

## Reserve Trusts - Self-Enforcing Infringement Notice Scheme (SEINS) Policy and procedure

NUMBER POL001

VERSION 2.0

AUTHORISED BY: Infrastructure and Land Management

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ISSUED BY Lands Natural Resource Services - Compliance Unit

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### Policy Statement

The policy has been developed to clarify and make consistent the procedures required by reserve trust members (trust board, corporation, or administrator) and reserve employees who wish to issue penalty infringement notices (PINs) for offences on Crown land reserves. The policy also identifies the rights of individuals in receipt of a PIN and the obligation of trust members and reserve employees to ensure an open and ethical approach is undertaken in all dealings.

### Scope

Any members of a reserve trust board and/or nominated employees intending to issue PINs must undertake training to do so.

To be empowered to issue a PIN a person must be authorised as an "authorised person" by the Minister as delegated under section 153 of the *Crown Lands Act 1989*.

Penalty notices may be issued for certain offences as provided by the provisions of the *Crown Lands Act 1989*, *Crown Lands Regulation 2006* and the *Crown Lands (General Reserves) By-law 2006*.

Authorised Crown Lands reserve trust members and reserve employees have a responsibility to implement this policy if they elect to use powers as authorised persons.

### Requirements

#### 1. Ministerial Authorisation Appointment

Trust members and employees required to issue PINs must be authorised by the Minister to be an "authorised person".

#### 2. Training

All reserve trust members or employees issuing PIN's must complete training before doing so. The training will involve completing the on line SEINS instruction with the State Debt Recovery Office and compliance training provided by the Lands Natural Resources Compliance Unit specifically for Reserve Trust managers and reserve employees.

#### 3. Natural Resource Compliance Unit Information

The Natural Resources Compliance Unit will assist reserve trust members and reserve employees by providing relevant compliance training, access to the online training for the SEINS if required and the administration of the authorised person's process.

#### 4. Applicable Offences

The offences which may incur a PIN are listed under Schedule 5 Penalty Notice offences in the Crown Lands Regulation 2006.

## 5. Education

The Reserve Trust is to adopt education/awareness tools consistent with the Lands Compliance and Enforcement Policy which may be found on the Lands website at [http://www.crownland.nsw.gov.au/crown\\_land/environment](http://www.crownland.nsw.gov.au/crown_land/environment). Prevention of offences will be a priority.

## 6. Fines, warnings or alleged breaches

All compliance actions taken will be recorded in a system adopted by the Reserve Trust and accessible by Lands Division officers if required.

## 7. Office of State Revenue - State Debt Recovery (SDRO)

Section 128 (3) *Crown Lands Act 1989* provides that any penalty recovered for a breach of a by-law be paid to the reserve trust of the reserve affected.

Reserve Trusts are therefore required to become a commercial client with the SDRO. The SDRO will process any fines given on the Trusts behalf. Other services are also offered by SDRO including the provision of penalty infringement notice books with a specific client code for that Trust.

See <http://www.sdoro.nsw.gov.au/business/commercial.php>

## 8. Reserve Trust Chair approval

Any employees of a reserve trust or trust member wishing to be authorised is required to have approval of the reserve trust chair. Provision for this approval is on the application form for authorisation under section 153 of the *Crown Lands Act 1989* which may be accessed on the Crown Lands website:

[http://www.crownland.nsw.gov.au/trusts/trust\\_managers/management\\_and\\_enforcement](http://www.crownland.nsw.gov.au/trusts/trust_managers/management_and_enforcement)

9. Persons, who nominate to be an authorised person under the provisions of the *Crown Lands Act 1989* section 153, will only be recommended to the Ministers delegate after successful completion of associated compliance training. Lands reserve the prerogative to decline nomination based on the candidate's suitability to the role.

## Procedures

Reserve trust managers and staff are only authorised to issue penalty notices on reserves for which they are appointed to or specified in the authorisation instrument.

