



Compliance Policy

Office of Environment and Heritage

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Published by:

Office of Environment and Heritage
59 Goulburn Street, Sydney NSW 2000
PO Box A290, Sydney South NSW 1232
Phone: +61 2 9995 5000 (switchboard)
Phone: 131 555 (environment information and publications requests)
Phone: 1300 361 967 (national parks, general environmental enquiries, and publications requests)
Fax: +61 2 9995 5999
TTY users: phone 133 677, then ask for 131 555
Speak and listen users: phone 1300 555 727, then ask for 131 555
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

Report pollution and environmental incidents
Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au
See also www.environment.nsw.gov.au

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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 and actions that promote voluntary compliance and identify and respond to non-compliance.

Compliance refers to all activities that contribute to supporting adherence to the law. Compliance activities include:

- stakeholder education campaigns to promote compliance
- auditing compliance levels
- monitoring the status of protected assets and addressing emerging issues
- routine patrols within National Parks estate to identify non-compliance
- investigating reports of possible non-compliance
- collection of evidence to support regulatory responses and legal proceedings
- taking appropriate regulatory and enforcement action
- proactive operations targeting particular issues.

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 ensure the environment is valued, protected and able to be enjoyed by the NSW community.

1.1 Purpose

This OEH Compliance Policy:

- explains OEH's compliance approach to conservation and park management 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 regulatory decisions that drive an effective conservation or park management outcome.

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

1.2 Scope

This policy describes OEH's approach to compliance under the following legislation:

- *Biodiversity Conservation Act 2016*
- *National Parks and Wildlife Act 1974*
- *Part 5A of the Local Land Services Act 2013 (as amended in 2016)*
- *Wilderness Act 1987*

This legislation is collectively referred to throughout this policy as 'conservation and park management legislation'.

Native vegetation management is regulated by the *Local Land Services Act 2013*. Administrative responsibility for the *Local Land Services Amendment Act 2013* rests with the Minister for Primary Industries, and responsibility for enforcement of Part 5A of the Act has been delegated to OEH.

This policy applies to compliance work undertaken by OEH's Regional Operations Division (ROD) and the National Parks and Wildlife Service (NPWS), encompassing Park Programs Division and Park Operations Division. Compliance work undertaken by OEH's Heritage Division is not covered by this policy.

This Compliance Policy aligns both with OEH's vision for an environment that is valued, protected and can be enjoyed and with the NSW Government's Quality Regulatory Services Initiative which requires agencies to take a risk based, outcomes focussed approach to compliance.

2. OEH compliance culture

OEH applies the NSW Public Sector core values of service, integrity, trust and accountability to all aspects of OEH compliance and enforcement activities. In particular, in all its compliance interactions OEH will:

- ensure the community knows what to expect from the agency
- understand the perspectives of the regulated and broader community
- maintain a focus on conservation outcomes
- work cooperatively with the community to help people to comply
- act within powers available in the legislation
- encourage the community to support and cooperate in the agency's compliance role, and to respect the authority of officers under the law
- regulate firmly but fairly when required to achieve OEH's conservation and park management objectives
- direct its compliance efforts to matters that pose the highest risk to conservation and park management outcomes
- have proper regard to the safety of the public
- apply laws and regulations consistently across NSW
- act in a non-discriminatory, ethical and reasonable manner.

3. Conservation and park management compliance objectives

The primary objective of OEH compliance work on:

- biodiversity:
 - for **threatened species, threatened ecological communities and their habitats and areas of declared outstanding biodiversity value** is to prevent and remediate unlawful harm or damage and to prevent cumulative impacts on these entities at a bioregional scale
 - for **protected animals and plants and wildlife licensing** is to prevent unlawful harm to wildlife, to maintain sustainable wild populations of protected plants and animals by preventing unlawful take from or release to wild populations, prevent

