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OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 5 December 2001

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Act passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 89, 2001 - An Act to amend the *Crimes Act 1900* to limit the use of excessive physical force to punish children. [**Crimes Amendment (Child ProtectionXPhysical Mistreatment) Act 2001**]

JOHN EVANS
Clerk of the Parliaments

ACTS OF PARLIAMENT ASSENTED TO**Legislative Assembly Office, Sydney, 7 December 2001**

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 90, 2001 - An Act to amend the Public Finance and Audit Act 1983 with respect to the Auditor-General, and to make consequential amendments to other Acts. [**Public Finance and Audit Amendment (Auditor-General) Act**]

Act No. 91, 2001 - An Act to amend the Children and Young Persons (Care and Protection) Act 1998 with respect to the long term welfare of children and young persons who are placed in out-of-home care; and for other purposes. [**Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Act**]

Act No. 92, 2001 - An Act to amend the National Parks and Wildlife Act 1974 and the Sydney Water Catchment Management Act 1998 to make ancillary provisions with respect to plans of management and other matters consequential on the transfer of certain water catchment management areas to the national park estate; and for other purposes. [**National Parks and Wildlife Amendment (Transfer of Special Areas) Act**]

Act No. 93, 2001 - An Act to amend the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 so as to transfer provisions relating to certain local government functions from the one to the other; to make consequential amendments to other Acts; and for other purposes. [**Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act**]

Act No. 94, 2001 - An Act to amend the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998 to make further provision with respect to common law damages, lump sum compensation, attendant care services, savings and transitional matters, private insurance arrangements and miscellaneous matters; and for other purposes. [**Workers Compensation Legislation Further Amendment Act**]

RUSSELL D. GROVE, PSM
Clerk of the Legislative Assembly

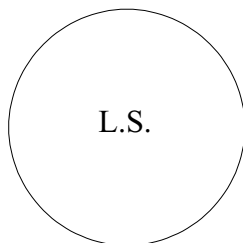
Proclamations

Crimes Amendment (Gang and Vehicle Related Offences) Act 2001 No 84—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes Amendment (Gang and Vehicle Related Offences) Act 2001*, do, by this my Proclamation, appoint 14 December 2001 as the day on which that Act commences.

Signed and sealed at Sydney, this 12th day of December 2001.



By Her Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

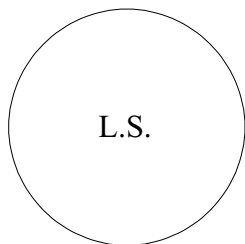
Fisheries Management Amendment Act 2001—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Fisheries Management Amendment Act 2001*, do, by this my Proclamation appoint:

- (a) 14 December 2001 as the day on which that Act commences (except as provided by paragraphs (b) and (c)), and
- (b) 1 January 2003 as the day on which Schedule 1 [4], [5] and [25] to the Act commences, and
- (c) 31 March 2002 as the day on which Schedule 1 [10] and [11] to the Act commences.

Signed and sealed at Sydney, this 12th day of December 2001.



By Her Excellency's Command,

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

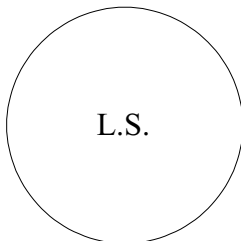
GOD SAVE THE QUEEN!

Health Care Liability Act 2001 No 42— Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Health Care Liability Act 2001*, do, by this my Proclamation, appoint 1 January 2002 as the day on which Part 3 of that Act commences.

Signed and sealed at Sydney, this 12th day of December 2001.



By Her Excellency's Command,

CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

Explanatory note

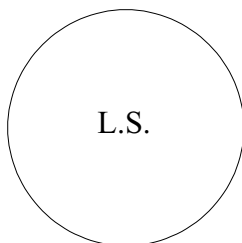
This Proclamation commences the provisions of the *Health Care Liability Act 2001* that make professional indemnity insurance compulsory for medical practitioners and that regulate the provision of that insurance.

Land Titles Legislation Amendment Act 2001 No 77—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Land Titles Legislation Amendment Act 2001*, do, by this my Proclamation, appoint 1 January 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 12th day of December 2001.



By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Information Technology

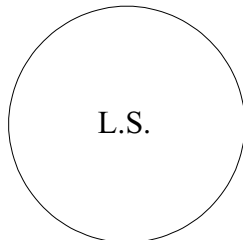
GOD SAVE THE QUEEN!

Liquor and Registered Clubs Legislation Amendment Act 2001 No 73—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Liquor and Registered Clubs Legislation Amendment Act 2001*, do, by this my Proclamation, appoint 14 December 2001 as the day on which Schedule 1 [1] and [2] to that Act commence.

Signed and sealed at Sydney, this 12th day of December 2001.



By Her Excellency's Command,

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

GOD SAVE THE QUEEN!

Explanatory note

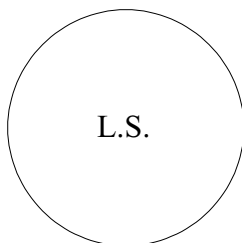
The object of this Proclamation is to commence certain amendments to the *Liquor Act 1982* that relate to applications by hoteliers for authorisation to sell liquor at functions away from hotels.

Plantations and Reafforestation Act 1999 No 97—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Plantations and Reafforestation Act 1999*, do, by this my Proclamation, appoint 14 December 2001 as the day on which that Act commences.

Signed and sealed at Sydney, this 12th day of December 2001.



By Her Excellency's Command,

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

GOD SAVE THE QUEEN!

Regulations

Conveyancing (General) Amendment (Information on Plans) Regulation 2001

under the

Conveyancing Act 1919

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

KIM YEADON, M.P.,
Minister for Information Technology

Explanatory note

The object of this Regulation is to prescribe the form in which plans of subdivision for lease purposes must be endorsed to be recognised as such for the purposes of Division 3C of Part 2 to the *Conveyancing Act 1919* (Subdivisions to allow leases for forestry purposes).

This Regulation is made under the *Conveyancing Act 1919*, including sections 23J and 202 (the general power to make regulations).

Clause 1 Conveyancing (General) Amendment (Information on Plans)
 Regulation 2001

Conveyancing (General) Amendment (Information on Plans) Regulation 2001

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (Information on Plans) Regulation 2001*.

2 Amendment of Conveyancing (General) Regulation 1998

The *Conveyancing (General) Regulation 1998* is amended by inserting after clause 17 (2):

- (3) In the case of a plan of subdivision for lease purposes (within the meaning of Division 3C of Part 2 of the Act), the plan must be endorsed by a subdivision certificate that states that the plan is a plan of subdivision for forestry lease purposes.

Fisheries Management (Aquaculture) Amendment (Transitional) Regulation 2001

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

The object of this Regulation is to remove from the *Fisheries Management (Aquaculture) Regulation 1995* provisions relating to the following matters:

- (a) the New South Wales Shellfish Quality Assurance Program,
- (b) the depuration of oysters.

Those matters are to be dealt with under the *Food Production (Seafood Safety Scheme) Regulation 2001*.

This Regulation also contains transitional arrangements to require:

- (a) any funds held by a shellfish quality assurance committee to be paid to Safe Food for distribution to the corresponding committees established under the *Food Production (Seafood Safety Scheme) Regulation 2001*, and
- (b) to require unexpended contributions to the New South Wales Shellfish Quality Assurance Program to be paid to Safe Food for the purposes of the New South Wales Shellfish Program operated under that Regulation.

Fisheries Management (Aquaculture) Amendment (Transitional) Regulation 2001

Explanatory note

This Regulation is made under the *Fisheries Management Act 1994*, including section 289 (the general regulation-making power).

Fisheries Management (Aquaculture) Amendment (Transitional)
Regulation 2001

Clause 1

Fisheries Management (Aquaculture) Amendment (Transitional) Regulation 2001

1 Name of Regulation

This Regulation is the *Fisheries Management (Aquaculture) Amendment (Transitional) Regulation 2001*.

2 Commencement

This Regulation commences on 14 December 2001.

3 Amendment of Fisheries Management (Aquaculture) Regulation 1995

The *Fisheries Management (Aquaculture) Regulation 1995* is amended as set out in Schedule 1.

Fisheries Management (Aquaculture) Amendment (Transitional)
Regulation 2001

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Part 2 Aquaculture permits

Omit Division 4.

[2] Part 2A Depuration of oysters

Omit the Part.

[3] Clause 64

Insert after clause 63:

64 Transitional provision—shellfish quality assurance program

(1) On the commencement of this clause:

- (a) each local shellfish quality assurance committee appointed under clause 12C is dissolved, and
- (b) any funds held by a committee that is dissolved under this clause are to be paid to Safe Food for distribution in accordance with clause 4 (6) of Schedule 5 to the *Food Production (Seafood Safety Scheme) Regulation 2001*.

(2) Any contributions:

- (a) that were paid to the Minister under clause 12H before its repeal or that were payable under that clause and are paid to the Minister or recovered by the Minister after that repeal, and
- (b) that have not been expended, or that are not required to be expended, in meeting costs referred to in clause 12H (2) incurred before its repeal,

are to be paid to Safe Food to be used for the purposes referred to in clause 3 (5) of Schedule 5 to the *Food Production (Seafood Safety Scheme) Regulation 2001*.

Fisheries Management (Aquaculture) Amendment (Transitional)
Regulation 2001

Amendments

Schedule 1

[4] Schedule 2 Provisions relating to members and procedure of committees

Omit the definition of *committee* in clause 1. Insert instead:

committee means a committee appointed by the Minister in respect of a trust account under section 157 (4) of the Act.

[5] Schedule 2, clause 1 (2)

Omit the subclause.

Food Production (Seafood Safety Scheme) Regulation 2001

under the

Food Production (Safety) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, and with the concurrence of the Ministers administering the *Food Act 1989*, the *Fisheries Management Act 1994* and the *Administrative Decisions Tribunal Act 1997*, has made the following Regulation under the *Food Production (Safety) Act 1998*.

RICHARD AMERY, M.P.,
Minister for Agriculture

Explanatory note

The object of this Regulation is to prescribe a food safety scheme for seafood. The Regulation includes provisions relating to the following:

- (a) requirements that a person obtain a licence to carry on a business involving the handling of seafood,
- (b) requirements that seafood intended for sale be stored and transported at certain temperatures,
- (c) licences, including applications for licences, conditions of licences and suspension and cancellation of licences,
- (d) the preparation and certification of food safety programs for seafood businesses,
- (e) the sampling and analysis of seafood,
- (f) inspections and audits of seafood businesses by officers of Safe Food,
- (g) the establishment of a New South Wales Shellfish Program by Safe Food for persons engaged in the commercial harvesting, collection and depuration of bivalve shellfish,

Food Production (Seafood Safety Scheme) Regulation 2001

Explanatory note

- (h) the appointment of the New South Wales Shellfish Committee as an advisory and consultative committee on aspects of the food safety scheme relating to the New South Wales Shellfish Program,
- (i) the establishment of local shellfish committees that are to be involved in the operation of the New South Wales Shellfish Program at a local level,
- (j) industry levies payable to Safe Food,
- (k) the establishment of a New South Wales Seafood Industry Conference as a mechanism for consultation on aspects of the seafood safety scheme not covered by the New South Wales Shellfish Program,
- (l) the issue of penalty notices for certain offences.

This Regulation is made under the *Food Production (Safety) Act 1998*, including sections 19, 57 and 70 (the general regulation-making power).

Food Production (Seafood Safety Scheme) Regulation 2000

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Clause 1 Food Production (Seafood Safety Scheme) Regulation 2001

Part 1 Preliminary

Food Production (Seafood Safety Scheme) Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Food Production (Seafood Safety Scheme) Regulation 2001*.

2 Commencement

This Regulation commences on 14 December 2001.

3 Seafood Food Safety Scheme

The provisions of this Regulation are prescribed as a food safety scheme for the purposes of section 19 of the Act.

4 Interpretation

(1) In this Regulation:

annual general seafood levy means the levy payable under Division 1 of Part 8.

annual local shellfish program levy means the levy payable under Division 3 of Part 8.

annual State shellfish program levy means the levy payable under Division 2 of Part 8.

class A permit means a class A aquaculture permit under the *Fisheries Management Act 1994*.

Code of Practice for Oyster Depuration in NSW means the document of that title published by Safe Food as in force at 30 November 2001.

estuarine waters means waters located within the estuary of a New South Wales river.

food safety program for a seafood business means a food safety program certified by Safe Food under Part 4 for the seafood business.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 4

Preliminary

Part 1

Food Standards Code means the Code published under that name in the Commonwealth of Australia Gazette on 27 August 1987 together with any amendments of the standards contained in that Code:

- (a) that were approved by the National Food Standards Council before the commencement of the *Australia New Zealand Food Authority Act 1991* of the Commonwealth and that were published in the Commonwealth of Australia Gazette as forming part of that Code, or
- (b) that were or are made under the *Australia New Zealand Food Authority Act 1991* of the Commonwealth.

licence means a licence in force under this Regulation.

local committee means a local shellfish committee appointed under clause 28.

local program means a local shellfish program prepared under clause 25.

NSW Shellfish Committee means the New South Wales Shellfish Committee appointed under clause 26.

Operations Manual for NSW Shellfish Program means the document of that title published by Safe Food, as in force at 30 November 2001.

Program means the New South Wales Shellfish Program established under clause 25.

Program Manager means the person appointed by Safe Food to be Program Manager of the Program.

seafood has the same meaning as in the Act, but does not include the following:

- (a) crocodile,
- (b) aquatic plant life,
- (c) any product of, or anything containing products of, aquatic plant life or crocodile that does not also contain any seafood or product of seafood.

seafood business—see clause 6.

Seafood Safety Manual means the document of that name published by Safe Food, as in force at 30 November 2001.

shellfish means estuarine or oceanic bivalve molluscs.

the Act means the *Food Production (Safety) Act 1998*.

Clause 4 Food Production (Seafood Safety Scheme) Regulation 2001

Part 1 Preliminary

transhipment means the process of transferring live shellfish between harvest areas.

- (2) For the purposes of Part 8 and Schedule 3, a reference to a year is a reference to the financial year of Safe Food.

Note. The financial year of Safe Food is the period from 1 July in any year to 30 June in the following year, inclusive.

- (3) The notes in the text of this Regulation do not form part of this Regulation.

5 Certain vessels excluded from Regulation

This Regulation does not apply to a vessel that is used in the handling of seafood intended for sale if the vessel is used for one or more of the following purposes only:

- (a) the cultivation and handling of live estuarine bivalve molluscs,
- (b) setting and retrieving fishing gear,
- (c) towing.

6 Meaning of “seafood business”

- (1) In this Regulation, *seafood business* means a business involving the handling of seafood, including (but not limited to) the carrying on of any of the following activities:

- (a) the culture, harvesting and collecting of shellfish and gastropods,
- (b) the depuration of shellfish,
- (c) aquaculture,
- (d) the processing of seafood, including (but not limited to) skinning, gill and gutting, filleting, shucking, cooking, smoking, preserving and canning,
- (e) the packaging of seafood,
- (f) the storage of seafood,
- (g) the transportation of seafood,
- (h) the wholesaling of seafood.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 6

Preliminary

Part 1

- (2) For the purposes of this Regulation, a *seafood business* does not include the act of taking or catching marine fin fish, crustacea or cephalopod but includes any handling of such seafood immediately after it is taken or caught, whether the handling occurs on board a vessel or otherwise.

Clause 7 Food Production (Seafood Safety Scheme) Regulation 2001

Part 2 Handling of seafood

Part 2 Handling of seafood

7 Seafood business to be licensed to carry out activities

A person must not carry on a seafood business unless the person holds a licence for the seafood business.

Maximum penalty: 25 penalty units.

8 Temperature at which certain seafood to be kept

A person must not store or transport seafood at a temperature:

- (a) subject to paragraphs (b) and (c), that contravenes the requirements of Standard 3.2.2 of the *Food Standards Code*, or
- (b) if a requirement relating to the storage or transportation of a particular type of seafood is specified in the *Seafood Safety Manual*, that contravenes that requirement, or
- (c) if a requirement relating to the storage or transportation of a particular type of shellfish is specified in the *Operations Manual of the NSW Shellfish Program*, that contravenes that requirement.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 9

Licensing of seafood businesses

Part 3

Part 3 Licensing of seafood businesses

9 Application for licence

- (1) A person may apply to Safe Food for a licence to carry on a seafood business.
- (2) An application for a licence must:
 - (a) be made in a form approved by Safe Food, and
 - (b) be accompanied by an application fee of \$100, and
 - (c) comply with any other requirements of this Regulation relating to applications for licences, and
 - (d) be accompanied by such information as Safe Food requires to determine the application.
- (3) Safe Food may require further information to be provided by the applicant if Safe Food considers that the information is necessary to determine the application.

10 Issue of licences

- (1) Safe Food may, after considering an application for a licence:
 - (a) grant the application, with or without conditions, or
 - (b) refuse the application.
- (2) Without limiting the grounds on which Safe Food may refuse a licence, Safe Food must not grant a licence unless satisfied that:
 - (a) the applicant for the licence has prepared a proposed food safety program for the seafood business concerned that complies with clause 18, and
 - (b) the applicant has any necessary authorisation under the *Fisheries Management Act 1994* to carry on the activities to which the application relates.

Note. Schedule 5 to this Regulation contains provisions relating to seafood businesses in existence at the commencement of this Regulation.
- (3) If Safe Food grants an application for a licence, it must issue the licence to the applicant in a form that sets out the following:
 - (a) the activities authorised by the licence,
 - (b) the premises or vehicles on or in which such activities may be conducted,

Clause 10 Food Production (Seafood Safety Scheme) Regulation 2001

Part 3 Licensing of seafood businesses

(c) the conditions to which the licence is subject.

Note. The Act defines "vehicle" as any means of transport, whether self-propelled or not, and whether used on land or sea or in the air.

(4) If Safe Food refuses an application for a licence, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

11 Duration of licences

A licence has effect until it is surrendered or cancelled, except during any period of suspension.

12 Additional conditions of licence

In addition to any conditions of a licence imposed by Safe Food under clause 10, the following are conditions of a licence:

- (a) that the holder of the licence ensure that the provisions of the Act and this Regulation are complied with in relation to the carrying on of any activity authorised by the licence and any premises or vehicle to which the licence relates,
- (b) that the holder of the licence ensure that the requirements specified in Schedule 1 in relation to a particular activity authorised by the licence are complied with in respect of the carrying on of the activity and the premises or vehicles used in the carrying on of the activity.

13 Variation of terms and conditions of licence

- (1) Safe Food may vary any term of a licence or any condition imposed by Safe Food on a licence.
- (2) Safe Food may vary a term or condition of a licence only after having given the licensee written notice of its intention to vary the term or condition setting out its reasons.
- (3) The notice must include a statement that the holder of the licence concerned may make submissions to Safe Food in relation to the proposed variation within 14 days after the date of the notice.
- (4) Subclauses (2) and (3) do not apply to the variation of a term or condition of a licence at the request of the licensee.
- (5) A variation of a term or condition of a licence:
 - (a) must be made by notice in writing, and

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 13

Licensing of seafood businesses

Part 3

-
- (b) must be served on the licensee, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
- (6) Safe Food may charge the holder of a licence who applies for a variation of the terms or conditions of the licence:
- (a) an application fee of not more than \$50, and
 - (b) if Safe Food considers that any inspection or audit is required to enable it to determine the application properly, a charge for the inspection or audit in accordance with clause 24.
- (7) If Safe Food varies a term or condition of a licence, it is to issue the holder of the licence with a replacement licence that takes account of the variation.

Note. A licensee will need to apply to Safe Food for a variation under this clause of a term or condition of the licence if, for example, the licensee proposes to change the activities authorised by the licence or the premises or vehicles on or in which such activities are conducted.

14 Suspension or cancellation of licence

- (1) Safe Food may suspend or cancel a licence:
- (a) if Safe Food is satisfied that the suspension or cancellation is necessary to avert a potential threat to food safety, or
 - (b) if Safe Food is satisfied that there has been a contravention of any provision of the Act or this Regulation, or the *Food Act 1989* or the regulations under that Act, in relation to the carrying on of the seafood business authorised by the licence, or
 - (c) if Safe Food is satisfied that a condition to which the licence is subject has been contravened, or
 - (d) if Safe Food is of the opinion that the food safety program for the seafood business is inadequate or is not being properly implemented, or
 - (e) if any amount due to Safe Food under the Act by the licensee is unpaid, or
 - (f) if Safe Food is of the opinion that the holder of the licence, or a person involved in the carrying on of the seafood business authorised by the licence, does not have the necessary capacity, experience or qualifications to ensure the safety of food for human consumption, or

Clause 14 Food Production (Seafood Safety Scheme) Regulation 2001

Part 3 Licensing of seafood businesses

- (g) if any relevant authorisation under the *Fisheries Management Act 1994* has been suspended or cancelled, or
 - (h) at the request of the holder of the licence.
- (2) Safe Food may suspend or cancel a licence only after having given the holder of the licence written notice of its intention to suspend or cancel the licence setting out its reasons.
 - (3) The notice must include a statement that the holder of the licence concerned may make submissions to Safe Food in relation to the proposed suspension or cancellation within 14 days after the date of the notice.
 - (4) Subclauses (2) and (3) do not apply to the suspension or cancellation of a licence at the request of the licensee.
 - (5) The suspension or cancellation of a licence:
 - (a) must be made by notice in writing, and
 - (b) must be served on the licensee, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
 - (6) If a licence authorises the carrying on of more than one activity, Safe Food may suspend the licence to the extent to which it authorises a particular activity or activities to be carried on.
 - (7) If a licence authorises the carrying on of an activity at 2 or more premises or in or on 2 or more vehicles, Safe Food may suspend the licence to the extent to which it authorises activities to be carried on at particular premises or in or on a particular vehicle.

15 Licence not transferable

A licence is not transferable.

16 Display of licence

- (1) The holder of a licence must ensure that a copy of the licence is displayed on every premises to which the licence relates.
Maximum penalty: 25 penalty units.
- (2) The holder of a licence must ensure that a copy of the licence is carried on every vehicle to which the licence relates.
Maximum penalty: 25 penalty units.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 17

Licensing of seafood businesses

Part 3

17 Appeals

A person may apply to the Administrative Decisions Tribunal for a review of the following decisions:

- (a) a decision to refuse to issue a licence to the person,
- (b) a decision to issue a licence to the person subject to conditions imposed by Safe Food,
- (c) a decision to vary the conditions of the person's licence or to impose a condition on the person's licence,
- (d) a decision to suspend or cancel the person's licence,
- (e) a decision as to the assessment of the applicable licence fee for a licence held by the person,
- (f) a decision as to the applicable levy to be paid by the person under this Regulation.

Clause 18 Food Production (Seafood Safety Scheme) Regulation 2001

Part 4 Food safety program

Part 4 Food safety program

18 Content of food safety program

A food safety program must:

- (a) comply with:
 - (i) the principles and guidelines set out in the document entitled *Hazard Analysis Critical Control Point (HACCP) System and Guidelines For Its Application* published by the Codex Alimentarius Commission, or
 - (ii) Standard 3.2.1 of the *Food Standards Code*, and
- (b) meet any other requirements notified in writing by Safe Food to the applicant for a licence or the holder of the licence for the seafood business concerned.

19 Certification of food safety program

- (1) Safe Food must certify a food safety program for a seafood business to which a licence relates if Safe Food is satisfied that the food safety program complies with clause 18.
- (2) For the purposes of determining whether a proposed food safety program for a seafood business should be certified, Safe Food may arrange for an authorised officer to conduct an audit of the food safety program.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 20

Sampling and analyses

Part 5

Part 5 Sampling and analyses

20 Seafood businesses to undertake analyses of seafood

- (1) The holder of a licence must, at the holder's own expense, ensure that samples of seafood handled in the course of the seafood business authorised by the licence are analysed:
 - (a) except as provided by paragraph (b):
 - (i) in the case of shellfish—in accordance with the requirements of the *Operations Manual for the New South Wales Shellfish Program*, or
 - (ii) in the case of any other seafood or of any materials used in the handling of any seafood—in accordance with the requirements of the *Seafood Safety Manual*, or
 - (b) in accordance with the terms of a notice served on the holder of the licence under subclause (2).

Maximum penalty: 25 penalty units.

- (2) Safe Food may, by notice in writing given to the holder of a licence, specify the frequency at which analyses are to be carried out for the purposes of this clause and the manner in which they are to be carried out.

21 Reports of analyses

- (1) The holder of a licence must ensure that every analysis carried out for the purposes of clause 20 is carried out in a laboratory approved by the National Association of Testing Authorities, or by Safe Food, for the particular type of analysis to be undertaken.

Maximum penalty: 25 penalty units.

- (2) The person in charge of a laboratory in which an analysis for the purposes of clause 20 is carried out must submit a written report to Safe Food on the results of the analysis within 24 hours after the analysis is completed, unless the analysis is the subject of an exemption under subclause (3).

Maximum penalty: 25 penalty units.

- (3) Safe Food may exempt analyses carried out for the purposes of clause 20 from the operation of subclause (2) in a particular case or class of cases.

Clause 21 Food Production (Seafood Safety Scheme) Regulation 2001

Part 5 Sampling and analyses

- (4) An exemption must be in writing and notified to each laboratory that is affected or, in a case where the exemption affects or may affect a number of laboratories, may instead be published in the Gazette.
- (5) The holder of a licence must, in accordance with subclause (6), notify Safe Food of the details of any analysis carried out by or on behalf of the licensee for the purposes of clause 20 if the results of the analysis indicate that the seafood analysed contained a substance at a level in excess of that allowed by the *Food Standards Code*.
Maximum penalty: 25 penalty units.
- (6) A notification under subclause (5) must:
 - (a) be made orally as soon as possible after the holder becomes aware of the results of the analysis, and
 - (b) be made in writing within 7 days after the holder becomes aware of the results of the analysis.
- (7) A person is not excused from a requirement to notify Safe Food under subclause (5) on the ground that the information provided in the notification might incriminate the person or make the person liable to a penalty.
- (8) However, any information furnished in such a notification is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against subclause (5).

22 Charges for analyses

- (1) The charge payable for the carrying out by Safe Food of any analysis for the purposes of the Act or this Regulation is the amount of reasonable costs incurred by Safe Food in carrying out the analysis or having the analysis carried out on its behalf.
- (2) The charges payable under this clause are payable to Safe Food.
- (3) Safe Food may reduce or waive payment of a charge in a particular case or class of cases.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 23

Inspections and audits

Part 6

Part 6 Inspections and audits

23 Inspections and audits in relation to seafood businesses

- (1) Safe Food may arrange for an authorised officer to carry out any or all of the following types of inspection or audit before or after granting a licence in respect of a seafood business:
 - (a) an inspection of the premises and equipment involved in the seafood business, and the activities carried on in the course of the seafood business,
 - (b) an audit of the food safety program, or proposed food safety program, for the seafood business.
- (2) This clause is not intended to limit any powers of an authorised officer to carry out an inspection under Part 5 of the Act.

24 Fees and charges for inspections and audits

- (1) The fees and charges payable for the carrying out by Safe Food of any inspection for the purposes of the Act or this Regulation or any audit of a food safety program or proposed food safety program are as follows:
 - (a) \$120 per hour, with a minimum charge of \$60, except in relation to any travelling time,
 - (b) in relation to travelling time, the amount determined by Safe Food in relation to each hour or part of an hour, being an amount of not more than \$120 for each hour.
- (2) The fees and charges payable under this clause are payable to Safe Food.
- (3) Safe Food may reduce or waive payment of a charge in a particular case or class of cases.

Clause 25 Food Production (Seafood Safety Scheme) Regulation 2001

Part 7 New South Wales Shellfish Program

Part 7 New South Wales Shellfish Program

25 Establishment of New South Wales Shellfish Program

- (1) Safe Food is required:
 - (a) to establish, manage and operate a program to be called the New South Wales Shellfish Program, and
 - (b) to ensure that the Program is maintained and applied to the harvest, collection, depuration, transshipment, labelling, identification and tracking of shellfish.
- (2) The objective of the Program is to ensure that shellfish harvested or collected in New South Wales for sale for human consumption meet food safety requirements by:
 - (a) assessing harvest areas to determine appropriate risk-based classifications and required food safety controls, and
 - (b) establishing criteria for the harvest, collection and depuration of shellfish, and
 - (c) ensuring that those criteria are satisfied in the harvest, collection and depuration of shellfish, and
 - (d) monitoring and assessing the effectiveness of those criteria.
- (3) The operational parameters of the Program are to be contained in a document to be called the *Operations Manual for the NSW Shellfish Program*, that includes the following:
 - (a) minimum requirements for management plans for each area where shellfish are harvested or collected,
 - (b) standards that are to apply to shellfish and harvest areas,
 - (c) requirements relating to the depuration of shellfish,
 - (d) requirements relating to the transshipment of shellfish,
 - (e) requirements relating to the labelling and identification of transhipped and harvested shellfish,
 - (f) requirements relating to the keeping of records of shellfish that have been transhipped, harvested, depurated or packaged for human consumption,
 - (g) provisions for the collection of data for the purposes of the Program,

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 25

New South Wales Shellfish Program

Part 7

-
- (h) other methods or operational parameters of a food safety nature to be applied to the harvest or collection of shellfish.
 - (4) The *Operations Manual for the NSW Shellfish Program* may be reviewed from time to time by Safe Food and the NSW Shellfish Committee.
 - (5) For each area in which shellfish is harvested or collected, Safe Food is to prepare a local shellfish program that complies with the objectives and operational parameters set out in the *Operations Manual for the NSW Shellfish Program*.

26 Appointment of New South Wales Shellfish Committee

- (1) Safe Food is required to appoint a committee to be called the New South Wales Shellfish Committee.
- (2) The NSW Shellfish Committee is to have 8 members of whom:
 - (a) 4 are to be persons who are holders of a licence that authorises the harvesting of farmed shellfish, and
 - (b) 1 is to be a person who is the holder of a licence that authorises the collection of wild shellfish from near-shore oceanic areas, and
 - (c) 1 is to be a person who is the holder of a licence that authorises the collection of wild shellfish from estuarine areas, and
 - (d) 1 is to be the Chief Executive Officer, or a nominee of the Chief Executive Officer who is an officer of Safe Food, and
 - (e) 1 is to be the Program Manager.
- (3) The members of the NSW Shellfish Committee referred to in subclause (2) (a), (b) and (c) are to be appointed by Safe Food for a period, not exceeding 3 years, specified in their instruments of appointment and are to be selected by a panel established by Safe Food comprising:
 - (a) the Chief Executive Officer, and
 - (b) an independent person appointed by Safe Food, and
 - (c) 1 industry representative who is a member of, and nominated by, the Oyster Farmers Association of NSW Pty Ltd, and
 - (d) 1 industry representative who is a member of, and nominated by, the NSW Farmers Association Oyster Growers Committee.

Clause 26 Food Production (Seafood Safety Scheme) Regulation 2001

Part 7 New South Wales Shellfish Program

- (4) The panel is to apply the following selection criteria in determining the persons who are to be members of the NSW Shellfish Committee, but may have regard to other relevant matters:
 - (a) possession of a licence to harvest, collect or deurate shellfish,
 - (b) commercial reliance on harvesting, collection or depuration of shellfish,
 - (c) demonstration of experience at a local committee level in the Program conducted under this Regulation or the New South Wales Shellfish Quality Assurance Program conducted under the *Fisheries Management Act 1994*,
 - (d) demonstration of previous compliance with those Programs.
- (5) The NSW Shellfish Committee is to elect one of its members as chairperson of the Committee.

27 Responsibilities of New South Wales Shellfish Committee

The NSW Shellfish Committee is responsible for the following:

- (a) advising the Minister and Safe Food on matters relating to the operation and administration of the Program, including its operation at a local level, and
- (b) communicating with and assisting local committees and industry members on matters relating to the Program, and
- (c) providing, where appropriate, representatives to other committees dealing with shellfish food safety issues, and
- (d) assisting the Program Manager in the preparation of an annual report on the operation and finances of the Program.

28 Appointment of local shellfish committees

- (1) Safe Food is required to appoint a local shellfish committee for each area or group of areas of estuarine waters to which the Program relates.
- (2) A local committee is to comprise such number of members as Safe Food considers appropriate.
- (3) Safe Food is to arrange for the election of members of a local committee by such persons as Safe Food is satisfied are holders of licences that authorise the harvesting or collection of shellfish, or the operation of a depuration plant, in the proposed area of operations of the committee.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 28

New South Wales Shellfish Program

Part 7

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- (4) A person is eligible to be elected to a local committee if Safe Food is satisfied that the person:
- (a) is the holder of a licence that authorises the harvesting or collection of shellfish in the proposed area of operations of the committee, and
 - (b) has previously complied with the Program conducted under this Regulation or the New South Wales Shellfish Quality Assurance Program conducted under the *Fisheries Management Act 1994*.

29 Responsibilities of local shellfish committees

- (1) A local committee is responsible for the following:
- (a) administering, under the direction of the Program Manager, the local program for the area for which the committee is appointed,
 - (b) communicating and consulting with the NSW Shellfish Committee, the Program Manager and persons who harvest farmed shellfish or collect wild shellfish in the area,
 - (c) determining annually, in consultation with persons required to comply with the local program, the total projected administration and operational costs of the local program (including the cost of maintaining the local committee),
 - (d) advising Safe Food before 1 August in each year of the costs referred to in paragraph (c),
 - (e) preparing and submitting to Safe Food, before 1 August in each year, a report on the local committee's operations, including the level of participation in the local program, an account of the finances of the committee and any other matter that the NSW Shellfish Committee notifies as being required for inclusion in the report.
- (2) A local committee is to nominate one or more of its members to assist in the day to day operation of the local program under the general direction of the Program Manager.

30 Provisions relating to members and procedure of committees

Schedule 2 applies to the NSW Shellfish Committee and to each local committee.

Clause 31 Food Production (Seafood Safety Scheme) Regulation 2001

Part 7 New South Wales Shellfish Program

31 Funding of committees

- (1) Safe Food may arrange for the funding of the NSW Shellfish Committee from money levied under Division 2 of Part 8.
- (2) Safe Food may arrange for the funding of each local committee from money levied under Division 3 of Part 8.
- (3) Each committee funded by Safe Food is to keep accounts of:
 - (a) all amounts paid to the committee by Safe Food for the purposes of enabling the committee to exercise its functions, and
 - (b) all amounts expended by the committee.
- (4) A local committee is to establish and maintain at an authorised deposit-taking institution located in New South Wales a trust account for the operation of the relevant local program into which all amounts referred to in subclause (3) (a) are to be paid.
- (5) Safe Food may require a committee funded by Safe Food under this Regulation to produce its accounts for inspection at any reasonable time.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 32

Levies

Part 8

General seafood levy

Division 1

Part 8 Levies

Division 1 General seafood levy

32 Payment of annual general seafood levy

- (1) An annual general seafood levy is payable to Safe Food by each holder of a licence.
- (2) Safe Food is to issue to each holder of a licence a notice in writing:
 - (a) specifying the amount of the levy and the period (being not less than 30 days after the issue of the notice) within which the levy must be paid, and
 - (b) specifying the method of calculating the amount of levy to be paid by that holder.
- (3) The holder of a licence is to pay the levy to Safe Food within the period specified in the notice for its payment unless the holder has approval from Safe Food under this clause to pay the levy by instalments.
- (4) The holder of a licence may, before the expiration of the period referred to in subclause (2) (a), apply to Safe Food for approval to pay the levy for a particular year by instalments.
- (5) An approval under this clause must be notified in writing to the holder of the licence concerned and must specify the amount of each instalment and the date by which each instalment must be paid.
- (6) The holder of a licence who has been given approval by Safe Food to pay the levy by instalments must pay each instalment in accordance with the terms of the approval.
- (7) If there is a failure by the holder of a licence who has approval to pay the levy by instalments to pay the amount of an instalment by the date required in the approval, the total unpaid balance of the levy may be treated by Safe Food as an overdue amount even if payment by instalments has commenced.

33 Calculation of annual general seafood levy

- (1) The annual general seafood levy payable by the holder of a licence is to be calculated in accordance with this clause.

Clause 33 Food Production (Seafood Safety Scheme) Regulation 2001

Part 8 Levies

Division 1 General seafood levy

- (2) Safe Food is to allocate an appropriate score for the seafood business authorised to be carried on under the licence in respect of each category listed in the Table in Schedule 3, unless otherwise specified in that Schedule.
- (3) Each such score is to be allocated in accordance with the provisions of Schedule 3.
- (4) Safe Food is to allocate a levy score to the seafood business determined by totalling the scores allocated under subclause (2) in respect of the seafood business.
- (5) The levy payable by the holder of a licence is the amount in dollars obtained by multiplying the levy score for the seafood business to which the licence relates determined in accordance with this clause by the unit levy rate of 7.16.
- (6) Safe Food may reduce the annual general seafood levy payable for a particular year by the holder of a licence if the licence is granted after the commencement of the year and Safe Food is of the opinion that the particular case warrants it.

Division 2 State shellfish program levy

34 Payment of annual State shellfish program levy

- (1) An annual State shellfish program levy is payable to Safe Food, in addition to any other levy payable under this Part, by the holder of a licence that authorises any of the following activities:
 - (a) the harvesting or collection of shellfish,
 - (b) the operation of a depuration plant.
- (2) The levy is to be applied only for the following purposes:
 - (a) meeting the costs incurred in maintaining the NSW Shellfish Committee,
 - (b) meeting the costs incurred by that Committee in carrying out its responsibilities,
 - (c) contributing to the operating costs of the Program.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 34

Levies

Part 8

State shellfish program levy

Division 2

- (3) Safe Food is to issue to each holder of a licence liable to pay an annual State shellfish program levy a notice in writing:
 - (a) specifying the amount of the levy and the period (being not less than 30 days after the issue of the notice) within which the levy must be paid, and
 - (b) specifying the method of calculating the amount of levy to be paid by that holder.
- (4) The holder of a licence is to pay the levy to Safe Food within the period specified in the notice for its payment unless the holder has approval from Safe Food under this clause to pay the levy by instalments.
- (5) The holder of a licence may, before the expiration of the period referred to in subclause (3) (a), apply to Safe Food for approval to pay the levy for a particular year by instalments.
- (6) An approval under this clause must be notified in writing to the holder of the licence concerned and must specify the amount of each instalment and the date by which each instalment must be paid.
- (7) The holder of a licence who has been given approval by Safe Food to pay the levy by instalments must pay each instalment in accordance with the terms of the approval.
- (8) If there is a failure by the holder of a licence who has approval to pay the levy by instalments to pay the amount of an instalment by the date required in the approval, the total unpaid balance of the levy may be treated by Safe Food as an overdue amount even if payment by instalments has commenced.

35 Calculation of annual State shellfish program levy

- (1) The annual State shellfish program levy payable by the holder of a licence is to be calculated in accordance with this clause.
- (2) Safe Food is to calculate a base levy by:
 - (a) determining, in relation to each holder of a licence authorised to harvest or collect shellfish or operate a depuration plant, the number of estuaries and non-estuarine defined geographic areas in which the holder carries on those activities, and
 - (b) adding together the numbers determined under paragraph (a) in relation to each holder of a licence to determine a total number for all such holders, and

Clause 35 Food Production (Seafood Safety Scheme) Regulation 2001

Part 8 Levies

Division 2 State shellfish program levy

- (c) dividing the amount of \$100,000 by the total number determined under paragraph (b).
- (3) The levy payable under this Division by the holder of a licence is the amount in dollars obtained by multiplying the base levy determined in accordance with this clause by the number of estuaries and non-estuarine defined geographic areas in which the holder harvests or collects shellfish or operates a depuration plant.
- (4) If a licence is granted after the commencement of a year for which the annual State shellfish program levy is payable, Safe Food may reduce the levy payable by the holder of the licence for that year by a proportionate amount.

Division 3 Local shellfish program levy

36 Payment of annual local shellfish program levy

- (1) An annual local shellfish program levy is payable to Safe Food, in addition to any other levy payable under this Part, by the holder of a licence that authorises any of the following activities if there is a local committee appointed for the area in which the activity is carried on:
 - (a) the harvesting or collection of shellfish,
 - (b) the operation of a depuration plant.
- (2) The levy is to be applied only for the following purposes:
 - (a) meeting the costs incurred in maintaining the local committees,
 - (b) meeting the costs incurred by those committees in carrying out their responsibilities.
- (3) Safe Food is to issue to each holder of a licence liable to pay an annual local shellfish program levy a notice in writing:
 - (a) specifying the amount of the levy and the period (being not less than 30 days after the issue of the notice) within which the levy must be paid, and
 - (b) specifying the method of calculating the amount of levy to be paid by that holder.
- (4) The holder of a licence is to pay the levy to Safe Food within the period specified in the notice for its payment unless the holder has approval from Safe Food under this clause to pay the levy by instalments.

Food Production (Seafood Safety Scheme) Regulation 2001	Clause 36
Levies	Part 8
Local shellfish program levy	Division 3

- (5) The holder of a licence may, before the expiration of the period referred to in subclause (3) (a), apply to Safe Food for approval to pay the levy for a particular year by instalments.
- (6) An approval under this clause must be notified in writing to the holder of the licence concerned and must specify the amount of each instalment and the date by which each instalment must be paid.
- (7) The holder of a licence who has been given approval by Safe Food to pay the levy by instalments must pay each instalment in accordance with the terms of the approval.
- (8) If there is a failure by the holder of a licence who has approval to pay the levy by instalments to pay the amount of an instalment by the date required in the approval, the total unpaid balance of the levy may be treated by Safe Food as an overdue amount even if payment by instalments has commenced.

37 Calculation of annual local shellfish program levy

- (1) The annual local shellfish program levy payable by the holder of a licence is to be calculated in accordance with this clause.
- (2) Safe Food is to determine the levy payable under this clause in relation to the holder of a licence who harvests or collects shellfish, or operates a depuration plant, in an area for which a local committee is appointed by dividing the total projected administration and operational costs submitted to Safe Food under clause 29 (1) (c) for the year concerned by the number of such licence holders.
- (3) If the holder of a licence harvests or collects shellfish, or operates a depuration plant, in more than one area for which a local committee is appointed, the holder is liable to pay a levy under this Division for each of those areas.
- (4) Despite any other provision of this Division, the levy payable by the holder of a licence in respect of an area for which a local committee is appointed is to be reduced by half if:
 - (a) the only activity carried on in that area under the licence is:
 - (i) the operation of a depuration plant, or
 - (ii) the harvesting of shellfish that are required to be on-grown in another area before being sold for human consumption, and

Clause 37 Food Production (Seafood Safety Scheme) Regulation 2001

Part 8 Levies

Division 3 Local shellfish program levy

- (b) the holder harvests or collects shellfish, or operates a depuration plant, in at least one other such area and has paid an unreduced amount of levy required under this Division in relation to at least one other such area.
- (5) If a licence is granted after the commencement of a year for which the annual local shellfish program levy is payable, Safe Food may reduce the levy payable by the holder of the licence for that year by a proportionate amount.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 38

Industry consultation

Part 9

Part 9 Industry consultation

38 New South Wales Seafood Industry Conference

- (1) Safe Food is to establish a body to be known as the New South Wales Seafood Industry Conference for the purposes of the consultation referred to in section 22 of the Act in relation to this Regulation (except Part 7 and Divisions 2 and 3 of Part 8).
- (2) The New South Wales Seafood Industry Conference is to be comprised principally of persons nominated by the seafood industry, and endorsed by Safe Food, to represent the major sectors of the industry.
- (3) The Industry Conference may also comprise such officers of Safe Food and the Department of Health, and representatives of other bodies or industry organisations, as Safe Food allows.
- (4) The Industry Conference may establish subcommittees to assist it in the exercise of its functions.
- (5) Safe Food is to appoint a Chairperson and Secretary of the Industry Conference.
- (6) The procedure for the calling and holding of meetings of the Industry Conference is to be as determined by Safe Food in consultation with the seafood industry.

39 Industry consultation on shellfish

The NSW Shellfish Committee is established as the consultative body for the purposes of the consultation referred to in section 22 of the Act in respect of Part 7 and Divisions 2 and 3 of Part 8 of this Regulation.

Note. The New South Wales Shellfish Committee has other functions under Part 7.

Clause 40 Food Production (Seafood Safety Scheme) Regulation 2001

Part 10 Miscellaneous

Part 10 Miscellaneous

40 Offences

- (1) A breach of a provision of this Regulation does not constitute an offence against this Regulation unless a penalty is provided in the provision.
- (2) Subclause (1) does not affect the operation of section 21 of the Act in relation to the provisions of this Regulation.

Note. Section 21 of the Act:

- (a) makes it an offence for a person to handle primary produce or seafood in a manner that contravenes a provision of a food safety scheme, and
- (b) makes it an offence for the holder of a licence granted under the regulations to contravene or fail to comply with a condition of a licence.

41 Penalty notices

- (1) For the purposes of section 62 of the Act:
 - (a) each offence arising under a provision specified in Column 1 of the Table in Schedule 4 is prescribed as a penalty notice offence, and
 - (b) the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 4 of that Table.
- (2) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence arising under a provision specified in Column 1 of the Table in Schedule 4 consists of the IPB Code set out in relation to the offence in Column 2 together with:
 - (a) the expression specified in Column 3 of that Table, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (3) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of the Table in Schedule 4, the prescribed expression for the offence is taken to relate to the offence created by the provision as the provision was in force when the offence is alleged to have been committed.

Food Production (Seafood Safety Scheme) Regulation 2001

Clause 41

Miscellaneous

Part 10

- (4) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (5) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (6) In this clause:
- Infringement Processing Bureau* means the Infringement Processing Bureau within the Police Service.
- IPB Code*, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

42 Savings and transitional provisions

Schedule 5 has effect.

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 1 Additional requirements relating to licences

Schedule 1 Additional requirements relating to licences

(Clause 12)

Activity	General operating conditions	Premises conditions	Vehicle conditions
Processing of seafood	Complies with Standard 3.2.2 of Food Standards Code	Complies with Standard 3.2.3 of Food Standards Code	Complies with Standard 3.2.3 of Food Standards Code
Storage of seafood	Complies with Standard 3.2.2 of Food Standards Code	Complies with Standard 3.2.3 of Food Standards Code	Complies with Standard 3.2.3 of Food Standards Code
Transportation of seafood	Complies with Standard 3.2.2 of Food Standards Code		Complies with Standard 3.2.3 of Food Standards Code
Wholesaling of seafood	Complies with Standard 3.2.2 of Food Standards Code	Complies with Standard 3.2.3 of Food Standards Code	
Harvesting or collecting of bivalve molluscs	Complies with Operation Manual for NSW Shellfish Program		
Depuration of bivalve molluscs	Complies with Operation Manual for NSW Shellfish Program Complies with Code of Practice for Oyster Depuration in NSW	Complies with Operation Manual for NSW Shellfish Program Complies with Code of Practice for Oyster Depuration in NSW	

Food Production (Seafood Safety Scheme) Regulation 2001

Provisions relating to members and procedure of committees

Schedule 2

Schedule 2 Provisions relating to members and procedure of committees

(Clause 30)

1 Definitions

In this Schedule:

committee means:

- (a) the NSW Shellfish Committee, or
- (b) a local committee.

member means a member of a committee.

2 Deputy members

- (1) Safe Food may, from time to time, appoint a person to be the deputy of a member, and may at any time revoke any such appointment.
- (2) In the absence of a member, the member's deputy:
 - (a) may, if available, act in the place of the member, and
 - (b) while so acting, has all the functions of the member and is to be taken to be the member.
- (3) A person while acting in the place of a member is entitled to be paid such allowances as Safe Food may from time to time determine in respect of the person.

3 Terms of office of member

Subject to this Schedule, a member holds office for such term (not exceeding 3 years) as is specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

4 Allowances for member

A member is entitled to be paid such allowances as Safe Food from time to time determines in respect of the member.

5 Vacancy in office of member

- (1) The office of a member becomes vacant if the member:
 - (a) dies, or

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 2 Provisions relating to members and procedure of committees

- (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to Safe Food, or
 - (d) is removed from office by Safe Food under subclause (2), or
 - (e) is absent from 3 consecutive meetings of the committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the committee for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) Safe Food may remove from office all or any of the members of a committee.

6 Filling of vacancy in office of member

If the office of a member becomes vacant, a person is, subject to this Regulation, required to be appointed to fill the vacancy.

7 Disclosure of pecuniary interests

- (1) A member of a committee:
- (a) who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the committee, and
 - (b) whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

Food Production (Seafood Safety Scheme) Regulation 2001

Provisions relating to members and procedure of committees

Schedule 2

must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the committee.

- (2) A disclosure by a member of a committee at a meeting of the committee that the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
 - (b) is a partner, or is in the employment, of a specified person, or
 - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause.
- (3) Particulars of any disclosure made under this clause must be recorded by the members of the committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the members of the committee.
- (4) After a member of the committee has disclosed the nature of an interest in any matter, the member must not, unless Safe Food or the other members of the committee otherwise determine:
- (a) be present during any deliberation of the committee with respect to the matter, or
 - (b) take part in any decision of the committee with respect to the matter.
- (5) For the purposes of the making of a determination by the members of the committee under subclause (4), a member of the committee who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the other members of the committee for the purpose of making the determination, or
 - (b) take part in the making by the other members of the committee of the determination.
- (6) A contravention of this clause does not invalidate any decision of the committee.

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 2 Provisions relating to members and procedure of committees

- (7) A member is taken not to have an interest in a matter for the purposes of this clause merely because the member is the holder of an aquaculture permit or aquaculture lease under the *Fisheries Management Act 1994* or is the holder of a licence.

8 General procedure for calling and holding meetings of a committee

The procedure for the calling and holding of meetings of a committee is, subject to any direction by Safe Food, to be determined by the committee.

9 Quorum

The quorum for a meeting of a committee is a majority of its members for the time being.

10 Presiding member and voting rights

- (1) The chairperson of a committee or, in the absence of the chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the committee.
- (2) The person presiding at a meeting of a committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

11 Voting

A decision supported by a majority of the votes cast at a meeting of a committee at which a quorum is present is the decision of the committee.

Food Production (Seafood Safety Scheme) Regulation 2001

General seafood levy

Schedule 3

Schedule 3 General seafood levy

(Clause 33)

Table

Category	Description	Score
1	Type of seafood handled by the business	
	High risk seafood	20
	Other seafood	10
2	Business activity	
	Processing and packaging of high risk seafood	25
	Harvesting, collecting and depurating high risk seafood	15
	Handling of other seafood (except storage, transportation or wholesaling)	10
	Storage, transportation or wholesaling of seafood	5
3	Method of processing	
	The business performs a process that aims to decrease the micro-organisms present	0
	The business does not perform a process that aims to decrease the micro-organisms present	10
4	Size of business	
	The business is a small business (employs no more than 10 people)	0
	The business is not a small business (employs more than 10 people)	15
5	Number of activities as listed on the seafood licence	
	1 activity	0
	2 to 5 activities	15
	More than 5 activities	30
6	Business compliance with the Scheme (based on audit outcome)	
	A rated business	0
	B rated business	15
	C rated business	30

1 Category 1 notes

- (1) If a business handles high risk seafood and other seafood, the score for Category 1 is determined using the high risk seafood category.

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 3 General seafood levy

(2) In Category 1, *high risk seafood* means:

- (a) fish species that, in the opinion of Safe Food, could cause Scombroid poisoning, or
- (b) shellfish, or
- (c) seafood to be consumed raw, or
- (d) processed seafood to be consumed with no further processing.

2 Category 2 notes

If a business performs more than one of the activities listed in Category 2, the score is to be based on the highest scoring activity.

3 Category 3 notes

This category is to be used only for businesses engaged in the processing of seafood. If the business performs more than one type of processing specified in the category, then the score is to be based on the type of processing with the highest score.

4 Category 5 notes

For the purposes of determining a score for Category 5, the number of activities is determined by totalling the number of activities undertaken at each premises or with each vehicle, or both.

5 Category 6 notes

When determining the score in Category 6, the following applies:

- (a) if the audit outcome rating for the business has changed during the preceding year, the lowest rating given to the business in that year is to be used,
- (b) if the business has 2 or more separately audited premises or vehicles, or both, at the time the levy is calculated, the lowest audit outcome rating given in respect of the business is to be used.

