



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 143
Friday, 21 September 2001

Published under authority by the Government Printing Service

LEGISLATION

Proclamation

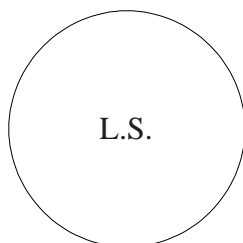
Waste Avoidance and Resource Recovery Act 2001 No 58— Proclamation

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 *Waste Avoidance and Resource Recovery Act 2001*, do, by this my Proclamation, appoint 8 October 2001 as the day on which that Act (other than Schedule 3.8) commences.

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

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

This Proclamation commences the remainder of the *Waste Avoidance and Resource Recovery Act 2001*. Schedule 3.8 to that Act, which amends the *Public Sector Management Act 1988*, commenced on 25 July 2001.

Regulations

Environmental Planning and Assessment Amendment (Fees) Regulation 2001

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to make provision with respect to fees payable under the *Environmental Planning and Assessment Act 1979*. In particular, the Regulation:

- (a) identifies certain services that are taken to be covered by the fees payable for a development application, and
- (b) clarifies the way in which certain construction costs and demolition costs are to be estimated, and
- (c) imposes a flat fee of \$110 (down from a minimum of \$170) for development that comprises the erection of a building and has an estimated cost of \$5,000 or less, and
- (d) imposes an additional fee for development that requires concurrence from a concurrence authority, and
- (e) varies a number of existing fees.

Environmental Planning and Assessment Amendment (Fees) Regulation 2001

Explanatory note

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general power to make regulations) and section 105.

Environmental Planning and Assessment Amendment (Fees)
Regulation 2001

Clause 1

Environmental Planning and Assessment Amendment (Fees) Regulation 2001

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Fees) Regulation 2001*.

2 Commencement

This Regulation commences on 1 January 2002.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Environmental Planning and Assessment Amendment (Fees)
Regulation 2001

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 245 What is the maximum fee?

Insert at the end of clause 245:

- (2) The services covered by the fee for a development application include the following:
 - (a) the receipt of the application, and any internal referrals of the application,
 - (b) consideration of the application for the purpose of determining whether any further information is required in relation to the proposed development,
 - (c) inspection of the land to which the proposed development relates,
 - (d) evaluation of the proposed development under section 79C of the Act, including discussion with interested parties,
 - (e) preparation of internal reports on the application,
 - (f) preparation and service of notices of the consent authority's determination of the application.

[2] Clause 246 What is the fee for a development application?

Insert at the beginning of the Table to clause 246:

Up to \$5,000	\$110
---------------	-------

[3] Clause 246, Table

Omit "Up to \$250,000" from the column headed **Estimated cost**.
Insert instead "\$5,001–\$250,000".

[4] Clause 246 (3)

Omit "or 248".

Environmental Planning and Assessment Amendment (Fees)
Regulation 2001

Amendments

Schedule 1

[5] Clause 247 Development involving the erection of a dwelling-house with an estimated construction cost of \$100,000 or less

Omit "\$115". Insert instead "\$300".

[6] Clause 248 Development involving the erection of a building for the purposes of a hospital, school or police station by a public authority

Omit the clause.

[7] Clause 249 Development involving the subdivision of land

Insert at the end of the clause:

Note. For example, a plan of subdivision that provides for 5 lots over land that has previously comprised 2 lots will result in the creation of 3 additional lots, and so attract a fee that includes a base amount of \$500 or \$250, as the case requires, together with a further amount of \$50 or \$40, as the case requires, for each of the 3 additional lots.

[8] Clause 250 Development not involving the erection of a building, the carrying out of a work, the subdivision of land or the demolition of a building or work

Omit "\$170". Insert instead "\$220".

[9] Clause 251

Omit the clause. Insert instead:

251 Designated development

In addition to any other fees payable under this Division, a maximum fee of \$715 is payable for designated development.

[10] Clause 252A

Insert after clause 252:

252A What additional fees are payable for development that requires concurrence?

- (1) An additional fee of \$110, plus a further fee of \$250 for payment to each concurrence authority, are payable in respect of an application for development that requires concurrence under the Act or an environmental planning instrument.

Environmental Planning and Assessment Amendment (Fees)
Regulation 2001

Schedule 1 Amendments

- (2) The consent authority must forward each fee of \$250 to the concurrence authority concerned at the same time at which it forwards a copy of the development application to the concurrence authority under clause 59.
- (3) The fee of \$250 is not payable to any concurrence authority whose concurrence may be assumed in accordance with clause 64.
- (4) The fee of \$110 is not payable:
 - (a) for any application in respect of which concurrence may be assumed in accordance with clause 64 for all of the concurrence authorities concerned, or
 - (b) for any application made before 1 July 2002.

[11] Clause 253 What additional fees are payable for integrated development?

Omit “\$250 for each approval body is” from clause 253 (1).
Insert instead “\$110, plus a further fee of \$250 for payment to each approval body, are”.

[12] Clause 253 (2)

Omit “the fee to the approval body”.
Insert instead “each fee of \$250 to the approval body concerned”.

[13] Clause 253 (3)

Insert after clause 253 (2):

- (3) The fee of \$110 is payable in respect only of applications made on or after 1 July 2002.

[14] Clause 255 How is a fee based on estimated cost determined?

Omit clause 255 (1). Insert instead:

- (1) In determining the fee for development involving the erection of a building, the consent authority must make its determination by reference to a genuine estimate of:
 - (a) the costs associated with the construction of the building, and

Environmental Planning and Assessment Amendment (Fees)
Regulation 2001

Amendments

Schedule 1

(b) the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).

(1A) In determining the fee for development involving the carrying out of a work, the consent authority must make its determination by reference to a genuine estimate of the construction costs of the work.

(1B) In determining the fee for development involving the demolition of a building or work, the consent authority must make its determination by reference to a genuine estimate of the costs of demolition.

[15] Clause 257

Omit the clause. Insert instead:

257 What is the fee for a request for a review of a determination?

The maximum fee for a request for a review of a determination under section 82A (3) of the Act is 50 per cent of the fee for the original development application.

[16] Clause 258 What is the fee for an application for modification of a consent for local development or State significant development?

Omit clause 258 (1). Insert instead:

(1) The maximum fee for an application under section 96 (1) of the Act is \$55.

(1A) The maximum fee for an application under section 96 (1A) of the Act is \$500 or 50 per cent of the fee for the original development application, whichever is the lesser.

[17] Clause 260 What is the fee for a building certificate?

Omit "\$50" wherever occurring. Insert instead "\$70".

[18] Clause 260, Table

Omit "10 cents", "\$230" and "1.5 cents".

Insert instead "14 cents", "\$322" and "2.1 cents", respectively.

Fisheries Management (General) Amendment (Protected Fish) 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 declare the Isopod (*Crenoicus harrisoni*) a protected species of fish for the purposes of the *Fisheries Management Act 1994*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 19 and 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Protected Fish)
Regulation 2001

Fisheries Management (General) Amendment (Protected Fish) Regulation 2001

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Protected Fish) Regulation 2001*.

2 Amendment of Fisheries Management (General) Regulation 1995

The *Fisheries Management (General) Regulation 1995* is amended by inserting in alphabetical order in Part 2 of the Table to clause 5, in columns 1 and 2, respectively:

Isopod

Crenoicus harrisoni

3 Notes

The explanatory note does not form part of this Regulation.

Professional Standards Amendment (Annual Fee) Regulation 2001

under the

Professional Standards Act 1994

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Professional Standards Regulation 1998* so as:

- (a) to reduce (from \$40 to \$35) the annual fee paid to the Professional Standards Council on behalf of each member of a professional standards scheme by the member's occupational association, and
- (b) to omit a provision that relates to the payment of an annual fee (\$75) by a member of an occupational association who has elected to participate in a professional standards scheme.

This Regulation is made under the *Professional Standards Act 1994*, including section 53 (the general regulation-making power) and, in particular, section 53 (2) (b).

Clause 1 Professional Standards Amendment (Annual Fee) Regulation 2001

Professional Standards Amendment (Annual Fee) Regulation 2001

1 Name of Regulation

This Regulation is the *Professional Standards Amendment (Annual Fee) Regulation 2001*.

2 Amendment of Professional Standards Regulation 1998

The *Professional Standards Regulation 1998* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Professional Standards Amendment (Annual Fee) Regulation 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 6 Amount of annual fee

Omit clause 6 (1). Insert instead:

- (1) The annual fee to be paid to the Council by an occupational association any of whose members are subject to a scheme in force under the Act (being a scheme that applies to all persons within the association or to a specified class or classes of persons within the association) is \$35 for each person to whom the scheme applies who is a member of the association at any time during the relevant annual fee period.

[2] Clause 7 Payment of annual fee

Omit “appropriate payment under clause 6 (1) (a) or (b)” from clause 7 (2).
Insert instead “payment under clause 6 (1)”.

Public Authorities (Financial Arrangements) Amendment (Rail Authorities) Regulation 2001

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to amend the *Public Authorities (Financial Arrangements) Regulation 2000* to replace references in Schedule 1 to that Regulation to Rail Access Corporation and the Railway Services Authority with a reference to Rail Infrastructure Corporation. Rail Access Corporation and the Railway Services Authority (later named Rail Services Australia) have been amalgamated to form Rail Infrastructure Corporation.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including sections 24 (Investment powers of authorities) and 43 (the general regulation-making power).

Clause 1 Public Authorities (Financial Arrangements) Amendment (Rail Authorities) Regulation 2001

Public Authorities (Financial Arrangements) Amendment (Rail Authorities) Regulation 2001

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Rail Authorities) Regulation 2001*.

2 Amendment of Public Authorities (Financial Arrangements) Regulation 2000

The *Public Authorities (Financial Arrangements) Regulation 2000* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Authorities having Part 2 investment powers

Omit "Rail Access Corporation".
Insert instead "Rail Infrastructure Corporation".

[2] Schedule 1

Omit "Railway Services Authority".

Public Finance and Audit (Olympic Roads and Transport Authority) Regulation 2001

under the

Public Finance and Audit Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Finance and Audit Act 1983*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to remove the Olympic Roads and Transport Authority from the list of statutory bodies in Schedule 2 to the *Public Finance and Audit Act 1983* as that body was dissolved on 1 June 2001.

This Regulation is made under section 40 (2) of the *Public Finance and Audit Act 1983*.

Clause 1 Public Finance and Audit (Olympic Roads and Transport Authority)
 Regulation 2001

Public Finance and Audit (Olympic Roads and Transport Authority) Regulation 2001

1 Name of Regulation

This Regulation is the *Public Finance and Audit (Olympic Roads and Transport Authority) Regulation 2001*.

2 Amendment of Public Finance and Audit Act 1983

The *Public Finance and Audit Act 1983* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Schedule 2 Statutory bodies

Omit "Olympic Roads and Transport Authority".

Workers Compensation (General) Amendment (Latest Index Number) Regulation 2001

under the

Workers Compensation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

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

Explanatory note

The object of this Regulation is to update an index number that is used for the purposes of the indexation of benefits under the *Workers Compensation Act 1987*.

This Regulation is made under the *Workers Compensation Act 1987*, including section 79 (the definition of *latest index number*) and section 280 (the general regulation-making power).

Clause 1 Workers Compensation (General) Amendment (Latest Index Number)
 Regulation 2001

Workers Compensation (General) Amendment (Latest Index Number) Regulation 2001

1 Name of Regulation

This Regulation is the *Workers Compensation (General) Amendment (Latest Index Number) Regulation 2001*.

2 Amendment of Workers Compensation (General) Regulation 1995

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clause 13 Sec 79: definition of "latest index number"

Insert at the end of the Table to clause 13:

1 October 2001	164.7
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Rules

District Court Amendment (Certified Judgments) Rule 2001

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 August 2001.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 31, rule 16 of the *District Court Rules 1973* to enable a registrar to issue a certified copy of default judgment once that judgment has been entered without the need for a party to apply for such a certified copy.

Rule 1 District Court Amendment (Certified Judgments) Rule 2001

District Court Amendment (Certified Judgments) Rule 2001

1 Name of Rule

This Rule is the *District Court Amendment (Certified Judgments) Rule 2001*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Rule.

Schedule 1 Amendment

(Clause 2)

Part 31, rule 16 (3A)

Insert after rule 16 (3):

- (3A) The registrar may issue a certified copy of a default judgment to a party in the proceedings at any time after the judgment is entered even if the party has not filed a request for the certified copy under this rule.

District Court Amendment (Legal Practitioners) Rule 2001

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 August 2001.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to include a rule concerning the liability of barristers for improperly incurred or wasted costs. The provision is in similar terms to Part 52A, rule 43A of the *Supreme Court Rules 1970*. This Rule also amends Part 39A, rule 14 to insert provisions in respect of solicitors that are consistent with this new rule.

Rule 1 District Court Amendment (Legal Practitioners) Rule 2001

District Court Amendment (Legal Practitioners) Rule 2001

1 Name of Rule

This Rule is the *District Court Amendment (Legal Practitioners) Rule 2001*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Rule.

District Court Amendment (Legal Practitioners) Rule 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 39A, rule 14

Omit rule 14 (2) (d). Insert instead:

- (d) to be prepared with any proper evidence or account,
- (d1) to comply with any provision of the rules or any judgment or order or direction of the Court, or

[2] Part 39A, rule 14 (4A)

Insert after rule 14 (4):

- (4A) The Court may give ancillary directions in order to give full effect to a costs order, including directing a solicitor to provide to the Court or a party to the proceedings a bill of costs in assessable form.

[3] Part 39A, rule 14A

Insert after rule 14:

14A Liability of barrister

- (1) Where costs are incurred improperly or without reasonable cause, or are wasted by undue delay or by any other misconduct or default, and it appears to the Court that a barrister is responsible (whether personally or through an employee or agent), the Court may, after giving the barrister a reasonable opportunity to be heard:
 - (a) disallow the costs as between the barrister and his or her instructing solicitor or as between the barrister and the client, including disallowing the costs for any step in the proceedings, and
 - (b) direct the barrister to repay to the client costs which the client has been ordered to pay to any other party, and
 - (c) direct the barrister to indemnify any party other than the client against costs payable by the party indemnified.

District Court Amendment (Legal Practitioners) Rule 2001

Schedule 1 Amendments

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- (2) Without limiting the generality of subrule (1), a barrister is responsible for default for the purposes of that subrule where any proceedings cannot conveniently proceed, or can proceed only with the incurring of extra costs or with the inconvenience of the Court or another party to the proceedings, because of the failure of the barrister:
- (a) to attend in person or by a proper representative, or
 - (b) to file any document which ought to have been filed, or
 - (c) to deliver any document which ought to have been delivered for the use of the Court, or
 - (d) to be prepared with any proper evidence or account, or
 - (e) to comply with any provision of the rules or any judgment or order or direction of the Court, or
 - (f) otherwise to proceed.
- (3) The Court may, before making an order under subrule (1), refer the matter to the registrar for enquiry and report.
- (4) The Court may order that notice of any proceedings or order against a barrister under this rule must be given to the barrister's instructing solicitor or client in such manner as may be specified in the order.
- (5) The Court may give ancillary directions in order to give full effect to a costs order, including directing a barrister to provide to the Court or a party to the proceedings a bill of costs in assessable form.
- (6) This rule is in addition to, and is intended to operate independently of, the provisions of section 148E of the Act and does not apply in circumstances where section 148E of the Act applies.

District Court Amendment (Pre-trial Disclosure) Rule 2001

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 August 2001.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 53 of the *District Court Rules 1973* to make provision for the manner of, and time for, presenting indictments for the purposes of section 53A and 54 of the *Criminal Procedure Act 1986* (as amended by the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001*).

Rule 1 District Court Amendment (Pre-trial Disclosure) Rule 2001

District Court Amendment (Pre-trial Disclosure) Rule 2001

1 Name of Rule

This Rule is the *District Court Amendment (Pre-trial Disclosure) Rule 2001*.

2 Commencement

- (1) Schedule 1 [1] commences on the day on which Schedule 1 [5] to the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001* commences.
- (2) Schedule 1 [2] commences on the day on which Schedule 1 [6] to the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001* commences.

3 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Rule.

District Court Amendment (Pre-trial Disclosure) Rule 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Part 53, rule 10D

Insert after rule 10C:

10D Manner of presenting indictments

- (1) An indictment may be presented by filing a copy of the indictment with the registrar.
- (2) If an indictment is filed with the registrar, a copy of the indictment must be served on each accused person or the accused person's legal representative within 14 days after the filing of the indictment.
- (3) Without limiting the generality of rule 3, an indictment may be filed or served by letter or facsimile.
- (4) In this rule, *accused person's legal representative* means:
 - (a) a solicitor who acts for the accused, or
 - (b) if a barrister acts for the accused person uninstructed by a solicitor, the barrister.

[2] Part 53, rules 10E and 10F

Insert before rule 11:

10E Time for presenting indictments

- (1) For the purposes of section 54 (3) (a) of the *Criminal Procedure Act 1986*, the time within which an indictment is to be presented at a relevant proclaimed place is extended to 8 weeks after the committal of the accused person for trial.
- (2) In this rule, *relevant proclaimed place* means a proclaimed place other than Sydney, Sydney West, Newcastle, Wollongong, Gosford, Lismore, Wagga Wagga, Dubbo or Bathurst.

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District Court Amendment (Pre-trial Disclosure) Rule 2001

Schedule 1 Amendments

10F Applications for orders under section 54 (3) (b) of Criminal Procedure Act 1986

An application for an order under section 54 (3) (b) of the *Criminal Procedure Act 1986* to extend the time for filing an indictment:

- (a) must be made before the time for filing the indictment has expired, and
- (b) may be made in Court or by written application to the Court.

District Court Amendment (Publication of Information) Rule 2001

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 August 2001.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 26, rule 5 and Part 52, rule 9 of the *District Court Rules 1973* to make it clear that court lists and notices that have to be published under the Act, the Rules or by order may also be published by electronic means.

Rule 1 District Court Amendment (Publication of Information) Rule 2001

District Court Amendment (Publication of Information) Rule 2001

1 Name of Rule

This Rule is the *District Court Amendment (Publication of Information) Rule 2001*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Rule.