- unlawful keeping or trading in wildlife, and to minimise risks to safety, property and animal welfare in human interactions with wildlife
- for the **accredited assessors scheme** is to assure the robustness of the scheme to support the credibility of biodiversity assessment and biodiversity offsetting in NSW
 - for **private land conservation** is to assist the Biodiversity Conservation Trust to meet its objectives
 - for **commercial kangaroo harvesting** is to ensure kangaroo populations in NSW remain ecologically sustainable and that the methods of harvesting kangaroos for commercial use are humane
 - **Aboriginal cultural heritage** is to prevent and deter harm to known Aboriginal objects and places and to promote due diligence to avoid impacts to currently unknown Aboriginal objects and places
 - **land management (native vegetation protection)** is to promote voluntary compliance, supported by enforcement that targets unlawful, intentional, and serious clearing events undertaken for commercial gain, and to remediate unlawful harm
 - **park management** is to prevent loss of park values and assets, and protect visitor safety and enjoyment.

4. OEH approach to compliance

The OEH compliance program has five components:

- **prevention of non-compliance**, including encouraging voluntary compliance as set out in Section 4.1
- **compliance monitoring** (Section 4.2)
- **prioritising compliance issues** (Section 4.3)
- **compliance response** (Section 4.4)
- **compliance program evaluation** (Sections 4.5 and 4.6).

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.

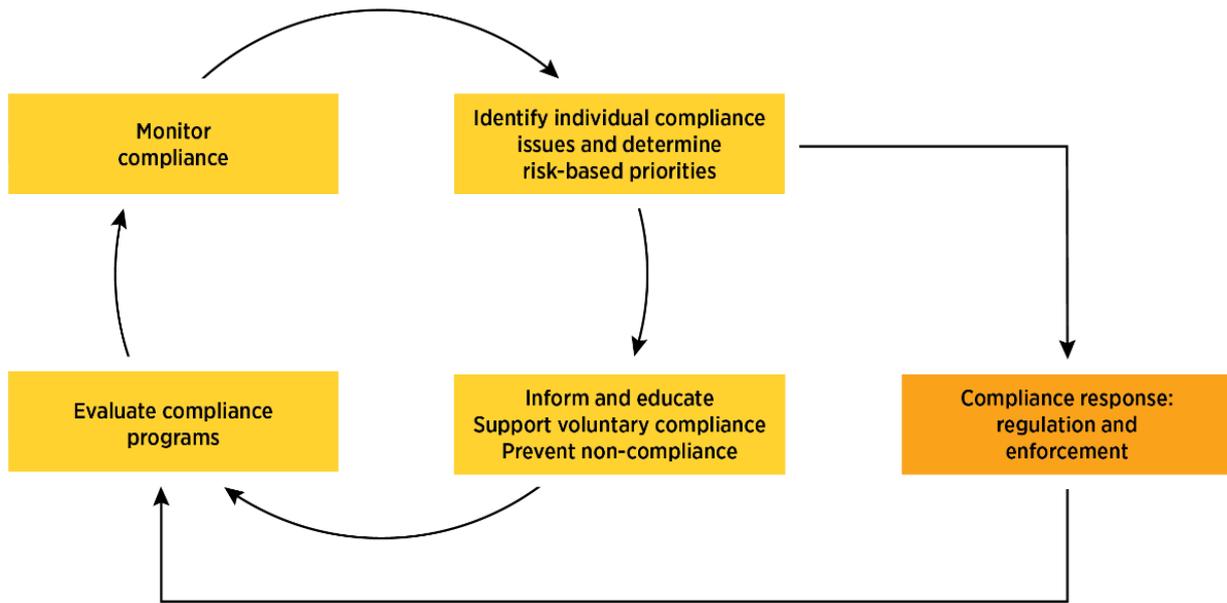


Figure 1 OEH compliance approach

4.1 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 and park management 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
- 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 I provides links to 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.

Contact your local OEH office if you need any further information or guidance about compliance with OEH legislation.

4.2 Compliance monitoring

Monitoring compliance with conservation and park management 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 compliance assurance to government and the community, and 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, investigations and regular park patrols.