Food Production (Seafood Safety Scheme) Regulation 2001

Penalty Notices

Schedule 4

Schedule 4 Penalty Notices

(Clause 41)

Table

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description text	Penalty units
Section 21 (1) of the Act (in relation to a contravention of clause 8 of this Regulation)	8534, 2469	Store/transport seafood at incorrect temperature	5
Section 21 (2) of the Act (in relation to a contravention of, or failure to comply with, a condition of a licence granted under this Regulation)	8535, 2469	Failure to comply with condition of seafood licence	5
Clause 16 (1) of this Regulation	8541, 2470	Failure by licensee to display seafood licence	2
Clause 16 (2) of this Regulation	8547, 2471	Failure by licensee to carry seafood licence on vehicle	2
Clause 20 (1) of this Regulation	8548, 2472	Failure by licensee to carry out required seafood analysis	5
Clause 21 (1) of this Regulation	8557, 2473	Failure to carry out seafood analysis at approved laboratory	5
Clause 21 (2) of this Regulation	8567, 2475	Failure to submit laboratory report of seafood analysis	5

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 4 Penalty Notices

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description text	Penalty units
Clause 21 (5) of this Regulation	8585, 2476	Failure by licensee to notify results of seafood analysis	5
Clause 2 (2) of Schedule 5 to this Regulation	8642, 2668	Failure by licensee to submit food safety program	5

Food Production (Seafood Safety Scheme) Regulation 2001

Savings and transitional provisions

Schedule 5

Schedule 5 Savings and transitional provisions

(Clause 42)

1 Licensing of existing seafood businesses

If a person who is carrying on a seafood business at the commencement of this Regulation applies for a licence before 1 March 2002, the person is taken to be licensed to carry on that seafood business until Safe Food determines the application.

2 Development of food safety programs for existing seafood businesses

- (1) Despite clause 10 (2) (a), Safe Food may grant a licence to an applicant who is carrying on a seafood business at the commencement of this Regulation even though the applicant has not prepared a proposed food safety program.
- (2) A person who is carrying on a seafood business at the commencement of this Regulation and who continues to carry on the seafood business after that commencement must submit to Safe Food a proposed food safety program for the seafood business, that complies with clause 18, within the period specified below in relation to the particular type of seafood business or within such further period as is notified in writing to the person by Safe Food:
 - (a) in relation to a seafood business that involves aquaculture of shellfish, collection of shellfish, processing of oysters or processing of smoked seafood—6 months after that commencement,
 - (b) in relation to a seafood business that involves the handling of seafood immediately after it is taken or caught, seafood processing or seafood manufacturing, being an activity not referred to in paragraph (a)—12 months after that commencement,
 - (c) in relation to a seafood business that does not involve an activity referred to in paragraph (a) or (b)—18 months after that commencement.

Maximum penalty: 25 penalty units.

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 5 Savings and transitional provisions

-
- (3) If a seafood business involves more than one of the activities specified in subclause (2) (a)–(c), the period within which a food safety program for the seafood business is to be prepared for the purposes of that subclause is the shortest period specified in relation to any of those activities.

3 New South Wales Shellfish Committee

- (1) This clause has effect despite anything to the contrary in clause 26.
- (2) On the commencement of this Regulation, the New South Wales Shellfish Committee is to comprise the following persons as members:
- (a) such of the persons who were members of the New South Wales Shellfish Quality Assurance Committee appointed under the *Fisheries Management (Aquaculture) Regulation 1995* immediately before that commencement and are eligible to be appointed under that clause as members of the New South Wales Shellfish Committee,
 - (b) such other persons as Safe Food determines in accordance with that clause.
- (3) The term of office of a person who is a member of the New South Wales Shellfish Committee referred to in subclause (2) (a) expires on the date on which the person's term of office as a member of the New South Wales Shellfish Quality Assurance Committee would have expired if that Committee had not been dissolved. However, the person is eligible (if otherwise qualified) for re-appointment.
- (4) The requirements of clause 26 (4) (c) and (d) do not apply to the members of the New South Wales Shellfish Committee appointed under clause 26 (2) (b) and (c) to serve the first term of office after the commencement of this Regulation.
- (5) Safe Food is to apply any contributions paid to it under clause 64 (2) of the *Fisheries Management (Aquaculture) Amendment (Transitional) Regulation 2001* in the manner provided by clause 34 (2) of this Regulation.

4 Local shellfish committees

- (1) This clause has effect despite anything to the contrary in clause 28.

Food Production (Seafood Safety Scheme) Regulation 2001

Savings and transitional provisions

Schedule 5

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- (2) On the commencement of this Regulation, there is taken to be appointed by Safe Food for the purposes of clause 28, a local shellfish committee for each area or group of areas of estuarine waters for which a local shellfish quality assurance committee (*the corresponding committee*) existed under the *Fisheries Management (Aquaculture) Regulation 1995* immediately before that commencement.
 - (3) A local shellfish committee referred to in subclause (2) is to comprise the following persons as members:
 - (a) such of the persons who were members of the corresponding committee immediately before the commencement of this Regulation as are eligible in accordance with this Regulation to be members of the local shellfish committee, and
 - (b) such other persons as Safe Food appoints in accordance with clause 28 to be members of the committee.
 - (4) The term of office as a member of a person referred to in subclause (3) (a) expires on the date that the person's term of office as a member of the corresponding committee would have expired if the corresponding committee had not been dissolved. However, the person is eligible (if otherwise qualified) for re-appointment.
 - (5) The requirements of clause 28 (4) (b) do not apply in relation to the first election after the commencement of this Regulation of a member of a local shellfish committee who is the holder of a licence that authorises the collection of wild shellfish.
 - (6) Safe Food is to pay any funds received by it that were held by a local shellfish quality assurance committee dissolved by clause 64 of the *Fisheries Management (Aquaculture) Regulation 1995* to the local shellfish committee for which that local shellfish quality assurance committee is the corresponding committee.

5 Levies

- (1) Despite any other provision of this Regulation, the first levy imposed by Safe Food under Division 1 of Part 8 after the commencement of this Regulation is to be for the period commencing on that commencement and ending on 30 June 2002.

Food Production (Seafood Safety Scheme) Regulation 2001

Schedule 5 Savings and transitional provisions

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- (2) The first levy imposed by Safe Food under Division 2 of Part 8 after the commencement of this Regulation is to be for the period commencing on 1 January 2002 and ending on 30 June 2002.

Health Care Liability Regulation 2001

under the

Health Care Liability Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Care Liability Act 2001*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

Under the *Health Care Liability Act 2001*, the term **health care provider** includes medical practitioners who are covered by approved professional indemnity insurance. Under section 19 of that Act, medical practitioners are, unless exempt under the regulations, required to be covered by approved professional indemnity insurance.

The objects of this Regulation are as follows:

- (a) to exempt certain classes of medical practitioners from the requirement to be covered by approved professional indemnity insurance (such as registered medical practitioners who do not actually practise medicine, whose practice in New South Wales is insignificant, or those who continue to be covered by insurers who do not provide approved professional indemnity insurance),
- (b) to extend the definition of **health care provider** under the Act so that it covers certain classes of medical practitioners who are exempt from the requirement to be covered by approved professional indemnity insurance.

A temporary 5-month exemption is also provided so as to phase-in the approved insurance requirement in respect of those practitioners who are not currently covered by professional indemnity insurance.

Health Care Liability Regulation 2001

Explanatory note

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Health Care Liability Act 2001*, including sections 4 (1), 19 (4) (b) and 34 (the general power to make regulations).

Health Care Liability Regulation 2001

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Clause 1 Health Care Liability Regulation 2001

Health Care Liability Regulation 2001

1 Name of Regulation

This Regulation is the *Health Care Liability Regulation 2001*.

2 Commencement

This Regulation commences on 1 January 2002.

3 Definitions

In this Regulation:

approved insurance requirement means, in relation to a medical practitioner, the requirement under section 19 of the Act for the medical practitioner to be covered by approved professional indemnity insurance.

the Act means the *Health Care Liability Act 2001*.

4 Definition of “health care provider”—additional classes of medical practitioners

For the purposes of the definition of ***health care provider*** in section 4 (1) of the Act, the following classes of medical practitioners are prescribed:

- (a) medical practitioners who are visiting medical officers (within the meaning of the *Health Services Act 1997*) and who are exempt, as provided by clause 5 (1) (d), from the approved insurance requirement,
- (b) medical practitioners who are exempt, as provided by clause 7, from the approved insurance requirement.

5 Exemption from approved insurance requirement

- (1) In accordance with section 19 (4) (b) of the Act, the following medical practitioners are exempt from the approved insurance requirement:
 - (a) a person whose registration as a medical practitioner is, in accordance with section 9 of the *Medical Practice Act 1992*, subject to the condition that the person does not practise medicine,

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- (b) a medical practitioner who practises medicine primarily outside New South Wales and who is covered by professional indemnity insurance of any kind,
 - (c) a medical practitioner whose medical practice is limited to the rendering of medical assistance on a voluntary basis in emergency situations,
 - (d) a medical practitioner who practises medicine in the course of being:
 - (i) employed by another person, or
 - (ii) engaged by another person under some contractual arrangement.
- (2) The exemption under subclause (1) (d) applies only in relation to a medical practitioner:
- (a) to the extent that the medical practitioner is practising medicine as an employee of, or contractor to, the other person, and
 - (b) to the extent that the medical practitioner is indemnified, under an insurance policy issued to the other person, for civil liability arising out of the provision of, or failure to provide, health care by the medical practitioner, and
 - (c) if the other person is not the medical practitioner's practice company.
- (3) For the purposes of subclause (2) (b):
- insurance policy issued to the other person* includes arrangements established or entered into by the State to cover civil liability arising out of the provision of, or failure to provide, health care by a public health organisation or its employees, agents or contractors.

6 Exemption in relation to existing insurance arrangements

In accordance with section 19 (4) (b) of the Act, a medical practitioner is exempt from the approved insurance requirement if:

- (a) the medical practitioner, while practising as such, was covered by professional indemnity insurance of any kind immediately before 1 January 2002, and
- (b) the insurer who provides that insurance was providing the insurance to the medical practitioner for a continuous period of at least 4 weeks leading up to 1 January 2002, and

Clause 6 Health Care Liability Regulation 2001

- (c) the insurer does not provide, or ceases to provide, approved professional indemnity insurance during the period between 1 January 2002 and 1 July 2002 and continues not to provide approved professional indemnity insurance after 1 July 2002, and
- (d) the medical practitioner, while practising as such, continues (without any break in the cover) to be covered by professional indemnity insurance provided by that same insurer.

7 Exemption for limited period after cessation of insurer's business

If a medical practitioner ceases to be covered by approved professional indemnity insurance as a consequence of the cessation of business of the insurer who provided the insurance, the medical practitioner is, in accordance with section 19 (4) (b) of the Act, exempt from the approved insurance requirement but only for a period of no more than 3 months immediately following the date on which the medical practitioner ceased to be so covered.

8 Interim exemption (until 31 May 2002) for medical practitioners without insurance cover

If, immediately before 1 January 2002, a medical practitioner was not covered by professional indemnity insurance of any kind, the medical practitioner is, in accordance with section 19 (4) (b) of the Act, exempt from the approved insurance requirement but only until 31 May 2002.

Liquor Amendment (Functions) Regulation 2001

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

Under section 18 (6) of the *Liquor Act 1982*, a hotelier may be authorised to sell liquor at a function to be held away from the hotel premises. The object of this Regulation is to prescribe circumstances in which such an authorisation cannot be granted. In particular, a requirement is imposed that the premises at which the function is to be held must be situated within 50 kilometres by road of the hotelier's premises.

This Regulation is made under the *Liquor Act 1982*, including sections 18 (6) and 156 (the general power to make regulations).

Clause 1 Liquor Amendment (Functions) Regulation 2001

Liquor Amendment (Functions) Regulation 2001

1 Name of Regulation

This Regulation is the *Liquor Amendment (Functions) Regulation 2001*.

2 Commencement

This Regulation commences on 14 December 2001.

3 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

Liquor Amendment (Functions) Regulation 2001

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 9A

Insert after clause 9:

9A Application by hotelier for authorisation to sell liquor at function held at other premises (section 18 (6) of the Act)

- (1) This clause applies to an application by a hotelier under section 18 (6) of the Act for authorisation to sell liquor at a function that is to be held on premises (*the other premises*) other than the premises to which the hotelier's licence relates (*the applicant's premises*).
- (2) In dealing with an application to which this clause applies, the Licensing Court or registrar is not to grant the application unless satisfied:
 - (a) that practices will be in place at the other premises as soon as the function concerned commences that ensure, as far as reasonably practicable, that liquor is sold, supplied and served responsibly on the other premises and that all reasonable steps are taken to prevent intoxication on the other premises, and
 - (b) that those practices will remain in place.
- (3) For the purposes of section 18 (6) of the Act, the other premises must be situated within 50 kilometres by road of the applicant's premises.
- (4) However, subclause (3) does not apply if there is no hotel situated within 50 kilometres by road of the other premises.

Parramatta Park Trust Transitional (Amendment) Regulation 2001

under the

Parramatta Park Trust Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parramatta Park Trust Act 2001*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The *Parramatta Park Trust Transitional Regulation 2001* applies certain provisions of the *National Parks and Wildlife Act 1974* and regulations under that Act to Parramatta Park. That Regulation ceases to have effect on 1 January 2002.

The object of this Regulation is to extend the operation of the Regulation to 1 April 2002.

This Regulation is made under the *Parramatta Park Trust Act 2001*, including section 37 (the general regulation-making power) and clause 1 of Schedule 4.

Clause 1 Parramatta Park Trust Transitional (Amendment) Regulation 2001

Parramatta Park Trust Transitional (Amendment) Regulation 2001

1 Name of Regulation

This Regulation is the *Parramatta Park Trust Transitional (Amendment) Regulation 2001*.

2 Amendment of Parramatta Park Trust Transitional Regulation 2001

The *Parramatta Park Trust Transitional Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 6 Regulation ceases to have effect

Omit “1 January 2002”. Insert instead “1 April 2002”.

Pesticides Amendment (Records) Regulation 2001

under the

Pesticides Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pesticides Act 1999*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that records of aerial applications of pesticides, which are required to be made by holders of an aircraft (pesticide applicator) licence under the *Pesticides Act 1999*, must contain a description of the crop in respect of which the pesticide was applied or other situation in which its was used, along with particulars of the rate of application and the quantity applied (**Schedule 1 [1]**),
- (b) to require persons who use pesticides for commercial or occupational purposes, or in connection with agricultural, farming or forestry operations, to make and keep records in relation to the use of pesticides (**Schedule 1 [2]**),
- (c) to provide for offences in relation to the new record making and keeping requirements under the Regulation to be dealt with by way of penalty notice (**Schedule 1 [3]**).

With respect to the object referred to in paragraph (b), this Regulation inserts Part 4A in the *Pesticides Regulation 1995*. The new Part contains the following provisions:

Pesticides Amendment (Records) Regulation 2001

Explanatory note

Clause 11B provides that a person who uses a pesticide for commercial or occupational purposes (that is, when carrying on a business involving the use of pesticides, or while acting as (or on behalf of) a landlord, or while carrying out pest control operations for or on behalf of a public authority or on a golf course or bowling green) must make a record in relation to the use of the pesticide.

Clause 11C provides that a person who uses a pesticide in connection with any agricultural, farming or forestry operation will also be required to make a record as to the use of the pesticide, but only when using a pesticide in certain specified circumstances.

Clause 11D sets out the information that must be contained in a record required to be made under the previous clauses. A record must be made no later than 24 hours after the use of the pesticide.

Clause 11E sets out who keeps and who provides records.

Clause 11F makes it an offence for a person, in any record required under Part 4A, to make a statement, or to provide any information, that is false or misleading in a material particular.

Clause 11G provides that the EPA may, after appropriate consultation, exempt persons from any of the record making and keeping requirements under Part 4A.

Clause 11H provides for the integration of records under Part 4A with other records that are required to be made and kept under another law.

This Regulation is made under the *Pesticides Act 1999*, including sections 54 (2) (g), 117 and 119 (the general regulation-making power), in particular section 119 (2) (e) and (o).

Pesticides Amendment (Records) Regulation 2001

Clause 1

Pesticides Amendment (Records) Regulation 2001

1 Name of Regulation

This Regulation is the *Pesticides Amendment (Records) Regulation 2001*.

2 Commencement

This Regulation commences on 31 July 2002.

3 Amendment of Pesticides Regulation 1995

The *Pesticides Regulation 1995* is amended as set out in Schedule 1.

Pesticides Amendment (Records) Regulation 2001

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 6A

Insert after clause 6:

6A Records of aerial application of pesticides

For the purposes of section 54 (2) (g) of the Act, the following additional particulars are required to be contained in a record made under that section:

- (a) a description of the crop in respect of which the pesticide was applied or other situation in which it was used,
- (b) the rate of application of the pesticide and the quantity applied.

[2] Part 4A

Insert after Part 4:

Part 4A Records relating to use of pesticides**11A Application of Part**

This Part does not apply to or in respect of aerial pesticide operations for which a licence is required under the Act.

11B Requirement to make records relating to use of pesticides for commercial and occupational purposes

- (1) A person must make (or cause to be made) a record, in accordance with clause 11D, that relates to each occasion on which the person uses a pesticide:
 - (a) in the course of carrying on a business involving the use of pesticides (regardless of whether that use is the primary purpose of the business concerned), or

Pesticides Amendment (Records) Regulation 2001

Amendments

Schedule 1

- (b) while acting in the capacity as, or while carrying out pest control operations for, the landlord of the premises on which the pesticide is used, or
- (c) while carrying out pest control operations for or on behalf of a public authority, or
- (d) while carrying out pest control operations on a golf course or bowling green.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) Subclause (1) does not apply in relation to the use of a pesticide that:
 - (a) is ordinarily used for domestic purposes (including home gardening), and
 - (b) is widely available to the general public at retail outlets (for example, at supermarkets), and
 - (c) is being applied by hand or hand-held applicator, and
 - (d) is being used in a quantity that:
 - (i) in the case of outdoor use—is appropriate for outdoor domestic purposes (so long as it does not exceed 20 litres or 20 kilograms of “ready-to-use” product or 5 litres or 5 kilograms of concentrated product), or
 - (ii) in the case of indoor use—is appropriate for indoor domestic purposes (so long as it does not exceed 5 litres or 5 kilograms of “ready-to-use” product or 1 litre or 1 kilogram of concentrated product).
- (3) Subclause (1) does not apply in relation to the use of a pesticide in public baths or in any swimming pool or spa.
- (4) Subclause (1) does not apply to persons to whom clause 11C applies.
- (5) If:
 - (a) a pesticide is used by a person individually (or as part of a team) while carrying out pest control operations for or on behalf of a public authority, and

Pesticides Amendment (Records) Regulation 2001

Schedule 1 Amendments

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- (b) the pest control operations:
- (i) involve the use of hand-held equipment only, and
 - (ii) are carried out under the supervision or direction of a person who has on-site responsibility for the operations (*the responsible person*),

the requirement to make a record in relation to the use of the pesticide applies to the responsible person and not to the individual person or to each member of the team.

- (6) In subclause (5):

team means a group of workers (including a group of workers who are members of a volunteer organisation) who are assigned to carry out a specific operation and who are working separately from any other group of workers.

11C Requirement to make records relating to use of pesticides in connection with agricultural, farming or forestry operations

- (1) This clause applies to persons who use pesticides in connection with any agricultural, farming or forestry operations.
- (2) A person to whom this clause applies must make (or cause to be made) a record, in accordance with clause 11D, that relates to each occasion on which the person uses a pesticide in any of the circumstances described in subclause (3).

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (3) The circumstances in which a record is required to be made are as follows:
 - (a) whenever livestock are treated for ectoparasites by means of a dip bath or by the use of powered spray equipment that is not hand held,
 - (b) whenever harvested horticultural crops are treated by means of a dip bath,
 - (c) whenever any spray equipment is used to apply a pesticide for horticultural purposes (including the spraying of fallow crop land),

Pesticides Amendment (Records) Regulation 2001

Amendments

Schedule 1

-
- (d) whenever any powered spray equipment is used to spray crops, fallow crop land or trees in a plantation (including in or around such trees),
 - (e) whenever ground driven powered spray equipment that is not hand held is used,
 - (f) whenever baits are applied to control vertebrate pests (other than baits that are used to control rodents in or around buildings).
- (4) A record is not required to be made in the circumstances referred to in subclause (3) (c) if:
- (a) the application consists of spot spraying that is confined to a small and restricted area on or within a tree crop, and
 - (b) the pesticide is applied by hand held and hand powered equipment only, and
 - (c) the pesticide is applied no closer than 20 metres to a property boundary.

- (5) In this clause:

ground driven powered spray equipment means powered spray equipment that is mounted on or attached to a vehicle.

horticultural crops means fruit, vegetables, flowers, nuts and herbs.

powered spray equipment means spray equipment that is powered otherwise than by human energy.

spray equipment means any device or apparatus that distributes pesticide through the air, and includes ground driven powered spray equipment and powered spray equipment.

11D Information to be contained in record

- (1) A record required to be made under clause 11B or 11C must contain the following information:
- (a) the full product name of the pesticide applied,
 - (b) a description of the crop in respect of which the pesticide was applied or other situation in which it was used,

Pesticides Amendment (Records) Regulation 2001

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- (c) the rate of application of the pesticide and the quantity applied,
- (d) a description of the equipment used to apply the pesticide,
- (e) the address of the property and the delineation of the area in which the pesticide was released and, in the case of a record under clause 11C, the order in which areas (such as paddocks or sheds) were treated,
- (f) the date and times of the application of the pesticide (including the start and finish time),
- (g) the name, address and contact details of the person who applied the pesticide or, in the case where the pesticide was applied by a person employed to apply the pesticide, the name of the employee and the name, address and contact details of the employer,
- (h) the name, address and contact details of the owner or occupier of the land in respect of which the pesticide was applied (if the information is not the same as the information required by paragraph (g)),
- (i) in the case where the record is required to be made by a responsible person (as referred to in clause 11B (5))—the name of each worker who used the pesticide under the on-site supervision or direction of the responsible person,
- (j) if the pesticide is applied outdoors by means of any spray equipment within the meaning of clause 11C:
 - (i) the estimated wind speed and direction at the start of the application and whenever there is any significant change during the application, and
 - (ii) if other weather conditions (such as temperature, humidity or rainfall conditions) are specified on the pesticide label as being relevant for the proper use of the pesticide—a description of those conditions at the start of the application and whenever there is any significant change during the application.

Pesticides Amendment (Records) Regulation 2001

Amendments

Schedule 1

-
- (2) The record must:
- (a) be made as soon as practicable after the use of the pesticide concerned and, in any event, no later than 24 hours after the pesticide is used, and
 - (b) be in writing and in the English language, and
 - (c) be legible.

11E Keeping and provision of records

- (1) A person who is required to make a record under clause 11B (1) (a) or (b) must keep the record for a period of not less than 3 years after the date on which the record was made.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) A person who is required to make a record under clause 11B (1) (c) or (d) or 11C must:

- (a) if the person is the owner or occupier of the land on which the pesticide was applied—keep the record for a period of not less than 3 years after the date on which the record was made, or
- (b) if the person is an employee—provide the record to the person's employer, or
- (c) if the person is a contractor:
 - (i) keep the record for a period of not less than 3 years after the date on which the record was made, and
 - (ii) provide a copy of the record to the owner or occupier of the land on which the pesticide was applied.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (3) A person who is provided with a record or a copy of a record under this clause must keep it for a period of at least 3 years after the date on which the person is provided with the record or copy.

Maximum penalty: 300 penalty units in the case of a corporation, or 150 penalty units in the case of an individual.

Pesticides Amendment (Records) Regulation 2001

Schedule 1 Amendments

(4) In this clause:

contractor means a person who is engaged (other than under a contract of employment) for fee or reward to carry out operations involving the use of pesticides.

employee means a person employed under a contract of employment and who carries out operations involving the use of pesticides in the course of that employment.

11F False or misleading information in record

A person must not, in any record required to be made under clause 11B or 11C, make any statement, or include any information, that is false or misleading in a material particular.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

11G Exemption from record keeping requirements

- (1) The Environment Protection Authority may, by notice published in the Gazette, exempt a specified person or specified class of persons from any requirement under this Part.
- (2) Without limiting subclause (1), an exemption may relate to particular kinds of information referred to in clause 11D.
- (3) Before making an exemption under this clause, the Environment Protection Authority is required to consult with such persons or bodies as the Authority considers appropriate (including the representatives of any relevant environmental or industry group).

11H Integration with other record keeping requirements

The Environment Protection Authority may approve, either in a particular case or generally, of the integration of records that are required to be made and kept under this Part with other records that are required to be made and kept under any other law.

Pesticides Amendment (Records) Regulation 2001

Amendments

Schedule 1

[3] Schedule 1 Penalty notice offences and short descriptions

Insert at the end of the Schedule:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Provision of this Regn	IPB Code (indivs)	IPB Code (corpns)	Short description code	Penalty (indivs)	Penalty (corpns)
Clause 11B (1)	5503	5509	not make record of pesticide use	\$400	\$800
Clause 11C (2)	5527	5537	not make record of pesticide use	\$400	\$800
Clause 11E (1)	6743	6745	not keep record	\$200	\$400
Clause 11E (2) (a)	6746	6747	owner or occupier not keep record	\$200	\$400
Clause 11E (2) (b)	7093	—	employee not provide record	\$200	—
Clause 11E (2) (c) (i)	7095	8090	contractor not keep record	\$200	\$400
Clause 11E (2) (c) (ii)	8094	8103	contractor not provide record	\$200	\$400
Clause 11E (3)	6731	6733	not keep record as provided	\$150	\$300
Clause 11F	6734	6736	make/ include false/ misleading statement/ information	\$200	\$400

Plantations and Reafforestation (Code) Regulation 2001

under the

Plantations and Reafforestation Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Plantations and Reafforestation Act 1999*.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to give effect to the *Plantations and Reafforestation Code* under the *Plantations and Reafforestation Act 1999*.

This Regulation is made under the *Plantations and Reafforestation Act 1999*, including Part 3 (Plantations and Reafforestation Code) and section 70 (the general regulation-making power).

Plantations and Reafforestation (Code) Regulation 2001

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Plantations and Reafforestation (Code) Regulation 2001

Clause 1

Plantations and Reafforestation (Code) Regulation 2001

1 Name of Regulation

This Regulation is the *Plantations and Reafforestation (Code) Regulation 2001*.

2 Commencement

This Regulation commences on the commencement of the *Plantations and Reafforestation Act 1999*.

3 Plantations and Reafforestation Code

The *Plantations and Reafforestation Code* set out in the Appendix to this Regulation has effect.

Note. For the purposes of section 70 (4) of the *Plantations and Reafforestation Act 1999*, the Code sets out certain matters (relating to applications for authorisation under that Act, the creation of offences against the *Plantations and Reafforestation Code*, and the issuing of penalty notices in respect of certain offences against the Act and Code) for which Regulations are made under the Act.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation (including notes in the Appendix) do not form part of this Regulation.

Plantations and Reafforestation (Code) Regulation 2001

Appendix Plantations and Reafforestation Code

Appendix Plantations and Reafforestation Code

Part 1 Preliminary

1 Name of Code

This is the *Plantations and Reafforestation Code*.

2 Dictionary and definitions

- (1) Expressions that are defined in the Dictionary at the end of this Code have the meanings given to them by the Dictionary.
- (2) Expressions used in this Code that are defined in Part 1 of the *Plantations and Reafforestation Act 1999* have the same meanings in this Code as the meanings given to them in that Part unless they are otherwise defined in this Code.

Plantations and Reafforestation (Code) Regulation 2001

Plantations and Reafforestation Code

Appendix

Part 2 General

3 Authorisation of replanting, regeneration and coppicing on timber plantations

- (1) An authorisation for a timber plantation authorises (without the need for a new authorisation) the following:
 - (a) the management of the plantation by coppice (whether or not the cuttings are used for commercial purposes),
 - (b) any naturally occurring regeneration from plantation trees or shrubs,
 - (c) the replanting of trees or shrubs for the purpose of timber production, but only if the only area replanted is, or is part of, the area authorised to be planted for the purpose of timber production under the authorisation.
- (2) In this clause, *coppice* means the cutting back of plantation trees to encourage regeneration of further trunks from the root-stock.

4 Authorisation of progressive planting of plantations

An authorisation for a plantation may authorise the progressive planting of a plantation.

Note. Clause 14 (3) sets out additional matters that must be included in the plantation plan that must accompany an application for authorisation of a plantation that is proposed to be planted progressively. Clause 54 sets out requirements relating to the time by which progressive planting must be completed.

5 Harvesting limit for exempt farm forestry

For the purposes of section 6 (1) (c) of the Act, the maximum amount of harvesting permitted for exempt farm forestry is the harvesting of the maximum amount of timber grown (including by replanting) on 30 hectares.

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Appendix Plantations and Reafforestation Code

6 Harvesting limit for management operations

For the purposes of the definition of *management operations* in section 4 (1) of the Act, the maximum amount of harvesting permitted for management operations on a plantation is the harvesting (being the cutting and removal from the plantation) of 100 trees for each hectare of the plantation in each calendar year.

Note. Trees that are cut down but not removed from the plantation are not counted as harvested trees for the purposes of applying this harvesting limit.

7 Arbitration

For the purposes of section 37 (1) (b) of the Act, the Minister must request the National Secretary of the Association of Consulting Foresters to appoint an independent arbitrator.

8 Matters excluded from operation of Code

This Code does not prevent the following:

- (a) the taking of any measures authorised to be taken under the *Rural Fires Act 1997*, or the *State Emergency and Rescue Management Act 1989*, in relation to an emergency within the meaning of the latter Act,
- (b) the taking of any measures authorised to be taken under section 63 of the *Rural Fires Act 1997* in relation to preventing the occurrence of bushfires, or minimising the danger of their spreading,
- (c) any clearing carried out in accordance with a bush fire risk management plan under the *Rural Fires Act 1997*.

Note. Accordingly, the taking of such measures, or the carrying out of such clearing, cannot amount to a contravention of the Code.

9 Application of Code to overlapping buffer zones

If the areas of any buffer zones required under Part 4 overlap, the overlapping area is taken to be or be part of the overlapping buffer zone that attracts the most restrictive provisions of this Code (and not part of the other buffer or buffers concerned).

10 Application of amendments to Code to authorised plantations

- (1) Any amendment to this Code applies to existing authorised plantations unless a contrary intention is stated in the instrument making the amendment.

Plantations and Reafforestation (Code) Regulation 2001

Plantations and Reafforestation Code

Appendix

- (2) In this clause, *existing* authorised plantations means plantations that are authorised under the Act before the commencement of the amending instrument concerned.

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Appendix Plantations and Reafforestation Code

Part 3 Obtaining authorisation for a plantation

Note. Clause 65 makes it an offence for a person to provide false or misleading information in or in relation to an application for authorisation of a plantation.

11 Site must be visited by authorised person before application is submitted

- (1) Before an application for authorisation of a plantation is submitted, the proposed plantation (being the area or areas of land comprising the plantation or proposed plantation with respect to which the application for authorisation applies) must be visited by a person authorised by the Director-General, for the following purposes:
 - (a) to assess the class of soil regolith stability (being R1, R2, R3 or R4, as defined in the Dictionary) and soil salinity,
 - (b) to identify any places or relics of cultural heritage that are the subject of complying development standards in Division 2 of Part 4,
 - (c) to identify any areas of native vegetation that exist on the proposed plantation that are the subject of complying development standards in Division 3 of Part 4,
 - (d) to otherwise provide assistance in relation to the application.
- (2) The Director-General may waive this requirement by notifying the applicant in writing.

12 Application forms

- (1) An applicant for authorisation of a plantation must complete an application form, in the form approved by the Minister, that is appropriate to the type of authorisation sought.
- (2) The applicant is required to submit the application (including anything required by the application form or this Part to be submitted as part of the application) to the Director-General.
- (3) The Director-General must provide any person intending to make an application for authorisation with copies of the appropriate form.

Plantations and Reafforestation (Code) Regulation 2001

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13 Applicants must submit certain statements as part of application

- (1) An applicant for authorisation of a complying plantation must submit as part of the application a statement that shows compliance or proposed compliance with the complying development standards in Part 4.
- (2) An applicant for authorisation of a plantation under section 14 of the Act must submit as part of the application:
 - (a) a statement that shows the extent of any compliance or proposed compliance with the standards in Part 4, and
 - (b) a statement of the environmental effects of the plantation operations that do not or will not comply with those standards.

14 Applicants must submit plantation plan as part of application

- (1) An applicant for authorisation of a plantation must submit, as part of the application, a plantation plan that is prepared in accordance with this clause and any guidelines that the Minister may issue from time to time with respect to the content and preparation of plantation plans.
- (2) The plantation plan must include the name, address and contact details of the manager or the owner or owners of the landholding (being the lot or lots on which the proposed plantation is or is to be situated).
- (3) If the application is for authorisation of a plantation that is to be progressively planted, the following must also be identified on the base image:
 - (a) the sub-areas of the proposed plantable area that are to be progressively planted,
 - (b) the year in which each of those sub-areas is proposed to be planted.

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Appendix Plantations and Reafforestation Code

Part 4 Complying development standards for establishment operations

- Notes.** (1) All complying plantations must be established in accordance with these standards.
(2) Section 13 (4) of the Act provides that it is a condition of an authorisation for a complying plantation that establishment operations comply with the relevant development standards of the Code (being the standards contained in this Part). Section 20 (6) of the Act makes it an offence for an owner or manager of an authorised plantation to contravene, or cause or permit the contravention of, any condition to which the authorisation is subject.

Division 1 Standards relating to the protection of soil and water**15 Buffer zones for drainage features**

- (1) Any area of wetland in a plantation that is more than 0.1 of a hectare in size must be surrounded by a buffer zone at least 20 metres wide.
- (2) Any river in a plantation must have a buffer zone at least 20 metres wide on either side of its edge.
- (3) Any drainage depression occurring on soil classed R4 in a plantation must have a buffer zone at least 10 metres wide on either side.
- (4) Any drainage line in a plantation must have a buffer zone at least 10 metres wide on either side.

16 Method for measuring buffer zones

The width of buffer zones is to be measured along the ground and from the following points:

- (a) in the case of a wetland—its edge,
- (b) in the case of a drainage depression occurring on soil classed R4—the centre of the depression,
- (c) in the case of a river or drainage line—the top edge of its banks.

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17 Establishment operations in buffer zones on timber plantations

- (1) Planting in the buffer zone of any wetland or river:
 - (a) must not be carried out for the purpose of harvesting, and
 - (b) may be carried out for the purpose of protecting the environment but only if:
 - (i) the planting is of local native species by manual cultivation, and
 - (ii) any woody native vegetation that comprises local native species and any native grassland of high conservation value in the buffer zone is retained.
- (2) Planting in the buffer zone of any drainage line, or any drainage depression occurring in R4 soil, may be carried out for the purpose of harvesting or protecting the environment but only if:
 - (a) in the case of the drainage depression—there is no planting within 5 metres of the centre of the depression, and
 - (b) in the case of the drainage line—any planting within 5 metres of the edge of the drainage line is by manual cultivation, or spot cultivation by machinery so long as any tyres or tracks on the machinery do not enter the 5 metre area, and

Note. For example, cultivation may be carried out within the 5 metre area by means of a cultivator head attached to an excavator, provided the excavator does not enter the 5 metre area.
 - (c) any planting between 5 and 10 metres of the edge of the drainage line or the centre of the drainage depression is by manual cultivation, or spot cultivation by machinery, or by line cultivation so long as soil conditions are such that only minimal soil disturbance is likely to be caused, and
 - (d) any woody native vegetation that comprises local native species and any native grassland of high conservation value in the buffer zone is retained.

18 Slope limits and other restrictions on site preparation operations

- (1) Slope limits for mounding, line ripping and ploughing are set according to erosion hazard, which is determined on a combined reading of rainfall erosivity and class of soil regolith stability.

Note. The classes of soil regolith stability referred to in this Division (R1, R2, R3 and R4) are defined in the Dictionary to this Code.

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- (2) Subject to subclause (3), mounding, line ripping and ploughing of the plantable area may be carried out only if the slope of the plantable area is within the slope limit set for an area with the combined rainfall erosivity and class of soil regolith stability of the plantable area, as set out in the Table in this subclause to which the relevant operation relates:

Slope limits for mounding

1. If the rainfall erosivity of the area is: (MJ.mm/ha.hr.yr)	2. And class of soil regolith stability for the area is:			
	R1	R2	R3	R4
	3. Then the slope of the area must not exceed:			
0–1999	30°	20°	25°	10°
2000–3999	25°	15°	20°	5
4000–5999	25°	10°	20°	no mounding allowed
6000 +	20°	5°	10°	no mounding allowed

Slope limits for line ripping and ploughing

1. If the rainfall erosivity of the area is: (MJ.mm/ha.hr.yr)	2. And the class of soil regolith stability for the area is:			
	R1	R2	R3	R4
	3. Then the slope of the area must not exceed:			
0–1999	30°	25°	30°	15°
2000–3999	25°	20°	25°	10°
4000–5999	25°	15°	25°	5°
6000 +	25°	10°	20°	5°

- (3) The slope limits apply only to the slope of the majority of the plantable area, that is, individual areas of the plantable area of up to 50×50 metres may exceed the limit by up to 5° and still be included in the operation concerned, provided the total of such areas does not exceed 5% of the plantable area.
- (4) Runoff water flowing from mounds must be directed onto a stable area, or a structure, capable of filtering runoff water and trapping sediment.

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Plantations and Reafforestation Code

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- (5) Machinery used for site preparation must not be operated on a site being prepared if the soil on the site is saturated or if surface runoff is occurring. (Surface runoff occurs when rain is not immediately absorbed into the soil and becomes overland flow.)

Division 2 Standards relating to protection of places and relics of cultural heritage

19 Buffer zones for places and relics of cultural heritage

- (1) Any Aboriginal place or relic (as defined in the *National Parks and Wildlife Act 1974*) that is identified in a plantation must be surrounded by a buffer:
- (a) in the case of any burial site—at least 50 metres wide, and
 - (b) in the case of any scarred or carved tree or any stone arrangement—at least 20 metres wide, and
 - (c) in the case of any artefact scatter or any other Aboriginal place or relic—at least 10 metres wide,
- unless a consent to disturb the place or relic is obtained under that Act.
- (2) Any other relic (as defined in the *Heritage Act 1977*) that is identified in a plantation must be surrounded by a buffer at least 10 metres wide unless an approval or permit to disturb the relic is obtained under that Act.

20 Method for measuring buffer zones

- (1) The width of the buffer zone of any Aboriginal place is to be measured from the edge of its boundaries.
- (2) The width of the buffer zone of any relic is to be measured along the ground and from the outermost edges of the relic or, in the case of a scatter of relics, from the outmost edges of the relics lying farthest from the centre of the scatter.

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Division 3 Standards relating to protection of biodiversity**21 No clearing in buffer zones of places or relics of cultural heritage**

Clearing that is otherwise allowed by this Division is not allowed in relation to the buffer zones of places or relics of cultural heritage.

22 Native vegetation that must be retained

(1) The following native vegetation in a plantation must be retained (that is, the clearing of it is prohibited):

- (a) any area of rainforest or wetland, or any native vegetation on rocky outcrops,
- (b) any native vegetation of a type listed for conservation in the regional vegetation schedule,
- (c) any native grassland of high conservation value,
- (d) any individual patch of woody native vegetation (other than that referred to in paragraphs (a) and (b)) of more than 1 hectare.

(2) Despite subclause (1) (d):

- (a) regrowth vegetation that the regional vegetation schedule allows to be cleared may be cleared from any patch within that provision, and
- (b) the Director-General may authorise the clearing of irregular projections from any patch within that provision if:
 - (i) the clearing is to improve the functional design of the plantation, and
 - (ii) not more than 10% of the patch is so authorised to be cleared.

Note. Any area of native vegetation on a plantation that is the subject of the complying development standards in this Division will be identified by an authorised person during a pre-application visit under clause 11.

(3) In this clause, *rocky outcrop* means any area of at least 0.2 of a hectare, 70% of the surface of which is comprised of exposed boulders of more than 0.6 of a metre in diameter.

23 Minimum number of native habitat trees that must be retained

(1) If a plantation is 30 hectares or more:

- (a) at least 30 native habitat trees must be retained on any given 30 hectares of plantation, or

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- (b) if there are less than 30 native habitat trees on any given 30 hectares of plantation, all those trees must be retained.

Note. If possible, habitat trees should be retained in groups of 2 or more to minimise the impact of this requirement on plantation design and to reduce loss of biodiversity.

- (2) If a plantation is less than 30 hectares, at least 1 native habitat tree must be retained for each hectare of the plantation.
- (3) Despite subclauses (1) and (2), any tree required to be retained under those provisions may be cleared if the following requirements are met:
 - (a) if the cleared tree has a diameter at breast height of between 40 and 80 centimetres:
 - (i) the cleared tree must be replaced with 10 new trees (being local native species), and
 - (ii) an area of at least 0.01 of a hectare must be retained, being the area on which the new trees are to be located,
 - (b) if the cleared tree has a diameter at breast height of more than 80 centimetres:
 - (i) the cleared tree must be replaced with 20 new trees (being local native species), and
 - (ii) an area of at least 0.02 of a hectare must be retained, being the area on which the new trees are to be located,
 - (c) the retained area on which the replacement trees are to be located (the designated area) may be located anywhere in the plantation provided that its location will enhance biodiversity or reduce soil salinity in the plantation (for example, by locating it adjacent to existing buffers or in buffers that do not contain native grassland of high conservation value),
 - (d) if 10, or 20, (as the case may be) tree seedlings have not naturally regenerated (that is, from seed-stock of existing local native species) in the designated area within 18 months then the balance of the replacement trees must be planted in that area as seedling trees,
 - (e) the 18 month period referred to in paragraph (d) is to start from the date that all plantation planting in the plantation is completed (or, in the case of a plantation that is authorised to be planted progressively, from the date of completion of all plantation planting in the sub-area in which the designated area is, or is primarily, located),

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- (f) any designated area for replacement trees (that is, before any natural regeneration or planting of seedlings occurs), and any replacement tree (including any seedling tree) must be retained and managed in accordance with Division 6 of Part 5.

Note. Under section 15 of the Act, the Minister is to require a species impact statement to accompany an application for authorisation under the Act if the Minister considers that such a statement would be required to accompany the application if it were a development application under Part 4 of the *Environmental Planning and Assessment Act 1979* for the plantation or proposed plantation.

Under section 13 of the Act, a plantation cannot be a complying plantation if it is one in respect of which a species impact statement is so required to be provided by the Minister.

- (4) In this clause, *habitat trees* means mature, large trees, with a diameter at breast height (as defined in clause 24) of more than 40 centimetres, that provide a habitat for tree-dwelling fauna.

Note. Arboreal mammals and nesting birds generally depend upon these trees for foraging and to provide hollows for den and nesting sites.

24 Limit on clearing patches of woody native vegetation of 1 hectare or less on remainder of plantation

- (1) This clause applies to individual patches of woody native vegetation of 1 hectare or less and isolated native trees in a plantation other than those:
- (a) that are, or are parts of, buffer zones of drainage features or places or relics of cultural heritage, or
 - (b) that are required to be retained by clause 22 or 23.
- (2) The maximum total area of native vegetation to which this clause applies that may be cleared from the area of the plantation that remains after excluding:
- (a) any buffer zone of a drainage feature or place or relic of cultural heritage, and
 - (b) any area of native vegetation or area designated for the location of replacement trees that is required to be retained by clause 22 or 23,

is an area equal to 10% of that remaining area.

Note. In applying this limit, preference should be given to retaining native vegetation adjacent to the buffer zones of drainage features or that occurs on landscape features in the plantation (for example, ridge tops, upper, mid and lower slopes, and valley floors).

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- (3) For the purpose of applying the limit on clearing in subclause (2) to isolated native trees:
 - (a) an isolated tree with a diameter at breast height of more than 40 centimetres is taken to have an area size of 0.02 of a hectare, and
 - (b) an isolated tree with a diameter at breast height of 40 centimetres or less is taken to have an area equal to the area that would be contained within the drip line of the tree.
 - (4) Any native vegetation to which this clause applies that is not cleared in accordance with subclause (2) must be retained and managed in accordance with Division 6 of Part 5, unless it is regrowth vegetation that the regional vegetation schedule allows to be cleared.
 - (5) In this clause:

drip line means the perimeter of the area that would be formed (if it rained only on the crown of a tree) by drips falling from the crown onto the ground below.

25 Regional vegetation schedule

- (1) The Minister may make a regional vegetation schedule for the purposes of this Code.
- (2) A regional vegetation schedule:
 - (a) is to identify the land to which it applies, and
 - (b) is to contain provisions relating to:
 - (i) the types of native vegetation that must be conserved on that land (being native vegetation that is or forms part of a community that is significantly limited in extent or whose numbers have been significantly reduced due to extensive clearing), and
 - (ii) the types of regrowth vegetation that may be cleared, in the establishment of complying plantations (being provisions that specify the range of species concerned and define the community structure that is to apply in respect of those species).
- (3) For the purpose of allowing submissions to be made on a draft regional vegetation schedule, the Minister must:
 - (a) exhibit the draft schedule at the Head Office of the Department and at its regional offices, and

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- (b) allow a period of not less than 30 days for comment, and
 - (c) before the draft schedule is exhibited, advertise the dates and places of exhibition and the period allowed for comment in a newspaper circulating throughout the State and (if the matter relates to a particular area only) in a local newspaper circulating in or near that area.
- (4) The consultation procedure under subclause (3) extends to amendments to a regional vegetation schedule that the Minister considers to be significant.
 - (5) A regional vegetation schedule takes effect from the day that it is published in the Gazette (or on such later date as may be specified in the published schedule).
 - (6) The Minister may amend or revoke a regional vegetation schedule.
 - (7) Any amendment to a regional vegetation schedule takes effect from the day the amended version of the schedule is published in the Gazette (or on such later date as may be specified in the published schedule).
 - (8) A revocation of a regional vegetation schedule takes effect from the day notice of the revocation is published in the Gazette.
 - (9) A regional vegetation schedule applies to a plantation in the form in which the schedule exists at the time the application for authorisation of the plantation is lodged.
 - (10) If, in relation to a plantation, there is no regional vegetation schedule in force when this Code commences, the Minister may, by notice published in the Gazette, determine the matters required to be dealt with in the schedule.
 - (11) Any such notice is taken to be a regional vegetation schedule but is to operate as such only on an interim basis until such time as a regional vegetation schedule in respect of the plantation concerned is made in accordance with this clause.

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Part 5 Regulation of management operations

Note. Clause 66 makes it an offence for an owner or manager of an authorised plantation to contravene or cause or permit the contravention of any requirement imposed by this Part.

Division 1 Operational plans and records

26 When operational plans are required

- (1) An operational plan must be prepared in respect of each of the following plantation operations:
 - (a) site preparation involving ripping or ploughing (including ripping or ploughing in combination with mounding),
 - (b) construction that crosses any river,
 - (c) any harvesting that exceeds the maximum amount of harvesting permitted for management operations (that is, any harvesting that involves the cutting and removal from the plantation of more than 100 trees for each hectare of the plantation in each calendar year).
- (2) An operational plan must be prepared before the commencement of the operation to which it relates.

27 Content of operational plans

- (1) All operational plans required under clause 26 must include the following:
 - (a) a map showing:
 - (i) the area that is to be the subject of the proposed operation, and
 - (ii) the boundaries of any area in the plantation in respect of which the carrying out of the proposed operation is restricted or prohibited by this Code or the authorisation for the plantation (with the relevant restriction or prohibition identified),
 - (b) work instructions for the carrying out of the proposed operation that identify:
 - (i) the procedures required to be used in the operation, and

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- (ii) any restrictions or prohibitions (as referred to in paragraph (a)) required to be considered in undertaking the operation.

The instructions must be written but may include diagrams.

Note. Guidelines concerning the preparation of operational plans are available from the Department.

- (2) In addition, an operational plan that is required under clause 26 (1) (c) must:
 - (a) identify any roads, extraction tracks, loading sites and river crossings in the plantation that are to be used in the operation, and any directional requirements for extraction, and
 - (b) clearly indicate any areas designated as suitable for carrying out the harvesting operation in wet weather, and
 - (c) note any requirements for placing slash.

28 Operational records

- (1) All operational records (or a copy of them if they are prepared by a contractor) must be kept for 7 years.

Note. Under section 61 of the Act, persons authorised by the Minister may, on giving reasonable notice to the owner or manager of the plantation, require the owner or manager to provide information or documents (including operational records) for the purpose of determining if the Act or Code is being complied with.

- (2) The following matters must be included in operational records:
 - (a) any change in the size of the area that was the subject of the operation from that marked on the map in the operational plan, and
 - (b) any departure from, or variation of, the work instructions given in the operational plan, that was applied during the actual operation.
- (3) In this clause, *operational record* means any record (including an operational plan) that relates to an operation referred to in clause 26 (1).

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Division 2 Roads and tracks

Note. Provisions in this Division that apply to roads and tracks apply also to fire trails that are roads or tracks. Provisions that apply specifically to fire trails apply whether the fire trail is a road or a track.

Subdivision 1 Road location and design

29 Meaning of “existing” and “new” road, track or fire trail

In this subdivision, *existing* road, track or fire trail refers to any road, track or fire trail that existed before the lodgement of the application for authorisation of the plantation on which it is located (and *new* road, track or fire trail means one that exists after that time).

30 Existing roads and tracks

Any existing road or track in a plantation, wherever located, may be used for plantation operations only if:

- (a) it is operationally stable, and
- (b) it is drained, maintained and managed in accordance with clauses 44–50.

31 Location of new roads

New roads must follow natural benches and ridges wherever possible, and should not be located on steep side slopes or unstable ground.

32 Roads and tracks to avoid crossing drainage features

New roads and tracks in a plantation:

- (a) must not cross any wetland, and
- (b) may only cross any other drainage feature if there is no practical alternative route available.

33 Roads and tracks in buffer zones

- (1) New roads and tracks must not be located in the buffer zone of any place or relic of cultural heritage, or of any wetland.
- (2) The only sections of new roads or tracks that may be located in the buffer zone of any other drainage feature are those:
 - (i) that are necessary to cross that drainage feature, or

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- (ii) whose location in the buffer zone will result in less environmental damage than if they were located on any practicable alternative route that would avoid the buffer zone.
- (3) Clearing of native vegetation in buffer zones for the purpose of creating tracks or constructing sections of road must be kept to the minimum necessary for their efficient creation or construction.

34 Roads, tracks and fire trails in retained areas of native vegetation

- (1) New sections of road, track or fire trail may be constructed in retained areas of native vegetation only if:
 - (a) there is no practicable alternative route available, and
 - (b) any section of road, track or fire trail within such an area:
 - (i) is no more than 50 metres long (or such other distance as may be agreed to by the Director-General), and
 - (ii) is of the minimum width required for its safe use.
- (2) In this clause, *retained area of native vegetation* means any area of native vegetation or area designated for the location of replacement trees that is required by the complying development standards in Division 3 of Part 4 to be retained (to the extent that the authorisation for the plantation requires compliance with those standards).

35 New roads on steep ground slopes

Sections of new roads may be constructed on ground slopes exceeding 30° only if:

- (a) there is no practical alternative route available, and
- (b) the sections are designed (after appropriate geotechnical investigation) by a suitably qualified person using currently acceptable engineering standards to ensure stability.

36 Use of unformed Crown roads for plantation operations

- (1) This clause concerns unformed Crown roads, which are public roads that are declared to be Crown roads for the purposes of the *Roads Act 1993* but the surface of which is either undefined or defined only by traffic use.

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- (2) Plantation operations may be carried out on an unformed Crown road within the landholding only with the previous consent of all owners of neighbouring properties whose access through the Crown road is likely to be impeded by the plantation operations.

Subdivision 2 Crossings over drainage features

37 Types of crossings allowed

- (1) Crossings over drainage features (other than wetlands) may only be made using bridges, culverts or causeways, or any combination of these.

Note. Wetlands must not be crossed under any circumstances.