District Court Amendment (Publication of Information) Rule 2001

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 26, rule 5

Omit the rule. Insert instead:

5 Publication of court lists

- (1) The registrar is to exhibit a list in each court house of all the proceedings that may be called on for hearing in the court house (the *court list*) on the day on which the proceedings are called on for hearing.
- (2) The court list may contain such information concerning the proceedings as the registrar considers necessary to assist the Court in the exercise of its functions in relation to those proceedings.
- (3) The court list is to be exhibited in some conspicuous place in the precincts of the court house before the proceedings are called on for hearing.
- (4) The court list does not have to be exhibited during the hours on that day when the registry is open to the public for business.
- (5) Proceedings that have not been listed on a court list in accordance with subrules (1)–(3) may not be called on for hearing without the leave of the Court.
- (6) Without limiting subrules (1)–(5), the registrar may also cause the court list to be published:
 - (a) in any newspaper or other periodical, or
 - (b) by email or facsimile, on the internet or by any other electronic means.

[2] Part 52, rule 9 (2)

Insert at the end of rule 9:

- (2) The Court or registrar may also direct that the notice be published by email or facsimile, on the internet or by any other electronic means.

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District Court Amendment (Seal of Court) Rule 2001

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 August 2001.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is replace Part 1, rule 6 of the *District Court Rules 1973* with a new rule to make it clear how a registrar may stamp a document with the seal of the Court.

Rule 1 District Court Amendment (Seal of Court) Rule 2001

District Court Amendment (Seal of Court) Rule 2001

1 Name of Rule

This Rule is the *District Court Amendment (Seal of Court) Rule 2001*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Rule.

District Court Amendment (Seal of Court) Rule 2001

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Part 1, rule 6

Omit the rule. Insert instead:

6 Seal of the Court

- (1) The registrar is to seal or stamp the following documents (or cause the documents to be sealed or stamped) with the seal of the Court:
 - (a) any order, notice, warrant, certificate, judgment or process made, given or issued by the registrar (or any copy of such a document),
 - (b) any other document issued by the registrar that is required by the rules to be sealed.
- (2) Without limiting subrule (1), a document may be stamped with the seal of the Court by any of the following means:
 - (a) affixing the seal on the document by means of a rubber stamp,
 - (b) affixing an adhesive label on the document with a representation of the seal printed on it,
 - (c) printing a representation of the seal on the document by electronic or mechanical means.

Other Legislation

Threatened Species Conservation Act 1995 No 101

Notice of Final Determination and Amendment of Schedule 3 to Act

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following matter in Schedule 3 to that Act (Key threatening processes) and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Clearing of native vegetation (as defined and described in the final determination of the Scientific Committee to list the key threatening process)

The final determination to insert this matter in Schedule 3 has been made because the Scientific Committee is of the opinion that the clearing of native vegetation adversely affects two or more threatened species, populations or ecological communities and could cause species, populations or ecological communities that are not threatened to become threatened.

Copies of the final determination may be inspected at:

The National Parks Centre
102 George St
The Rocks
Sydney

and at all District Offices of the National Parks and Wildlife Service during business hours.

Signed at Sydney, this 7th day of June 2001.

Dr Chris Dickman
Chairperson
Scientific Committee

Threatened Species Conservation Act 1995 No 101—Final Determination

Annexure “A”

Schedule 3 to the *Threatened Species Conservation Act 1995* is amended by inserting in alphabetical order the matter:

Clearing of native vegetation (as defined and described in the final determination of the Scientific Committee to list the key threatening process)

Final Determination

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list “Clearing of native vegetation” as a KEY THREATENING PROCESS on Schedule 3 of the Act. Listing of Key Threatening Processes is provided for by Part 2 of the Act.

The Scientific Committee made a Preliminary Determination to support the proposal to list the “Loss of biodiversity as a result of loss and/or degradation of habitat following clearing and fragmentation of native vegetation.” The Scientific Committee considers that “Clearing of native vegetation” is a more appropriate name for this Key Threatening Process.

The Scientific Committee has found that:

1. Clearing of native vegetation is recognised as a major factor contributing to loss of biological diversity.
2. Land Clearance is listed as a Key Threatening Process under the Commonwealth’s Environment Protection and Biodiversity Act, 1999.
3. In New South Wales since 1788 at least 61% of the original native vegetation has been cleared, thinned or substantially or significantly disturbed (Environment Protection Authority 1997). The proportion of area cleared varies between region and community type (Native Vegetation Advisory Council 1999) and in some cases has exceeded 90% (for example – South East Grassy Forests – (Keith & Bedward 1999).
4. Clearing of any area of native vegetation, including areas less than 2 hectares in extent, may have significant impacts on biological diversity.
5. Some examples of the impacts of the clearing of native vegetation on biological diversity are:

Destruction of habitat results in loss of local populations of individual species
Destruction of habitat is the major cause of loss of biological diversity. For species of restricted distribution, clearing of native vegetation may result in total extinction, for more widespread species there may be loss of local genotypes.

Fragmentation

Clearing of native vegetation often results in fragmentation, the process by which initially contiguous areas of habitat are separated into a number of smaller areas. Fragmentation impacts include the creation of small isolated populations with limited gene flow between populations, leading to inbreeding depression and reduced potential to adapt to environmental change. Fragmentation also leads to the loss or severe modification of the interactions between species, including those interactions that are important for the survival of species. Small isolated populations may be subject to local extinction from stochastic events. The hostility of the surrounding (cleared) environment is a major factor in limiting movement of organisms between patches. The physical environment

within patches may be altered as a result of creation of edges and anthropogenic influences.

Important variables that must be considered in assessing the impacts of fragmentation include the distance apart of the fragments, the area of the fragments and their shape. Increasing the edge/area ratio increases the impacts of edge effects such as changed microclimate and susceptibility to invasion by non-indigenous species. This response of particular species to fragmentation will be affected by the mobility of the species (both as adult and in dispersal stages) and the scale of the fragmentation relative to the environmental scale of the species habitat.

Expansion of dryland salinity

The evidence of a relationship between the clearing of native vegetation and dryland salinity is substantial. There is evidence that increases in land salinisation can be attributed to rising groundwater consequent on clearing of native vegetation. There is evidence of a relationship between increases in stream salinity and the proportion of catchments cleared.

Riparian zone degradation

Riparian zones and the organisms inhabiting them have been substantially altered as a result of clearing of native vegetation. Clearing of native riparian vegetation has led to bank erosion, reduced nutrient filtering capacity and changes to stream behaviour. Aquatic communities throughout catchments and in coastal waters have been impacted by sedimentation and other changes following clearing of native vegetation.

Increased greenhouse gas emissions

Clearing of native vegetation results in emissions of greenhouse gases, both from burning of cleared vegetation and from the loss of soil organic matter. Agricultural practices after clearing may further contribute to greenhouse gas emissions.

Increased habitat for invasive species

The creation of increased edge habitat and disturbed habitat may permit the establishment and spread of exotic species which may displace native species. A number of native species may also have increased as a result of clearing of native vegetation (for example noisy miner).

Loss of leaf litter layer

Clearing of leaf litter and fallen logs, often associated with clearing and/or burning of the understorey for clearing, removes habitat for a wide variety of vertebrates and invertebrates which live in the leaf litter and in the fallen logs – including reptiles, small mammals, invertebrates, for example, spiders, molluscs, millipedes, ants etc. These impacts may affect ecological functioning. Loss of the leaf litter also exposes bare soil which will be susceptible to soil erosion and drying, and hence affects the soil biota, and may make sites more vulnerable to weed invasion.

Loss or disruption of ecological function

Survival of ecological communities relies on the maintenance of ecological processes and interactions. Loss of habitat and fragmentation may disrupt these processes. For example,

small fragments may not be large enough to support viable populations of pollinators or seed dispersers so that reproduction of plant species will be impaired.

Disruption of ecological processes may continue long after initial clearing of native vegetation has occurred, with consequent continued decline in biological diversity. In cleared and/or fragmented landscapes there may be an extinction debt, whereby, as a consequence of reduction in population size and disturbance to population structure, future local population extinction is inevitable.

Changes to soil biota

Clearing of native vegetation and its replacement by pasture or crops, and the subsequent management of these agricultural systems, may be accompanied by changes to the soil biota, both through the introduction of exotic species and declines in native species.

6. Examples of activities or developments which may result in the clearing of native vegetation include *inter alia*:
 - Conversion of native vegetation to crops, improved pasture or plantations.
 - Urban development.
 - Development for industry and/or infrastructure (for example quarries, mines, factory sites, dams, roads, railways, power lines).
 - Removal of understorey e.g. along roadsides or at picnic areas and “cleaning up” of native vegetation. (removal of one stratum may result in the loss or longterm modification of the structure of the native vegetation and also composition and function).
7. Clearing has been identified as a threat to a number of species, communities and populations listed under the Threatened Species Conservation Act (Appendix 1) and could cause species, populations or ecological communities that are not threatened to become threatened (Appendix 2). The determination applies to clearing as a process, regardless of the species, populations and ecological communities affected in a particular instance.
8. In view of the above the Scientific Committee is of the opinion that ‘Clearing of native vegetation’ adversely affects two or more threatened species, populations or ecological communities and could cause species, populations or ecological communities that are not threatened to become threatened.

Definitions

Clearing	Clearing is defined as the destruction of a sufficient proportion of one or more strata (layers) within a stand or stands of native vegetation so as to result in the loss, or long term modification, of the structure, composition and ecological function of stand or stands. The definition of clearing does not preclude management activities to control exotic species, or Australian species growing outside their natural geographic range.
Destruction	Destruction may include physical removal by cutting, underscrubbing, bulldozing etc., or processes which leave a proportion of one or more strata on site in a dead or dying state [for example ringbarking, poisoning or herbicide spraying (except where specifically targeted at weed control) or modification of abiotic conditions].

Ecological function Ecological function encompasses the ecological processes/interactions that occur within an ecological community.

Ecological function includes:

- Provision of habitat for native biota
- Provision of food and other resources for native biota
- Maintenance of interactions between species (e.g. pollination, dispersal, mutualism, competition)
- Nutrient cycling and filtering and retention of nutrients
- Carbon storage
- Maintenance of soil processes
- Maintenance of catchment scale hydrological and geochemical processes
- Maintenance of landscape scale ecological processes

Some of the processes and interactions within ecological communities may depend upon the presence of leaf litter and fallen or standing dead trees.

Long term modification of native vegetation

Long term modification of native vegetation is the alteration of the composition, structure or ecological function of an ecological community such that recovery by natural means will take periods of time from decades to centuries (depending on the plant community concerned) or will require substantial management intervention.

Selective removal or alteration of one or more strata – for example removal and replacement of the understorey or removal of the canopy which can result in alteration of composition, structure and ecological function of the plant community may constitute long term modification.

Loss of native vegetation

Loss of native vegetation is the removal of native vegetation by direct or indirect actions.

Loss of all strata may occur when native vegetation is replaced by infrastructure (for example, buildings or roads) or by the removal of pre-existing native vegetation and its replacement by species not previously present.

Native Vegetation

Native vegetation is made up of plant communities, comprising primarily indigenous species, the composition and structure of which reflects the interactions between plant species, between plants and fauna and with the environment. Native vegetation includes canopy trees (where present), understorey, ground cover and below ground biomass (roots, bulbs and the seed bank).

For the purposes of this Determination native vegetation does not include marine vegetation within the meaning of the Fisheries Management Act.

Introduced species may be prominent in many plant communities, but defining an arbitrary proportion of non-indigenous species, measured at a single point in time, as setting a limit between native and non-native vegetation is inappropriate. For example, at some sites, in 'good' seasons, there can be a very large cover of annual weeds in the ground cover, but at other times, these weeds may provide little or no cover.

If the composition has been altered (as a result of invasion by species outside their natural distributional range or the selective removal of species) or the structure modified, the vegetation is still native vegetation if the ecological functions of the unmodified plant communities are maintained and if composition and structure could be substantially restored in the short term through management intervention. Regrowth and newly colonising stands of indigenous species are native vegetation.

Native vegetation is dynamic and subject to change, either endogenous as in some successions, or in response to external factors – such as seasonal variation, longer term changes in climate (drought-wet cycles) or disturbances such as fire or storm.

Plant Community A plant community is an assemblage of plant species occupying a particular area.

The composition of a plant community is the assemblage of plant species that occur in the community.

Plant communities are dynamic and subject to change, either endogenous as in some successions, or in response to external factors – such as seasonal variation, longer term changes in climate (drought-wet cycles) or disturbances such as fire or storm.

Stand A group of co-occurring plants being an observable feature in the landscape, stands may be of different size depending on the types of plants concerned, the availability of habitat and post clearing. A lichen or bryophyte mat on a rock covering a few tens of square centimetres may constitute a stand, as may a forest covering hundreds of hectares.

Stratum (plural strata) A more or less distinct layer within a stand of vegetation – for example ground layer, understorey, canopy, emergents. Some types of vegetation have a more complex structure and more strata than others. For example a rainforest compared with a grassland.

Structure The structure of a plant community is the three dimensional distribution of biomass within the community. Structure can be described in terms of more or less distinct layers (strata) – for example ground layer, understorey, canopy, emergents, and the spacing of plants (for example where trees are present, forest is distinguished from woodland by the canopies of the trees in a forest being closer together than those in a woodland).

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Chairperson
Scientific Committee

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APPENDIX 1

**Threatened species, populations and ecological communities
adversely affected by this threatening process**

This list is provided to substantiate that the key threatening process satisfies section 15(a) of the Threatened Species Conservation Act. The determination applies to clearing of native vegetation as a process, regardless of the species, populations and communities affected in a particular instance.

Vertebrates**Mammals**

Aepyprymnus rufescens Rufous Bettong
Cercartetus concinnus Western Pygmy Possum
Cercartetus nanus, Eastern Pygmy-possum
Chalinolobus dwyeri Large-eared Pied Bat
Chalinolobus picatus Little Pied Bat
Dasyurus maculatus Spotted-tailed Quoll
Isoodon obesulus Southern Brown Bandicoot
Lasiiorhinus latifrons, Southern Hairy-nosed Wombat
Macropus dorsalis Black-striped Wallaby
Ningai yvonneae Southern Ningai
Nyctophilus timoriensis Greater Long-eared Bat
Petaurus australis Yellow-bellied Glider
Petaurus norfolcensis Squirrel Glider
Phascogale tapoatafa Brush-tailed Phascogale
Phascolarctos cinereus Koala
Pseudomys apodemoides Silky Mouse
Pseudomys bolami Bolam's Mouse
Pseudomys pilligaensis Pilliga Mouse
Pteropus poliocephalus, Grey-headed Flying-fox
Saccolaimus flaviventris Yellow-bellied Sheath-tail-bat
Scoteanax rueppellii Greater Broad-nosed Bat
Vespadelus baverstocki Inland Forest Bat

Reptiles

Anomalopus mackayi Five-clawed Worm-skink
Aprasia inaurita Mallee Worm Lizard
Aprasia parapulchella Pink-tailed Legless Lizard
Cyclodomorphus melanops subsp. *elongata* Gunther's Skink
Delma impar Striped Legless Lizard
Echiopsis curta Bardick
Hoplocephalus bitorquatus Pale-headed Snake

Hoplocephalus bungaroides Broad-headed Snake
Suta flagellum Little Whip Snake
Tiliqua occipitalis Western Blue-tongued Lizard
Tympanocryptis lineata pinguiocola Southeastern Lined Earless Dragon
Underwoodisaurus sphyrurus Border Thick-tailed Gecko

Amphibians

Litoria aurea Green and Golden Bell Frog
Litoria castanea Yellow-spotted Tree Frog
Litoria littlejohni Littlejohn's Tree-Frog
Litoria raniformis Southern Bell Frog

Birds

Amytornis striatus Striated Grasswren
Amytornis textilis Thick-billed Grasswren
Ardeotis australis Australian bustard
Botaurus poiciloptilus Australasian Bittern
Burhinus grallarius Bush Stone-curlew
Cacatua leadbeateri Major Mitchell's Cockatoo
Calyptorhynchus banksii Red-tailed Black-Cockatoo
Calyptorhynchus lathami Glossy Black Cockatoo
Certhionyx variegatus Pied Honeyeater
Charadrius mongolus Lesser Sand-plover
Cinclosoma castanotus Chestnut Quail-thrush
Dasyornis brachyptera Eastern Bristlebird
Drymodes brunneopygia Southern Scrub-robin
Erythrotriorchis radiatus Red Goshawk
Falco hypoleucos Grey Falcon
Geophaps scripta Squatter Pigeon
Glossopsitta porphyrocephala Purple-crowned Lorikeet
Grantiella picta Painted Honeyeater
Hamirostra melanosternon Black-breasted Buzzard
Hylacola cauta Shy Heathwren
Ixobrychus flavicollis Black Bittern
Lathamus discolor Swift Parrot
Leipoa ocellata Malleefowl
Lichenostomus cratitius Purple-gaped Honeyeater
Lichenostomus fasciocularis Mangrove Honeyeater
Lophoictinia isura Square-tailed Kite
Manorina melanotis Black-eared Miner
Monarcha leucotis White eared Monarch
Neophema chrysogaster, Orange-bellied Parrot
Neophema pulchella Turquoise Parrot
Neophema splendida Scarlet-chested Parrot
Nettapus coromandelianus Cotton Pygmy-goose
Ninox connivens Barking Owl
Ninox strenua Powerful Owl
Oxyura australis Blue-billed Duck

Pachycephala inornata Gilbert's Whistler
Pachycephala rufogularis Red-lored Whistler
Pandion haliaetus Osprey
Petroica rodinogaster Pink Robin
Pezoporus wallicus Ground Parrot
Podargus ocellatus Marbled Frogmouth
Polytelis anthopeplus Regent Parrot
Polytelis swainsonii Superb Parrot
Pomatostomus halli Hall's Babbler
Psittaculirostris diophthalma coxeni Double-eyed Fig Parrot
Ptilinopus magnificus Wompoo Fruit-Dove
Ptilinopus regina Rose-crowned Fruit dove
Ptilinopus superbus Superb Fruit-dove
Sericornis brunneus, Redthroat
Stictonetta naevosa Freckled Duck
Todiramphus chloris Collared Kingfisher
Turnix melanogaster Black-breasted Button-quail
Tyto capensis Grass Owl
Tyto novaehollandiae Masked Owl
Tyto tenebricosa Sooty Owl
Xanthomyza phrygia Regent Honeyeater

Invertebrates

Gastropods

Meridolum corneovirens a large land snail
Thersites mitchellae a land snail

Insects

Paralucia spinifera Bathurst Copper Butterfly
Synemon plana the Golden Sun Moth
Nurus atlas, a carab beetle
Nurus brevis, a carab beetle

