

Constitution

The Natural Resources Access Regulator Board is an independent strategic decision-making and oversight Board set up under the *Natural Resources Access Regulator Act 2017*.

The Board reports to the Minister administering that Act; however it is not subject to the control and direction of the Minister.

The Minister may issue a general direction to the Board in accordance with the Act's provisions. Any such direction must be made in writing, be of a general nature only and must be published on the website of the Department of Industry. Directions from the Minister cannot be made in relation to the content of any advice or report given by the Regulator, or any determination by the Regulator in relation to instituting legal proceedings for an offence.

Board composition

The Board comprises three independent part-time members including a Chair.

The members of the Board are required to be persons who together have experience and expertise in law, natural resources management, compliance and regulation and any other areas the Minister considers relevant.

Board members' terms are as specified in the instrument of appointment and may be for a period of up to three years. Members can be eligible for reappointment. The Minister may remove a member from the office. The Minister can appoint a person to act in the office of a member during illness or absence who can exercise the functions of a member.

The Minister for Regional Water, as the Minister administering the Act, appointed inaugural Board members in December 2017.

The Board Chair is Mr Craig Knowles.

The other members are Ms Ilona Millar and Mr Bruce Brown.

The Chief Regulatory Officer may attend Board meetings but is not entitled to vote.

Role and functions

The role and functions of the Board are outlined in the *Natural Resources Access Regulator Act 2017*.

The Board is the strategic management and decision-making body overseeing the Natural Resources Access Regulator (**NRAR**), the entity set up as a NSW Government agency under the Act, to achieve the following legislative principles:

- to oversee compliance, including the exercise of enforcement powers, with natural resources management legislation consistent with the objects of that legislation,
- to ensure there is effective, efficient, transparent and accountable compliance and enforcement of natural resource management legislation, and

Natural Resources Access Regulator Board Charter



- to maintain public confidence in the administration, including compliance and enforcement, of the natural resources management legislation.

The natural resources management legislation consists of the *Natural Resources Access Regulator Act 2017*, the *Water Act 1912* and the *Water Management Act 2000*. Regulations under the *Natural Resources Access Regulator Act 2017* may add other legislation.

The Board's functions include:

- preparation of strategies, policies and procedures relating to enforcement powers under the natural resources management legislation,
- to advise and report to the Minister on any matter relating to the administration of natural resource management legislation,
- to publish details of convictions in prosecutions for offences under the natural resource management legislation,
- to enforce the relevant provisions of the Act outlined in Schedule 2, and
- to determine whether proceedings for offences under the natural resources management legislation should be instituted by the Crown.

In its role as strategic decision-making body, the Board will:

- endorse and oversight the implementation of better practice governance in the NRAR,
- determine and oversight the implementation of an annual strategic plan for the NRAR, including strategic priorities and strategic risks,
- determine a strategic risk management framework for the NRAR and monitor strategic risks
- endorse the NRAR regulatory risk principles and framework, and
- provide an annual report to the Minister each year for the financial year.

Operation of the Board

Board Secretariat

The Board is serviced by a Secretariat comprising staff from the Department of Industry.

All records, including the agenda, minutes and any reports, recommendations and briefings will be prepared and kept by the Board Secretariat.

The Secretariat will schedule meetings including organising the venue for the meeting, advising members of the meeting date and location, provision of papers for the meeting and circulation of minutes of the meeting.

The Secretariat will work with the Chief Regulatory Officer to prepare agendas, reports and briefings as required by the Board or the Chief Regulatory Officer.

Board meetings

The Board will meet monthly and as required for specific issues as agreed to by the Board.

Board papers will be provided one week in advance of Board meetings.

Natural Resources Access Regulator Board Charter



Quorum for meetings

The quorum for a meeting of the Board is all of the members of the Board. Attendance can be either in person or remotely.

Conflicts of interest

Members of the Board will not participate in discussions and will not vote on any issues of which there is an actual or perceived conflict of interest. The pecuniary interests of Board members are to be recorded and updated at each meeting.

Code of conduct

The Board will abide by its endorsed Code of Conduct.

Review and assessment of the Board

The Board will provide an annual review of its performance and self-evaluate its level of effectiveness.

The evaluation framework will be prepared by the Board Secretariat and endorsed by the Board. It will reflect better practice guidance for Board performance.