



New South Wales

# Natural Resources Access Regulator Regulation 2018

under the

Natural Resources Access Regulator Act 2017

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Natural Resources Access Regulator Act 2017*.

NIALL BLAIR, MLC  
Minister for Regional Water

## Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that existing enforcement notices issued by Water NSW are taken to have been issued by the Natural Resources Access Regulator if they relate to functions under the *Water Management Act 2000* that are conferred on the Regulator,
- (b) to confer additional functions under that Act on the Regulator.

This Regulation is made under the *Natural Resources Access Regulator Act 2017*, including sections 11 and 18 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely direct amendments and matters of a savings or transitional nature.

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## Natural Resources Access Regulator Regulation 2018

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Natural Resources Access Regulator Act 2017

### 1 Name of Regulation

This Regulation is the *Natural Resources Access Regulator Regulation 2018*.

### 2 Commencement

This Regulation commences on 30 April 2018 and is required to be published on the NSW legislation website.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Natural Resources Access Regulator Act 2017*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Existing enforcement notices

(1) This clause applies to an enforcement notice issued by Water NSW, or by a person appointed by Water NSW, that:

- (a) was in force immediately before the commencement of this Regulation, and
- (b) relates to a function specified in clause 1 of Schedule 2 to the Act on that commencement, and
- (c) is an enforcement notice, or is of a class of enforcement notice, specified by the Regulator by order in writing.

(2) An enforcement notice to which this clause applies is taken to have been issued by the Regulator and may be varied, revoked or enforced by the Regulator.

(3) In this clause:

*enforcement notice* means any notice, order or direction issued in connection with the enforcement of the natural resources management legislation (including for the purposes of determining whether there has been compliance with or a contravention of that legislation).

### 5 Construction of certain references in Water Management Act 2000

A reference to the Minister in section 353E of the *Water Management Act 2000* (Orders regarding costs and expenses of investigation) is to be construed as including a reference to the Regulator.

**6 Amendment of Schedule 2 (Additional functions of Regulator) to Natural Resources Access Regulator Act 2017**

(1) **Clause 1 Ministerial functions under Water Management Act 2000**

Insert “or the Water Administration Ministerial Corporation” after “the *Water Management Act 2000*”.

(2) **Clause 1**

Insert the following in appropriate order:

- (j1) section 330 (Temporary stop work to protect public interest),
- (p1) section 336D (Prior notice of direction not required),
- (s1) section 339G (Compensation),
- (t1) section 365 (Penalty notices),