- (2) Despite subclause (1):
- (a) machinery may cross through any drainage depression or drainage line if:
 - (i) the part of the drainage depression or drainage line where the crossing is to occur is shallow and dry, and
 - (ii) the soil in the area surrounding the drainage depression or drainage line is dry, and
 - (iii) measures are taken to prevent water from the approaches used by the machinery from running into the drainage depression or drainage line in the event of wet weather, and
 - (iv) no earthworks are required to enable the machinery to cross through the drainage depression or drainage line, and
 - (b) machinery may cross drainage lines or drainage depressions that occur on extraction tracks by using slash crossings.
- (3) Any temporary crossing over a drainage feature must be removed within 5 days of the completion of the plantation operation in respect of which it was erected. The approaches to the temporary crossing must be closed and cross-drained also within this time.
- (4) In this clause:
- slash crossing** means a temporary crossing formed by the placement of logging slash in the drainage line or drainage depression (generally to prevent damage to the banks of the drainage line or rutting within the depression).

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temporary crossing means a crossing constructed to provide vehicular access for only short term plantation operations such as harvesting.

38 Construction of crossings

The construction of any crossing over a drainage feature must be carried out in a manner that minimises the depositing of any loose material into the drainage feature and any disturbance to its bed or banks.

39 Size and stability of crossings

- (1) Any crossing over a river must be designed, constructed and maintained:
 - (a) so as to enable conveyance of:
 - (i) the peak flow from a 1-in-5 year storm event (that is, a rainfall event predicted to occur on average once in 5 years), or
 - (ii) the flood plain level of flow (being the level of flow that needs to exist for water to break out of the defined banks of the river and enter a flood plain),whichever is the lesser, and
 - (b) so that the flow velocity through the crossing exceeds by no more than 10% the flow velocity through the natural channel of the river at the site of the crossing, that is, before the crossing existed (the aim being to prevent impediment to fish passage).

Note. If a culvert is chosen as a crossing, arch and box culverts are to be preferred to pipe culverts.
- (2) Any causeway or culvert base used to cross a river must be set at the level of the stream bed so as to provide continuity in flow and so that a bed of natural sediment can form at the bottom.
- (3) Any crossing over a drainage feature (other than a river) must be designed to convey the peak flow from a 1-in-5 year storm event.
- (4) The surface of any crossing, and the approaches on either side of it, must be made of stable material that is unlikely to be displaced during normal use of the crossing or approach, or by any flood up to and including the peak flow of a 1-in-10 year storm event (that is, a rainfall event predicted to occur on average once in 10 years).
- (5) Any causeway must consist of gravel, rock, bitumen, concrete, logs, or other stable material that is unlikely to produce water turbidity.

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40 Inspection and maintenance of crossings

All crossings must be inspected regularly and maintained in effective working order.

41 Approaches to crossings over rivers and drainage lines

Any approaches to a crossing over a river or drainage line must be drained, using a drainage structure, within 5 to 30 metres of the crossing (or if this is impracticable, such other further distance that is as near as practicable to the crossing).

Subdivision 3 Road construction and road and track drainage

42 Road and batter fill

- (1) Trees, stumps or other woody debris must not be used to provide fill for road construction.
- (2) Any fill batter must be stabilised using one or more of the following methods or any other method that achieves a similar result:
 - (a) allowing revegetation to grow over the batter,
 - (b) placing a suitable protective cover over the batter,
 - (c) placing appropriate mulch material over the batter.

43 Drainage of roads and tracks

- (1) All reasonable steps must be taken to minimise soil erosion from roads and tracks. Accordingly, at least one of the following measures must be adopted, as appropriate in the circumstances:
 - (a) maintain vegetative cover (that is, plant material, living or dead, that protects the soil surface from erosion),
 - (b) cover the ground with logging slash or debris,
 - (c) establish a grass cover,
 - (d) crossfall drain the road or track with outfall or infall drainage (preferably with the outward or inward slope being between 4% and 6%), or by shaping the road or track to a crown so that water drains to both of its sides,
 - (e) construct drainage structures to convey water away from the road or track formation (for example, crossdrains, mitre drains, or relief culverts).

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- (2) Any drainage structure must be designed so as to convey the peak flow from a 1-in-5 year storm event (that is, a rainfall event predicted to occur more than once in five years).
- (3) Drainage structures must be established on a road or track if concentrated water flow on the road's or track's surface or table drains is likely to occur for distances exceeding the relevant spacing, as shown in the Table below:

If the slope of the road or track is:	Then the drainage structure must be placed at least every:	If the slope of the road or track is:	Then the drainage structure must be placed at least every:
1°	250 metres	16°	38 metres
2°	200 metres	17°	36 metres
3°	150 metres	18°	34 metres
4°	125 metres	19°	32 metres
5°	100 metres	20°	30 metres
6°	90 metres	21°	28 metres
7°	80 metres	22°	26 metres
8°	70 metres	23°	24 metres
9°	65 metres	24°	22 metres
10°	60 metres	25°	20 metres
11°	55 metres	26°	19 metres
12°	50 metres	27°	18 metres
13°	45 metres	28°	17 metres
14°	40 metres	29°	16 metres
15°	40 metres	30°	15 metres

Note. For example, if the slope of a road on which there is likely to be a concentrated water flow is 20°, and the distance of the part of that road on which there is likely to be a concentrated water flow exceeds 30 metres, then a drainage structure must be placed at least every 30 metres on the stretch of that road on which there is likely to be a concentrated flow.

44 Inlets and outlets of drainage structures

- (1) Any drainage structure must be located so that it discharges onto a stable area, or into a structure capable of filtering runoff water and trapping sediment.

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- (2) Scouring at the outlets of any drainage structure must not undermine the structure, or trigger gully or rill erosion (that is, the removal of soil by water flow causing an incised channel to be formed).

This may require the construction of receiving drains or energy dissipaters or both. (An energy dissipater is a structure that dissipates the energy of the flow of water by spreading the flow over a larger area. It may involve something as simple as placing a wall or area of rocks at a drain or culvert outlet.)

45 Installation and maintenance of drainage structures on roads and tracks

- (1) Any type of drainage structure that is to be used to divert water from the surface of a road or track (for example, crossbanks, crossdrains, culverts, table drains or mitre drains):
- (a) must be installed:
 - (i) in the case of a new road—during construction, and
 - (ii) in the case of a track—within 7 days of completing the operations for which the track was used, and
 - (b) must be maintained in effective working order.
- (2) Despite subclause (1), any temporary fire trail that is constructed during fire fighting must have drainage structures installed, or be planted with grass, as soon as practicable after the fire event.

Subdivision 4 Road maintenance and closure

46 Inspection and maintenance of roads, crossings and drainage structures

All roads must be inspected regularly and maintained in effective working order.

47 Blading-off of roads

- (1) Blading-off of roads (that is, the use of a machine to sweep drifts of loose mud, slush or soil from the surface of the road to provide temporary access following wet weather) must only occur if the blading-off will cause no, or only minimal, damage to the road surface and subsequent drainage and repair is possible.

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- (2) Any soil material that is bladed-off must be stockpiled in a recoverable position and respread as soon as is practicable.

48 Disused roads

The following requirements apply to any road constructed for plantation operations that is no longer being used or intended to be used for any purpose:

- (a) the road must be closed to traffic, and
- (b) any crossing must be removed unless its removal would cause greater disturbance to the environment than if left in place.

Subdivision 5 Road management during harvesting**49 Wet weather conditions**

Hauling is not allowed over any road during wet weather conditions if resulting rutting is likely to be more than 150 millimetres deep for any distance exceeding 20 metres.

50 Road damage

- (1) Hauling is not allowed over any damaged section of road (including any section of road whose surface or subsurface has broken down, as evidenced by rutting that is more than 150 millimetres deep for any distance exceeding 20 metres).
- (2) Roads must be repaired before hauling can recommence over the section of road concerned.
- (3) A section of road with a damaged or blocked culvert must be repaired within 72 hours of the damage or blockage being reported. If the culvert is not repaired within that time, hauling over that section of road must cease until the repairs are carried out.

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Division 3 Site management

Note. Operational plans must be prepared before carrying out any ripping or ploughing operations (including ripping or ploughing in combination with mounding operations).

See clauses 27 and 28 for requirements for operational plans and records that must be kept concerning these operations.

51 Preservation of vegetation on slopes exceeding 18°

Vegetation (living or dead) must be retained in the uncultivated area between cultivation lines or mounds on any area the slope of which is greater than 18°.

52 Windrowing

- (1) Windrows and debris heaps from site preparation:
 - (a) must be located at least 20 metres inside any boundary of the landholding, and
 - (b) must be located outside any area of native vegetation or area designated for the location of replacement trees that is required by the complying development standards in Division 3 of Part 4 to be retained (to the extent that the authorisation for the plantation requires compliance with those standards), and
 - (c) must be located outside any buffer zone of a drainage feature or place or relic of cultural heritage.
- (2) Debris must be heaped with minimum disturbance to topsoil.
- (3) Unless it is impractical to do so:
 - (a) windrows and debris heaps must be located across the slope of the land, and
 - (b) any dozer used for windrowing must be fitted with a root rake (that is, an implement fitted to the dozer, generally consisting of tines or steel fingers, that can move logs and debris without shifting large amounts of soil).

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Division 4 Protection of places and relics of cultural heritage

53 Buffer zones for places and relics of cultural heritage identified after establishment

- (1) Aboriginal relics and Aboriginal places that are identified in a plantation after establishment of the plantation must be surrounded by a buffer as referred to in clause 19 (1) unless a consent to disturb the place or relic is obtained under the *National Parks and Wildlife Act 1974*.
- (2) Relics other than Aboriginal relics that are identified in a plantation after establishment of the plantation must be surrounded by a buffer at least 10 metres wide unless an approval or permit to disturb the relic is obtained under the *Heritage Act 1977*.

Division 5 Managing progressive planting

54 Time by which progressive planting must be completed

If an authorisation for a plantation authorises the progressive planting of a plantation, all sub-areas of the plantation that were nominated in the plantation plan must be established within 5 years of the date of the grant of authorisation (or such other time as may be agreed to by the Director-General).

Division 6 Managing retained areas

55 Application of this Division

This Division applies to retained areas, being:

- (a) any area of native vegetation or area designated for the location of replacement trees that is required by the complying development standards in Division 3 of Part 4 to be retained (to the extent that the authorisation for the plantation requires compliance with those standards), and
- (b) any buffer zone of a drainage feature, and

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- (c) any buffer zone of a place or relic of cultural heritage (except in relation to any of the provisions of this Division that the Director-General determines by notice to the owner or manager of the plantation).

56 Conservation and enhancement of retained areas

- (1) Plantation operations must not be carried out in any retained area (except as otherwise allowed by this Code).
- (2) Any retained area must be managed so as to conserve its biodiversity and ecological integrity, and (in the case of any buffer zone of a place or relic of cultural heritage) its cultural heritage values.
- (3) Any area designated for the location of replacement trees must also be managed so as to enhance its biodiversity.
- (4) Any seedlings from non-native pine trees (being plantation trees) that have regenerated within any area designated for the location of replacement trees must be controlled to the extent necessary to ensure the successful establishment and growth of local native species of plant.

57 Grazing in retained areas

All stock must be excluded from any retained area for a period of 12 continuous months. The 12 month period must start from:

- (a) in the case of a plantation that is authorised to be planted progressively, from the date of completion of all plantation planting or replanting (as the case may be) in the sub-area in which the retained area is, or is primarily, located, and
- (b) in any other case, the date that all plantation planting or, if the plantation is to be replanted under an authorisation, the date that all plantation replanting, is completed.

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Part 6 Regulation of harvesting operations

Note. Clause 66 makes it an offence for an owner or manager of an authorised plantation to contravene or cause or permit the contravention of any requirement imposed by this Part.

Division 1 Slope limits for harvesting operations

Note. Operational plans must be prepared before carrying out any harvesting that involves the cutting and removal of more than 100 trees for each hectare of the plantation in each calendar year. See clauses 27 and 28 for requirements for operational plans and records that must be kept concerning these operations.

58 Method for setting slope limits

Slope limits for harvesting operations are set according to erosion hazard, which is determined on a combined reading of rainfall erosivity and class of soil regolith stability.

Note. The classes of soil regolith stability referred to in this Division (R1, R2, R3 and R4) are defined in the Dictionary to this Code.

59 Slope limits for harvesting operations

- (1) Subject to subclause (2), a harvesting operation referred to in this clause must not be carried out on the plantable area if the slope of the plantable area exceeds the limit set for an area with the combined rainfall erosivity and class of soil regolith stability of the plantable area, as set out in the Table in this clause to which the operation relates.
- (2) The slope limits apply only to the slope of the majority of the plantable area, that is, individual areas of the plantable area of up to 50×50 metres may exceed the limit by up to 5° and still be included in the harvesting operation concerned, provided the total of such areas does not exceed 5% of the plantable area.
- (3) Despite subclauses (1) and (2), the slope limits set out in the Tables in this clause do not apply to harvesting operations referred to in this clause that are carried out on a plantation in respect of which establishment operations have been completed before the commencement of this Code. Instead, such operations are to be carried out in accordance with guidelines issued by the Minister from time to time concerning acceptable slope limits for such plantations.

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Slope limits for skidding

1: If the rainfall erosivity of the area is: (MJ.mm/ha.hr.yr)	2: And the class of soil regolith stability for the area is:			
	R1	R2	R3	R4
	3: Then the slope limit is:			
0–3999	30°	30°	30°	25°
4000–4999	30°	20°	30°	20°
5000–5999	30°	20°	25°	15°
6000 +	25°	15°	20°	10°

Slope limits for operations carried out by loaded forwarders

The **slope limit** is 30° for all combinations of rainfall erosivity and classes of soil regolith stability

Slope limits for skyline harvesting

1: If the rainfall erosivity of the area is: (MJ.mm/ha.hr.yr)	2: And the class of soil regolith stability for the area is:			
	R1	R2	R3	R4
	3: Then the slope limit is:			
0–3999	no limit	no limit	no limit	40°
4000–4999	no limit	40°	40°	40°
5000–5999	no limit	40°	40°	30°
6000 +	no limit	40°	40°	30°

(4) In this clause:

forwarder means a logging vehicle that transports logs, fully supported off the ground, between the point of felling and a log dump or landing.

skidding means transporting logs by trailing or dragging them.

skyline harvesting means an operation in which logs are hauled from the stumps to a collection point, or are loaded, by means of a wheeled device (a skyline carriage) that rides back and forth on a cable way stretched tautly between two points (a skyline).

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Division 2 Log dumps and landings**60 Location of log dumps and landings**

Log dumps and log landings whose creation involves earthworks must not be located:

- (a) within the buffer zone of any drainage feature or place or relic of cultural heritage, or
- (b) within any area of native vegetation or area designated for the location of replacement trees that is required by the complying development standards in Division 3 of Part 4 to be retained (to the extent that the authorisation for the plantation requires compliance with those standards).

61 Control of soil erosion

If any area used as a log dump or landing for harvesting operations ceases to be so used for more than one week, measures to minimise and control soil erosion must be put in place.

Division 3 Protection of drainage features and places or sites of cultural heritage**62 Buffer zones in which harvesting is prohibited**

- (1) No harvesting is allowed in the buffer zone of any wetland, river or place or relic of cultural heritage.
- (2) Despite subclause (1), the Director-General may allow one-off harvesting in any such area of a timber plantation or proposed timber plantation accredited under the *Timber Plantations (Harvest Guarantee) Act 1995* immediately before the repeal of that Act if such harvesting would have complied with the requirements of the law in force before that repeal.

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63 Requirements for harvesting in the buffer zones of drainage features

Trees planted in the buffer zone of a drainage feature for the purpose of harvesting (in accordance with clause 17 (2)) may only be harvested in accordance with the following requirements:

- (a) the person carrying out the harvesting operation must be satisfied that the top 200 millimetres of soil in the area to be harvested is dry enough to allow the operations to be carried out without risk of soil erosion to the edge of the drainage feature,
- (b) harvesting and extraction machinery may only enter an area within 5 metres:
 - (i) of the edge of a drainage line (measured from the top edge of its banks or, if there are no banks, from the edge of its apparent water flow area), or
 - (ii) of the centre of a drainage depression occurring on soil classed R4,

if this is done in accordance with clause 37 or if entering the 5 metre area will result in less environmental damage than the use of any practicable alternative route that would avoid the 5 metre area.

Division 4 Restoration of harvested area

64 Restoration of harvested area

A harvested area must be stabilised to prevent soil erosion (for example, by planting it with grass or other suitable vegetation).

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Part 7 Offences and penalty notices**65 Offence of providing false information in application for authorisation**

A person must not, in or in connection with an application for an authorisation of a plantation, provide information or produce a document that the person knows to be false or misleading in a material particular.

Maximum penalty: 100 penalty units.

66 Offence of contravening any requirement imposed by Part 5 or Part 6

An owner or manager of an authorised plantation who contravenes or causes or permits the contravention of any requirement imposed by Part 5 or Part 6 is guilty of an offence.

Maximum penalty: 100 penalty units.

67 Penalty notice offences

For the purposes of section 62 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 2 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 4 of Schedule 2.

68 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 consists of the IPB Code set out in relation to the offence in Column 2 of Schedule 2, together with:
 - (a) the text set out in relation to the offence in Column 3 of Schedule 2, or
 - (b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.

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- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
 - (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
 - (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
 - (5) In this clause:
Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.
IPB code, in relation to an offence, means the code allocated to the offence by the Information Processing Bureau.

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Schedule 1 Patches of woody native vegetation

(Dictionary)

Determining the existence of patches

For the purpose of determining the existence of patches of woody native vegetation, east and west of the Newell Highway represent a biogeographic divide.

East of the Newell Highway

Generally, patches of woody native vegetation are to be determined by the existence of a group of 2 or more woody native plants, with each of those plants lying within 2 crown separations of the nearest woody native plant.

However, in locations where the expected natural native vegetation structure is more dense than 2 crown separations, an authorised person who assesses the proposed plantation under clause 11 of the Code may reduce the crown separation requirement to 1. Accordingly, patches in these locations will be determined by the existence of a group of 2 or more woody native plants, with each of those plants lying within 1 crown separation of the nearest woody native plant.

West of the Newell Highway

Patches of woody native vegetation are determined by the presence of a group of 2 or more woody native plants, with each of those plants lying within 5 crown separations of the nearest woody native plant.

Calculation of crown separation and boundary of patch

The crown diameter of each woody native plant in the tallest stratum is used to calculate crown separation.

In determining whether a woody native plant lies within the required crown separation of the nearest woody native plant (and so is included in the patch), the crown diameter of the most outlying of those 2 plants (that is, outlying in relation to the woody native plant that is used as a starting point) is used.

The boundary of the patch is the line that:

- (a) contains the projected crowns of all the woody native plants within the patch, and
- (b) joins the outer drip line of each outermost crown of the patch with that of the nearest outermost crown of the patch.

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In this Schedule:

drip line means the perimeter of the area that would be formed (if it rained only on the crown of a plant) by drips falling from the crown onto the ground below.

woody native plants means any native trees or shrubs.

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Schedule 2 Penalty notice offences and short descriptions

(Clauses 67 and 68)

Column 1 Provision of Act	Column 2 IPB Code	Column 3 Short description text	Column 4 Penalty (\$)
Section 20 (6)		Owner/manager breach/cause or permit breach condition of authorisation	1,100

Column 1 Provision of Code	Column 2 IPB Code	Column 3 Short description text	Column 4 Penalty (\$)
Clause 65		Provide false/misleading information/ document in/re application	1,100
Clause 66		Owner/manager breach/cause or permit breach Code clause [<i>here insert provision breached</i>]	1,100

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Dictionary

(Clause 2)

Aboriginal place (as defined in the *National Parks and Wildlife Act 1974*) means any place declared to be an Aboriginal place under section 84 of that Act (which allows places to be declared to be Aboriginal places if the Minister for the Environment thinks the place is or was of special significance with respect to Aboriginal culture).

batter means an earth slope formed during road construction either by the placing of fill material or by cutting into the natural hillside.

biodiversity means the variety of life forms—different species of plants, animals and micro-organisms, the genes they contain and the ecosystem they form.

buffer zone means a protective margin of vegetation that surrounds or is adjacent to specified drainage features or relics or items of cultural heritage and which protects them from potentially detrimental disturbances in the surrounding area.

causeway means a natural or constructed crossing (other than a bridge) that enables vehicles to cross a drainage feature.

crossbank means a mound of earth placed across a road or track to divert water from the surface, which may be consolidated or unconsolidated.

crossdrain means a drain excavated across the full width of a road or track to divert water (for example, a spoon drain, crossbank or rollover bank).

crossfall drainage means drainage caused by shaping a road so that all water drains across and off the road surface rather than along it. Drainage created by a crossfall can be infall, outfall, or crowned (the latter being drainage caused by shaping a road so that water drains to both sides of the road).

culvert means one or more adjacent enclosed pipes or open drains that are used to convey water underneath a road.

cut means a portion of land where earth has been removed by excavation.

Department means the Department of Land and Water Conservation.

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diameter at breast height means the measurement of the diameter of a tree made:

- (a) at a height of 1.3 metres above the ground level (measured from the ground level of the up slope side of the tree if the tree is on a slope), and
- (b) at right angles to the axis of the tree.

If the tree is branched or deformed at 1.3 metres above the ground level, the measurement must be taken at the nearest point above or below that point, where the trunk becomes more cylindrical.

Director-General means the Director-General of the Department.

drainage depression means a level to gently inclined shallow, open depression with a smoothly concave cross-section, rising to moderately inclined hill slopes, that conveys runoff water only during or immediately after (that is, only hours or days after) periods of heavy rainfall.

drainage feature means any of the following:

- (a) a wetland,
- (b) a river,
- (c) a drainage line,
- (d) a drainage depression on soil classed R4.

drainage line means a channel down which surface water naturally concentrates and flows, conveying water only during, or immediately after (that is, only hours or days after) periods of heavy rainfall. Drainage lines exhibit one or more of the following features which distinguish them from drainage depressions:

- (a) evidence of active erosion or deposition (for example, gravel, pebble, rock or sand bed deposited by water),
- (b) an incised channel more than 300 millimetres deep with clearly defined bed and banks,
- (c) first or second order streams with permanent flow,
- (d) third or higher order streams without permanent flow.

For the purposes of this definition, stream orders are as determined according to the Strahler System using a 1:25,000 or 1:50,000 topographic map published by the Government (whichever is the smallest scale so published).

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earthworks means any operation involved in moving, loosening, depositing, shaping, compacting or stabilising soil and rock for the purpose of construction (for example, of a road or log dump).

erosion means the wearing away of land by running water, rainfall, wind, ice or other geological agents.

extraction means the transportation of trees, stems or logs from the point of felling to a processing or roadside loading area (usually a log dump or landing).

extraction track means a track used for extraction. (Extraction tracks include snig tracks, along which logs are dragged, either wholly on the ground or supported at one end, by the use of wheeled or tracked vehicles.)

fill means excavated material that is used to raise (fill) the surface of an area to a specified level.

fire trail means a way that is used for either or both of the following purposes:

- (a) to provide access for fire control vehicles,
- (b) to prevent or check the spread of fire during fire fighting or prescribed burning operations.

A fire trail may be a track or a road, depending on whether or not it is constructed.

groundcover means any type of herbaceous vegetation (including native grassland of high conservation value).

Groundcover is only regarded as native vegetation if it occurs in an area where not less than 50% of the herbaceous vegetation covering the area comprises indigenous species. In determining that percentage, not less than 10% of the area concerned must be covered with herbaceous vegetation (whether dead or alive).

ground slope means the slope of the natural land surface at any given point in the landscape.

infall drainage means drainage caused by constructing the surface of the road with an inward slope in the opposite direction to that of the side slope of the natural surface, allowing runoff to be shed to the high terrain side of the road.

line ripping means ripping lines in the ground (for example, with multi-tine equipment or a wing or wide-foot plate on a ripper) to shatter the compacted layer of the soil.

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log dump or **log landing** means an area where logs or parts of logs are assembled for sorting and preliminary processing (for example, cross-cutting) before being loaded on to trucks for transport from the plantation. Log dumps or landings do not include areas set aside for stockpiling logs.

manual cultivation means tilling the soil in preparation for planting using only hand tools.

mounding means the cultivation of soil to form mounds.

native grassland of high conservation value means native grassland:

- (a) that has been extensively cleared from the region, is inadequately conserved within it, or is at its geographical limit, and
- (b) that exhibits one or more of the following features:
 - (i) it is relatively large in area, or is an area that connects two other large areas of native vegetation,
 - (ii) it is in unusually healthy condition (that is, it is in much the same condition, and has much the same species composition and community structure, as may have existed a hundred or more years ago),
 - (iii) it includes a diversity of native species (that is, not just grass species, but a diversity of forbs that grow between the grass tussocks, such as native legumes, orchids, daisies and lilies),
 - (iv) it is a habitat for rare and threatened species of native plants and animals,
 - (v) it has very few weeds and has had only minimal past disturbance from ploughing, spraying or fertilising, and
- (c) that is determined by the Department (based on the preceding factors and associated surveys) to be native grassland of high conservation value.

native vegetation means any of the following types of indigenous vegetation:

- (a) trees,
- (b) understorey plants,
- (c) groundcover,
- (d) plants occurring in a wetland,

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but does not include any mangroves, seagrasses or any other type of marine vegetation within the meaning of the *Fisheries Management Act 1994*.

outfall drainage means drainage caused by constructing the surface of the road with an outward slope in the same direction as that of the side slope of the natural surface, allowing runoff to be shed to the low terrain side of the road.

patch of woody native vegetation means an area of woody native vegetation, the existence and boundaries of which are determined in accordance with Schedule 1.

peak flow means the highest flow rate of the drainage feature concerned during or following a specific rainfall event.

place or relic of cultural heritage means a relic (as defined in the *Heritage Act 1977* and in the *National Parks and Wildlife Act 1974*), or an Aboriginal place (as defined in the latter Act).

plantable area means a plantation excluding:

- (a) any area of native vegetation or area designated for the location of replacement trees that is required by the complying development standards in Division 3 of Part 4 to be retained (to the extent that the authorisation for the plantation requires compliance with those standards), and
- (b) any buffer zone of a drainage feature or place or relic of cultural heritage.

R1, R2, R3 and R4 are classes of regolith stability applied to soils as follows:

- R1 high coherence soils with low potential to deliver sediment,
R2 low coherence soils (when wet) with low potential to deliver sediment,
R3 high coherence soils with high potential to deliver sediment,
R4 low coherence soils (when wet) with high potential to deliver fine sediment.

rainfall erosivity rating is the measure of the erosive potential of a specific rainfall event (being the product of two rainstorm characteristics: total kinetic energy of the storm multiplied by its maximum 30 minute intensity, as defined in the Universal Soil Loss Equation).

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rainforest means any contiguous area of woody native vegetation dominated by rainforest species and with a rainforest structure (and it includes, but is not limited to, rainforest as defined in Integrated Forestry Operations Approvals (IFO) under the *Forestry and National Park Estate Act 1998*).

regional vegetation schedule means the regional vegetation schedule for the region in which a plantation is located that is made, or taken to be made, under clause 25, as applied in accordance with that clause.

regolith means unconsolidated residual or transported material that overlies the solid rock on the earth.

regrowth vegetation means native vegetation that has regrown after clearing and is of low conservation value, as identified in the regional vegetation schedule.

relic means the following:

- (a) (as defined in the *Heritage Act 1977*) any deposit, object or material evidence:
 - (i) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (ii) which is 50 or more years old,
- (b) (as defined in the *National Parks and Wildlife Act 1974*) any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains.

relief culvert means a drainage structure that transports water collected (generally by a table drain) from the road surface under the road for controlled discharge downslope.

river means a third order or higher order stream (as determined according to the Strahler System using a 1:25,000 or 1:50,000 topographic map published by the Government, whichever is the smallest scale so published) with a permanent flow.

road means a way that is constructed primarily for vehicles by means of earthworks involving the cut or fill (or both) of the natural surface on the way. A road may include a fire trail if it is so constructed.

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rollover bank means a type of crossdrain and may be:

- (a) a shallow drain (sometimes used in combination with a compacted low earth crossbank called a rollover crossbank) that is constructed across the full width of a road or track, or
- (b) a rollover drain, which is used on moderate to steep sections of roads or tracks and sized so that the road or track remains trafficable. Rollover drains help to prevent erosion of the road or track surface by discharging water at numerous points on the low terrain side of the road or track.

runoff water means the portion of precipitation falling on a catchment area that flows from the catchment past a specified point.

rutting means soil disturbance caused by the sinking of the wheels or tracks of vehicles or machinery.

sediment means particles of soil material that have been transported or deposited by water flow.

slash means tree debris left following the felling, processing and extraction of logs.

table drain means a drain constructed along the side of a road between the shoulder and a cut batter, that collects and drains runoff water away from the road surface and also intercepts runoff water from cut batters that might otherwise flow onto the road surface.

the Act means the *Plantations and Reafforestation Act 1999*.

the landholding means the lot or lots on which a plantation is or is to be situated.

track means a way primarily for vehicles that is not constructed.

wetland means any area that is:

- (a) covered by a shallow body of water (being a body of water that is not the result of unusual flooding, high rainfall, temporary water diversion, or a marked permeability break in the soil profile leading to the development of a perched water table), and
- (b) inundated cyclically, intermittently or permanently with water, and
- (c) under normal circumstances, predominantly vegetated with plant communities adapted for life in saturated soil conditions, and

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(d) characterised by soils that exhibit reducing conditions.

Wetlands generally include marshes, billabongs, swamps and sedge lands.

windrow means a row of cut vegetation raked up for clearing (for example timber which is pushed into lines for burning during a clearing operation).

woody native vegetation means native trees and shrubs.

Plantations and Reafforestation Act 1999

Regional Vegetation Schedule

Under Clause 25 of the Plantations and Reafforestation (Code) Regulation 2001.

DATE OF EFFECT:

This Regional Vegetation Schedules takes effect from 14 December 2001.

NATIVE VEGETATION THAT MUST BE CONSERVED TO MEET THE COMPLYING STANDARDS

The following is a list of types of woody native vegetation in patches greater than 0.5 hectare and less than 1.0 hectare.

NATIVE VEGETATION COMMUNITY	FLORISTIC DESCRIPTION
North Coast and New England Tablelands IBRA Regions	
Blue Mountain Ash	Canopy dominated by <i>Eucalyptus oreades</i> .
Bull Oak	Canopy dominated by <i>Allocasuarina luehmannii</i> .
Candlebark	Canopy dominated by <i>Eucalyptus rubida</i> or <i>Eucalyptus rubida</i> and <i>Eucalyptus dalrympleana</i> .
Coast Cypress Pine	Canopy dominated by <i>Callitris columellaris</i> .
Dorrigo White Gum	Canopy dominated by <i>Eucalyptus dorrigoensis</i> .
Dry heathy New England Stringybarks	Canopy dominated by one or more of <i>Eucalyptus cameronii</i> , <i>Eucalyptus ligustrina</i> or <i>Eucalyptus williamsianus</i> and a shrub layer dominated by one or more of <i>Hakea dactyloides</i> , <i>Leptospermum trinervium</i> , <i>Monotoca scoparia</i> , <i>Persoonia rufa</i> , <i>Mirabelia speciosa</i> , <i>Petrophile canescens</i> or <i>Acacia barringtonensis</i> .
Dunn's White Gum	Canopy dominated by <i>Eucalyptus dunnii</i> .
Eastern Red Gums	Canopy dominated by <i>Eucalyptus seeana</i> , <i>Eucalyptus bancroftii</i> or <i>Eucalyptus amplifolia</i> (greater than 50cm diameter).
Eurabbie	Canopy dominated by <i>Eucalyptus bicostata</i> .
Coastal Mallee	Canopy dominated by mallee forms of <i>Corymbia gummifera</i> or <i>Corymbia intermedia</i> .
Ribbon Gum / Stringybark	Canopy dominated by <i>Eucalyptus viminalis</i> with one or more of <i>Eucalyptus caliginosa</i> , <i>Eucalyptus cameronii</i> or <i>Eucalyptus laevopinea</i> .
New England Peppermint	Canopy dominated by <i>Eucalyptus nova-anglica</i> .
River Oak	Canopy dominated by <i>Casuarina cunninghamiana</i> .
Steel Box / Craven Grey	Canopy dominated by either <i>Eucalyptus rummeryi</i> or

NATIVE VEGETATION COMMUNITY	FLORISTIC DESCRIPTION
Box	<i>Eucalyptus largeana</i> .
Swamp Mahogany	Canopy dominated by <i>Eucalyptus robusta</i> .
Whitetopped Box	Canopy dominated by <i>Eucalyptus quadrangulata</i> .
Broad-leaved Stringybark / Ribbon Gum	Canopy dominated by one or more of <i>Eucalyptus nobilis</i> or <i>Eucalyptus caliginosa</i> , with <i>Eucalyptus radiata</i> and/or <i>Banksia integrifolia</i> . Understorey with at least three of the shrubs <i>Persoonia cornifolia</i> , <i>Leucopogon lanceolatus</i> , <i>Monotoca scoparia</i> , <i>Bursaria spinosa</i> , <i>Acacia filicifolia</i> or <i>Lomatia silaifolia</i> .
Blakely's Red Gum / Roughbarked Apple	Canopy dominated by <i>Eucalyptus blakelyi</i> or <i>Angophora floribunda</i> . At least one of the shrubs <i>Leptospermum brevipes</i> or <i>Leucopogon muticus</i> common in the understorey.
Black Sallee	Canopy dominated by <i>Eucalyptus stellulata</i> .
Snow Gum on basalt	Canopy dominated by <i>Eucalyptus pauciflora</i> , growing on basalt, with grassy understorey dominated by <i>Poa spp.</i>
Youman's Stringybark / Western New England Blackbutt / Narrow-leaved Black Peppermint	Canopy dominated by <i>Eucalyptus subtillior</i> or comprising greater than 15% <i>Eucalyptus youmanii</i> or <i>Eucalyptus nicholii</i> or both.
White Box	Canopy dominated by <i>Eucalyptus albens</i> .
Bendemeer White Gum / Moombi Applebox	Canopy dominated by either <i>Eucalyptus elliptica</i> or <i>Eucalyptus malacoxylon</i> or both.
South East Highlands and South East Corner IBRA regions excluding Riverina Highlands Native Vegetation Region	
Brown Barrel	Canopy dominated by <i>Eucalyptus fastigata</i> with a shrub layer dominated by <i>Acacia melanoxylon</i> . Ground cover with at least three of <i>Acaena novaezelandiae</i> , <i>Dianella tasmanica</i> , <i>Dichondra repens</i> , <i>Lagenifera stipitata</i> and <i>Stellaria pungens</i> as common.
Snow Gum / Ribbon Gum	Canopy dominated by <i>Eucalyptus pauciflora</i> and <i>Eucalyptus viminalis</i> and a groundcover dominated by <i>Themeda australis</i> and/or <i>Poa labillardieri</i> .
Mountain Gum / Narrow-leaved Peppermint	Canopy dominated by <i>Eucalyptus dalrympleana</i> and <i>Eucalyptus radiata</i> with a shrub layer of <i>Acacia dealbata</i> with <i>Monotoca scoparia</i> and/or <i>Bossiaea foliosa</i> as common and at least one of <i>Poa sieberiana</i> or <i>Lomandra longifolia</i> .
Stunted Sheoak	Canopy dominated by <i>Allocasuarina nana</i> .
Scrub Sheoak	Canopy dominated by <i>Allocasuarina paludosa</i> .
Alpine Baeckea / Small Fruited Hakea	Canopy dominated by <i>Baeckea utilis</i> and <i>Hakea microcarpa</i> .
River Red Gum	Canopy dominated by <i>Eucalyptus camaldulensis</i> .

NATIVE VEGETATION COMMUNITY	FLORISTIC DESCRIPTION
Apple Box / Yellow Box	Canopy dominated by <i>Eucalyptus bridgesiana</i> or <i>Eucalyptus melliodora</i> , a shrub layer of <i>Acacia mearnsii</i> as common and a groundcover dominated by two or more of <i>Microlaena stipoides</i> and <i>Poa sieberiana</i> var <i>sieberiana</i> , <i>Lomandra longifolia</i> , <i>Lomandra filiformis</i> , <i>Luzula flaccida</i> and <i>Schoenus apogon</i> .
Broad-leaved Peppermint / Mountain Gum	Canopy dominated by <i>Eucalyptus dives</i> or <i>Eucalyptus dalrympleana</i> , a shrub layer of <i>Acacia dealbata</i> as common and a groundcover including at least three of <i>Poa sieberiana</i> var <i>sieberiana</i> , <i>Danthonia racemosa</i> var <i>racemosa</i> , <i>Microlaena stipoides</i> and <i>Themeda australis</i> as common.
Red Stringybark / Blakey's Red Gum	Canopy dominated by <i>Eucalyptus macrorhyncha</i> and <i>Eucalyptus blakelyi</i> and a groundcover including at least three of <i>Microlaena stipoides</i> var <i>stipoides</i> , <i>Danthonia pilosa</i> ssp <i>pilosa</i> , <i>Elymus scaber</i> , <i>Poa sieberiana</i> var <i>sieberiana</i> and <i>Hydrocotyle laxiflora</i> as common.
Black Sallee / Snow Gum	Canopy dominated by <i>Eucalyptus stellulata</i> or <i>Eucalyptus pauciflora</i> and <i>Eucalyptus stellulata</i> with a groundcover containing at least four of <i>Poa sieberiana</i> var <i>sieberiana</i> , <i>Poa labillardieri</i> , <i>Elymus scaber</i> , <i>Asperula scoparia</i> , <i>Dichondra repens</i> , <i>Geranium solanderi</i> var <i>solanderi</i> and <i>Acaena novae-zelandiae</i> as common.
Narrow-leaved Peppermint / Ribbon Gum / Brown Stringybark	Canopy dominated by <i>Eucalyptus radiata</i> , <i>Eucalyptus viminalis</i> and <i>Eucalyptus blaxlandii</i> .
Cabbage Gum / Brittle Gum	Canopy dominated by <i>Eucalyptus amplifolia</i> and <i>Eucalyptus mannifera</i> .
Ironbark woodlands	Canopy where <i>Eucalyptus sideroxylon</i> comprises more than 10% of the trees greater than 50cm diameter at breast height.
Box woodlands	Canopy dominated by one or more of <i>Eucalyptus albens</i> , <i>Eucalyptus microcarpa</i> or <i>Eucalyptus melliodora</i> .
Swamp Gum	Canopy dominated by <i>Eucalyptus ovata</i> .
River Oak	Canopy dominated by <i>Casuarina cunninghamiana</i> .
Messmate	Canopy dominated by <i>Eucalyptus obliqua</i> with shrubby understorey of <i>Acacia mucronata</i> common.
Bangalay	Canopy dominated by <i>Eucalyptus botryoides</i> with understorey of <i>Macrozamia communis</i> common.
Monkey Gum	Canopy dominated by <i>Eucalyptus cypellocarpa</i> with a groundcover of <i>Microlaena stipoides</i> and <i>Poa meionectes</i> as common.
Blue-leaved Stringybark / Maiden's Gum	Canopy dominated by <i>Eucalyptus agglomerata</i> and <i>Eucalyptus maidenii</i> on Devonian granitoids.

NATIVE VEGETATION COMMUNITY	FLORISTIC DESCRIPTION
Riverina Highlands Native Vegetation Region	
Yellow Box woodlands	Canopy dominated by <i>Eucalyptus melliodora</i> .
Ironbark woodlands	Canopy where <i>Eucalyptus sideroxylon</i> comprises more than 10% of the trees greater than 50cm diameter at breast height.
White Box woodlands	Canopy dominated by <i>Eucalyptus albens</i> .

The floristic composition is the floristic composition of the tallest stratum unless otherwise stated. The species listed as dominant make up the highest per cent canopy cover of the tallest stratum which is greater than 10 years of age. Where more than one species is listed, one or more of the species make up the highest per cent canopy cover of the tallest stratum.

The understorey and groundcover species are only stated where they are required to identify the vegetation community. In all other cases, except Riverina Highlands Native Vegetation Region, the groundcover must be predominantly native species.

Where the presence of plants is described as common it has the meaning of 10 individuals for woody plants per hectare and 1% projected foliage cover for groundcover plants.

REGROWTH THAT MAY BE CLEARED:

For the purposes of section 25(2)(ii) regrowth of native vegetation may be cleared under the following circumstances:

1. Where the regrowth is less than 10 years of age or
2. Where the tallest stratum is dominated by one of the following species:
 - *Pteridium esculentum* (Bracken fern)
 - *Acacia melanoxylon* (Blackwood)
 - *Acacia dealbata* (Silver wattle)
 - *Acacia irrorata* (Green wattle)
 - *Acacia binervia* (Coastal Myall)
 - *Acacia longifolia* (Sydney Golden Wattle)
 - *Acacia mearnsii* (Black wattle)
 - *Cassinia longifolia* (Shining cassinia)
 - *Davesia latifolia* (Bitter Hop bush)
 - *Callicoma serratifolia* (Black wattle) or
 - *Eucalyptus sp.* with a mean diameter of less than 15cm and more than 4000 stems per hectare.

Western Lands Amendment Regulation 2001

under the

Western Lands Act 1901

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Western Lands Act 1901*.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to amend the *Western Lands Regulation 1997* to provide that the interest rate charged under the *Western Lands Act 1901* for arrears and other sums payable under leases is consistent with the interest rate charged under the *Crown Lands Act 1989*.

This Regulation is made under the *Western Lands Act 1901*, including section 36 (the general regulation-making power).

Clause 1 Western Lands Amendment Regulation 2001

Western Lands Amendment Regulation 2001

1 Name of Regulation

This Regulation is the *Western Lands Amendment Regulation 2001*.

2 Amendment of Western Lands Regulation 1997

The *Western Lands Regulation 1997* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Western Lands Amendment Regulation 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 16 Interest on arrears: section 36B

Omit “on sums payable and in arrears is 15 per cent”.

Insert instead “is the rate prescribed for the time being under section 148 (2) of the *Crown Lands Act 1989*”.

[2] Clause 17 Interest on sums payable: section 36C

Omit “is 15 per cent per annum”.

Insert instead “is the rate prescribed for the time being under section 148 (2) of the *Crown Lands Act 1989*”.

Orders

First State Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

under the

First State Superannuation Act 1992

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 7 of the *First State Superannuation Act 1992*, make the following Order.

Dated, this 12th day of December 2001.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The object of this Order is to amend Schedule 1 to the *First State Superannuation Act 1992*. The amendment adds the Catholic Health Care Services Limited, Mercy Care Centre Young Limited and the Trustees of the Roman Catholic Church for the Diocese of Lismore to the employers listed in Part 1 of Schedule 1. This is to enable certain employees of the specified employers to retain membership of the superannuation scheme under the Act.

Clause 1 First State Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

First State Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

1 Name of Order

This Order is the *First State Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001*.

2 Commencement

This Order is taken to have commenced on 1 September 2001.

3 Amendment of First State Superannuation Act 1992

The *First State Superannuation Act 1992* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Order.

First State Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

Schedule 1 Employers

Insert at the end of Part 1:

Catholic Health Care Services Limited (limited to those persons who were employed at the Bodington Hospital, Wentworth Falls, immediately before 1 September 2001)

Mercy Care Centre Young Limited (limited to those persons who were employed at the Mt St Joseph's Residential Care Facility, Young, immediately before 1 September 2001)

The Trustees of the Roman Catholic Church for the Diocese of Lismore (limited to those persons who were employed at the St Joseph's Nursing Home, Lismore, immediately before 1 September 2001)

State Authorities Non-contributory Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

under the

State Authorities Non-contributory Superannuation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 27 of the *State Authorities Non-contributory Superannuation Act 1987*, make the following Order.

Dated, this 12th day of December 2001.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The object of this Order is to amend Schedule 1 to the *State Authorities Non-contributory Superannuation Act 1987*. The amendment adds the Catholic Health Care Services Limited, Mercy Care Centre Young Limited and the Trustees of the Roman Catholic Church for the Diocese of Lismore to the employers listed in Part 1 of Schedule 1. This is to enable certain employees of the specified employers to retain membership of the superannuation scheme under the Act.

Clause 1 State Authorities Non-contributory Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

State Authorities Non-contributory Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

1 Name of Order

This Order is the *State Authorities Non-contributory Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001*.

2 Commencement

This Order is taken to have commenced on 1 September 2001.

3 Amendment of State Authorities (Non-contributory) Superannuation Act 1987 No 212

The *State Authorities Non-contributory Superannuation Act 1987* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Order.

State Authorities Non-contributory Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1 Employers

Insert at the end of Part 1:

Catholic Health Care Services Limited (limited to those persons who were employed at the Bodington Hospital, Wentworth Falls, immediately before 1 September 2001)

Mercy Care Centre Young Limited (limited to those persons who were employed at the Mt St Joseph's Residential Care Facility, Young, immediately before 1 September 2001)

The Trustees of the Roman Catholic Church for the Diocese of Lismore (limited to those persons who were employed at the St Joseph's Nursing Home, Lismore, immediately before 1 September 2001)

State Authorities Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

under the

State Authorities Superannuation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 46 of the *State Authorities Superannuation Act 1987*, make the following Order.

Dated, this 12th day of December 2001.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The object of this Order is to amend Schedule 1 to the *State Authorities Superannuation Act 1987*. The amendment adds the Catholic Health Care Services Limited, Mercy Care Centre Young Limited and the Trustees of the Roman Catholic Church for the Diocese of Lismore to the employers listed in Part 1 of Schedule 1. This is to enable certain employees of the specified employers to retain membership of the superannuation scheme under the Act.

Clause 1 State Authorities Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

State Authorities Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

1 Name of Order

This Order is the *State Authorities Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001*.

2 Commencement

This Order is taken to have commenced on 1 September 2001.

3 Amendment of State Authorities Superannuation Act 1987

The *State Authorities Superannuation Act 1987* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Order.

State Authorities Superannuation (Catholic Health Care Services Limited and Others) Amendment Order 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

Schedule 1 Employers

Insert at the end of Part 1:

Catholic Health Care Services Limited (limited to those persons who were employed at the Bodington Hospital, Wentworth Falls, immediately before 1 September 2001)

Mercy Care Centre Young Limited (limited to those persons who were employed at the Mt St Joseph's Residential Care Facility, Young, immediately before 1 September 2001)

The Trustees of the Roman Catholic Church for the Diocese of Lismore (limited to those persons who were employed at the St Joseph's Nursing Home, Lismore, immediately before 1 September 2001)

OFFICIAL NOTICES

Appointments

GOVERNMENT AND RELATED EMPLOYEES APPEAL TRIBUNAL ACT 1980

Appointment of a Member of the

Government and Related Employees Appeal Tribunal

HER Excellency the Governor, with the advice of the Executive Council, and in pursuance of section 10 of the Government and Related Employees Appeal Tribunal Act 1980, has approved the appointment of Richard Patrick John Noonan as a Chairperson of the Government and Related Employees Appeal Tribunal for a period commencing on 17 December 2001 and ending on 30 June 2002.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

PLANT DISEASES ACT 1924

Appointment of Inspector

I, KEVIN PATRICK SHERIDAN, Director-General of the Department of Agriculture, pursuant to Section 11(1) of the Plant Diseases Act 1924, appoint the following person as an Inspector for the purposes of the Act.

WAYNE BRUCE HAIGH

Dated this 5th day of December 2001.

KEVIN PATRICK SHERIDAN, A.O.,
Director-General
NSW Department of Agriculture

PUBLIC SECTOR MANAGEMENT ACT 1988

Appointment of Acting General Manager,
WorkCover Authority

HER Excellency the Governor, with the advice of the Executive Council and in pursuance of the provisions of section 10B of the Public Sector Management Act 1988, appoint Margaret Michele PATTERSON to act in the position of General Manager of the WorkCover Authority from 31 December to 14 January 2002 inclusive.

Hon. J. J. DELLA BOSCA, M.L.C.,
Special Minister of State
Minister for Industrial Relations
Assistant Treasurer
Minister Assisting the Premier on Public Sector
Management
Minister Assisting the Premier on the Central
Coast

PUBLIC SECTOR MANAGEMENT ACT 1988

Appointment of Acting General Manager,
WorkCover Authority

Erratum

THE Public Sector Management Act 1988, Appointment of Acting General Manager, WorkCover Authority which was published in the Government Gazette of 7 December 2001 No. 188, folio 9620 appeared with an incorrect date. The appointment is now republished in full.

PUBLIC SECTOR MANAGEMENT ACT 1988

Appointment of Acting Director-General
Department of Industrial Relations

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 10B(1) of the Public Sector Management Act 1988, has approved the appointment of Patricia MANSER to act in the position of Director-General, Department of Industrial Relations, while the holder of that position is absent for the period commencing on 22 December 2001 and ending on 14 January 2002.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

PUBLIC SECTOR MANAGEMENT ACT 1998

Acting Director General

HER Excellency the Governor and the Executive Council upon the recommendation of the Director General of the Premiers Department, have under Section 10B of the Public Sector Management Act 1998, approved that Ms Robyn KRUK act in the position of Director General of the Premier's Department for the period 7 January 2002 to 1 February 2002.

The Hon R. J. DEBUS, M.P.,
Minister for the Environment

SYDNEY WATER CATCHMENT MANAGEMENT ACT 1998

Chief Executive Service

Appointment Under Section 9

HER Excellency the Governor and the Executive Council upon the recommendation of the Minister for the Environment, have approved, pursuant to the provisions of the Sydney Water Catchment Management Act 1998, that Graeme Charles HEAD be appointed to the position of Chief Executive, Sydney Catchment Authority, commencing on and from 12 December 2001.

The Hon R. J. DEBUS, M.P.,
Minister for the Environment

NSW Agriculture

STOCK DISEASES ACT 1923

Notification No. 1647-BJD

Declaration of Protected Area and Protected (Control) Areas,
as regards Johne's disease in cattle (commonly known as bovine Johne's disease)

I, RICHARD AMERY MP, Minister for Agriculture:

- A. pursuant to sections 3(2)(a) and 11A of the Stock Diseases Act 1923 ("the Act") revoke Stock Diseases Notification No. 1613-BJD published in Government Gazette No. 34 of 2 February 2001; and
- B. pursuant to Section 11A of the Act:
- I. declare the lands described in the Schedule to be Protected (Control) Areas, and the remaining lands of New South Wales to be a Protected Area, as regards Johne's disease in cattle (commonly known as bovine Johne's disease); and
 - II. prohibit the bringing into the Protected Area of any cattle from any part of a Protected (Control) Area, unless:
 - (a) the cattle:
 - are transported in a vehicle directly to:
 - an abattoir, where the cattle are slaughtered, or
 - a slaughter-only sale, or
 - an approved feedlot, or
 - the same or another part of a Protected (Control) Area, or
 - are steers and originate from a non-assessed herd; or
 - (b) the cattle:
 - originate from a monitored negative herd, and
 - have not subsequently lost their status of monitored negative, and
 - are transported in a vehicle directly into the Protected Area, and
 - are accompanied by a completed Declaration form, indicating details of their status of monitored negative, which is given to the person to whom the cattle are delivered; or
 - (c) the cattle:
 - originate from a non-assessed herd that has been subjected to an approved test with negative results, and
 - are transported in a vehicle directly into the Protected Area, and
 - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the cattle are delivered; or
 - (d) the cattle:
 - originate from a herd in one part of the Protected Area, and
 - are transported through the Protected (Control) Area in a vehicle directly into the same or another part of the Protected Area; or
 - (e) the cattle are from a non-assessed or monitored negative herd in a Protected Area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area;

- (f) the cattle are from a non-assessed or monitored negative herd in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in a Protected Area;
- (g) the cattle are moved in accordance with a written permit or an order issued by an inspector.

This Notification shall take effect on publication in the Government Gazette.

