



AELEERT

A network for environmental regulators
across Australasia



AELEERT Charter

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1. AIMS

Beginning in 1991 as a series of informal meetings of Australian wildlife officers, AELERT was formally established in 2003 as a network of regulatory practitioners concerned with the implementation of environmental law. Since then, AELERT has grown into a widely recognised professional network with a membership that spans all levels of government across Australia and New Zealand. From the time of its inception, AELERT has functioned primarily as a member-based organisation whose core aims are to:

- facilitate cross-jurisdictional collaboration on mutual regulatory challenges;
- promote the development of the regulatory craft;
- foster capacity building across the Network.

Having withstood a variety of institutional and government changes across the environmental regulatory sector, AELERT's enduring relevance can be attributed to its responsiveness to member needs.

2. GOVERNANCE

Within the Council of Australian Governments (COAG) framework, AELERT is responsive to relevant Environment Minister's Councils as they may be constituted from time to time. AELERT also agrees to provide the Heads of Environment Protection Authorities (HEPA) Forum with an update of its activities at each HEPA meeting as requested. AELERT additionally agrees to provide the Senior Officials Group with an update of its activities at each of their meetings as requested. These arrangements can be modified by the Steering Committee as required.

AELERT's management structure consists of a Steering Committee and an Executive Committee.

2.1. Steering Committee

The composition of the AELERT Steering Committee is reflective of a representative governance model. The Australian Commonwealth Government, New Zealand Central Government, and all Australian States and Territories nominate a Jurisdictional Representative to sit on the Steering Committee. The Steering Committee is the chief decision-making body of AELERT. Steering Committee responsibilities are as follows:

- approving the annual budget;
- overseeing the biennial AELERT Conference and Forum;
- identifying AELERT's work priorities;
- approving Project Proposals for Cluster work;
- directing the work of the Clusters;
- overseeing any scholarship applications;
- selecting recipients of the AELERT Achievement Awards;
- endorsing the annual report;
- undertaking a governance review as required;
- endorsing Jurisdictional Representative nominations and Executive Officer Holder positions;
- approving/recommending AELERT's funding;
- evaluating the Network's performance;
- approving Affiliate Member requests to access the members-only section of the website;
- responding to any other issues as they may arise.

2.1.1. Meetings

AELERT Steering Committee meetings are to be held in person three times a year. Where the Jurisdictional Representative cannot attend they shall send a delegate as their proxy.

2.1.2. Decision Making

Steering Committee decisions are generally to be consensus-based. Where a vote is required to determine a decision each jurisdiction will have one vote. The Chair will have a casting vote in the event of an evenly cast ballot.

2.1.3. Quorum

Quorum shall consist of half of the total number of jurisdictions plus one.

2.1.4. Out of Session Decisions

In order to facilitate the Committee's ability to progress the everyday functions of the Network, and where a matter is not of major importance, the Steering Committee may authorise agreements in writing out of session.

2.2. Jurisdictional Representative

2.2.1. Selection Criteria

Key requirements in performing the role of the Jurisdictional Representative are as follows:

- sufficient decision-making authority at the home agency level;
- ability to commit to attending Steering Committee meetings;
- ability to commit time to the Network;
- ability to liaise with other member agencies within their jurisdictions;
- commitment to producing Jurisdictional Reports;
- commitment to representing both their jurisdiction and the broader Network membership;
- commitment to promoting the Network and the interests of its members.

2.2.2. Roles and Responsibilities

- Jurisdictional Representative roles and responsibilities are as follows:
- attending and representing their jurisdiction at Steering Committee meetings;
- liaising with other member agencies within their jurisdictions;
- producing Jurisdictional Reports in consultation with member agencies in their jurisdictions;
- promoting the interests of the Network;
- identifying jurisdictional work priorities for discussion at Steering Committee meetings;
- acting as Cluster Sponsors as required;
- endorsing agency level membership applications;
- forwarding Secretariat communications to relevant home agency teams;
- ability to co-ordinate jurisdictional AELERT events and collaborations with the support of the AELERT Secretariat.

2.2.3. Selection Process

The lead agency in each jurisdiction will appoint the Jurisdictional Representative utilising its own internal processes whilst considering the key requirements outlined in this Charter. The Steering Committee will then be asked to endorse the nominated representative.

2.3. Executive Committee

The AELERT Executive Committee is comprised of four Office Holder positions. These positions are Chair, Vice Chair, and two Directors. The Directors are allocated portfolio areas such as Risk Management, as determined from time to time by the Steering Committee. Executive Officer Holder positions are appointed from within the AELERT Steering Committee for a period of two years, but may be extended at the discretion of the Steering Committee.