Plants

Acacia acanthoclada
Acacia atrox ms
Acacia bynoeana
Acacia courtii
Acacia gordonii
Acacia pubescens
Acacia ruppii
Acacia terminalis subsp. *terminalis*
Acronychia littoralis
Alexfloydia repens
Allocasuarina defungens
Allocasuarina glareicola
Almaleea cambagei

Amyema scandens
Ancistrachne maidenii
Angophora inopina
Austromyrtus fragrantissima
Austrostipa metatoris
Boronia repanda
Boronia ruppi
Bothriochloa biloba
Brachycome muelleroides
Brachycome papillosa
Caladenia concolor
Callistemon linearifolius
Callitris oblonga
Choricarpia subargentea
Corchorus cunninghamii
Cratystylis conocephala
Cryptocarya foetida
Cryptostylis hunteriana
Cynanchum elegans
Darwinia biflora
Davidsonia pruriens var. *jerseyana*
Davidsonia sp. A Mullumbimby
Digitaria porrecta
Dillwynia glaucula
Dillwynia tenuifolia
Diospyros mabacea
Diploglottis campbellii
Diuris arenaria
Diuris disposita
Diuris pedunculata
Diuris sp. aff. *chrysantha* (Byron Bay)
Drynaria rigidula
Elaeocarpus sp. Rocky Creek
Eleocharis tetraquetra
Endiandra hayesii
Endiandra muelleri subsp. *bracteata*
Epacris purpurascens var. *purpurascens*
Eriocaulon carsonii
Eucalyptus approximans
Eucalyptus camfieldii
Eucalyptus camphora subsp. *relicta*
Eucalyptus magnificata
Eucalyptus mckieana
Eucalyptus parramattensis subsp. *decadens*
Eucalyptus pulverulenta
Eucalyptus rubida subsp. *barbigerorum*
Eucalyptus sp. Cattai
Floydia praealta
Fontainea oraria

Genoplesium plumosum
Genoplesium rhyoliticum
Grammitis stenophylla
Grevillea beadleana
Grevillea caleyi
Grevillea hilliana
Grevillea juniperina subsp. *juniperina*
Grevillea parviflora subsp. *parviflora*
Grevillea parviflora subsp. *supplicans*
Grevillea scortechinii subsp. *sarmentosa*
Grevillea wilkinsonii
Irenepharsus trypherus
Isoglossa eranthemoides
Kunzea rupestris
Lasiopetalum behrii
Lasiopetalum joyceae
Lepiderema pulchella
Lepidium aschersonii
Lepidium hyssopifolium
Lepidium monoplocoides
Leptospermum thompsonii
Leucopogon fletcheri subsp. *fletcheri*
Lindsaea fraseri
Lindsaea incisa
Macadamia tetraphylla
Marsdenia longiloba
Melaleuca biconvexa
Melaleuca deanei
Melaleuca tamariscina subsp. *irbyana*
Melichrus hirsutus
Melichrus sp. *Gibberagee*
Micromyrtus grandis
Ochrosia moorei
Olax angulata
Olearia flocktoniae
Owenia cepiodora
Persicaria elatior
Persoonia bargoensis
Persoonia hirsuta
Persoonia mollis subsp. *maxima*
Persoonia nutans
Persoonia pauciflora
Phaius australis
Phaius tankervilleae
Pimelea curviflora var. *curviflora*
Prasophyllum affine
Prasophyllum petilum
Prostanthera askania
Prostanthera junonis

Psoralea parva
Pterostylis gibbosa
Pterostylis saxicola
Pultenaea parviflora
Pultenaea pedunculata
Quassia sp. Mooney Creek
Randia moorei
Rapanea sp. A Richmond River
Rulingia procumbens
Rutidosis leptorrhynchoides
Sarcophilus weinthalii
Senecio garlandii
Senna acclinis
Sophora tomentosa
Styphelia perileuca
Swainsona murrayana
Swainsona recta
Swainsona sericea
Syzygium hodgkinsoniae
Syzygium moorei
Tasmannia glaucifolia
Tasmannia purpurascens
Tetratheca juncea
Thesium australe
Triplarina nowraensis
Tylophora woollsii
Zieria baeuerlenii
Zieria floydii
Zieria granulata

Populations

Vertebrates

<i>Adelotus brevis</i>	Tusked frog population in the Nandewar and New England Tablelands Bioregion
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo population in the Hornsby and Ku-ring-gai Local Government Areas.
<i>Calyptorhynchus lathamii</i>	Glossy Black-Cockatoo, Riverina population
<i>Eudyptula minor</i>	Little Penguin in the Manly Point Area
<i>Petrogale penicillata</i>	Brush tailed Rock Wallaby, Warrumbungles population
<i>Petaurus norfolcensis</i>	Squirrel Glider in the Wagga Wagga Local Government Area
<i>Petaurus norfolcensis</i>	Squirrel Glider on Barrenjoey Peninsula, north of Bushrangers Hill
<i>Phascolarctos cinereus</i>	Koala, Hawks Nest and Tea Gardens population
<i>Phascolarctos cinereus</i>	Koala in the Pittwater Local Government Area

Menippus fugitivus

Menippus fugitivus population in the Sutherland Shire

Plants

Acacia prominens

Gosford Wattle, Hurstville and Kogarah Local Government Areas

Cryptandra longistaminea

Cryptandra longistaminea in the vicinity of Ellandgrove Road, South Grafton

Darwinia fascicularis subsp. *oligantha*

Darwinia fascicularis subsp. *oligantha* population in the Baulkham Hills and Hornsby Local Government Areas

Dillwynia tenuifolia

Dillwynia tenuifolia, Kemps Creek

Glycine clandestina (broad leaf form)

Glycine clandestina (broad leaf form) population in the Nambucca Local Government Area.

Hibbertia incana

Hibbertia incana in the Local Government Area of Baulkham Hills

Keraudrenia corrolata var. *denticulata*

Keraudrenia corrolata var. *denticulata* in the Hawkesbury Local Government Area

Lespedeza juncea subsp. *sericea*

Lespedeza juncea subsp. *sericea* population in the Wollongong Local Government Area

Pomaderris prunifolia

Pomaderris prunifolia in the Parramatta, Auburn, Strathfield and Bankstown Local Government Areas

Wahlenbergia multicaulis

Tadgell's Bluebell in the Local Government Areas of Auburn, Bankstown, Strathfield and Canterbury

Ecological Communities

Acacia loderi Shrublands

Agnes Banks Woodland in the Sydney Basin Bioregion

Blue Gum High Forest

Blue Mountains Shale Cap Forest in the Sydney Basin Bioregion

Byron Bay Dwarf Graminoid Clay Heath Community

Cadellia pentastylis (Ooline) community in the Nandewar and Brigalow Belt South IBRA Regions

Carbeen Open Forest community in the Darling Riverine Plains and Brigalow Belt South Bioregions

Castlereagh Swamp Woodland Community

Cooks River Clay Plain Scrub Forest

Cumberland Plain Woodland

Duffys Forest vegetation community

Eastern Suburbs Banksia Scrub

Elderslie Banksia Scrub Forest

Howell Shrublands in the Northern Tablelands and Nandewar Bioregions

Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion

Kurnell Dune Forest in the Sutherland Shire and City of Rockdale

Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion

Low Woodland with Heathland on Indurated Sand at Norah Head

Mc Kies Stringybark/Blackbutt Open Forest in the Nandewar and New England Bioregions

Mount Gibraltar Forest in the Sydney Basin Bioregion

O'Hares Creek Shale Forest

Pittwater Spotted Gum Forest
Robertson Basalt Tall Open-forest in the Sydney Basin Bioregion
Robertson Rainforest in the Sydney Basin Bioregion
Semi-evergreen Vine Thicket in the Brigalow Belt South and Nandewar Bioregions
Shale/Sandstone Transition Forest
Southern Highlands Shale Woodlands in the Sydney Basin Bioregion
Sutherland Shire Littoral Rainforest
Sydney Coastal Estuary Swamp Forest in the Sydney Basin Bioregion
Sydney Coastal River-flat Forest
Sydney Freshwater Wetlands in the Sydney Basin Bioregion
Sydney Turpentine-Ironbark Forest
Western Sydney Dry Rainforest in the Sydney Basin Bioregion

This list (Appendix 1) was compiled from a number of sources including the following:

Anonymous (1997) State-wide Conservation Status of Threatened Species in NSW. NSW National Parks & Wildlife Service.

Ayers, D., Nash, S. & Baggett, K. (1996) Threatened species of western NSW. NSW NPWS.

Benson, J. (1991) Species Recovery Plan for *Grevillea beadleana*. Australian National Parks and Wildlife Service Endangered Species Program Project No. 155.

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Hunter, J., Jay, A., Nicholson, N. & H., and Horton, S. (undated) Species Recovery Plan for *Fontainea oraria* (Jessup and Guymmer). NSW National Parks and Wildlife Service report to the Australian National Parks and Wildlife Service Endangered Species Program Project No. 155.

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Zich, F.A. (1992) Draft Conservation Research Statement and Research Plan for *Rutidosia leptorrhynchoides* F. Muell. (Button wrinklewort).

APPENDIX 2

Species, populations and ecological communities that could become threatened by this threatening process

This list is provided to substantiate that the key threatening process satisfies section 15(b) of the Threatened Species Conservation Act. The determination applies to clearing of native vegetation as a process, regardless of the species, populations and communities affected in a particular instance.

The species listed in the Appendix or *populations of these species* could become threatened by this threatening process.

Vertebrates

Mammals

Acrobates pygmaeus, Feathertail Glider
Antechinus flavipes, Yellow-footed Antechinus
Antechinus swainsonii, Dusky Antechinus
Isodon macrourus, Northern Brown Bandicoot
Perameles nasuta, Long-nosed Bandicoot
Petaurus breviceps, Sugar Glider
Pseudocheirus peregrinus, Common Ringtail Possum
Pseudomys novaehollandiae, New Holland Mouse
Pteropus scapulatus, Little Red Flying-fox
Rattus fuscipes, Bush Rat
Rattus lutreolus, Swamp Rat
Trichosurus caninus, Mountain Brushtail Possum
Trichosurus vulpecula, Common Brushtail Possum
Wallabia bicolor, Swamp Wallaby

Reptiles

Ctenophorus fordi
Ctenotus brachyonyx
Ctenotus ingrami
Morethia obscura
Proablepharus kinghorni
Delma australis
Gehyra dubia
Oedura monolis
Morelia spilota variegata

Birds

Climacteris picumnus victoriae, Brown Treecreeper (eastern subspecies)
Melanodryas cucullata cucullata, Hooded Robin (south-eastern form)
Melithreptus gularis, Black-chinned Honeyeater

Neophema bourkii, Bourke's Parrot
Pomatostomus temporalis temporalis, Grey-crowned Babbler (eastern subspecies)
Pyrrholaemus sagittata, Speckled Warbler
Stagonopleura guttata, Diamond Firetail
Strepera versicolor melanopectera, Black-winged Currawong

Invertebrates

Insects

Aryreus hyberius inconstans
Cooraboorama canberrae
Cressida cressida
Keyacris scurra
Laxabilla smaragdina
Lestis spp. (carpenter bees)
Ocbadistes knightorium
Ornithoptera richmondia
Perunga ochracea
Telicota eurychlora
Tomoceridae spp.
Xanthorhoini (some species)

Plants

Acacia fulva
Acianthus amplexicaulis
Amphibromus pithogastrus
Boronia fraseri
Boronia serrulata
Brasenia schreberi
Callistemon shiressii
Discaria pubescens
Eucalyptus luehmanniana
Eucalyptus michaeliana
Euphrasia ciliolata
Grevillea granulifera
Grevillea longifolia
Hibbertia nitida
Lomandra brevis
Tetratheca neglecta
Typhonium eliosurum

Ecological Communities

Grassy Woodland Communities
Riparian Communities

This list (Appendix 2) was compiled from a number of sources including the following:

Anonymous (1997) State-wide Conservation Status of Threatened Species in NSW. NSW National Parks & Wildlife Service.

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OFFICIAL NOTICES

Appointments

CORONERS ACT 1980

ATTORNEY GENERAL'S DEPARTMENT

Sydney, 14 September, 2001

HER EXCELLENCY THE GOVERNOR with the ADVICE OF THE EXECUTIVE COUNCIL has approved of the following officers being appointed under the Coroners Act 1980 as Assistant Coroners for the State generally:

- ï John Newton, Clerk, Maitland Local Court
- ï Kelly Briggs, Senior Clerk, Maitland Local Court
- ï Eve Green, Clerk, Taree/CLC Gloucester
- ï Anne Jones, Senior Clerk, Gosford
- ï Kaylene Jones, Clerk, Dubbo
- ï Kristy Anslow, Clerk, Maitland
- ï Tara Skinner, Clerk of the Local Court, Dungog/Clerk, Newcastle
- ï Tracie Pickup, Senior Clerk, Gosford
- ï Jeffrey Walters, Clerk, Newcastle Local Court
- ï Sonya Bernie, Senior Clerk, Dubbo Local Court
- ï Julie Hodgetts, Clerk, Newcastle Local Court
- ï Kylie Nicholls, Clerk, Wollongong Local Court
- ï Lynda Clark, Clerical Officer, Batemans Bay
- ï Carole Dixon, Clerk, Port Kembla Local Court
- ï Vicki Waldoock, Senior Clerk, Wollongong Local Court
- ï Ingrid Zannier, Senior Clerk, Wollongong Local Court
- ï Julie Carter, Senior Clerk, Orange Local Court
- ï Deborah Mason, Clerk, Nowra Local Court
- ï Gayle Robinson, Clerk, Tumut/CLC, Tumbarumba
- ï Sue Ebert, Senior Clerk, Wagga Wagga
- ï Elizabeth Lethbridge, Senior Clerk, Albury Local Court
- ï Julie Schliebs, Clerical Officer, Albury Local Court
- ï Kelly Anable, Senior Clerk, Goulburn Local Court
- ï James Bretag, Senior Clerk, Wagga Wagga Local Court
- ï Marilyn Curphey, Clerk, Albury Local Court
- ï Adam Simmonds, Clerk, Lithgow Local Court
- ï Leanne Swan, Clerk, Wollongong Local Court
- ï Mariaelena Albu, Chamber Magistrate, Gosford Local Court
- ï James Joseph Hogan, Senior Clerk, Burwood
- ï Christine McKenzie, Clerk, Burwood Local Court
- ï John Vincent Barrett, Clerk, Newcastle Local Court
- ï Pamela Therese Olsoen, Clerk of the Local Court, Wyong
- ï Kathleen Pickering, Clerk of the Local Court, Coonamble
- ï Cynthia Ann Francis, Clerk of the Local Court, Tumut
- ï Barry Rogers, Relieving Clerk of the Local Court, Tamworth
- ï Phillip John Webber, Senior Clerk, Gosford.

BOB DEBUS, M.P.,
Attorney General

CONSTITUTION ACT 1902

Ministerial Arrangements During The Absence From The State Of The Premier, Minister For The Arts, And Minister For Citizenship

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable A J Refshauge, MP, Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs and Minister for Housing, to act for and on behalf of the Premier, as on and from 20 September 2001 with a view to him performing the duties of the offices of Premier, during my absence from the State.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
19 September 2001

NSW BOARD OF ADULT AND COMMUNITY EDUCATION ACT, 1990

Notification of Appointment to the Board

I, JOHN JOSEPH AQUILINA, Minister for Education and Training, in pursuance of Section 5(2)(b) and Clause 3 of Part I of Schedule 1 of the Board of Adult and Community Education Act 1990 appoint the following person: Kaye SCHOFIELD as Chair of the NSW Board of Adult and Community Education for a term of office commencing on July 1, 2001 and expiring on June 30, 2004.

JOHN AQUILINA, M.P.,
Minister for Education and Training

NSW BOARD OF ADULT AND COMMUNITY EDUCATION ACT, 1990

Notification of Appointment to the Board

I, JOHN JOSEPH AQUILINA, Minister for Education and Training, in pursuance of Section 5(2)(b) and Clause 3 of Part I of Schedule 1 of the Board of Adult and Community Education Act 1990 appoint the following person: Brett SMOUT as a part-time member of the NSW Board of Adult and Community Education for a term of office commencing on July 1, 2001 and expiring on June 30, 2004.

JOHN AQUILINA, M.P.,
Minister for Education and Training

**NSW BOARD OF ADULT AND COMMUNITY
EDUCATION ACT, 1990**

Notification of Appointment to the Board

I, JOHN JOSEPH AQUILINA, Minister for Education and Training, in pursuance of Section 5(2)(b) and Clause 3 of Part I of Schedule 1 of the Board of Adult and Community Education Act 1990 appoint the following person: Suellen YOUNG as a part-time member of the NSW Board of Adult and Community Education for a term of office commencing on July 1, 2001 and expiring on June 30, 2004.

JOHN AQUILINA, M.P.,
Minister for Education and Training

PUBLIC SECTOR MANAGEMENT ACT 1988Appointment of Director, Primary Health
and Community Care

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 13(1) of the Public Sector Management Act 1988, has approved the appointment of Dr James HYDE in the Senior Executive Service position of Director, Primary Health and Community Care, effective from 16 August 2001 until 15 October 2001.

CRAIG KNOWLES, M.P.,
Minister for Health

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification of Fishing Closure Revocation

Macleay River

I, EDWARD OBEID, revoke the fishing closure notification as published in the *NSW Government Gazette*, Number 103 of 29 June 2001, which conditionally prohibits the taking of fish from specified waters of the Macleay River. This revocation is effective from 6.00 p.m., Friday, 28 September 2001.

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

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification of Fishing Closure Revocation

Richmond River

I, EDWARD OBEID, revoke the fishing closure notification as published in the *NSW Government Gazette*, Number 103 of 29 June 2001, which conditionally prohibits the taking of fish from specified waters of the Richmond River and adjacent ocean waters. This revocation is effective from 6.00 p.m., Friday, 28 September 2001.

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

F01/0138

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification - Fishing Closure

NSW Ocean Trawl Fleet (Bobbin Gear)

I, EDWARD OBEID, prohibit the taking of fish by the methods of fishing described in Column 1 of schedules 1 and 2 of this notification, from the waters described in Column 2, during the period specified in Column 3, respectively, of those schedules. This notification will be effective for a period of five (5) years from the date of publication of this notification.

The Hon EDWARD OBEID OAM, MLC,
Minister for Mineral Resources
Minister for Fisheries

SCHEDULE 1

Ocean Trawl Bobbin Gear North of Seal Rocks

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of all methods of trawling using bobbin gear.	The whole of the ocean waters north of a line drawn due east from Sugarloaf Point Lighthouse (Seal Rocks).	For a period of five years from the date of this notification.

