

29. *Compliance and Law Enforcement*

Explanation

Many of the Acts, Regulations or Bylaws administered by the Department include provisions which affect the activities and actions of people on and off areas managed by the Department and on natural and historic resources. Ensuring that the public understand and comply with the provisions of the relevant Acts is an important aspect of the Department's responsibility.

Some of the principal pieces of legislation the Department has a day-to-day responsibility for enforcing include the following:

- Conservation Act 1987
- Whitebait Fishing Regulations 1991
- Freshwater Fisheries Regulations 1983
- Forests and Rural Fires Act 1977
- Marine Reserves Act 1971
- Marine Mammals Protection Act 1978
- New Zealand Walkways Act 1990
- Reserves Act 1977
- Trade in Endangered Species Act 1989 (TIES)
- Wild Animal Control Act 1977
- Wildlife Act 1953.

Some of the legislation the Department has a responsibility to enforce also affects other agencies and organisations with law enforcement responsibilities. The Department has, therefore, established networks with regional, city and district councils, the New Zealand and regional Fish and Game Councils, the Police, Ministry of Agriculture and Fisheries, and the Customs Department.

New Zealand is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Department has responsibility for the establishment and implementation of policy relating to the Convention. The Conservancy provides operational support for the Department's Head Office as required.

The CITES regulates the trade (i.e., import, export and re-export) of living or dead specimens of animal and plant species and their parts and derivatives which are listed in the appendices to the Convention. The appendices list species which are threatened with extinction by international trade. The Trade in Endangered Species Act 1989 (TIES) states that its object "is to enable New Zealand to fulfil its obligations under the convention" ... "and to promote the management, conservation and protection of endangered, threatened and exploited species to further enhance the survival of those species."

While administration of the TIES Act is the responsibility of the Department of Conservation, the monitoring and enforcement of the Act's trade documentation provisions is carried out at the New Zealand border (ports and international airports) by the border protection services of the Customs Department, Ministry of Agriculture and Fisheries and Ministry of Forestry. Enforcement of the TIES Act to combat illegal trade is co-ordinated through an interdepartmental task force comprising representatives from the Department of Conservation, Customs Department and Ministry of Agriculture and Fisheries.

Wellington Conservancy

Among compliance issues in the Conservancy are:

- Illegal whitebaiting and other fishery offences.
- Illegal hunting of indigenous species, primarily pigeon and kaka.
- Human activities in areas managed by the Department: illegal entry, vandalism, rubbish disposal, lighting fires, building illegal structures, removal of flora, hunting without a permit, dogs, and unauthorised commercial activities, especially eeling, helicopter transportation and helicopter hunting.
- Illegal activities in Kapiti Marine Reserve.
- Illegal removing of whalebone and killing seals.
- Illegal liberations of exotic animals, particularly Sika deer, into Tararua Forest Park.
- The provision of support for Head Office at Wellington Airport and the Port of Wellington in respect of the Department's obligations under the Trade in Endangered Species Act.

Management Issues

Public Awareness

The public need to be aware of the natural and historic resources at risk from their actions and of the reasons for the rules which apply on areas the Department manages and to some natural resources, e.g., freshwater fish, whitebait and particular threatened species. The Department places a high priority on raising public awareness to reduce non-compliance. Public awareness of the TIES Act and the Department's role also needs to be raised.

The Department will seek to establish and maintain close links with tramping clubs and other organised groups to visit land administered by the Department to assist in compliance and law enforcement monitoring activities. Community involvement in monitoring will also be sought through establishing networks of people with an interest in an area.

Training

Regular training in compliance and law enforcement responsibilities for both warranted staff and honorary rangers is considered essential and will continue.

Honorary Rangers

The Department benefits from the assistance of an honorary ranger network to increase the presence of people in areas able to assist visitors helping to detect and report offences and drawing in community involvement and support for conservation. Training and liaison with honorary rangers is needed to ensure understanding of roles, responsibilities and compliance issues.

Objectives

- 1 Ensure the public are aware of and comply with legislation, bylaws and regulations administered and enforced by the Department.
- 2 Maintain a co-ordinated and effective compliance and law enforcement response capability, including trained community volunteers as well as Department staff.
- 3 Enforce all legislation the Department has a responsibility for but at the same time, deal fairly, and consistently with suspects and offenders.

Implementation

- 1 Undertake education and publicity programmes to encourage the public to comply with legislation, bylaws and regulations, especially when changes are made to regulations or bylaws, and at other critical times e.g., whitebaiting season.
- 2 Maintain an honorary ranger support network throughout the Conservancy, provide training appropriate for their role and maintain links between honorary rangers and warranted officers of the Department.
- 3 Train all warranted officers, as appropriate for their warrants.
- 4 Maintain co-ordination between Conservancy office, field centres and other relevant agencies to permit efficient and effective investigation, reporting and prosecution of any offences.
- 5 Undertake monitoring and surveillance of land administered by the Department and of protected wildlife for any activity of actions not in accordance with legislation, regulations and bylaws, using Department staff and the community.
- 6 Maintain a Conservancy Compliance and Law Enforcement committee for reporting and decision making on prosecutable offences.
- 7 Undertake prosecutions where warranted.
- 8 Continue to liaise with and provide support for Head Office in its work with the Customs Department and MAF at the Port of Wellington or Wellington Airport with respect to TIES Act administration and enforcement.
- 9 Provide CITES permit/certificate application forms and information to the public, business sector, and travel agents as required, and refer queries to Head Office.
- 10 Establish and maintain close links with tramping clubs and other organisations which visit land administered by the Department to assist in the observation and reporting of cases of non-compliance.