OEH analyses this information and that from other sources and new research to identify emerging issues, predict when and where there is likely to be an emergence of potential compliance issues, define and understand the causes of compliance issues and develop and implement effective, well-targeted compliance responses.

4.2.1 Community reports

OEH receives reports of alleged breaches of conservation and park management legislation from members of the public, industry, local councils and other government agencies. This includes self-reporting from the regulated community.

OEH recognises the value of information provided by these external sources and encourages the reporting of suspected breaches of the legislation it administers.

OEH's preference is for reports of suspected non-compliance to be made by calling 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*.

On request OEH will provide feedback to members of the public who report alleged breaches, 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.

4.2.2 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 clearing 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.

OEH undertakes aerial surveys to estimate kangaroo populations and inform the setting of quotas for sustainable commercial kangaroo harvesting.

OEH also uses surveillance cameras in national parks and other reserves to detect and record unlawful activity, such as wildlife hunting or collecting, waste dumping and trail bike riding.

4.2.3 Audits

OEH conducts audits which:

- assess levels of compliance with conservation and park management legislation and Ministerial Orders, permits, approvals, licences, accreditations and notices issued under that legislation
- inform OEH's compliance risk assessment processes
- enable OEH to check and confirm whether its compliance programs are effective and 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 projects with a defined purpose, methodology and reporting arrangement. The methodology used for each audit project reflects the purpose of the project and the powers available to OEH under relevant conservation and park management legislation.

4.2.4 Investigations

OEH follows up on all reports of non-compliance and actively investigates those that present the greatest risks to conservation and park management objectives or may influence others to consider non-compliant activities and those that are 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 and park management legislation may have been committed and, if so, the seriousness of the offence to conservation and park management objectives 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, where requested, OEH will inform those involved of the outcome of an investigation and the reasons for any compliance response.

4.2.5 Strategic data use

OEH uses a number of data sources to help predict when and where there is likely to be an emergence of potential compliance issues. This analysis assists OEH to design and implement compliance programs that seek to prevent non-compliance and assist people to voluntarily comply, rather than respond to non-compliances that adversely affect conservation outcomes.

4.2.6 Park patrols

NPWS officers working on National Park reserves directly or indirectly monitor, and respond to compliance matters. This includes routine park matters, such as park use fee payment, dogs, anti-social or unsafe visitor behaviour, and higher conservation risk matters including vandalism of cultural heritage sites or harm to wildlife.

4.3 Compliance priority setting

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

The risk analysis process is used by OEH to:

- identify the highest conservation and park management priorities or matters where compliance activity is likely to be most effective
- design the most effective compliance response
- allocate compliance resources to these high priority compliance responses
- adapt to new information and respond to emerging risks
- improve business and community support and guidance for compliance on important conservation and park management issues.

4.3.1 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 alleged non-compliance.

The need for planned compliance programs is identified by examining relative risk to conservation and park management objectives by analysing the combination of:

- likelihood of location and specific characteristics of past non-compliances or predicted future rates of non-compliance
- 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 or park management objectives
- 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 or park management objectives, 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.

