

# Compliance powers

## Frequently asked questions

May 2018 Natural Resources Access Regulator



**The Natural Resources Access Regulator (NRAR) is an independent regulator established under the NSW *Natural Resources Access Regulator Act 2017*. The current regulatory focus of NRAR is water regulation, a key part of which is to prevent, detect and stop illegal water activities.**

The NRAR seeks to ensure effective, efficient, transparent and accountable compliance and enforcement measures through the natural resources management legislation and, in doing so, maintain public confidence in the enforcement of natural resources management legislation.

### Why are compliance powers needed?

Water compliance powers help ensure water is shared between all lawful water users and the environment and ensure the long-term security and sustainability of our water resources.

Water theft and harming a water source are serious crimes which can harm the environment and threaten water supplies for legitimate water users.

The NRAR's authorised officers actively monitor water extraction and use to ensure water is taken and used lawfully. The NRAR's broad compliance powers, in association with clear offences and tough penalties, assist in preventing water theft and other illegal activities.

The NRAR Regulatory Policy explains how we manage compliance with NSW water management laws. The policy is available on the NRAR website at [www.industry.nsw.gov.au/nrar](http://www.industry.nsw.gov.au/nrar)

### Who are NRAR-authorised officers?

An NRAR-authorised officer is an officer appointed by the NRAR Board to exercise enforcement and compliance powers under the *Water Management Act 2000* (the WM Act) and the *Water Act 1912* (the Water Act). The powers of authorised officers can be exercised for:

- determining whether there has been a breach of relevant water management legislation or any licence, approval, notice or requirement issued or made under the WM Act or the Water Act
- obtaining information or records for purposes connected with the administration of the WM Act or the Water Act
- protecting the environment and administering the WM Act and the Water Act in general.

### Can a NRAR-authorised officer enter my property?

Yes—the NRAR authorised officers have powers to enter properties under the WM Act. These powers do not apply to any part of premises used only for residential purposes, which can only be entered with the permission of the occupier or under the authority of a search warrant.

These powers are necessary to enable authorised officers to



administer NSW water management laws and investigate reports of suspected illegal water activities. Under the WM Act, authorised officers are required to show their authorised officer identification card on request.

## What powers do authorised officers have?

The NRAR authorised officers have a number of evidence-gathering powers including the power to:

- make video or audio recordings
- require an occupier to provide assistance at premises
- seize items connected to an offence
- require a person to provide information or records and record questions and answers
- require people to answer questions for the purposes of administering the WM Act and Water Act
- require people who are suspected of committing an offence to provide their name and address
- require a person to attend a place and time to answer questions
- issue penalty infringement notices, which carry a penalty of \$750 to an individual and \$1,500 to a corporation.

The NRAR-authorised officers are trained to undertake their role in a timely and professional manner that is:

- committed to regulatory best practice
- accountable for decisions made and actions taken
- consistent yet flexible
- in accordance with the law.

## What can I be directed to do?

The WM Act contains powers to direct people to do certain things, including to:

- stop certain activities and remove unlawful works
- remediate waterfront land or the water source and protect it from harm
- prepare reports

- install and maintain metering equipment
- take action to protect water sources.

## Can NRAR impose water restrictions?

Yes—the NRAR can impose water restrictions. An order can be issued to prohibit or restrict the taking of water from a specified water source, including an aquifer, for a specified period under section 324 of the WM Act.

The NRAR authorised officers monitor compliance with temporary water restriction orders.

## Further information

- This fact sheet is one in a series explaining water management, compliance and associated issues. You can find this series and further information about licensing, approvals and compliance on the NRAR website at [www.industry.nsw.gov.au/nrar](http://www.industry.nsw.gov.au/nrar).
- Copies of the Acts and associated Regulations are available on the NSW Government legislation site at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).
- For enquiries call the NRAR on 1800 633 362 or email [nrar.enquiries@nrar.nsw.gov.au](mailto:nrar.enquiries@nrar.nsw.gov.au).



For further information on the Natural Resources Access Regulator visit [industry.nsw.gov.au/nrar](http://industry.nsw.gov.au/nrar)

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