



New South Wales

State Debt Recovery Regulation 2018

under the

State Debt Recovery Act 2018

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Debt Recovery Act 2018*.

VICTOR DOMINELLO, MP
Minister for Finance, Services and Property

Explanatory note

The object of this Regulation is to prescribe the debt recovery costs payable under a debt recovery order, including the amounts payable to the Chief Commissioner on the making of the order and payable into the Consolidated Fund for any action taken by the Sheriff or other official under the *State Debt Recovery Act 2018* before payment is made under the order.

This Regulation is made under the *State Debt Recovery Act 2018*, including sections 88 and 117 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *State Debt Recovery Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

the Act means the *State Debt Recovery Act 2018*.

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.

Part 2 Debt recovery costs

4 Debt recovery costs

- (1) For the purposes of section 88 of the Act, the costs payable under a debt recovery order are as follows:
 - (a) \$65, payable to the Chief Commissioner on the making of the order,
 - (b) \$65, payable into the Consolidated Fund if any debt recovery action is taken by the Sheriff, Chief Commissioner or other official under Division 2 of Part 6 of the Act before payment is made under the order.
- (2) The debt recovery costs referred to in subclause (1) (b):
 - (a) apply to each of the following kinds of debt recovery action:
 - (i) the making of a property seizure order against a debtor, as referred to in section 54 (1) of the Act,
 - (ii) the making of a garnishee order against a debtor, as referred to in section 55 (1) of the Act,
 - (iii) an application to register a debt recovery order as a charge on land held by a debtor, as referred to in section 56 (1) of the Act, and
 - (b) are to be paid to the Chief Commissioner for payment into the Consolidated Fund.

5 Waiver, postponement or refund of costs

The Chief Commissioner may, in any circumstances that the Chief Commissioner considers appropriate, waive, postpone or refund all or part of any debt recovery costs payable under this Part.