# NPWS Law Enforcement and Compliance Strategy

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# 1 Introduction

## 1.1 Purpose

The purpose of this document is to provide a strategy for priority state-wide law enforcement and compliance issues, relevant to operations conducted by the National Parks and Wildlife Service (NPWS), with the support of Legal Branch, Office of Environment and Heritage (OEH), as required.

## 1.2 Scope and application

This document provides strategic direction on prioritising law enforcement and compliance activities and recommends campaigns and strategies to effectively address identified priorities.

For the purposes of this document the following definitions are used:

- *law enforcement* - refers to the methods such as regular patrols, surveillance and investigation, which promote adherence with the law by detecting, apprehending and deterring persons who violate laws.  It includes traditional (e.g. random patrols) and contemporary approaches (e.g. intelligence-led policing).
- *compliance* – all activities (e.g. education, incentives, licensing, auditing, investigation and enforcement) aimed at achieving conformance with a rule, policy, standard or law.  The NPWS approach aimed at achieving compliance will place greater emphasis on proactive enforcement and non-enforcement approaches, including communication through education campaigns to raise awareness and crime prevention by environmental design.

This document does not replace local decision-making or the ability of staff to deal with matters locally within established parameters and budgets.  Where law enforcement issues have broader implications either geographically, politically or are of significant impact, and they are not addressed in this document, these matters should be referred to the Law Enforcement and Compliance Steering Committee (mentioned below).

This document will be reviewed every three years or as agreed.

## 1.3 Roles and responsibilities

Staff directly involved in compliance, law enforcement and investigation duties include field officers, visitor service officers and rangers, as well as branch investigators, the Specialist Investigations Unit (SIU) and Legal Services Branch.

NPWS staff will be responsible for undertaking compliance functions, law enforcement duties and investigations as required at the direction of their relevant Manager.  NPWS officers will generally undertake such duties in respect of minor incidents.

The Wildlife Licensing and Management Unit has a licensing and compliance role and is responsible for the communication and implementation of the Seizure and Disposal of Animals Policy and other policies and codes of practice relevant to the utilisation of wildlife.

The SIU is part of the Legal Services Branch and is responsible for providing investigation, law enforcement, operational support and training services to OEH and the Environment Protection Authority (EPA) in relation to serious or major suspected breaches of legislation administered by OEH & EPA.

The Branch Investigators, attached to SIU, are responsible for dealing with the more serious incidents/investigations that are carried out with a view to proceeding directly to prosecution and also those law enforcement and compliance matters that pose the highest threats to the achievement of NPWS objectives.  There are three dedicated specialist investigators to cover the field branches.  The relationship between NPWS and the branch investigators is managed through a service agreement.

### 1.3.1  Law Enforcement and Compliance Steering Committee

The Law Enforcement and Compliance Steering Committee (the Committee) was established to provide state-wide strategic direction and prioritisation for law enforcement and compliance activities to maximise effectiveness, whilst maintaining park management objectives and the safety of staff and visitors.

Measurement of the Committees performance will be determined through:
- implementation of the Strategy;
- a reduction in the occurrence of those illegal activities covered by the Strategy; and
- staff being provided with sufficient training and support to safely conduct law enforcement and compliance activities.

The goals and outcomes of the Committee, as outlined in the Terms of Reference are shown below (Table 1.3.1).

**Table 1.3.1 Goals and Outcomes of Law Enforcement and Compliance Steering Committee**

| Goal | Outcome |
|---|---|
| Provide strategic direction | <ul><li>Develop a NPWS strategy for law enforcement and compliance</li><li>Provide recommendations to PWDG for targeted campaigns</li><li>Collaborate with external organisations, such as NSW Police, to coordinate joint law enforcement and compliance campaigns</li></ul> |
| Prioritise actions | <ul><li>Utilise a risk management approach to establish clear priorities for law enforcement and compliance</li><li>Determine the most effective approach to address prioritised illegal activities</li><li>Reduce duplication of effort in dealing with similar law enforcement and compliance issues across the state</li></ul> |
| Maintain park management objectives and safety | <ul><li>Improve consistency in reporting potential breaches of national parks legislation; the quality of data recorded; and in the approach to prosecutions</li><li>Ensure that procedures and practices are in place to support staff safety and training in law enforcement and compliance</li><li>Ensure that the NPWS Law Enforcement Policy and Manual and other compliance and enforcement policies and procedures remain current</li></ul> |

The Committee is made up of nominated representatives (Table 1.3.2) from the following NPWS Branches: Coastal, Western, Metropolitan and Mountains, Tourism and Partnerships, and Conservation Programs; and Legal Branch represented by members of the Litigation and Specialist Investigations Sections, with additional staff invited as observers if required.