SCHEDULE 2

Ocean Trawl Bobbin Gear South of Seal Rocks

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of all methods of trawling using bobbin gear, except by the use of bobbin gear of a size not greater than 100mm in diameter.	The whole of the ocean waters south of a line drawn due east from Sugarloaf Point Lighthouse (Seal Rocks).	For a period of five years from the date of this notification.

Explanatory Note: Bobbin gear in the context of this notice refers to any circular, cylindrical (ie. roller) or other shapes object that is attached to the foot rope of an otter trawl net to facilitate the footrope and net over uneven or even areas of the ocean floor.

Department of Land and Water Conservation

Land Conservation

DUBBO OFFICE

Department of Land and Water Conservation
142 Brisbane Street (PO Box 865), Dubbo, NSW 2830
Phone: (02) 6841 5200 Fax: (02) 6841 5231

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Charles Leslie CONN (re-appointment)	Comobella Public Hall Trust	Reserve No. 520070 Public Purpose: Public Hall Notified: 17 December 1937 Locality: Comobella File Reference: DB81R78
Mark Christopher CONN (re-appointment)		
Jeffrey Allan McLEOD (re-appointment)		
Marie Clare REDFERN (new member)		
William Henry REDFERN (re-appointment)		
Keith Henry WHILLOCK (re-appointment)		
Bertie John WYKES (re-appointment)		

For a term commencing 21 September 2001 and expiring 20 September 2006.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Charles Leslie CONN (re-appointment)	Comobella Recreation (R64350) Reserve Trust	Reserve No. 64350 Public Purpose: Public Recreation Notified: 12 January 1934 Locality: Comobella File Reference: DB81R78
Mark Christopher CONN (re-appointment)		
Jeffrey Allan McLEOD (re-appointment)		
Marie Clare REDFERN (new member)		
William Henry REDFERN (re-appointment)		
Keith Henry WHILLOCK (re-appointment)		
Bertie John WYKES (re-appointment)		

For a term commencing 21 September 2001 and expiring 20 September 2006.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Gregory Robert BELL (new member)	Dubbo Citizen Radio Emergency Services Reserve Trust	Reserve No. 93699 Public Purpose: Non-profit making organisation Notified: 3 October 1980 Locality: Dubbo File Reference: DB83R98
Desmond John COTTLE (new member)		
Robert P HANSON (new member)		
Prudence Ann HANSON (re-appointment)		
Evan Jack LONGWORTH (new member)		
Mary Norine MATHEWS (new member)		
Andrew Leonard PAIN (new member)		

For a term commencing 21 September 2001 and expiring 20 September 2006.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
John George CIAPPARA (re-appointment)	Eumungerie Recreation Reserve Trust	Reserve No. 47512 Public Purpose: Public Recreation Notified: 21 February 1912 Locality: Eumungerie File Reference: DB80R14
Kerstin Marianne DE KROO (new member)		
Leo DE KROO (re-appointment)		
James Pettigrew FINDLAY (re-appointment)		
James Victor KELLY (re-appointment)		
Colin Francis McCARTHY (re-appointment)		
Christopher John SHEPHERD (re-appointment)		

For a term commencing 21 September 2001 and expiring 20 September 2006.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

*Land District of Mudgee;
Local Government Area of Mudgee*

Lot 1 DP 1032575, Parish of Guntawang, County of Phillip (not being land under the Real Property Act). File No: DB00H95.

Note: On closing, the title for Lot 1 shall remain vested in The State of New South Wales as Crown Land.

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 Reserve specified thereto in Column 2 of the Schedule.

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

SCHEDULE 1

COLUMN 1
Coonamble Recreation
(R95863) Reserve Trust

COLUMN 2
Reserve No. 95863
Public Purpose: Public Recreation
Notified: 26 March 1982
File Reference: DB82 R 35

FAR WEST REGIONAL OFFICE
Department of Land and Water Conservation
45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

**ALTERATION OF CONDITIONS OF A WESTERN
LANDS LEASE**

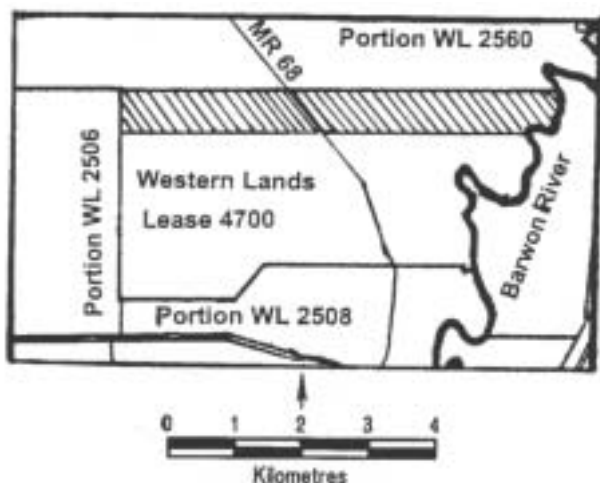
IT is hereby notified that in pursuance of the provisions of Section 18J Western Lands Act 1901, the conditions of the undermentioned Western Lands Lease have been altered as shown.

RICHARD AMERY, M.P.,
 Minister for Land and Water Conservation
Administrative District and Shire — Walgett;
Parish — Eckford; County — Finch

The conditions of Western Lands Lease No. 4700, being the land contained within Folio Identifier 2507/764470, have been altered effective from 13 September 2001 by the inclusion of the special conditions following.

**SPECIAL CONDITIONS ATTACHED TO WESTERN
LANDS LEASE 4700**

1. The area within Western Lands Lease 4700 (Portion WL 2507) shown as hatched on the accompanying diagram shall not be cleared or cultivated and the lessees acknowledge that the Commissioner will not grant any consents for clearing and cultivation over the areas.
2. That the abovementioned area shall be fenced 30 metres from the road on either side allowing clear access.



**ALTERATION OF PURPOSE OF A WESTERN
LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of Section 18J Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

RICHARD AMERY, M.P.,
 Minister for Land and Water Conservation
Administrative District and Shire of Balranald;
Parish — Tankie; County — Kilferra

The purpose of Western Lands Leases 2107, 2604 and 2762 being the land contained within folio identifiers 4518/767595, 616/761603 and 615/761602 has been altered from "Grazing" to "Grazing and Recreational Hunting" effective from 7 September 2001.

Annual rental and lease conditions remain unaltered as a consequence of the change of purpose except for the addition of those special conditions published in the *Government Gazette* of 2 July 1999, Folios 4667-4669.

**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.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Wentworth Local Government Area: Wentworth Shire Council	The whole being
Parish: Gol Gol County: Wentworth Locality: Gol Gol Reserve No.: 230023 Purpose: Community Purposes Notified: 1 May 1987 File Reference: WL87R37	Lot Sec. DPN. Parish County 1 8 758456 Gol Gol Wentworth of an area of 1011 square metres.

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to Clause 4(3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Kaloolguy Regeneration Area Reserve Trust	Reserve No. 81797 Public Purpose: Regeneration Area Notified: 24 July 1959 Parish: Cobar and others County: Robinson File Reference: WL01R6

SCHEDULE

COLUMN 1	COLUMN 2
Canbelego Community Public Recreation Reserve Trust	Reserve No. 83739 Public Purpose: Public Recreation Notified: 23 February 1962 Parish: Florida County: Canbelego File Reference: WL88R34

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

APPOINTMENT OF TRUST BOARD MEMBERS

COLUMN 1

COLUMN 2

COLUMN 3

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE 1

COLUMN 1

COLUMN 2

COLUMN 3

Colin John CARR
(new member)Wee Jasper
Reserves TrustReserve No: 60618
(Bridge Reserve)
Public Purpose:
Public Recreation
Notified: 27 July 1928
Locality: Wee JasperReserve No: 87128
(Wild Caves Reserve)
Public Purpose:
Preservation of Caves
Notified: 3 April 1969
Locality: Wee JasperReserve No: 90969
(Careys Caves Reserve)
Public Purpose:
Preservation of Caves
Notified: 18 November
1977
Locality: Wee JasperReserve No: 130005
(Careys Reserve)
Public Purpose:
Public Recreation
Notified: 12 December
1986
Locality: Wee JasperReserve No: 130006
(Wee Jasper Village
Reserve)
Public Purpose: Public
Recreation
Notified: 12 December
1986
Locality: Wee JasperReserve No: 130007
(Billy Grace Reserve)
Public Purpose:
Public Recreation
Notified: 12 December
1986
Locality: Wee JasperReserve No: 130008
(Fitzpatrick Trackhead
Reserve)
Public Purpose:
Public Recreation
Notified: 12 December
1986
Locality: Wee JasperReserve No: 130009
(Swinging Bridge Reserve)
Public Purpose:
Public Recreation
Notified: 12 December
1986
Locality: Wee JasperReserve No: 130010
(Micalong Creek Reserve)
Public Purpose:
Public Recreation
Notified: 12 December
1986
Locality: Wee JasperReserve No: 130064
(Captain's Reserve)
Public Purpose:
Public Recreation
Notified: 14 May 1993
Locality: Near Yass
File Reference: GB 90 R 31

For a term commencing the date of this notice and
 expiring 28 February 2006.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Murwillumbah; Shire – Tweed

Road Closed: Lot 1 DP 1033304 (not being land under the Real Property Act) at Nunderi, Parish Condong, County Rous. File Reference: GF00 H312.

Note: On closing, the land within the former road remains land vested in Tweed Shire Council as operational land.

GRIFFITH OFFICE
Department of Land and Water Conservation
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith, NSW 2680
Phone: (02) 6962 7522 Fax: (02) 6962 5670

ERRATUM

THE notice appearing in the *Government Gazette* of 27th July 2001 folio 5658, under the heading of “NOTIFICATION OF CLOSING OF A ROAD” the description “Lot 1 DP 1030878, Parish of Waddi, County Boyd (not being land under the Real Property Act)”, is hereby amended to read “Lot 1 DP 1030878, Parish of Waddi, County of Boyd (being land formerly contained in title deed Volume 13122 Folio 155)”.

File No. GH00H60.

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

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

HAY IRRIGATION ACT 1902

IT is hereby notified, in accordance with the provision of the Hay Irrigation Act 1902 and Regulations and By-Laws thereunder, that the application for the lease of the irrigated holding and non-irrigated holding as set out in the Schedule hereto, has been accepted at the annual rental and under the conditions, provisions, covenants, restrictions and reservations contained in the notification setting apart for disposal published in the *Government Gazette* of 10th August 2001.

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

SCHEDULE 1

Hay Irrigation Area

Parish — Hay; County — Waradgery; Council — Hay

Irrigated Lot: 92 in Deposited Plan 448476 containing an area of 12.95 hectares.

Name of applicant: Vittorio PINGIARO and Isabella PINGIARO.

Date of commencement of lease: 24th August 2001

Date of expiration of lease: 30th June 2058.

Lease number: 334351

File No.: HY01H47

Irrigated Lot: 113 in Deposited Plan 448476 containing an area of 47.15 hectares.

Name of applicant: Vittorio PINGIARO and Isabella PINGIARO.

Date of commencement of lease: 24th August 2001.

Date of expiration of lease: 30th August 2001.

Lease number: 334349

File No.: HY01H48

Non-Irrigated Lot: 118 in Deposited Plan 448476 containing an area of 62.82 hectares.

Name of applicant: Vittorio PINGIARO and Isabella PINGIARO.

Date of commencement of lease: 24th August 2001.

Date of expiration of lease: 30th August 2001.

Lease Number: 334345

File No.: HY01H49

MAITLAND OFFICE
Department of Land and Water Conservation
Newcastle Road (PO Box 6), East Maitland, NSW 2323
Phone: (02) 4934 2280 Fax: (02) 4934 2252

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown 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 road.

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

SCHEDULE 1

*Parish - Corrabare; County - Northumberland;
 Land District - Maitland;
 Local Government Area - Cessnock*

That part of Canning Street Wollombi, 20.115 metres wide and variable width, generally north of Allotments 1 and 24 Section 11 DP759103 and the end of Undine Street, Town of Wollombi.

SCHEDULE 2

Roads Authority: Cessnock City Council
 File No: MD00 H191
 Council's Reference: SU 99/12

ERRATUM

Description

*Parish — Cowan; County — Northumberland;
 Land District — Gosford;
 Local Government Area — Gosford*

IN the *Government Gazette* of 7 October 2001, Folio 7626, under the heading "Notification of Closing of Road", the notice is hereby amended by deleting "Road Closed: Lot 1, DP1006218 at Calga (not being land under the Real Property Act)." and inserting in lieu "Road Closed: Lot 1, DP1006218 at Calga (being land in Folio Identifiers 13/263237 and 14/263237)."

File No: MD 98 H 118

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

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**APPOINTMENT OF CORPORATION TO MANAGE
 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.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Port Stephens Council	Glen Oak Public Recreation (R97841) Reserve Trust	Reserve No. 97841 Public Purpose: Public Recreation Notified: 12 July 1985 File Ref: MD88 R 58

Commencing this day.

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.

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

SCHEDULE 1

COLUMN 1	COLUMN 2
Glen Oak Public Recreation (R97841) Reserve Trust	Reserve No. 97841 Public Purpose: Public Recreation Notified: 12 July 1985 File Reference: MD88R58

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.

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

SCHEDULE 1

COLUMN 1	COLUMN 2
Glen Oak Camping (R15211) Reserve Trust	Reserve No. 15211 Public Purpose: Camping Notified: 13 February 1892 File Reference: MD01R17

**APPOINTMENT OF CORPORATION TO MANAGE
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.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Port Stephens Council	Glen Oak Camping (R15211) Reserve Trust	Reserve No. 15211 Public Purpose: Camping Notified: 13 February 1892 File Ref: MD01R17

Commencing this day.

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 CLOSING OF A 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.

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

Description

Land District — Bathurst; Shire — Evans

Road Closed: Lot 1 in DP 1031286 of 4814 square metres, Parish of Watton, County of Roxburgh (being land in CT28/26271). File reference: OE99H228.

Note: On closing, title for the land comprised in Lot 1 in DP 1031286 remains vested in the State of New South Wales as Crown land.

ERRATUM

IN the notice appearing in the *Government Gazette* of 20 July 2001, Folio 5477, under the heading "ESTABLISHMENT OF A RESERVE TRUST AND APPOINTMENT OF TRUST MANAGER", concerning R41983 and R30078 for the purpose of Rifle Range, the dates notified in COLUMN 1 should read "Reserve 41983 notified 4 September 1907 and Reserve 30078 notified 28 October 1899".

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

**ESTABLISHMENT OF A RESERVE TRUST AND
 APPOINTMENT OF TRUST MANAGER**

- (1) Pursuant to section 92 (1) of the Crown Lands Act 1989, the Reserve Trust specified in Column 2 of the Schedule is established under the name stated in that Column and is appointed as trustee of the Reserves specified in Column 1 of the Schedule.
- (2) Pursuant to section 95 of the Crown Lands Act 1989, the Corporation specified in Column 3 of the Schedule is appointed to manage the affairs of the reserve trust specified in Column 2.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Reserve No: 68490 at Condobolin for the purpose of rifle range notified in the Gazette of 28 July 1939. File Ref: OE 81H471	Condobolin Rifle Range Reserve Trust	Condobolin Rifle Club Incorporated

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

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to paragraph 4 (3) of Schedule 8 of the Crown Lands Act 1989 the name specified in Column 1 of the Schedule is assigned to the reserve trust constituted as trustee for the reserve specified in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Parramatta Children's Home (D500329) Reserve Trust	Dedication No. 500329 at Parramatta dedicated for the purpose of Children's Home on 3 October 1958. File No.: MN84R239

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE 1

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 Ref.: MN90R23

For a term expiring 18 November 2001.

NOTIFICATION OF CLOSING OF ROADS

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

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

Descriptions

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

Lots 10 and 11, DP 1027414 at Petersham, Parish Petersham (Sheet 6), County Cumberland (not being land under the Real Property Act).

MN98H107

Note: On closing title for the land in Lots 10 and 11 remain vested in Marrickville Council as operational land.

Descriptions

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

Lots 100 and 101, DP 1033517 at Liverpool, Parish St Luke, County Cumberland (not being land under the Real Property Act).

MN95H284/2

Notes: [1] On closing, titles for the lands in Lots 100 and 101 remain vested in the Crown.

[2] The road is closed subject to the easement for services shown on DP 1033517 affecting Lot 100.

TAREE OFFICE
Department of Land and Water Conservation
102-112 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

ERRATUM

THE notice in the *Government Gazette* of 14 September, Folio 7742 appeared without a map and is now published in full with the map.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown 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 road.

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

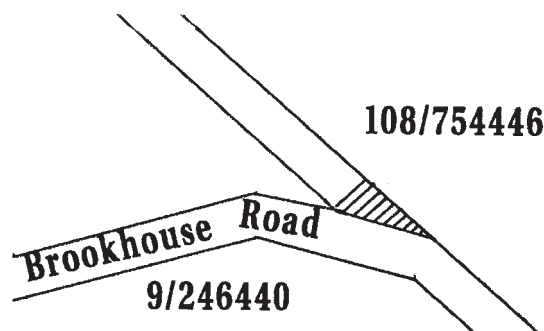
SCHEDULE 1

The section of Crown public road shown by hatching on diagram hereunder, within the Parish of Redbank County Macquarie at Pembroke.

SCHEDULE 2

Roads Authority: Hastings Council

File No: TE01 H161

**ROADS ACT 1993****ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown 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 road.

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

SCHEDULE 1

Sections of Crown public road within the Parishes of Coolongolook, Curreeki and Teleraree, County Gloucester in the locality known as Coolongolook being Lots 37 and 38 DP883052, Lots 105 and 106 DP1018960, Lot 12 DP1017073, Lots 15 and 18 DP883955, Lots 31 and 40 DP883457, Lot 21 and 24 DP1001975, Lot 22 DP1002024 and Lot 17 and 21 DP100688.

SCHEDULE 2

Roads Authority: Great Lakes Council

File No: TE01 H 159

ERRATUM

IN the notice appearing in *Government Gazette* No. 122, Folio 5955 dated 10 August 2001 regarding Transfer of Crown Road to a Council the following text "Lot 4, DP 243425" is deleted and replaced with "Lot 5 DP 243425".

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

ERRATUM

IN the notice appearing in *Government Gazette* No. 137, Folio 7742 dated 14 September 2001 a Lot number was omitted in Column 1 of Schedule 1. The correct Lot number should be Lot 111. This notice corrects that error.

