



New South Wales

# Natural Resources Access Regulator Amendment Regulation 2019

under the

Natural Resources Access Regulator Act 2017

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

MELINDA PAVEY, MP  
Minister for Water, Property and Housing

## Explanatory note

The objects of this Regulation are as follows—

- (a) to prescribe additional information that may be included in the register of information about enforcement actions taken by the Natural Resources Access Regulator,
- (b) to amend the *Natural Resources Access Regulator Act 2017* to specify as additional functions of the Natural Resources Access Regulator certain enforcement functions of the Minister for Water, Property and Housing under the *Water Management Act 2000* (and to make consequential amendments to the *Natural Resources Access Regulator Regulation 2018*).

This Regulation is made under the *Natural Resources Access Regulator Act 2017*, including sections 11(3) and (5), 12A(2) and 18 (the general regulation-making power).

## **Natural Resources Access Regulator Amendment Regulation 2019**

under the

Natural Resources Access Regulator Act 2017

### **1 Name of Regulation**

This Regulation is the *Natural Resources Access Regulator Amendment Regulation 2019*.

### **2 Commencement**

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

## **Schedule 1      Amendment of Natural Resources Access Regulator Act 2017 No 64**

### **Schedule 2 Additional functions of Regulator**

Insert the following in appropriate order in clause 1—

- (g1) section 326A (Compliance audits),
- (g2) section 326B (Use of information),
- (o1) section 336 (Restraint of breaches of this Act),
- (p1a) section 336E (Enforcement of undertakings),
- (p1b) section 336F (Notice of decision and reasons for decision),
- (t1a) section 362C (Unpaid fees, charges and civil penalties),

## **Schedule 2      Amendment of Natural Resources Access Regulator Regulation 2018**

**[1]    Clause 5 Construction of certain references in Water Management Act 2000**

Omit “section 353E of the *Water Management Act 2000* (Orders regarding costs and expenses of investigation)”.

Insert instead “section 353E or 362C of the *Water Management Act 2000*”.

**[2]    Clause 6**

Insert after clause 5—

**6    Register—additional information**

For the purposes of section 12A of the Act, the following information may be included in the register of information about enforcement actions taken by or on behalf of the Regulator under the *Water Management Act 2000*—

- (a) the identity of any person who has been convicted of an offence under that Act,
- (b) the identity of any person who has given a written undertaking under section 336E of that Act,
- (c) particulars of any written undertaking accepted under section 336E of that Act (including the reasons for the decision to accept the undertaking under section 336F of that Act),
- (d) particulars of any charge imposed or order made under section 60G of that Act,
- (e) particulars of any compliance audit undertaken under section 326A of that Act,
- (f) particulars of any injunction granted under section 335 of that Act,
- (g) particulars of any order made for a remedy or to restrain a breach under section 336 of that Act,
- (h) particulars of any measures authorised to be taken under section 336A of that Act,
- (i) particulars of any fee, charge or civil penalty recovered under section 362C of that Act.