Definitions

In this Notification:

approved facility means a facility that is approved from time to time by a District Veterinarian;

approved feedlot means a feedlot that transports all its stock directly to slaughter, and is authorised from time to time in writing by the Chief, Division of Animal Industries as a feedlot to which stock from a Protected (Control) Area may be moved;

approved test means a test that is approved from time to time by the Chief, Division of Animal Industries;

Declaration form means a Declaration of Johne's disease status form as approved from time to time by the Chief, Division of Animal Industries;

directly means without off-loading cattle from a vehicle en route;

herd means a group of animals maintained as a discrete unit;

monitored negative has the same meaning as in the Australian Johne's Disease Market Assurance Program for Cattle published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600;

non-assessed in relation to a herd, means a herd that is not infected or suspected of being infected with Johne's disease, that is not in quarantine on account of Johne's disease, and that is not monitored negative;

Protected Area means the area in New South Wales which does not form part of the Protected (Control) Area;

Protected (Control) Area means a Protected (Control) Area referred to in the Schedule; and

slaughter-only sale means a sale of stock that is held in accordance with the written approval of a Senior Field Veterinary Officer.

SCHEDULE PROTECTED (CONTROL) AREAS

The whole of the lands contained in the Casino and Tweed-Lismore Rural Lands Protection Districts.

That portion of the lands contained in the South Coast Rural Lands Protection District south of the southern boundary of the Kings Highway between Braidwood and Batemans Bay, then west of the western boundary of the Princes Highway, then south of the northern shoreline of the Clyde River and Batemans Bay.

That portion of the lands contained in the Murray Rural Lands Protection District and the Riverina Rural Lands Protection District bounded by the roads and property description lines commencing at Corowa at the point where Bridge Road, Corowa crosses the Murray River, thence along Bridge Road, Sangar Street, Redlands Road to the Riverina Highway, thence along the Old Corowa Road to its intersection with the Jerilderie-Oaklands Road, thence

along that road to the northern corner of Lot 1 in DP733544, thence along the north-western, and western boundaries of that lot and of Lot 3 in DP733544 to the north-eastern boundary of Lot 203 in DP756426, thence along the northern boundaries of that lot, of Lot 213 in DP756426, of the reserve known as the Jerilderie Rifle Range, of Lot 226 in DP820194 and of Lot 111 in DP756426 to the north-western corner of that lot, thence directly west to a point of intersection with the eastern boundary of the Newell Highway, thence south along the Newell Highway approximately 3 kilometres to its junction with Leahy Lane, thence west along Leahy Lane to the south-eastern corner of Lot 106 in DP756426, thence along the eastern boundaries of Lots 106, 107, 180 and 179 in DP756426 and of Lots 431 and 432 in DP1013379 to where the eastern boundary of Lot 432 meets the Jerilderie-Conargo Road, thence west along that road to where it intersects with the Deniliquin Road at Conargo, thence along Conargo-Deniliquin Road to where that road crosses the Edward River at Deniliquin, thence along the Deniliquin Road to the Edward River at Deniliquin, thence along the Edward River to its junction with the Niemur River, thence along the Niemur River to its junction with the Moulamein-Barham Road, thence along the Moulamein-Barham Road to Moulamein Road at Barham, thence along Moulamein Road, Barham to where it meets Noorong Street, thence along Noorong Street to its intersection with Murray Street, thence along Murray Street to its intersection with Thule Street, thence along Thule Street to where Thule Street crosses the Murray River at Barham, and thence along the Murray River to the point where Bridge Road, Corowa crosses the Murray River. (The roads and their road related areas do not form part of the Protected (Control) Area.)

Note

- It is an offence under section 20H(1)(a) of the Act to contravene a provision of this Notification. Maximum penalty for such an offence is \$11,000.
- A Protected (Control) Area is an area with a moderate prevalence of a disease (section 11A(1A) of the Act). This is different from a Protected Area, where there is a lower prevalence of a disease (section 11A(1B) of the Act).
- A map of the Protected Area and Protected (Control) Area as regards Johne's disease in cattle is published on the NSW Department of Agriculture internet web site at <http://www.agric.nsw.gov.au/jd/>
- A person who receives a completed Declaration form is advised to retain it as evidence of compliance with this Notification.
- N1647-BJD is the NSW Department of Agriculture's reference.
- For further information, contact the NSW Department of Agriculture on (02) 6391 3691.

Dated 4th December 2001

RICHARD AMERY, M.P.,
Minister for Agriculture

STOCK DISEASES ACT 1923**Notification No. 1648-JDG**

Declaration of a Protected (Control) Area, as regards Johne's disease in goats.

I, RICHARD AMERY MP, Minister for Agriculture pursuant to Section 11A of the Stock Diseases Act 1923 ("the Act").

- I. declare the lands described in the Schedule to be a Protected (Control) Area, as regards Johne's disease in goats; and
- II. prohibit the bringing into the Protected (Control) Area of any goats from any part of the residual area unless:
 - (a) the goats are transported in a vehicle directly to:
 - an abattoir, where the goats are slaughtered, or
 - a slaughter-only sale, or
 - the same or another part of the residual area; or
 - (b) the goats:
 - originate from a monitored negative herd, and
 - have not subsequently lost their status of monitored negative, and
 - are transported in a vehicle directly into the Protected (Control) Area, and
 - are accompanied by a completed Declaration form indicating details of their status of monitored negative, which is given to the person to whom the goats are delivered; or
 - (c) the goats:
 - originate from a non-assessed herd that has been subjected to an approved test with negative results; and
 - are transported in a vehicle directly into the Protected (Control) Area; and
 - are accompanied by a completed Declaration form indicating those results, which is given to the person to whom the goats are delivered; or
 - (d) the goats:
 - originate from a herd in one part of the Protected (Control) Area, and
 - are transported through the residual area in a vehicle directly into the same or another part of the Protected (Control) Area; or
 - (e) the goats are from a non-assessed or monitored negative herd in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in a residual area; or
 - (f) the goats are from a non-assessed or monitored negative herd in a residual area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or
 - (g) the goats are moved in accordance with a written permit or an order issued by an inspector.

This Notification shall take effect on publication in the Government Gazette.

Definitions

In this Notification:

approved facility means a facility that is approved from time to time by a District Veterinarian;

approved test means a test that is approved from time to time by the Chief, Division of Animal Industries;

Declaration form means a Declaration of Johne's disease status form as approved from time to time by the Chief, Division of Animal Industries;

directly means without off-loading goats from a vehicle en route;

herd means a group of animals maintained as a discrete unit;

monitored negative has the same meaning as in the Australian Johne's Disease Market Assurance Program for Goats published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600;

non-assessed in relation to a herd, means a herd that is not infected or suspected of being infected with Johne's disease, that is not in quarantine on account of Johne's disease, and that is not monitored negative;

Protected (Control) Area means the Protected (Control) Area referred to in the Schedule;

residual area means the area in New South Wales which does not form part of the Protected (Control) Area; and

slaughter-only sale means a sale of stock that is held in accordance with the written approval of a Senior Field Veterinary Officer.

SCHEDULE PROTECTED (CONTROL) AREA

The whole of the lands contained in the following:

- the Armidale, Balranald, Bombala, Bourke, Braidwood, Brewarrina, Broken Hill, Casino, Cobar, Condobolin, Cooma, Coonabarabran, Coonamble, Dubbo, Forbes, Gloucester, Grafton, Gundagai, Hay, Hillston, Hume, Hunter, Kempsey, Maitland, Milparinka, Molong, Moree, Moss Vale, Mudgee-Merriwa, Murray, Narrabri, Narrandera, Northern New England, Northern Slopes, Nyngan, Riverina, South Coast, Tamworth, Tweed-Lismore, Wagga Wagga, Walgett, Wanaaring, Wentworth, Wilcannia and Young Rural Lands Protection Districts; and
- the Yass Rural Lands Protection District excluding the lands east of the Lachlan Valley Way from the northern boundary of Yass Rural Lands Protection District to the junction of the Lachlan Valley Way and the Hume Highway and north of the Hume Highway from the same junction to the eastern boundary of the Yass Rural Lands Protection District.

Notes

- It is an offence under section 20H(1)(a) of the Act to contravene a provision of this Notification. Maximum penalty for such an offence is \$11,000.
- A Protected (Control) Area is an area with a moderate prevalence of a disease (section 11A(1A) of Act). This is different from a Protected Area, where there is a lower prevalence of a disease (section 11A(1B) of Act).
- A map of the Protected (Control) Area and residual area as regards Johne's disease in goats is published on the NSW Department of Agriculture internet web site at <http://www.agric.nsw.gov.au/jd/>
- A person who receives a completed Declaration form is advised to retain it as evidence of compliance with this Notification.
- N1648-JDG is the NSW Department of Agriculture's reference.
- For further information, contact the New South Wales Department of Agriculture on (02) 6391 3691.

Dated 4th December 2001

RICHARD AMERY, M.P.,
Minister for Agriculture
Minister for Land and Water Conservation

STOCK DISEASES ACT 1923**Notification No. 1646-OJD**

Declaration of a Protected (Control) Area, as regards Johne's disease in sheep (commonly known as ovine Johne's disease)

I, RICHARD AMERY MP, Minister for Agriculture:

A. pursuant to Section 3(2)(a) and 11A of the Stock Diseases Act 1923 ("the Act") revoke Stock Diseases Notification No. 1578-OJD published in Government Gazette No. 68 of 9 June 2000 at pages 4798-4799; and

B. pursuant to Section 11A of the Act:

- I. declare the lands described in the Schedule to be a Protected (Control) Area, as regards Johne's disease in sheep (commonly known as ovine Johne's disease); and
- II. prohibit the bringing into the Protected (Control) Area of any sheep from any part of the residual area unless:
 - (a) the sheep are transported in a vehicle directly to:
 - an abattoir, where the sheep are slaughtered, or
 - a slaughter-only sale, or
 - an approved feedlot, or
 - the same or another part of the residual area; or
 - (b) the sheep:
 - originate from a monitored negative flock, and
 - have not subsequently lost their status of monitored negative, and
 - are transported in a vehicle, directly into the Protected (Control) Area, and
 - are accompanied by a completed Declaration form indicating details of the status of monitored negative, which is given to the person to whom the sheep are delivered; or
 - (c) the sheep:
 - originate from a nil assurance flock that has been subjected to an approved test with negative results, and
 - are transported in a vehicle, directly into the Protected (Control) Area, and
 - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the sheep are delivered; or
 - (d) the sheep:
 - originate from a flock in one part of the Protected (Control) Area, and
 - are transported through the residual area in a vehicle directly into the same or another part of the Protected (Control) Area; or
 - (e) the sheep:
 - are from a nil assurance or monitored negative flock in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in a residual area; or
 - (f) the sheep:
 - are from a nil assurance or monitored negative flock in a residual area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or
 - (g) the sheep are moved in accordance with a written permit or an order issued by an inspector.

This Notification shall take effect on publication in the Government Gazette.

Definitions

In this Notification:

approved facility means a facility that is approved from time to time by a District Veterinarian;

approved feedlot means a feedlot that transports all its stock directly to slaughter, and is authorised from time to time in writing by the Chief, Division of Animal Industries as a feedlot to which stock from a residual area may be moved;

approved test means a test that is approved from time to time by the Chief, Division of Animal Industries;

Declaration form means a Declaration of Johne's disease status form as approved from time to time by the Chief, Division of Animal Industries;

directly means without off-loading sheep from a vehicle en route;

flock means a group of animals maintained as a discrete unit;

monitored negative has the same meaning as in the Australian Johne's Disease Market Assurance Program for Sheep published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600;

nil assurance in relation to a flock, means a flock that is not infected or suspected of being infected with Johne's disease, that is not in quarantine on account of Johne's disease, and that is not monitored negative;

Protected (Control) Area means the Protected (Control) Area referred to in the Schedule;

residual area means the area in New South Wales which does not form part of the Protected (Control) Area;

slaughter-only sale means a sale of stock that is held in accordance with the written approval of a Senior Field Veterinary Officer;

SCHEDULE

PROTECTED (CONTROL) AREA

The whole of the lands contained in the following:

- the Armidale, Balranald, Bombala, Bourke, Braidwood, Brewarrina, Broken Hill, Casino, Cobar, Condobolin, Cooma, Coonabarabran, Coonamble, Dubbo, Forbes, Gloucester, Grafton, Gundagai, Hay, Hillston, Hume, Hunter, Kempsey, Maitland, Milparinka, Molong, Moree, Moss Vale, Mudgee-Merriwa, Murray, Narrabri, Narrandera, Northern New England, Northern Slopes, Nyngan, Riverina, South Coast, Tamworth, Tweed-Lismore, Wagga Wagga, Walgett, Wanaaring, Wentworth, Wilcannia and Young Rural Lands Protection Districts; and
- the Yass Rural Lands Protection District excluding the lands east of the Lachlan Valley Way from the northern boundary of Yass Rural Lands Protection District to the junction of the Lachlan Valley Way and the Hume Highway and north of the Hume Highway from the same junction to the eastern boundary of the Yass Rural Lands Protection District.

Notes

- It is an offence under section 20H(1)(a) of the Act to contravene a provision of this Notification. Maximum penalty for such an offence is \$11,000.
- A Protected (Control) Area is an area with a moderate prevalence of a disease (section 11A(1A) of Act). This is different from a Protected Area, where there is a lower prevalence of a disease (section 11A(1B) of Act).
- A map of the Protected (Control) Area and the residual areas regards Johne's disease in sheep is published on the NSW Department of Agriculture internet web site at <http://www.agric.nsw.gov.au/jd/>
- A person who receives a completed Declaration form is advised to retain it as evidence of compliance with this Notification.
- N1646-OJD is the NSW Department of Agriculture's reference.
- For further information, contact the NSW Department of Agriculture on (02)63913691.

Dated 4th December 2001

RICHARD AMERY, M.P.,
Minister For Agriculture
Minister For Land And Water Conservation

STOCK DISEASES ACT 1923

Notification No. 1671

Revocation of Monaghan Quarantine Area

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to sections 3(2)(a) and 10 of the Stock Diseases Act 1923, revoke Notification No.1560 published in *Government Gazette* No.25 of 18 February 1999 at page 1153.

Dated this 1st day of December 2001.

RICHARD AMERY, M.P.,
Minister For Agriculture
Minister For Land And Water Conservation

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

Red Sea Urchin Fishery Tacc

THE Total Allowable Catch Setting and Review Committee, pursuant to Division 4 of Part 2 of the Fisheries Management Act 1994, by this notice specifies 60 tonnes as the maximum quantity of Red Sea Urchin that may be taken in the Sea Urchin and Turban Shell Restricted Fishery during the period 1 January to 31 December (both dates inclusive) in the calendar year 2002, and in each subsequent calendar year.

The Hon Edward Obeid OAM, MLC
Minister for Mineral Resources
Minister for Fisheries

F96/402

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995

Section 177(c) – Notice of Aquaculture Lease Cancellation

THE Minister has cancelled the following aquaculture lease:

OL90/031 within the estuary of the Clyde River having an area of 0.155 hectares formerly leased by Mr Garrith J. Huddleston and Mrs Yvonne M Huddleston.

OL64/165 within the estuary of the Manning River having an area of 1.3387 hectares formerly leased by Mr John C. Leask and Mrs Sandra F Leask.

OL74/187 within the estuary of the Wonboyn River having an area of 0.3168 ha formerly leased by Wonboyn Nominees Pty Ltd, Mr Adrian Lewis and Mrs Jillian Lewis.

OL83/064 within the estuary of the Wonboyn River having an area of 1.083 ha formerly leased by Wonboyn Nominees Pty Ltd, Mr Adrian Lewis and Mrs Jillian Lewis.

OL84/112 within the estuary of the Wonboyn River having an area of 0.6248 ha formerly leased by Wonboyn Nominees Pty Ltd, Mr Adrian Lewis and Mrs Jillian Lewis.

OL59/379 within the estuary of the Wonboyn River having an area of 0.8043 ha formerly leased by Mr Kane Lewis and M/s Farlie Ann Lewis.

OL73/300 within the estuary of the Wonboyn River having an area of 1.7153 ha formerly leased by Mr Hamish Giles and Mr Adrian Lewis.

OL73/401 within the estuary of the Wonboyn River having an area of 1.284 ha formerly leased by Mr Adrian Lewis and Excurses Pty Ltd.

OL73/426 within the estuary of the Wonboyn River having an area of 0.201 ha formerly leased by Mrs Jillian Lewis.

Clause 44(7) – Notice of Aquaculture Lease Consolidation

THE Minister has consolidated the following Aquaculture leases:

OL59/275, OL63/145 and OL81/087 within the estuary of the Pambula River to form one lease referred to as AL01/002 having an area of 2.1399 hectares to Gordon J Dalziel and Gail S Dalziel of Pambula NSW. The consolidated lease will expired on 24 August 2004.

Clause 33(3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Lease:

AL00/038 within the estuary of the Macleay River having an area of 0.3109 hectares to Mr Warren Auld, Mr Colin Auld and Mrs Maureen Auld of Stuarts Point NSW, for a term of 15 years expiring on 10 October 2016.

Clause 35 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following class 1 Aquaculture Lease:

OL97/033 within the estuary of Camden Haven having an area of 0.5100 hectares to Litima Pty Ltd of Dunbogan NSW for a term of 15 years expiring on 30 August 2016.

OL57/280 within the estuary of the Clyde River having an area of 0.7436 hectares to Christopher Mark Ralston of Batemans Bay NSW for a term of 15 years expiring on 28 June 2017.

OL88/041 within the estuary of the Clyde River having an area of 1.3160 hectares to Christopher Mark Ralston of Batemans Bay NSW for a term of 15 years expiring on 25 June 2017.

OL71/271 within the estuary of the Crookhaven River having an area of 0.3600 hectares to Reginald Rundle of Greenwell Point NSW for a term of 15 years expiring on 5 December 2016.

OL83/088 within the estuary of Brisbane Waters having an area of 1.1720 hectares to Ross Alan Ibbett and Joyce Caroline Ibbett of Empire Bay NSW for a term of 15 years expiring on 16 April 2014.

The Hon EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

Department of Land and Water Conservation

Land Conservation

GOULBURN OFFICE

Department of Land and Water Conservation
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservations of Crown land specified in Column 1 of the Schedules hereunder are revoked to the extent specified opposite thereto in Column 2 of the Schedules.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE 1

COLUMN 1	COLUMN 2
Land District: Queanbeyan	The whole being
Local Government Area: Queanbeyan City Council	Lot Sec. D.P.No. Parish County
Parish: Queanbeyan	704 57 758862 #Queanbeyan Murray
County: Murray	of an area of .16 hectares.
Locality: Queanbeyan	
Reserve No. 130017	
Purpose: Future Public Requirements	
Notified: 17 July 1987	
File Reference: GB80R164 & GB86H482.NP	

Please note that the above Lot Number marked # is for Departmental use only.

SCHEDULE 2

COLUMN 1	COLUMN 2
Land District: Braidwood	The whole being
Local Government Area: Tallaganda Shire Council	Lot Sec. D.P.No. Parish County
Locality: Braidwood	7003 * 755911 #Boyle St Vincent
Reserve No. 42786	7002 * 755954 #Percy St Vincent
Purpose: Temporary Common	of an area of 32.38 hectares.
Notified: 3 June 1908	
File Reference: GB80R283/2	

#Please note that the above Lot Numbers marked # are for Departmental use only.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE 1

COLUMN 1	COLUMN 2
Land District: Queanbeyan	Reserve No. 1003024
Local Government Area: Queanbeyan City Council	Public Purpose: Government Purposes
Parish: Queanbeyan	
County: Murray	
Locality: Queanbeyan	
Lot Sec. D.P. No.	
122 * 1011230	
123 * 1011230	
Area: 1801 square metres.	
File reference: GB86H82 NP.	

GRAFTON OFFICE
Department of Land and Water Conservation
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

**REVOCATION OF RESERVATION OF
CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation
and Minister for Fair Trading

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SCHEDULE

COLUMN 1	COLUMN 2
Land District: Kempsey	The parts being
Local Government Area: Kempsey	Lots 4 & 6 DP 1032643 totalling an area of 8343m ²
Parish: Arakoon	
County: Macquarie	
Locality: South West Rocks	
Reserve No.: 82364	
Purpose: Public Recreation	
Notified: 19th February, 1960	
File References: TE97H70, TE94R19 & GF98R46	

HAY OFFICE
Department of Land and Water Conservation
126 Lachlan Street (PO Box 182), Hay, NSW 2711
Phone: (02) 6993 1306 Fax: (02) 6993 1135

NOTIFICATION OF THE SURRENDER OF PART OF AN IRRIGATED LEASE HAY IRRIGATION AREA

IT is hereby notified that the surrender of all right, title and interest of the lessee, Martha Robin BAIRD, in and to the part of the lease (Registered No. J56032) described in the schedule hereunder has been accepted to take effect on and from 12th December 2001.

RICHARD AMERY M.P.,
 Minister For Land And Water Conservation

SCHEDULE

*Lease J56032; Land District – Hay;
 Council – Hay*

All the parcel of land within the Hay Irrigation Area in the Parish of Hay, County of Waradgery and the State of New South Wales, being Lots 78 & 86 Deposited Plan 448476 and containing an area of 28.084 hectares. File: HY01H44.

NOTIFICATION OF THE SURRENDER OF PART OF A NON-IRRIGATED LEASE HAY IRRIGATION AREA

IT is hereby notified that the surrender of all right, title and interest of the lessee, Martha Robin BAIRD, in and to the part of the lease (Registered No. J56033) described in the Schedule hereunder has been accepted to take effect on and from 12th December 2001.

RICHARD AMERY, M.P.,
 Minister For Land And Water Conservation

SCHEDULE

*Lease J56033; Land District – Hay;
 Council – Hay*

All the parcel of land within the Hay Irrigation Area in the Parish of Hay, County of Waradgery and State of New South Wales, being Lots 105 & 106 Deposited Plan 448476 and containing an area of 78.52 hectares. File: HY01H43.

NOTIFICATION OF THE SETTING APART OF LAND WITHIN THE HAY IRRIGATION AREA FOR LEASE AS IRRIGATED HOLDINGS & NON-IRRIGATED HOLDING

IN pursuance of the provisions of the Hay Irrigation Act 1902 as amended by and read in conformity with, the Irrigation Act, 1912. I the Minister for Land and Water Conservation (hereinafter called the Minister), do hereby set apart the land described in the schedule hereto for lease as an irrigated holding which will be available for application at the office of the Department of Land and Water conservation (hereinafter called the Department) at Hay on an after 13th December 2001 and which will be subject generally to the provisions of the Hay Irrigation Act

1902 and the amendments made thereto. All applications for the holding shall be on Form 1.

The holding does not contain any improvements the property of the Crown.

Within three months of the granting of an application, the applicant shall sign and execute a lease in the prescribed form.

Payments in respect of the lease shall be made to the department.

In addition to the conditions contained in the prescribed form of lease the lease shall be subject to the following special conditions:

1. The lease shall be for a term commencing on the date of notification in the *Government Gazette* of acceptance of the application for the lease, and expiring on the 30th June 2058.
2. The lessee shall continuously and diligently throughout the currency of the lease care for this holding and maintain same in good order and condition to the satisfaction of the Water Administration Ministerial Corporation (hereinafter called the Corporation).
3. The lessee shall not overstock the land. The Corporations decision that the land is overstocked shall be final.
4. The whole or any part of the lease may be withdrawn from the lease if required for irrigation purposes, without compensation, and such withdrawal shall take effect on notification thereof in writing to the lessee by the Corporation. Provided that the Corporation shall give the lessee at least three months notice of any intention to withdraw the lease or any part thereof for irrigation purposes; and shall, if the lessee so desires, pay him fair and reasonable compensation for any improvements effected on the land so withdrawn, or, in the alternative, the lessee may at his option remove such improvements. The amount of compensation to be paid shall be arrived at by agreement between the lessee and the Corporation but in the event of any dispute, the lessee must accept the alternative of moving the improvements. No compensation will be paid for excavated tanks and connections to distributary channels.
5. The lessee shall pay to the Department, as and when the Department may require, such rent as may have accrued and be owing up to and including the date of acceptance of application for the lease in respect of the permissive occupancy granted.
6. The lessee shall at all times during the currency of the lease if and when notified by the Corporation in writing so to do carry out upon the land leased a programme of pasture development and improvement in accordance with the requirements set out in such notification shall complete the same to the satisfaction of the Corporation with the time limited therein for completion.

RICHARD AMERY M.P.,
 Minister for Land and Water Conservation

SCHEDULE

*Hay Irrigation Area; Parish of Hay;
County of Waradgery; Council of Hay*

Non-Irrigated Lot: 105.

Deposited Plan: 448476.

Area: 40.89ha.

Annual Rent: \$100.00.

Survey Fee: Nil.

The holding is at present occupied under special arrangements with the Corporation.

Application forms and further particulars may be obtained and plans and forms of lease inspected at the office of the Department at Hay.

File: HY01H43.

*Hay Irrigation Area; Parish of Hay;
County of Waradgery; Council of Hay*

Non-Irrigated Lot: 106.

Deposited Plan: 448476.

Area: 37.63ha.

Annual Rent: \$100.00.

Survey Fee: Nil.

The holding is at present occupied under special arrangements with the Corporation.

Application forms and further particulars may be obtained and plans and form of lease inspected at the office of the Department at Hay.

File: HY01H43.

*Hay Irrigation Area; Parish of Hay;
County of Waradgery; Council of Hay*

Irrigated Lot: 78.

Deposited Plan: 448476.

Area: 7.284ha.

Annual Rent \$100.00.

Survey Fee: Nil.

This holding is at present occupied under special arrangements with the Corporation.

Application forms and further particulars may be obtained and plans form of lease inspected at the office of the Department at Hay.

File: HY01H44.

*Hay Irrigation Area; Parish of Hay;
County of Waradgery; Council of Hay*

Irrigated Lot: 86.

Deposited Plan: 448476.

Area: 20.8ha.

Annual Rent: \$100.00.

Survey Fee: Nil.

The holding is at present occupied under special arrangements with the Corporation.

Application forms and further particulars may be obtained and plans and forms of lease inspected at the office of the Department at Hay.

File: HY01H44.

HEAD OFFICE
Department of Land and Water Conservation
23–33 Bridge Street, Sydney, NSW 2000
Phone: (02) 9228 6469 Fax: (02) 9228 6361

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
 Compulsory Acquisition
 Gosford/Wyong Joint Water Supply

THE Minister for Land and Water Conservation, with the approval of Her Excellency the Governor, declares that the land and interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for an authorised work.

On publication of this notice in the *Government Gazette*, the land is vested in Wyong Shire Council as Constructing Authority under section 4 of the Public Works Act, 1912.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

—————
 Schedule

All that piece or parcel of land containing an area of 27.1 hectares being Lot 1 in DP 32704.

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
 Compulsory Acquisition
 Lowbidgee Flood Control and Irrigation District

THE Minister for Land and Water Conservation, with the approval of Her Excellency the Governor, declares that the land and interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for an authorised work.

On publication of this notice in the *Government Gazette*, the land is vested in the Water Administration Ministerial Corporation as Constructing Authority under section 4 of the Public Works Act, 1912.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

—————
 Schedule

All that piece or parcel of land situated in the Shire of Balranald, Parish of Narahquong, Country of Caira being part of Lot 2 DP 553673 and Lot 45 DP 751210 containing an area of 7.943 hectares and shown as Lot 3 in an unregistered plan dated 16th August, 1997.

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
 Compulsory Acquisition
 Broken Hill Water Supply — Sunset Strip

THE Minister for Land and Water Conservation, with the approval of Her Excellency the Governor, declares that the land and interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for an authorised work.

On publication of this notice in the *Government Gazette*, the land is vested in Australian Inland Energy and Water as Constructing Authority under section 4 of the Public Works Act, 1912.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

—————
 Schedule

All that piece or parcel of land containing 1.044 hectares shown as Lot 10 in an unregistered plan being part of the land in DP 766850.

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
 Compulsory Acquisition
 Broken Hill Water Supply — Imperial Lake

THE Minister for Land and Water Conservation, with the approval of Her Excellency the Governor, declares that the land and interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for an authorised work.

On publication of this notice in the *Government Gazette*, the land is vested in Australian Inland Energy and Water as Constructing Authority under section 4 of the Public Works Act, 1912.

RICHARD AMERY, M.P.,
 Minister for Agriculture
 and Minister for Land and Water Conservation

Schedule

All that piece of land containing 58.27 hectares more or less at Willyama in the Local Government Area of Broken Hill Parishes of Picton and Bolaira County of Yancowinna commencing at a point on the northern side of the Barrier Highway being the northeasternmost corner of Lot 15 in Deposited Plan 230345 bounded thence on part of the southwest by part of the fenced northeast side of the Barrier Highway also being part of the northeast side of Lot 15 in Deposited Plan 230345 bearing consecutively 284 degrees 28 minutes 40 seconds distant 109.5 metres 282 degrees 48 minutes 40 seconds distant 120.54 metres to northeast boundary of Reserve 75968 thence on the remainder of the southwest by part of the fenced northeast boundary of Reserve 75968 bearing consecutively 346 degrees of 07 minutes distant 65.52 metres 344 degrees 45 minutes distant 554.59 metres thence on part of the northwest by fenced lines bearing consecutively 33 degrees 18 minutes 30 seconds distant 179.46 metres 38 degrees 50 minutes 20 seconds distant 171.19 metres thence on the remainder of the northwest by a fenced line bearing 82 degrees 41 minutes 50 seconds distant 564.94 metres thence on part of the east by fenced lines bearing consecutively 185 degrees 24 minutes 50 seconds distant 294.82 metres 186 degrees 28 minutes distant 140.9 metres thence on the north by a line bearing 96 degrees 47 minutes 40 seconds distant 63.23 metres thence on part of the southeast by lines bearing consecutively 202 degrees 33 minutes distant 46.82 metres 251 degrees 40 minutes distant 51.21 metres thence on the remainder of the east by a fenced line bearing 186 degrees 13 minutes 40 seconds distant 318.58 metres thence on the remainder of the southeast by fenced lines bearing consecutively 220 degrees 23 minutes distant 201.08 metres 257 degrees 25 minutes distant 173.08 metres to the point of commencement and subject to part of Easement for Rising Main 40.235 metres wide notified 22-11-1968 as down in Deposited Plan 767449 and subject to part of Easement for Pipeline 40.235 metres wide notified 22-8-1958 as down in DP 766907.

**TIMBER PLANTATIONS (HARVEST GUARANTEE)
ACT 1995**

Notice of Accreditation of a Timber Plantation

THE GROUP GENERAL MANAGER of the NATURAL RESOURCE PRODUCTS Group, Department of LAND AND WATER CONSERVATION, hereby notifies that the Timber Plantation on the land described in the schedule is an accredited Timber Plantation pursuant to sections 13 and 18 of the Timber Plantations (Harvest Guarantee) Act 1995.

Dated at Sydney this 5th day of December 2001.

LEANNE WALLACE,
Group General Manager,
Natural Resource Products,
Department of Land and Water Conservation

Schedule

All that land in the KYOGLE SHIRE COUNCIL area, County of WARRAZAMBIL known as Lot 365 and Deposited Plan 835132 shown on the map accompanying the application for accreditation No 01/143 held by the Department of Urban Affairs and Planning, Plan Catalogue No. 010 104 90 650.

**TIMBER PLANTATIONS (HARVEST GUARANTEE)
ACT 1995**

Notice of Accreditation of a Timber Plantation

THE GROUP GENERAL MANAGER of the NATURAL RESOURCE PRODUCTS Group, Department of LAND AND WATER CONSERVATION, hereby notifies that the Timber Plantation on the land described in the schedule is an accredited Timber Plantation pursuant to sections 13 and 18 of the Timber Plantations (Harvest Guarantee) Act 1995.

Dated at Sydney this 6th day of December 2001.

LEANNE WALLACE,
Group General Manager,
Natural Resource Products,
Department of Land and Water Conservation

Schedule

All that land in the KYOGLE SHIRE COUNCIL area, County of ROUS known as Lot G and Deposited Plan 412304 shown on the map accompanying the application for accreditation No 01/144 held by the Department of Urban Affairs and Planning, Plan Catalogue No. 010 104 90 651.

NOWRA OFFICE
Department of Land and Water Conservation
64 North Street (PO Box 309), Nowra, NSW 2541
Phone: (02) 4423 0122 Fax: (02) 4423 3011

**PLAN OF MANAGEMENT FOR A CROWN
RESERVE UNDER DIVISION 6 OF PART 5 OF
THE CROWN LANDS ACT 1989 AND CROWN
REGULATION 1995**

A DRAFT plan of management has been prepared for the Crown reserves on the Tathra foreshore described hereunder.

Inspection of the draft plan can be made at the Bega Valley Shire Council Chambers, Zingel Place, Bega, the Tathra Beach Tourist Park and the Nowra Office of the Department of Land and Water Conservation, 64 North Street, Nowra, during normal business hours up until 8 February 2002.

Written submissions are invited from the public on the draft plan and should be sent to the General Manager, Bega Valley Shire Council, PO Box 492, Bega by 8 February 2002.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation.

Description of Reserves

*Land District – Bega; Shire – Bega Valley;
Parish – Wallagoot & Bega; County – Auckland*

Reserve 79310 for Public Recreation and Resting Place at Tathra Beach
File Number: NA80 R 7.

Reserve 82753 for Public Recreation at Mogareeka Inlet
File Number: NA80 R 39.

Reserve 180056 for Access, Heritage Purposes and Public Recreation at Tathra Wharf
File Number: NA91 R 8.

Reserve 64335 for Public Recreation at Tathra Headland
File Number: NA80 R 197.

Reserve 64333 for Public Recreation, Tathra Headland to Kianinny Bay and southern Tathra
File Number: NA 80 R 213.

Reserve 69605 for Public Pound at Tathra
File Number: NA80 R 212.

Reserve 89138 for Preservation of Native Flora at Tathra
File Number: NA80 R 486.

Reserve 85970 for Plantation at Mogareeka Inlet
File Number: NA80 R 182.

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation
and Minister for Fair Trading

Land District: Nowra; LGA: Shoalhaven City

Lot 14 DP1029736 at Yerriyong, Parish Nowra and County St Vincent, (not being land under the Real Property Act), NA01H25.

Note: On closing, the land remains vested in Shoalhaven City Council as "Operational land" (21398).

ORANGE OFFICE
Department of Land and Water Conservation
92 Kite Street (PO Box 2146), Orange, NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

**NOTIFICATION OF PROPOSED CLOSING
OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the roads hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Description

Land District – Molong; Shire – Cabonne

Warren Joseph FISHER and Virginia FISHER. Proposed closing of the Crown public road north of Lot 131 in DP 750147, Parish of Collett, County of Ashburnham. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE01H397.

SYDNEY METROPOLITAN OFFICE
Department of Land and Water Conservation
2-10 Wentworth Street (PO Box 3935), Parramatta, NSW 2124
Phone: (02) 9895 7503 Fax: (02) 9895 6227

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation.

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 Descriptions

Land District – Metropolitan; L.G.A. – Campbelltown

Lot 1 and 2, DP 1035744 at Minto, Parish Minto, County Cumberland, (being land in CT Vol 2499 Folio 66).

MN01H73.

Note: On closing, title for the land in lot 1 and 2 remains vested in Campbelltown City Council as operational land.

APPOINTMENT OF ADMINISTRATOR

PURSUANT to Section 117 of the Crown Lands Act, 1989, the person named in Column 1 of the Schedule hereunder is appointed to be the administrator of the reserve trust named in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

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 SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
John Filocamo	Howley Park East (D500410) Reserve Trust	Dedication No. 500410 Public Purpose: Public Recreation Notified: 26 July 1911 File No. MN90R23

For a term expiring on 18 February, 2002.

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to Section 92(1) of the Crown Lands Act, 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation.

SCHEDULE

COLUMN 1	COLUMN 2
Tonkin Street (R33691 and R41624) Reserve Trust	Reserve No. 33691 Public Purpose: Access and Wharf Site Notified: 21 December 1901 File Reference: MN01R34 Reserve 41624 Public Purpose: Access and Wharf Site Notified: 15 May 1907 File Reference: MN01R343

APPOINTMENT OF CORPORATION TO MANAGE A RESERVE TRUST

PURSUANT to Section 95 of the Crown Lands Act, 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation.

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 SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Sutherland Shire Council	Tonkin Street (R3361 & R41624) Reserve Trust	Reserve No. 33691 Public Purpose: Access and Wharf Site Notified: 21 December 1901 File Reference: MN01R34 Reserve No. 41624 Public Purpose: Access and Wharf Site Notified: 15 May 1907 File Reference: MN01R343

WAGGA WAGGA OFFICE
Department of Land and Water Conservation
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650
Phone: (02) 6921 2503 Fax: (02) 6921 1851

**DRAFT ASSESSMENT OF CROWN LAND UNDER
PART 3 OF THE CROWN LANDS ACT 1989 AND
THE CROWN LANDS REGULATION 1995**

THE Minister for Land and Water Conservation has prepared a draft assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the following Department of Land and Water Conservation offices — Wagga Wagga Regional Office at 43–45 Johnston Street, Wagga Wagga, at the Goulburn District Office at 159 Auburn Street, Goulburn, and at the Queanbeyan District Office at 7–9 Morisset Street, Queanbeyan, and also at the Gunning Shire Council Chambers at 123 Yass Street, Gunning, Goulburn City Council Chambers at 184–194 Bourke Street, Goulburn and the Queanbeyan City Council Chambers at 257 Crawford Street, Queanbeyan, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of sixty (60) days commencing from the 7th December 2001 until the 12th February 2002 and should be sent to the Land Assessment Officer, Department of Land and Water Conservation, PO Box 10, Wagga Wagga 2650. Please quote reference number 109821B.

Reason for assessment: The purpose of this assessment is to address the future use of the land described hereunder.

JOHN AQUILINA, M.P.,
Minister for Fair Trading
and Minister for Land and Water Conservation

Description: Crown land at Collector comprising a total area of 86.47 hectares being Lots 7008 DP 96218 and part Lot 189 DP 750008, known as Collector Racecourse and adjoining Reserve 94313. Parish of Collector, County of Argyle and Local Government Area of Gunning. Contract: Wendy Menz (02) 6923 0449.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown public road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown public road.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Parish – Indi; County – Selwyn;
Land District – Tumbarumba; Shire – Tumbarumba

SCHEDULE 1

Crown Public Road of variable width comprising Lots 2 and 3 in DP 1018911.

SCHEDULE 2

Roads Authority: Tumbarumba Shire Council

File No: WA01H143.

CANCELLATION OF DEFECTIVE NOTIFICATION

THE notice that appeared in the *Government Gazette* of 10th August 2001 (Folio 5956) regarding “Notification of Closing of a Road” being Lot 1 in DP 1029068 Parish of Albury County of Goulburn is hereby cancelled.

File No: WA99H175.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Water Conservation

WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a proclaimed (declared) local area under Section 5(4) of the Act.

Application for an Authority, under Section 20Q of Part 2 of the Water Act 1912 has been received as follows:

Murray River Valley

WEST CORURGAN PRIVATE IRRIGATION DISTRICT for five pumps on an Unnamed Watercourse, on part Collendina State Forest No. 98, Parish of Corowa, County of Hume, for water supply for stock and domestic purposes and irrigation of 22,728.5 hectares and town water supply for the villages of Daysdale, Oaklands, Rennie and Savernake (replacement Group Licence due to permanent transfers of water) (GA2: 504530) (Ref: 50GL215).

Any enquiries regarding the above should be directed to the undersigned (PH: [03] 5881-9200).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within 28 days of the date of this publication.

K. J. FALAHEY,
Senior Natural Resource Officer
Murray Region

Department of Land and Water Conservation
PO Box 205, DENILIKUIN NSW 2710.

WATER ACT 1912

APPLICATIONS under Part 2, within proclaimed (declared) local areas under Section 5 (4) of the Act 1912.

An application for an authority for a joint water supply under Section 20 has been received from:

Macquarie River Valley

MARTHAGUY IRRIGATION SCHEME for a diversion pipe and a pump on the Macquarie River, Lots 6 & 16 DP753462, Parish of Holybon, a cutting and 5 pumps on Five Mile Cowal, Lot 16 DP753462, Parish of Holybon and Lots 25, 26 & 19 DP753466, Parish of Marebone, 2 diversion channels and a pump on Marthaguy Creek, Part TSR 16, Parish of Marthaguy and Lot 8 DP753473, Parish of Merrinele, all County of Gregory for water supply for stock and domestic purposes and irrigation of 3247.13 hectares (cotton, grains, cash crops, pasture) (replacement authority) (80SA10589).

Applications for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Peter Rex SCOTT for an excavation and a pump on an Unnamed Watercourse, Lot 1 Section 3 DP758201, Parish of Warrie, County of Lincoln for conservation and water supply for stock and domestic purpose (new licence) (80SL95960).

Michael John Francis EGAN for 4 pumps on the Bulgeraga Creek, Lot 1 DP46856, Lot 1 DP125925, Lot 1 DP131875, Lots 9 & 21 DP753440, and 2 pumps on the Macquarie River, Lots

20, 7, 6, 5, 1, 2, 8 & 10 DP753440 all Parish of Duffity, County of Gregory for water supply for stock purposes and irrigation of 543.75 hectares (cotton, winter cereals, pulses, summer crops, vegetables) (replacing & combining existing entitlements – no increase in area or allocation) (80SL95961).

TWYNAM PASTORAL COMPANY PTY LTD for a pump on the Macquarie River, Lots 2, 5 & 8 DP753432, Parish of Buttaborne, County of Gregory for irrigation of 198 hectares (cotton, cereals, improved pasture) (replacement licence by way of a permanent transfer – no increase in area or allocation) (80SL95962).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

GA2: 306553

AN application under Part 8, being within a proclaimed (declared) local areas under Section 5 (4) of the Act, 1912.

An application for an approval of controlled works under section 167, within the proclaimed (declared) local areas described hereunder, has been received from:

Castlereagh River Valley

Robert Harold WHILLOCK for levees on the Milchomi Creek Floodplain, Lot 101 DP750247, Parish of Barwon, County of Baradine for the prevention of erosion and inundation of lands by floodwaters (new approval) (80CW809648).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, by 11th January 2002 as prescribed by the Act.

Any inquiries regarding the above should be directed to the undersigned (telephone 68 842 560).

GA2: 306554

FRED HUNDY
Water Access Manager, Macquarie

Department of Land and Water Conservation
PO Box 717, DUBBO NSW 2830.

WATER ACT 1912

APPLICATION for a license under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Act.

An Application for a License under Section 10 of Part 2 of the Water Act, has been received as follows:

Lachlan River Valley

Michael George and Sally Dymphna MITTON, for a dam and a pump on Frenchmans Creek on Lot 56/754606, Parish of Weddin, County of Monteagle, for water conservation for stock and domestic purposes (New License) (GA2:494383) (70SL090770).

LACHLAN SHIRE COUNCIL for 2 pumps on Lake Cargelligo on Lot 6/10/758595, Parish of Gurangully, County of Dowling, for water supply for town water supply purposes for Lake Cargelligo. (New License – existing entitlement – new pump site and increased pumping capacity.) (GA2:494381 & GA2:494382) (Ref: 70SL090760).

Written Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

David THOMAS,
A/Senior Natural Resource Officer
Central West Region

Department of Land and Water Conservation
PO Box 136, FORBES NSW 2871 (02) 6852 1222.

WATER ACT 1912

APPLICATIONS for Licences under Section 10 of the Water Act, 1912, as amended, have been received from:

Noleen Margaret CHOAT and Robert William CHOAT for a pump on South Pumpenbil Creek Lot 14 DP 862582 Parish Burrell County Rous for irrigation of 2 hectares (3 megalitres) (replacement application – split of existing licence, no increase in authorised area or allocation) (Our Ref: 6128663 – GA2: 343277).

Lesley Faye LARKIN and Vincent John LARKIN for a pump on South Pumpenbil Creek Lot 1 DP 851606 Parish Tyalgum County Rous for irrigation of 2 hectares (3 megalitres) (replacement application – split of existing licence, no increase in authorised area or allocation) (Our Ref: 6128678).

Michele Eileen FAY and Alison Kathleen FAY for a pump on South Pumpenbil Creek Lot 13 DP 862572 Parish Burrell County Rous for irrigation of 2 hectares (3 megalitres) (replacement application – split of existing licence, no increase in authorised area or allocation) (Our Ref: 612885A).

Jan Leigh KELLY and Thomas Michael KELLY for a pump on South Pumpenbil Creek Lot 16 DP 862572 Parish Burrell County Rous for irrigation of 2 hectares (3 megalitres) (replacement application – split of existing licence, no increase in authorised area or allocation) (Our Ref: 6126985).

Alan Graham HOOKE and Gwenda Ann HOOKE for a pump on South Pumpenbil Creek Lot 17 DP 862572 Parish Burrell County Rous for irrigation of 2 hectares (3 megalitres) (replacement application – split of existing licence, no increase in authorised area or allocation) (Our Ref: 6127995).

MOFFAT FALLS PTY LIMITED for a pump on Serpentine Creek and a pump on Bullock Creek Lot 75 DP 751462 Parish Look Out County Clarke for water supply for Industrial (cabins, recreational and teaching centre) purposes (replacement licence – additional pump and pump site – no increase in authorised allocation) (Our Ref: 6128827 – GA2: 343275).

Richard John COLBOURNE and Helen Mae COLBOURNE for a diversion pipe on Websters Creek Pt Lot 6 DP 706175 Parish Terania County Rous for water supply for domestic purposes (new licence) (Our Ref: 6129528 – GA2: 343279).

Graeme Richard HUDSON and Barbara Kay HUDSON for a pump on Eden Creek Lot 25 DP 6034 & Lot 1 DP 123587 Parish Stratheden County Rous for irrigation of 30 hectares (new licence) (Our Ref: 6128918).

Kevin Albert HOWE and Pamela Joy HOWE for a pump on Poperaperin Creek and a dam and pump on an Unnamed Watercourse Lot 37 DP 575028 Parish Moonee County Fitzroy for conservation of water, water supply for Industrial (tourist cabin) purposes and irrigation of 3 hectares (replacement application – additional pump and purpose, no increase in authorised area or allocation) (Our Ref: 6088739 – GA2: 343278).

Robert Gordon SIMKUS and Melba Merle SIMKUS for two pumps on Orara River Lots 117, 118 & 5 DP 752846 Parish Turville County Fitzroy for irrigation of 6.5 hectares (25 megalitres) (new licence by way of permanent transfer from existing entitlement) (Our Ref: 6111033 – GA2: 343276).

Any enquiries regarding the above should be directed to the undersigned (telephone 02 6640 2000). Written objections specifying the grounds thereof must be lodged within the 28 days of the date of this publication as prescribed by the Act.

GLOLLBACK,
Resource Access Manager

Dept of Land and Water Conservation
Locked Bag 10 GRAFTON NSW 2460.

WATER ACT 1912

APPLICATIONS under Part 2 within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act, 1912.

An application for a license under Section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

Murrumbidgee Valley

Roman SKUBIJ and Anna SKUBIJ for an existing hillside bywash dam and pump, Lot 104 DP1022346, Parish of Burra, County of Murray, for the conservation of water for domestic purposes. New License Reference: 40SL70746.

Any enquiries regarding the above should be directed to the undersigned (telephone 0269 530700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department at Leeton within the 28 days as fixed by the Act.

S.F. WEBB,
Resource Access Manager
Murrumbidgee Region

Department of Land and Water Conservation
PO Box 156, LEETON NSW 2705.

WATER ACT 1912

AN application under Part 8, being within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act.

An application for Approval of Controlled Works under Section 167 within the Proclaimed (declared) Local Area described hereunder has been received as follows:

Macintyre-Dumaresq River Valley

Mary Patricia COOK for Controlled Works consisting of levees, supply channel and tail drains on the Lower Macintyre River/Whalan Creek Floodplain on Lots 83, 61, 18, 80, 30 and 17 all DP756009, Parish of Merriwa and Lots 103, 106, both DP756007 and closed road, Parish of Mayne, all County of Stapylton on the property known as "Turkey Lagoon" for irrigation development on the floodplain and prevention of inundation of land. Ref: 90CW810716. This notice replaces a previous notice to include additional portions. GA2493682.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Resource Access Manager at Tamworth by 9th January, 2001.

Plans showing the location of the works referred to in the above application may be viewed at the Moree office of the Department of Land and Water Conservation.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340.

WATER ACT 1912

AN application under Part 8, being within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act.

An application for Approval of Controlled Works under Section 167 within the Proclaimed (declared) Local Area described hereunder has been received as follows:

Barwon-Darling River Valley

Lennard Rudolph DRESCHER and Julie Ann DRESCHER for Controlled Works consisting of levees and a storage on the Barwon Floodplain on Lot 74/750518, Parish of Yarouah, County of Benarba for irrigation development on the floodplain and prevention of inundation of land. Ref: 90CW810898. GA2493683.

Gwydir River Valley

Henry MOSES for Controlled Works consisting of levees on the Lower Gwydir Floodplain on Lot 13/751782 and Lot 40/751782, Parish of Nepickallina, Lot 1/751787, Lot 11/751787 and Lot 12/751787, Parish of Smart, all County of Courallie for prevention of inundation of land by floodwaters. This application includes works previously approved under 90CW800204 and 90CW810890. This application Ref: 90CW810900.

Namoi River Valley

Alastair Lawrence HAIRE and Carrie Lynn HAIRE for Controlled Works on the property "Krui" consisting of levees, storages and channels on the Lower Namoi Floodplain on Lot 62/753945 and Lot 143/753945, Parish of Merah North, County of Jamison for irrigation development on the floodplain and prevention of inundation of land by floodwaters. Ref: 90CW810899. GA2493685.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Resource Access Manager at Tamworth by 8th January, 2001.

Plans showing the location of the works referred to in the above application may be viewed at the Moree office of the Department of Land and Water Conservation.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340.

Department of Mineral Resources

COAL MINES REGULATION ACT 1982

NOTICE OF PRIMARY APPROVAL

Approval No.: MDA Exia 10217.

Issue: A2586-00.

Date: 22 October 2001.

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements, and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 71 of the Coal Mines Regulation (General) Regulation 1999.

This APPROVAL is issued to: TROLEX AUSTRALIA PTY LTD, ABN 36 077 805 746.
Address of Approval Holder: C/- HLB Mann Judd, Level 11, 159 Kent Street, Sydney, NSW 2000.
Description of Item/s: Digital Display.
Manufacturer: Trolex Limited — UK.
Model/Type: TX9181.
C.M.R.A. Regulation: Coal Mines (Underground) Regulation 1999, Clause 140 (1).
Specific Approval Category: Explosion Protected — Intrinsically Safe.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.), that are applicable to this Approved Item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the Approved Item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each Approved Item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the Approved Item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, ALL drawings as listed in the Schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

L. R. JEGO,
Accredited Assessing Authority (MDA-A2586)
for Chief Inspector of Coal Mines.

Dept. File No.: C01/0530.	Page 1 of 3.
Approval Holder: Trolex Australia Pty Ltd.	

COAL MINES REGULATION ACT 1982

NOTICE OF PRIMARY APPROVAL

Approval No.: MDA Exia 10218.

Issue: A2586-00.

Date: 22 October 2001.

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements, and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 71 of the Coal Mines Regulation (General) Regulation 1999.

This APPROVAL is issued to: TROLEX AUSTRALIA PTY LTD, ABN 36 077 805 746.
Address of Approval Holder: C/- HLB Mann Judd, Level 11, 159 Kent Street, Sydney, NSW 2000.
Description of Item/s: Audio-Visual Display.
Manufacturer: Trolex Limited — UK.
Model/Type: TX6831.
C.M.R.A. Regulation: Coal Mines (Underground) Regulation 1999, Clause 140 (1).
Specific Approval Category: Explosion Protected — Intrinsically Safe.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.), that are applicable to this Approved Item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the Approved Item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each Approved Item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the Approved Item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, ALL drawings as listed in the Schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

L. R. JEGO,
 Accredited Assessing Authority (MDA-A2586)
 for Chief Inspector of Coal Mines.

Dept. File No.: C01/0529.	Page 1 of 3.
Approval Holder: Trolex Australia Pty Ltd.	

COAL MINES REGULATION ACT 1982

NOTICE OF PRIMARY APPROVAL

Approval No.: MDA Exia 10219.

Issue: A2586-00.

Date: 22 October 2001.

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements, and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 71 of the Coal Mines Regulation (General) Regulation 1999.

