring as described in Section 5.

The seriousness of the non-compliance to conservation outcomes is determined by considering:

- the conservation value of the item that is affected
- the magnitude or scale of the impact on the conservation item
- whether the non-compliance and impact are ongoing
- other specific factors for each conservation theme.

Specific factors that are commonly considered when assessing the seriousness of non-compliance to conservation outcomes are listed in Table 1 for each conservation theme. Note that the table is not an exhaustive list of factors considered by OEH and other seriousness factors may be considered on a case-by-case basis.

The seriousness of a non-compliance to the integrity of the regulatory system is assessed with regard to such factors as:

- visibility and profile of the non-compliance to others, as continuation of these types of non-compliances may encourage others not to comply
- public interest in the non-compliance
- prevalence of the type of offence in the community
- impact of the non-compliance on maintaining a level playing field
- history of the alleged offender.
<table>
<thead>
<tr>
<th>Conservation theme</th>
<th>Significance factors</th>
<th>Scale factors</th>
<th>Other factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native vegetation protection</td>
<td>The cleared vegetation type is located within an over-cleared landscape (&gt;70% cleared), as shown on the OEH Over-cleared Landscapes Database. The cleared vegetation type is part of a Threatened Ecological Community, habitat of threatened species or part of declared critical habitat. The cleared vegetation was part of a site for environment and conservation investment, such as Environmental Trust projects. The clearing impacts vulnerable lands.</td>
<td>Clearing is broadscale in nature. Area (hectares) of clearing. Clearing is ongoing and there is potential for further harm.</td>
<td>Clearing affects community-valued ecosystems landscapes and places, such as riparian zones and floodplain wetlands. Clearing adversely affects achievement of the NSW Government’s Water Quality Objectives. Clearing affects other conservation themes, such as an Aboriginal cultural heritage object.</td>
</tr>
<tr>
<td>Threatened species conservation</td>
<td>The activity harms a threatened species, population or ecological community listed under the Threatened Species Conservation Act 1995 (TSC Act) or damages the habitat of threatened species, populations or ecological communities. The activity harms a threatened species, population or ecological community that is subject to direct environment and conservation investment, such as Environmental Trust projects.</td>
<td>In the case of harm to an endangered ecological community (EEC): • area of EEC affected as a proportion of EEC remaining • condition, connectivity and long-term sustainability of the EEC In the case of damage to the habitat of threatened species or critical habitat: • area of habitat affected as a proportion of that habitat type remaining • condition, connectivity and long-term sustainability of the habitat In the case of harm to individual species and populations, the viability of the species or population is put at risk because of: • adverse effects on the life cycle of the threatened species.</td>
<td>The activity affects other conservation themes, e.g. harm to threatened ecological community, such as an over-cleared native vegetation community. The activity unlawfully harms threatened species, populations or ecological communities and/or critical habitat regulated by a biobanking agreement or a licence issued under section 91 of the TSC Act.</td>
</tr>
<tr>
<td>Conservation theme</td>
<td>Significance factors</td>
<td>Scale factors</td>
<td>Other factors</td>
</tr>
<tr>
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</tr>
<tr>
<td>Aboriginal cultural heritage*</td>
<td>An activity unlawfully harms or desecrates a ceremonial site. An activity unlawfully harms or desecrates an object or site listed on the Aboriginal Heritage Information Management System. Activity unlawfully harms or desecrates an object or site subject to an Aboriginal Heritage Impact Permit (AHIP) or contrary to a due diligence assessment.</td>
<td>Number of similar recorded sites remaining in the region Identified cultural values or significant features of an Aboriginal Place have been been harmed Irreversibility of the impact on Aboriginal cultural heritage Activity continues to harm an object or place after these have been detected or identified and there is potential for further harm</td>
<td>An activity unlawfully harms Aboriginal places funded for protection through the Environmental Trust or other programs. An activity affects other conservation themes, such as a threatened ecological community.</td>
</tr>
</tbody>
</table>

* It is an offence against section 86 of the National Parks and Wildlife Act 1974 to harm an Aboriginal object or harm or desecrate an Aboriginal place, irrespective of whether the existence of the place or object is known or not known at the time of the offence. The Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW sets out the reasonable and practicable steps to take in order to identify whether Aboriginal objects are, or are likely to be, present in an area, determine whether their activities are likely to harm Aboriginal objects (if present) and determine whether an AHIP application is required.
6.2 Setting compliance priorities

Using the most contemporary science and policy and new intelligence information from compliance monitoring programs, OEH will periodically undertake a risk analysis for each conservation theme to re-evaluate the seriousness of activities to conservation outcomes and the integrity of the regulatory framework. OEH’s compliance priorities will be reviewed periodically based on the outcome of this risk analysis.