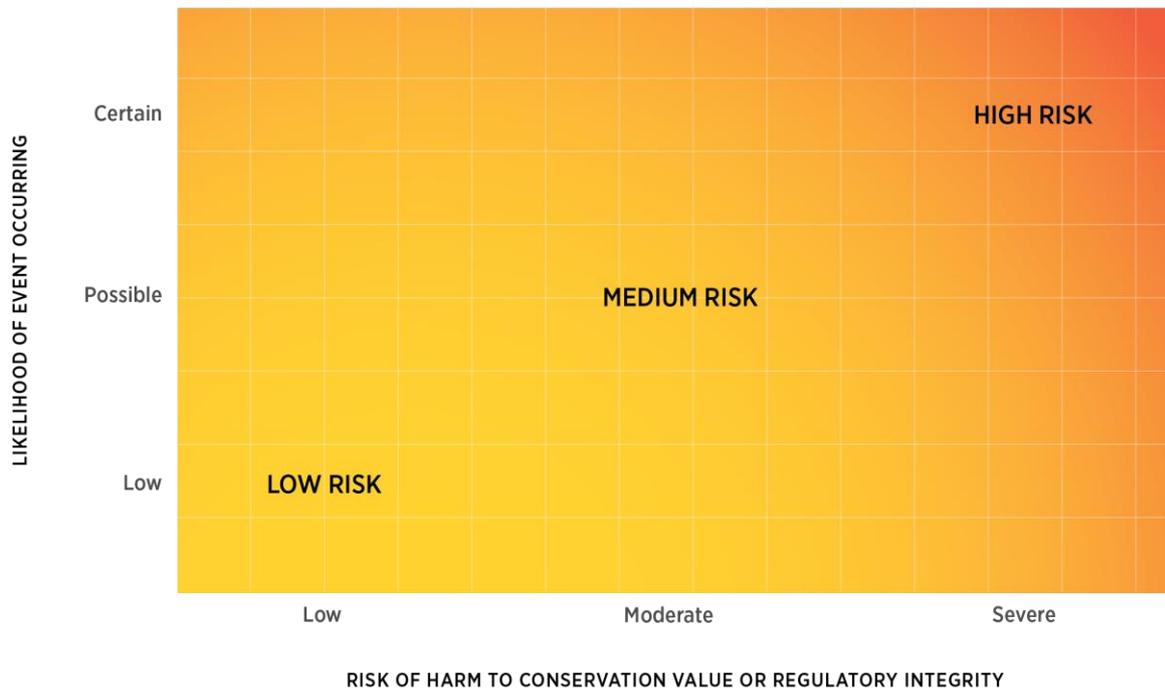


Figure 2 Assessing risks of non-compliance to conservation outcomes and regulatory integrity

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 4.2, and by data analysis to predict the emergence of issues.

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

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

The effect of a non-compliance to the integrity of the regulatory system is assessed by considering:

- 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.

4.3.2 Setting compliance priorities

OEH will periodically undertake a risk analysis for each conservation theme to re-evaluate the seriousness of activities to conservation or park management objectives and integrity of the regulatory framework based on the most contemporary science and policy and new intelligence information from the compliance monitoring programs. 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 minimise or 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.

4.4 Compliance responses

Compliance response options available to OEH range from:

- education and information as set out in Section 4.1 to:
 - help prevent and avoid non-compliance with conservation standards
 - provide guidance and assistance to those willing to comply
- auditing to understand compliance levels in the regulated community, identify best practice to assist others to comply, and to assess the effectiveness of compliance and regulatory activity
- applying a range of regulatory measures provided by law as set out in Section 4.4.1 to those who do not comply to remediate impacts and/or serve as a specific or general deterrence
- developing strategic compliance programs and project teams to address specific priority issues as set out in Section 4.4.2.

OEH can also work collaboratively with other regulatory agencies to apply the regulatory measures under the legislation they administer to achieve an appropriate conservation and park management 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 4.3.1, and will be designed to support and encourage lawful behaviour where possible, but will involve firm but fair regulatory action where non-compliances continue, where non-compliances are deliberate, or where non-compliances are serious.

OEH appropriately resources priority compliance programs and reserves resources to reactively respond to individual compliance matters on the basis of their relative priority.

4.4.1 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 the 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 and regulations to enforce required standards including:

- stop work orders
- remediation orders
- penalty notices
- prosecutions

- variation, suspension, revocation or cancellation of licences, permits or accreditations.

OEH escalates the compliance response according to considerations such as:

- the seriousness of the non-compliance to conservation or park management objectives
- 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 OEH senior management 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 and park management legislation
- specialist advice from OEH's Science Division, Legal Services, expert Regional Operations Division or NPWS officers, and external experts
- considerations outlined in this Compliance Policy and the NPWS Compliance and Law Enforcement Manual
- the OEH Prosecution Guidelines and other internal guidance and procedures.

The types of regulatory measures available to OEH and the Minister under legislation are summarised in Table 2 and each is described in more detail in Appendix II. Both of these should be read in conjunction with the conservation and park management legislation administered by OEH as the specific purpose, content and limitations for use of each measure varies between the legislation.

