

Regulatory & Compliance Implementation

CSG14

Patrick Lynch

Regulatory and Compliance Workstream

Healthy Rivers / Wai Ora

Content:

- Reminder - environmental regulation
- Compliance theory
- Good rules -v- Bad rules

Aim:

- Understanding implementation
 - What will give this project the best chance of success
 - Expectations

The Law



Resource Management Act 1991

- National Environmental standards (Rules)
- Regional Plan (Rules)
- Coastal Plan (Rules)
- Resource Consents (Rules)

Resource Management Act 1991

Public Act 1991 No 69
22 July 1991

Contents

Part 1
Interpretation and application

Key Restrictive Sections of the RMA

- Section 5 : Purpose
- Section 9 : Restrictions on use of **land**
- Section 12 : Restrictions on use of **coastal marine environment**
- Section 13 : Restriction on certain uses of **beds of lakes and rivers**
- Section 14 : Restrictions relating to **water**
- Section 15 : Discharge of **contaminants** into environment
- Section 17 : Duty to **avoid, remedy, or mitigate** adverse effects
- Section 338 : Offences against this Act
- Section 340 : Liability of principal for acts of agents
- Section 339 : Penalties

‘No person may...’

Compliance Theory



Healthy Rivers / Wai Ora

Facts
& Evidence

(Technical Alliance)



The Law:

- The Act
- Plans
- Consents

AIM



Compliance

Science

The Law:

-The Act

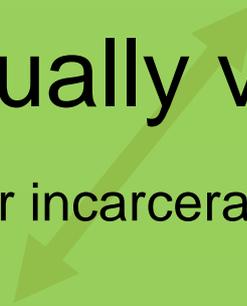
-Plans

-Consents

When you think about it,
all compliance is actually voluntary

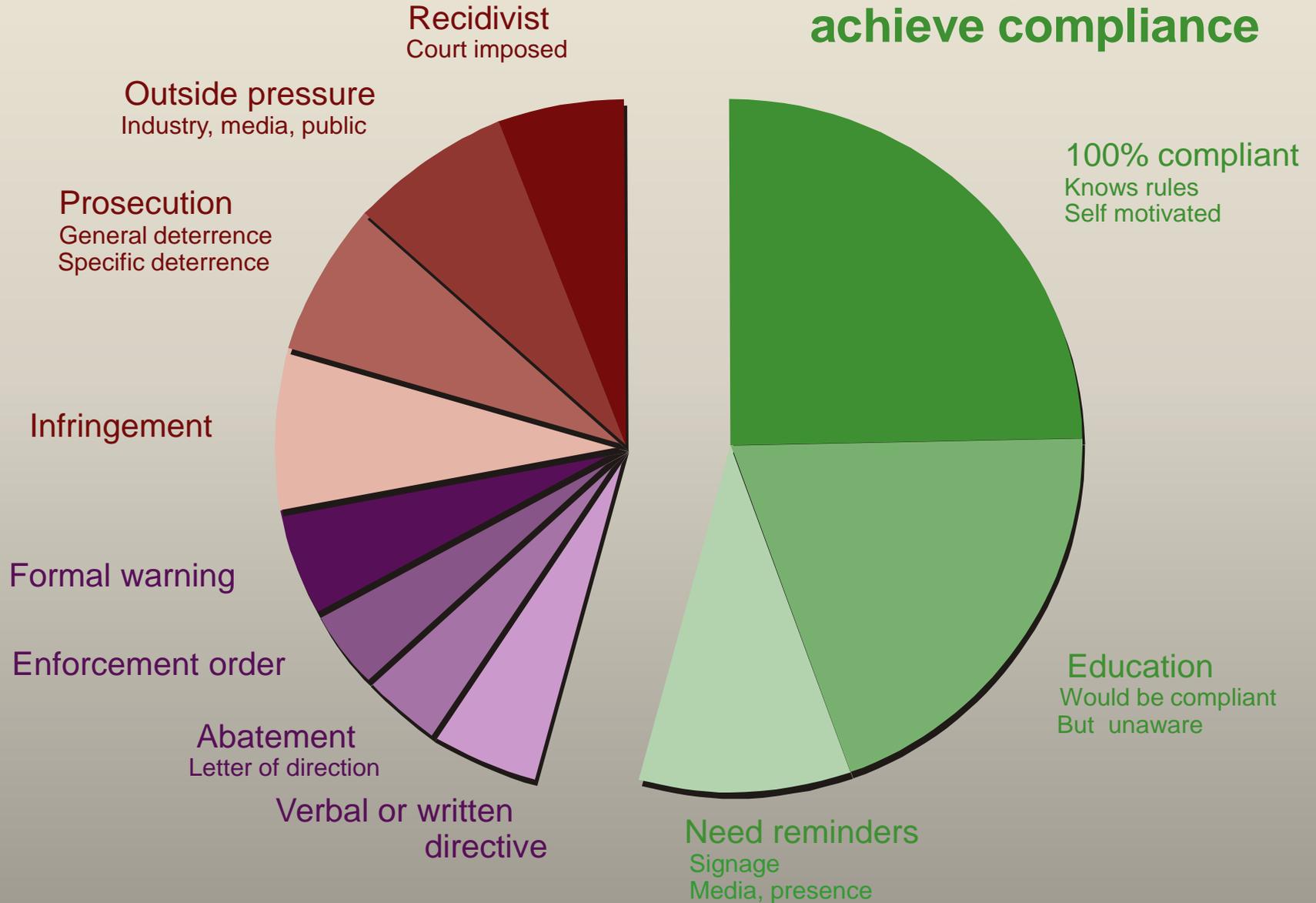
(barring total shutdown or incarceration)