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

Water Conservation

WATER ACT 1912

ORDER

THE Water Administration Ministerial Corporation hereby declares that:

(a) in accordance with paragraph (h) of the definition of 'Work' to which this Part extends in Section 5(1) of the Water Act, 1912, the works (or classes of works) set out in the Schedule to this Order are works to which Part 2 of that Act does not extend.

(b) this Order ceases to have effect on 30 June 2004.

(c) this Order also ceases to have effect prior to 30 June 2004 regarding works for which:

(i) an application for a licence or authority under Part 2 is made before that date, or

(ii) the landholder has failed to comply with any of the relevant terms and conditions set out in the 'NSW Water Amnesty Exemption Provisions' as detailed on DLWC papers 0377706.

Signed for the Water Administration Ministerial Corporation

BOB SMITH,
Director General

Department of Land and Water Conservation

Date: 3 September 2001

SCHEDULE

The works (or classes of works) associated with the amnesty registrations under Part 2 of the Water Act listed on papers 0377706, held by the Department of Land and Water Conservation at its Head Office.

WATER ACT 1912

AN APPLICATION 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 an Authority for a Joint Water Supply under section 20 of Part 2 of the Water Act 1912, has been received as follows;

Murray River Valley

G & A LANTERI NOMINEES P/L and David Anthony Leonard BLANCH for 2 pumps on Ruel Lagoon, Lot 1, DP 1003173, Parish of Euston, County of Taila, for domestic purposes and irrigation of 23.15 hectares (due to separation of two existing authorities ñ no increase in commitment to Murray River storages) (Reference: 60SA008531) (GA2:359477).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged with the Department's Natural Resource Project

Officer at Buronga within twenty eight (28) days as provided by the Act.

P. WINTON,
Natural Resource Project Officer
Murray Region

Department of Land and Water Conservation
PO Box 363, 32 Enterprise Way, BURONGA NSW 2739
Phone: (03) 5021 9400

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 a Licence, under section 10 of Part 2 of the Water Act 1912 has been received as follows:

Murray River Valley

Aaron Kenneth SPENCE for two pumps on the Merran Creek, on Lots 7 and 31, D P756585, Parish of Toolmah, County of Wakool, for water supply for stock purposes and irrigation of 36 hectares (replacement licence due to permanent transfer) (GA2: 504519) (Reference: 50SL75458).

Any enquiries regarding the above should be directed to the undersigned (Phone: [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.

L. J. HOLDEN,
Acting 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 a Proclaimed (declared) Local Area under section 5(4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

Murrumbidgee Valley

Trevor Ronald HALL and Cheryl Diane HALL for a dam on Unnamed Watercourse, Lot 33, DP 753631, Parish of Wambat, County of Harden, for a water supply for stock purposes and the irrigation of 10 hectares (Orchard) (New Licence) (Reference: 40SL70341).

Christopher Ronald HALL and Anthony Jasper HALL for a dam on Unnamed Watercourse, Lot 2, DP 938436 (EX PT 179), Parish of Wilkie, County of Harden, for a water supply for stock, domestic purposes and the irrigation of 10 hectares (Orchard) (New Licence) (Reference: 40SL70340).

These applications are duly advertised as a necessary procedure to enable refusal, as required by the Water Act, 1912.

The applications are to be refused following the introduction of a statutory embargo on the issue of new Licenses for irrigation purposes due to resource sustainability.

Any enquiries regarding the above should be directed to the undersigned (telephone 02 6953 0700).

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

Department of Mineral Resources

COAL MINES REGULATION ACT 1982

NOTICE OF PRIMARY APPROVAL

Approval No.: MDA Ex d. ia. ib. s. 17005.

File No.: C01/0477.

Date: 29-Aug-01.

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 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: ADVANCED MINING TECHNOLOGIES PTY. LTD.
Address of Approval Holder: 3 Co-Wyn Close, Fountaindale, NSW 2258.
Description of Item/s and Variations: Drill Guidance System (DGS).
Manufacturer and Model/Type: Advanced Mining Technologies Pty. Ltd.
 Integrated System Approval
C.M.R.A. Regulation: Electrical Underground Clause 140 (I).
Specific Approval Category(s): Explosion Protected ó Flameproof Ex d.
 Intrinsically Safe Ex ib.
 Intrinsically Safe Ex ia s.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 1983, with particular reference to sections 15 to 17 of the said Act as it applies to USERS of Approved Items, and to section 18 of the said Act as it applies to the MANUFACTURERS and/or SUPPLIERS of Approved Items.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 1983, appended a list of conditions/recommendations (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 1983. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions/recommendations, 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 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.

G. L. M. WARING,
 Accredited Assessing Authority (MDA A2516)
 for Chief Inspector of Coal Mines.

Dept. File No.: C01/0477.	Doc No.: d:\wes\appmaster\AMTDGS\s17005priapp.doc.	Pages 2 and 3 of 5.
Approval Holder: Advanced Mining Technologies Pty. Ltd.		

COAL MINES REGULATION ACT 1982

NOTICE OF PRIMARY APPROVAL

Approval No.: MDA Ex ia 17002.

File No.: C01/0450.

Date: 20 August 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 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: VA EIMCO AUSTRALIA PTY. LTD.
Address of Approval Holder: Old Punt Road, Tomago, NSW 2233.
Description of Item/s and Variations: Remote Controller.
Manufacturer and Model/Type: VA Eimco Australia Pty. Ltd.,
 Old Punt Road, Tomago, NSW 2233
 and
 Nautitech Mining Services Pty. Ltd.,
 Unit 9/6 Anella Avenue, Castle Hill, NSW 2154.
C.M.R.A. Regulation: Electrical Underground Clause 140 (l).
Specific Approval Category: Explosion Protected ó Intrinsically Safe Ex ia.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 1983, with particular reference to sections 15 to 17 of the said Act as it applies to USERS of Approved Items, and to section 18 of the said Act as it applies to the MANUFACTURERS and/or SUPPLIERS of Approved Items.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 1983, appended a list of conditions/recommendations (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 1983. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions/recommendations, 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 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.

G. L. M. Waring,
 Accredited Assessing Authority (MDA A2516)
 for Chief Inspector of Coal Mines.

Dept. File No.: C01/0450.	Doc. No.: d\wes\appmaster\RemCont17002priapp.doc	Pages 2 and 3 of 5.
Approval Holder: VA Eimco Australia Pty. Ltd.		

COAL MINES REGULATION ACT 1982

NOTICE OF PRIMARY APPROVAL

Approval No.: MDA Ex ib 17004.

File No.: C01/0467.

Date: 27 August 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 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: ADVANCED MINING TECHNOLOGIES PTY. LTD.
Address of Approval Holder: 3 Co-Wyn Close, Fountaindale, NSW 2258.
Description of Item/s and Variations: Drill Guidance System (DGS).
Manufacturer and Model/Type: Advanced Mining Technologies Pty. Ltd.
 Custom Keyboard Model CKBD-MS or Model CKBD.
C.M.R.A. Regulation: Electrical Underground Clause 140 (I).
Specific Approval Category: Explosion Protected ó Intrinsically Safe Ex ib.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 1983, with particular reference to sections 15 to 17 of the said Act as it applies to USERS of Approved Items, and to section 18 of the said Act as it applies to the MANUFACTURERS and/or SUPPLIERS of Approved Items.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 1983, appended a list of conditions/recommendations (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 1983. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions/recommendations, 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 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.

G. L. M. WARING,
 Accredited Assessing Authority (MDA A2516)
 for Chief Inspector of Coal Mines.

Dept. File No.: C01/0467.	Doc. No.: d\wes\appmaster\AMTDGS\kybd17004priapp.doc	Pages 2 and 3 of 5.
Approval Holder: Advanced Mining Technologies Pty. Ltd.		

COAL MINES REGULATION ACT 1982Notice of Amended Accreditation as an
Assessing Authority

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 73 (1) of the Coal Mines (General) Regulation 1999, for the purposes of issuing item approvals, accredits the following Organisation and nominated Competent Person signatory, as having the necessary expertise and independence, to issue approvals as required by the Regulation(s) detailed in the attached Schedule:

Name: Mr L. JEGO, of

Organisation: Sydney Flameproof & Engineering Pty. Ltd., 12 Honeyeater Place, Woronora Heights, NSW 2233.

Accredited Assessing Authority No.: MDA A2586.

This accreditation is given generally for approval of apparatus, as defined in regulations nominated in the attached Schedule.

The assessment, issue, processing and payment of the handling and retention fee for each item approval shall be in accordance with the document titled 'Department of Mineral Resources - Mine Safety and Environment Division - Guideline for the Processing and Issue of Approvals - Accredited Assessing Authority Approval Process'.

This accreditation is issued for a period of twelve months and shall conclude on the last day of August of the year two thousand and two.

R. REGAN,
Chief Inspector of Coal Mines.

SCHEDULE

Conditions of Accreditation.

This accreditation shall be in accordance with Clause 70 of the Coal Mines (General) Regulation 1999, in respect to general item approvals only and in respect to clause 73 (1) of the Coal Mines (General) Regulation 1999, to issue approvals as detailed below:

- 1) This accreditation shall be for the purposes of Clause 140, Coal Mines (Underground) Regulation 1999, and is given generally for explosion protected electrical apparatus as defined in the regulation which are:

Cl. 140 (1) Electrical apparatus must not be used in a hazardous zone at a mine unless it is of an approved type.

- 2) This accreditation shall be for the purposes of Clause 139, Coal Mines (Underground) Regulation 1999, and is given specifically for miners cap lamps as defined in the regulation which is:

Cl. 139 (5) an approved item of personal apparel.

- 3) This accreditation shall be for the purposes of transferring those item approvals issued under items 1 and 2 of this Schedule, from an Approval Holder to a new Approval Holder in accordance with the document titled 'Department of Mineral Resources - Mine Safety and Environment Division - Procedure for the Transfer of Approval Notices by Accredited

Assessing Authorities - Accredited Assessing Authority Approval Process'.

- 4) The issue of time limited item approvals under Clause 70 (5) (a) of the Coal Mines (General) Regulation 1999, shall only be conducted where time limits are specified in standards, codes or departmental guidelines.

This Accreditation Specifically Excludes:

- 1) The issue of a Particular Approval of an item under Clause 70 (3) (a) Coal Mines (General) Regulation 1999, where such item is to only be used at a particular coal mine.
- 2) The revocation, variation or amendment of an approval of an item under Clause 70 (6) (c) of the Coal Mines (Underground) Regulation 1999, except for the purpose of issuing a supplementary approval to cover a minor variation to an existing approved item.

R. Regan,
Chief Inspector of Coal Mines.

NOTICE is given that the following applications have been received:

MINING LEASE APPLICATION

(T01-0166)

No. 181, MURRAY BASIN TITANIUM PTY LTD (ACN 082 497 827), area of about 155.7 square kilometres, to mine for ilmenite, leucoxene, monazite, rutile and zircon, dated 1 August 2001. (Broken Hill Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATION

(C00-1585)

No. 1796, now Exploration Licence No. 5888, FOUR MILE DEVELOPMENTS PTY LTD (ACN 087 270 899), Map Sheet (9034-2-N), area of 2040 hectares, for Group 9 minerals, dated 4 September 2001, for a term until 27 May 2003.

MINERAL CLAIM APPLICATIONS

(T00-0040)

Broken Hill No. 75, now Mineral Claim No. 270 (Act 1992), MACAPIKA PTY LTD (ACN 083 661 401), Parish of Magenta, County of Kilfera, area of about 2 hectares, to mine for gypsum, dated 10 September 2001, for a term until 9 September 2006.

(T00-0041)

Broken Hill No. 76, now Mineral Claim No. 271 (Act 1992), MACAPIKA PTY LTD (ACN 083 661 401), Parish of Magenta, County of Kilfera, area of about 2 hectares, to mine for gypsum, dated 10 September 2001, for a term until 9 September 2006.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(T84-0542)

Exploration Licence No. 2290, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 9 units. Application for renewal received 13 September 2001.

(T97-1104)

Exploration Licence No. 5348, GOLDEN KINGDOM MINERALS PTY LIMITED (ACN 079 673 779), area of 21 units. Application for renewal received 13 September 2001.

(T98-1242)

Exploration Licence No. 5633, UAL PTY LTD (ACN 008 755 155), area of 52 units. Application for renewal received 14 September 2001.

(T98-1242)

Exploration Licence No. 5634, UAL PTY LTD (ACN 008 755 155), area of 26 units. Application for renewal received 14 September 2001.

(T79-0136)

Exploration Licence No. 5635, SNOWMIST PTY LTD (ACN 011 041 384), area of 3 units. Application for renewal received 10 September 2001.

(T00-0676)

Mining Purposes Lease No. 121 (Act 1973), William Keith LANE, area of 1573 square metres. Application for renewal received 10 September 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T94-0156)

Exploration Licence No. 4756, PLATSEARCH NL (ACN 003 254 395), Counties of Canbelego and Flinders, Map Sheet (8234, 8235, 8334), area of 6 units, for a further term until 14 December 2002. Renewal effective on and from 28 August 2001.

(T99-0034)

Exploration Licence No. 5571, JERVOIS MINING NL (ACN 007 626 575), Counties of Bland and Monteagle, Map Sheet (8529), area of 21 units, for a further term until 5 May 2003. Renewal effective on and from 6 September 2001.

(T94-0032)

Mineral Lease No. 5460 (Act 1906), MARBLE AGGREGATES HOLDINGS PTY LTD (ACN 060 680 284), Parish of Lowry, County of Bathurst, Map Sheet (8730-1-N), area of 2.02 hectares, for a further term until 7 January 2016. Renewal effective on and from 4 September 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

TRANSFERS

(C01-0290)

Mining Lease No. 1358 (Act 1992), formerly held by COAL OPERATIONS AUSTRALIA LIMITED (ACN 062 894 464), NIPPON OIL (AUSTRALIA) PTY LIMITED (ACN 003 592 881) and NIPPON STEEL AUSTRALIA PTY LIMITED (ACN 001 445 049), has been transferred to COAL OPERATIONS AUSTRALIA LIMITED (ACN 062 894 464) and BCA NO. 11 PTY LIMITED (ACN 092 586 362). The transfer was registered on 12 September 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

ERRATUM

THE notice appearing in *Government Gazette* No. 138, Folio No. 7746, dated 14 September 2001, relating to the withdrawal of applications for renewal should have stated that:

Coal Lease No. 187 (Act 1973), ceased to have effect on 28 August 2001 not 8 August 2001, and

Private Lands Lease No. 280 (Act 1924), should have read Private Lands Lease No. 1082 (Act 1924).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

Department of Urban Affairs and Planning

Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 13)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(W00/00054/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 13)

Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 13)

1 Name of plan

This plan is *Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 13)*.

2 Aims of plan

- (1) This plan aims to rezone the land to which this plan applies from 6a1 Public Open Space to 2g Residential—General under *Eurobodalla Urban Local Environmental Plan 1999*. The land has been reclassified from community to operational land within the meaning of the *Local Government Act 1993*.
- (2) This plan also omits from the 1999 plan an inappropriate map reference in the definition of *Land use map*.

3 Land to which plan applies

This plan applies to certain land situated in the local government area of Eurobodalla, Parish of Congo, as follows:

- (a) Lot 333, DP 247202, Coogee Street, Tuross Head,
- (b) Lots 489 and 490, DP 252142, Bondi Street, Tuross Head,
- (c) Lot 318, DP 244559, Andrew Avenue, Tuross Head,
- (d) part of Lot 216, DP 241085, Coila Avenue, Tuross Head,
- (e) part of Lot 138, DP 255875, Swordfish Street, Tuross Head,
- (f) part of Lot 102, DP 253963, Green Place, Tuross Head,

as shown edged heavy black on the map marked “Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 13)” deposited in the office of Eurobodalla Shire Council.

Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 13)

Clause 4

4 Amendment of Eurobodalla Urban Local Environmental Plan 1999

Eurobodalla Urban Local Environmental Plan 1999 is amended:

- (a) by omitting from the definition of ***Land use map*** in the Dictionary the following words:

Eurobodalla Urban Local Environmental Plan 1999
(Amendment No 9)

- (b) by inserting in appropriate order in the definition of ***Land use map*** in the Dictionary the following words:

Eurobodalla Urban Local Environmental Plan 1999
(Amendment No 13)

Hurstville Local Environmental Plan 1994 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S00/00657/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 26)

Hurstville Local Environmental Plan 1994 (Amendment No 26)

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 26)*.

2 Aims of plan

- (1) This plan aims:
 - (a) to reclassify part of the land to which this plan applies, being a road, from community land to operational land within the meaning of the *Local Government Act 1993*, and
 - (b) to zone the remainder of the land to Zone No 2 (the Residential Zone) under *Hurstville Local Environmental Plan 1994* (the 1994 plan).
- (2) This plan incidentally makes more extensive provisions in the 1994 plan for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) To the extent that this plan reclassifies land, it applies Lot 1, DP 503262 and Lot 19, Section 5, DP 12082, and known as McGregor Street, Kingsgrove, as shown edged heavy black on Sheet 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 26)" deposited in the office of Hurstville City Council.
- (2) To the extent that this plan zones land, it applies to so much of Lot 1, DP 503262, McGregor Street, Kingsgrove, as is shown coloured light pink and edged heavy black on Sheet 1 of that map.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended as set out in Schedule 1.

Hurstville Local Environmental Plan 1994 (Amendment No 26)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Hurstville Local Environmental Plan 1994 (Amendment No 26)—Sheet 1

[2] Clause 26A

Omit the clause. Insert instead:

26A Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 4.
- (3) Land described in Part 2 of Schedule 4:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 4.

Page 3

Hurstville Local Environmental Plan 1994 (Amendment No 26)

Schedule 1 Amendments

-
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 4, means the local environmental plan cited at the end of the description of the land.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

[3] Schedule 4 Classification and reclassification of public land as operational land

Insert after the heading to the Schedule:

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

[4] Schedule 4, Parts 2 and 3

Insert at the end of the Schedule the following Parts:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Column 1	Column 2
Locality	Description
Kingsgrove	
McGregor Street	Lot 1, DP 503262 and Lot 19, Section 5, DP 12082, as shown edged heavy black on Sheet 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 26)".

Hurstville Local Environmental Plan 1994 (Amendment No 26)

Amendments

Schedule 1

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Column 1

Column 2

Column 3

Locality

Description

Trusts etc not discharged

Liverpool Local Environmental Plan 1997 (Amendment No 63)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P01/00229/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 63)

Liverpool Local Environmental Plan 1997 (Amendment No 63)

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 63)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly 2 (a) Residential and partly 6 (a) Recreation Public to 3 (a) Business under *Liverpool Local Environmental Plan 1997*.

