



**Natural Resources
Access Regulator**

Compliance activity revenue management policy

November 2021

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Published by the Natural Resources Access Regulator

industry.nsw.gov.au/nrar

Title: Compliance activity revenue management policy

First published: November 2021

Department reference number: DOC21/308717

More information

Issued by: NRAR Regulatory Capability and Coordination

Review date: 1 December 2022

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Introduction

The Natural Resources Access Regulator (NRAR) is an independent regulator established under the [Natural Resources Access Regulator Act 2017](#).

NRAR is responsible for compliance and enforcement measures for natural resources management legislation, which currently includes the *Natural Resources Access Regulator Act 2017*, [Water Management Act 2000](#), [Water Act 1912](#), and associated regulations.

NRAR's objective under the NRAR Act is to ensure effective, efficient, transparent and accountable compliance, and to maintain public confidence in the enforcement of the natural resources management legislation.

Purpose of this document

This document sets out NRAR's policy for the management of revenue generated from its compliance activities.

NRAR receives revenue from the following compliance actions:

- penalty infringement notices (PINs)
- 60G notices
- enforceable undertakings
- court orders and moieties.

The policy explains how NRAR revenue from these sources is managed and used.

The policy has been developed to contribute to the transparent and accountable management of NRAR compliance revenue, and to maintain public confidence in NRAR activities.

NRAR revenue arising from compliance activities

NRAR's compliance activities generates several sources of potential revenue. These are:

PIN revenue

PINs can be issued for various offences under the *Water Management Act 2000* (WMA) and *Water Management (General) Regulation 2018*. PIN amounts are currently \$750 for an individual and \$1500 for a corporation.

PIN revenue is collected by Revenue NSW. NRAR receives this revenue from Revenue NSW and then returns this revenue to consolidated revenue.

Section 60G revenue

Section 60G (s60G) of the WMA allows the Minister (acting through NRAR) to charge up to five times the value of water taken illegally.

S60G is a charge, not a fine or penalty, and can therefore be retained by NRAR as "deemed appropriation money" under the *Government Sector Finance Act 2018* and regulations.

Under s60G NRAR issues an order and raises an invoice (with payment details) for the amount specified in the order.

Enforceable undertaking revenue

An enforceable undertaking is a voluntary agreement by a person or company. Any revenue received by NRAR under enforceable undertakings is not a penalty or fine and is able to be retained by NRAR as “deemed appropriation money” under the *Government Sector Finance Act 2018* and regulations.

Court orders and moieties

Court orders can be made by the court to cover NRAR’s legal costs or moiety.

Use of revenue arising from NRAR compliance activities

Section 60G and enforceable undertaking revenue

Revenue from s60G of the WMA, and enforceable undertakings, is used by NRAR to fund legal costs, expert advice costs and any ancillary costs related to current s60G actions and enforceable undertakings.

In the event that s60G action and enforceable undertaking revenue completely offsets these costs then the remaining revenue is allocated to NRAR activities that support voluntary compliance such as education, communication, routine monitoring and staff training.

Enforceable undertakings may impose additional limitations on the usage of any funds. The provisions of a specific enforceable undertaking have primacy over this policy.

Revenue from s60G and enforceable undertakings is not used to fund new investigations or enforcement activities by NRAR.

Court order revenue

Revenue from court order and moiety is used to fund legal and expert advice related to NRAR court actions.

Court order revenue is not used to fund new investigation and enforcement activities by NRAR.

Review

NRAR will review this policy 12 months after commencement.

The policy will then be reviewed every 3 years, or more frequently if there are relevant legislative or accounting rule changes.

These reviews will also consider if a statutory deposit account is required to improve the management of NRAR compliance revenue.