This APPROVAL is issued to: TROLEX AUSTRALIA PTY LTD, ABN 36 077 805 746.
Address of Approval Holder: C/- HLB Mann Judd, Level 11, 159 Kent Street, Sydney, NSW 2000.
Description of Item/s: Differential Pressure Sensor.
Manufacturer: Trolex Limited — UK.
Model/Type: TX6144.
C.M.R.A. Regulation: Coal Mines (Underground) Regulation 1999, Clause 140 (1).
Specific Approval Category: Explosion Protected — Intrinsically Safe.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.), that are applicable to this Approved Item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the Approved Item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each Approved Item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the Approved Item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, ALL drawings as listed in the Schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

L. R. JEGO,
 Accredited Assessing Authority (MDA-A2586)
 for Chief Inspector of Coal Mines.

Dept. File No.: C01/0531.	Page 1 of 3.
Approval Holder: Trolex Australia Pty Ltd.	

COAL MINES REGULATION ACT 1982

NOTICE OF TYPE APPROVAL (TRANSPORT BRAKING SYSTEM)

Approval No.: MDA TBS 010617.

File: C01/0617.

Date: 3 December 2001.

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70, Part 8 of Approval of Items of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: THIN SEAM MINING, ABN 99 096 518 633.
Address of Approval Holder: PO Box 534, Corrimal, NSW 2518.
Description of Item: Type approval for the Transport Braking System of Joy 10SC32 AA shuttle car as per the listed documents.
C.M.R.A. Approval Clause: 61 (1) (b) of the Coal Mines (Underground) Regulation 1999.
Specific Approval Category: TBS (Transport Braking System).

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing the Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.), that are applicable to this Approved Item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the Approved Item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each Approved Item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the Approved Item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, ALL drawings as listed in the Schedule and those drawings specifically nominated for the purposes of repair and maintenance.

Any maintenance, repair or overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulations Act 1982.

G. D. JERVIS,
Acting Senior Inspector of Mechanical Engineering
under the delegated authority of the Chief Inspector of Coal Mines.

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T01-0215)

No. 1830, JONATHAN CHARLES DOWNES, area of 100 units, for Group 1, dated 4 December 2001. (Wagga Wagga Mining Division).

(T01-0217)

No. 1832, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 105 units, for Group 10, dated 5 December 2001. (Broken Hill Mining Division).

(T01-0218)

No. 1833, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 175 units, for Group 10, dated 5 December 2001. (Broken Hill Mining Division).

(T01-0219)

No. 1834, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 58 units, for Group 10, dated 5 December 2001. (Broken Hill Mining Division).

(T01-0220)

No. 1835, MOUNT CONQUEROR MINERALS NL (ACN 003 312 721), area of 10 units, for Group 1, dated 7 December 2001. (Inverell Mining Division).

(T01-0221)

No. 1836, HARRY ROSS TICKNER, area of 8 units, for Group 1, Group 4, Group 5 and Group 6, dated 7 December 2001. (Inverell Mining Division).

MINING LEASE APPLICATIONS

(C00-0972)

No. 192, ENHANCE PLACE PTY LIMITED (ACN 077 105 867), area of about 9.75 hectares, to mine for coal, dated 21 November 2001. (Orange Mining Division).

(C01-0640)

No. 193, OCEANIC COAL AUSTRALIA LIMITED (ACN 003 856 782), KOKAN KOGYO (AUSTRALIA) PTY LIMITED (ACN 007 294 117), MARUBENI COAL PTY LIMITED (ACN 009 932 236) and OCAL MACQUARIE PTY LIMITED (ACN 054 532 884), area of about 101.062 hectares, to mine for coal, dated 27 November 2001. (Singleton Mining Division).

(T01-0212)

No. 195, GORDON KENNETH KELLY, area of about 4 hectares, for the purpose of stockpiling or depositing of overburden, ore or tailings, dated 30 November 2001. (Lightning Ridge Mining Division).

(T01-0213)

No. 196, METROMIX PTY LIMITED (ACN 002 886 839), area of about 13.8 hectares, to mine for quartzite, dated 30 November 2001. (Orange Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

ASSESSMENT LEASE APPLICATION

(T99-0022)

Orange No. 15, now Assessment Lease No. 4, GOLDRIM INVESTMENTS PROPRIETARY LIMITED (ACN 004 803 203) and AJAX JOINERY PTY LIMITED (ACN 000 195 228), Parish of Lowry, County of Bathurst; and Parish of Ponsonby, County of Bathurst, area of about 116.4 hectares, for copper, gold and silver, dated 22 November 2001, for a term until 21 November 2006. As a result of the grant of this title, Exploration (Prospecting) Licence No. 892 has ceased to have effect.

EXPLORATION LICENCE APPLICATION

(C01-0031)

No. 1803, now Exploration Licence No. 5898, SPECIALTY COAL PTY LTD (ACN 095 226 181), County of Durham, Map Sheet (9132), area of 650 hectares, for Group 9, dated 29 November 2001, for a term until 28 November 2004.

MINING LEASE APPLICATION

(T98-1167)

Sydney No. 114, now Mining Lease No. 1496 (Act 1992), BARNU PTY LIMITED (ACN 003 430 215), Parish of Bobbara, County of Harden, Map Sheet (8628-4-N), area of 160 hectares, to mine for limestone, dated 16 November 2001, for a term until 15 November 2022. As a result of the grant of this title, Exploration Licence No. 4715 has partly ceased to have effect.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(T87-0330)

Exploration Licence No. 2984, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 16 units. Application for renewal received 7 December 2001.

(T92-0331)

Exploration Licence No. 4473, SITEGOAL PTY LIMITED (ACN 052 317 503), area of 1 unit. Application for renewal received 30 November 2001.

(T99-0128)

Exploration Licence No. 5646, PASMINGO AUSTRALIA LIMITED (ACN 004 074 962), area of 205 units. Application for renewal received 8 October 2001.

(T98-1223)

Exploration Licence No. 5652, TRI ORIGIN AUSTRALIA NL (ACN 062 002 475) and DELTA GOLD EXPLORATION PTY LTD (ACN 002 504 501), area of 20 units. Application for renewal received 3 December 2001.

(T98-1031)

Exploration Licence No. 5663, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 60 units. Application for renewal received 4 December 2001.

(T98-1028)

Exploration Licence No. 5664, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 72 units. Application for renewal received 4 December 2001.

(T98-1029)

Exploration Licence No. 5665, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 144 units. Application for renewal received 4 December 2001.

(T98-1138)

Exploration Licence No. 5668, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of 27 units. Application for renewal received 4 December 2001.

(T99-0016)

Exploration Licence No. 5671, MILLENNIUM MINERALS (OPERATIONS) PTY LIMITED (ACN 077 507 521), area of 11 units. Application for renewal received 7 December 2001.

(T99-0050)

Exploration Licence No. 5674, AUSTRALIAN GEOSCIENTISTS PTY LTD (ACN 010 860 625), area of 17 units. Application for renewal received 5 December 2001.

(T00-0793)

Mining Lease No. 960 (Act 1973), M.N.I. MINING PTY LIMITED (ACN 073 694 710), area of 5.588 hectares. Application for renewal received 7 December 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

WITHDRAWAL OF AN APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been withdrawn:

(T89-1287)

Exploration Licence No. 3425, TRI ORIGIN AUSTRALIA NL (ACN 062 002 475) and DELTA GOLD EXPLORATION PTY LTD (ACN 002 504 501), County of Ashburnham, Map Sheet (8531), area of 9 units. The authority ceased to have effect on 4 December 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

ERRATUM

IN regard to the notice appearing in *Government Gazette* No. 188, Folios 9634-9686, dated 7 December 2001, relating to Survey and Drafting Directions for Mining Surveyors the title "Chief Inspector of Coal Mines" on Folio 9634 should have read "Chief Inspector of Mines"

GRAHAM TERREY,
Chief Inspector of Mines.

Department of Planning

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (G97/00075/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)

1 Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)*.

2 Aims of plan

This plan aims to zone or rezone the land to which this plan applies, part of which was previously identified as a future motorway corridor, so as to allow appropriate land uses, including environmental protection land uses.

3 Land to which plan applies

- (1) Subject to subclause (2), this plan applies to land within the Coffs Harbour City local government area, as shown by distinctive colouring and lettering on the map marked “Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)” deposited in the office of Coffs Harbour City Council.
- (2) This plan does not apply to land edged heavy black and marked “Deferred” on that map, being land that is deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

4 Amendment of Coffs Harbour City Local Environmental Plan 2000

Coffs Harbour City Local Environmental Plan 2000 is amended by inserting in appropriate order in the definition of *the map* in the Dictionary the following words:

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 2)

Fairfield Local Environmental Plan 1994 (Amendment No 76)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P01/00275/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 76)

Fairfield Local Environmental Plan 1994 (Amendment No 76)

1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 76)*.

2 Aims of plan

This plan aims to rezone the land to which the plan applies from Residential A to Existing and Proposed Recreation under *Fairfield Local Environmental Plan 1994*.

3 Land to which plan applies

This plan applies to land known as 10 Townsville Road, Wakeley, being Lot 371, DP 752060, as shown by distinctive colouring on the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 76)" deposited in the office of Fairfield City Council.

4 Amendment of Fairfield Local Environmental Plan 1994

Fairfield Local Environmental Plan 1994 is amended by inserting in appropriate order in the definition of **Map** in the Dictionary the following words:

Fairfield Local Environmental Plan 1994 (Amendment No 76)

Gosford Local Environmental Plan No 420

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (N01/00095/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 420

Gosford Local Environmental Plan No 420

1 Name of plan

This plan is *Gosford Local Environmental Plan No 420*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies:

- (a) to Restricted Development (Steep Land) under *Gosford Planning Scheme Ordinance* so as to ensure retention of the large residential lots on part of the land, and
- (b) to Open Space (Recreation) under the Ordinance so as to reflect the existence of a public reserve on the remaining land.

3 Land to which plan applies

- (1) To the extent that this plan rezones land to Restricted Development (Steep Land), it applies to Lots 4–10, DP 843547, Fagans Road, Lisarow, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 420” deposited in the office of the Council of the City of Gosford.
- (2) To the extent that this plan rezones land to Open Space (Recreation), it applies to Lot 11, DP 843547, Fagans Road, Lisarow, as shown edged heavy black on that map.

4 Amendment of Gosford Planning Scheme Ordinance

Gosford Planning Scheme Ordinance is amended by inserting in appropriate order in the definition of ***Scheme map*** in clause 3 (1) the following words:

Gosford Local Environmental Plan No 420

Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 22

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S01/02247/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 22

Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 22

1 Name of plan

This plan is *Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 22*.

2 Aims of plan

This plan aims to amend the *Ku-ring-gai Planning Scheme Ordinance* by adding to and removing from Schedule 7 (Heritage items) to the Ordinance certain properties.

3 Land to which plan applies

This plan applies to the land situated in the local government area of Ku-ring-gai, as shown edged heavy black or edged heavy black and stippled on the map marked “Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 22” deposited in the office of Ku-ring-gai Municipal Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 22

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert in appropriate order in the definition of *Heritage Map* in clause 4 (1):

Ku-ring-gai (Heritage Conservation) Local Environmental Plan
No 22

[2] Schedule 7 Heritage items

Insert “, 79” after “3” in the matter relating to Boundary Street in Part 2 of the Schedule.

[3] Schedule 7, Part 2

Omit the matter relating to 36 Carlotta Avenue.

[4] Schedule 7, Part 2

Insert “29,” after “21,” in the matter relating to Karranga Avenue where secondly occurring.

[5] Schedule 7, Part 2

Insert “9,” before “36” in the matter relating to McIntyre Street.

[6] Schedule 7, Part 2

Insert “, 5” after “3” in the matter relating to Margaret Street.

[7] Schedule 7, Part 2

Insert “12,” before “19” in the matter relating to Montah Avenue.

[8] Schedule 7, Part 2

Insert “, 41, 43” after “38” in the matter relating to Nelson Street.

Liverpool Local Environmental Plan 1997 (Amendment No 48)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P00/00432/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 48)

Liverpool Local Environmental Plan 1997 (Amendment No 48)

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 48)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from 5 (d) Special Uses—Local Road to 3 (a) Business under *Liverpool Local Environmental Plan 1997*, and
- (b) to reclassify the remainder of the land from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to certain land bounded by Bathurst and Macquarie Streets, Liverpool, as shown edged heavy black and lettered “3 (a)” on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 48)” deposited in the office of the Council of the City of Liverpool.
- (2) To the extent that this plan reclassifies land, it applies to Lot 12, DP 854177, corner of Bathurst Street and Norfolk Lane, Liverpool and Lots 18–22, SP 20777, 297–327 Macquarie Street, Liverpool.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended:

- (a) by inserting in appropriate order at the end of the definition of ***The Map*** in clause 6 (1) the following words:
Liverpool Local Environmental Plan 1997 (Amendment No 48)

Liverpool Local Environmental Plan 1997 (Amendment No 48)

Clause 4

(b) by inserting in Schedule 6 after item 9 the following items:

- | | | |
|----|--|----------------------|
| 10 | 297–327 Macquarie Street,
Liverpool | Lots 18–22, SP 20777 |
| 11 | Corner of Bathurst Street and
Norfolk Lane, Liverpool | Lot 12, DP 854177 |

Liverpool Local Environmental Plan 1997 (Amendment No 54)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P00/000493/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 54)

Liverpool Local Environmental Plan 1997 (Amendment No 54)

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 54)*.

2 Aims of plan

This plan aims to amend the definition of *service station* in *Liverpool Local Environmental Plan 1997* to make it clear that activities other than the retail sale of motor vehicle fuels and lubricants are ancillary activities at a service station.

3 Land to which plan applies

This plan applies to all land to which *Liverpool Local Environmental Plan 1997* applies.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended by omitting the definition of *service station* from clause 6 (1) and by inserting instead:

service station means a building or place used for the sale by retail of motor vehicle fuels and lubricants.

Rockdale Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S00/01849/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Rockdale Local Environmental Plan 2000 (Amendment No 10)

Rockdale Local Environmental Plan 2000 (Amendment No 10)

1 Name of plan

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 10)*.

2 Aims of plan

This plan aims to amend clause 15 of *Rockdale Local Environmental Plan 2000*, relating to the preservation of trees:

- (a) to allow for the issue of a permit for the lopping, removal etc of a tree (other than a tree that is a heritage item or that is in a heritage conservation area or in the vicinity of a heritage item) as an alternative to requiring the granting of development consent, and
- (b) to make it clear that the lopping, removal etc of a tree (other than a tree that is a heritage item or that is in a heritage conservation area) is not advertised development and that an application for a permit or consent to authorise it need not be notified.

3 Land to which plan applies

This plan applies to all land within the City of Rockdale local government area to which *Rockdale Local Environmental Plan 2000* applies.

4 Relationship to other environmental planning instruments

This plan amends *Rockdale Local Environmental Plan 2000* in the manner set out in clause 5.

Rockdale Local Environmental Plan 2000 (Amendment No 10)

Clause 5

5 Amendment of Rockdale Local Environmental Plan 2000*Rockdale Local Environmental Plan 2000* is amended:

- (a) by omitting clause 15 (5) and inserting instead:
 - (5) Subclause (4) does not apply where:
 - (a) it can be demonstrated to the satisfaction of the consent authority that the tree is dying or dead or has become dangerous, or
 - (b) the tree is dealt with in accordance with a permit granted by the Council.
- (b) by inserting after clause 15 (6):
 - (7) A permit under subclause (5) can not allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree:
 - (a) that is a heritage item or forms part of a heritage item, or
 - (b) that is situated on land in the vicinity of a heritage item, or
 - (c) that is within a heritage conservation area.
 - (8) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree is advertised development if:
 - (a) the tree is a heritage item, forms part of a heritage item or is within a heritage conservation area, and
 - (b) in the opinion of the consent authority, the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of the tree will adversely affect the heritage significance of the heritage item or heritage conservation area.

In any other case, the ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree is not advertised development and an application for consent or a permit to allow it need not be notified.

Waverley Local Environmental Plan 1996 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S00/01883/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Waverley Local Environmental Plan 1996 (Amendment No 23)

Waverley Local Environmental Plan 1996 (Amendment No 23)

1 Name of plan

This plan is *Waverley Local Environmental Plan 1996 (Amendment No 23)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Special Uses (Hospital) to Special Uses (Educational Establishment) under *Waverley Local Environmental Plan 1996* (the 1996 plan), and
- (b) to identify the land referred to in paragraph (a) and the remaining land as a landscape item under the 1996 plan.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to land known as Lot 1, DP 701512, York Road, Queens Park, as shown edged heavy black and lettered "Educational Establishment" on Sheet 1 of the map marked "Waverley Local Environmental Plan 1996 (Amendment No 23)" deposited in the office of Waverley Council.
- (2) To the extent that this plan identifies land as a landscape item, it applies to Lot 1, DP 710512 and Lot 23, DP 879582, York Road, Queens Park, as shown on Sheet 2 of that map.

4 Amendment of Waverley Local Environmental Plan 1996

Waverley Local Environmental Plan 1996 is amended as set out in Schedule 1.

Waverley Local Environmental Plan 1996 (Amendment No 23)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 2 Interpretation

Insert in appropriate order in the definition of *the Heritage map*:
Waverley Local Environmental Plan 1996 (Amendment No 23)—Sheet 2

[2] Schedule 2, definition of “the Zoning map”

Insert in appropriate order:
Waverley Local Environmental Plan 1996 (Amendment No 23)—Sheet 1

[3] Schedule 5 Heritage items

Insert in appropriate order in Part C (Landscape items and sites) of the Schedule:

L76 Eastern Suburbs Banksia Scrub

Roads and Traffic Authority

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Putty in the Singleton Shire Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the Singleton Shire Council area, Parish of Tupa and County of Hunter, shown as Lots 12 to 19 inclusive Deposited Plan 1010162.

(RTA Papers: 402.1188).

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Tweed Heads and Tweed Heads South in the Tweed Shire Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the Tweed Shire Council area, Parish of Terranora and County of Rous, shown as:

Lot 2 Deposited Plan 445843;
Lot 5 Deposited Plan 606769;
Lots 11, 12, 32, 35, 40 and 50 Deposited Plan 445844;
Lots 5 to 9 inclusive, Deposited Plan 553755;
Lots 54, 56 to 60 inclusive, 62 and 63 Deposited Plan 445841;
Lot 1 Deposited Plan 1010523; and
Lot 2 Deposited Plan 547972.

(RTA Papers: 10/438.1123)

ROADS ACT 1993

Order under Section 46

Declaration of Main Road No 598 in the Mudgee Shire Council Area

I, the Minister for Roads, pursuant to Section 46 of the Roads Act, by this Order, vary the route of Main Road No 598 at Gulgong by revoking the previously published declaration of Main Road No 598, and declaring as Main Road No 598 the road described in the schedule below.

CARL SCULLY MP
MINISTER FOR ROADS

SCHEDULE

NAME AND NUMBER DESCRIPTION

Main Road No 598	From the Castlereagh Highway at Gulgong via Wyaldra to the Mudgee-Cassilis Road at Ulan.
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RNIM 90M1533 SB

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

BOMBALA COUNCIL, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

N. J. MACHAN
GENERAL MANAGER
BOMBALA COUNCIL
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Bombala Council B-Doubles Notice No 1/2001.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2006 unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes**B-Double routes within the Bombala Council**

Type	Rd No	Road Name	Starting point	Finishing point	Conditions
25	091	Mt Darragh Rd, Cathcart	Black Lake Rd (MR563)	Tantawangalo Mountain Rd (MR275)	
25	275	Tantawangalo Mountain Rd	Mt Darragh Rd (MR91)	40m south of Horsey Swamp Ck	

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

SHOALHAVEN CITY COUNCIL, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

G. A. NAPPER
General Manager
Shoalhaven City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Shoalhaven City Council B-Doubles Notice No 4/2001.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 December 2006 unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes**B-Double routes within the Shoalhaven City Council**

Type	Rd No	Road Name	Starting point	Finishing point	Conditions
25	000	Railway St, Bomaderry	Bolong Rd (MR293)	Northern Driveway of No. 16 Railway St	Entry to weighbridge must be via northern driveway only.

Sydney Water

SYDNEY WATER ACT 1994

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Easement at
Linden in the Local Government Area of City of Blue
Mountains

SYDNEY Water Corporation declares, with the approval of Her Excellency, The Governor, that the interest in land described in the first Schedule hereto is acquired over the land described in the second Schedule hereto by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Sydney Water Act 1994.

Signed for Sydney Water Corporation by its Attorneys who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 687 Book 4296 under the Authority of which this instrument has been executed.

Warren Frederick WATKINS
Jeffrey Francis COLENZO

SCHEDULE 1

Easement for Access more fully described in Memorandum 7158333L, lodged at the office of Land and Property Information NSW, Sydney.

SCHEDULE 2

ALL that piece or parcel of land in the Local Government Area of Blue Mountains City, Parish of Linden, County of Cook, and State of New South Wales, being part of land owned by the State Rail Authority by proclamation in N.S.W. *Government Gazette* No. 253 of 14 December 1862, Folio 2663 and by Confirmation in N.S.W. *Government Gazette* No. 75 of 1 May 1863, Folio 1008 and shown on Deposited Plan 868251 as "PROPOSED EASEMENT FOR ACCESS 4 WIDE AND 9 WIDE".

Sydney Water Reference: 416750F8).

SEWER MAINS

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF BLACKTOWN, at PLUMPTON: Contract No. 967750S7. Project No. 3001088. Lines 1 to 7 inclusive and their appurtenant junctions, sidelines and inlets serving DRYSDALE CRESCENT, LAMBERT AVENUE and BUTTIGIEG PLACE.

CITY OF BLUE MOUNTAINS, at WINMALEE: Contract No. 436626F7. Project No. 3001749. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving SYNCARPIA WAY and HAWKESBURY ROAD.

CITY OF BLUE MOUNTAINS, at GLENBROOK: Contract No. 973601S0. Project Number 3002100. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving LUCASVILLE ROAD and BROOKLANDS ROAD.

CITY OF HAWKESBURY, at NORTH RICHMOND: Contract No. 974539SB. Project No. 3002226. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving BELLS LINE OF ROAD and CHARLES STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 14 December 2001.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practicable for sewerage to be discharged.

CITY/MUNICIPALITY OF HORNSBY, at TURRAMURRA: Contract No. 965823S7. Project No. 3001098. Line 1 and property connection sewer line 1 inclusive and their appurtenant junctions, sidelines and inlets serving CLISSOLD ROAD.

CITY/MUNICIPALITY OF WILLOUGHBY, at CHATSWOOD: Contract No. 965481S5. Project No. 3002175. Line 1 to line 2 inclusive and their appurtenant junctions, sidelines and inlets serving CENTENNIAL AVENUE.

CITY/MUNICIPALITY OF PARRAMATTA, at ERMINGTON: Contract No. 974220SB. Project No. 3002257. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving BORONIA STREET.

CITY/MUNICIPALITY OF LANE COVE, at LONGUEVILLE: Contract No. 972418S7. Project No. 3002017. Sideline 1 inclusive and its appurtenant junctions, sidelines and inlets serving LUCRETIA AVENUE.

CITY/MUNICIPALITY OF KU-RING-GAI, at TURRAMURRA: Contract No. 972766S0. Project No. 3002223. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving BRENTWOOD AVENUE.

CITY/MUNICIPALITY OF PITTWATER, at INGLESIDE: Contract No. 428274F6. Project No. 353251. Sewer rising main 1 inclusive and its appurtenant junctions, sidelines and inlets serving LANE COVE ROAD.

CITY/MUNICIPALITY OF BANKSTOWN, at EAST HILLS: Contract No. 971545S9. Project No. 3002144. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving PARK ROAD.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being the identified properties on the plans will be liable for payment of sewage charges on and from the date of this publication of this notice.

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: Sydney, 14th December 2001.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF LIVERPOOL, at CARNES HILL: Contract No. 961101S0. Project No. 3001759. Lines 1 to 6 inclusive and their appurtenant junctions, sidelines and inlets serving identified properties in HALLEN PLACE, COWPASTURE ROAD, WATLING AVENUE and HARRADEN DRIVE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

PETER ALLEN,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 14 December 2001.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF LIVERPOOL, at HINCHINBROOK: Contract No. 967554S1. Project No. 3001957. Sewer lines 1-9 inclusive and their appurtenant junctions, serving ROSSINI DRIVE, LACEPEDE PLACE and PASCO PLACE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VALDIS VIKSNE,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 14 December 2001.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

THE COUNCIL OF CAMPBELLTOWN, at BLAIR ATHOL: Contract No. 971009S6. Project No. 3002002. Lines 1-12 inclusive and their appurtenant junctions, sidelines and inlets serving MARYFIELDS DRIVE, GABRIEL CIRCUIT and JEROME CLOSE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MITCHELL HOFFMANN,
Developer Activity Officer,
Urban Development,
Liverpool Regional Office.

Dated: 14 December 2001.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation (trading as Sydney Water), have been laid and are available for connection.

NOTICE is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

BANKSTOWN COUNCIL, at BASS HILL: Project No. 971387S5. Contract No. 971387S5. Sideline 1 inclusive and its appurtenant junctions, sidelines and inlets serving ROBERTSON ROAD and TREBARTHA STREET.

BANKSTOWN COUNCIL, at PANANIA: Project No. 3001921. Contract No. 972885S2. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving HINEMOA STREET and PHILLIP STREET.

CANTERBURY COUNCIL, at BELMORE: Project No. 3002422. Contract No. 971573S5. Property connection sewer 1 inclusive and its appurtenant junctions, sidelines and inlets serving COLLINS STREET and PEEL STREET.

CANTERBURY COUNCIL, at KINGSGROVE: Project No. 3000828. Contract No. 9680395B. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving KARINGAL STREET and FORRESTER STREET.

CANTERBURY COUNCIL, at NARWEE: Project No. 3001758. Contract No. 971585S9. Line 1 and property connection sewer 1 inclusive and their appurtenant junctions, sidelines and inlets serving SHORTER AVENUE and WESTON AVENUE.

CANTERBURY COUNCIL, at ROSELANDS: Project No. 3002133. Contract No. 967998S1. Property connection sewer 1 inclusive and its appurtenant junctions, sidelines and inlets serving NICOLL STREET.

LEICHHARDT COUNCIL, at LEICHHARDT: Project No. 3002655. Contract No. 976512S4. Property connection sewer 1 inclusive and its appurtenant junctions, sidelines and inlets serving LILYFIELD ROAD and DERBYSHIRE ROAD.

ROCKDALE COUNCIL, at BEXLEY: Project No. 3001750. Contract No. 971451S0. Property connection sewer 1 inclusive and its appurtenant junctions, sidelines and inlets serving SAINT GEORGES ROAD.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

GERRY DACOCO,
Developer Activity Officer,
Rockdale.

Dated: 14 December 2001.

SYDNEY WATER

Sewer Mains

ERRATUM

THE following appeared in *Government Gazette* for the 30 November 2001:

CITY/MUNICIPALITY OF NORTH SYDNEY, at NEUTRAL BAY: Contract No. 954994SA. Project No. 352789. Line 1 and property connection sewer line 1 inclusive and their appurtenant junctions, sidelines and inlets serving SHELL COVE ROAD.

This should have read:

CITY/MUNICIPALITY OF NORTH SYDNEY, at NEUTRAL BAY: Contract No. 935994SA. Project No. 352789. Line 1 and property connection sewer line 1 inclusive and their appurtenant junctions, sidelines and inlets serving SHELL COVE ROAD.

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: Sydney, 11 December 2001.

WATER MAINS

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

CITY OF BLACKTOWN, at WOODCROFT: Contract No. 974628WB. Project No. 1001102. Water mains are now laid and capable of serving identified properties in CALLABONA AVENUE and BURRAGORANG STREET.

Subject to the provisions of the Water Board Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 14 December 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that watermains as described below and shown on plans which may be inspected at the Regional Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practicable for water to be supplied.

CITY/MUNICIPALITY OF PARRAMATTA, at ERMINGTON: Contract No. 974220W3. Project No. 1001005. Water mains are now laid and capable of serving identified properties in MURDOCH.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being the identified properties on the plans will become liable for payment of water charges on and from the date of publication of this notice.

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: Sydney, 14th December 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

CITY OF LIVERPOOL, at CARNES HILL: Contract No. 961101W4. Project No. 1000762. Water mains are now laid and capable of serving identified properties in WATLING AVENUE, HARRADEN DRIVE, HALLEN PLACE and COWPASTURE ROAD.

Subject to the provisions of the Water Board Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

PETER ALLEN,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 14 December 2001.

SYDNEY WATER

Water Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

THE COUNCIL OF CAMPBELLTOWN, at BLAIR ATHOL: Contract No. 971009WA. Project No. 1000888. Water mains are now laid and capable of serving identified properties in MARYFIELDS DRIVE, GABRIEL CIRCUIT and JEROME CLOSE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

MITCHELL HOFFMANN,
Developer Activity Officer,
Urban Development,
Liverpool Regional Office.

Dated: 14 December 2001.

SSYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation (trading as Sydney Water), have been laid and are available for connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

BANKSTOWN COUNCIL, at PANANIA: Project No. 1000871. Contract No. 972885W6. Water mains are now laid and shown on said plan and capable of serving the properties in HINEMOA STREET and PHILLIP STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

GERRY DACOCO,
Developer Activity Officer,
Rockdale.

Dated: 14 December 2001.

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48 (4) (a)

TAKE notice that the company Australian Salers Association formerly registered under the provisions of the Corporation Law is now incorporated under the Associations Incorporation Act 1984 as Australian Salers Association Incorporated, effective 5 December 2001.

D. B. O'CONNOR,
Director-General,
Department of Fair Trading.

THE COMMERCIAL VESSELS ACT 1979

Notice Revoking All Previous Notices Exempting Certain Hire and Drive Vessels from the Provisions of the Commercial Vessels Act 1979 and Instituting a Subsequent Exemption

Revocation

THE Waterways Authority (the Authority), hereby revokes the following Exemption Notices from the dates indicated below and replaces them with this Notice:

- (a) Notice appearing in *Government Gazette* No. 109 of 26 June 1987, in relation to hire and drive vessels under 4.25 metres in length is revoked on 30 June 2002;
- (b) Notice appearing in *Government Gazette* No. 27 of 28 January 1994, in relation to hire and drive vessels less than 6 metres in length is revoked for each hire and drive operator on the day that their current hire and drive licence or aquatic licence expires; and
- (c) Any other notice or approval issued in relation to hire and drive vessels, including vessels used in canoe/kayak tour operations, is revoked on 31 March 2002.

Replacement Exemption Notice

THE Waterways Authority (the Authority), pursuant to Section 48 (2) of the Commercial Vessels Act 1979, hereby declares by this Notice that the provisions of that Act and Regulations made thereunder, do not apply to the vessels described in Schedule 1 provided that there is full compliance with each condition set out in Schedule 2.

SCHEDULE 1

Description of Vessels to which this Notice Applies

This Notice applies to:

1. A powered vessel (including a personal watercraft) of less than 6.0 metres in length;
 - a. which is hired out or made available by a person in the course of, or in connection with, a business (but not used for any other commercial purpose by that person); and
 - b. which is not used for any commercial purpose (other than for purposes associated with a licensed hire and drive operation) by the person to whom it is hired out or made available.

2. An unpowered vessel which is a pedalcraft, canoe, kayak, rowboat, or similar vessel, or an 'off the beach' sailing vessel of any length;
 - a. which is hired out or made available by a person in the course of, or in connection with a business (but not used for any other commercial purpose by that person); and
 - b. which is not used for any commercial purpose (other than for purposes associated with a licensed hire and drive operation) by the person to whom it is hired out or made available.

SCHEDULE 2

Conditions of this Notice

In order for this Notice to apply there must be full compliance with each of the following conditions:

1. adherence to each of the conditions set out in any hire and drive licence issued by the Waterways Authority to the owner of a hire vessel(s); and
2. payment of the hire and drive licence fees determined by the Waterways Authority.

In this Notice:

- (a) "Hire and drive" vessel means a vessel which is hired by a person for recreational pursuits or for use in a licensed hire and drive operation, or used in connection with a canoe/kayak tour operation.
- (b) "Length" means the hull length measured from the point of the bow to the transom, excluding bow sprits, outboard motors and other appendages.
- (c) "'Off the beach' sailing vessel" means an unballasted, sail-only vessel including centreboard dinghies, sailboards, skiffs and multihulls but does not include a vessel with a cabin or a fixed keel.

Note:

1. Failure to comply with any provision of this Notice means that full compliance with the Commercial Vessels Act 1979, is required.
2. Hire and drive operators may elect to operate under the Commercial Vessels Act 1979, rather than this Notice.
3. Any hire and drive operation which is in existence on 1 January 2002, but which, on that date, is not operating under any form of licence or approval from the Waterways Authority must operate under a hire and drive licence issued by the Waterways Authority, or in full compliance with the Commercial Vessels Act 1979, by 30 June 2002.

The Chief Executive of the Waterways Authority may revoke this Exemption Notice at any time.

Dated this 5th Day of December 2001.

MATTHEW TAYLOR,
Chief Executive,
Waterways Authority.

CO-OPERATIVES ACT 1992

Removal of Name from the Register on Transfer of Engagements

The Cherry Processors Co-operative Limited

PURSUANT to the transfer of engagements of the abovementioned co-operative to Appledale Processors Co-operative Limited, the name of the co-operative has been removed from the Register of Co-operatives in accordance with section 439 of the Co-operatives Act 1992.

Dated this 1st day of December 2001.

EMMA-JANE FLETCHER,
Delegate of the Registrar of Co-operatives.

Assigned Name: Jirramba Reserve.
Designation: Reserve.
L.G.A.: Holroyd City Council.
Parish: Prospect.
County: Cumberland.
Latitude: 33° 47' 20".
Longitude: 150° 56' 50".
L.P.I. Map: Prospect.
1:100,000 Map: Penrith 9030.
Reference: GNB 4820.

GEOGRAPHICAL NAMES ACT 1966

Notice of Suburb Boundary Amendment in Hurstville City

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day amended the suburb boundary between Peakhurst and Riverwood, increasing the extent of Peakhurst, as shown on map GNB3723.

W. WATKINS,
Chairperson.

Geographical Names Board,
PO Box 143, Bathurst, NSW 2795.

Assigned Name: Kurung Reserve.
Designation: Reserve.
L.G.A.: Holroyd City Council.
Parish: Prospect.
County: Cumberland.
Latitude: 33° 49' 47".
Longitude: 150° 59' 42".
L.P.I. Map: Prospect.
1:100,000 Map: Penrith 9030.
Reference: GNB 4820.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the names listed hereunder as geographical names.

Assigned Name: Gregory Park.
Designation: Reserve.
L.G.A.: Lake Macquarie City Council.
Parish: Teralba.
County: Northumberland.
Latitude: 32° 54' 29".
Longitude: 151° 35' 01".
L.P.I. Map: Wallsend.
1:100,000 Map: Newcastle 9232.
Reference: GNB 4814.

Assigned Name: Toongabbie Reserve.
Designation: Reserve.
L.G.A.: Holroyd City Council.
Parish: Prospect.
County: Cumberland.
Latitude: 33° 47' 26".
Longitude: 150° 56' 59".
L.P.I. Map: Prospect.
1:100,000 Map: Penrith 9030.
Reference: GNB 4820.

Assigned Name: Forest Hill Cairn I.
Designation: Trig. Station.
L.G.A.: Snowy River and Tumbarumba.
Parish: Beurina and Twynam.
County: Wallace and Selwyn.
Latitude: 36° 48' 08".
Longitude: 148° 11' 58".
L.P.I. Map: Suggan Buggan.
1:100,000 Map: Jacobs River 8524.
Reference: GNB 4833.

Assigned Name: Johnston Park.
Designation: Reserve.
L.G.A.: Lake Macquarie City Council.
Parish: Teralba.
County: Northumberland.
Latitude: 32° 54' 08".
Longitude: 151° 34' 39".
L.P.I. Map: Wallsend.
1:100,000 Map: Newcastle 9232.
Reference: GNB 4814.

Assigned Name: Summers Park.
Designation: Reserve.
L.G.A.: Byron Shire Council.
Parish: Brunswick.
County: Rous.
Latitude: 28° 33' 40".
Longitude: 153° 29' 50".
L.P.I. Map: Huonbrook.
1:100,000 Map: Lismore 9540.
Reference: GNB 4834.

Assigned Name: Derek Palmer Place.
 Designation: Reserve.
 L.G.A.: Grafton City Council.
 Parish: Southampton.
 County: Clarence.
 Latitude: 29° 42' 30".
 Longitude: 152° 56' 21".
 L.P.I. Map: Grafton.
 1:100,000 Map: Grafton 9438.
 Reference: GNB 4837.

Assigned Name: Jerilderie Nature Reserve.
 Designation: Reserve.
 L.G.A.: Jerilderie Council.
 Parish: Jerilderie South.
 County: Urana.
 Latitude: 35° 21' 42".
 Longitude: 145° 42' 40".
 L.P.I. Map: Jerilderie.
 1:100,000 Map: Jerilderie 8027.
 Reference: GNB 4852.

Assigned Name: Stoney Ridge Reserve.
 Designation: Reserve.
 L.G.A.: Port Stephens Council.
 Parish: Tomaree.
 County: Gloucester.
 Latitude: 32° 43' 12".
 Longitude: 152° 04' 04".
 L.P.I. Map: Port Stephens.
 1:100,000 Map: Port Stephens 9332.
 Reference: GNB 4850.

Assigned Name: Hubert Hunt Reserve.
 Designation: Reserve.
 L.G.A.: Ryde City Council.
 Parish: Hunters Hill.
 County: Cumberland.
 Latitude: 33° 47' 20".
 Longitude: 151° 05' 38".
 L.P.I. Map: Parramatta River.
 1:100,000 Map: Sydney 9130.
 Reference: GNB 4851.

Assigned Name: Bernie Davis Reserve.
 Designation: Reserve.
 L.G.A.: Shoalhaven City Council.
 Parish: Bherwerre.
 County: St Vincent.
 Latitude: 35° 06' 19".
 Longitude: 150° 39' 26".
 L.P.I. Map: Huskisson.
 1:100,000 Map: Jervis Bay 9027.
 Reference: GNB 4842.

Assigned Name: Cutting Reserve.
 Designation: Reserve.
 L.G.A.: Bankstown City Council.
 Parish: Bankstown.
 County: Cumberland.
 Latitude: 33° 57' 26".
 Longitude: 151° 02' 18".
 L.P.I. Map: Botany Bay.
 1:100,000 Map: Sydney 9130.
 Reference: GNB 4849.

WARWICK WATKINS,
 Chairperson.

Geographical Names Board,
 PO Box 143, Bathurst, NSW 2795.

Assigned Name: Mill Park.
 Designation: Reserve.
 L.G.A.: Warringah Council.
 Parish: Manly Cove.
 County: Cumberland.
 Latitude: 33° 47' 03".
 Longitude: 151° 16' 43".
 L.P.I. Map: Sydney Heads.
 1:100,000 Map: Sydney 9130.
 Reference: GNB 4848.

HERITAGE ACT 1977

Direction Pursuant to Section 34 (1) (a)
 to List an Item on the State Heritage Register

Hill 60 Precinct comprising the area defined by North
 Beach, Hill 60 Park, Boilers Point and Fishermans Beach,
 Port Kembla

SHRNO 1492

IN pursuance of section 34 (1) (a) of the Heritage Act 1977,
 I, the Minister for Urban Affairs and Planning, having
 considered a recommendation of the Heritage Council of
 New South Wales, direct the Council to list the item of the
 environmental heritage specified in Schedule "A" on the
 State Heritage Register.

ANDREW REFSHAUGE,
 Minister for Urban Affairs and Planning

Dated: Sydney, 21st September 2001.

SCHEDULE "A"

The property known as Hill 60 Precinct comprising the
 area defined by North Beach, Hill 60 Park, Boilers Point and
 Fishermans Beach, Port Kembla.

Assigned Name: Melville Range Nature Reserve.
 Designation: Reserve.
 L.G.A.: Parry Shire Council.
 Parish: Piallaway.
 County: Buckland.
 Latitude: 31° 06' 26".
 Longitude: 150° 36' 45".
 L.P.I. Map: Winton.
 1:100,000 Map: Tamworth 9035.
 Reference: GNB 4842.

**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notification of Alteration of Rates of Interest

IN pursuance of the provisions of section 50 (1) of the Land Acquisition (Just Terms Compensation) Act 1991, I hereby determine that on and from the date of this Notification, the rates of interest payable under section 50 (1) shall be:

- (a) where the total amount of compensation is less than \$50,000 — 3.95 per cent per annum.
- (b) where the total amount of compensation is \$50,000 or more and less than \$250,000 — 3.90 per cent per annum.
- (c) where the total compensation is \$250,000 or more — 4.05 per cent per annum.

MICHAEL EGAN, M.L.C.,
Treasurer

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels Within Certain
Navigable Waters

THE Waterways Authority (the Authority), in pursuance of the provisions of Section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the *Government Gazette*:

- (a) REVOKE the notification appearing in *Government Gazette* No. 133 of 7 September 1984 which limits the speed of vessels in the area described as Murray River (Black Swan Lagoon) Area; and
- (b) Limit the speed of vessels of the Class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class: All vessels propelled by mechanical power, except vessels engaged in an activity authorised under an Aquatic Licence issued by the Waterways Authority pursuant to Clause 8 of the Water Traffic Regulations — NSW.

Table of Area and Maximum Speed

First Column	Second Column
Murray River (Howlong) Area: The navigable waters of that part of the Murray River at Howlong extending from its upstream junction with Smarts Creek at approximately the 2127 kilometre point from its mouth upstream to a point adjacent Howlong Town Pump at the 2128 kilometre marker and including that part of the anabranch of the Murray River known as Black Swan Lagoon from its downstream junction with the Murray River to the road bridge located approximately 5 kilometres upstream.	Four Knots

Dated this 5th day of December 2001.

MATTHEW TAYLOR,
Chief Executive,
Waterways Authority.

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels Within Certain Navigable
Waters

THE Waterways Authority (the Authority), in pursuance of the provisions of Section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the *Government Gazette*:

- (a) REVOKE the notification appearing in *Government Gazette* No. 94 of 15 August 1969 which limits the speed of vessels in the area described as Pittwater (The Basin) Area; and
- (b) Limit the speed of vessels of the Class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class: All vessels propelled by mechanical power, except vessels engaged in an activity authorised under an Aquatic Licence issued by the Waterways Authority pursuant to Clause 8 of the Water Traffic Regulations — NSW.

Table of Area and Maximum Speed

First Column	Second Column
Pittwater (Coasters Retreat) Area: The navigable waters of that part of Coasters Retreat south west of a line commencing from the north eastern extremity of Bennetts Wharf in a north westerly direction across the waterway to a point on the western shore approximately 320 metres south of the Currawong Beach Jetty.	Four Knots

Dated this 5th day of December 2001.

MATTHEW TAYLOR,
Chief Executive,
Waterways Authority.

NATIONAL PARKS AND WILDLIFE ACT 1974

Myall Lakes National Park
Plan of Management

Extension of Exhibition Period

IN pursuance of section 75 of the National Parks and Wildlife Act 1974, it is hereby notified that the exhibition period for the Plan of Management for Myall Lakes National Park has been extended until 31 January 2002.

Copies of the plan may be inspected during office hours at:

NPWS Head Office Library,
7th Floor, 43 Bridge Street, Hurstville;

National Parks Centre,
102 George Street, The Rocks;

NPWS Hunter Regional Office,
Level 1, 12 Temamby Road, Nelson Bay;

NPWS Great Lakes Area Office,
The Ruins Camping Area,
Booti Booti National Park,
The Lakes Way, Pacific Palms;

NPWS Manning Area Office,
78 Hargreaves Street, Taree;

Newcastle City Council,
Laman Street, Newcastle;

Port Stephens Council,
78 Port Stephens Street, Raymond Terrace;

Maitland City Council,
285-287 High Street, Maitland;

Lake Macquarie City Council,
Main Road, Boolaroo;

Great Lakes Council,
Breeze Parade, Foster;

Tea Gardens Tourist Information Centre,
Myall Street, Tea Gardens;

Bulahdelah Tourist Information Centre,
Pacific Highway, Bulahdelah;

Great Lakes Tourist Information Centre,
Little Street, Foster;

Myall Shores Ecotourism Resort,
Myall Lakes National Park.

The plan is also available on the NPWS web site:
www.npws.nsw.gov.au.

Written representations in connection with the plan should be forwarded to:

The Planning Officer,
NPWS Hunter Regional Office,
Locked Bag 99, Mail Delivery Centre,
Nelson Bay, NSW 2315,

by close of business on 31 January 2002.

Following the exhibition period, the plan of management together with any representations received will be submitted to the National Parks and Wildlife Advisory Council for its comments and advice to the Minister.

Your comments on this draft plan of management may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998 and identifies you. Following adoption of the plan by the Minister, copies of all submissions will be available by arrangement for inspection in the regional office mentioned above or the library of the NPWS Head Office in Hurstville. If you do not want your personal details to become public, please mark on your submission that you want your details to remain confidential.

KEVIN SHANAHAN,
Manager,
Conservation Management Unit.

NATIONAL PARKS AND WILDLIFE ACT 1974

Culgoa National Park
Plan of Management

IN pursuance of section 75 (1) of the National Parks and Wildlife Act 1974, it is hereby notified that a Plan of Management for Culgoa National Park has been prepared.

The plan will be on public display from 14 December 2001 until 5 April 2002. Copies of the plan may be inspected during office hours at:

NPWS Head Office Library,
7th Floor, 43 Bridge Street, Hurstville;

National Parks Centre,
102 George Street, The Rocks;

National Parks and Wildlife Service,
Upper Darling Region (Cobar office),
18 Barton Street, Cobar;

National Parks and Wildlife Service,
Upper Darling Region (Bourke Office),
51 Oxley Street, Bourke;

Brewarrina Shire Council,
57 Bathurst Street, Brewarrina.

Copies of the plan may be obtained, free of charge, from Cobar and Bourke National Parks and Wildlife Service offices and the National Parks Centre.

Written representations in connection with the plan should be forwarded to:

The Area Manager,
National Parks and Wildlife Service,
PO Box 18,
Bourke, NSW 2840,

by close of business on 5 April 2002.

The plan of management together with any representations received will be submitted to the National Parks and Wildlife Advisory Council for its comments and advice to the Minister.

Your comments on this draft plan of management may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998 and identifies you. Following adoption of the plan by the Minister, copies of all submissions will be available by arrangement for inspection in the regional office mentioned above. If you do not want your personal details to become public, please mark on your submission that you want your details to remain confidential.

KEVIN SHANAHAN,
Manager,
Conservation Management Unit.

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager, Dangerous Goods,
Environment Protection Authority
(by delegation).

SCHEDULE

Pilot (Pesticide Rating) Licence

**Name and address
of Licensee**

Mr Patrick William PARKER,
11 Lignum Avenue,
Dirranbandi, Qld 4486.

**Date of Granting
of Licence**

6 December 2001.

**POISONS AND THERAPEUTIC GOODS
ACT 1966**

Authorisation to Supply Insulin on Medical Authority

PURSUANT to Clauses 147 and 148 of the Poisons and Therapeutic Goods Regulation 1994, I, JOHN LUMBY, Chief Pharmacist, a duly appointed delegate of the Director-General of the Department of Health, do hereby grant authority to registered nurses, hereby specified as a class of persons, to supply those restricted substances listed in the Schedule hereunder, for the purposes of Clause 56 of that Regulation, subject to the following conditions:

- (1) the nurse supplies the substance in accordance with the prescription of a medical practitioner; and
- (2) the nurse is credentialed by the Australian Diabetes Educators Association Limited as a Credentialed Diabetes Educator-RN; and
- (3) the nurse supplies the substance in a quantity of no more than seven days supply; and
- (4) the nurse supplies the substance in the manufacturer's original unit container which is labelled by the manufacturer in accordance with the requirements of the Commonwealth therapeutic goods laws.

SCHEDULE

Insulin.

Signed at Sydney, this 10th day of December 2001.

JOHN LUMBY,
Chief Pharmacist.

PUBLIC WORKS ACT 1912

Notification of Alteration of Rates of Interest

IN pursuance of the provisions of section 126A (5) of the Public Works Act 1912, I hereby determine that on and from the date of this notification, the rates of interest payable under section 126A (3) shall be:

- (a) where the total amount of compensation is less than \$50,000 — 4.32 per cent per annum.
- (b) where the total amount of compensation is \$50,000 or more and less than \$250,000 — 4.22 per cent per annum.
- (c) where the total compensation is \$250,000 or more — 4.30 per cent per annum.

MICHAEL EGAN, M.L.C.,
Treasurer

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the BYRON BAY TOUCH FOOTBALL ASSOCIATION to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Touch Football.

JOHN GARBUTT,
Acting Chairperson.

Sporting Injuries Committee,
Sydney, 5 December 2001.

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the WALKBALL NSW to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Walkball.

JOHN GARBUTT,
Acting Chairperson.

Sporting Injuries Committee,
Sydney, 5 December 2001.

**THE SYDNEY WATER CATCHMENT
MANAGEMENT ACT 1998**

Notice Under Section 38

IN accordance with section 36 of the Sydney Water Catchment Management Act 1998, the Sydney Catchment Authority has entered into Memoranda of Understanding with the Director-Generals of NSW Health and the Environment Protection Authority.

The purpose of these Memoranda is to form the basis for co-operative relationships between the signatories, including agreed areas of study and data exchange.

In July 2001 the Sydney Catchment Authority placed on public exhibition amended Memoranda of Understanding with the above agencies.

The Sydney Catchment Authority now provides notice of execution of the amended Memoranda of Understanding with the above agencies in accordance with section 38 (5) of the Sydney Water Catchment Management Act 1998.

The dates of execution for the amended Memoranda are 28 November 2001 for NSW Health and 4 December 2001 for the Environment Protection Authority.

Copies of the Memoranda can be obtained by telephoning the Sydney Catchment Authority on 4731 0213 or downloading from the Sydney Catchment Authority's website at www.sca.nsw.gov.au (in the Information and Reports section).

**THREATENED SPECIES CONSERVATION
ACT 1995
ERRATUM**

THE Threatened Species Conservation Act 1995, No. 101 notice which was published in the *Government Gazette* on 30 November 2001, No. 184 on pages 9518 and 9519, was incomplete. The Final Determination was not included. The Final Determination is now published following this erratum.

FINAL DETERMINATION

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list the Sun Valley Cabbage Gum Forest in the Sydney Basin Bioregion as an **ENDANGERED ECOLOGICAL COMMUNITY** on Part 3 of Schedule 1 of the Act. The listing of Endangered Ecological Communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Sun Valley Cabbage Gum Forest is the name given to the ecological community characterised by the assemblage of species listed in paragraph 4 that is currently known from Sun Valley in the Blue Mountains City Council Local Government Area. All sites are within the Sydney Basin Bioregion.
2. Sun Valley Cabbage Gum Forest is dominated by *Eucalyptus amplifolia* (Cabbage Gum) with *Eucalyptus eugenioides* (Thin-leaved Stringybark) as an associated tree. Native understorey species include *Acacia parramattensis*, *Imperata cylindrica*, *Lomandra longifolia* and *Pteridium esculentum*.
3. Sun Valley Cabbage Gum Forest occurs on the diatreme soils at Sun Valley. Other diatremes in the area have different dominant tree species and do not have *Eucalyptus amplifolia*.
4. Sun Valley Cabbage Gum Forest is characterised by the following assemblage of species.

