

2017 Pacific Environment Forum

Connecting the Dots: Environment, Knowledge and Governance

Compliance and Enforcement

Monday 18th September 2017

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LAWYERS NOTARIES PUBLIC CONSULTANTS MEDIATORS

Discussion Points:

- ▶ Reported Environmental Cases
- ▶ Upstream issues – Downstream Participant

Reported Environmental Cases:

- ▶ Regulatory Environment
- ▶ Relatively few *reported* cases
- ▶ The law as a deterrent?
 - Police v Faoa [2001] WSSC 6
 - Ryan v Bhardwaj [1999] WSSC 39

Reported Environmental Cases:

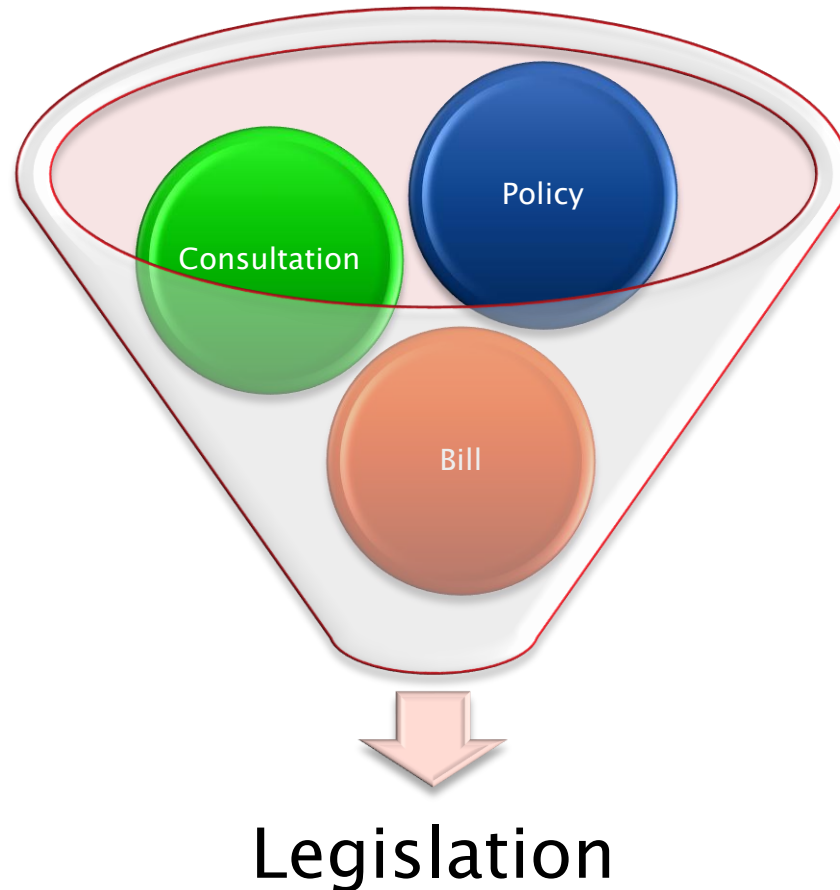
- ▶ Police v Faoa [2001] WSSC 6
 - “it appears to the Court that what Counsel [for the Police] was really concerned about is that the imposition of a term of imprisonment in this case in addition to the prescribed fine of T\$1,000.00, would be *too harsh*” CJ Sapolu

Reported Environmental Cases:

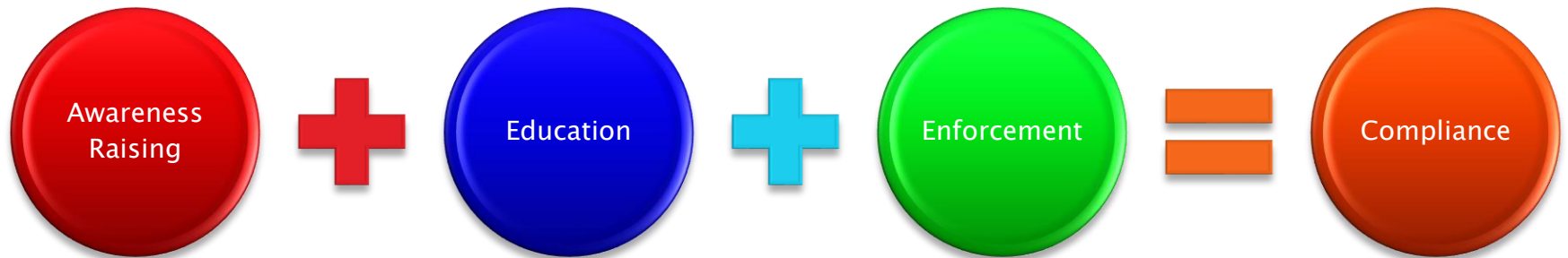
- ▶ Ryan v Bhardwaj [1999] WSSC 39
 - “Penalties which place some emphasis on deterrence are called for here”
Justice Wilson
 - T\$5k (1st def, an individual)
 - T\$8k (2nd def, a multinational company)

Upstream issues – Downstream

Participant:



Upstream issues – Downstream Participant:



Thank you
Q & A

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