The allocation of resources to a compliance priority will be designed to solve a compliance issue and increase the levels of compliance for that issue.

While OEH will focus its resources in accordance with these compliance priorities, it will also continue to conduct some compliance activity in areas of lower risk to test how robust the risk analysis process is and deter non-compliance on all matters.

7. Response to compliance priorities

Compliance response options available to OEH include:

- education and information as set out in Section 4 that:
  - helps prevent and avoid non-compliance with conservation standards
  - provides guidance and assistance to those willing to comply
- applying a range of regulatory measures provided by law as set out in Section 7.1 to those who do not comply
- developing special purpose compliance programs and taskforces to address specific priority issues as set out in Section 7.2.

OEH can also work collaboratively with other regulatory agencies to apply the regulatory measures under the legislation they administer to achieve an appropriate conservation outcome.

OEH’s compliance response will be proportionate to the seriousness posed by the non-compliance as determined by the risk analysis approach outlined in Section 6.1 and designed to support and encourage lawful behaviour. OEH appropriately resources priority compliance programs and reserves resources to reactively respond to individual compliance matters on the basis of their relative priority.

7.1 Response to individual cases of non-compliance

When an investigation of an individual matter detects an actual or potential non-compliance, OEH takes action to prevent or correct that non-compliance. OEH uses a range of tools and approaches to respond to non-compliance, such as advisory letters and official cautions, as well as regulatory measures provided in legislation to enforce required standards including:

- stop work orders
- remedial directions
- penalty notices
- prosecutions
- variation, suspension, revocation or cancellation of licences or permits.

OEH escalates the compliance response according to considerations such as:
• the seriousness of the non-compliance to conservation outcomes
• the culpability of the offender and their compliance history
• mitigating and aggravating circumstances.

Decisions to use enforceable regulatory measures provided in legislation are made by senior management in OEH’s Regional Operations Group under legal delegations contained in the relevant legislation. The decision about which regulatory measure to use is based on:
• evidence gathered by OEH staff authorised under the conservation legislation
• specialist advice from OEH’s Science and Legal Services Divisions and expert Regional Operations Group staff
• considerations outlined in this Compliance Policy
• the OEH Prosecution Guidelines and other internal guidance and procedures.

The types of regulatory measures available under legislation are shown in Table 2 and each is described in detail in Appendix III. Both of these should be read in conjunction with the conservation legislation administered by OEH as the specific purpose, content and limitations for using each measure varies between the legislation.

Table 2: Regulatory measures for each conservation outcome within OEH responsibility

<table>
<thead>
<tr>
<th>Non-compliance response tool</th>
<th>Aboriginal cultural heritage</th>
<th>Native vegetation protection</th>
<th>Threatened species conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory letter</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Warning letter</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Official caution</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Stop work order</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Interim protection order</td>
<td>✓</td>
<td>×</td>
<td>✓</td>
</tr>
<tr>
<td>Penalty notice</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Remedial direction</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Variation, suspension, revocation or cancellation of licence or permit</td>
<td>✓</td>
<td>×</td>
<td>✓</td>
</tr>
<tr>
<td>Prosecution</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

More detailed considerations for issuing penalty notices or taking prosecution action are set out in the OEH Prosecution Guidelines.

Figure 3 illustrates OEH’s options for responding to individual non-compliances in the general order of escalation of action available to the agency.

For many regulatory actions, the alleged offender has the right of appeal as set out in the relevant legislation.
7.2 Compliance programs and taskforces

OEH can also respond to groups, trends or patterns of non-compliance or emerging risks of potential non-compliance through compliance programs and by establishing special purpose taskforces.

Compliance programs are developed after careful analysis and definition of a compliance problem and tailored to the circumstances of each issue, based on an understanding of the causes of the trend or pattern of non-compliance and consideration of the mix of compliance responses predicted to correct behaviours and drive the highest levels of compliance. OEH evaluates each compliance program for its effectiveness in improving compliance levels to better understand the relative effectiveness and efficiency of the available regulatory measures and help design future programs.