<i>Acacia decurrens</i>	<i>Acacia implexa</i>
<i>Acacia parramattensis</i>	<i>Adiantum aethiopicum</i>
<i>Agrostis</i> sp.	<i>Aristida</i> sp.
<i>Asperula conferta</i>	<i>Asplenium flabellifolium</i>
<i>Baumea rubiginosa</i>	<i>Blechnum nudum</i>
<i>Bursaria spinosa</i>	<i>Caesia parviflora</i>
<i>Calochlaena dubia</i>	<i>Centella asiatica</i>
<i>Cheilanthes sieberi</i>	<i>Daucus glochidiatus</i>
<i>Daviesia ulicifolia</i>	<i>Dianella caerulea</i>
<i>Dianella longifolia</i>	<i>Dichelachne</i> sp.
<i>Dichondra repens</i> <i>caespitosus</i>	<i>Echinopogon</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>
<i>Epilobium billardieranum</i>	<i>Eucalyptus amplifolia</i>
<i>Eucalyptus deanei</i>	<i>Eucalyptus eugenioides</i>
<i>Exocarpos strictus</i>	<i>Galium gaudichaudii</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium homeanum</i>
<i>Geranium solanderi</i>	<i>Glycine clandestina</i>
<i>Glycine tabacina</i>	<i>Goodenia hederacea</i>
<i>Hardenbergia violacea</i>	<i>Helichrysum apiculatum</i>
<i>Hemarthria uncinata</i>	<i>Hibbertia diffusa</i>

<i>Hibbertia fasciculata</i>	<i>Hibbertia linearis</i>
<i>Hypericum gramineum</i>	<i>Imperata cylindrica</i>
<i>Indigofera australis</i>	<i>Juncus continuus</i>
<i>Juncus usitatus</i>	<i>Kunzea ambigua</i>
<i>Lindsaea linearis</i>	<i>Lomandra longifolia</i>
<i>Lomandra longifolia</i>	<i>Microlaena stipoides</i>
<i>Paterosonia</i> sp.	<i>Pellaea falcata</i>
<i>Persoonia linearis</i>	<i>Persoonia oblongata</i>
<i>Pittosporum undulatum</i>	<i>Poranthera microphylla</i>
<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>
<i>Ranunculus lappaceus</i>	<i>Schoenus apogon</i>
<i>Senecio bipinnatisectus</i>	<i>Sporobolus creber</i>
<i>Themeda australis</i>	<i>Veronica plebeia</i>

5. The total flora species list for the community may be larger than that given above, with many species present in only one or two sites or in very small quantity. In any particular site not all of the assemblage listed above may be present. At any one time, some species may only be present as seeds in the soil seed bank with no above-ground individuals present. The species composition of the site will be influenced by the size of the site and by its disturbance history. The community is likely to be an important habitat for fauna (vertebrates and invertebrates), but detailed records are not available and the invertebrate fauna is poorly known.
6. Sun Valley Cabbage Gum Forest was originally tall open forest. Although there is still good cover of remnant trees and regeneration, much Sun Valley Cabbage Gum Forest has been cleared for timber and grazing and the canopy components remaining are often predominantly fairly recent growth (< about 20 years) with a relatively small number of older trees. The understorey has also been highly modified by grazing and disturbance- only about 15 ha of the community remains, mostly in poor condition.
7. Disturbed remnants are still considered to form part of the community including remnants where the vegetation, either understorey, overstorey or both, would, under appropriate management, respond to assisted natural regeneration, such as where the natural soil and associated seedbank are still at least partially intact.
8. Grazing of livestock, particularly horses, now affects much of the community, and tree recruitment is negligible in most of the remnants. Other threats are mowing, uncontrolled weed invasion, altered fire regimes, clearing of understorey for hazard reduction purposes, general tidying-up, landscaping for exotic gardens, and clearing for houses and infrastructure.
9. The community is not represented in any NSW National Parks & Wildlife Service conservation reserves.
10. Fauna species of conservation significance which may occur in Sun Valley Cabbage Gum Forest include the Squirrel Glider, *Petaurus norfolcensis*.
11. In view of the small size of existing remnants, the threat of further disturbance and degradation, the Scientific Committee is of the opinion that Sun Valley

Cabbage Gum Forest is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate and that listing as an endangered ecological community is warranted.

Dr CHRIS DICKMAN,
Chairperson,
Scientific Committee.

**THREATENED SPECIES CONSERVATION
ACT 1995**

Notice of exhibition of the draft Lord Howe Woodhen (*Gallirallus sylvestris*) Recovery Plan and notice of approval of the Lord Howe Placostylus (*Placostylus bivaricosus*) Recovery Plan

THE National Parks and Wildlife Service (NPWS) hereby gives notice of the exhibition of the draft Lord Howe Woodhen (*Gallirallus sylvestris*) Recovery Plan and notice of approval of the Lord Howe Placostylus (*Placostylus bivaricosus*) Recovery Plan.

Exhibition details will be published on Friday, 14 December 2001, in the *Sydney Morning Herald* and the *Lord Howe Island Signal* newspapers. The NPWS web site <www.npws.nsw.gov.au> will also have exhibition information including full versions of the recovery plans.

GARY DAVEY,
Manager,
Conservation Programs and Planning Division,
Northern Directorate.

Health Care Liability Act 2001

Insurance Approval Order

Pursuant to section 20 of the Health Care Liability Act 2001, I, Craig John Knowles MP, Minister for Health, do make the following order with effect on and from 1 January 2002:

1. Preliminary

Definitions

(1) In this Order:

“Act” means the Health Care Liability Act 2001;

“authorised insurer” means a person that has an authority to carry on insurance business under the Commonwealth Insurance Act 1973 and includes a Lloyd’s underwriter;

“Director-General” means the Director-General of the NSW Department of Health established under the Health Administration Act 1982;

“discretionary professional indemnity cover” means the entitlement conferred by membership of a discretionary mutual organisation to apply for a grant of assistance to meet a liability or potential liability specified by the organisation as one which it may indemnify members against, but which does not provide a contractual right to receive a compensatory payment;

“discretionary mutual organisation” means a mutual organisation:

- (a) which does not directly engage in or carry on insurance or reinsurance business;
- (b) the membership of which entitles a person, who has a liability or potential liability resulting from a risk or contingency previously specified by the organisation as one which it may indemnify members against, to apply for a grant of assistance to meet such liability or potential liability, but does not provide the person with a contractual right to receive a compensatory payment; and
- (c) which, after due consideration of an application for assistance from a member who has a liability resulting from a risk or contingency previously specified by the organisation as one which it may indemnify members against, has an absolute discretion whether to indemnify the member;

“health care” is as defined in the Act;

“health care claim” means a claim for damages or other compensation, whether by verbal or written demand or the commencement of legal proceedings, against a medical practitioner (or his or her practice company) in respect of an injury (including wrongful birth) or death caused wholly or partly by the fault or alleged fault of the practitioner in providing or failing to provide health care;

“incident” is an act or omission;

“insurance business” has the same meaning as that term under the Insurance Act 1973 (Commonwealth);

“insurance regulation order” means an order made pursuant to section 21 or 22 of the Act;

“insurer” means an authorised insurer or a discretionary mutual organisation;

“medical practitioner” includes a medical practitioner’s practice company;

“non-exempt medical practitioner” means a medical practitioner who is not exempt under the Act or regulations from the requirement to be covered by approved professional indemnity insurance in respect of all their medical practice;

“mutual organisation” means a not-for-profit organisation formed by a group of persons or companies exposed to some risk or contingency common to the group who are prepared to share financially with each other, on a proportionate basis, the cost of any loss incurred by an individual member of the group, if the contingency occurs to the member;

“notified insurer” means an insurer that has notified the Director-General of the Department of Health in accordance with clause 4 of this Order;

“policyholder” includes a member of a discretionary mutual organisation;

“practice company” is as defined in the Act;

“prescribed minimum level” means \$10 million per claim and in the aggregate for professional indemnity insurance provided under an insurance contract which is not supplemented by discretionary professional indemnity cover above that limit, and \$5 million per claim and in the aggregate for professional indemnity insurance provided under an insurance contract which is supplemented by discretionary professional indemnity cover above that limit;

“professional indemnity insurance” is as defined in the Act;

- (2) However nothing in this order is to be taken to alter the discretionary nature of indemnity offered by a discretionary mutual organisation.

2. Approved professional indemnity insurance

- (1) Professional indemnity insurance is approved for the purposes of the Act if:
 - (a) it is provided by a notified insurer to a medical practitioner under an individual contract or discretionary arrangement with the medical practitioner; and
 - (b) it falls within one of the categories specified at sub-clause (2).
- (2) The following categories are specified for the purposes of sub-clause (1) (b):

Claims made insurance

- (a) professional indemnity insurance, which complies with clause 3, provided by an authorised insurer on a “claims made” basis to at least the prescribed minimum level, under an insurance contract with the relevant medical practitioner, for health care claims, or incidents that may give rise to health care claims (in respect of any occurrence on or after 1 January 2002 or such earlier date as may be specified in the contract), notified to the insurer during the term of the relevant insurance contract. However the insurance is not required to cover health care claims or incidents that may give rise to health care claims:
 - (i) if the practitioner was aware of the claim prior to entering into an insurance contract with the insurer, or was, or should reasonably have been, aware that the relevant incident may give rise to a health care claim and failed to notify the insurer of the incident prior to entering into the insurance contract; or

- (ii) if the claim, or incident that may give rise to a claim, has been notified in writing under a prior professional indemnity insurance contract or professional indemnity discretionary arrangement, or the practitioner is otherwise entitled to make a claim for, or apply for, indemnity under a prior employment arrangement or other prior contractual or discretionary arrangement.; or
- (iii) that relate to events or conduct specifically excluded by the insurance contract;

Claims made discretionary cover

- (b) discretionary professional indemnity cover, which complies with clause 3, provided to a medical practitioner under an arrangement with a discretionary mutual organisation, on a "claims made" basis, for health care claims, or incidents that may give rise to health care claims (in respect of any occurrence on or after 1 January 2002 or such earlier date as may be specified under the terms of the arrangement), notified to the organisation during the period of the indemnity arrangement. However the discretionary indemnity cover is not required to apply to health care claims or incidents that may give rise to health care claims:
 - (i) if the practitioner was aware of the claim prior to entering into a discretionary arrangement with the organisation, or was, or should reasonably have been, aware that the relevant incident may give rise to a health care claim and failed to notify the organisation of the incident prior to entering into the discretionary arrangement; or
 - (ii) if the claim, or incident that may give rise to a claim, has been notified in writing under a prior professional indemnity insurance contract or professional indemnity discretionary arrangement, or the practitioner is otherwise entitled to make a claim for, or apply for, indemnity under a prior contractual or discretionary arrangement; or
 - (iii) that relate to events or conduct specifically excluded from coverage by the arrangement;

Occurrence based insurance

- (c) professional indemnity insurance, which complies with clause 3, provided by an authorised insurer, on an occurrence basis, to at least the prescribed minimum level under an insurance contract with the relevant medical practitioner for health care claims arising from incidents occurring during the period of the insurance contract, other than claims relating to events or conduct specifically excluded by the insurance contract;

Occurrence based discretionary cover

- (d) discretionary professional indemnity cover, which complies with clause 3, provided to a medical practitioner under an arrangement with a discretionary mutual organisation, on an occurrence basis, for health care claims arising from incidents occurring during the period of the membership arrangement, other than claims relating to events or conduct specifically excluded from coverage by the arrangement;

Combined insurance and discretionary cover

- (e) professional indemnity insurance provided to a medical practitioner comprising indemnity insurance to at least a prescribed minimum level under a claims made insurance contract of a kind referred to in paragraph (a), supplemented by discretionary indemnity cover above that level under a claims made discretionary arrangement of a kind referred to in paragraph (b), in respect of that proportion of health care claims exceeding the level specified under the insurance contract; or

Transitional approval for existing professional indemnity insurance

- (f) from 1 January 2002 to 31 March 2003, professional indemnity insurance of a kind that was being provided directly to medical practitioners practising in NSW under individual contracts or discretionary arrangements with such medical practitioners immediately prior to 1 January 2002.
- (3) Professional indemnity insurance is approved for the purposes of the Act if it is of a kind and extent specified at sub-clause (1) which provides cover on an occurrence basis, notwithstanding that the insurer subsequently ceases to provide approved professional indemnity insurance.

- (4) Professional indemnity insurance is approved for the purposes of the Act if:
 - (a) it provides cover, on an occurrence basis, under a contract or arrangement entered into prior to the commencement of Part 3 of the Act; and
 - (b) upon the commencement of Part 3 of the Act, the relevant insurer provides approved professional indemnity insurance of a kind and extent specified at sub-clause (1).
- (5) Professional indemnity insurance is approved for the purposes of the Act if it is run-off cover provided consequent upon the termination or expiry of approved professional indemnity insurance of a kind and extent specified at sub-clause (1).
- (6) Nothing in this clause is to be taken to affect the requirement that an insurer comply with any insurance regulation order in effect.

3. Other requirements

- (1) The terms and conditions of the professional indemnity insurance must not exclude from its coverage professional practice on the basis that it is conducted in a public hospital or a licensed private hospital.
- (2) The terms and conditions of the professional indemnity insurance must not exclude from its coverage professional practice on the basis that it involves patients who do not have private health insurance.
- (3) The terms and conditions of the professional indemnity insurance must not exclude from its coverage professional practice on the basis of whether patients are, or will be, liable to pay for medical services provided in the course of practice.
- (4) However these requirements do not prevent the terms and conditions of the professional indemnity insurance from excluding from its coverage professional practice whilst exempt from the requirement to be covered by approved professional indemnity insurance in accordance with the Act or regulations.
- (5) The terms and conditions of approved professional indemnity insurance must not impose a deductible of more than \$50,000 in respect of any health care claim indemnified under the insurance.

- (6) (a) The terms and conditions of the professional indemnity insurance which is "claims made" cover must confer upon the relevant medical practitioner an option to acquire run-off cover for a further period of not less than seven years, where the insurance contract or membership arrangement is terminated, or expires and is not renewed, for any reason other than fraudulent conduct on the part of the policy-holder.
- (b) Nothing in this sub-clause limits or otherwise affects the ability of an insurer, either generally or in any particular case, to confer upon a medical practitioner, for no additional premium, run-off cover upon the retirement, or ceasing of practice, of the medical practitioner, or in other circumstances specified by the insurer.

4. Notification by insurer

An insurer must satisfy the following notification requirements to be, or continue to be, a notified insurer for the purposes of this Order:

- (a) the insurer notifies the Director-General in writing by the dates specified in this clause as follows:
- (i) that the insurer will be providing professional indemnity insurance directly to medical practitioners practising in NSW under individual contracts or discretionary arrangements with those medical practitioners during the period specified in the notification; and
 - (ii) the category or categories of professional indemnity insurance under clause 2 (2) which the insurer will be providing; and
 - (iii) that the insurer understands it is required to comply with any insurance regulation order in effect while providing such professional indemnity insurance.

Initial notification

- (b) such notification is initially made by the following date:
- (i) in the case of an insurer that was providing professional indemnity insurance directly to medical practitioners practising in NSW immediately prior to 1 January 2002 and that will be providing professional indemnity insurance to non-exempt medical practitioners from 1 January 2002, that date, unless another date has been approved by the Director-General in any particular case; or

- (ii) in any other case, by no later than 28 days prior to the date that an insurer proposes to commence offering approved professional indemnity insurance to medical practitioners practising in NSW, unless another date has been approved by the Director-General in any particular case;

Annual notification

- (c) Following the initial notification, such notification is made by either 1 July in each year or 1 January in each year in respect of the ensuing 12 month period. The insurer is to elect one of these two annual notification dates at the time of initial notification.

Signed at Sydney this 4th day of December 2001.

Craig Knowles MP
Minister for Health

Health Care Liability Act 2001

Insurance Regulation Order

Pursuant to sections 21 and 22 of the Health Care Liability Act 2001, I, Craig John Knowles MP, Minister for Health, do make the following order with effect on and from 1 January 2002:

Definitions

1. In this order:

“Act “ means the Health Care Liability Act 2001

“adverse decision” means a decision to offer or provide professional indemnity insurance to a medical practitioner on terms and conditions that are less favourable to the medical practitioner than those applying to all other, or a majority of, policy holders of the same premium category;

“annual premium” means the total amount of premium which would be paid for a one year period of coverage regardless of whether the entire premium is paid at one time or in instalments, or whether the premium which is actually paid in any particular case is pro rated for a lesser period of coverage;

“approved insurance” means approved professional indemnity insurance as defined in the Act;

“authorised insurer” means a person that has an authority to carry on insurance business under the Commonwealth Insurance Act 1973 and includes a Lloyd’s underwriter;

“category of specialty” means

- (i) general practice, or
- (ii) specialist practice in a specific area of medicine;

“Director-General” means the Director-General of the NSW Department of Health established under the Health Administration Act 1982;

“discretionary mutual organisation” means a mutual organisation:

- (i) which does not *directly* engage in or carry on insurance or reinsurance business; and
- (ii) the membership of which entitles a person, who has a liability or potential liability resulting from a risk or contingency previously specified by the organisation as one which it may indemnify members against, to apply for a grant of assistance to meet all or part of the costs associated with such liability or potential

liability, but does not provide the person with a contractual right to receive a compensatory payment; and

- (iii) which, after due consideration of an application for assistance from a member who has a liability or potential liability resulting from a risk or contingency previously specified by the organisation as one which it may indemnify members against, has an absolute discretion whether to indemnify the member;

“existing small insurer” means an insurer:

- (i) that was providing professional indemnity insurance to medical practitioners immediately prior to the date of this Order; and
- (ii) that, as at 31 December 2001, had 1, 000 or less medical practitioners covered by professional indemnity insurance; and
- (iii) that at no time from 1 January 2002 covers by approved insurance more than 100 non-exempt medical practitioners over and above the number of medical practitioners that it covered by professional indemnity insurance as at 31 December 2001;

“general practice” means the practice of medicine not involving specialist qualifications recognised as such under the Health Insurance Act ;

“health care” is as defined in the Act;

“health care claim” means a claim for damages or other compensation, whether by verbal or written demand or the commencement of legal proceedings, against a medical practitioner (or his or her practice company) in respect of an injury (including wrongful birth) or death caused wholly or partly by the fault or alleged fault of the practitioner in providing or failing to provide health care;

“Health Insurance Act “ means the Health Insurance Act 1973 (Commonwealth);

“insurance approval order” is as defined in the Act;

“Insurance Contracts Act” means the Insurance Contracts Act 1984 (Commonwealth);

“insurer” includes a discretionary mutual organisation;

“medical practitioner” is as defined in the Medical Practice Act 1992;

“mutual organisation” means a not-for-profit organisation formed by a group of persons or companies exposed to some risk or contingency common to the group who are prepared to share financially with each other, on a proportionate basis, the cost of any loss incurred by an individual member of the group, if the contingency occurs to the member;

“non-exempt medical practitioner” means a medical practitioner who is not exempt under the Act or regulations from the requirement to be covered by approved insurance in respect of all their medical practice;

“policy” includes a discretionary indemnity arrangement;

“policyholder” includes a member of a discretionary mutual organisation;

“premium” includes subscription or other payment for professional indemnity insurance;

“premium category” means a category of specialty combined with any other form of categorisation utilised by an insurer for the purposes of premium setting for non-exempt medical practitioners

“record of claims history” means a record of the number of health care claims, or incidents that may give rise to health care claims, notified to the insurer, including date of notification of each claim, date and brief description of each relevant incident and the compensation range within which the claim fell, or is estimated to fall, as follows:

- (i) < \$50 000
- (ii) \$50 000 - <\$100 000
- (iii) \$100 000 - < \$250 000
- (iv) \$250 000 - <\$500 000
- (v) \$500 000 - <\$1 million
- (vi) \$1 million +

“relevant notification date” is the date, being either 1 January or 1 July in each year, which the insurer has elected as the date by which it is to comply with any annual notification requirements of an insurance approval order (or in the absence of such requirements a date approved by the Director-General in respect of a particular insurer);

“significant adverse decision” means an adverse decision which:

- (i) requires a practitioner, as a condition of approved insurance, to pay a deductible of an amount which is \$20,000 or more in respect of any claim; or
- (ii) requires a practitioner to pay a premium for approved insurance which is over 50 % higher than the premium charged by the insurer for all other, or a majority of, medical practitioners of the same premium category;

“specialist practice” means the practice of medicine involving specialist qualifications recognised as such under the Health Insurance Act;

Part 1 – General Requirements

1. Compliance with Order

- (1) An insurer that provides approved insurance to non-exempt medical practitioners must comply with the requirements of this order.
- (2) However nothing in this order is to be taken to alter the discretionary nature of indemnity offered by a discretionary mutual organisation.

2. Conditions as to range and differentiation of insurance

- (1) An insurer is not to offer or provide approved insurance on terms and conditions:
 - (a) which differ depending upon whether or not patients of a medical practitioner have private health insurance;
 - (b) which differ depending upon whether patients of a medical practitioner are, or will be, liable to pay for medical services provided in the course of practice.
- (2) However these requirements do not prevent an insurer from offering or providing approved insurance at premiums which differ depending upon whether or not medical practitioners are exempt in respect of part or all of their professional practice from the requirement to be covered by approved insurance.
- (3) An insurer, other than an existing small insurer, must offer approved insurance for all categories of specialty in a manner that complies with sub-clause 4.

Market conduct

- (4) Subject to the exemption for existing small insurers in sub-clause (3), an insurer is not to engage in pricing, underwriting or other commercial conduct which, it can reasonably be inferred, is directed at acquiring and maintaining a market share of non-exempt medical practitioners in which those categories of specialty which involve surgery or obstetrics are under-represented, having regard to:
 - (a) the overall numbers of non-exempt medical practitioners in NSW in each category of specialty; and
 - (b) the insurer's individual market share of practitioners in each such category.

3. Premium filing

- (1) An insurer must comply with the following:
 - (a) within 28 days of the date of commencement of this order, or such longer period as the Director-General may approve in any particular case, the insurer must notify the Director-General of the number of medical practitioners covered by professional indemnity insurance by the insurer as at 31 December 2001; and
 - (b) within 28 days of the date of commencement of this order and subsequently by the relevant notification date in each year the insurer must notify the Director-General of:
 - (i) the premium categories the insurer offers to cover by approved insurance as at 1 January 2002 or as at the relevant notification date, as the case may be; and
 - (ii) the number of non-exempt medical practitioners underwritten by the insurer in each such premium category of specialty as at 1 January 2002 or as at the relevant notification date, as the case may be; and
 - (iii) the annual premium for each such premium category as at 1 January 2002 or as at the relevant notification date, as the case may be;
 - (c) the insurer is to notify the Director-General, in writing, of any variation to premium categories offered, or any annual premiums for relevant premium categories notified under paragraph (b), within 28 days of such variation being made, together with details of the variation.
- (2) An insurer may elect to provide the information notified under sub-clause (1) on a commercial-in-confidence basis.

4. Certificate of approved insurance

- (1) On and from 1 January 2002, within one month of receipt of payment for a new policy of approved insurance from a medical practitioner or for a renewal of such insurance, the insurer must provide to the medical practitioner a certificate in true and accurate form specifying the following:
 - (a) that the medical practitioner is covered by approved insurance provided by the insurer;
 - (b) the period of cover of such insurance; and
 - (c) that the certificate is provided in accordance with an insurance regulation order made under the Act.

- (2) An insurer must ensure that each medical practitioner who is covered by approved insurance has been issued with a certificate in the same terms as the certificate required under sub-clause (1) by 31 May 2002.

Part 2 - Decisions concerning individual cover

Division 1

1. Preliminary

- (1) For the purposes of this Part: a refusal to provide approved insurance includes:
- (i) not accepting an offer to enter into a contract or discretionary indemnity arrangement for such insurance; or
 - (ii) cancelling a contract or terminating a discretionary indemnity arrangement for such insurance; or
 - (iii) not renewing such insurance; or
 - (iv) not offering such insurance.

Copy of requirements of this Part to be provided to practitioners

- (2) An insurer must, upon request, provide an applicant for approved insurance or an existing policy holder with a copy of the conditions the insurer must comply with under this Part.

Provision of claims history upon request by practitioner

- (3) An insurer, within ten working days of receiving a written request from a medical practitioner who:
- (a) is covered by approved insurance by the insurer; or
 - (b) within the immediately preceding six years has been covered by professional indemnity insurance by the insurer,

must provide to the medical practitioner his or her record of claims history for whichever is the lesser of the following periods:

- (i) the most recent six year period of the insurance cover; or
- (ii) the total period that the insurer has provided professional indemnity insurance to the practitioner.

Division 2 – Existing policy holders

2. *Decisions concerning individual cover*

- (1) During the period that an adverse decision applies to an existing policy holder, access to risk management activities, which have the purpose of assisting the policyholder to reduce his or her individual claims risk, are to be offered or facilitated by the insurer.

Withdrawal of cover

- (2) An insurer must not refuse to provide approved insurance to an existing policy holder:
 - (a) who has been registered as a medical practitioner for a period of less than three years and who has not previously had his or her name removed from the medical register following disciplinary proceedings; or
 - (b) who has held specialist qualifications recognised under the Health Insurance Act for a period of less than three years and who has not previously had his or her name removed from the medical register following disciplinary proceedings; or
 - (c) in the case of a medical practitioner to whom paragraph (a) or (b) does not apply, unless the medical practitioner has an incident and claims history the insurer considers warrants such a decision.
- (3) Sub-clause (2) does not apply where an insurer refuses to provide approved insurance:
 - (a) for a reason which is of a similar kind to a reason that enables the cancellation of a contract of general insurance, or the avoidance of a claim or policy, in accordance with the relevant provisions of the Insurance Contracts Act; or
 - (b) for a reason which relates to a breach or non-observance by the medical practitioner of the conditions of the relevant membership arrangements or the terms and conditions of the relevant insurance policy, or the non-payment of the relevant premium or membership fees; or
 - (c) because the insurer ceases to engage in the business of providing professional indemnity insurance to non-exempt medical practitioners.

- (4) For the purposes of this clause a decision by an insurer to charge a medical practitioner a premium which is at least twice the premium charged by the insurer to all, or a majority of, medical practitioners of the same premium category is taken to be a decision to refuse to provide approved insurance.

3. *Proper notice and explanation*

- (1) Subject to clause 4 of this Part, an insurer must not (whether upon renewal or otherwise), because of the incident and claims history of an existing policy holder, make an adverse decision in respect of the approved insurance of the policy holder or a decision to refuse to provide approved insurance to the policy holder, unless the insurer:
 - (a) in the case of any adverse decision, has given the policy holder 28 days' written notice prior to the decision taking effect; or
 - (b) in the case of a decision to refuse to provide professional indemnity insurance, has given the policy holder two months' written notice prior to the decision taking effect

together with a copy of the claims history specified at clause 1 (3) of this Part.

- (2) Prior to giving such notice under sub-clause (1) (a) the insurer must:
 - (a) give the relevant medical practitioner a reasonable opportunity to discuss the proposed decision and the reasons for it with the insurer; and
 - (b) take into account any matters raised by the medical practitioner in the course of those discussions.
- (3) If requested by the relevant medical practitioner, the insurer must provide to him or her a written explanation of the reasons for its refusal to provide approved insurance.
- (4) This clause does not apply where an insurer upon renewal of professional indemnity insurance continues to give effect to an adverse decision made prior to the insurance being renewed.
- (5) For the purposes of this clause a decision by an insurer to charge a medical practitioner a premium which is at least twice the premium charged by the insurer to all, or a majority of, medical practitioners of the same premium category is taken to be a decision to refuse to provide approved insurance.

4. ***Opportunity for consideration by Medical Board at practitioner's election***
- (1) This clause applies to a refusal to provide approved insurance because of the incident and claims history of an existing policyholder.
 - (2) For the purposes of this clause a decision by an insurer to charge a medical practitioner a premium which is at least twice the premium charged by the insurer to all, or a majority of, medical practitioners of the same premium category, is taken to be a decision to refuse to provide approved insurance.
 - (3) If within 28 days of receiving notice of a decision to refuse to provide approved insurance in respect of an existing policyholder, the policyholder:
 - (a) authorises the insurer, in writing, to notify the Medical Board of any matter which forms the basis of the decision and to provide to the Medical Board information and documentation relevant to such matter; and
 - (b) authorises the Medical Board, in writing, to provide to the insurer a copy of its advice to the practitioner as to the outcome of any such notification, if made, and in those cases where the Medical Board refers a matter to an Impaired Registrants Panel or for assessment under Part 5A of the Medical Practice Act 1992, copies of any relevant decisions, reports and recommendations arising from the referral,an insurer is to forward the relevant information to the Medical Board.
 - (4) If an insurer is authorised to forward information to the Medical Board under sub-clause (3), an insurer is not to give effect to the decision to refuse to provide professional indemnity insurance pending whichever of the following occurs first:
 - (a) the expiration of a period of three months from the date of forwarding the relevant information pursuant to sub-clause(3); or
 - (b) receipt and consideration by the insurer of copies of the information referred to under sub-clause (3) (b).
 - (5) If such matters are the subject of a referral to an Impaired Registrants Panel or form the basis of a referral for assessment under Part 5A of the Medical Practice Act 1992, the insurer is to:

- (a) review its decision (whether or not it has already given effect to that decision) following receipt and consideration by the insurer of any reports and recommendations arising from the referral, and of advice on any action taken by the Medical Board consequent upon those reports and recommendations; and
 - (b) take reasonable steps to advise the relevant practitioner of the outcome of that review.
- (6) Nothing in this clause prevents an insurer from charging a premium of an amount that does not constitute a refusal to provide approved insurance under sub-clause (2) pending receipt of the Medical Board's advice or the expiration of three months, whichever first occurs, in accordance with sub-clause (3).

Division 3 – New applicants

5. *Decisions concerning individual cover*

- (1) In this clause a refusal of an application for approved insurance includes a decision to not accept an offer to enter into a contract or discretionary indemnity arrangement for such insurance.

Newly qualified practitioners

- (2) An insurer must not make a significant adverse decision in respect of an application for approved insurance from a medical practitioner who has not previously held professional indemnity insurance with that insurer:
- (a) if the applicant has been registered as a medical practitioner for a period of less than three years and has not previously had his or her name removed from the medical register following disciplinary proceedings; or
 - (b) if the applicant has held specialist qualifications recognised under the Health Insurance Act for a period of less than three years and has not previously had his or her name removed from the medical register following disciplinary proceedings.

Refusal of cover

- (3) Before giving effect to a decision to refuse an application for approved insurance from a medical practitioner an insurer must give the medical practitioner a reasonable opportunity to discuss the proposed decision and the reasons for it with the insurer.
- (4) If requested by a medical practitioner whose application for approved insurance is refused, the relevant insurer must provide him or her with a written explanation of the reasons for its refusal.

Part 3 –Premium Moderation for Obstetrics and Neurosurgery

1. Definitions

In this Part and Schedule 1:

“maximum premium category” means the premium category attracting the highest level of premium;

“participating small insurer” is an existing small insurer who makes an election pursuant to clause 2 (6) of this Part;

“practising full-time” means practising for 35 hours or more per week or, in the case of a general practitioner, having gross billings of \$100,000 or more per annum.

2. Premium relativities for obstetrics and neurosurgery

- (1) Subject to sub-clause (6), an insurer must offer approved insurance for the categories of medical practitioners referred to in this clause and provide such insurance in accordance with the following requirements concerning maximum premium relativities:
 - (a) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of obstetrics must not exceed 20 times the annual premium for any premium category applying to non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures; and
 - (b) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of neurosurgery must not exceed 20 times the annual premium charged for any premium category applying to non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures; and
 - (c) the annual premium for any premium category of non-exempt practising full-time general practitioners who are covered for the practice of obstetrics must not exceed 4 times the annual premium charged for the premium category applying to non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures.

- (2) Nothing in this clause prevents an adverse decision being made in respect of an individual medical practitioner which, because of the incident and claims history of that practitioner, results in the practitioner paying an annual premium which is higher than the annual premium for that practitioner's relevant premium category.
- (3) Within 28 days of 1 January 2002, and subsequently by the relevant notification date in each year, an insurer is to notify the Director-General, in writing, of the following:
 - (a) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of obstetrics applying as at 1 January in 2002 and subsequently as at the relevant notification date; and
 - (b) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of neurosurgery applying as at 1 January in 2002 and subsequently as at the relevant notification date; and
 - (c) the annual premium for all premium categories of non-exempt practising full-time general practitioners who are covered for the practice of obstetrics applying as at 1 January in 2002 and subsequently as at the relevant notification date; and
 - (d) the annual premium for all premium categories of non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures applying as at 1 January in 2002 and subsequently as at the relevant notification date.
- (4) An insurer is to notify the Director-General, in writing, of any variation to any annual premiums for relevant premium categories required to be notified under sub-clause (2) within 28 days of such variation being made, together with details of the variation.
- (5) An insurer may elect to provide the information notified under sub-clause (3) and (4) on a commercial in-confidence basis.
- (6) However sub-clause (1) does not apply to an existing small insurer that by written notification to the Director-General:
 - (a) by 31 January 2002, elects to comply with all the requirements of clause 3 of this Part from 1 January 2002 to the relevant notification date; or
 - (b) by the relevant notification date in each year, elects to comply with all the requirements of clause 3 of this Part until the next relevant notification date.

3. Health care liability contributions

- (1) A participating small insurer is to pay a component of each premium received from non-exempt medical practitioners for approved insurance (the "health care liability contribution") into a separate fund within the accounts of the insurer (the "separate fund").
- (2) The health care liability contribution, if any, in respect of a premium for a one year period of insurance cover for a non-exempt medical practitioner is the amount specified in Column 1 of Schedule 1 (the annual contribution) for that category of non-exempt medical practitioner appearing opposite in Column 2 relevant to the medical practitioner.
- (3) Where insurance cover is for a period of less than one year, the health care liability contribution in respect of the premium for such cover is to be a proportion of the annual contribution for that category of specialty and practice duration to which the relevant non-exempt medical practitioner belongs, calculated as follows:
 - (a) for a period of insurance cover of three months or less, one quarter of the annual contribution;
 - (b) for a period of insurance cover of more than three months and up to six months, half the annual contribution;
 - (c) for a period of insurance cover of more than six months and up to nine months, three-quarters of the annual contribution;
 - (d) for a period of insurance cover of more than nine months and up to one year, the annual contribution.
- (4) The health care liability contributions are to be placed in the separate fund for the purpose of redistribution to support the costs of providing professional indemnity insurance for medical practitioners practising obstetrics or neurosurgery.
- (5) Proper records of account are to be maintained in respect of the separate fund and audited annually by the participating small insurer's auditor. A copy of the auditor's report is to be forwarded to the Director-General within 28 days of its receipt by the participating small insurer.
- (6) Monies placed in the separate fund are to be held as deposits with a bank, building society or credit union and (together with any interest accruing to the separate fund) disbursed only in accordance with sub-clause (9).

- (7) Within 28 days of the end of each six month period ending 30 June and 31 December in each year, each participating small insurer must notify the Director-General in writing of:
- (a) the number of medical practitioners in each category of non-exempt medical practitioner specified in Column 2 of Schedule 1 from whose premiums a health care liability contribution was paid during the relevant period; and
 - (b) the balance of the insurer's separate fund as at the end of that six month period.
- (8) Within 28 days of the end of each such six month period each insurer must notify the Director-General of the number of medical practitioners in the following classes who have been covered by approved insurance by the insurer for the relevant six month period:
- (a) general practitioners currently practising obstetrics in NSW who have professional indemnity cover from the relevant insurer in respect of the practice of obstetrics for a minimum period of 3 years, together with general practitioners or former general practitioners who have ceased practising obstetrics within the last three years (class 1); and
 - (b) specialist obstetricians currently practising obstetrics in NSW who have professional indemnity cover from the relevant insurer in respect of the practice of specialist obstetrics for a minimum period of 3 years, together with specialist obstetricians and former specialist obstetricians who have ceased practising obstetrics within the last three years (class 2); and
 - (c) specialist neurosurgeons currently practising neurosurgery in NSW who have professional indemnity cover from the relevant insurer in respect of the practice of specialist neurosurgery for a minimum period of 3 years, together with specialist neurosurgeons and former specialist neurosurgeons who have ceased practising neurosurgery within the last three years (class 3).
- (9) Within 28 days of receiving a written direction from the Director-General, each participating small insurer is to pay out of the separate fund the total amount held within the fund as at the end of each such six month period. The payment is to be made to one or more insurers (including itself where applicable) that have provided approved insurance of a class or classes referred to in sub-clause (8) for the relevant six month period, in accordance with the written direction of the Director-General based upon the redistribution formula in Schedule 2.

- (10) An insurer that receives an amount under sub-clause (9) in respect of a particular class of medical practitioners is to apply the whole amount towards the costs of providing professional indemnity insurance to the relevant class of practitioners.

Part 4 - Claims Handling

1. Claims Handling Generally

- (1) In this Part :

“claimant “ means a person who makes a health care claim against a medical practitioner who is covered by approved insurance.

- (2) On and from 1 April 2002, an insurer is required to comply with the following standards for claims handling and inquiries relating to health care claims, which are not the subject of legal proceedings:
- (a) the insurer is to prepare all correspondence in plain English;
 - (b) the insurer is to provide a response to the claim within approximately 90 days of its receipt;
 - (c) if the insurer disputes a claim made against an insured medical practitioner, the insurer must provide the claimant with brief written reasons for disputing the claim;
 - (d) if the insurer requests the claimant undertake a medical examination, the insurer must take care to ensure that the medical examination is arranged at a time and place readily accessible to the claimant and to reimburse the claimant's reasonable travel expenses; and
 - (e) once a claim has been settled, the insurer will pay its contribution to settlement monies within 28 days of settlement, or such other time as may be agreed between the claimant and the insurer, unless the insurer is waiting for receipt of notice of Commonwealth Department of Social Security (however called) payback, Health Insurance Commission payment, or any other demand or notice that has been or will be served on or given to the insurer, or has not yet received payment under relevant re-insurance arrangements.

2. Early Evaluation of Claims

- (1) On and from 1 April 2002, an insurer is required to have in place a process that is designed to enable the early evaluation of health care claims which are not the subject of legal proceedings.

- (2) The insurer must provide details of the process upon request. Claimants, or their representatives, must be advised in the following terms:
- (a) that, if they wish to have their claim considered for early evaluation, they must clearly state this in all correspondence;
 - (b) that when the claim is ready to proceed for early evaluation, the claimant must provide a brief statement about:
 - (i) the factual circumstances upon which the claim is based;
 - (ii) details of the negligence they claim has occurred;
 - (iii) a statement about causation, that is, a statement as to how the loss or damage suffered resulted from the medical negligence;
 - (iv) details of damages, that is, the economic loss that the claimant has suffered as a result of the negligence claimed, including loss of wages and earning capacity, hospital and medical expenses, and non-economic loss, that is, the monetary compensation they are seeking as a result of pain and suffering, loss of amenities and loss of expectation of life; and
 - (v) a statement setting out the amounts of damages sought;
 - (c) that claimants must provide medical reports regarding disability and letters supporting any economic loss suffered by the person;
 - (d) that the insurer will not challenge a claim in any court proceedings on the basis that it is outside the limitation period, where the claim is made outside the limitation period only because of the time it took the insurer to determine the person's claim under the insurer's early evaluation scheme;
 - (e) that within 60 days the insurer will investigate the matter and advise the claimant in writing in one of the following terms:
 - (i) the insurer is willing to try to resolve the claim and will begin negotiations with the claimant for this purpose; or
 - (ii) the insurer is not willing to try to resolve the claim and the reasons why;
 - (iii) that the insurer is willing to consider the matter further, if the claimant provides additional information which is set out in the insurer's letter to the claimant.

Part 5 - Data Collection and Reporting

1. Subject to clause 3 of this Part, within 28 days of the end of each six month period ending 30 June and 31 December respectively, an insurer must provide to the NSW Department of Health:

- (a) the data specified in Schedule 3 of this order in respect of all policies of approved insurance issued or renewed in that period; and
 - (b) the data specified in Schedule 3 of this order in an updated form in respect of each policy referred to in paragraph (a) to the extent that updated data has become available in that period; and
 - (c) the data specified in Schedule 4 of this Order in respect of each claim, or incident which may give rise to a claim, which is covered by approved insurance reported to the insurer in that period to the extent the data is available to the insurer; and
 - (d) the data specified in Schedule 4 of this order in an updated form in respect of each claim referred to in paragraph (c) to the extent that updated data has become available in that period.
2. By 31 March in each year the insurer is to provide to the NSW Department of Health the information relating to the immediately preceding calendar year specified in Schedule 5 of this order.
 3. Within 28 days of 30 June 2002, the insurer is to provide to the NSW Department of Health the data specified in Schedule 4 of this order in respect of each claim or incident, which is covered by approved insurance, reported to the insurer in the immediately preceding three month period to the extent the data is available to the insurer.

Signed at Sydney this 4th day of December 2001.

Craig Knowles MP
Minister for Health

Schedule 1

Column 1

Annual contribution

\$350

\$650

\$650

\$2600

Column 2

Category of non-exempt medical practitioner

Medical practitioner in general practice (other than general practice involving obstetrics) who has been registered for less than three years

Medical practitioner in general practice (other than general practice involving obstetrics) who has been registered for three or more years

Medical practitioner in specialist practice (other than specialist practice involving obstetrics or neurosurgery) for less than three years.

Medical practitioner in specialist practice (other than specialist practice involving obstetrics or neurosurgery) for three or more years.

Schedule 2

Redistribution formula

1. The total of the balances in the separate funds of each insurer at the end of each six month period (the "total balance") is to be apportioned on a per capita basis in respect of the total number of medical practitioners in each class advised under clause 3 (8) of Part 3 of this Order (the "per capita amount") as follows:
 - (i) x % of the total balance in respect of class 1
 - (ii) y % of the total balance in respect of class 2
 - (iii) z % of the total balance in respect of class 3

where x% is A/D , y% is B/D , and z% is C/D , and
A is the total number of members of class 1 multiplied by 1.0,
B is the total number of members of class 2 multiplied by 5.6,
C is the total number of members of class 3 multiplied by 17.8, and
D is the sum of A, B and C.
2. The "per capita" amount for each class 1, 2 or 3 is the amount apportioned in respect of that class under item 1 of this Schedule, divided by the total number of members of that class.
3. Subject to item 4 of this Schedule, each insurer is entitled to the following distribution from the total balance:
 - (i) the per capita amount for each practitioner in class 1 \times the number of practitioners in class 1 advised by the insurer under clause 3 (8) of Part 3 of this order; and
 - (ii) the per capita amount for each practitioner in class 2 \times the number of practitioners in class 2 advised by the insurer under clause 3 (8) of Part 3 of this order; and
 - (iii) the per capita amount for each practitioner in class 3 \times the number of practitioners in class 3 advised by the insurer under clause 3 (8) of Part 3 of this order.
4. An insurer is only entitled to a distribution under item 3 (ii) of this Schedule if the insurer provides approved insurance to at least 5% of the total number of practitioners in the relevant class for the relevant six-month period.
5. An insurer is only entitled to a distribution under item 3 (iii) of this Schedule if the insurer provides approved insurance to at least 10% of the total number of practitioners in the relevant class for the relevant six-month period.

Schedule 3

Insurance Cover information

1. Insurer/Indemnity organisation
2. Record number (non-identifying)
3. Period of indemnity cover (specify start and end date)
4. Area of practice
 - (i) general practice - procedural (non-obstetric)/anaesthetics
 - (ii) general practice – cosmetic
 - (iii) general practice – obstetrics
 - (iv) general practice – other
 - (v) specialist paediatrics
 - (vi) specialist physician – cardiology
 - (vii) specialist physician – neurology
 - (viii) specialist physician – non-procedural gastroenterology
 - (ix) specialist physician – haematology
 - (x) specialist physician - other
 - (xi) specialist anaesthetics
 - (xii) specialist surgery - cardiothoracic
 - (xiii) specialist surgery – colorectal
 - (xiv) specialist surgery – endocrinology
 - (xv) specialist surgery – ENT
 - (xvi) specialist surgery – head and neck
 - (xvii) specialist surgery – orthopaedic
 - (xviii) specialist surgery – urology
 - (xix) specialist surgery – vascular
 - (xx) specialist surgery – maxillo-facial
 - (xxi) specialist surgery – paediatrics
 - (xxii) specialist surgery - neurosurgery
 - (xxiii) specialist surgery - plastic surgery
 - (xxiv) specialist surgery - other
 - (xxv) specialist gynaecology
 - (xxvi) specialist obstetrics
 - (xxvii) specialist ophthalmology – non-procedural
 - (xxviii) specialist ophthalmology – procedural/surgery
 - (xxix) radiation oncology
 - (xxx) pathology
 - (xxxi) radiology
 - (xxxii) radiology – ultrasound diagnostics
 - (xxxiii) specialist dermatology
 - (xxxiv) specialist psychiatry
 - (xxxv) intensive care
 - (xxxvi) emergency medicine
 - (xxxvii) medico-legal
 - (xxxviii) other (specify)

5. Non–standard exclusions on scope of practice (please specify)
6. Gross billings from medical practice:
 - (i) < \$100 000
 - (ii) \$100 000 - <\$250 000
 - (iii) \$250 000 - < \$500 000
 - (iv) \$500 000 +
7. Average number of hours per week engaged in medical practice (specify)
8. Primary practice context/s (specify one or more contexts where 20 % or more of time is spent)
 - (i) Salaried medical officer (public hospital) – rights of private practice
 - (ii) Public hospital visiting practitioner appointment
 - (iii) Private hospital visiting practitioner appointment
 - (iv) Licensed day procedure centre practice
 - (v) Private clinic/rooms
 - (vi) Community health practice
 - (vii) Other (please specify)
9. Policy status:
 - (i) New
 - (ii) Renewed
 - (iii) Lapsed
10. Date of data submission

Schedule 4

Claims information

1. Claim record number (non-identifying)
2. Policy/member record number (non-identifying)
3. Date of notification of claim (including any incident which receives a claims estimate upon notification)
4. Date of incident related to claim
5. Date of civil claim lodgement (*commencement of legal proceedings*)
6. Gender of claimant
7. Age of claimant at date of incident:
 - (i) baby (0 to < 1 year)
 - (ii) child (1 to < 18 years)
 - (iii) adult(18 + years)
8. Compensation cost estimate (*insurer's best estimate until finalisation*)
9. Date of claim finalisation (*date of settlement/verdict*)
10. Compensation cost (*actual total amount when finalised*)
11. Type of claim:
 - (i) common law personal injury
 - (ii) nervous shock
 - (iii) compensation to relatives
 - (iv) Fair Trading/Trade Practices
 - (v) Anti-Discrimination Act claim
12. Type of injury (*could include more than one category*):
 - (i) death
 - (ii) brain/spinal injury (birth)
 - (iii) brain/spinal injury (paediatric)
 - (iv) brain/spinal injury (adult)
 - (v) other personal injury (*please specify*)
13. Practice context at time of incident:
 - (i) public hospital (non-chargeable patient)
 - (ii) public hospital (chargeable patient)
 - (iii) community health
 - (iv) private hospital / licensed day procedure centre
 - (v) private clinic/rooms
14. Area of practice at time of incident:
 - (i) general practice - procedural (non-obstetric)/anaesthetics
 - (ii) general practice – cosmetic
 - (iii) general practice – obstetrics
 - (iv) general practice – other
 - (v) specialist paediatrics
 - (vi) specialist physician – cardiology
 - (vii) specialist physician – neurology
 - (viii) specialist physician – non-procedural gastroenterology
 - (ix) specialist physician – haematology
 - (x) specialist physician - other
 - (xi) specialist anaesthetics
 - (xii) specialist surgery - cardiothoracic

- (xiii) specialist surgery – colorectal
- (xiv) specialist surgery – endocrinology
- (xv) specialist surgery – ENT
- (xvi) specialist surgery – head and neck
- (xvii) specialist surgery – orthopaedic
- (xviii) specialist surgery – urology
- (xix) specialist surgery – vascular
- (xx) specialist surgery – maxillo-facial
- (xxi) specialist surgery – paediatrics
- (xxii) specialist surgery - neurosurgery
- (xxiii) specialist surgery - plastic surgery
- (xxiv) specialist surgery - other
- (xxv) specialist gynaecology
- (xxvi) specialist obstetrics
- (xxvii) specialist ophthalmology – non-procedural
- (xxviii) specialist ophthalmology – procedural/surgery
- (xxix) radiation oncology
- (xxx) pathology
- (xxxi) radiology
- (xxxii) radiology – ultrasound diagnostics
- (xxxiii) specialist dermatology
- (xxxiv) specialist psychiatry
- (xxxv) intensive care
- (xxxvi) emergency medicine
- (xxxvii) medico-legal
- (xxxviii) other (specify)

15. Clinical incident category alleged in claim (*could include more than one category of alleged incident*):

(i) *Diagnosis Issues:*

- (a) Failure
 - foetal abnormality
 - other (non-obstetric)
- (b) Incorrect
 - foetal abnormality
 - other (non-obstetric)
- (c) Delayed
 - foetal abnormality
 - other (non-obstetric)

(ii) *Failure to provide treatment issues:*

- (a) Non-attendance issues
- (b) Delayed attendance issues
- (c) Patient monitoring issues
- (d) Delegation issues
- (e) Patient follow up issues

- (iii) *Consent issues*
 - (a) No valid consent
 - (b) Failure to warn
- (iii) *Procedural/Surgical issues*
 - (a) Procedure issues
 - wrong procedure
 - wrong body site
 - failure to perform or complete
 - (b) Post –operative complications – elective/ non-elective (*specify*)
 - open/endovasive (*specify*)
 - (c) Failure of procedure issues
 - sterilisation
 - other
- (iv) *Treatment Issues (non-procedural/non-surgical)*
 - (a) Complications
 - (b) Medication related
 - (c) Blood/blood product related
 - (d) Failure of treatment related
 - (e) Monitoring/resuscitation related
- (v) *Infection control issues*
- (vi) *Anaesthetic issues*
 - (a) Epidural related
 - (b) Medication related
 - (c) Equipment related
 - (d) Monitoring/resuscitation related
 - (e) Patient awareness related
 - (f) Other
- (vii) *Obstetric/neonatal issues*
 - (a) Diagnosis issues
 - failure
 - condition of pregnancy
 - condition of labour
 - incorrect
 - condition of pregnancy
 - condition of labour
 - delayed
 - condition of pregnancy
 - condition of labour
 - (b) Complications
 - maternal
 - delivery
 - post-partum
 - neonatal
 - delivery
 - post partum
- (viii) *Assisted reproduction issues*
- (ix) *Elective cosmetic surgery/procedure issues*

- (x) *Product liability issues*
- (xi) *Other issues(please specify)*
- 16. Claim status:
 - (i) Current
 - (ii) Finalised
- 17. Claim finalisation:
 - (i) Discontinued
 - (ii) Settled – nil payment
 - (iii) Settled – payment
 - (iv) Court award
 - (v) Verdict in favour of defendant
- 18. Claim cost components (*for settlements please estimate*):
 - (i) Non-economic loss
 - (ii) Economic loss – care
 - (iii) Economic loss – other
 - (iv) Medical costs
 - (v) Plaintiff legal costs
 - (vi) Defendant external legal costs
- 19. Other defendant/s: (*specify category*):
 - (i) medical practitioner/s (or medical practitioner's practice company)
 - (ii) public health organisation
 - (iii) private hospital
 - (iv) day procedure centre
 - (v) registered health practitioner (or practice company)
 - (vi) unregistered health practitioner
 - (vii) product manufacturer/distributor
 - (viii) corporation providing medical/medical practice support services (excluding individual practice companies)
 - (ix) other (specify)
- 20. Contribution amount (*when finalised*)
- 21. Date of data submission

Schedule 5

Annual Report by Insurers

1. Risk management activities

- (a) details of initiatives undertaken to identify problems (specifying which problems have been identified) in relation to particular categories of medical services (identify which particular categories of medical services);
- (b) details of initiatives undertaken to identify problems (specifying which problems have been identified) in relation to individual medical practitioners (specifying the number of individual medical practitioners concerned in relation to each identified problem);
- (c) details of initiatives undertaken to provide strategies to effectively deal with the problems identified pursuant to paragraphs (a) and (b) above;
- (d) in relation to the activities referred to in paragraphs (a), (b) and (c) above:
 - (i) the number of employee and contractor hours involved in risk management activities in the immediately preceding calendar year;
 - (ii) the projected number of employees and contractors involved in risk management activities for the calendar year in which the report is being made;
 - (iii) the qualifications of each person engaged in risk management activities in the immediately preceding calendar year;
 - (iv) the percentage of gross annual premium income spent on risk management activities in the immediately preceding calendar year; and
 - (v) the percentage of gross annual premium income the insurer has budgeted to spend on risk management activities in the calendar year in which the report is being made.