**Table 1.3.2 Law Enforcement and Compliance Steering Committee Members**

| Representative | Branch/Section | Position |
|---|---|---|
| Chairperson | Conservation Programs Division | Director |
| Executive Officer | Strategy & Performance Section | Principal Project Manager |
| NPWS Branch | Coastal Branch | Regional Manager, Northern Rivers |
| NPWS Branch | Metropolitan & Mountains Branch | Regional Manager, Blue Mountains |
| NPWS Branch | Conservation Programs Branch | Manager, Wildlife Licensing & Management |
| NPWS Branch | Tourism & Partnerships Branch | Manager, Commercial Partnerships Unit |
| NPWS Branch | Western Branch | PACS Manager |
| Legal Branch | Litigation Section | Manager, Litigation |
| Legal Branch | Specialist Investigations Section | Chief Investigator |
| Branch Investigator (rotating attendance) | Specialist Investigations Section | Coastal Branch, Metro & Mountains Branch and Western Branch |

The Committee's Sponsor is the Head of Parks and Wildlife.  Membership will be renewed on vacancy via a nomination from the Branch Director.  Consideration of additional members will require approval from the Sponsor.

## 1.4  Related legislation and policy documents

OEH has responsibilities and functions across a range of NSW environmental legislation.  For NPWS the key legislation is the *National Parks and Wildlife Act 1974* (the Act) and the National Parks and Wildlife Regulation 2009 (the Regulation).

### 1.4.1  Objects of the NPW Act

The core values that this Strategy aims to protect are outlined in the objects of the Act as follows:

a.   the conservation of nature, including, but not limited to, the conservation of:
  i.   habitat, ecosystems and ecosystem processes, and
  ii.   biological diversity at the community, species and genetic levels, and
  iii.   landforms of significance, including geological features and processes, and
  iv.   landscapes and natural features of significance including wilderness and wild rivers,
b.   the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:
  i.   places, objects and features of significance to Aboriginal people, and
  ii.   places of social value to the people of New South Wales, and
  iii.   places of historic, architectural or scientific significance,
c.   fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation,
d.   providing for the management of land reserved under this Act in accordance with the management principles applicable for each type of reservation.

### 1.4.2  **Work health and safety**

OEH management, staff and contractors have obligations under the *Work Health and Safety Act 2011* and Work Health and Safety Regulations 2011 to ensure the health, safety and welfare of all employees, contractors, volunteers and visitors in our workplaces.  The OEH OHS Risk Management System has been developed to support a systematic way of managing the various obligations at all levels of the organisation.  It provides a user-friendly tool to assist in managing the many and diverse hazards associated with work performed by OEH.

The OEH Risk Management System has been used as the basis of the risk management approach in this Strategy.

### 1.4.3  **Law Enforcement Policy and Manual**

The Law Enforcement Policy and Manual provides procedural guidance for those staff responsible for undertaking compliance functions, law enforcement duties and investigations.  Policies relevant to specific law enforcement issues, such as the communication strategy for illegal motorcycle riding in Nth NSW, whilst referenced in the Manual, are maintained separately and are available on the Legal and Investigations page on EHub.  Other relevant policies may be located in the Policy Index, maintained by the Reserve and Wildlife Policy Section.

# 2   Risk management

Risk management is integral to organisational strategy, performance and compliance.  It seeks to manage uncertainty and opportunities – the risks – which have the potential to impact on the achievement of the organisation's enterprise or strategic objectives, its desired performance levels and its compliance with legislation, policy and standards.

## 2.1  Risk management matrix

Principle considerations for the context of risk are:

- health and safety
- natural environmental values
- Aboriginal cultural and/or historic heritage
- media and/or political attention
- cost and resources required to address
- disruption to business operations.

Risk is an assessment of consequence and probability (likelihood) (Table 2.1).

Consequence relates to the impact, or severity of impact.  The rating categories are broadly explained below:

- Insignificant – may have little or no impact on natural and cultural values, health and safety, or business operations; unlikely to attract media or political attention and rectification will be low to no cost.
- Minor - may have some impact and media/political attention in the short-term, and/or may involve low to modest cost and disruption to business operations.
- Moderate - may have detrimental impacts over the medium to long-term, such as loss of access for a period; state-level media or political attention, moderate financial costs and/or disruption to business operations.
- Major - may have detrimental impact over an extended period of time, may cause permanent injury, temporary loss of species or partial loss of cultural

assets; national media or political attention over the long term; significant financial costs and/or disruption to business operations.