The court also has a range of ancillary orders that it can make in addition to a penalty for proven offences, including:

- orders regarding monetary benefits, representing the amount of monetary benefit acquired by or accruing to the offender as a result of the commission of the offence
- orders for restoration and prevention, to prevent, control, abate, mitigate or make good any resulting damage from the commission of the offence
- orders for costs, expenses and compensation.

Table 1 Regulatory measures available to OEH or the Minister

Non-compliance response tool	Aboriginal cultural heritage	Native vegetation protection	Biodiversity conservation	Park management
Advisory letter	Yes	Yes	Yes	Yes
Warning letter	Yes	Yes	Yes	Yes
Official caution	Yes	Yes	Yes	Yes
Directions relating to protected animals	No	No	Yes	Yes
Stop work order	Yes	Yes	Yes	Yes
Interim protection order	Yes	Yes	Yes	No
Penalty notice	Yes	Yes	Yes	Yes
Remediation orders	Yes	Yes	Yes	Yes
Variation, suspension, revocation or	Yes	No	Yes	Yes

Non-compliance response tool	Aboriginal cultural heritage	Native vegetation protection	Biodiversity conservation	Park management
cancellation of licence, permit or accreditation				
Enforceable undertakings	No	Yes	Yes	Yes
Prosecution	Yes	Yes	Yes	Yes

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 response 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.

4.4.2 Strategic compliance programs and project teams

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

Strategic 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 response measures and help design future programs.

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

- rapid deployment of OEH resources to prevent non-compliance
- education, audit or enforcement campaigns
- 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.