3 Land to which plan applies

This plan applies to part of Lot 10, DP 38499 and part of Lot 12, DP 601126, Hoxton Park Road, Liverpool, as shown edged heavy black on the map marked "Liverpool Local Environmental Plan 1997 (Amendment No 63)" deposited in the office of Liverpool City Council.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended by inserting in appropriate order in the definition of ***The Map*** in clause 6 (1):

Liverpool Local Environmental Plan 1997 (Amendment No 63)

Scone Local Environmental Plan 1986 (Amendment No 50)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(N00/00242/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Scone Local Environmental Plan 1986 (Amendment No 50)

Scone Local Environmental Plan 1986 (Amendment No 50)

1 Name of plan

This plan is *Scone Local Environmental Plan 1986 (Amendment No 50)*.

2 Aims of plan

This plan aims to allow the subdivision of land to which this plan applies and erection of dwelling-houses on the resulting lots to enable a “skypark” theme development. Development on the resulting lots will be required to be compatible with the adjacent Scone Memorial Aerodrome.

3 Land to which plan applies

This plan applies to Lot 42, DP 846091, Bunnan Road, Scone, as shown edged heavy black on the map marked “Scone Local Environmental Plan 1986 (Amendment No 50)” deposited in the office of Scone Shire Council.

4 Amendment of Scone Local Environmental Plan 1986

Scone Local Environmental Plan 1986 is amended as set out in Schedule 1.

Scone Local Environmental Plan 1986 (Amendment No 50)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 6 Special development provisions

Insert at the end the Schedule:

- Subdivision of land and erection of dwelling-houses, subject to the following conditions:
- (a) minimum resulting lot size of 4000m²,
 - (b) Council must be satisfied that any proposed or likely development on the land is compatible with the adjacent Scone Memorial Aerodrome,
 - (c) dwelling-houses and outbuildings are to comply with *AS 2021-2000—Acoustics—Aircraft noise intrusion—Building siting and construction*.
- Lot 42, DP 846091, Bunnan Road, Scone, as shown edged heavy black on the map marked “Scone Local Environmental Plan 1986 (Amendment No 50)” deposited in the office of the Council.

Scone Local Environmental Plan 1986 (Amendment No 51)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(N01/00080/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 Scone Local Environmental Plan 1986 (Amendment No 51)

Scone Local Environmental Plan 1986 (Amendment No 51)

1 Name of plan

This plan is *Scone Local Environmental Plan 1986 (Amendment No 51)*.

2 Aims of plan

This plan aims to allow the subdivision of land to which this plan applies and construction of dwelling-houses or residential flat buildings or both on the resulting lots. Development on the lots resulting from a subdivision will be required to be compatible with, or ancillary to, the adjoining equine based activities.

3 Land to which plan applies

This plan applies to part of Lot 71, DP 852457, Bunnan Road, Scone, as shown edged heavy black on the map marked "Scone Local Environmental Plan 1986 (Amendment No 51)" deposited in the office of Scone Shire Council.

4 Amendment of Scone Local Environmental Plan 1986

Scone Local Environmental Plan 1986 is amended as set out in Schedule 1.

Scone Local Environmental Plan 1986 (Amendment No 51)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 6 Special development provisions

Insert at the end of the Schedule:

Subdivision of land and erection of dwelling-houses and residential flat buildings (Class A or B), subject to the Council being satisfied that any proposed or likely development is compatible with or ancillary to the adjacent equine based activities.	Part of Lot 71, DP 852457, Bunnan Road, Scone, as shown edged heavy black on the map marked "Scone Local Environmental Plan 1986 (Amendment No 51)", deposited in the office of the Council.
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City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(W96/00074/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)

1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from the Special Uses “B” (Railways) Zone to the Industrial “A” (General) Zone under *City of Shoalhaven Local Environmental Plan 1985*, and
- (b) to identify the historical significance of a weighbridge and shed situated on the land as items of the environmental heritage under that plan.

3 Land to which plan applies

This plan applies to land situated in the City of Shoalhaven, being Lot 1, DP 884113, 13 Railway Street, Bomaderry, as shown edged heavy black on the map marked “City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)” deposited in the office of the Council of the City of Shoalhaven.

4 Amendment of City of Shoalhaven Local Environmental Plan 1985

City of Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 184)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

City of Shoalhaven Local Environmental Plan 1985
(Amendment No 184)

[2] Schedule 7 Items of the environmental heritage

Omit “(Clause 23)”. Insert instead “(Clause 31)”.

[3] Schedule 7, matter relating to Bomaderry

Insert at the end of the matter relating to Bomaderry:

Weighbridge, 13 Railway Street, Lot 1, DP 884113.

Operator’s weatherboard shed, 13 Railway Street, Lot 1,
DP 884113.

Roads and Traffic Authority

Pro-forma B-Double Notice

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading, Access) Regulation 1996

Cessnock 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 areas on or in which B- Doubles may be used subject to any requirements or conditions out in the Schedule.

Colin Cowan
General Manager
Cessnock City Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Cessnock City Council B-Double Notice No 2 2001

2. Commencement

This Notice takes effect on date of gazettal.

3. Effect

This Notice remains in force until 5 years from date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Roads Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Roads Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double Routes within Cessnock City Council

Part 2 B-Double Routes in New South Wales (excluding the Sydney Region)

Type	Road No.	Road name	Starting Point	Finishing point	Conditions
25	000	Johnson Ave, Kurri Kurri	Mitchell Avenue	Swanson Street	
25	000	Swanson St, Kurri Kurri	Johnson Avenue	Ellis Street	
25	000	Ellis Street, Kurri Kurri	Swanson Street	Fifth Street	

ROADS ACT 1993

Order - Sections 46, 49, 54 and 67

Gundagai and Harden Shire Council Areas

Dedication of Land as Public Road and
Declaration as a Controlled Access Road of Part
of the Hume Highway at Jugiong.

I, the Minister for Roads, pursuant to Sections 46,
49, 54 and 67 of the Roads Act, 1993, by this
order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a controlled access road the said main road described in Schedules 2 and 3 and the main road described in Schedule 4 under;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 5 under, the points along the controlled access road at which access may be gained to or from other public roads.

CARL SCULLY, MP.,
Minister for Roads

SCHEDULE 1

All that piece or parcel of land situated in the Gundagai Shire Council area, Parish of Jugiong and County of Harden shown as Lot 22 Deposited Plan 263609 and shown on sheet 1 in RTA Plan 0002 206 AC 2204.

Also all those pieces or parcels of land situated in the Harden Shire Council area, Parish of Jugiong and County of Harden shown as:

Lots 51, 52 and 53 Deposited Plan 884096;
Lot 29 Deposited Plan 717834;
Lots 17, 50 and 54 Deposited Plan 717837;
Lot 87 Deposited Plan 867407;
Lots 87 and 88 Deposited Plan 882648; and
Lot 31 Deposited Plan 717838.

The above Lots are all shown on sheet 2 in RTA Plan 0002 206 AC 2204 or RTA Plan 0002 206 AC 2224.

SCHEDULE 2

All those pieces or parcels land situated in the Gundagai Shire Council area, Parishes of Mooney Mooney and Jugiong and County of Harden shown as:

Lots 13 to 21 inclusive Deposited Plan 263609; and
Lots 11 to 15 inclusive, 17 to 20 inclusive and 22 Deposited Plan 263610.

The above Lots are all shown on sheet 1 in RTA Plan 0002 206 AC 2204.

Also all those pieces or parcels of land situated in the Harden Shire Council area, Parish of Jugiong and County of Harden shown as:

Lots 16, 21 and 23 Deposited Plan 263610;
Lots 10 to 13 inclusive Deposited Plan 717833;
Lots 63, 64 and 65 Deposited Plan 1008631;
Lot 32 Deposited Plan 876836;
Lots 56 to 59 inclusive Deposited Plan 884096;
Lots 26, 27, 28, 31 and 32 Deposited Plan 717834;
Lots 41 to 47 inclusive Deposited Plan 717835;
Lots 24 to 32 inclusive, 36, 37 and 38 Deposited Plan 717836;
Lots 30 to 43 inclusive, 45 to 48 inclusive, 60, 62 and 63 Deposited Plan 717837;
Lots 83 to 86 inclusive Deposited Plan 867407;
Lots 89, 91 and 92 Deposited Plan 882648; and
Lots 20 to 29 inclusive Deposited Plan 717838.

The above Lots are all shown on sheet 2 in RTA Plan 0002 206 AC 2204 or RTA Plan 0002 206 AC 2224.

SCHEDULE 3

All those pieces or parcels of public road situated in the Harden Shire Council area, Parish of Jugiong and County of Harden shown as:

Lot 66 Deposited Plan 1008631;
Lot 33 Deposited Plan 876836;
Lots 54, 55, 61, 62 and 63 Deposited Plan 884096;
Lot 35 Deposited Plan 717836;
Lots 61 and 65 Deposited Plan 717837;
Lot 94 Deposited Plan 882648; and
Lot 30 Deposited Plan 717838.

The above Lots are all shown on sheet 2 in RTA Plan 0002 206 AC 2204 or RTA Plan 0002 206 AC 2224.

SCHEDULE 4

All those pieces or parcels of main road situated in the Gundagai Shire Council area, Parishes of Mooney Mooney and Jugiong and County of Harden shown as:

Lots 23 and 24 Deposited Plan 263609; and
Lot 24 Deposited Plan 263610.

The above Lots are all shown on sheet 1 in RTA Plan 0002 206 AC 2204.

Also all those pieces or parcels of main road situated in the Harden Shire Council area, Parish of Jugiong and County of Harden shown as:

Lots 50 and 51 Deposited Plan 883782;
Lot 60 Deposited Plan 884096; and
Lots 90 and 93 Deposited Plan 882648.

The above Lots are all shown on sheet 2 in RTA Plan 0002 206 AC 2204 or RTA Plan 0002 206 AC 2224.

 SCHEDULE 5

Between the points A and B;
between the points C and D;
between the points E and F;
between the points G and H;
between the points J and K;
between the points L and M; and
between the points N and P; all shown on sheets 1 or 2 in RTA Plan 0002 206 AC 2204.

Also between the points A and B;
between the points C and D;
between the points E and F; and
between the points G and H; all shown on RTA Plan 0002 206 AC 2224.

(RTA Papers 2/206.120)

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Monga in the Tallaganda 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 that piece or parcel of land situated in the Tallaganda Shire Council area, Parish of Monga, and County of St Vincent, shown as Lot 2 Deposited Plan 232005.

(RTA Papers: 423.1122).

Roads Act 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Orange City Council 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.

Michael Ryan
Acting General Manager
Orange City Council
(by delegation from the Minister for Roads)

Schedule

1. *Citation*

This Notice may be cited as the Orange City Council B-Doubles Notice No 1 2001.

2. *Commencement*

This Notice takes effect on the date of Gazettal.

3. *Effect*

This Notice remains in force until five {5} years from date of approval 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 Orange City Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	000	Peisley Street	Margaret Street	Matthews Ave	
25	000	Matthews Ave	Peisley Street	Burrendong Way	
25	MR573	Burrendong Way	Matthews Ave	Mitchell Highway	

Sydney Water

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 connections.

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.

SHIRE OF BAULKHAM HILLS, at KELLYVILLE: Contract No. 968367S4. Project No. 3001804. Lines 1 to 7 and Property Connection Sewer 1 inclusive and their appurtenant junctions, sidelines and inlets serving LODGEWORTH PLACE, BROOKFIELD WAY and ORLEANS WAY.

SHIRE OF BAULKHAM HILLS, at KELLYVILLE: Contract No. 968493S9. Project No. 3001898. Lines 1 to 8 inclusive and their appurtenant junctions, sidelines and inlets serving PHEONIX AVENUE, CRESSY AVENUE, WILKINS DRIVE and SIRRIUS CLOSE.

SHIRE OF BAULKHAM HILLS, at CASTLE HILL: Contract No. 968354S7. Project No. 3001701. Lines 1 to 4 inclusive and their appurtenant junctions, sidelines and inlets serving CHEPSTOW DRIVE, HELMSLEY GROVE, RAGLAN PARADE and ST PAULS AVENUE.

CITY OF BLACKTOWN, at KINGS PARK: Contract No. 968490S6. Project No. 3001839. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving BOWMANS ROAD.

CITY OF BLACKTOWN, at ACACIA GARDENS: Contract No. 968961S4. Project No. 300160. Lines 1 to 8 inclusive and their appurtenant junctions, sidelines and inlets serving DEAN PLACE, SCIARRA CRESCENT, ARIANA PLACE, PIO WAY and BIANCA 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.

VICKI MAWBY,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 14 September 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 CASULA: Contract No. 973785S3. Project No. 3002333. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving YORK 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.

Kevin Hastie,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 19 September 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 connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

SHIRE OF BAULKHAM HILLS, at KELLYVILLE: Contract No. 968493W1. Project No. 1000842. Water mains are now laid and capable of serving identified properties at CRESSY AVENUE and SIRRIUS CLOSE.

SHIRE OF BAULKHAM HILLS, at KELLYVILLE: Contract No. 968493W1. Project No. 7000141. Recycled water mains are now laid and capable of serving identified properties at CRESSY AVENUE and SIRRIUS CLOSE.

SHIRE OF BAULKHAM HILLS, at CASTLE HILL: Contract No. 968361W2. Project No. 1000707. Water mains are now laid and capable of serving identified properties at PROPOSED ROAD.

SHIRE OF BAULKHAM HILLS, at BAULKHAM HILLS: Contract No. 966980WB. Project No. 1000222. Water mains are now laid and capable of serving identified properties at CELEBRATION DRIVE.

SHIRE OF BAULKHAM HILLS, at KELLYVILLE: Contract No. 968359W0. Project No. 1000695. Water mains are now laid and capable of serving identified properties at RIALTO PLACE.

*SHIRE OF BAULKHAM HILLS, at KELLYVILLE:
Contract No. 968359W0. Project No. 7000106.
Recycled water mains are now laid and capable of
serving identified properties at RIALTO PLACE.*

*SHIRE OF BAULKHAM HILLS, at KELLYVILLE:
Contract No. 968367W8. Project No. 1000788. Water
mains are now laid and capable of serving identified
properties at BROOKFIELD WAY, LODGEWORTH
PLACE, ORLEANS WAY and PAULS AVENUE.*

*SHIRE OF BAULKHAM HILLS, at CASTLE HILL:
Contract No. 968354W8. Project No. 1000740. Water
mains are now laid and capable of serving identified
properties at CHEPSTOW DRIVE and HELMSLEY
GROVE.*

*SHIRE OF BAULKHAM HILLS, at BAULKHAM HILLS:
Contract No. 968764W9. Project No. 1000442. Water
mains are now laid and capable of serving identified
properties at MERIDIAN PLACE.*

*CITY OF BLACKTOWN, at ACACIA GARDENS:
Contract No. 968961W8. Project No. 1000700. Water
mains are now laid and capable of serving identified
properties at DEAN PLACE, BIANCA PLACE,
SCIARRA CRESCENT, PIO WAY and ARIANA 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.

VICKI MAWBY,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 14 September 2001.

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation Pursuant To Section 55A (3)

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A (3) of the Associations Incorporation Act 1984 and the cancellation is effective on 21 September 2001.

1. Y0883211 Pencomas Lodge Incorporated.
2. Y1471725 Australian International Research Institute Inc.
3. Y1503840 Boerie Creek Landcare Group Incorporated.
4. Y1604636 Miyerra Kindergarten Incorporated.
5. Y1883744 Naval Association of Australia Orange Sub Section Incorporated.
6. Y2320502 Armidale Cathedral Hall Dance Club Incorporated.
7. Y2423635 Ballina and Far North Coast District Coin and Stamp Club Inc.
8. Y2607327 Hunter Region Apostolic Network Incorporated.
9. Y2619709 Watagan Seventh-Day Adventist Fellowship Incorporated.
10. Y2792840 Association of Religious Educators Incorporated.

D. B. O'CONNOR,
Director-General,
Department of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation Pursuant To Section 55B (2)

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55B (3) of the Associations Incorporation Act 1984 and the cancellation is effective on 21 September 2001.

1. Y2307048 Broken Hill Community Promotion Incorporated.
2. Y1170645 Calliope Social Club Incorporated.
3. Y1676308 Staggy Creek Recreation Reserve Trust (Tennis) Management Committee Incorporated.
4. Y2719018 Elemore Vale Croquet Club Incorporated.

D. B. O'CONNOR,
Director-General,
Department of Fair Trading

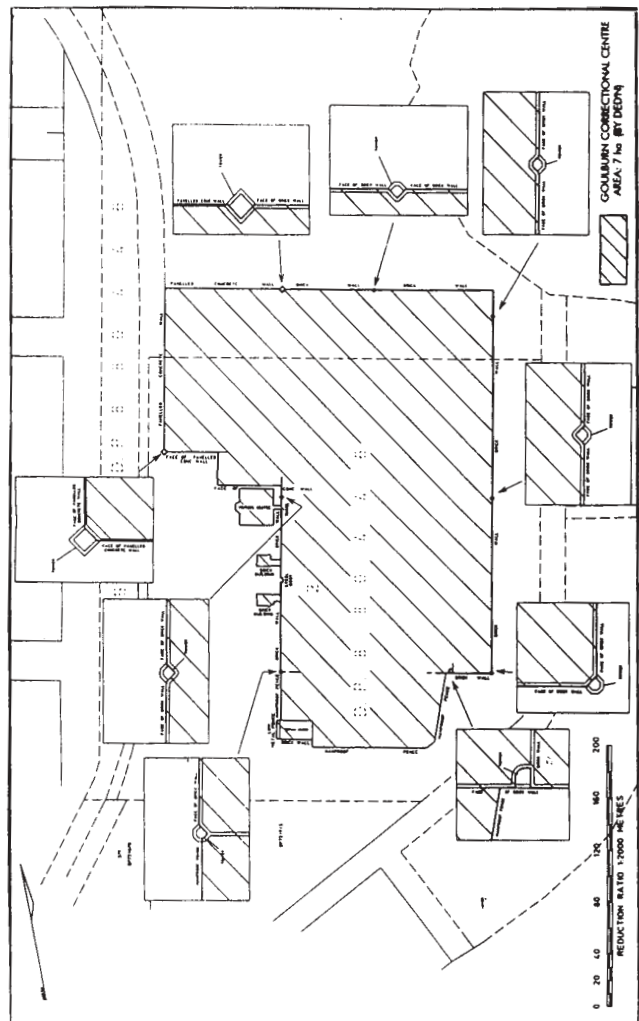
CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

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 pursuant to sections 225 (2) and 225 (3) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, declare that the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) is to be a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999 and that the correctional centre is to be known as Goulburn Correctional Centre, viz.:

All that piece or parcel of land situate in the Local Government Area of Goulburn City Council, Parish of Goulburn and County of Argyle, being part of Lots 1 and 2, Deposited Plan 880446 shown on Plan Catalogue Number 54021A in the Department of Public Works and Services Plan Room and having an area of 7 hectares or thereabouts.