2. Adverse incidents

- (i) Report of any identified adverse incident trends for each category of specialty covered
- (ii) Report of measures undertaken by insurer to address identified adverse incident trends

3. Claims handling

- (i) Number of claims handled through early evaluation process
- (ii) Number of claims for compensation received without legal proceedings being lodged
- (iii) Number of claims for compensation resolved without legal proceedings being lodged

4. Terms and conditions of indemnity cover

Details of insurer's standard insurance policy terms and conditions and/or conditions of discretionary indemnity cover.

LOW VOLTAGE ELECTRICAL WORK

CODE OF PRACTICE₂₀₀₁

WorkCover NSW Health and Safety Code of Practice

WorkCover. **Watching out for you.**

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What is an industry code of practice?

An approved industry code of practice is a practical guide to achieving the standard of safety required by the *Occupational Health and Safety (OHS) Act 2000* and *OHS Regulation 2001* for a particular area of work.

An approved industry code of practice should be followed unless there is an alternative course of action, which achieves the same or better standard of health and safety in the workplace.

An industry code of practice is approved by the Minister for Industrial Relations. It comes into effect on the day the notice of this approval is published in the NSW Government Gazette or on the day specified in the Gazette notice.

An approved industry code of practice is designed to be used in conjunction with the Act and Regulation but does not have the same legal force. A person or company cannot be prosecuted for failing to comply with an approved industry code of practice.

However, in proceedings under the Act or Regulation, failure to observe a relevant approved industry code of practice can be used as evidence that a person or company has contravened or failed to comply with the provisions of the Act or Regulation.

A WorkCover Authority inspector can cite an approved industry code of practice in a direction or in an improvement or prohibition notice, indicating the measures that should be taken to remedy an alleged contravention or non-compliance. Failure to comply with a requirement in an improvement or prohibition notice is an offence.

In summary an approved INDUSTRY CODE OF PRACTICE

- gives practical guidance on how the required standard of health, safety and welfare can be achieved in an area of work;
- should be followed, unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace;
- can be used in support of the preventive enforcement provisions of the *OHS Act*;
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

Preface

Aim

The aim of this code of practice is to protect the health and safety of electrical workers. It will help employers and self-employed persons decide on appropriate measures to eliminate or control the risks to employees and other workers who perform electrical work on or near low voltage installations or systems.

It applies to work on electrical installations or systems. Some activities are excluded such as automotive work and the manufacture of appliances.

This code provides practical guidance on measures to control electrical risks. This will assist the implementation of the requirements of the *OHS Act 2000* and the *OHS Regulation 2001*, in a manner appropriate to the circumstances of each workplace.

In accordance with the statutory risk control requirements of the *OHS Regulation 2001*, the code recognises that in general the practice of working live on or near energised low voltage installations or systems cannot usually be justified. It is the responsibility of the employer, and the controller of the premises, to ensure that this is not done other than in emergency situations where greater risks would occur if the installations or systems were to be de-energised.

This Code is based on the earlier WorkCover publication *Guide to electrical workers' safety practices (for up to 1000 volts)* (January 2001), which it now replaces.

What are 'low voltage installations or systems'?

In this code of practice, low voltage installations or systems include any and all electrically operated circuits, apparatus, components and networks in which the electrical voltage is at or below 1000Volts a.c., or 1500Volts d.c., and this code includes extra low voltage.

Many electrical occupations and tasks expose employees to low voltage electricity, such as:

- new electrical installations or systems and their connection to supply;
- existing installations or systems and their maintenance and modification;
- temporary wiring arrangements;
- fault-finding on circuits or equipment;
- switching operations; and
- inspections.

How can electricity at low voltage affect health and safety?

Contact with live electrical conductors is a serious risk because a proportion of the current passing through the human body may also pass through the heart. The current through the heart can disrupt the heart's operation by forcing it into fibrillation, which then stops blood being pumped around the body. When the body or the brain no longer receives oxygen from the blood, it begins to die. This means that contact with live parts at any voltage that causes sufficient current to pass through the heart is potentially injurious or even fatal.

Contact with live electrical components can also cause serious burns arising from the discharge of electrical energy. Health effects can include muscle spasm, shock, burns, palpitations, nausea and vomiting, collapse, fibrillation, unconsciousness, or death. Other risks include fires and explosions.

How to use the information in this code

- **What is this code of practice about?**

This code of practice aims to assist you to take action to prevent electrical shock in your workplace. If you follow the advice set out here, you will be well on the way to complying with your legal obligation to control workplace risks arising from low voltage electricity, as required by the *OHS Regulation 2001*.

- **Who is this code of practice for?**

This code of practice is for employers, managers, health and safety representatives, OHS committee members, employees and electrical workers, unions and employer organisations to assist them to manage electrical risks.

- **When do I use this information?**

Use this code of practice to assess the effectiveness of your present arrangements for work on or near low voltage installations or systems, and to check that all sources of risk have been identified and dealt with. If you are setting up a new business, this code of practice should be your step by step guide to establishing a program to manage the risks.

- **What do the symbols in the code of practice mean?**

To help you work out what you require, a number of symbols are used to highlight things you need to take into account and tools to help you do the job.



**Assess the risks
in your workplace**



**Legal obligations that
you must follow**



**Consult and
communicate
with employees**



**Questions you
(or others) might ask to
clarify issues**



**Tools that can
help you work
out your plan**



**The process of finding
things that cause harm,
working out how big a
problem they are and
then fixing them**

Chapter 1. Establishment

1.1 Title

This is the *Code of Practice for Low Voltage Electrical Work*.

1.2 Purpose

This code of practice provides practical guidance in order to protect the health and safety of persons working on or near low voltage installations or systems.

This code explains the requirements for managing risks associated with electricity, to ensure the health, safety and welfare of electrical workers, appropriate for the particular circumstances of each workplace.

1.3 Scope

This code of practice applies to all electrical work in places of work in NSW, including the work of electricity supply authorities, except in mines.

Electrical work is work on or near a low voltage electrical installation or system, for the purpose of installing, repairing, altering, adding to or removing an electrical installation or system, and the supervision of this work. This includes work on extra low voltage (ELV) systems.

This code does not apply to electrical work relating to:

- (a) The manufacture or supply of electrical articles or plant, for sale or hire when unplugged from any electrical outlet socket.
- (b) Automotive electrical work.
- (c) Telephone systems (apart from the power supply above ELV).
- (d) Repair of consumer appliances, plant, luminaries or equipment when unplugged from any electrical outlet socket.

If the requirements of this code are inconsistent with requirements of the *Electricity Safety (Electrical Installations) Regulation 1998*, or work carried out under a safety plan required by the *Electricity Supply (Safety Plans) Regulation 1997*, then those regulations prevail.

On construction sites, this code applies in addition to the requirements of the *Code of Practice: Electrical Practices for Construction Work*, which applies to temporary installations, systems and appliances used during construction.

1.4 Authority

This is an industry code of practice approved by the Special Minister of State, under section 43 of the *OHS Act 2000*.

1.5 Commencement

This code commences on *1 January 2002*.

1.6 Interpretation

Recommended practices

Words such as "should" indicate recommended courses of action. "May" or "consider" indicate a possible course of action the duty holder should consider. However, you may choose an alternative method of achieving a safe system of work. For a further explanation, see "What is an industry code of practice".

Legal requirements

Words such as "must", "requires", and "mandatory" indicate legal requirements which must be complied with. Failure to comply is an offence which can attract a penalty.

1.7 Definitions

The following terms used in this code have these meanings:

approved — any, or a combination, of the following:

- agreed to for a purpose in writing by the employer or the controller of the premises, subject to the consultation process;
- certified for a function by a recognised testing authority;
- meeting an Australian Standard (or other Standard recognised by regulatory authorities).

authorised — to give authority in writing or by other means to perform a particular task. This can be achieved by any, or a combination, of the following:

- providing a paper document;
- sending a facsimile;
- discussing the matter over the telephone, with details recorded on paper at each end, or
- other equivalent means (e.g. e-mail).

Note: Being authorised also carries with it responsibilities for employers and employees - see 7.1 and 7.4.

competent person — a person who has acquired through training, qualification, experience, or a combination of these, the knowledge and skill to perform the required task correctly.

control measures — measures taken to minimise or eliminate a risk.

controller of premises — a person who has control of the premises used by people (who are not their employees) as a place of work, including:

- (a) a person who has only limited control of the premises, and
- (b) a person who has, under any contract or lease, an obligation to maintain or repair the premises; but
- (c) does not include an occupier of a private dwelling.

Notes: In some cases the controller is the owner who can also be the occupier. The obligations of employers to their employees in relation to premises are covered under specific employer obligations, and not under controller obligations.

de-energised (dead) — a term applied to an object when it is at or about earth potential and disconnected from any live system.

electrical article — any wire, cable, appliance, fitting, meter, insulator, apparatus, equipment or material intended or designed for use in, or for the purposes of, or for connection to, any electrical installation.

electrical installation — any appliance, wires, fittings, or other apparatus placed in, on, or under any land or premises and used for the purposes, or for purposes incidental to, the conveyance, control and use of electricity supplied or intended to be supplied by an electricity supply authority. This includes the supply authority's installation for the purposes of this code.

electrical wiring work or electrical work — the actual physical activity of installing, repairing, altering, removing or adding to an electrical installation or system and the supervising of that work.

Note: this is defined in the Electricity Safety Act 1945, but also includes the work on the system of the supply authority excluded under that Act.

ELV — extra-low voltage (not exceeding 50 V a.c. or 120V ripple free d.c., as defined in AS/NZS 3000:2000 *Australian/New Zealand Wiring Rules*).

emergency work — a situation where a properly performed and documented risk assessment shows that the risk of harm would be greater if the circuits and apparatus were de-energised than *could* be the case with the circuits and apparatus remain live for the duration of the work.

employer — includes a self-employed person, to the extent of their duty to others at the workplace.

energised — a term applied to an object when a difference of potential exists or would exist between it and earth under normal conditions of operation. It may include the neutral conductor.

Note: the potential is not limited to low voltage as defined in AS/NZS 3000:2000, but includes ELV, as this can pose a burns hazard, if there is a high fault current capability.

exposed conductor — an electrical conductor that is hazardous because it has not been protected by a barrier of rigid material or by insulation that is adequate for the voltage concerned, under a relevant Australian Standard specification.

exposure — the contact of a person with a hazard.

fault-finding — the process of making measurements or carrying out tests on equipment in order to locate faults. It also may include the process of connecting testing instruments or devices to various parts of the equipment to determine how the equipment is operating.

hazard — anything with the potential to harm life, health or property.

Note: this is an intrinsic property of the hazard and should not be confused with risk.

hazardous area — an area with a risk of fire or explosion as defined in AS 3000 and AS 2430.

Note that hazardous areas are divided into zones of risk.

isolate (as a risk control measure) — to separate the hazard from the worker using barriers, distance, or time.

isolated (specific electrical usage) — disconnected from all possible sources of electrical energy by opening of switches, withdrawal of circuit-breakers, removal of fuses, links, connections and the like and rendered incapable of being energised unintentionally.

live (alive) — energised (see above), or subject to hazardous induced or capacitive voltages.

low voltage — exceeds extra-low voltage (ELV), but not exceeding 1000V a.c or 1500V d.c. as defined in AS/NZS 3000:2000 *Australian/New Zealand Wiring Rules*.

MEN — multiple earthed neutral.

near — see "on or near low voltage conductors", below.

on or near exposed low voltage conductors — an electrical worker is working on or near exposed conductors if there is a reasonable possibility that the worker's body, or any moveable object the worker may be carrying or touching during the course of the work, may come closer to the exposed low voltage conductors than 700mm.

personal protective equipment (PPE) — items that electrical workers can use to protect themselves against hazards. PPE includes insulating gloves, mats or sheeting, glasses and face protection.

Note: a number of items of PPE are made and tested to Australian Standards.

PPE that is not designated as meeting a recognised Standard may be unreliable in service, as its performance is unknown.

plant — includes equipment, appliance or machinery.

Note that the legal definition of plant is very broad and inclusive.

risk — a combination of the probability that a hazard may cause an injury and the severity of an injury.

system — includes the electricity generation and supply system of a supply authority.

self-employed person — duties of self-employed persons are included in the term "employer" to the extent of their duty of care to others in the workplace.

Note: self-employed persons do not have a duty of care to themselves under the OHS Act 2000.

voltage — differences of potential normally existing between conductors and between conductors and earth. This is defined in AS/NZS 3000:2000 *Electrical installations (known as the Australian/New Zealand wiring rules)*.

worker — an employee, apprentice, self-employed or other person carrying out electrical work.

working live — the process of carrying out work on an electrical installation or electrical equipment that is or could be live (energised).

workplace — is the place of work, which can be anywhere and includes premises.

Chapter 2 Consultation at work

2.1 Obligation to consult



Employers are required by the *OHS Act 2000* to consult with employees (or their representatives) when taking steps to assess and control workplace risks.

The OHS Act requires employers to take into account the views of employees when making decisions that affect their health, safety and welfare. Involving your employees in identifying hazards and solving health and safety problems is an essential step in making your workplace safe and healthy.

The advice in this code of practice should be used when consulting with employees about the hazards of working on or near low voltage installations or systems, and involving them in the risk assessment and control process.

2.2 What is meant by Consultation?

Consultation involves sharing information with employees, giving them the opportunity to express their views before decisions are made, valuing their views and taking them into account.

Using the experience and expertise of employees will help ensure safe outcomes. This is based on a recognition that employee input and participation improves decision-making about health and safety. Consultation will assist in developing safe systems of work based on the identification of hazards that may be present and the assessment of the risks these hazards might give rise to.

Although the responsibility for health and safety decisions rests with the employer, consultation provides the opportunity for employees to contribute to the decision-making process in resolving health and safety problems. This helps to ensure that employees cooperate and follow safe working practices.

2.3 When must consultation occur?

Consultation must occur when:

- (a) changes that may affect health, safety or welfare are proposed to the:
 - work premises;
 - systems or methods of work; or
 - plant or substances used for work;
- (b) assessing the risks to health and safety arising from work;
- (c) decisions are made about the measures to be taken to eliminate or control those risks;
- (d) introducing or altering the procedures for monitoring risks;
- (e) decisions are made about the adequacy of facilities for employee welfare;
- (f) decisions are made about the procedures for consultation.

Employers must consult with employees about establishing an OHS consultation mechanism, such as a system of representatives or committees. Informal methods of consultation should also be used, such as toolbox meetings.

Further advice is provided in WorkCover's *Code of Practice: Occupational Health and Safety Consultation*.

Chapter 3 Risk management

3.1 Managing risks in the workplace



Under the OHS Regulation all employers and self-employed persons must use a "risk management" approach to address workplace health and safety.

Risk management should be initiated when considering new work, purchasing equipment, developing or changing work systems, or designing or re-modelling the workplace. This will help you identify the special needs of each workplace.

The OHS Regulation requires employers to:

- Identify hazards.
- Assess the risks to the health and safety of persons arising from the hazards.
- Use appropriate control measures to eliminate or reduce the risk.
- Monitor and review the control measures to ensure on-going safety.

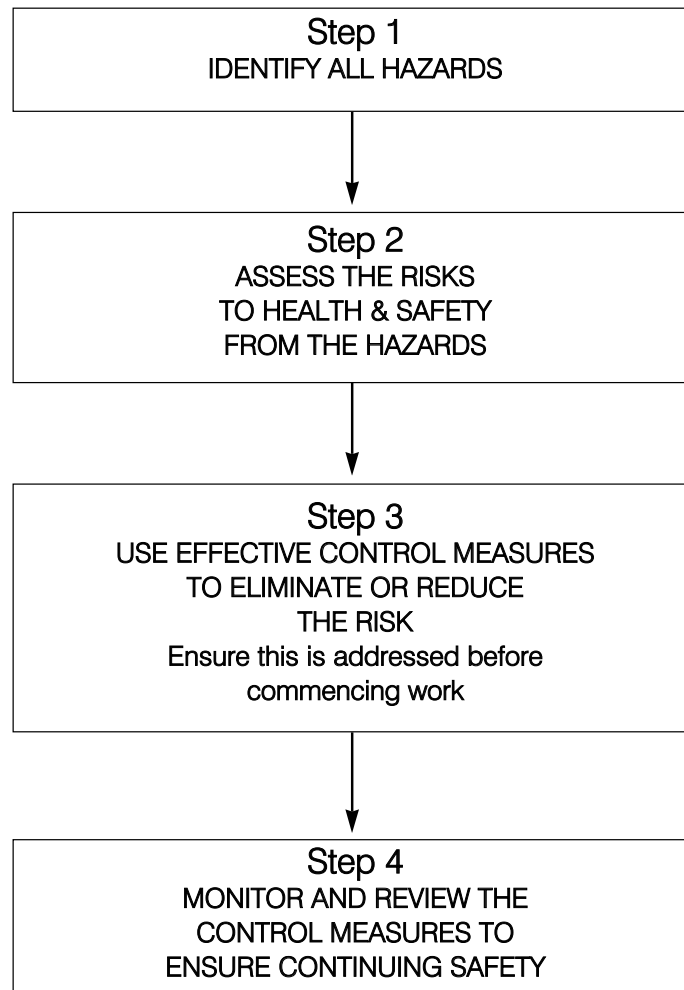
These are the key elements of a risk management process which should be undertaken in consultation with the people most likely to be affected, such as employees and contractors. When doing this, it may help to break the workplace or work activities into areas and deal with each separately.

To simplify the task, generic risk assessments may be used. Generic risk assessments are assessments covering more than one location or circumstance. These may be used for similar work in several locations or circumstances, where the hazards and risks are comparable, so long as the applicability has been checked for each place or circumstance. See, for example, tool 1 in appendix 1. The needs of individual workers also need to be identified.

The OHS Regulation also places some specific risk control obligations on controllers of premises concerning the practice of working on or near live electrical installations or systems.

Further advice on legal obligations is provided in chapter 7.

Diagram — Risk Management Process



3.2 Step 1 — Identifying the hazards

An employer must identify all the health or safety hazards, which could harm the workers or other persons in their workplace. The hazards may include people, equipment, materials, and the environment.



The following are ways of identifying hazards in your workplace

- (a) A walk-through of the workplace. This is a simple visual check, which may be assisted with the use of a floor plan, site plan or map.
- (b) Looking at the way work is conducted.
- (c) Consulting with workers.
- (d) Looking at the workplace records on "near misses", incidents, accidents and injuries.
- (e) Using information provided by manufacturers and suppliers about the proper use of electrical plant (for example: manufacturer's operating instructions and labels).
- (f) Using an outside expert or independent adviser.

It is a good idea to list the hazards, identifying the form in which the hazard occurs, where it occurs, things that contribute to the hazard, and the persons likely to be exposed to the hazard. This can be used to develop a safety plan and can help in developing safe operating procedures. Chapter 4 deals with identifying hazards.

Suppliers of plant (including all electrical equipment) have an obligation to provide you with safety information.

3.3 Step 2 — Assessing the risks



Risk assessment involves looking at the:

- likelihood (which is a combination of length of time and frequency of exposure); and the
- likely severity, of any injury or illness that may occur.

This will indicate how serious the exposure each source of hazard is. When doing this, review any available health and safety information related to the hazard, and identify the factors contributing to the risk.

Consider:

- (a) the sources of low voltage exposure;
- (b) the number of people involved and their individual needs;
- (c) the nature of work undertaken;
- (d) the work practices in use;
- (e) the type of plant, machinery and equipment to be used;
- (f) the premises and working environment including their layout or condition;
- (g) the capability, skill, experience and age of people doing the work; and
- (h) foreseeable abnormal conditions.

To prioritise the work on reducing risks, you should make a list of the potential injuries and diseases that can occur, and list them from the most to the least serious (for example, from death by electrocution through to minor shock and minor burns). The most serious risks are the ones that should be dealt with first. A key risk is that of working live, which must be justified.

This risk assessment should also help you plan for emergencies.

The risk assessment should be recorded, along with the control measures selected. Detailed checklists for risk assessment are provided in chapter 5.

3.4 Step 3 — Eliminate or control the risk

The third step involves working out how to eliminate or control the risks, using what is termed the "hierarchy of control".

3.4.1 Hierarchy of control

If it is not reasonably practicable to eliminate the risk, the employer must control the risk, using the order specified below.

Level 1. Firstly, eliminate the risk (for example, discontinue the activity, use a different, less dangerous piece of equipment, or fix faulty machinery).

Level 2. Secondly, if you can't eliminate the risk consider redesigning the equipment or processes so that less hazardous equipment, materials or situation may be used. Minimise the risk, by:

- a) modifying the plant or the way work is done to something safer;
- b) modifying the way work is done to make it safer;
- c) isolating the hazard (for example, introduce a restricted work area or isolate the supply);
- d) using engineering controls (for example, insulation, guarding, safety screens, safe working distances).

Level 3. Thirdly, consider other controls such as:

- a) administrative controls and safe work practices (as examples, specific training and work instructions, preventing unauthorised access to areas where hazards are present, preventing unauthorised electrical work);
- b) personal protective equipment (as examples, insulated gloves, insulated tools, insulated mats).

The control measures at Level 1 give the best result and should be adopted where practicable. The measures at the other levels are less effective and they require more frequent reviews of the hazards and the systems of work. In many situations a combination of control measures may be needed.

Personal protective equipment (PPE) is the least preferred way of dealing with risks. However, it is often necessary and should be used when other methods are simply not practical or feasible, or in combination with other methods to ensure sufficient control. Make sure the PPE is appropriate, fitted correctly, maintained in good condition and always used correctly. Workers must be trained how to use it correctly and how to look after it, to ensure ongoing correct use.

The employer is responsible for ensuring that the method of control is working. Identify any records necessary (e.g. record maintenance of controls).

Any new control measures should be evaluated to ensure that they are effective and do not create new hazards. Also, develop clear work procedures and make sure they are written down and available to employees. For specific advice refer to Chapter 6 - Controlling risks.

Generally, working live cannot be justified as being as safe as working de-energised.

3.4.2 Safe working procedures (SWPs)

Safe working procedures are frequently used work practices that have been developed and documented, including control measures that ensure safety. They should be used by all organisations and self-employed workers. Safe working procedures used by organisations and self-employed persons in a particular industry should be identical or very similar.

SWPs should be developed and tried under simulated non-hazardous conditions and critically evaluated to be certain that they are safe and described clearly.

They should be reviewed periodically to ensure that they continue to be practical and safe, and there should be a process in place so that SWPs can be amended when necessary.

Employees should follow their employer's SWPs. Therefore, it is important that employee commitment and expertise is obtained during their preparation. SWPs should be developed after consulting with the employees who have to use them. They should be modified when experience shows how they can be improved. Workers' competency should be maintained in the use of SWPs relevant to their work.

SWPs should address the following requirements:

- (a) training for various techniques, such as risk assessment;
- (b) insulating exposed live conductors in the immediate area prior to working live;
- (c) access requirements for various electrical situations, such as access permits or clearances from exposed live conductors;
- (d) isolation and tagging procedures;
- (e) insulating gloves and insulated tools;
- (f) inspection of the condition of clothing;
- (g) permit and approval processes; and
- (h) safety rules to be followed before deciding to work live.

3.5 Step 4 — Keeping your workplace safe — monitor and review

Risk management is an ongoing process. It is a pivotal part of overall business management, and just like other business activities must be checked and reviewed. To ensure that work stays safe, an employer must review the risk assessments undertaken. This will occur whenever:

- there is evidence that the risk assessment is no longer valid;
- an injury or illness occurs;
- a change is planned to the place of work, work practices, or work procedures; or
- an accident or incident occurs.

The process of identification, assessment and control must be repeated whenever circumstances change. Where a safety plan is updated, workers affected by the change must be consulted and informed of new requirements. This is part of a continuous improvement process, which is fundamental in ensuring health and safety is maintained.

Chapter 4 Identifying hazards

The first step is to identify the sources of exposure to electricity and other related hazards.

To do this, you could break the workplace or tasks down into areas and then identify the hazards in each area.

'Stocktake' your workplace hazards to be sure you identify all the sources of electricity or stored electrical energy, to which people may be exposed. The following examples of hazards will assist this 'stock take'.

4.1 Common hazards of working on or near low voltage installations or systems.



Below are examples of typical sources of hazard that, individually or in combination, could lead to electric shock or severe injury. The list is not in order of priority.

- (a) Voltages between phases.
- (b) Voltages between phases and earth.
- (c) Voltages between live exposed conductors and surrounding metal framework.
- (d) Voltages across undischarged capacitors.
- (e) Voltages on disconnected conductors - particularly neutrals.
- (f) Multiple supply sources (more than one source of supply or live circuit may be available on the premises).
- (g) Voltages between live exposed conductors and the surrounding environment (including metalwork, damp situations, other conductive surfaces and persons nearby).
- (h) Electrical testing or operating equipment with open enclosures in hazardous areas (as defined by AS/NZS 3000:2000).
- (i) Lower voltages - for example ELV (extra low voltage) may be hazardous in a cramped situation with dampness, heat or water on the floor, especially when the worker is lying on the floor.
- (j) In installations or systems where the MEN (multiple earthed neutral) system is used, the rise in the earth potential in an installation due to a high impedance return path to the distribution neutral.
- (k) Damp conditions.
- (l) Switched off circuits becoming live.
- (m) Induced voltages.

Examples of work involving common hazards

Hazard	Work activity
<i>Voltage between phases</i>	<ul style="list-style-type: none"> Working on polyphase installation or systems. Wiring/testing/servicing of switchboards/motors/heaters/ controllers. Working on exposed busbars/catenary wires etc.
<i>Voltage between phases and earth</i>	<ul style="list-style-type: none"> Working on single phase & polyphase systems. Wiring/testing/servicing of switchboards/motors/heaters/ controllers. Working on exposed busbars/catenary wires etc. General electrical work.
<i>Voltage across undischarged capacitors</i>	Work with apparently isolated plant with reactive storage components.
<i>Multiple supply sources</i>	Working in large installations or systems with standby power systems, multiple distribution boards, where source of power in a single location or zone is uncertain, such as solar energy sources.
<i>Electrical testing in hazardous locations</i>	Electrical testing in confined area with explosive gas mixture, fumes, vapour or dust which is inadequately ventilated.
<i>Damp working conditions</i>	Working in situations where condensation, spillage, drainage or seepage occurs and results in wet surroundings.

4.2 Common non-electrical hazards which may be encountered in electrical work.



Other hazards which may contribute to risks while carrying out electrical work include:

- (a) confined spaces (where there may be a hazardous atmosphere - see below);
- (b) lack of sufficient light to work safely;
- (c) lack of ventilation leading to uncomfortable, hot and humid working conditions;
- (d) excessive fatigue, due to pressure of deadlines or other factors;
- (e) obstacles to getting the equipment switched off;
- (f) using a gas flame near exposed electrical conductors (a flame is a conductor);
- (g) temperature rise as a result of combustion;
- (h) fall from heights;
- (i) cramped working conditions;
- (j) explosive atmospheres;
- (k) static from clothing made from wool, wool blends, nylons and polyvinyl (unless treated with an anti static process);

- (l) electric tools and equipment (e.g. hand lamps, drills, saws, torches and test instruments);
- (m) personal effects (e.g. rings, jewellery, cigarette lighters, matches, hearing aids, mobile phones and pagers, transistor radios and similar);
- (n) general work activities (e.g. welding, cutting, brazing, using hand saws, drilling of all types, hammering and chiselling);
- (o) static from the rubbing (friction effects) of plastics;
- (p) hot metal surfaces due to drilling, grinding welding, etc;
- (q) use of metallic tape measures;
- (r) excavation associated with electrical work; and
- (s) molten metal from arcs.

Examples of confined spaces are:

- (a) storage tanks, process vessels, boilers, pressure vessels, silos, and other tank like compartments;
- (b) open topped spaces such as pits and degreasers; and
- (c) pipes, sewers, shafts, ducts, and similar structures.

Note: there are specific regulatory provisions for entry into confined spaces, not covered in this code.

Having identified hazards, the next step is your risk assessment, which will then consider the likelihood and how serious a problem each hazard could create.

Chapter 5 Assessing the risks.



The next step is to estimate the risk arising from each hazard.

You could do this area by area, or task by task, in order to make this task more manageable (if you have not done so already at the hazard identification stage).

Risk is a combination of likelihood that something will occur and how serious (severe) the consequences are. Start with severity, by making a list of the identified hazards in the order of severity of potential injury, from fatal through to minor injury. Then, next to each item on this list, write down the number of times and/or the length of time workers are exposed to each hazard. This will tell you how likely each hazard will occur.

The combination of severity and likelihood determines the *level* of risk. Consider both of these factors to provide a new order of priority. This will be approximate - an exact quantification is not required. A rough estimate will help you to prioritise the risks.

For example, a combination of long or frequent exposure and the possibility of severe injury would mean the hazard should be placed high on the priority list. A combination of short or infrequent exposure and the possibility of slight injury would mean the hazard should be placed low on the priority list.

The purpose of prioritising the risks is to give you an order in which they should be addressed, and the extent of control required. However, all risks must be controlled, irrespective of the level of risk. The priority order is not as important as ensuring that all hazards are addressed.

The needs of individual workers also need to be identified — see 5.1 below.

Following that are checklists of factors contributing to common risks (risk factors) 5.2 to 5.4.

5.1 Identifying individual needs



When assessing the risk, any one of the following factors trigger special consideration of individual worker's needs:

- (a) Is the person physically fit for a task involving exposure to low voltage electricity (e.g. are they able to climb to heights to work on an overhead conductor)?
- (b) Does the worker have a visual deficiency (e.g. do they have a visual colour deficiency)?
- (c) Do they suffer from any heart, circulatory or other diseases (e.g. do they have a pacemaker)?
- (d) Are they taking any medication which may increase their vulnerability to work in electrical environments (e.g. are they being treated for epilepsy)?
- (e) Are the staff working excessively long hours?
- (f) Are they experienced in, and have they been properly trained for, the working conditions?
- (g) Do they suffer from claustrophobia?

5.2 Risk factors when modifying existing electrical installations or systems

Examples of common risk factors with existing installations or systems include:

- (a) the supply may become live during the work;
- (b) automatic starting of machinery after supply is restored;

- (c) a conductor that was thought to be de-energised was found to be live;
- (d) more than one source of supply or live circuit may be available on the premises;
- (e) old installations or systems (where several modifications may have been made, circuits have not been identified, or the insulation has deteriorated);
- (f) voltages on disconnected conductors - particularly neutrals;
- (g) installations or systems where the MEN system is used, the rise in the earth potential due to a high impedance return path to the distribution neutral;
- (h) lack of information about isolation, sources of supply, or the location of electrical conductors;
- (i) lack of clear safe access to locate electric cables (other hazards may be present such as exposed conductors);
- (j) damage to conductors in metallic conduits where earthing continuity of the conduit has not been maintained;
- (k) equipment located in hazardous areas, which often includes bolt-on or screw on covers, can be dangerous if opened without obtaining specialist advice;
- (l) working alone on live equipment or installations; and
- (m) contact with cables during excavation.

5.3 Risk factors in fault-finding and repair work

Risks arise because it is sometimes difficult to find faults or malfunctions in electrical equipment when the equipment is not operating. This is particularly so if feedback circuits or sensors are involved.

Some common risk factors in fault finding or repair include:

- (a) exposed live terminals;
- (b) terminals or conductors being live under different conditions of operation of the equipment;
- (c) loose or disconnected leads becoming live;
- (d) test equipment conducting the potential closer to the electrical worker;
- (e) test equipment inappropriate for the task (particularly test probes);
- (f) test points inadequate;
- (g) inadvertent attempts to start machinery by other persons;
- (h) incorrect or poorly-maintained testing instruments;
- (i) inadequate knowledge of equipment or causes of faults;
- (j) lack of information about circuits or equipment;
- (k) equipment located in hazardous areas, which often includes bolt-on or screw-on covers, can be dangerous if opened without obtaining specialist advice; and
- (l) working alone on live equipment or installations.

5.4 Risk factors of high fault current levels — working live

When working on live electrical equipment, workers should be aware that a fault current of up to 20 times the rated current of the supply transformer can flow for short times during fault conditions.

Arcs that are produced under these conditions have the energy to cause an explosion and/or melt metallic switchboard cubicles. Arcs may cause severe burns to the skin and/or flash burns to the face and eyes. Inhaled hot gases and molten particles can cause serious internal burns to the throat and lungs. Injury can also occur through the impact from flying debris and dislodged components. Overcurrent circuit protection may not operate in such circumstances.

WARNING — SWITCHBOARD CUBICAL BUSBARS IN PARTICULAR:

- ARCS MAY CAUSE AN EXPLOSION AND OR MELT METAL AND RELEASE HOT GASES.
- SEVERE BURNS AND INJURY FROM FLYING DEBRIS MAY RESULT.
- OVERCURRENT DEVICES MAY NOT OFFER PROTECTION.

5.5 Recording the risk assessment

The record should indicate the control measures chosen and why: see the next chapter, Chapter 6 — Controlling risks.

Chapter 6 Controlling risks



Employers and self-employed persons have legal responsibilities for implementing risk control measures to safeguard employees and other workers against harm arising from low voltage while at work.

Having assessed the risks, action must now be taken to ensure that the risks are eliminated or controlled. Employers need to ensure adequate supervision of workers to make sure that control measures are applied.

Listed below are steps to consider. Every workplace is different, so select the controls that are the right ones for you.

6.1 Control measures for all electrical work

Electrical safety is primarily dependent upon appropriate job planning and correct testing procedures and techniques.

The first aim always should be to eliminate the hazard. Usually, the simplest way is to ensure the electricity supply is isolated. However, electrical equipment should not be assumed to be de-energised after isolation. Testing must be done prior to touching.

Workers must be appropriately trained and competent in test procedures and in the use of testing equipment.

6.1.1 Elimination

Eliminate the risk of shock or burns by:

- (a) switching off the supply;
- (b) isolating the supply;
- (c) taking precautions to ensure that the supply remains isolated by locking-off and/or tagging, or by disconnecting the load side of the isolator and tying back disconnected conductors;
- (d) proving the supply is de-energised by using an approved testing instrument.

WARNING

EVEN IF IT IS BELIEVED THAT THE SUPPLY HAS BEEN ISOLATED, IT MUST BE ASSUMED THAT ALL CONDUCTORS AND COMPONENTS ARE LIVE UNTIL THEY HAVE BEEN PROVEN DE-ENERGISED.

The electrical worker or supervisor should:

- (a) discuss options for de-energising the supply with the person in charge of the premises;
- (b) consider working at another time when the supply can be isolated; and
- (c) investigate whether the section of the installation that needs to be de-energised can be isolated, while leaving the remainder connected.

6.1.2 Substitution

If the risk cannot be eliminated, then substitute a lesser hazard. For example, use a lower voltage - that is if low voltage is intended to be used in an earthed situation where there is a significant risk of continual exposure, it may be feasible to use extra low voltage as an alternative. This is usually not an option on an existing installation. However it should be considered in new designs.

6.1.3 Isolation

If the risk cannot be eliminated or substituted, then isolate the hazard from the worker by:

- (a) Time — do the work when supply can be de-energised (isolated) — in effect, this is the same as eliminating the hazard.
- (b) Marking barriers — e.g. using rigid or tape barriers to mark off the adjacent hazards (this is practised in the electricity supply industry in switch-yards).
- (c) Insulation — insulate identified exposed live conductors by using approved insulating sheeting or sleeves.

6.1.4 Use of personal protective equipment (PPE)

Frequently personal protective equipment (PPE) is necessary, such as:

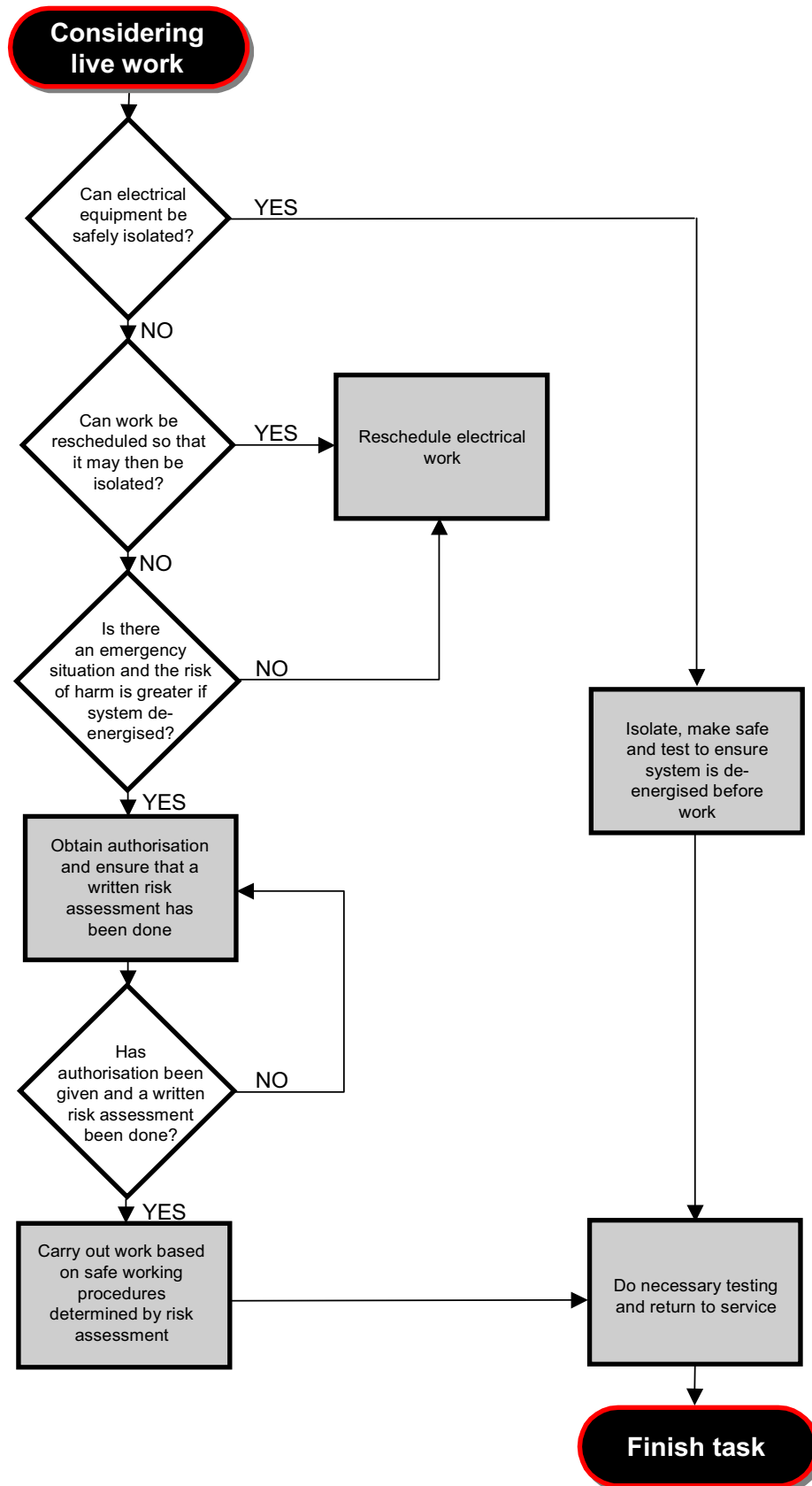
- (a) a safety helmet with face shield (as appropriate);
- (b) safety glasses/face shields (anti-flash);
- (c) safety boots;
- (d) protective clothing;
- (e) approved insulating gloves;
- (f) approved insulated tools; and
- (g) approved insulating sheeting.

Workers must be trained to be competent in the use of PPE.

All the above practices should be described in the employer's or your own (if self-employed) safe working procedures, and rigorously carried out.

6.2 Flow chart of control measures for electrical work

Examine the flow chart and then work through sections 6.3 and 6.4.



Advice to workers

WORK SAFELY
ISOLATE THE SUPPLY
SECURE LOCKOUT DEVICE AND TAG
PROVE IT IS DE-ENERGISED

6.3 Control measures when fault-finding on or near live conductors

When fault finding, take the following precautions.

- (a) Before starting and during work:
- (i) Checks must be made to ensure that the test instruments to be used are functioning correctly, before starting and during the work.
 - (ii) Place safety barriers/notices to prevent other persons entering the vicinity of exposed live parts or exposed conductive parts that could become live during testing.
 - (iii) Safe working procedures relevant to each activity must be maintained and coordinated with co-workers who may have to assist the fault-finding process, such as procedures related to switching circuits or equipment on and off during the fault-finding or testing process.
 - (iv) Use a safety observer where risk requires it.
- (b) The location of faults should first be attempted with the supply safely isolated, and by utilising de-energised testing methods.
- (c) If a fault cannot be found with the supply isolated and live testing methods have to be used, put control measures in place that isolate all persons from the hazard. Then, prior to fault finding/testing, the following must be done:
- (i) identify exposed conductive parts that could become live whilst using test instruments;
 - (ii) use only approved insulated tools, testing probes and isolation barriers should be used to isolate all workers from contact with exposed conductive parts that could become live during testing;
 - (iii) conduct periodic review of the situation to ensure that no new hazards are created during the process.
- (d) When the fault finding work is completed, circuits and equipment must be restored to a safe condition. For example, disconnected conductors should be reconnected and left in a safe state, covers replaced and accessories and equipment properly secured in compliance with AS/NZS 3000 requirements.

Note that for work in hazardous areas, the special techniques required by AS/NZS 3000 are not covered in this code.

6.4 Control measures to be taken before working live in emergencies

The OHS Regulation specifies the following precautions (clause 207).

Working live procedures can be implemented in emergencies only:

- (a) when the risks of de-energising are greater;

- (b) after a written risk assessment has been completed;
- (d) after determining how it can be done safely; and
- (e) when authorisation has been obtained from the person in control of the premises.

These do not apply to testing (see section 6.7), or to work under a safety plan required by the *Electricity Supply (Safety Plans) Regulation 1997*.

Before work is commenced the following factors must be applied:

- (a) The electrical worker must be competent and confident of applying the particular safe working procedures and techniques required for the task at hand, and must be appropriately qualified.
- (b) The worker must be authorised by the employer (as well as the person in control of the premises) to work on or near a live conductor.
- (c) The work area must be cleared of obstructions so that the worker can enter and leave it quickly and safely.
- (d) The following must be available and at hand:
 - the appropriate test equipment, and
 - insulated tools and accessories, which must be the correct ones for the task and must be well maintained.
- (e) All testing of tools and equipment must be up-to-date and must have been inspected to ensure they are serviceable.
- (f) The person who is to perform the work must be provided with and use the appropriate clothing and associated PPE for the task.
- (g) There must be a safety observer available, who must be competent in electrical rescue and cardio-pulmonary resuscitation (CPR).
- (h) First-aid facilities must be provided at the site and they must be readily accessible. Emergency Services contact numbers should be made available at the site.
- (i) Evacuation lighting should be provided and should be operating correctly.
- (j) Fire-fighting equipment that is suitable for electrical fires should be accessible.
- (k) Key people must be informed that the electrical worker is about to work live, such as the owner or the person in control, and the supervisor.
- (l) The isolation point of the relevant electricity supplies must be established and labelled.
- (m) Live conductors should be insulated where necessary to prevent inadvertent contact or flashovers.
- (n) Unauthorised persons must be prevented from entering the work area by signage and/or a barrier.

Advice for workers:

BEFORE WORKING LIVE — STOP!

*IS IT AN **EMERGENCY** SITUATION?*

*HAVE YOU DONE A **RISK ASSESSMENT?***

*HAVE YOU BEEN **AUTHORISED** BY YOUR **EMPLOYER?***

6.5 Control measures to be taken while working live

While working live, the electrical worker should ensure that all precautions outlined above (section 6.4) have been taken and that:

- (a) the work is done very carefully and in an un-hurried, considered manner (haste can be hazardous);
- (b) the employer's safe working procedures are rigorously followed;
- (c) all exposed conductors are assumed to be live;
- (d) an awareness of the voltage to earth of all exposed conductors is maintained;
- (e) fire-fighting equipment that is suitable for electrical fires is at the site and is readily accessible;
- (f) a safety observer competent in electrical rescue and cardio-pulmonary resuscitation is present.

Using PPE to work live does not guarantee safety. The use of PPE must be supported by training in how to select the correct type of equipment, and by necessary care and understanding to ensure that the PPE meets its performance standard when used.

ADVICE FOR WORKERS

TEST BEFORE YOU TOUCH

NEVER ASSUME IT IS DEAD

OTHERWISE YOU MAY BE!

6.6 Control measures to be taken when leaving unfinished work

Risk control measures do not end when you finish the immediate task. Ensure that the work does not present a hazard to others at the workplace.

This means leaving the work site in a safe state for access by others, including:

- (a) terminating exposed conductors;
- (b) physically securing cables;
- (c) tagging, taping-off;
- (d) informing relevant parties that the work is not complete;
- (e) taking any necessary precautions to ensure that cables cannot become live;
- (f) ensuring that switchboards are clearly labelled in relation to circuits.

6.7 Electrical testing

It is often necessary for testing to be carried out live, such as testing meters, voltage, load, and phasing. The OHS Regulation requires employers to ensure that persons conducting tests for electrical system integrity and operability, conduct the tests in a safe manner using a safe system of work, appropriate PPE and appropriate test equipment.

6.8 Tagging-off procedures: preparation for work on de-energised equipment

6.8.1 General

Do not assume that electrical equipment is de-energised after isolation. Testing must be done prior to touching. Workers must be appropriately trained and competent in the test procedures and in the use of testing equipment.

6.8.2 Identification

It is necessary to clearly identify the electrical equipment to be worked on and the appropriate point of supply. Identification should include labelling that is both consistent and clear at the equipment to be worked on and at all points of possible isolation, for example at the control isolator and main point of supply.

6.8.3 Isolation

The electrical equipment to be worked on must be isolated from all sources of supply. Where isolation is effected at a removable or rack-out circuit-breaker or combined fuse switch, it must be racked out or removed to provide a visible break for isolation verification, then locked open and danger tagged.

When returning after being absent from the immediate work area, it is imperative that checks and tests are carried out to ensure that the electrical equipment being worked on is still isolated when you return, to safeguard against inadvertent reconnection by another person.

6.8.4 Tagging

Where practicable, appropriate tags should be placed at all points of switching.

Where appropriate, the tags should be signed and dated by all personnel involved in the work, or by the supervisor in charge of the work party. Tags should only be removed with the permission of all the signatories to the tags or, if this is not possible, by the signatories' immediate supervisor. Identification labels should also include warnings for any abnormal hazards, for example, multiple points of supply.



When the work is incomplete, at a change of shift or similar circumstances, the last person removes their danger tag and replaces it with a warning (caution or out-of-service) tag.

When work is resumed, the person in charge of the work removes the warning (caution or out-of-service) tag and each person then applies his/her danger tag.

When work is finally completed, each person removes his/her danger tag.

Where a formal permit system is used, the designated sign-on and tagging procedure must be adhered to.

6.8.5 Locking off

All circuit breakers, switches and combined fuse switch units should be locked off where possible. Where locking facilities are not fitted, temporary securing devices must be used. Securing devices must be able to withstand any disrupting environment, for example, not becoming ineffective due to vibration.

6.8.6 Testing

All electrical equipment, unless proven to be de-energised, should be treated as live. Any voltage tests should be conducted between all conductors and between all conductors and earth.

When voltage testers are used, they must be tested for correct operation immediately before use, and again after use, to confirm that the instrument is still working.

Consideration must be given to the possibility of circuit wiring or electrical equipment becoming live because of the operation of automatic control devices, for example, thermostats, float switches, programmable logic controllers (PLCs) and other interface devices.

6.8.7 Bonding of conductors

Where isolation of electrical equipment is made at a remote location, all conductors supplying the equipment should be bonded together and to the general mass of earth at the work site, if practicable. Bonding to earth may be effected by connecting conductors, which should be adequate to carry the potential short circuit currents, to the electrical installation earthing system.

Temporary bonding conductors must always be bonded together and attached to the general earth before any attempt is made to attach them to any de-energised component portion of the electrical installation.

Removal of the bonding conductors must be carried out in reverse order. Suitable safety apparel should be used when attaching or removing temporary bonding conductors.

6.9 Cutting cables

When carrying out work that involves cutting existing cables, the cable must be treated as live and the procedures for working on live electrical equipment adhered to, until positive tests can be made at the point where the cable is to be cut that prove the cable is de-energised.

6.10 Removing out-of-service electrical equipment

When removal of out-of-service or decommissioned electrical equipment is required, the equipment must be isolated from supply and appropriate tests made to ensure the equipment is de-energised. Further tests must be made at any point that a cable is to be cut.

Warning: the use of a tester for detecting an electric field surrounding a live conductor may not be suitable for testing cables that are surrounded by a metallic screen.

Chapter 7 — Legal obligations and responsibilities for implementing this code



This Chapter briefly outlines legal obligations and explains how these are related to the electrical work covered by this code. For full information, consult the *OHS Act 2000* and the *OHS Regulation 2001*.

Note that an obligation may fall on more than one person or organisation, and that one person or organisation may have several of the obligations outlined below. Where several parties have an obligation, it must be carried out in a coordinated manner.

7.1 Duties of Employers

7.1.1 Overview

A prime responsibility for ensuring that a safe working environment is established, and that safe work practices are implemented and maintained, resides with the employer.

Employers must ensure that:

- hazard identification and risk assessment have been done;
- risks are eliminated, or if that is not practicable, control measures are applied and safe work practices put in place before starting work;
- a review of the hazard identification and risk assessment occurs on an ongoing basis;
- working live (apart from testing) is not undertaken unless justified and specific processes followed (see sections 6.4, 6.5 and 6.7);
- supervision is adequate and competent to ensure health and safety;
- training and induction training are provided, including the specific procedures for the place of work and how to access safety information.

Specifically, the employer must ensure:

- (a) all installations and equipment are safe, regularly inspected and maintained;
- (b) plant is not used in conditions likely to give rise to an electrical hazard;
- (c) appropriate work systems prevent inadvertent energising of plant;
- (d) if excavating, all available information on the position of underground cables is obtained and provided to workers;
- (e) work close to overhead power lines is done in accordance with a written risk assessment and a safe system of work;
- (f) any extension cords, cables or fittings are not located where they are likely to be damaged, or protected against damage, and are not laid across passageways or access ways unless suitably protected;
- (g) adequate signs to warn of the hazards and to restrict access are provided where there is a risk of exposure.

However, where carrying out the duties (a) to (g) above are inconsistent with the *Electricity Safety (Electrical Installations) Regulation 1998*, that regulation prevails.

Records must be maintained of all inspections or tests that are made and maintenance that is performed on electrical articles or installations (not including supply), including:

- the name of the person who carried out the inspection, test or maintenance;
- the date or dates;
- the result or outcome; and
- the date by which further inspection, test or maintenance must occur.

7.1.2 *Specific recommendations*

To meet their obligations, employers should ensure that the following are carried out.

- (a) An electrical hazard control policy and program of action are developed, and justification for working live.
- (b) It is explained to all employees that they are required to cooperate in using safe work practices, agreed through consultation.
- (c) A comprehensive personal electric shock protection program, including the selection of appropriate tools and personal protective equipment (including instruction of employees in their correct use and maintenance) is implemented.
- (d) The training employees receive includes:
 - competence to do the work they are assigned to do,
 - competence in undertaking the hazard identification and risk assessment process, and
 - CPR and Release and Rescue.
- (e) The following information is provided to employees, taking language and literacy into account:
 - what electric shock is;
 - the range of injury due to electric shock;
 - the exposure to electricity in their particular workplace;
 - the reasons for, and nature of the general electric shock control (or prevention) measures which are used to protect them and other persons who might be affected by their work;
 - the specific control measures which are necessary in relation to each employee's own job (these measures may include instruction in the correct use of and maintenance of electrical tools and equipment and correct methods of operation for minimising risks of electrical shock);
 - the electrical safety policy and program of action, and the timetable for future improvements;
 - the arrangements for reporting defects likely to cause electrical shock,
 - when and how to use personal protection equipment and insulated tools provided for the prevention of electrical shock and their proper care and maintenance;
 - statutory responsibilities of employers and employees.

7.1.3 *Supervision*

Employers must provide appropriate supervision and should recognise their supervisor's role in the management of the risks and the protection of employees. Close liaison between supervisors and employees is vital.

Supervision of electrical workers working on or near live parts should ensure that the control measures are fully implemented and followed at all times by employees. If you are supervising, it is your responsibility to ensure that the situation is safe for everyone.