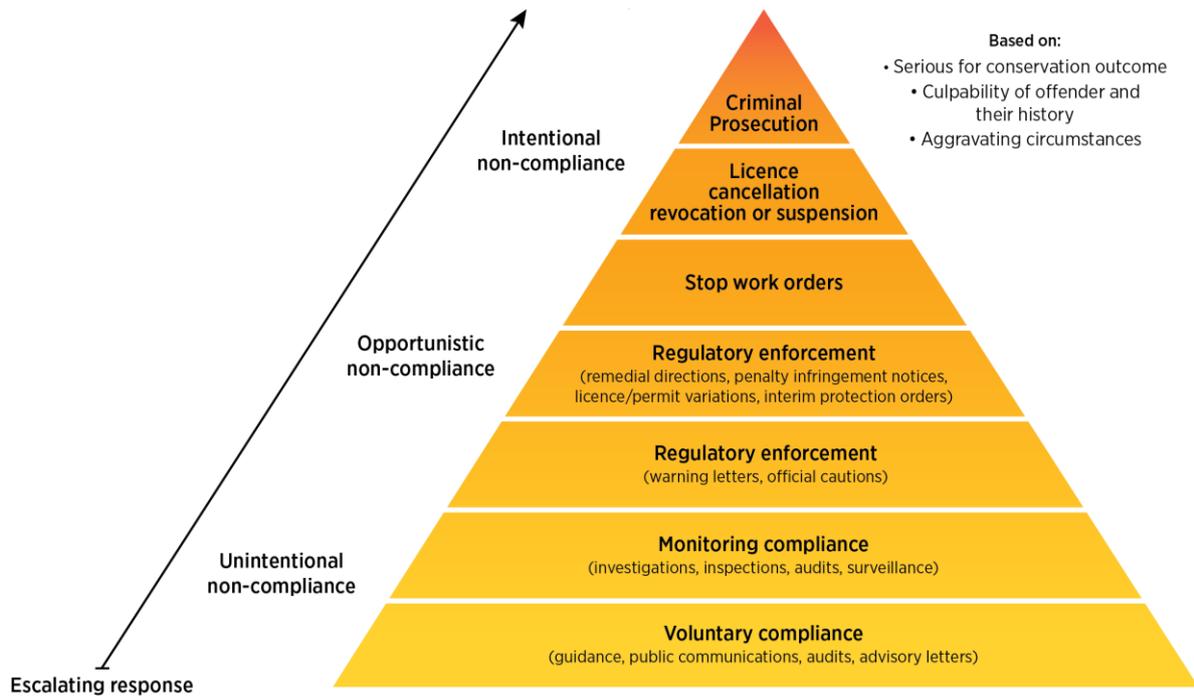


Figure 3 Escalation of OEH Response to Non-compliance

4.5 Measuring and reporting

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 notices
- the resulting compliance outcomes, such as the number of non-compliance types and levels of compliance for each conservation theme at a state-wide and/or regional level
- indicators specific to the objectives of priority strategic compliance programs.

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

4.6 Continuous improvement

OEH is committed to continuously improving its compliance approach to ensure the agency remains credible, fair, targeted, and effective in its compliance approach. 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
- evaluate the appropriateness, effectiveness and efficiency of all individual strategic 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 1: Useful information and links

General

NSW legislation – This page provides links to all NSW legislation and regulations, including conservation and parks management legislation referred to in this policy.

Guarantee of Service – This page sets out OEH's service standards, including in relation to response times to enquiries and correspondence.

OEH Code of Ethics and Conduct – This document sets out mandatory requirements and best practice conduct for all Office of Environment and Heritage employees.

Park management

Park management policies – This page provides links to relevant parks policies that describe how people need to behave in parks to protect conservation values.

NPWS Law Enforcement and Compliance Strategy – This document sets out priority state-wide law enforcement and compliance issues relevant to operations conducted by the National Parks and Wildlife Service.

Aboriginal cultural heritage

ACH regulation – 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.

ACH investigations and assessments – 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.

Aboriginal Heritage Information System – 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.

Aboriginal Heritage Impact Permits – This page provides information on Aboriginal Heritage Impact Permits (AHIPs) and how to apply for one.

Native vegetation protection

Benefits of native vegetation – 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

Threatened species – 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.

Bionet – 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.

Kangaroo management

Kangaroo management program – This page provides information about OEH's regulation of the commercial kangaroo harvesting industry.

Appendix 2: Description of OEH regulatory measures

Compliance tool	Description
Advisory letter	An advisory letter reminds the recipient of their legal responsibilities and is not an accusation that they have breached any law. Advisory letters may refer to guidance material that is available to assist and support compliance.
Warning letter	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 refer to guidance material that is available to assist and support compliance.
Official caution	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 <u>Caution Guidelines under the Fines Act 1996</u> . Official cautions may refer to guidance material that is available to assist and support compliance.
Direction relating to protected animals	Directions can be given by authorised officers to stop activity distressing protected animals or for the welfare of protected animals in confinement. The recipient of such a direction may appeal to the Minister against the direction.
Interim protection order	Interim protection orders are made by the Minister. Interim protection orders under the <i>National Parks and Wildlife Act 1994</i> 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.
Stop work order	Stop work orders may be issued if OEH believes a serious non-compliance is occurring or about to occur.
Penalty notice	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. The issuing of a penalty notice does not preclude the issuing of a remedial direction.
Remediation order	A remediation order 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 remediation orders for consideration when finalising and issuing the order. The recipient may appeal the issuing of the order in Court.
Enforceable undertakings	The Environment Agency Head may accept a written undertaking from a person, where the undertaking relates to a matter under the Biodiversity Conservation Act. The person may withdraw or vary the undertaking at any time, but only with the written consent of the Environment Agency

Compliance tool	Description
	Head. The Environment Agency Head may seek a court order if the person has breached any of the terms of the undertaking.
Prosecution	<p>Prosecution involves having a matter heard in Court to independently determine whether a non-compliance has occurred and impose a penalty for any that are confirmed.</p> <p>OEH generally issues a media release on the outcome of each prosecution to provide a general deterrent to non-compliance.</p>
Variation, suspension, revocation or cancellation of a licence, permit or accreditation	OEH may vary, suspend, revoke or cancel licences, permits, approvals or accreditations for a range of activities.

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