- Catastrophic - may have an unrecoverable detrimental impact on the health of people, the environment, or culture; may attract national and international media or political attention for a protracted period of time; high financial costs, or permanent shutdown of business operations.

The descriptors used for probability are:

- Almost certain - the event will occur in most to all situations
- Likely - this event is expected to occur more often than not i.e. it will occur in the majority of situations
- Possible - This event might occur or might not occur equally
- Unlikely - This event is expected to not occur more often than it would occur i.e. it will not occur in the majority of situations
- Rare - It is theoretically possible for this event to occur, but it is expected not to occur in most to all situations

Frequencies are not typically used with these descriptors but estimates have been provided, only for the context of law enforcement and compliance, in Table 2.1.

Following assessment of probability and consequence the level of risk is rated on a four point scale:

- Low - Can be managed by relevant manager through routine procedures. No need for escalation.
- Medium - Require that risk management responsibility for action be specified. Should be escalated through normal reporting procedures.
- High - Need to be brought to the attention of senior management, and addressed (treated) as soon as practicable. Should be, together with any changes to the risk rating or treatments, escalated to the appropriate senior management level as soon as practical.
- Extreme - Require urgent action (treatment), and senior management must be notified. Should be urgently escalated to the appropriate senior management levels and any changes to the risk or treatments should also be immediately escalated.

Law enforcement and compliance matters rating at the Extreme level, and those with state-wide significance at the High level, should be brought to the attention of the Law Enforcement and Compliance Steering Committee and be addressed in this Strategy.

**Table 2.1 Law Enforcement and Compliance Risk Matrix**

| IMPACTS | | | | | | |
|---|---|---|---|---|---|---|
| | Health and safety | Little to no impact | Some impact, recover within a short timeframe | Moderate disability or medium term impairment | Single fatality or permanent disability | Multiple fatalities or irreversible effects on a number of people |
| | Natural environmental values | Little to no impact | Some impact, recover within a short timeframe | Damage to species, ecological communities or habitats that require medium term recovery | Long term damage to habitats or temporary loss of species or communities | Permanent loss of species, ecological community and/or critical habitat |
| | Aboriginal cultural and/or historic heritage | Little to no impact | Some impact, recover within a short timeframe | Loss of access for a period of time or loss of less significant objects available elsewhere | Long term damage or loss of access to culturally significant places, material or information | Permanent loss of access or damage to significant cultural places, material or information |
| | Media and/or political attention | Unlikely to attract | Some local media, low-level political concern | Significant local and some state level media, political over the short-medium term | State and national media, political for the long term | National and international media, political for a protracted term |
| | Cost and resources required to address | Not significant | Short term financial costs or resource commitment | Medium term financial costs or commitment of resources | Long term financial costs or commitment of resources | Ongoing financial costs and commitment of resources |
| | Disruption to business operations | Not noticeable | Minor impact on customer numbers and revenue | Short term impact on customer numbers and revenue | Long term impact on customer numbers and revenue projections | Permanent shutdown |
| | **CONSEQUENCE** | **Insignificant** | **Minor** | **Moderate** | **Major** | **Catastrophic** |
| PROBABILITY | Almost certain (~weekly) | L | M | H | E | E |
| | Likely | L | M | H | H | E |

| | | | | | | |
|---|---|---|---|---|---|---|
| (~monthly) | | | | | | |
| Possible (~6 months) | | L | L | M | H | H |
| Unlikely (~annually) | | L | L | M | M | H |
| Rare (~once in 10 yrs) | | L | L | M | M | M |

# 3 Situation analysis

Traditional approaches to crime have been largely reactive and incident-driven but these approaches have been proven to be largely ineffective at preventing crime and reducing disorder. Evidence suggests that crime, its offenders and victims, are not random in time and space and thus is amenable to scientific analysis. Crime analysis has considerable capacity to prevent, reduce and control crime and disorder.

## 3.1 Crime analysis techniques

Detailed analysis of specific illegal activities is required to determine which crime analysis technique or combination of techniques is most appropriate. Examples techniques which benefit from crime analysis are outlined below.

