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Media Release

EDS releases ground-breaking research into environmental compliance

The Environmental Defence Society (EDS) has today released its new report *'Last Line of Defence: compliance, monitoring and enforcement of New Zealand's environmental law'* by Senior Policy Analyst Dr Marie Brown. The report highlights concerning weaknesses and calls for significant improvements across a range of agencies.

"In our view environmental compliance is an important but overlooked stage of the policy cycle," said EDS CEO Gary Taylor. "This means environmental laws are often broken and the public is not able to trust regulators to do their job properly and follow that up.

"Environmental compliance includes everything from ensuring poisons are not deposited directly into waterways, to stopping trafficking of our unique and highly prized wildlife, from ensuring large scale earthworks are undertaken with appropriate sediment control to protect the marine environment to ensuring that indigenous forestry is carried out sustainably on private land. This is all crucial stuff to protect the public interest in nature.

The purpose of the research was to outline the role and importance of compliance, monitoring and enforcement; to present a fair and accurate picture of current practice; and to use that information to highlight innovations and improvements.

"While some important innovations are underway in both local and central government, the report identifies a wide range of worrying issues, including poor quality law, often limited capacity and capability in agencies, politicised decision-making and a lack of audit and oversight," said report author Dr Marie Brown.

"Concerning aspects include the presently weak resourcing for compliance in the Department of Conservation. District councils too appear to have little resource for this function and some, none at all.

"If there's no chance of environmental offenders being caught, there's little incentive to obey the law. In many regimes, the underlying legislation is simply not fit for purpose, and many agencies would benefit from having a wider range of tools at their disposal.

"Wider initiatives such as Crown Law's Public Prosecutions Framework and the regional sector's Strategic Compliance Framework are important steps forward that will help enhance cost effectiveness and transparency over time. Many individual agencies have their own programmes of continuous improvement also.

"This demanding programme of research would not have been possible without the support of central and local government and a wide range of interviewees here and abroad. EDS is also grateful to the funders: the NZ Law Foundation, the Ministry for the Environment and Foundation Footprint Ltd. Thanks also to the Resource Management Law Association (RMLA) for supporting a nationwide speaking tour," said Dr Brown.

Hard copies of the report can be ordered from the EDS website - <http://www.eds.org.nz/our-work/publications/books/last-line-of-defence/>