Compliance



Compliance categories

Relatively easy to achieve compliance



An ideal compliance world





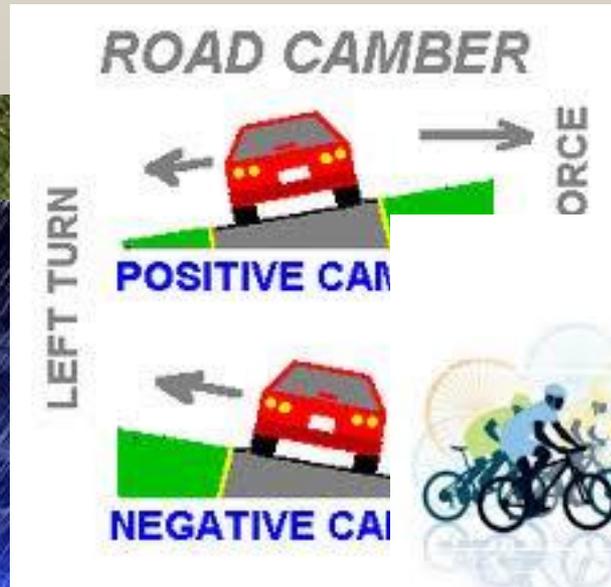
What makes a good rule?





A Rule

- Pretty clear
- Everyone knows where they stand
- Consistent
- Easy to educate on
- Easy to enforce





A Rule

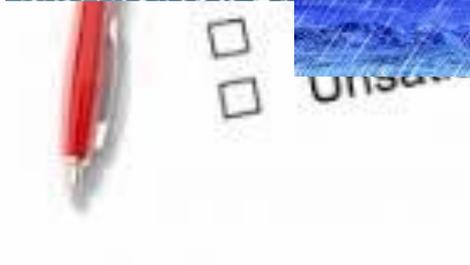
- Pretty clear
- Everyone knows where they stand
- Consistent
- Easy to educate on
- Easy to enforce





A Rule

- Everyone knows where they stand
- Consistent
- Easy to educate on
- Easy to enforce



Importance of definitions









20/03/2012





So, how do we make rules:

- Simple
- Clear
- Reasonable
- Enforceable
- Accessible, and
- Measurable?

Let's assume we have a good rule...

- What are the levels of expectation around compliance with that rule?
- Is it 100%?
- What is a meaningful monitoring regime to measure this?
- What resources would be required to achieve that regime?
- What about dealing with non-compliance?

For example...

- Let's say we have a rule requiring each farm has a Tailored Farm Plan...
- 5000 farms
- Monitored once per year (a one in 365 snapshot...)
- An average of one farm per day per inspector
- 50 FTEs? (currently 12)
- What about dealing with non-compliance?

Thank you