- *Hotspot* – a focussed response to law enforcement and compliance at specific locations and times where (or when) crime is high rather than on activities or targeted persons.
- *Situational Crime Prevention* – management, design or manipulation of the immediate environment (or location) to make it less desirable to undertake illegal activities (e.g. signage, cameras or fencing). Many of these approaches are currently used but could benefit from improved crime analysis and the identification of specific hotspots. This technique is most effective at a small-scale and can be costly to implement.
- *Intelligence-led* – the use of criminal intelligence analysis as an evidence-based tool to gain a better understanding of the criminal environment in order to develop and implement effective crime reduction strategies. It focuses efforts on potentially serious or prolific offenders.
- *Problem-oriented* – identification and addressing of the root causes of the illegal activity to enable appropriate responses to be identified and implemented to prevent or reduce crime. It encourages non-enforcement approaches and collaboration with external agencies and clients. This approach can be resource and time intensive so may only be practical for the most significant and frequent illegal activities.

For more information and references related to crime analysis see Appendix A.

## 3.2 Persuasive communication

A considerable amount of research has been conducted in regard to the benefits of persuasive communication to encourage compliant behaviour from park users (Ham *et al.* 2009). This method has been trialled in NPWS to research the payment of park user fees (PUF) by visitors to the Kurnell Peninsula Headland of the Kamay Botany Bay National Park (Steckenreuter & Wolf (in revision)).

## 3.3 Current data analysis

The information currently available for the analysis of crime and determination of priorities has been compiled from three consecutive State of the Parks surveys (2005, 2007 and 2010), a law enforcement and compliance survey, the law enforcement databases maintained by each NPWS branch, and case management systems (e.g. CiRAM). These surveys and databases will contribute to ongoing monitoring and evaluation of law enforcement and compliance strategies.

### 3.3.1 **State of the Parks**

State of the Parks (SoP) provides a tool to evaluate management effectiveness. This information is used to inform priority setting, operational and strategic planning, and reporting.

Utilising the SoP 2010 data, the following activities could be identified as high risk *arson, trail bikes, illegal vehicle access, vandalism and collection (plant, animal, or mineral).*

In the 2010 SoP survey, illegal activities were identified as the third greatest threat to park values (after weeds and pest animals). The impact of this threat was perceived to be increasing in more parks compared to previous surveys. In addition, an increasing number of parks could not assess the effect of their management approach.

### 3.3.2 **Law enforcement and compliance survey**

A NPWS law enforcement and compliance survey, conducted in late 2011 and early 2012, largely reflected results from the 2010 SoP survey. The top five most reported illegal activities, in regard to priority and impact, were *trail bikes, damage to park facilities (vandalism), dumping of waste, 4WDs (vehicles), and pig dogging.* In this survey the collection of plants, animals and minerals (rocks/soil) were listed separately. If combined to be one category it would feature in the top five most reported illegal activities.

The survey indicated that in most cases respondents could not specify time or offender statistics for the activities identified. Where the time could be identified it tended to be summer evenings, and identified offenders were typically locals aged 18-25 years.

The majority of respondents advised that law enforcement and compliance was conducted on an *ad hoc* basis and reporting was inconsistent. Respondents were comfortable with the skills and resources they had to deal with law enforcement and compliance issues. Limiting factors included competing priorities, insufficient staff and too much area to cover.

### 3.3.3 **Law enforcement databases**

Currently, each NPWS branch maintains its own law enforcement database. The extent to which this is utilised varies across the state and the information is not standardised or directly relatable. Information in the databases dates back to the mid-1990s (plus a few earlier entries), though most information is less than five years old. An analysis of all databases was conducted in August 2011.

Information recorded in the databases relates to offence type, action taken (e.g. infringement notice, verbal caution or prosecution) and date of occurrence. *Taking and keeping of animals and driving offences (vehicles*) were the most frequently recorded offences. Just over half of the entries related to written or verbal cautions with just over a quarter relating to actual infringement notices being issued. Recorded offences were most often committed on weekends (approximately 50 per cent) and in summer.

## 3.4 Staff training and capacity building

Staff training and capacity building is essential for successful law enforcement and compliance. The Law Enforcement Course for Authorised Officers (Level 1) and the Dealing with Difficult and Aggressive Behaviour courses are offered annually. Rangers are required to complete Level 1 training as part of the Ranger Competencies. The Level 2 Investigations Course will be offered where there is sufficient demand and need. These courses are coordinated and supported by SIU.

The Wildlife Licensing and Management Unit and SIU jointly deliver a two-day wildlife enforcement course, to assist staff with wildlife inspections of licensees and follow-up reports of illegally held wildlife.

## 3.5 Collaboration with external agencies

The Law Enforcement and Compliance Steering Committee fosters positive relationships with external agencies such as Australasian Environmental Law Enforcement and Regulators neTwork (AELERT), Customs, NSW Police, NSW Roads and Maritime Services and RSPCA.