2.3.1. Selection Criteria

Criteria upon which Executive Committee members are selected include:

- ability to commit time to fulfilling the role of Executive Committee member including the ability to meet by teleconference every six weeks;
- ability to determine the strategic direction of the Network;
- ability to take on additional portfolio responsibilities from time to time as determined by the Steering Committee.

2.3.2. Responsibilities

- Responsibilities of the Executive Committee are as follows:
- guiding and advising on the setting of strategy and positioning for the Network;
- formulating Network positions for the endorsement of the Steering Committee;
- identifying and managing Network risk;
- acting as conduit between the Network and the Heads of EPA's (HEPA);
- representing AELERT to external stakeholders;
- overseeing the work of the Secretariat

2.3.3. Meetings

Executive Committee meetings are to be held every six to eight weeks, ordinarily by teleconference.

2.3.4. Decision Making

Executive Committee decisions are generally to be consensus-based. Where a vote is required to determine a decision, each Executive Office Holder will have one vote. The Chair will have a casting vote in the event of an evenly cast ballot.

2.3.5. Quorum

Quorum shall consist of half of the Executive Committee members plus one.

3. BIENNIAL WORK PLAN

The AELERT Steering Committee will identify biennial work priorities which will inform AELERT's work plan. The work plan will be used to guide the work of the Clusters and will be consulted when assessing Project Proposals. The work plan will be available for viewing on the AELERT website.

4. CLUSTERS

AELERT Clusters bring together practitioners from various agencies and jurisdictions to undertake collaborative work on mutual regulatory issues. Clusters are established and discontinued by the AELERT Steering Committee and function to complete the work priorities identified by the Steering Committee. A Chair will lead each Cluster and the AELERT Steering Committee will endorse the Chair of each Cluster.

AELERT Clusters are:

- Better Regulation Cluster;
- Capacity Building Cluster;
- Legal Practice Cluster;
- Operations Cluster.

4.1. Working Groups

From time to time discrete working groups may be established under each Cluster.

4.2. Cluster Leadership

4.2.1. Roles and Responsibilities of Cluster Chairs

The roles and responsibilities of Cluster Chairs are as follows:

- drafting Cluster Reports for the Steering Committee's consideration;
- facilitating regular meetings of the Cluster, at a minimum of three per year;
- drafting, co-ordinating and distributing meeting agendas and minutes;
- assisting Cluster members to identify possible projects and draft project proposals;
- ensuring timely delivery of project outcomes;
- acting as liaison between Cluster members and the Steering Committee;
- identifying and reporting on emerging issues to the Cluster Sponsor;
- maintaining a record of active Cluster members that is circulated to the Secretariat.

4.2.2. Cluster Sponsor

On occasion the Steering Committee will appoint a Jurisdictional Representative to act as Cluster Sponsor. The role of the Cluster Sponsor is to act as a mentor, provide guidance and champion the Cluster.

4.3. Establishment of a New Cluster

The establishment of a new Cluster is an exceptional event that occurs only when the majority of the below conditions are met:

- the nominating group has already been functioning under a pre-existing Cluster;
- the group can demonstrate tangible deliverables that are of benefit to the wider AELERT membership;
- the work of the group is sufficiently significant and separate from the work of any other Cluster;
- the group submits a detailed cluster proposal to the Steering Committee which clearly demonstrates the need for the Cluster's creation;
- the Steering Committee endorses the creation of the Cluster, and if it so determines, appoints a Cluster sponsor from within the Steering Committee.

4.4. Cluster Membership

Only existing AELERT member officers are eligible to join Clusters. In order to become a Cluster member, interested applicants should complete an online application form available on the AELERT website. In completing the online form the applicant will:

1. outline reasons for wanting to join the Cluster;
2. identify the officer's current work and show how it relates to the work of the Cluster; and
3. indicate whether they have home agency support to join the Cluster and to work on Cluster projects.

Upon receipt of the online form:

4. The Secretariat will forward the online form to the Cluster Chair.
5. The Cluster Chair will consider the application and advise the Secretariat of the outcome.
6. The Cluster Chair will inform the applicant of the outcome.

5. AELERT SECRETARIAT

The Secretariat is responsible for facilitating and implementing the decisions of the AELERT Steering and Executive Committees. The Secretariat is also responsible for providing administrative and coordination support for AELERT's activities.