Signed and sealed at Sydney, this 5th day of September 2001.

By Her Excellency's Command.

JOHN WATKINS, M.P.,
Minister for Corrective Services,
Minister for Fair Trading,
Minister for Sport and Recreation

GODSAVE THE QUEEN!

**CRIMES (ADMINISTRATION OF SENTENCES)
ACT 1999**

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 pursuant to section 225 (4) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, revoke the Proclamation published in the *Government Gazette* of 26 March 1999, which declared Goulburn Correctional Centre to be a correctional centre.

Signed and sealed at Sydney, this 5th day of September 2001.

By Her Excellency's Command.

JOHN WATKINS, M.P.,
Minister for Corrective Services,
Minister for Fair Trading,
Minister for Sport and Recreation

GODSAVE THE QUEEN!

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 geographical name listed hereunder.

Assigned Name:	Woodfarm Reserve
Designation:	Reserve
L.G.A.:	Blacktown City Council
Parish:	Prospect
County:	Cumberland
Latitude:	33 45 04
Longitude:	150 51 42
L.P.I. Map:	Prospect
100,000 Map:	Penrith 9030
Reference:	GNB 4754

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of name and Bellbird Nature Reserve, Folio 776, 30 May 1975. The notice was in error and should have read Bellbird Creek Nature Reserve, this notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143, BATHURST 2795

HOUSING ACT 2001

**LAND ACQUISITION (JUST TERMS
COMPENSATION)
ACT 1991**

Notice of Compulsory Acquisition of Land for the
Purposes of the Housing Act 2001

THE New South Wales Land and Housing Corporation declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Housing Act 2001.

Dated at Liverpool this 31st day of August 2001.

ANNETTE GALLARD,
Acting Director-General

SCHEDULE

The land shown as Lot 1 on the plan of land at Bradbury, in the Local Government Area of Campbelltown, Parish of St Peter, County of Cumberland, registered at Land and Property Information NSW as Deposited Plan No. 1028064.

HOUSING ACT 2001

Dedication of Land as Public Reserve

PURSUANT to section 15 (1) and (2) of the Housing Act 2001, the New South Wales Land and Housing Corporation, with the consent of the Minister by this notification dedicates as public reserve the land described in the Schedule hereto and vests the said land in Council.

Dated at Parramatta this 14th day of September 2001.

S. O'TOOLE,
Chief General Manager

SCHEDULE

The land shown as Lots 445 and 446 in Deposited Plan 792570 at Woronora Heights, in the Local Government Area of Sutherland, Parish of Sutherland, County of Cumberland. Subject to: Land excludes minerals see *Government Gazette* 13 February 1987, Folio 787 (Lot 445). Landcom Project 12736/7.

The land shown as Lot 9 in Deposited Plan 816599 at Bangor, in the Local Government Area of Sutherland, Parish of Holsworthy, County of Cumberland. Landcom Project 12922/1.

The land shown as Lots 96 in Deposited Plan 803840 at Menai, in the Local Government Area of Sutherland, Parish of Holsworthy, County of Cumberland.
Subject to: Land excludes minerals see *Government Gazette* 8 June 1990, Folio 4715.
Landcom Project 12744.

INDUSTRIAL AND COMMERCIAL TRAINING ACT 1989

Notice of Making of a Vocational Training Order

NOTICE is given that the Director-General, Department of Education and Training, in pursuance of section 22 of the Industrial and Commercial Training Act 1989 has made the following Vocational Training Order in relation to the declared Meat Processing Trade (Retailing).

CITATION

The Order is cited as the Meat Processing Trade (Retailing) Order.

ORDER

A summary of the Order is given below.

(a) Term of Training

Training shall be given for a nominal period of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(b) Competency Outcomes

Apprentices will be trained in and learn the relevant competencies contained in the endorsed National Meat Industry Training Package (MTM00).

(c) Courses of Study to be undertaken

Apprentices will undertake the following certificate from the National Meat Industry Training Package (MTM00):

Certificate III Meat Processing MTM30200

AVAILABILITY TO PURCHASE/INSPECT

A copy of the Vocational Training Order may be obtained from any Industry Training Services Centre of the Department of Education and Training.

INDUSTRIAL AND COMMERCIAL TRAINING ACT 1989

Notice of Making of a Vocational Training Order

NOTICE is given that the Director-General, Department of Education and Training, in pursuance of section 22 of the Industrial and Commercial Training Act 1989 has made the following Vocational Training Order in relation to the declared calling of Meat Processing.

CITATION

The order is cited as the Meat Processing Order.

ORDER

A summary of the Order is given below.

(a) Term of Training

(i) Full-time

Training shall be given for a nominal period of 12 months for each of Certificates II in Meat Processing, and 24 months for each of the Certificates III and IV in Meat Processing except Certificate III in Laboratory Skills which shall be 12 months and Certificate IV Meat Processing (Meat Safety) which shall be 36 months or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) Part-time

The nominal term for a part-time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

School based traineeships

In the case of school-based part-time traineeships, where the nominal full-time term is twelve (12) months, training shall be for nominal terms up to 30 months within which period(s) trainees shall be required to demonstrate competencies relevant to the Vocational Training Order. Training may extend to 36 months where the Higher School Certificate is being delivered over a three- (3) year period.

Students may work full-time during school vacations. They are not required to attend on-the-job or off-the-job training for more than 7.6 hours per week during examination periods or exam preparation periods.

The table below identifies the allowable hours that may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44	Not Allowable			
17	14	28	42	Not Allowable			
18	14	27	41	Not Allowable			
19	13	26	39	Not Allowable			
20	13	25	38	Not Allowable			
21	12	24	36	48	Not Allowable		
22	12	23	35	46	Not Allowable		
23	11	22	33	44	55	Not Allowable	
24	11	21	32	42	53	Not Allowable	
25	10	20	30	40	50	60	Not Allowable
26	10	19	29	38	48	57	Not Allowable
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the units of competence specified in the Meat Industry Training Package MTM00.

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

Certificate II in Meat Processing (Abattoirs) MTM20100

Certificate III in Meat Processing (Boning) MTM30100

Certificate III in Meat Processing (General) MTM30600

Certificate III in Meat Processing (Rendering) MTM30400

Certificate III in Meat Processing (Slaughtering) MTM30500

Certificate III in Meat Processing (Meat Safety) MTM30300

Certificate III in Laboratory Skills PML30199

Certificate IV in Meat Processing (Leadership) MTM40100

Certificate IV in Meat Processing (Meat Safety) MTM40200

Certificate IV in Meat Processing (Quality Assurance) MTM40300

Certificate IV in Meat Processing (General) MTM40400

Certificate II in Meat Processing (Smallgoods) MTM20200

Certificate III in Meat Processing (Smallgoods) MTM30700

Certificate II in Meat Processing (Food Services) MTM20400

Certificate III in Meat Processing (Food Services) MTM30200

Certificate II in Meat Processing (Meat Retailing) MTM20300

AVAILABILITY TO PURCHASE/INSPECT

A copy of the Vocational Training Order may be obtained from any Industry Training Centre of the Department of Education and Training

PASSENGER TRANSPORT ACT 1990**Exemption for Restricted Private Hire Vehicles**

IT is hereby notified, in pursuance of Clause 14 of the Passenger Transport (General) Regulation 2000, notwithstanding any previous notification pursuant to the Passenger Transport (Private Hire Vehicle Services) Regulation 1995 or the Passenger Transport Regulation 1990, or any condition in any licence issued under the Passenger Transport Act 1990, that an accredited private hire vehicle operator is exempt on and from the 13 September 2001, from the requirements of section 37 (1) (b) of the said Act in respect of the licensing of a private hire vehicle if such vehicle is not used as a private hire vehicle in terms of the Act except for one or more of the following purposes:

- i To transport school students to and from a school formal dance;

- i To transport members of a wedding party to and from a wedding ceremony;
- ii To transport mourners to and from a funeral.

It is hereby further notified that any person who held a restricted licence (for a wedding car) under the Act immediately prior to the 13 September 2001, in respect of a vehicle at least 30 years old may, notwithstanding the above exemption, continue to use such vehicle to carry out the balance of any journeys for special functions previously permitted by such licence up until midnight on the 1 January, 2002.

JAMES HOLTGATE,
General Manager,
Taxi and Hire Car Bureau,
Department of Transport

PASSENGER TRANSPORT (PRIVATE HIRE VEHICLE SERVICES) REGULATION 2001**Private Hire Vehicle Criteria**

IT is hereby notified, in pursuance of Clause 7 of the Passenger Transport (Private Hire Vehicle Services) Regulation 2001, notwithstanding any previous notification pursuant to the Passenger Transport (Private Hire Vehicle Services) Regulation 1995 or the Passenger Transport Regulation 1990, that on and from the 13 September 2001, only vehicles meeting the following criteria are approved for use as private hire vehicles:

Unrestricted Private Hire Vehicles

- i The vehicle must comply with the Australian Design Rule definition of a Passenger Car (MA) except that it must have a maximum of 8 seats (including the driver's seat); and
- ii If the vehicle is required by the Roads and Traffic Authority to be affixed with a compliance plate, such plate must bear the vehicle category code of MA (Passenger Car); and
- iii The shape of the vehicle must be specified on its registration certificate as a convertible (CON), coupe (COU) or sedan (SED). A station wagon (WAG) is not acceptable unless the vehicle is at least 30 years old; and
- iv The vehicle must have a wheelbase of at least 2,800 mm (non-stretched version) unless it is at least 30 years old; and
- v The vehicle must be very well presented and in excellent condition, with no visible signs of damage to the paintwork, body, fittings or interior.

Private Hire Vehicles Restricted to School Formals, Weddings and Funerals

- i Any motor vehicle (irrespective of make, model, shape, wheelbase or age); and
- ii The vehicle must be very well presented and in excellent condition, with no visible signs of damage to the paintwork, body, fittings or interior.

Transitional Provisions

All the above criteria apply to all vehicles operated under an ordinary licence issued or renewed, or a short-term licence issued or reissued, or a restricted private hire vehicle operated pursuant to an exemption from the requirement for a licence under the Passenger Transport Act 1990, on and from the 13 September 2001. However, a vehicle operating under a licence immediately prior to that date may be changed to instead comply with the above criteria or may continue to comply with the notice titled 'Private Hire Vehicle Standards relating to Age, Make and Model' published in the *Government Gazette* on 27 September 1991 until the licence expires or the licensed vehicle is replaced, whichever occurs first.

JAMES HOLGATE,
General Manager,
Taxi and Hire Car Bureau,
Department of Transport

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 an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager Dangerous Goods,
Environment Protection Authority
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and Address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr Robert Scott CAMERON 49 Statenborough Street Leabrook SA 5068	19 September 2001

**POISONS AND THERAPEUTIC GOODS ACT
1966**

Order Under Clause 151(1),

**POISONS AND THERAPEUTIC GOODS
REGULATION 1994**

Withdrawal of Drug Authority

IN accordance with the provisions of clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994 an Order has been made on Dr Prem Rattan NANDA of 29 High Street, Greta 2334, prohibiting him until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by Clause 103 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 79 of the Regulation.

This Order is to take effect on and from Tuesday, 18 September 2001.

MICHAEL REID,
Director-General

Department of Health, New South Wales.
Sydney, Wednesday, 12 September 2001.

**PROPERTY, STOCK AND BUSINESS AGENTS
ACT 1941****NOTIFICATION**

I, JOHN ARTHUR WATKINS, M.P., Minister for Fair Trading, in pursuance of section 36AA (2) of the Property, Stock and Business Agents Act 1941, have determined that the Reserve Bank of Australia target cash rate will apply in relation to the calculation of interest on moneys held in trust accounts kept by Southern Cross Credit Union Limited in accordance with the provisions of the Act.

JOHN WATKINS, M.P.,
Minister for Fair Trading,
Minister for Corrective Services,
Minister for Sport and Recreation

PUBLIC WORKS ACT 1912**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Compulsory Acquisition

Coffs Harbour Northern Areas Sewerage

THE Minister for Land and Water Conservation, with the approval of His Excellency the Governor, declares that the 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 interest in land, is vested in the Minister for Land and Water Conservation 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

Interest in Land

Easement rights as described under the heading Sewer Pipeline in Memorandum E931212 filed in the Land Titles Office over the site shown in:

Deposited Plan 1015768 (SB55100) as:

ë(D) PROPOSED EASEMENT FOR SEWER PIPELINE 5
WIDE AND VARIABLE

within Lot 5, Deposited Plan 252223

DPWS Reference 109

**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 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.

SAFER COMMUNITY COMPACT

ORDER

I, the Honourable BOB DEBUS, Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve the Fairfield Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 19 September 2001 and remains in force until 18 September 2004.

Signed at Sydney, this 14th day of September 2001.

BOB DEBUS,
Attorney General

SAFER COMMUNITY COMPACT

ORDER

I, the Honourable BOB DEBUS, Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve the Narrandera Crime and Safety Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 14 September 2001 and remains in force until 13 September 2004.

Signed at Sydney, this 10th day of September 2001.

BOB DEBUS,
Attorney General

SHOPS AND INDUSTRIES ACT 1962**ORDER**

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 85 (2) of the Shops and Industries Act 1962 and being satisfied that to do so will be of benefit to the public, do, by this my Order, suspend the operation of section 85 (1) of that Act in relation to the following 2 public holidays (within the meaning of section 78 (1) of that Act) so as to allow general shops within New South Wales to remain open on those days, but subject to the condition that the suspension in respect of the public holiday specified in paragraph (b) will apply only for that part of the day which is after 1.00 p.m.:

(a) Monday, 28 January 2002 (Australia Day)

(b) Thursday, 25 April 2002 (Anzac Day).

Dated this 17th day of September 2001.

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

**STATUTORY AND OTHER OFFICES
REMUNERATION TRIBUNAL**

Report and Determination pursuant to
Section 14 of the Act

THE Premier of New South Wales, the Hon Bob Carr, M.P., in his letter of 12 September 2001 has directed the Tribunal to make a determination on the remuneration of the Commissioner, Police Integrity Commission. The Minister for Police, the Hon Paul Whelan, M.P., in his letter to the Premier dated 10 September 2001, has suggested that, because of the similarity of functions the remuneration for the Commissioner PIC be set at a similar rate to that of the Commissioner, Independent Commission Against Corruption.

The Commissioner, Police Integrity Commission is an independent statutory position created under the Police Integrity Commission Act 1996. The principal functions of the Commission are to detect, investigate and prevent police corruption and police misconduct. The appointee required to possess high level policy, administrative and investigative skills.

The Commissioner is appointed by the Governor. Eligibility for appointment as Commissioner requires the candidate to be eligible for appointment as a Judge of the Supreme Court, Federal Court or the High Court. The Commissioner can only hold office for a period of 5 years. The Commissioner reports direct to Parliament.

The Tribunal has examined the legislation and other documents provided by the Premier outlining the role and responsibilities of this office. The Tribunal notes that the Police Integrity Commission performs a similar role and has similar functions those of the ICAC. Both have the powers of a Royal Commission, both report direct to Parliament and are overseen by Joint Parliamentary Committees. Many of the provisions of the PIC Act 1996 mirror those of the ICAC Act 1988. The Commissioner, ICAC, however, has a far broader role and responsibilities than the Commissioner PIC whose role and responsibilities are limited to the Police Service.

In respect of remuneration the Tribunal notes that the salary for a Judge of the Supreme Court, effective from 1 October 2001 will be \$234,240. A serving Judge is also eligible to receive a pension under the Judges Pension Act, subject to certain conditions. This is a non contributory pension scheme available only to judges has been valued by the federal remuneration Tribunal as being worth between 30 percent and 60 percent of a Judge's salary. Where the Commissioner is not a Judge that person will not be eligible for the Judges' pension but normal superannuation arrangements will apply. For this reason the Tribunal considers that the salary of the Commissioner should be greater than that received by a Judge of the Supreme Court.

Because of the narrower role of the Commissioner PIC the Tribunal considers that a level of remuneration identical to that of the Commissioner ICAC would not be inappropriate. The Tribunal has, therefore, set a new rate for the Commissioner PIC.

DETERMINATION

Pursuant to section 14 of the Statutory and Other Offices Remuneration Act 1975, I determine that the salary for the Commissioner Police Integrity Commission shall be \$300,000 per annum with effect on and from 1 October 2001.

The Statutory and Other Offices Remuneration Tribunal

GERALD GLEESON

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

PUBLIC OFFICE HOLDER GROUP

29 AUGUST 2001

www.remtribunals.nsw.gov.au

PUBLIC OFFICE HOLDERS GROUP

Section 1 Background

1. Section 13 of the Statutory and Other Offices Remuneration Act 1975, (the Act), requires the Statutory and Other Offices Remuneration Tribunal, not later than 31 August in each year, to make a determination of the remuneration to be paid to these office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges Magistrates and Related Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for this Group is determined as a fixed salary amount. Employer on costs such as Superannuation Guarantee Levy are, unlike the Senior Executive Service, additional to the salary amount determined. It is the Government's long held policy that there be no direct nexus with the remuneration of the Judges Magistrates and Related Group.
3. Since the last review the Tribunal has made special determinations in respect of The Deputy President of the Administrative Decision Tribunal, the Deputy Chairperson and Senior Member of the Residential Tribunal and the Assessor (under the Local Courts (Civil Claims) Act 1970 (annual and daily rates). These offices have been added to determination attached to this Report.

Section 2 2001 Review

Government Submission

4. The Government has asked the Tribunal to consider various factors, including the economic outlook and has recommended a 3 percent increase for this Group of Office Holders.
5. The Government has also asked the Tribunal to review its 2000 determination in respect of the motor vehicle allowance and the salary sacrifice provisions and to investigate the "anomalous" payment of leave loading to office holders.

Other Submissions Received.

6. For this review the Tribunal has received submissions from the Ombudsman, the Crown Prosecutors, Public Defenders, Commissioners, Land and Environment Court, Acting Chairperson, Residential Tribunal, and the President, Mental Health Review Tribunal.