## 3.6 Current approach

As indicated in the responses to the Law Enforcement and Compliance Survey, law enforcement has largely been approached on an *ad hoc* basis, with each Branch maintaining their own database and conducting their own operations. Respondents suggested that the capacity to perform law enforcement duties was limited by staffing numbers and the amount of area to be covered. Compliance activities have not typically been afforded as much attention as enforcement techniques. This may have led to an increase in the impact of illegal activities on park values over the past decade.

Whilst the following section will propose a new approach it is worth noting that there are already a lot of positive achievements that will be built upon, these include:

- statistics on the impact of, and management approach to, illegal activities;
- a high number of successful prosecutions;
- active use of Penalty Infringement Notices in some Areas;
- the ability to apply a proportionate response and exercise discretion in the application of penalties;
- a detailed review of EcoPass licensing;
- trials to assess the benefits of persuasive communication;
- a strong relationship between NPWS and SIU;
- availability of multiple levels of law enforcement and compliance training; and
- a recent review of the Law Enforcement Manual to provide guidance on procedural matters.

# 4 Strategic approach

The following sections outline the approach taken for state-wide priorities in regard to law enforcement and compliance, and improvements that can be made to current systems to assist in crime prevention. Authorised officers within NPWS will continue to deal with illegal activities on a daily basis, as required. This approach is a strategic framework to reduce duplication of effort and focus on the most effective law enforcement and compliance activities. As a consequence, those activities not determined to be a priority (at the time) will not be covered by a state-wide strategic direction and will only be addressed on a needs basis.

The purpose of the strategic approach is to be proactive rather than reactive and reduce the threat of priority illegal activities in targeted areas. Adoption of this new model of dealing with law enforcement and compliance means we will:

- utilise a lens of corporate objectives and risk management to determine priorities;
- focus on approaches that provide an effective response with efficient use of resources;
- make greater use of compliance activities, such as joint campaigns, signage and media communication; and

- review the use of the traditional high visibility approach and use alternative approaches, such as an intelligence-led approach, where it is more effective.

## 4.1 Risk assessment

Illegal activities should be assessed in accordance with the probability and consequence of their impacts on park values and corporate objectives. Priority should be given to those illegal activities posing the most significant risk. Whilst this document focuses on the state-wide priorities it recognises that the same issues and approach may not apply everywhere. Corporate support will primarily be given to the state-wide priorities. Where a state-wide priority is not locally relevant, local approaches and issues will be addressed based on a risk management approach.

The following five (5) activities have been identified as state-wide priorities. These were identified through the above mentioned surveys and with input from the Law Enforcement and Compliance Steering Committee:

- hunting and pig dogging – enforcement of illegal hunting and pig dogging should be maintained in the lead up to and following implementation of the Supplementary Pest Control program to reinforce that illegal hunting on park will not be tolerated
- arson – due to the catastrophic consequences, although NPWS is not the lead for arson investigations
- collection (plant, animal, mineral - including wildlife crime, i.e. unlicensed trade and keeping of animals)
- vandalism
- illegal vehicle access (trail bikes and 4WD).

## 4.2 Responsibilities

For activities having state-wide implications, it is the responsibility of the Law Enforcement and Compliance Steering Committee to determine the appropriate course of action and to determine which crime analysis technique to apply. For other identified law enforcement activities it will be the responsibility of the senior management team in that Region to conduct a risk assessment and to determine the appropriate course of action, with the support of the Law Enforcement and Compliance Steering Committee if required.

Appendix B outlines proposed actions for the activities identified as state-wide priorities. This list will be adjusted over time as priorities change. Appendix C provides guidance for a number of other illegal activities.

## 4.3 Improved data capture and reporting

Current data capture and reporting requires improvement if we are to be strategic in our approach to law enforcement and compliance.

### 4.3.1 State of the Parks

Improved data collection through SoP will assist in the application of the Situational and Hotspot approaches. Disaggregation of illegal activities will improve analysis of severity and extent and the identification of which park values are being impacted. In addition, SoP 2013 will be improved to include a new data point for probability (likelihood) to better match with the risk matrix. Staff will be encouraged to provide further details on the approach and effectiveness of management and to enter details about the location within a park that a particular illegal activity is occurring.

### 4.3.2  **Law enforcement database**

Improvements will be made to the law enforcement database, to provide clear templates for data entry and make it a centralised data source.  The law enforcement database will be established as a relational database with some fields able to be linked with SoP to assist with monitoring and evaluation.  Access will be secure to protect the confidentiality of information entered.  It will be possible to run reports, upload photographs and view data spatially.  Where possible the database will be linked to other similar systems, such as PINS to reduce data entry duplication and assist with reporting.  The success of the new database will be measured by the number of incidents reported over a financial year as current database use is ad hoc.

