



New South Wales

Natural Resources Access Regulator Regulation 2023

under the

Natural Resources Access Regulator Act 2017

[*The following enacting formula will be included if this regulation is made—*]

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

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and remake, with minor amendments, the *Natural Resources Access Regulator Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).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regulation repeals and replaces the *Natural Resources Access Regulator Regulation 2018*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).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