



New South Wales

State Debt Recovery Regulation 2024

under the

State Debt Recovery Act 2018

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

COURTNEY HOUSSOS, MLC
Minister for Finance

Explanatory note

The object of this regulation is to repeal and remake, with minor changes, the *State Debt Recovery Regulation 2018*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation—

- (a) prescribes the debt recovery costs payable under a debt recovery order, and
- (b) declares Essential Energy and Water NSW as public authorities for the *State Debt Recovery Act 2018*.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) 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 2024*.

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Note— This regulation repeals and replaces the *State Debt Recovery Regulation 2018*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

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.

Part 2 Debt recovery costs

4 Debt recovery costs

- (1) For the Act, section 88(2)(a), the debt recovery cost payable under a debt recovery order on the making of the order is \$65.
- (2) For the Act, section 88(2)(b), the debt recovery cost payable under a debt recovery order for the following actions taken by the Chief Commissioner is \$65—
 - (a) the making of a property seizure order against a debtor under the Act, section 54(1),
 - (b) the making of a garnishee order against a debtor under the Act, section 55(1),
 - (c) an application to register a debt recovery order as a charge on land held by a debtor under the Act, section 56(1).
- (3) A debt recovery cost referred to in subsection (2) must be paid to the Chief Commissioner for payment into the Consolidated Fund.

5 Waiver, postponement or refund of costs

For the Act, section 117(3), the Chief Commissioner may waive, postpone or refund all or part of debt recovery costs payable under this part in the circumstances the Chief Commissioner considers appropriate.

Part 3 Miscellaneous

6 Public authority

For the Act, section 4(2)(d), the following are declared to be public authorities—

- (a) Essential Energy,
- (b) Water NSW.

7 Repeal and saving

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