### 4.3.3  **PINS data**

PINS reports will be provided by the Commercial Partnerships Unit to each Branch for review and follow-up of penalty notices, each quarter.

# 5.    Appendices

## 5.1  Appendix A: DOC 12/28802

## 5.2 Appendix B: Approach to state-wide priorities

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Hunting and pig dogging | SIU, NPWS, NSWPF, Game Council, LECSC and Public Affairs | Mixture of enforcement and compliance strategies including but not limited to intelligence-led regulation, strategic compliance operations and situational crime prevention approaches to prevent illegal hunting and pig dogging | Prosecution (refer to OEH Prosecution Guidelines), Penalty Notice (minor offences), Official Caution (alternative to penalty notice), or Warning letter under:<br>• s.156A(1) (Harm protected fauna) and s.118A(1) (Harm threatened species etc) *National Parks and Wildlife Act 1974*<br>• cl.9 (Taking and keeping of animals in park), cl.12 (Protection of animals), cl.20 (Weapons); cl.23 (Sporting, recreation and other activities) *National Parks and Wildlife Regulation 2009*<br>• Potential offences under *Firearms Act 1996* (NSWPF)<br><br>Report potential hotspots to NSWPF (Rural Crimes Unit), SIU, WLMU and Local NPWS Area Office | • Identification of hotspots for hunting and pig dogging (on park), focussing on areas of high biodiversity or high other park values<br>• Electronic surveillance in areas of high biodiversity or other park values to identify potential hotspots for hunting and pig dogging<br>• Campaigns targeting hotspots for hunting and pig dogging, including joint agency operations with NSWPF, Forests NSW and Game Council<br>• Situational Crime Prevention (e.g. signs warning that surveillance cameras may be used, information about offences and penalties, etc at hotspots for hunting and pig dogging)<br>• Educational and awareness approaches including use of media to promote compliance and enforcement approaches and publication of articles in relevant journals and magazines identifying areas for lawful hunting, potential offences and penalties, etc<br>• Supplementary Pest Control | • Number of proactive operations/ compliance campaigns per financial year (process evaluation)<br>• Number of prosecutions/ penalty notices issues etc per financial year (impact evaluation)<br>• Decrease in unlawful activities (hunting and pig dogging) as a threat to State of the Parks Values (refer to tri-annual SoP Survey results) (impact evaluation) |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| | | | | Compliance Strategy (under development). | |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Arson | Lead agencies: NSWPF & NSWRFS<br><br>NPWS: NPWS Fire and Incident Management Section (FIMS) | NSWPF and RFS are lead agencies for bush fire investigations | Potential enforcement options under *National Parks and Wildlife Regulation 2009* or *National Parks and Wildlife Act 1974*: Prosecution (refer to OEH Prosecution Guidelines,; Penalty Notice (minor offences), or Official Caution (alternative to penalty notice)<br><br>NSWPF or NSWRFS to consider prosecution proceedings for most serious criminal offences (those under the *Crimes Act 1900* or *Rural Fires Act 1997*) and bail conditions may also be made<br><br>Report all suspicious fires to NSWPF and obtain event number<br>Refer to MoU between NPWS and NSWRFS for Fire Investigations | • Refer to NPWS Fire Management Manual 2012-13<br>• Educational and fire awareness campaigns<br>• NPWS to work closely with NSWPF, NSWRFS and NSW Fire and Rescue to investigate offences on NPWS managed land<br>• Ensure sufficient NPWS staff have received adequate training in bush fire investigations | • Number of prosecutions/ penalty notices issued etc (impact evaluation)<br>• Decrease in unlawful activities (arson) as a threat to State of the Parks Values (refer to tri-annual SoP Survey results) (impact evaluation)<br>• Number of human-caused wildfires (<1 event per 50,000ha managed) (see Living with Fire) |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Collection (plant, animal, mineral, including wildlife crime - buy, sell, possess without a license) | SIU, WLMU, LECSC & Public Affairs | Mixture of enforcement and compliance strategies including but not limited to intelligence-led regulation, strategic compliance operations and situational crime prevention approaches to prevent illegal collection and wildlife crime | Prosecution (refer to OEH Prosecution Guidelines), Penalty Notice (minor offences), Official Caution (alternative to penalty notice), or Warning letter as per:<br><br>Part 7 (Fauna), Part 8 (Flora) and Part 8A (Threatened Species etc) *National Parks and Wildlife Act 1974.