Penalty notices may be served on a person for an offence committed under *the Crown Lands Act 1989* or Crown Land (General Regulations) By-Law 2006. Not all offences listed under the *Crown Lands Act 1989* can be issued with a penalty notice. Where an offence is not a prescribed offence for the purposes of issuing a penalty notice, alternative compliance actions might be taken including the department investigating.

An authorised person should not issue a penalty notice unless satisfied that there is evidence to mount Court proceedings.

The SEINS training must be completed satisfactorily before an authorised person can issue a penalty notice. The SEINS training outlines how to correctly issue a penalty notice and the use of the Fixed Penalty Handbook for Crown Lands offences.

Investigations into any alleged offence, which potentially involves an unacceptable safety risk to the investigating person or persons, should be referred to NSW Police.

Any offence involving serious environmental harm, such as pollution, clearing native vegetation, killing wildlife or excavating, should be immediately reported to appropriate agencies including the Lands Natural Resource Compliance Unit.

Under legislation a person issued with a PIN may either pay the penalty as prescribed, or defend the offence at Local Court. Should a person defend the offence, the issuing officer may be required to attend court and give evidence.

Reserve Trust members and employees are required to comply with the Department of Industry Code of Conduct when carrying out all components of their duties. Compliance decisions will be made in accordance with public sector guidelines and to the highest ethical and professional standards. Principles of the Code of Conduct provide an ethical framework for the decisions, actions and behaviour of employees of the Department of Industry. The Code of conduct can be located on the Department of Industry website at <http://www.industry.nsw.gov.au/about/our-business/policies/items/code-of-conduct>

TI-A-130.

## **Roles and responsibilities**

### Lands Natural Resource Compliance Unit – Lands

- SEINS registration and general compliance training
- Best practise in issuing PINs correctly
- Authorised person register and administration

### ▪ Reserve Trust members and park employees

- Complete SEINS and general compliance training
- Adopt and manage appropriate record keeping systems and procedures for compliance actions taken
- Adopt/follow Lands Compliance and Enforcement Policy and Strategy.

## **Safety considerations**

Reserve Trusts and employees have the authority and responsibility to manage visitor behaviour and access to reserves in order to protect the reserve. In abiding with these responsibilities both the safety and wellbeing of visitors is a priority, and managed in accordance with Work, Health and Safety law.

Wellbeing can also be enhanced if the principle of Crown Land management "that public use and enjoyment of appropriate Crown land be encouraged" *Crown Lands Act 1989*, Section 11 (c) is complied with.

## **Delegations**

- Minister and or Minister Delegate to appoint authorised persons as delegated for such purposes.

## Definitions

- SEINS: Self-Enforcing Infringement Notice Scheme
- PIN: Penalty Infringement Notice
- Reserve Trust: A legal body who cares for a Crown reserve on behalf of the people of NSW
- Reserve employee: Persons employed by the Trust to manage the day to day operation of the reserve
- *Crown Lands Act 1989* section 153 "Authorised person" means;
  - (a) a member of the police force
  - (b) a person holding an office, position or rank prescribed for the purpose of this definition or
  - (c) a person authorised by the Minister for the purposes of the provision

## Legislation

- *Crown Lands Act 1989*
- Crown Lands Regulation 2006
- Crown Lands (General Reserve) By Law 2006

## Related policies

- The SEINS policy is consistent with the aims and procedures of the Lands Compliance and Enforcement Policy.

## Other related documents

- Reserves: Authorisation of a person under section 153 of the Crown Lands Act 1989 application

## Revision history

VERSION	DATE ISSUED	NOTES	BY
1.0	NOT ISSUED	INITIAL VERSION	ROSS SAWTELL
2.0	FEB 2014	REVIEWED AND UPDATED TO REFLECT CURRENT AUTHORISED PERSON PROCEDURE FOR RESERVE TRUSTS	CAROLINE BELL
3.0	AUGUST 2016	UPDATE TO DEPARTMENT TITLE AND LOGO. MINOR CHANGES/ADDITIONS TO POLICY INFORMATION	CAROLINE BELL

## Review date

15/08/2018

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