



New South Wales

Inclosed Lands Protection Regulation 2023

under the

Inclosed Lands Protection Act 1901

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Inclosed Lands Protection Act 1901*.

MICHAEL DALEY, MP
Attorney General

Explanatory note

The object of this regulation is to repeal and remake, with no significant amendments, the *Inclosed Lands Protection Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation prescribes offences under the *Inclosed Lands Protection Act 1901* that may be dealt with by issuing a penalty notice and prescribes the penalty amount for offences dealt with by penalty notice.

This regulation is made under the *Inclosed Lands Protection Act 1901*, including sections 10(3) and 11, the general regulation-making power.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely, matters of a machinery nature.

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1 Name of regulation

This regulation is the *Inclosed Lands Protection Regulation 2023*.

2 Commencement

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

Note— This regulation repeals and replaces the *Inclosed Lands Protection Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

In this regulation—

the Act means the *Inclosed Lands Protection Act 1901*.

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

4 Penalty notice offences

- (1) For the Act, section 10(3)—
 - (a) each offence created by a provision specified in this section is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
 - (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

Provision	Penalty
Offences under the Act	
Section 4(1)—for prescribed premises	\$550
Section 4(1)—otherwise	\$350
Section 4A(1)	\$250

5 Repeal and savings

- (1) The *Inclosed Lands Protection Regulation 2018* is repealed.

- (2) An act, matter or thing that, immediately before the repeal of the *Inclosed Lands Protection Regulation 2018*, had effect under that regulation continues to have effect under this regulation.