OEH can also respond to trends, patterns or emerging risks of non-compliance by establishing taskforces to develop innovative special purpose response options that may involve:

- rapid deployment of OEH resources to prevent non-compliance
- the development of new, innovative OEH processes to analyse and respond to unique circumstances
- cross-agency cooperation, allowing the use of compliance approaches, resources and regulatory tools under legislation beyond OEH’s administration
- seeking community assistance to change non-compliant behaviours
- seeking government review and amendment of regulatory options where no other options are available to solve high priority compliance problems.
8. Measuring and reporting on the OEH compliance program

OEH measures the performance of its compliance function so that it can:

- report on that performance
- learn from its past performance and continually improve the effectiveness and efficiency of its future approach to compliance functions
- identify emerging compliance issues.

In particular, OEH measures:

- the number and type of reported or detected non-compliances
- regulatory outputs, such as the number of prosecutions, notices and penalty infringement notices
- the resulting compliance outcomes, such as the number of non-compliance types and levels of compliance for each conservation theme at a statewide and/or regional level
- indicators specific to the objectives of priority compliance programs.

This approach enables OEH to accurately evaluate the overall effectiveness of its compliance function and individual compliance programs in changing behaviours to meet with standards set by conservation laws and regulations and to understand and explain changes in regulatory outputs and detect and respond to emerging risks.

Measuring the compliance outcomes requires the establishment of initial baseline compliance levels in each conservation theme across the state.

OEH will report on its compliance performance annually in the Annual Report. This will include a summary of OEH’s evaluation of its compliance program, including details on education, information and community engagement campaigns as well as regulatory outputs.

9. Evaluating the OEH compliance approach

OEH is committed to continuously improving its compliance approach to ensure the agency remains credible, fair, targeted, effective, efficient, collaborative and adaptive to changing circumstances. Continuous improvement will be achieved through evaluation and adaptation of the components of OEH’s compliance approach. In particular OEH will:

- develop its compliance monitoring approaches, adopting new and additional technologies and approaches where practical and cost-effective
- periodically review compliance priorities using the risk analysis framework
- periodically review its risk analysis framework based on new science, policy and the availability of information on compliance levels
- undertake an internal debriefing for all major investigations to improve the appropriateness, effectiveness and efficiency of evidence gathering and regulatory decision-making processes and procedures
- evaluate the appropriateness, effectiveness and efficiency of all individual compliance programs in improving compliance levels
- develop relationships with, and learn from the experiences of, other regulators
- ensure compliance staff are kept well informed and remain well trained in OEH’s current compliance approaches.

Any changes to OEH’s compliance approach will be notified publicly.
Appendix I: OEH compliance operating principles

Fair
- We conduct ourselves in accordance with the OEH Code of Ethical Conduct.
- We are polite, courteous, reasonable and respectful.
- We are proportionate and consistent in our response to compliance matters.
- We provide procedural fairness.
- We are transparent and informative in our compliance business.
- We seek to minimise disruption to others in the conduct of compliance work.
- We use our discretion justifiably and ensure decisions match the circumstances.
- We exercise our compliance and enforcement with integrity and professionalism.
- We consider negotiated settlements where there is no risk of corruption and an appropriate conservation outcome can be achieved.

Credible
- We conduct our compliance work within legal powers.
- We set our compliance priorities and make compliance decisions based on credible science and information, including information from the community.
- We record our decisions and the reasons for those decisions.
- We are committed to sound workplace health and safety practices.

Competent
- We are knowledgeable about conservation matters.
- We are well trained in compliance work.
- We are well supported by scientific and legal experts.
- We have effective systems and procedures in place.

Targeted
- We focus compliance work on the issues with the greatest risks to conservation outcome.
- We undertake compliance work with purpose.
- We aim to complete investigations as quickly as possible.
- We apply the right tool for the problem at the right time.
- We achieve effective compliance outcomes in an efficient manner.

Effective
- We are focused on conservation outcomes and set clear outcomes to be achieved.
- We apply compliance approaches designed to achieve those outcomes.
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**Efficient**
- We seek to achieve the highest levels of compliance on priority conservation matters with least resources and ensure that our response is as timely as possible.

**Adaptive**
- We evaluate and report on our compliance performance.
- We seek to continuously learn and improve our compliance approaches.
- We are responsive to emerging issues or changing circumstances.