The level and extent of supervision required will vary according to the safety aspects of each task and the skills of the worker. In determining the necessary level of supervision, an employer should consider:

- the complexity of the job environment in which the job is being done;
- the hazards at each work site;
- the worker's level of competence and experience.

The levels of supervision required for various tasks need to be described in policies and procedures.

7.1.4 Home Building Act — requirement for supervision

The supervision requirements of the *Home Building Act 1989* must be satisfied. This Act requires that persons must not do electrical wiring work unless they hold a Qualified Supervisor Certificate (Electrician). A person who is not a qualified supervisor may do electrical wiring work only if a qualified supervisor is present at all times when the work is being done and is available to be consulted by, and give directions to, that person.

The Home Building Act and Regulations also require the supervising of apprentice electrical workers. Such apprentices must be under the supervision of a qualified supervisor. However, the level of supervision may be less stringent where:

- (a) the qualified supervisor is of the opinion that the apprentice's knowledge and experience in doing such electrical work is such that the apprentice does not need that level of supervision; and
- (b) the apprentice does that work under the supervision, and in accordance with the directions, if any, of the qualified supervisor.

Where the person supervising the work has satisfied him/herself that the site has been made safe, so that there is no possibility of the work becoming live from an electricity supply, or by induction, then the supervision need be no more stringent than for other non-electrical work. However, the licensing and supervision requirements of the NSW *Home Building Act 1989* are still relevant.

7.1.5 Emergencies and first aid

Employers must provide for emergencies, including making arrangements for:

- (a) safe and rapid evacuation;
- (b) emergency communications; and
- (c) appropriate medical treatment of injured persons.

7.2 Duties of self-employed persons

A self-employed person must ensure that other people are not exposed to the risk of electrical shock arising from the conduct of the self-employed person's undertaking, while they are at the self-employed person's place of work. In other words, self-employed persons have the same duties as employers have to other persons at the workplace, outlined in section 7.1 above.

This covers all types of persons at the workplace, including passers-by, persons working for other employers and contractors. It includes likely visitors to each site, such as children in shopping centres. It also covers all risks, from trip hazards over cables on the ground to electric shock hazards arising from accessible exposed live cables, parts or plant.

7.3 Duties of persons in control of work premises, plant or substances

The OHS Act and Regulation place obligations on controllers of premises, plant and substances.

A person in control of a premises used by people (who are not their employees) as a place of work, must ensure that the premises are safe and without risk to health, and that plant and substances are safe and without risks to health when properly used. This includes all electrical hazards. A controller of a premises includes a person who has limited control and a person who has an obligation to maintain or repair the premises under any contract or lease. The controller is sometimes the occupier (e.g. an owner who occupies their own premises).

This also means that where such a person engages the services of an electrical worker, and the electrical worker informs that person that the work cannot be done safely with the supply switched on, then the person in charge (or control) of the workplace cannot ask or expect the electrical worker to do the work live. The person in control must then ensure that the work can be done when the system is de-energised.

Specifically, a controller of premises must ensure that any electrical installation or article:

- (a) is safe for use by an employer at the premises, or if not it is disconnected and the employer is informed that it is not safe;
- (b) containing live components are suitably secured and persons entering such areas are properly trained;
- (c) is maintained in a safe condition;
- (d) documentation is obtained and kept of modifications to circuits at the premises, and made accessible to any person doing further electrical work.

The above controller obligations do not apply to the occupier of a private dwelling, even though an electrical worker performs work there.

The OHS regulation provides that an electrical installation does not include the premises of a supply authority, appliances (etc) beyond any outlet socket, or ELV. Controller duties do not apply to employers in relation to their employees - these are covered under employer duties in 7.1 above.

7.4 Duties of employees

Employees must:

- (a) Take reasonable care for the health and safety of people who are at the employee's place of work and who may be affected by the employee's acts or omissions.
- (b) Cooperate with their employer, or other person, in complying with any procedures provided by the employer or other person to eliminate or control risks. This includes the correct use and maintenance of the required PPE and any special tools, instruments and equipment provided for the work.
- (c) Notify the employer or supervisor of any matter that (to the knowledge of the employee) may affect the capacity of the employer to comply with the requirements of the OHS Regulation.

7.5 Duties of designers, manufacturers and suppliers of plant for use at work

Manufacturers, importers and suppliers of plant (which includes equipment) must ensure that it is designed and constructed so that it is safe and without risks when properly installed, maintained and used. Specifically, designers must have regard to such safety requirements as insulation, earthing and appropriate access to controls for plant designed to work near electrical conductors.

Where necessary, research and development work should be carried out to eliminate or reduce the risk of electrical shock at the design stage.

Risk elimination or reduction should take into account:

- (a) The range of uses for which plant is supplied, available information on the conditions under which it is likely to be used, the foreseeable methods of using it, and misuse.
- (b) If operation and use of the plant might create an electrical hazard, the manufacturer, importer or supplier should ensure that adequate information is made available to the employer, if possible prior to the supply of the plant, about:
 - its electrical risks;
 - the means of installation, maintenance and use of the plant that will enable it to present the lowest practicable electrical shock risk.

A person who hires or leases plant to you must ensure that all safety features, including all insulation, earthing, controls and all warning devices are maintained and tested.

Users of plant and equipment can expect that the supplier will provide them with adequate information on how to use it safely and without risk to health.

7.6 Enforcement

If a breach of legislation or safety standards is found, the WorkCover inspector will decide what action to take. The action will depend on the nature and seriousness of the breach. Inspectors follow procedures set out in WorkCover's Compliance & Prosecution Policy, which is available from WorkCover if you require more information.

Inspectors can implement the following range of enforcement options:

- **Improvement Notices** require a particular hazard or potential risk to health and safety to be rectified within a specified time frame. The Improvement Notice states the reasons for the notice and will specify the nature of the hazard or risk to health and safety.
- **Prohibition Notices** are issued when an inspector is of the opinion that a situation is of immediate risk to the health and safety of people in the vicinity. The notice requires the cessation of work until the situation is made safe.
- **Penalty Notices (on-the-spot fines)** can be issued for a range of matters, and the level of fines attached to penalty notices are detailed in the OHS Regulation. Once a fine is paid, no further legal proceedings for that particular offence will take place.
- **Investigation Notices** are issued by an inspector to stop plant or prevent disturbance of premises to allow the investigation of workplace health and safety matters.
- **Prosecution** is pursued when the offence is regarded as serious. This is not only to penalise, but also to prevent similar risks to health and safety. WorkCover will also initiate prosecutions to draw attention to a particular problem that is common and of considerable community interest and concern.

A person who has been issued with a Prohibition, Improvement or Investigation Notice can apply to WorkCover for a formal review. This may result in the notice being confirmed, varied by the issue of a new notice, or revoked by WorkCover. A notice may be withdrawn at any time by the inspector who issued the notice or by WorkCover if the notice was issued in error or is incorrect in some respect

However, an applicant who is not satisfied with WorkCover's review may appeal to an Industrial Magistrate at a Local Court.

Appendix 1



Tool 1 (Sample Risk Control Plan) provides an example of the way in which risk controls can be developed from your assessment of risk factors.

When decisions are made about what actions are to be taken, these should be documented to make subsequent review of agreed risk controls easier. The form this Tool uses gives a simple example of the hazards identified and the actions, which have resulted following a risk assessment.

Note The sample in tool 1 deals only with work in a **low voltage distribution board**. In some situations, workers may be exposed to other conditions (eg workers may have to deal with multiple supply sources). Because the final assessment factor (Physical Condition/Capability) refers to an individual work team, it will in most cases be necessary to complete this Tool for each work team exposed to low voltage electricity.

Please see next page for tool 1



Tool 1 Sample Risk Control Plan — Distribution Board

Hazard - exposure to low voltage	Control Plan
<p>Source of low voltage Exposed live conductors in distribution board</p>	<ul style="list-style-type: none"> • Main switch controlling sub-main switched and locked off. • Main switch to be tagged • Testing to be done to determine all exposed conductors de-energised.
<p>Nature of work undertaken</p> <ul style="list-style-type: none"> • Electrical fitting of new final 3 phase subcircuit. • 3 phase cable is run to outlets and switchboard end is located in distribution board. • Outlets are connected to cable. Circuit breaker to be fitted to distribution board. <p>Cable to be terminated on circuit breaker at distribution board.</p>	<ul style="list-style-type: none"> • Staff to run cable to socket outlets from location near to distribution board allowing sufficient length for termination. • Work to be organised so that all terminations of socket outlets done prior to termination at distribution board. • Earth continuity tested prior to termination of actives and neutral at distribution board. • Cable terminated at distribution board after isolation, locking and tagging as above. • Staff to be encouraged to assume all conductors live and work accordingly.
<p>Duration of exposure to low voltage electricity.</p> <ul style="list-style-type: none"> • Electrical testing of conductors to ensure switchboard is de-energised. • Electrical testing to prove all actives are broken by switching of socket outlets. • Electrical testing to prove isolation by circuit breaker. 	<ul style="list-style-type: none"> • Work will be organised to ensure both workers present when all live electrical testing is done. • One worker to be positioned to operate main switch and provide assistance if necessary.
<p>Physical condition and capability of the worker</p> <ul style="list-style-type: none"> • Two workers, 28 and 22 yrs of age, both fit and experienced in the tasks undertaken. No medical history or current medications that may affect capacity to work with low voltage electricity. 	<ul style="list-style-type: none"> • Any incidence of electric shock to be reported at once. • Any change in medical status (eg employee taking prescribed medication) to be notified and medical advice regarding their fitness for work sought if any doubt exists.

Employee/Worker preventive actions checklist

Section 1 — Initial Assessment		Yes	No
1.	Can the electrical equipment be safely isolated? If Yes, <i>proceed to section 2</i> . If No, go to Q 2.		
2.	Can the work be rescheduled to another time so that the electrical equipment can be isolated? If Yes, proceed to section 2. If No, have you obtained genuine reasons from the client and/or controller of the premises that it is an emergency and de-energising the equipment presents a higher risk than leaving it energised? Have you discussed the matter with your employer/supervisor? Have you investigated whether the section of the installation that needs to be de-energised can be isolated, while leaving the remainder connected? <i>Proceed to section 3.</i>		
Section 2 — Eliminate the Hazard — Work De-energised		Yes	No
3.	Do you have approved test instruments suitable for the task?		
4.	Have you checked that the test instruments are functioning correctly?		
5.	Have you switched off the supply?		
6.	Have you isolated the supply, for example by removing fuses or disconnecting the output side of the isolating device?		
7.	Have you taken precautions to ensure that the supply remains switched "off" by locking off and/or tagging or disconnecting the load side of the isolator and tying back disconnected conductors? Always assume that all conductors or components are live until you have proved them dead. Test before you touch. <i>Proceed to section 4.</i>		

Section 3 - Control Measures WORKING ON OR NEAR LIVE EQUIPMENT		YES	NO
8.	Have you completed a written risk assessment and identified all electrical hazards and non-electrical hazards, both actual and potential? All materials including liquids and gases should be regarded as conductive unless you have definite knowledge to the contrary.		
9.	Have you determined the control measures required to remove, manage or minimise the risks?		
10.	Are you trained, competent and confident in applying the particular procedures or techniques that are required for the task at hand?		
11.	Have you been authorised by your employer and person in control of the premises to work on or near live equipment?		
12.	Do you have a safe working procedure for the task at hand?		
13.	Is your work area clear of obstructions and is there a safe entry and exit?		
14.	Is your test equipment: appropriate to the task and functioning correctly?		
15.	Have you checked to ensure that your tools and accessories: are insulated, and have been inspected to ensure they are serviceable?		
16.	Are you wearing the appropriate clothing and associated PPE for the task? For example, safety helmet and boots, anti-flash safety glasses, insulating gloves (gloves to be air-tested daily prior to use).		
17.	Do you have the appropriate insulating mats and sheeting?		
18.	Are the necessary first-aid facilities provided and accessible?		
19.	Is a trained safety observer present?		
	REMEMBER: <ul style="list-style-type: none"> • Do the work very carefully. • Follow the safe working procedures. • Assume all exposed conductors are live. • Make sure you are aware of the voltage to earth of all exposed conductors. 		
Section 4 — AFTER COMPLETING THE WORK		YES	NO
20.	Have the installations/circuits/equipment been restored to a safe condition?		
21.	Have all tags and locking-off devices been removed?		

Electrical worker

Signature

____/____/____
(date)



Appendix 3 — Some frequently asked questions...



Are there any regulations that I must be aware of?

Yes. The OHS Regulation requires that employers take steps to protect employees from harmful effects of electricity. These requirements are summarised in this code of practice wherever you see this symbol:



Are there any other codes of practice that I should be aware of?

Yes. "Electrical Practices for Construction Work", which is a code of practice covering the acceptable temporary electrical wiring and testing arrangements for the construction industry in NSW. Also AS/NZS 3760:2000 has been gazetted as a code of practice.

Are there any other laws that I should be aware of?

Yes: Other legislation includes legislation such as:
Electricity Safety (Electrical Installations) Regulations 1998
Electricity Safety Act 1945
Electricity Supply Act 1995
Electricity Supply (General Regulation) 1996
Electricity Supply (Safety Plans) Regulation 1997
Home Building Act 1989
Home Building Regulation 1997



Are there any Australian or International Standards that I should be aware of?

Yes. A number of Australian Standards address issues associated with working on or near low voltage electrical installations or systems, as well as personal protective equipment and other relevant subjects. Some of these include:

AS 2225	<i>Insulating gloves for electrical purposes</i>
AS 2676	<i>Guide to the installation, maintenance, testing and replacement of secondary batteries in buildings</i>
AS 2676.1 — Part 1:	<i>Vented cells</i>
AS 2676.2 — Part 2:	<i>Sealed cells</i>
AS 3190	<i>Approval and test specification-Residual current devices (current-operated earth-leakage devices)</i>
AS 3527	<i>Hand-operated screwdrivers and screwdriver bits</i>
AS 3527.2 — Part 2:	<i>Insulated screwdrivers</i>
AS 4202	<i>Insulating covers for electrical purposes</i>
AS/NZS 1892	<i>Portable ladders</i>
AS/NZS 1892.1 — Part 1:	<i>Metal</i>
AS/NZS 1892.2 — Part 2:	<i>Timber</i>
AS/NZS 1892.3 — Part 3:	<i>Reinforced plastic</i>
AS/NZS 2161	<i>Occupational protective gloves</i>
AS/NZS 2161.4 — Part 4:	<i>Protection against thermal risks (heat and fire)</i>
AS/NZS 2381	<i>Electrical equipment for explosive atmospheres-Selection, installation and maintenance</i>
AS/NZS 2381.1 — Part 1.	<i>General requirements</i>

AS/NZS 2978	<i>Insulating mats for electrical purposes</i>
AS/NZS 3000	<i>Electrical installations (Known as the Australian/New Zealand Wiring Rules)</i>
AS/NZS 3017	<i>Electrical Installations — Testing guidelines</i>
AS/NZS 3108	<i>Approval and test specification — Particular requirements for isolating transformers and safety isolating transformers</i>
AS/NZS 3175	<i>Approval and test specification — Residual current-operated circuit-breakers without integral over-current protection for household and similar uses (RCCBs)</i>
AS/NZS 3175.1 — Part 1:	<i>General rules</i>
AS/NZS 3800	<i>Electrical equipment for explosive atmospheres--Overhaul and repair</i>
AS/NZS 3832	<i>Electrical Installations--Cold-cathode illumination systems</i>
AS/NZS 61009.1	<i>Residual current operated circuit-breakers with integral over-current protection for household and similar uses (RCBOs)-- General rules</i>
IEC 60900	<i>Hand tools for live working up to 1000 V a.c. and 1500 V d.c.</i>

The Standards you should be familiar with will depend upon your industry, your plant and your processes. Standards Australia can be contacted on 1300 654 646; their website address is www.standards.com.au.

? How do I know whether the electrical installation at my work place exposes my workers to low voltage?

You need to assess the risks, using Chapters 3 and 5 in this code of practice. If in doubt about how serious a problem could arise, you should consider getting advice from someone competent to assess your exposure.

? Do I have to arrange for a survey of all the works that my employees are doing?

This depends on your initial assessment of risk. If you believe you may have a problem with low voltage electricity, but you are not sure of its extent, you should arrange for a competent person to measure exposure, using a workers diary style system or similar to obtain a more complete picture.

You must provide them with the necessary equipment, and make sure they are able to monitor and record working conditions accurately.

? Is it necessary to provide special tools and equipment for employees working on or near low voltage installations or systems?

Yes. You must provide all necessary PPE and special tools required for the work. Make sure employees know how to correctly use the equipment so that it provides the best possible protection.

? Can I rely on employees to recognise the signs of electric shock, and to report any problem concerning exposure to electricity?

If you have provided information alerting employees to the physical effects of electric shock, and developed procedures for reporting problems, you should be able to rely upon them to inform you before an incident occurs. This does not substitute for your responsibilities to supervise the work and monitor conditions. And remember, you must manage the hazards to minimise the risk of employees being exposed in the first place.

Appendix 4 — Case Studies of Electrical Incidents

A4.1 CASE 1

A4.1.1 Incident

An electrical worker had replaced the fuses in a switch fuse unit and had difficulty in turning the switch on. He opened the cover of the switch and found that the fuse carriage had jammed. As he was trying to free the switch carriage with a pair of pliers, the pliers slipped off, shorting the live incoming terminals. He received very serious burns to his face and arm.

A4.1.2 Contributing factors and relevant sections

Failure to:

- isolate — Section 6.1, 6.2, 6.5;
- use appropriate PPE — Section 6.1

A4.2 CASE 2

A4.2.1 Incident

The main switchboard at a factory had been upgraded and a new mains supply cable was being installed during the weekend shutdown. The electrical worker was assisting the supply authority with the mains changeover, and he carried out the connections at the factory while the supply authority made the connections at the transformer end.

The following day the electrical worker was removing the old mains cable that had been disconnected from the main switchboard, and as a final check to ensure that the cable was dead he shorted out the conductors with his pliers. This caused a short circuit resulting in flash burns to his eyes.

An investigation revealed that the old main supply cable had been mistakenly left connected to the transformer because of lack of communication between the supply authority and the electrical worker.

A4.2.1 Contributing factors and relevant sections

Failure to:

- use appropriate job planning — Chapter 3;
- follow appropriate isolation procedure — Section 6.1, 6.2 ;
- use proper means to prove de-energisation — Section 6.1
- wear face and eye protection — Section 6.1

A4.3 CASE 3

A4.3.1 Incident

An electrical worker was carrying out electrical wiring work at an installation's main electrical switchboard at the time of the incident. It appears that he was working in the vicinity of the upper right-hand compartment of the combined switchboard and metering assembly. This compartment contained a number of double-pole circuit breakers providing control and protection for the fuel dispensing pump motor's final sub-circuits.

Since electricity supply was required in order to operate all the dispensing pumps at all times, it seems that the electrical worker decided to carry out the work with the supply still energised to the switchboard compartment where he was working.

The outer hinged door of this compartment was open and the associated inner hinged metal escutcheon plate, which would normally cover all exposed live parts of the switchboard, was also in the open position.

The investigation revealed that no means of insulating exposed live parts was evident in this switchboard compartment or at the pump control board immediately above this compartment.

All exposed metal of the switchboard was effectively earthed and connected to the main earthing systems.

The exposed live parts of the switchboard compartment was of three bolted incoming supply connection points in the upper section; one for each of the three phases of the centre-fed busway system.

The work involved the placement of circular orange Tough Plastic Sheathed (TPS) cables extending from cable enclosures at floor level through a compartment below the switchboard and through a cable entry aperture in the bottom left hand corner of the upper right-hand switchboard compartment.

The electrical worker inadvertently contacted the exposed live parts of the electrical switchboard comprising the bolted incoming supply connection points for each of the three phases of the centre-fed busway system.

The electrical worker was killed.

A4.3.2 Contributing factors and relevant sections

Failure to:

- isolate — Section 6.1, 6.2;
- insulate exposed energised parts with an effective barrier, cover or mat — Section 6.2
- take care in an area of reduced mobility — Section 4.2.
- use a safety observer when working on energised equipment — Section 6.4, 6.5.

A4.4 CASE 4

A4.4.1 Incident

An electrical worker was called to a hotel to repair a walk-in freezer that was tripping out on overload.

He climbed on to the roof where the refrigeration compressor was mounted. He took with him basic hand tools and electrical test equipment. Despite knowing where to isolate supply to the compressor, he did not do so.

When he viewed the unit, it was obvious that the motor run capacitor (with a metal case) was leaking, so he removed the capacitor from its mounting to read the details with the power still on. Because the case of the capacitor was alive, and he was in contact with metal that was earthed, the electrical shock he received was sufficient to kill him.

A later inspection of the capacitor revealed that insulation had broken down around the capacitor terminals and a conductive mixture of oil, dust and salt spray caused the case to be livened up.

Testing would not have helped in this situation. While the capacitor was mounted on the unit, it was earthed by way of its fixing and at earth potential; any voltage test would have shown zero volts with respect to earth.

The circuit breaker did not trip because the run capacitor is in series with the run winding which has sufficient impedance (resistance) to reduce the current to less than that required to operate the 15 amp circuit breaker.

In fault conditions, even the metallic refrigerant pipes are potentially live but held at earth potential by connections to earthed equipment. By disconnecting a coupling or cutting this pipe anywhere between the fault and the earth connection you would have a potential of 240 volts across the open point of the pipe, which would then be across you if you were to hold the separate pipe ends in each hand.

A4.4.2 Contributing factors and relevant sections

Failure to isolate — Section 6.1, 6.2.

A4.5 CASE 5*A4.5.1 Incident*

Two electrical workers were installing cables in a section of a switchboard isolated and proven de-energized. Whilst one electrical worker was working on busbars in one cubicle, the other was working in an adjacent cubicle, using a two piece metal hole punch to make a 37mm penetration through to a cable access zone. During this task, the rear section of the hole punch was caught around a neutral conductor that was obscured from the vision of the electrical worker and consequently the conductor was severed in the hole cutting process. This neutral was supplying a control panel neutral link. The actives for the control circuits associated with the link were supplied from a separate energised portion of the switchboard. The severing of this neutral created a backfeed on the red phase that one electrical worker was touching at the time, resulting in a shock, which was measured as approximately 180 volts, shortly afterwards. The electrical worker receiving the shock was unable to break contact and was dragged clear from the switchboard (without the use of any insulated aids). He was taken to hospital with burns to hands.

A4.5.2 Contributing factors

Failure to:

- follow appropriate isolation procedure — Section 6.1
- wear insulating gloves — Section 6.1
- have suitable rescue techniques and equipment in place — Section 6.4, 6.5.

WorkCover Offices

HEAD OFFICE

Office Hours 8:30am-5:00pm
Monday to Friday
400 Kent Street
SYDNEY NSW 2000
Phone: (02) 9370 5000
Fax: (02) 9370 5999
Postal Address
WorkCover NSW
GPO Box 5364
SYDNEY NSW 2001

Client Contact Centre

Office Hours 8:30am-4:30pm
Monday to Friday
Ground Floor, 400 Kent Street
SYDNEY NSW 2000
Phone: 13 10 50
Fax: 9370 6150

REGIONAL and LOCAL OFFICES

Office Hours: 8:30am-4:30pm
Monday to Friday

REGIONAL OFFICES

Newcastle

956 Hunter Street
NEWCASTLE WEST 2302
Phone: (02) 4921 2900
Fax: (02) 4921 2929

Parramatta

Level 8, 128 Marsden Street
PARRAMATTA 2150
Phone: (02) 9841 8550
Fax: (02) 9841 8490

Wollongong

106 Market Street
WOLLONGONG 2500
Phone: (02) 4222 7333
Fax: (02) 4226 9087

LOCAL OFFICES

Albury

463 Kiewa Street
ALBURY 2640
Phone: (02) 6021 5911
Fax: (02) 6041 2580

Batemans Bay

Shop 6, Fenning Place
12 Orient Street
BATEMANS BAY 2536
Phone: (02) 4472 5544
Fax: (02) 4472 5060

Blacktown

125 Main Street
BLACKTOWN 2148
Phone: (02) 9671 8701
Fax: (02) 9831 8246

Dubbo

Suite 3, 157 Brisbane Street
DUBBO 2830
Phone: (02) 6884 2799
Fax: (02) 6884 2808

Central Coast

3/13 Anzac Road
TUGGERAH 2259
Phone: (02) 4350 6370
Fax: (02) 4353 2373

Goulburn

21-23 Clifford Street
GOULBURN 2580
Phone: (02) 4822 1243
Fax: (02) 4822 1242

Grafton

NSW Government Offices
49 - 51 Victoria Street
GRAFTON 2460
Phone: (02) 6641 5111
Fax: (02) 6641 5100

Griffith

NSW Government Offices
104 - 110 Banna Avenue
GRIFFITH 2680
Phone: (02) 6964 2027
Fax: (02) 6964 1738

Hurstville

Level 4, 4-8 Woodville Street
HURSTVILLE 2220
Phone: (02) 9598 3366
Fax: (02) 9585 0261

Lindfield

345 Pacific Hwy
LINDFIELD 2070
Phone: (02) 9936 3000
Fax: (02) 9936 3030

Lismore

Suite 4, Level 4
Manchester Unity Building
29 Molesworth Street
LISMORE 2480
Phone: (02) 6622 0088
Fax: (02) 6622 0090

Liverpool

Suite 4, Ground Floor
157 - 161 George Street
LIVERPOOL 2170
Phone: (02) 9827 8600
Fax: (02) 9827 8690

Narrabri

Level 1, 55 Maitland Street
NARRABRI 2390
Phone: (02) 6792 4643
Fax: (02) 6792 3532

Newcastle

956 Hunter Street
NEWCASTLE WEST 2302
Phone: (02) 4921 2900
Fax: (02) 4921 2929

Orange

74 McNamara Street
ORANGE 2800
Phone: (02) 6361 7070
Fax: (02) 6362 8820

Parramatta

Level 8, 128 Marsden Street
PARRAMATTA 2150
Phone: (02) 9841 8550
Fax: (02) 9841 8490

Port Macquarie

Shops 1 & 2,
Raine & Horne House
145 Horton Street
PORT MACQUARIE 2444
Phone: (02) 6584 1188
Fax: (02) 6584 1788

Shellharbour

134 - 134A Lamerton House
Shellharbour Square
BLACKBUTT 2529
Phone: (02) 4297 3796
Fax: (02) 4296 8914

Tamworth

Shop 20, 341 Peel Street
TAMWORTH 2340
Phone: (02) 6766 2490
Fax: (02) 6766 4972

Lake Macquarie

Shop 2, 33 The Boulevard
TORONTO 2283
Phone: (02) 4959 6366
Fax: (02) 4950 5587

Tweed Heads

Suite 5, 1 Sands Street
TWEED HEADS 2485
Phone: (07) 5536 3262
Fax: (07) 5536 4389

Wagga Wagga

Level 2, 76 Morgan Street
WAGGA WAGGA 2650
Phone: (02) 6937 3600
Fax: (02) 6937 3616

Wollongong

106 Market Street
WOLLONGONG 2500
Phone: (02) 4222 7333
Fax: (02) 4226 9087

WorkCover Assist Legislative Assistance Program 2002

The objective of the **WORKCOVER ASSIST PROGRAM** is to support registered NSW trade unions and employer associations to help their members implement the *Occupational Health and Safety Act 2000*; the *Occupational Health and Safety Regulation 2001*; and the *Workers Compensation Legislation Amendment Act 2001* (as it applies to dispute resolution and claims assistance).

The organisations to which the WorkCover Authority intends providing funding for the WorkCover Assist program are set out below. The proposed amounts of funding and a description of the assistance that the organisation is to provide, including claims assistance¹, is also outlined below.

Kate McKenzie
General Manager
WorkCover Authority

Organisation Name	Amount	Description of Assistance
Association of Child Care Centres NSW	\$96,000.00	Education scheme with focus on consultation and risk management including on-line and telephone support.
Australasian Meat Industry Employees Union Newcastle & Northern Branch	\$70,068.00	Training and advisory assistance (particularly in relation to dispute resolution and claims assistance through an 1800 toll number). ¹
Australian Building Services Association NSW	\$106,335.00	Education and training including development of a model for practical risk management.
Australian Business Industrial	\$100,000.00	Education and advisory service including provision of the dedicated telephone line.
Australian Industry Group	\$110,000.00	Education and training scheme.
Australian Liquor, Hospitality & Miscellaneous Workers Union, NSW Branch	\$100,000.00	Training scheme and advisory Assistance.
Australian Manufacturing Workers Union	\$205,000.00	Provision of new or improved consultation arrangements and delivery of a training scheme.
Australian Medical Association	\$100,000.00	Education and training scheme.
Australian Nursing Homes & Extended Care Association NSW and Aged & Community Services Association of NSW & ACT	\$189,500.00	Education scheme including consultative forums and development of resources and website.
Australian Services Union NSW & ACT Branch	\$99,900.00	Training scheme and advisory Assistance.
Baking Industry Association	\$96,909.00	Development of information resources and education.

Caravan, Camping & Touring Industry & Manufactured Housing Industry Association of NSW	\$97,742.00	Information and training scheme.
CFMEU (Mining and Energy, Construction & General, Forestry Divs)	\$224,400.00	Training and advisory assistance including claims and dispute resolution assistance through representation at the Workers Compensation Commission. ¹
Civil Contractors Federation	\$110,000.00	Education and training scheme including a support telephone hotline service.
Clubs NSW	\$34,500.00	Education scheme including monitoring of industry compliance.
Electrical Trades Union of Australia NSW	\$100,000.00	Training scheme and advisory Assistance.
Employers First	\$110,000.00	An education scheme including an advisory service and training on risk assessment.
Federated Clerks Union of Australia, NSW Branch	\$96,850.00	Education and training scheme.
Federated Municipal & Shire Council Employees Union of Australia NSW Division	\$70,180.00	Training and case study approach towards practical application of the new regulations.
Finance Sector Union of Australia, NSW Branch	\$100,000.00	Education and training scheme.
Furnishing Industry Association of Australia (NSW)	\$101,310.00	Education, training and assistance scheme.
Health & Research Employees Association of NSW	\$100,000.00	Training scheme and advisory 'call center' service.
Labor Council of NSW	\$100,000.00	Training scheme and advisory Assistance.
Local Government & Shires Associations of NSW	\$110,000.00	Education and training scheme including development of policies and procedures manual for local government.
Master Plumbers & Mechanical Contractors Association of NSW	\$105,000.00	Training and advisory service including a dedicated telephone hotline.
Master Tilers, Slaters & Shinglers Association of NSW Inc	\$110,000.00	Development of a model OHS, risk prevention and injury management compliance system, an information program training and on-going assistance.
Media Entertainment & Arts Alliance	\$100,000.00	Education and training scheme.
Motor Traders Association of NSW	\$107,322.00	Education and training scheme including a help line.
National Electrical Contractors Association	\$85,055.00	Education and training scheme.

Newcastle Trades Hall Council	\$100,000.00	Education and training scheme.
NSW Fire Brigade Employees Union	\$100,000.00	Education, training and development of a new system of OH&S consultation.
NSW Nurses Association	\$100,000.00	Information and awareness.
NSW Road Transport Association	\$99,280.00	Provision of information, claims advice and a help line. ¹
NSW Taxi Industry Association	\$99,760.00	Competency training for operators, information dissemination and promotion of return to work management.
NSW Teachers Federation	\$100,000.00	Education and awareness.
NSW/ACT Independent Education Union	\$102,050.00	Education and awareness scheme.
Nursery & Garden Industry NSW Limited	\$112,860.00	Education and advisory service including development of risk assessment guides.
Pharmacy Guild of Australia (NSW Branch)	\$112,722.35	Education and advisory service including a risk management training package and a rehabilitation coordinator.
Police Association of NSW	\$100,000.00	Education and training including the development of best practice risk management and dispute resolution models.
Public Service Association	\$100,000.00	Education and training scheme.
Rail, Tram and Bus Union	\$75,120.00	Training scheme and development of practical guideline resources.
Restaurant & Catering Association of NSW	\$91,386.00	Education and training scheme including an advisory 1300 hotline number.
The Association of Professional Engineers, Scientists & Managers of Australia NSW Branch	\$99,000.00	Training scheme and practical assistance.
The NSW Chamber of Fruit & Vegetable Industries Inc	\$91,700.00	Education, awareness and a training scheme.
Timber Trade Industrial Association	\$98,960.00	Education and training scheme with focus on risk management and consultation.
Transport Workers Union of Australia, NSW Branch	\$100,000.00	Training scheme and advisory Assistance.

1. As per section 42 B of the Workplace Injury Management and Workers Compensation Act 1998 No 86

TENDERS

Department of Public Works and Services

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE“

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, N.S.W. 2000, up til 9.30 am on the dates shown below:

18 December 2001

- 014/318a** MEDICAL GAS ADMINISTRATION EQUIPMENT AND ACCESSORIES - SUPPLEMENTARY.
DOCUMENTS: \$110.00 PER SET.
- IT 01/2784** PROVISION OF A CUSTOMER INFORMATION MANAGEMENT SYSTEM (CIMS).
DOCUMENTS: \$220.00 PER SET.
- IT 01/2796** PROVISION OF A LABORATORY INFORMATION MANAGEMENT SYSTEM (LIMS).
DOCUMENTS: \$220.00 PER SET.

8 January 2002

- 025/7199** SUPPLY OF STRUCTURAL FIRE FIGHTING HELMETS. DOCUMENTS: \$110.00 PER SET.
- S01/00303 (155)** CLEANING OF DPP OFFICE AT SYDNEY. CATEGORY C. INSPECTION DATE & TIME: 20/12/2001 @ 11:00 AM SHARP. AREA: 6840 SQ. METERS. DOCUMENTS: \$27.50 PER SET.

9 January 2002

- S0158129** ENERGY AUSTRALIA 1.REMOVAL OF INDUS WASTE 2.SECURE DISPOSAL OF DOC'S.
DOCUMENTS: \$165.00 PER SET.

10 January 2002

- S00/00254 (928)** CLEANING OF SOUTH WESTERN SYDNEY INDUSTRY TRAINING CENTRE. CATEGORY D.
INSPECTION DATE & TIME: 18/12/2001 @ 10:00 AM SHARP. AREA: 518 SQ. METERS.
DOCUMENTS: \$27.50 PER SET.

23 January 2002

- 016/7206** DEVELOPMENT AND MANUFACTURE OF TANKER TRAILERS (650L AND 1300L).
DOCUMENTS: \$110.00 PER SET.

31 January 2002

- 013/7184** PRINTING AND ASSOCIATED SERVICES. DOCUMENTS: \$110.00 PER SET.

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>)

Local Government and Statutory Authorities**SUPPLIES AND SERVICES**

TENDERS for the undermentioned contracts for the purchase of goods and/or supply of services for the use of the respective Local Government bodies or statutory authorities will be received by the undersigned up until the closing times shown therein:

WOLLONGONG CITY COUNCIL

EXPRESSIONS OF INTEREST FOR THE ESTABLISHMENT OF A PANEL OF CONTRACTORS FOR PROVISION OF BUILDING CONSTRUCTION SERVICES IN THE FOLLOWING FINANCIAL CATEGORIES:

CATEGORY 1	\$100,000 to \$500,000
CATEGORY 2	\$500,001 to \$1,000,000
CATEGORY 3	OVER \$1,000,000

Expressions of interest documentation can be obtained from Council by telephoning (02) 4227 7335. The following criteria will be assessed:

- Relevant experience
- Quality systems
- Financial capacity
- Company status
- Technical expertise
- Current commitments
- Experience of nominated key project personnel
- Occupational Health, Safety and Rehabilitation

As a pre-requisite, all applicants must provide a letter of currency from their insurers to show evidence of Public Liability Insurance coverage for a minimum \$10,000,000 and Workers Compensation and/or Personal Accident and Sickness Insurance.

Expressions of Interest will close at 2.00pm Tuesday, 22 January 2002 and will be opened in public when the number of responses will be revealed.

Following evaluation of the Expressions of Interest received, invitations to be included on Council's Register of Major Construction Contractors will be sent to the selected group of applicants.

Any works quoted will be subject to the New South Wales Government Code of Practice for the Construction Industry and in accordance with Wollongong City Council's Contract for the Supply of Building Trades Services to Council.

Canvassing of Councillors will disqualify.

R. J. OXLEY,
General Manager.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BEGA VALLEY SHIRE COUNCIL

Roads Act 1993, Section 10

Notice of Vesting of Road — Parish of Tanja

NOTICE is hereby given that Bega Valley Shire Council pursuant to Section 10 of the Roads Act 1993 dedicates the sections of land detailed in the Schedule as Public Road.

Schedule

Lots 180 and 181 in Deposited Plan 1011488 Parish of Tanja. D. G. JESSON, General Manager. [1091]

BYRON SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Byron Shire Council declares, with the approval of Her Excellency the Governor, that the land described in Schedule 1 below, excepting the easement right specified in Schedule 2 below and any mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of enabling the Council to exercise both a function being an obligation to acquire the land arising from the receipt of the Notice to Acquire dated 6 December 1996 under clause 43 of Byron Local Environmental Plan 1988 and also a function being for the Council to comply with the orders of the Land and Environmental Court of NSW and the NSW Court of Appeal. Dated at Mullumbimby this 10th day of December 2001. General Manager.

SCHEDULE 1

Lot 103 DP 856767.

SCHEDULE 2

Easement No. 6239364 for bushfire hazard reduction 10 wide affecting part of the land. [1100]

COUNTRY ENERGY (FORMERLY NORTHPOWER)

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

COUNTRY ENERGY (formerly Northpower) declares, with the approval of His Excellency the Governor and the Executive Council, that the easement described in the Schedule below, excluding mines and deposits of minerals

within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995. Dated at Port Macquarie this 10th day of December 2001. CRAIG MURRAY, Chief Executive Officer, Country Energy, PO Box 786, Port Macquarie, NSW 2444.

SCHEDULE

An Easement for Electricity Purposes 20 Wide marked '(Y)', as detailed in Deposited Plan 1033009 crossing Reserve 97675 for Future Public Requirements and being Lot 36 DP 753940 in the Local Government Area of Narrabri, Parish of Long Point County of Jamison at Burren Junction, New South Wales, the terms of which Easement are contained in Part A and Part B of Memorandum 3820073 registered by the Registrar General, Land and Property Information NSW. [1103]

QUEANBEYAN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

QUEANBEYAN CITY COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in the schedule below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes identified in the schedule below. Dated at Queanbeyan this 27th day of September 2001. General Manager.

Schedule

Lot 3 DP 1021603 for public recreation purposes. Lots 2 and 4 DP 1021603 for re-sale purposes. [1092]

QUEANBEYAN CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

QUEANBEYAN CITY COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993. Dated at Queanbeyan this 27th day of September 2001. General Manager.

Schedule

Lot 1 DP 1021603. [1093]

RIVERINA WATER COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Riverina Water County Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of a water supply pumping station. Dated at Wagga Wagga this 14th day of December 2001. G. W. PIEPER, General Manager.

Schedule

Lot 1 in Deposited Plan 1031716. [1095]

SHELLHARBOUR CITY COUNCIL

Tree Management Order

IN accordance with Clause 8 of Environmental Planning and Assessment Model Provisions 1980, Council gives notice that a new Tree Management Order has been adopted for Shellharbour City. The Tree Management Order is as follows:

The Shellharbour City Council Tree Management Order prohibits the ringbarking, cutting down, pruning, lopping, topping, removing, root pruning, injuring or wilful destruction of any tree which is:

- i. 3 metres or more in height.
- ii. 300mm or more in trunk diameter at ground level.
- iii. 3 metres or more in branch spread.

without the written consent of Council.

The following trees with a trunk diameter of 600mm or less at ground level, will be given exemption, upon positive identification by Shellharbour City Council.

These species are:

- | | |
|------------------------------|------------------|
| 1. Salix species | Willow Tree |
| 2. Populus species | Poplar Tree |
| 3. Erythrina x sykesii | Coral Tree |
| 4. Ligustrum species | Privet |
| 5. Toxicodendron succedaneum | Rhus Tree |
| 6. Ficus elastica | Rubber Tree |
| 7. Nerium oleander | Oleander |
| 8. Syagrus romanzoffianum | Cocos/Queen Palm |
| 9. Cinnamomum camphora | Camphor laurel |
| 10. Schefflera actinophylla | Umbrella Tree |

- | | |
|--|----------------------------|
| 11. Cupressus macrocarpa
"Brunniana" | Golden Cypress |
| 12. Lagunaria patersonii | Itchy Pod Tree |
| 13. Phoenix canariensis | Canary Island
Date Palm |
| 14. Domestic and commercial fruit trees that are not
endemic species. | |

The above 14 species with a trunk diameter greater 600mm at ground level are subject to the Tree Management Order. The Tree Management Order does not apply to trees required to be pruned under the Overhead Line Safety Regulation 1991, Regulation 23 and 24.

A person who contravenes the Tree Management Order is guilty of an offence. Mr BRIAN WEIR, General Manager. Contact: Scott Rowe tel.: 4221 6199. [1096]

SHELLHARBOUR CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

UNDER Section 162 of the Roads Act 1993, Shellharbour City Council has named the following roads:

Location	Name
Precinct 109, Lakeview Estate, Flinders	Alcorn Street Cosgrove Avenue Byron Circuit Moreton Place Hennessy Street Seymour Drive Haddin Road Collins Way
Precinct 17, Lakeview Estate, Flinders	Adam Murray Way Willinga Road

BRIAN A. WEIR, General Manager, Shellharbour City Council, PO Box 155, Shellharbour Square, Shellharbour City Centre, NSW 2529. [1108]

WAVERLEY COUNCIL

Road Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that Council pursuant to Section 162 of the Roads Act 1993 has resolved that the following roadway in Waverley Council be named thus:

Description	New Name
Lane shown as "Avenue" on DP10994. At the rear of 46-58 St Thomas Street and 70-76 Boundary Street, Waverley	Fig Tree Lane

K. ANSON, General Manager, Waverley Council, PO Box 9, Bondi Junction NSW 2022. [1107]

COOMA-MONARO SHIRE COUNCILSale of Land for Unpaid Rates and Charges
Section 713 Local Government Act 1993

NOTICE is hereby given to the persons named hereunder that Cooma-Monaro Shire Council has resolved in pursuance to Section 713 of the Local Government Act 1993 to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest, and on which amount of rates stated in each case, as at 5 November 2001 is due:

Owner or person having interest in land	Description of Land	Amount of rates overdue for more than five (5) years	Amount of all other rates and charges due and in arrears	Total
(a)	(b)	(c)	(d)	(e)
John Owen Properties Ltd 5847979 Mortgage to Geoffrey John and Cassandra Elizabeth Owen	Lot 9 Section 11 DP 758158 Bransby Street Bredbo	\$1754.90	\$4635.38	\$6390.28
P Kelly, O Freebody, M Freebody	Lots 1, 4 Section 44 Lot 2 Section 48 DP 758261 4715 Monaro Highway Colinton	\$1001.47	\$1608.37	\$2609.84
B D McKendry V107701 Mortgage to Westpac Banking Corporation	Lot 1 DP 615998 1314 Peak View Road Peak View	\$1670.55	\$2049.84	\$3720.39
Mouawad Pascal	Lot 38 DP 258621 12 Carinya Place Cooma	\$5253.09	\$7169.79	\$12422.88
R F Forman E243592 Mortgage to State Bank of NSW	Lot 1 Section 44 DP 758776 Kirke Street Nimmitabel	\$3784.58	\$5906.22	\$9690.80

In default of payment to the Council of the amount stated in Column (e) above and any other rates (including Charges) becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for all such rates being entered into by the rateable person, before the time fixed for the sale, the land will be offered for sale by public auction at the Council Chambers, Commissioner Street, Cooma on Saturday 23 March 2002. N. A. WATT, General Manager, Cooma-Monaro Shire Council, PO Box 714, Cooma, NSW 2630. [1101]

HUME SHIRE COUNCILLocal Government Act 1993, Section 713
Sale of Land for Overdue Rates and Charges

NOTICE is hereby given to the person(s) named hereunder, that Hume Shire Council has resolved, in pursuance of Section 713 of the Local Government Act 1993, to sell the land described hereunder, of which the person(s) named are known to the Council to be the owner(s) or to have interest in the land on which the amount of rates and charges stated in each case, as at 30 November, 2001, is due:

Owner(s) or person(s) having interest in the land	Description of subject land	Amount of rates and charges (including extra charges) overdue for more than five (5) years	Amount of all other rates and charges (including extra charges) payable and unpaid	Total
(a)	(b)	(c)	(d)	(e)
BEER, George	Lots A/B DP328627	\$4219.43	\$5640.74	\$9860.17
BULLOCK, Geoffrey Paul BULLOCK, Kerralyn Suzanne	Lot 2 Sec 12 DP758544	\$11581.70	\$9006.30	\$20588.00
ESLER, Anthony Charles MCALPINE, Catherine Ann	Lot 65 DP10311	\$3032.67	\$5536.58	\$8569.25
ROBINSON, Est. Arthur Richard ROBINSON, Est. Brenda Joy	Lot 112 DP791423	\$3876.93	\$8111.33	\$11988.26

In default of payment to the Council of the amount stated in column (e) above and any other rates and charges (including extra charges) becoming due and payable after 30 November, 2001, or any arrangements satisfactory to the Council for payment of all such rates and charges being entered into by the rateable person before the time fixed for the sale, the said land will be offered for sale by public auction by Paull and Scollard Pty Ltd (Real Estate Agents), 593 Macauley Street, Albury, at the Hume Shire Council Chambers, 539-541 Klewa Street, Albury, NSW 2640 on Saturday, 22 March 2002 at 11.00 am. GARY ARNOLD, General Manager, PO Box 70, Albury 2640. [1102]

HARDEN SHIRE COUNCIL

Local Government Act 1993, Section 713

Sale Of Land For Overdue Rates And Charges

NOTICE is hereby given to the person(s) named hereunder that Harden Shire Council has resolved, in pursuance of Section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person(s) named are known to the Council to be the owner(s) or to have interest in the land on which the amount of rates and charges stated in each case, as at 19th September 2001, is due:

Owner(s) or person(s) having interest in the land	Description of subject land	Amount of rates and charges (including extra charges) overdue for more than five (5) years	Amount of all other rates and charges (including extra charges) payable and unpaid	Total
(a)	(b)	(c)	(d)	(e)
LAWLOR, Kevin John	Lot 2 Section 40 DP758737 Binalong Street MURRUMBURRAH NSW 2587 Parish of Murrumboola in the County of Harden	\$2,656.46	\$4,551.60	\$7,208.06
VAUGHAN, Richard McRae VAUGHAN, Jeanette Mary	Lot 3 DP774826 Part Lots 1 & 2 DP774826 Clarke Street MURRUMBURRAH NSW 2587 Parish of Murrumboola in the County of Harden	\$1,691.39	\$5,391.43	\$7,082.82
VAUGHAN, Richard McRae VAUGHAN, Jeanette Mary	Lot 4 DP774826 Part Lots 1 & 2 DP774826 Clarke Street MURRUMBURRAH NSW 2587 Parish of Murrumboola in the County of Harden	\$1,691.39	\$5,309.24	\$7,000.63
YARDLEY, Stephen Henry YARDLEY, Sharon Maree	Lot 750 DP259333 Gibson Avenue HARDEN NSW 2587 Parish of Murrumboola in the County of Harden	\$2,466.78	\$5,788.01	\$8,254.79
SULLIVAN, Daniel Cornelius	Part Lot 13 (A) Section 29 DP758737 Neill Street MURRUMBURRAH NSW 2587 Parish of Murrumboola in the County of Harden	\$1,961.29	\$6,979.41	\$8,940.70
BROWN, Paul Wallace	Lot 18 Section 26 DP758737 Neill Street MURRUMBURRAH NSW 2587 Parish of Murrumboola in the County of Harden	\$1,519.94	\$4,984.51	\$6,504.45
KILLICK, Andrew Alfred	Lot 8 DP659058 Boorowa Street GALONG NSW 2585 Parish of Galong in the County of Harden	\$192.55	\$4,184.88	\$4,377.43
O'CONNOR, Bernard Edwin O'CONNOR, Frances May	Lots 1-20 Section 8 Jellambi Road CUNNINGAR NSW 2587 Parish of Cunningar in the County of Harden	\$1,025.43	\$2,912.83	\$3,938.26

In default of payment to the Council of the amount stated in column (e) above and any other rates and charges (including extra charges) becoming due and payable after 19th September, 2001 or any arrangements satisfactory to the Council for payment of all such rates and charges being entered into by the rateable person before the time fixed for sale, the said land will be offered for sale by public auction by John B McGregor (Licensed Auctioneer) of 39 Neill Street, Harden at the Harden Shire Council Chambers, 3 East Street, Harden NSW 2587 on Saturday 23rd March, 2002, at 11.00am. P. CAMPBELL, General Manager, Harden Shire Council, 3 East Street Harden NSW 2587.

[1105]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NEIL FRANCIS WATSON, late of 2 Reid Street, Merrylands, in the State of New South Wales, storeman, who died on 1st May 2000, must send particulars of his claim to the executors Raymond Garry Hollis and Benjamin Keith Watson, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Letters of Administration were granted in New South Wales on 20th November, 2001. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160, (DX 25406, Merrylands), tel.: (02) 9682 3777. [1090]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN DALY, late of 4 Okra Place, Marayong, in the State of New South Wales, retired, who died on 5th August 2001, must send particulars of his claim to the executor Andrew Daly, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 4th December, 2001. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148, (DX 8109, Blacktown), tel.: (02) 9622 4644. [1097]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN FRANCIS MURPHY, late of Redfern, in the State of New South Wales, boilermaker, who died on 1st June 2001, must send particulars of his claim to the executrix Gaye King, c.o. McKerns, Solicitors, 43 Isabella Street, Wingham, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 3rd December, 2001. MCKERNS, Solicitors, 43 Isabella Street, Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922. [1098]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MICHAEL MARCHINI, late of 256 Belgrave Esplanade, Sylvania Waters, in the State of New South Wales, truck driver, who died on 25th June 2001, must send particulars of his claim to the executrix Marie Eileen Marchini, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 16th November, 2001. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool, NSW 2170 (DX 5034, Liverpool), tel.: (02) 9601 7300. [1099]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PAULINE VERONICA MURPHY, late of 63 Bolton Street, Guildford, in the State of New South Wales, pensioner, who died on 21st April 2001, must send particulars of his claim to the executors Bernadette Mary Morley and John Francis Morley (in the Will named John Frances Murphy), c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 12th July, 2001. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [1106]

COMPANY NOTICES

NOTICE of resolutions.—D. K. ENTERPRISES PTY LIMITED—The member of D. K. Enterprises Pty Limited at 35 Thurlow Avenue Nelson Bay, NSW, duly passed the Special Resolution set out below:

RESOLUTION

“THAT the Company be liquidated by means of a Members’ Voluntary Winding Up in accordance with the provisions of Part 5.5 Division Two of the Corporations Law.”

The following Ordinary Resolutions were also duly passed:

RESOLUTIONS

“THAT Mr Colin J. Wilson, Chartered Accountant, be and is hereby appointed Liquidator of the Company.”

“THAT pursuant to Section 542 of the Corporations Law, the Liquidator be authorised to destroy such books and papers of the Company and of the Liquidator as described in Subsection (1) of that Section and at such time as the Liquidator in his discretion may think fit provided that the said books and papers may not be destroyed within three (3) months from the day of the final Meeting of Members held pursuant to Section 509 of the Corporations Law.”

D. KERR, Director.

[1094]

COMIRA PTY LIMITED (In Liquidation) A.C.N. 008 422 535.—At a General Meeting of the above named Company, duly convened and held at the offices of Steel Walsh & Murphy, 103 Kendal Street, Cowra, NSW 2794, on the 11th December, 2001, the following Special Resolution was passed:

“THAT the company be wound up as a Members’ Voluntary Liquidation and that the assets of the company be distributed in whole or part to the members in specie should the liquidator so desire.”

Dated this 12th day of December, 2001. WILLIAM MICHAEL MURPHY, Chartered Accountant, 103 Kendal Street, COWRA, NSW 2794. [1004]