



New South Wales

Natural Resources Access Regulator Regulation 2023

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*.

ROSE JACKSON, MLC
Minister for Water

Explanatory note

The object of this regulation is to repeal and remake, with minor amendments, the *Natural Resources Access Regulator Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (a) to specify as additional functions of the Natural Resources Access Regulator certain enforcement functions of the Minister under the *Water Management Act 2000*,
- (b) to prescribe information that may be included in the register of information about enforcement actions taken by the Natural Resources Access Regulator,
- (c) to prescribe various persons and bodies as relevant agencies for the purposes of the *Natural Resources Access Regulator Act 2017* (**the Act**), section 16.

This regulation is made under the Act, including sections 11, 12A, 16 and 18, 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 savings or transitional nature.

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Natural Resources Access Regulator Act 2017

1 Name of regulation

This regulation is the *Natural Resources Access Regulator 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This regulation repeals and replaces the *Natural Resources Access Regulator Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).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 *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.

4 Construction of certain references in Water Management Act 2000—the Act, s 11

For the Act, section 11(5)(a), a reference to the Minister in the *Water Management Act 2000*, section 353E or 362C must be construed as including a reference to the Regulator.

5 Register—additional information—the Act, s 12A

For the Act, section 12A(2)(e), the following information is prescribed—

- (a) the identity of a person who has been convicted of an offence under the *Water Management Act 2000*,
- (b) particulars of a charge imposed or order made under the *Water Management Act 2000*, section 60G,
- (c) particulars of a compliance audit undertaken under the *Water Management Act 2000*, section 326A,
- (d) particulars of an injunction granted under the *Water Management Act 2000*, section 335,
- (e) particulars of an order made to remedy or restrain a breach under the *Water Management Act 2000*, section 336,
- (f) particulars of a measure authorised to be taken under the *Water Management Act 2000*, section 336A,
- (g) the identity of a person who has given a written undertaking under the *Water Management Act 2000*, section 336E,

- (h) particulars of a written undertaking accepted under the *Water Management Act 2000*, section 336E, including the reasons for the decision to accept the undertaking under that Act, section 336F,
- (i) particulars of a fee, charge or civil penalty recovered under the *Water Management Act 2000*, section 362C.

6 Prescribed relevant agencies—the Act, s 16(1)

For the Act, section 16(1), definition of *relevant agency*, paragraph (d), the following persons and bodies are prescribed—

- (a) ACT Environment Protection Authority,
- (b) Australian Competition and Consumer Commission,
- (c) Australian Federal Police,
- (d) Australian Taxation Office,
- (e) Commonwealth Department of Agriculture, Fisheries and Forestry,
- (f) Commonwealth Department of Climate Change, Energy, the Environment and Water,
- (g) Commonwealth Environmental Water Office,
- (h) Commonwealth Inspector-General of Water Compliance,
- (i) Department of Regional NSW,
- (j) Murray-Darling Basin Authority,
- (k) NSW Department of Education,
- (l) NSW Department of Planning and Environment,
- (m) NSW Environment Protection Authority,
- (n) NSW Fair Trading,
- (o) NSW Independent Pricing and Regulatory Tribunal,
- (p) NSW Local Land Services,
- (q) NSW Police Force,
- (r) NSW State Emergency Service,
- (s) Queensland Department of Regional Development, Manufacturing and Water,
- (t) Queensland Police Service,
- (u) South Australia Police,
- (v) South Australian Department for Environment and Water,
- (w) Tasmania Police,
- (x) Victoria Police,
- (y) Victorian Department of Energy, Environment and Climate Action,
- (z) Western Australia Police Force.

7 Repeal and savings

- (1) The *Natural Resources Access Regulator Regulation 2018* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Natural Resources Access Regulator Regulation 2018*, had effect under that regulation continues to have effect under this regulation.