*<br><br>See also cl. 12 (Protection of Animals) and cl.18 (Protection of Vegetation) of *National Parks and Wildlife Regulation 2009*<br><br>Report potential hotspots to NSWPF (Rural Crimes Unit), SIU, WLMU and Local NPWS Area Office | • Identification of hotspots and potential recidivist offenders, focussing on areas of high biodiversity or highest risk species (e.g. threatened species)<br>• Report potential hotspots and recidivist offenders to SIU, NSWPF (Rural Crimes Unit), WLMU and NPWS Area Office<br>• Campaigns targeting hotspots including joint agency operations with NSWPF and SEWPaC (Cwlth)<br>• Electronic and/or covert or overt surveillance at hotspots<br>• Situational Crime Prevention (e.g. signs warning that surveillance cameras may be used, information about offences and penalties, at hotspots for illegal collection)<br>• Strategic wildlife licensing operations focussing on the highest risk fauna/ flora license holders (e.g. holders of threatened species, etc)<br>• Use of forensic techniques (e.g. DNA and micro-chipping) of high risk species held in captivity to monitor acquisition and disposal)<br>• Educational and awareness approaches including use of media to promote compliance and enforcement approaches | • Number of proactive operations/ compliance campaigns per financial year (process evaluation)<br>• Number of prosecutions/ penalty notices issues etc per financial year (impact evaluation)<br>• Decrease in unlawful activities (collection/wildlife crime) as a threat to State of the Parks Values (refer to tri-annual SoP Survey results) (impact evaluation) |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Vandalism (damage to property) | SIU, NPWS, LECSC and Public Affairs | NSWPF lead agency for vandalism (malicious damage to property)<br><br>Mixture of enforcement and non-enforcement approaches | Prosecution (refer to OEH Prosecution Guidelines), Penalty Notice (minor offences), Official Caution (alternative to penalty notice), or Warning letter.<br>• Division 2 (Crimes Against Property) *Crimes Act 1900,* including destroying or damaging property (NSWPF)<br>• cl.11 (Littering and damage) *National Parks and Wildlife Regulation 2009*<br><br>Note: NSWPF to consider prosecution proceedings against persons for most serious criminal offences (those under the Crimes Act 1900) | • Intelligence-led regulation, including the identification of hotspots for vandalism<br>• Report potential hotspots and all offences of vandalism to the NSWPF and obtain a police event number and request police patrols at hotspots<br>• Electronic covert and/or overt surveillance to identify potential hotspots, detect or deter potential offenders<br>• Situational Crime Prevention (e.g. signs warning that surveillance cameras may be used; use of covert and/or overt surveillance cameras at hotspots for vandalism; information about offences and penalties; use of security guards, etc at hotspots for vandalism)<br>• Improve environmental design to prevent vandalism (e.g. improved lighting, security, remove valuable property from remote areas, etc) | • Number of prosecutions/ penalty notices issues etc per financial year (impact evaluation)<br>• Reduce maintenance costs related to vandalism (AMS data) (impact evaluation)<br>• Decrease in unlawful activities (vandalism) as a threat to State of the Parks Values (refer to tri-annual SoP Survey results) (impact evaluation) |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Illegal vehicle access (4WD, trail bikes) | SIU, NPWS, LECSC and Public Affairs | Mixture of enforcement and compliance strategies including but not limited to intelligence-led regulation, strategic compliance operations and situational crime prevention approaches to prevent illegal vehicle access | Prosecution (refer to OEH Prosecution Guidelines), Penalty Notice (minor offences), Official Caution (alternative to penalty notice), or Warning letter depending on level of offence under:<br>• cl.6 (Entry of vehicles to parks) and cl.7 (Use of vehicles etc in parks) *National Parks and Wildlife Regulation 2009* | • Identification of hotspots for illegal vehicle access (on park), focussing on areas of high biodiversity or other park values<br>• Report potential hotspots to NSWPF (Rural Crimes Unit), SIU and NPWS Area Office<br>• Electronic surveillance in high biodiversity areas or areas with high park values to identify potential hotspots for illegal vehicle access<br>• Enforcement and compliance campaigns targeting hotspots for illegal vehicle access, including joint agency operations with NSWPF, Forests NSW and Game Council<br>• Situational Crime Prevention (e.g. signs warning that surveillance cameras may be used, information about offences and penalties, etc at hotspots for illegal vehicle access)<br>• Educational and awareness approaches including publication of articles in trail bike, 4WD and other leisure/ tourism magazines identifying areas for lawful vehicle access, potential offences and penalties, etc. See communication strategy for illegal motorcycle riding in Nth NSW | • Number of proactive operations/ compliance campaigns per financial year (process evaluation)<br>• Number of prosecutions/ penalty notices issues etc per financial year (impact evaluation)<br>• Decrease in unlawful activities (illegal vehicle access) as a threat to State of the Parks Values (refer to tri-annual SoP Survey results) (impact evaluation) |