**Collaborative**
- We work with the public, industry and other agencies to obtain intelligence and develop effective, targeted compliance responses to achieve conservation outcomes.
Appendix II: Useful information and links

Native vegetation protection

www.environment.nsw.gov.au/vegetation/landholder.htm – This page provides links to information for landholders on the Native Vegetation Act 2003 and Native Vegetation Regulation 2013, including links to advice about what clearing can be undertaken without approval and information about how to seek approvals from Local Land Services.

www.environment.nsw.gov.au/vegetation/importance.htm – This page provides information about the benefits to the environment and farmers of protecting and restoring native vegetation as well as useful references about the economic benefits of protecting native vegetation.

Threatened species conservation


www.environment.nsw.gov.au/threatenedSpeciesApp/ – This page provides access to a search engine for information about threatened species, populations and ecological communities, including threatened status, relevant conservation projects and linked vegetation classes.

www.bionet.nsw.gov.au/ – This page provides access to NSW BioNet which includes government-held information about plants and animals in NSW and enables searches for information based on geographic location.

Aboriginal cultural heritage

www.environment.nsw.gov.au/licences/ACHregulation.htm – This page provides information on the regulation of Aboriginal cultural heritage, including background and the approach to protection of Aboriginal objects and places under the National Parks and Wildlife Act 1974.

www.environment.nsw.gov.au/licences/investassessreport.htm – This page provides a guide to investigating, assessing and reporting on Aboriginal cultural heritage and useful links to codes of practice for due diligence and archaeological investigations of Aboriginal cultural heritage.

www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm – This page provides information about OEH’s Aboriginal Heritage Information Management System which contains information about known Aboriginal cultural heritage objects and places and past archaeological reports.

www.environment.nsw.gov.au/licences/ahips.htm – This page provides information on Aboriginal Heritage Impact Permits (AHIPs) and how to apply for one.
## Appendix III: OEH regulatory measures

<table>
<thead>
<tr>
<th>Compliance tool</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory letter</td>
<td>An advisory letter reminds the recipient of their legal responsibilities and is not an accusation that they have breached any law. Advisory letters may make reference to guidance material that is available to assist and support compliance.</td>
</tr>
<tr>
<td>Warning letter</td>
<td>A warning letter informs the recipient that OEH considers a minor non-compliance has occurred, reminding them of their legal obligations and requesting that they modify their behaviour to achieve full compliance. Warning letters may make reference to guidance material that is available to assist and support compliance.</td>
</tr>
<tr>
<td>Official caution</td>
<td>Official cautions are a discretionary alternative to a penalty notice where OEH believes a breach has occurred but in the specific circumstances a penalty notice may be excessive or counter-productive. In deciding whether to give an official caution rather than a penalty notice, OEH officers have regard to the Attorney General’s <a href="#">Caution Guidelines under the Fines Act 1996</a>. Official cautions may make reference to guidance material that is available to assist and support compliance.</td>
</tr>
<tr>
<td>Interim protection order</td>
<td>Interim protection orders are made by the Minister under the <em>National Parks and Wildlife Act 1994</em> can include terms for the preservation, protection and maintenance of an area of land, its fauna, plants, threatened species, populations and ecological communities and critical habitat of endangered species, populations and ecological communities and any Aboriginal object or place subject to the order.</td>
</tr>
<tr>
<td>Stop work order</td>
<td>Stop work orders may be issued if OEH believes a serious non-compliance is occurring or about to occur.</td>
</tr>
<tr>
<td>Penalty notice</td>
<td>Penalty notices are a fine that can be issued by an authorised officer for non-compliance. The amount of the fine is fixed by regulations and is much less than the maximum penalty if the matter is heard in Court. The recipient may elect to appeal a penalty notice in Court. Issuing a penalty notice does not preclude issue of a remedial direction.</td>
</tr>
<tr>
<td>Remedial direction</td>
<td>A remedial direction is a legal notice directing the recipient to undertake specified works to repair harm to the environment or cultural heritage. For procedural fairness, OEH provides an opportunity for the recipient to comment on draft remedial directions for consideration when finalising and issuing the direction. The recipient may appeal the issuing of the direction in Court.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>Prosecution involves having a matter heard in Court to independently determine whether non-compliance has occurred and impose a penalty for any that are confirmed. OEH generally issues a media release on the outcome of each prosecution to provide a general deterrent to non-compliance.</td>
</tr>
<tr>
<td>Variation, suspension, revocation or cancellation of a licence or permit</td>
<td>OEH may vary, suspend, revoke or cancel licences, permits or approvals issued to undertake a range of activities.</td>
</tr>
</tbody>
</table>

Note: Some conservation legislation also allows organisations or people other than OEH to seek Court orders to remedy or restrain non-compliances.