The Secretariat is to comprise an Executive Officer and a Communications/Project Officer as determined by the Steering Committee from time to time.

The Secretariat is to be hosted within a nominated member agency. Generally, the Secretariat will be co-located with the Chair of AELERT unless the AELERT Steering Committee approves alternate arrangements.

The host agency will recruit Secretariat staff at the appropriate level commensurate with the funding for the AELERT Secretariat Officer positions.

The Secretariat will be administratively managed by the hosting agency, but will be operationally responsive and answerable to the AELERT Executive Committee.

The term of engagement of Secretariat staff should overlap the AELERT Chair's term of appointment by at least six months. This will ensure continuity of service and appropriate handover of corporate knowledge.

6. FINANCIAL MANAGEMENT

The AELERT Secretariat shall be funded by contributions from across the Council Of Australian Governments (COAG) constituency in accordance with the National Environment Protection Council (NEPC) funding model and approved by the relevant overseeing Ministerial Council or Senior Official Group as may be constituted from time to time.

The Secretariat Operating Budget will be approved by the AELERT Steering Committee.

The host agency shall constitute an entity able to receive and distribute funds on AELERT's behalf.

The Secretariat Operating Budget will be held in a project specific cost centre within the host agency and administered in accordance with the Operating Budget approved by the AELERT Steering Committee.

6.1. Funding of Specific Activities

The AELERT Secretariat may expend funds for specific activities within existing budget allocations in the approved Secretariat Operating Budget for that financial year.

The Secretariat must report against approved expenditure as requested by the Steering Committee.

The Executive Committee may approve, by way of resolution, the expenditure of funds for specific activities that do not have existing allocation within the Secretariat Operating Budget but are aligned to the strategic objectives set by the Steering Committee.

6.2. Housing and Disbursement of Funds

Profits or excess funds appropriated by AELERT may be used for any AELERT activities provided:

- they are for a proper purpose commensurate with AELERT's aims;
- expenditure is approved by the AELERT Steering Committee;
- expenditure is consistent with relevant financial management legislation, regulations, delegations and guidelines.

7. MEMBERSHIP

7.1. Membership types

Membership is offered at the agency and individual officer level.

7.1.1. Member Agency

Membership is open to any government agency in Australasia with environmental regulatory responsibilities. For the purpose of AELERT membership eligibility, environmental regulatory responsibilities are defined as responsibilities for administering legislation relating to the environment, heritage or natural resource management.

Agency membership involves the following responsibilities:

- agency commitment to the Membership Principles outlined at 7.3;
- agency commitment to engage with their jurisdictional representative to participate in decision making at the jurisdictional level;
- agency commitment to contribute to the relevant jurisdictional report;
- nomination of an AELERT liaison officer as first point of contact for AELERT business matters;
- nomination of an after-hours contact in the event of emergencies.

7.1.2. Individual Member Officer

All individuals working in an AELERT Member agency are eligible to become AELERT Member Officers. Individual membership entitles officers to an individual website login and allows access to member-only resources, online discussion forums and news updates.

7.1.3. Affiliate Membership

Affiliate membership may be granted to government agencies without environmental regulatory responsibilities, but for whom engagement with AELERT may be mutually beneficial, as well as academic institutions whose engagement may further the objectives of AELERT.

Affiliate membership may be granted at the discretion of the AELERT Steering Committee.

7.2. Cessation of Membership

Members may withdraw from AELERT at any time. Cancellation of membership at the agency level will also result in the cancellation of agency staff individual membership.

7.3. Membership Principles

When seeking AELERT membership, agencies agree to cooperate as far as reasonably practicable in matters such as:

- the prevention, detection, investigation and prosecution of offences;
- new trends and methods used in committing offences;
- new compliance and enforcement techniques, including special means of combatting offences;
- intelligence relating to the cross-jurisdictional movement of entities or objects, where non-compliance with relevant laws is suspected;
- the development of policies, procedural guidelines and strategic planning;
- the development and implementation of new regulatory regimes and systems, including advantages and limitations;
- agency successes and learnings, including legal outcomes and research results;
- in-kind training and personnel exchange to advance regulatory practice.

Member agencies further agree to support their staff, where possible, to participate in discussion forums relevant to their work and other AELERT activities and events.

8. CHARTER AMENDMENTS

The AELERT Charter may be amended from time to time in response to changes in AELERT's operating environment or governance requirements. Amendments are to be approved by resolution of the AELERT Steering Committee.

A draft of any proposed amendments is to be circulated to the Steering Committee for comments prior to its adoption.