## 5.3  Appendix C: Guidance for other illegal activities

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Anti-social behaviour | NPWS, NSWPF | Mixture of enforcement and compliance strategies including intelligence-led regulation and situational crime prevention | • Work with NSWPF for instances such as illegal Rave parties | • Situational crime prevention (signage) and media campaigns<br>• Train staff to be able to deal with difficult people | • Reduce instance of anti-social behaviour<br>• Staff and visitors feel safer on park |
| Dumping of waste | EPA | Intelligence-led compliance with a focus on high risk sites and use of a broad range of compliance tools and stakeholders. | • Fines when identified<br>• Work with EPA | • Intelligence-led regulation, including the identification of hotspots for dumping waste<br>• Signage and media campaigns<br>• Joint agency campaigns with EPA | • Reduce staff time collecting waste<br>• Reduce dumping costs |
| Littering | NPWS | Compliance through education | | • Signage regarding correct bin use or to take it with you<br>• Media campaigns with EPA | • Reduce staff time collecting waste<br>• Reduce dumping costs |
| Parking Infringements | NPWS | Compliance through education | • Penalty Notice | • Effective signage (see work on Persuasive Communication)<br>• Media campaigns on park passes, reasons and benefits | • Reduce staff time collecting and revenue from PINS<br>• Increase revenue from PUFs and Parks Pass |
| Walking dogs on park | NPWS | Compliance through | | • Signage advising of regulation<br>• Media campaigns with local council or other groups to promote | • Decrease in unlawful activities (dog walking) as a threat to State of the |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
|  |  | education |  | alternative sites | Parks Values (refer to tri-annual SoP Survey results) |

| Illegal Activity | Responsible to Implement | Approach Summary | Enforcement Options | Compliance Options | Performance Measure |
|---|---|---|---|---|---|
| Tour Operator Compliance | NPWS, TPB and local Managers, SIU | Mixture of enforcement and compliance strategies including but not limited to intelligence-led regulation, strategic compliance operations and situational crime prevention (e.g. signage warning tour operators of potential offences in park) approaches to prevent illegal commercial tour operators | Prosecution (refer to OEH Prosecution Guidelines); Penalty Notice (minor offences); Official Caution (alternative to penalty notice); or warning letter where penalty notice not necessary (e.g. very minor or first offences). Under:<br>• cl.21 (Commercial activities) *National Parks and Wildlife Regulation 2009* | • Refer to PWG Law Enforcement Manual and Policy<br>• Ensure staff are aware of the requirements of a commercial tour operator on park (e.g. requirement to display Parks EcoPass (PEP) in front of tour vehicle)<br>• Proactive PEP license inspections by staff on park. Liaise with Tourism & Partnerships Branch (TPB) to ensure currency of PEP license conditions and list of licensed tour operators<br>• Identify and report potential hot-spots (e.g. high biodiversity or finance risk etc) for illegal tourist operation in parks to SIU, TPB and NPWS Area Office<br>• Situation Crime Prevention (e.g. signs in park warning of potential offences and potential covert surveillance; information to commercial operators, etc);<br>• Investigate as soon as practical and request SIU assistance (e.g. obtaining witness statements, conducting covert surveillance on suspected persons undertaking commercial tours illegally on park to obtain admissible evidence). | • Number of prosecutions/ penalty notices issues etc (impact evaluation)<br>• Number of proactive operations/ compliance campaigns per financial year (process evaluation)<br>• Decrease in unlawful activities (tours) as per SoP (impact evaluation)<br>• Decrease in complaints from commercial tour operators (impact evaluation) |

## 5.4  Appendix D: Acronyms

| | |
|---|---|
| LECSC | Law Enforcement and Compliance Steering Committee |
| NPWS | National Parks and Wildlife Service |
| NSWPF | NSW Police Force |
| NSWRFS | NSW Rural Fire Service |
| OEH | Office of Environment and Heritage |
| PEP | Parks EcoPass |
| PINS | Penalty Infringement Notice System |
| SEWPaC | Australian Department of Sustainability, Environment, Water, Population and Communities |
| SIU | Specialist Investigations Unit |
| SoP | State of the Parks |
| TPB | Tourism and Partnerships Branch |
| WLMU | Wildlife Licensing and Management Unit |