Section 3 2001 Tribunal Review

General

7. The Tribunal is aware that there are changes and reviews which have taken place or are taking place which impact in the overall duties and responsibilities of many office holders in this Group. In this regard the Tribunal notes the proposed merger of the Fair Trading Tribunal and the Residential Tribunal is due to take place early in 2002 and that there is currently a review of the role and functions of the Land and Environment Court. In addition there have been changes that have taken place in the industrial relation area and there continue to be changes made to the judicial processes and procedures which impact, in a fundamental way on the duties and responsibilities of such groups as the Crown Prosecutors and Public Defenders.
8. The Tribunal notes that there has not been an in depth review of the role and responsibilities of this group of office holders since 1990. That review was undertaken by external consultants on behalf of the Tribunal. On this occasion, the Tribunal would prefer to undertake its own review but notes that there are time constraints during the annual review process.
9. The Tribunal will therefore approach the Government to provide it with special references to review specific groups within the Public Office Holder Group. The Tribunal proposes to seek a reference to conduct two reviews. The first would be to examine the duties and responsibilities of Deputy Directors of Public Prosecutions, Crown Prosecutors and Public Defenders. The second review would be to examine the role and responsibilities of the Commissioners, Land and Environment Court, Compensation Court and the Industrial Relations Commission and the Members of the new Consumer Trader and Tenancy Tribunal.

10. Following completion of these reviews the Tribunal would progressively undertake further reviews of other office holders in the Public Office Holder Group. The Tribunal will seek a special reference to commence the first two reviews early in 2002.
11. For the present review, the Tribunal has considered each of the submissions received and met with those officers who specifically requested meeting the Tribunal. After considering the information presented and after consulting the Assessors the Tribunal considers those offices holders listed below should receive additional increases.

Ombudsman

12. The Government also supports the review of the Ombudsman's remuneration in light of his broadened responsibilities, management and budgetary accountabilities.
13. The last review of this position occurred in 1990. Since then, the role and responsibilities of the Ombudsman have increased significantly particularly the review, monitoring and oversight roles in respect of child protection, protected disclosures, law enforcement controlled operations, and telephone surveillance. The Tribunal also noted that since 1990 the Ombudsman's budget had doubled and there had been a 60 percent increase in staff numbers.
14. The Tribunal, after examining the information provided by the Ombudsman, and its own investigations of his significantly increased duties and responsibilities has set a new rate for this office.
15. Based on submissions received and discussions held, the Tribunal has also provided additional increases for the Senior Crown Prosecutor and the Members of the Residential Tribunal to better reflect their responsibilities.

Non Financial benefits

16. The Tribunal's 2000 review found that office holders generally were excluded from obtaining motor vehicles on a salary sacrifice basis by section 11A of the Act and that some office holders were provided with motor vehicles at either no cost or minimal cost as part of their conditions of employment. The Tribunal tried to remedy this situation administratively in its 2000 determination.

17. Advice provided to the Tribunal suggests that for office holders generally it would be necessary to amend the Act to specifically allow office holders to salary sacrifice for motor vehicles. The Tribunal supports this amendment and strongly urges the Government to introduce relevant legislation at the earliest time.
18. Once the legislation has been passed, those office holders for whom the Tribunal determines a motor vehicle allowance will need to accept, in writing, the allowance in lieu of their existing arrangements. Once such an election has been made the Tribunal will add the allowance into the officer's salary and he/she will then meet the costs of their motor vehicle from their "grossed up" salary.
19. The Director General of the Premier's Department is in the Tribunal's view the most appropriate person to obtain such written acceptances. The Tribunal would need a special reference from the Minister to gross up the applicable salaries.
20. Salary sacrifice for superannuation for up to 30% of salary has been available to non-SES public sector employees since 1998 and for members of Government Boards and Committees since 1999. The Tribunal understands that a similar amendment to the legislation would be required to allow office holders to salary sacrifice for superannuation. The Tribunal supports this amendment.

Leave Loading

21. The Tribunal has examined the history of this matter and notes that from 1976 to 1989 it made annual determination on leave loading. The Tribunal also notes that leave loading is provided to officers in receipt of annual recreation leave and is not related to other conditions of employment. Officers on remuneration packages such as the SES and Section 11A office holders have had leave loading included in their remuneration packages, hence they do not receive leave loading over and above their annual remuneration package amounts.
22. The Tribunal notes that leave loading is paid under local arrangements but that some office holders have been excluded. Although the Tribunal has not made specific determinations in respect of leave loading since 1989 the Tribunal would be prepared to make annual determinations in respect of leave loading for office holders in this Group as this will provide certainty and uniformity in the eligibility of leave loading.

Section 4 Conclusion

23. The Tribunal has taken into consideration, the economic and budgetary outlook, key national economic indicators which show that the annual underlying inflation rate for Australia to June 2001 was 6 percent and that the Wage Cost Index (WCI) for the 12 months ended June 2001 was 3.7 percent. The Tribunal notes that the WCI is now the principal wage and salary movement indicator and has been adopted by the Federal Remuneration Tribunal in its deliberations. The Tribunal is also aware that Crown Employees (Public Sector Salaries January 2000) Award which will provide a further 3 percent from January 2002 to public servants.
24. As these office holders are on fixed rates with no progression range and as Recruitment Allowance and Retention Allowance are not available to them, the Tribunal considers that in light of all the circumstances an increase of 3.7 percent would be just and reasonable on this occasion and so determines.
25. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2001 shall be as specified in Annexure A.

The Statutory and Other Offices Remuneration Tribunal

Gerry Gleeson

Dated: 29 August 2001

ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2001**

Salary	\$ per annum
Ombudsman	220,000
Deputy Director of Public Prosecutions	186,895
Senior Crown Prosecutor	179,065
Senior Public Defender	179,065
President, Mental Health Review Tribunal	179,065
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Deputy Chairperson, Law Reform Commission	176,740
President, Guardianship Tribunal	175,585
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Deputy President Administrative Decisions Tribunal	169,500
Deputy Chairperson Fair Trading Tribunal	164,600
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	(Note 1) 162,540
Deputy Senior Crown Prosecutor	162,540
Deputy Senior Public Defender	162,540
Commissioner, Law Reform Commission	158,720
Deputy President Mental Health Review Tribunal	156,765
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Inspector General, Corrective Services	154,060
Commissioner, Compensation Court	150,665
Chairperson, Residential Tenancies Tribunal	150,665
Senior Commissioner Land and Environment Court	150,665
Crown Prosecutor	147,450
Public Defender	147,450

ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2001**

Salary	\$ per annum
Commissioner, Industrial Relations Commission	147,450
Commissioner, Land and Environment Court	147,450
Deputy President, Guardianship Tribunal	147,450
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Clerk of the Legislative Assembly	138,830
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Clerk of the Parliaments	138,830
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Deputy Chairperson, Residential Tribunal	135,600
Senior Member, Fair Trading Tribunal	132,840
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Senior Member, Residential Tribunal	128,065
Chairman, Transport Appeals Board	125,220
Chairperson, Government and Related Employees Appeals Tribunal <u>who is legally qualified</u> (not being the holder of a judicial office or a magisterial office)	125,220 (Note 2)
Member, Fair Trading Tribunal	125,220
Member, Residential Tenancies Tribunal	125,220
Assessor (Civil Claims)	125,220
Chairman, Local Land Boards	121,785
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	118,230
Deputy Clerk, Legislative Assembly	118,230
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Deputy Clerk, Legislative Council	118,230
<i>Motor Vehicle Allowance</i>	<i>12,000</i>

ANNEXURE A (CONT'D)

DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE HOLDERS GROUP ON AND FROM 1 OCTOBER 2001

Chairman, Motor Vehicle Repair Industry Council	118,230
<i>Motor Vehicle Allowance</i>	<i>12,000</i>
Chairperson, Aboriginal Housing Authority	97,715
Member of the New South Wales Aboriginal Land Council	69,630 (Note 3)
Assessor Civil Claims (daily rate)	\$510 per day

Note 1: The Deputy Chairperson Fair Trading Tribunal shall receive remuneration equivalent to \$179,065pa while ever the Chairperson of the Fair Trading Tribunal holds a dual appointment.

Note 2 This rate of remuneration is payable only to those Chairpersons who are barristers admitted by, or solicitors of, the Supreme Court of NSW or who hold equivalent qualifications.

Note 3 The Chairperson shall receive an allowance of 5% (ie. a total of \$73,110 per annum) and the Secretary and Treasurer shall receive an allowance of 3% (ie. a total of \$71,720 per annum).

Motor Vehicle Allowance

Those office holders for whom the allowance is determined will be required to accept, in writing, the allowance in lieu of their existing motor vehicle arrangements.

LEAVE LOADING

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson
29 August 2001

REPORT**and****DETERMINATION****under****SECTION 24C****of the****STATUTORY AND OTHER OFFICES****REMUNERATION ACT, 1975****CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES****29 AUGUST 2001****www.remtribunals.nsw.gov.au**

CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE¹

Section 1 Background

1. Section 24C of the Statutory and Other Offices Remuneration Act 1975 provides for the Tribunal to determine annual remuneration packages by 31 August each year. The key features of the SES are;
 - classified into eight remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - remuneration packages expressed as total cost of employment
 - conditions of employment contained in the contract of employment
 - each officer is required to enter into an individual performance agreement with the Minister (in the case of the CEO) or the CEO (in the case of an SES officer)
 - provision for annual increase in remuneration based on performance assessment.
2. In addition to the SES some officers in the Public Office Holders Group elected, pursuant to section 11A of the Act to receive remuneration packages under similar arrangements applicable to the SES.

Section 2 2001 Review

Government submission

3. The Government has raised concerns about salary compression with the Senior Officer classification, emphasising that the abolition of individual performance pay has meant that the remuneration levels have become the sole element in determining SES remuneration. Progression within the levels is available to officers subject to approval by the Minister (in the case of the CEO) and the CEO (in the case of individual SES officers).

¹ Unless otherwise stated, the Chief Executive Service and Senior Executive Service shall be referred collectively in this Report and Determination as SES.

4. The Government has drawn the Tribunal's attention to the proposed wage increases available to the Senior Officer Classification which show that they are due to receive a 3 percent increase from 1 January 2002. The Government has recommended to the Tribunal that it consider an increase of 3 percent to the minimum and maximum rates for each SES remuneration level.

Treasury Forecasts

5. The Government has also provided a detailed analysis from the NSW Treasury on the NSW budget strategy for the next 12 months. This strategy continues to place a strong emphasis on expenditure restraint. NSW Treasury anticipates that the Consumer Price Index for Sydney in 2001/2002 will be 2.75 percent down from 6 percent for the year 2000/2001. Wages growth as measured by the Wage Cost Index is expected to move by 3.5 percent in the next 12 months.
6. The Tribunal received submissions from the Commissioner NSW Crime Commission and the President Anti Discrimination Board/Privacy Commissioner seeking a review of their remuneration on the basis of increased role and responsibilities.

Section 3 2001 Tribunal Review

7. The Tribunal and Assessors met to consider the various issues associated with the 2001 review. The Assessors have assisted the Tribunal in making its determinations.

Wage and Salary movements

8. The Tribunal has noted those matters set out in the submission concerning the 2001/2002 budget strategy as provided by the NSW Treasury.
9. As noted last year, the Public Sector Salary Award which also covers the Senior Officer classification provides for a total increase of 16 percent for the period January 2000 to July 2003. Ten percent will be funded through the budget and the remaining 6 percent will be subject to efficiency improvements. This award has already provided 2 percent

from 1 January 2000 and 2 percent in January 2001. It provides for a further increase of 3 percent from January 2002.

10. The Tribunal has noted the comments made by the Government in respect of salary compression between the Senior Officer classification and the SES. The Tribunal will continue to have regard to increases granted to Senior Offices as part of its annual review process.
11. The Tribunal has also noted that the Wage Cost Index has been recommended by the Australian Bureau of Statistics as being a more accurate measure of wage and salary movements than the Average Weekly Ordinary Time Earnings figures and that this Index has been adopted by the Federal Remuneration Tribunal for its most recent determination on Principal Executive Officer remuneration increases.
12. The Tribunal has examined this new Index and proposes to use it as its principal measure of wage and salary movements. The Tribunal notes that the WCI for the year ended 30 June 2001 was 3.7 percent and the Consumer Price Index for the year ended June 2000 was 6 percent although one off GST factors have been attributed to this figure. The Treasury, as noted above expects the CPI to decrease in the next twelve months and the WCI to remain steady.
13. The Tribunal considers that a 3 percent increase in the minimum and maximum rate for each remuneration level is appropriate on this occasion and so determines. This increase will be subject to a satisfactory performance assessment. Progression within the remuneration level will be subject to specific guidelines to be issued by the Director General of the Premier's Department.

Recruitment Allowance and Retention Allowance

14. The recruitment allowance assists in being able to attract and recruit to positions persons with special qualifications and experience for which the standard remuneration package may be not adequate. The retention allowance assists in retaining persons during their contract period who may otherwise be attracted to take a position either elsewhere in the public sector or outside the public sector.

15. The Tribunal is pleased to note that based on a schedule provided by the Premier's Department these allowances are serving the purpose for which they were established. The Tribunal has therefore retained the recruitment and retention allowances under identical arrangements to those provided in the 2000 determination.
16. There is an emerging problem in relation to CEOs whose remuneration is at the maximum of the scales. With the abolition of performance pay in 2000 there is no room for progression or special recognition. In order to retain a number of CEOs the Director-General has properly exercised his discretion to pay allowances because it was considered that the current remuneration levels of CEOs, particularly in the larger agencies, was inadequate.
17. Instead of using these allowances for this purpose it may be preferable for the CEO's remuneration to be determined by the Tribunal. This would ensure an independent assessment of the CEO's remuneration and the current legislation provides for the Tribunal to make individual determinations on receiving a special reference from the Premier.

Section 11A Office Holders

18. Section 11A Office Holders are statutory appointees who exercise independent statutory functions and some of whom also have CEO type responsibilities. These office holders were nominated by the Premier, pursuant to Section 11A of the Act to have access to remuneration packaging identical to the SES. Unlike the SES however, their employment status is governed by legislation specific to each office holder and they are not subject to annual performance appraisal. Further, as their remuneration is expressed as a fixed sum, without a range, there is no scope for progression within the remuneration levels nor are these office holders eligible to receive Recruitment Allowance or Retention Allowance. For this reason the Tribunal has determined an increase of 3.7 percent for this Group.

Commissioner, NSW Crime Commission.

19. The Commissioner, has the prime responsibility of investigating organised crime and the role of confiscating and recovery of assets from criminals. The Tribunal, after examining the full range of the duties and responsibilities of the office and the difficult and strenuous circumstances under which these duties are performed, has set a new rate for the position.

President Anti Discrimination Board and Privacy Commissioner

20. The President of the Anti Discrimination Board concurrently holds the Office of Privacy Commissioner and receives an additional amount for this dual role. The Tribunal has been informed of the increased role and responsibilities of the office of Privacy Commissioner and the proposed changes to the responsibilities particularly in the health area.
21. The Tribunal proposes to set a specific rate for the holder of both offices and remove the previously determined additional amount for simultaneously undertaking the duties of Privacy Commissioner. If the dual appointment ceases then specific rates for each position will be determined.
22. As part of the current review the Tribunal has provided an increase to the Commissioner for Police in line with the general increase provided to the SES.
23. In respect of the Coordinator General of Rail, the Tribunal's determination was specific to the previous incumbent, Mr Ron Christie. The Tribunal will make a new determination when new administrative arrangements for the office of Co-ordinator General of Rail have been finalised.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson
Dated: 29 August 2001

ANNEXURE A

**DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF
EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND
FROM 1 OCTOBER 2001.**

Determination No 1.

The Tribunal determines that the remuneration package ranges for executive office holders shall be:

<u>CES/SES</u>	<u>Per annum range</u>		
Remuneration Level 8	\$265,740	to	\$327,865
Remuneration Level 7	\$225,175	to	\$284,420
Remuneration Level 6	\$187,420	to	\$226,095
Remuneration Level 5	\$163,605	to	\$200,615
Remuneration Level 4	\$149,710	to	\$174,505
Remuneration Level 3	\$136,380	to	\$160,240
Remuneration Level 2	\$122,235	to	\$141,260
Remuneration Level 1	\$112,500	to	\$130,840

Determination No 2.

The Tribunal determines that the remuneration package for the Commissioner for Police shall be \$455,435 per annum.

Determination No 3 - Recruitment Allowance

To the remuneration package amounts determined above there may be added a Recruitment Allowance up to the maximum for each level as set out hereunder, subject to the approval of the Director General of the Premier's Department. The Allowance will apply for new SES offices and contract renewals, where it has been certified that a specific skill is necessary for recruitment purposes and the performance of the duties of the position.

Current SES officers in receipt of former specialist market rates will continue to receive them at their existing rate.

<u>CES/SES</u>	<u>Maximum Allowance</u>
Levels 7 and 8	up to \$30,000
Levels 5 and 6	up to \$26,000
Levels 3 and 4	up to \$15,500
Levels 1 and 2	up to \$12,500

ANNEXURE B

**DETERMINATION OF REMUNERATION OF PUBLIC OFFICE HOLDERS WHO
HAVE ELECTED TO BE PROVIDED WITH EMPLOYMENT BENEFITS PURSUANT
TO SECTION 11A OF THE ACT EFFECTIVE ON AND FROM 1 OCTOBER 2001.**

Determination No 7.

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

<u>Public Office Holder</u>	<u>Remuneration</u>
Commissioner, NSW Crime Commission	\$300,000
Auditor General	\$279,035
Full Time Member, Independent Pricing and Regulatory Tribunal	\$211,900
Public Trustee	\$208,295
Electoral Commissioner	\$196,205
Valuer General	\$196,205
President, Anti Discrimination Board	\$190,000 (Note 1)
Solicitor for Public Prosecutions	\$167,845

Note 1

This rate is to apply while the office holder concurrently holds the office of Privacy Commissioner.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson
Dated: 29 August 2001

REPORT**and****DETERMINATION****under****SECTION 13****of the****STATUTORY AND OTHER OFFICES****REMUNERATION ACT, 1975****JUDGES, MAGISTRATES AND RELATED GROUP****29 AUGUST 2001****www.remtribunals.nsw.gov.au**

JUDGES, MAGISTRATES AND RELATED GROUP

Section 1: Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the Act), as amended, requires the Statutory and other Offices Remuneration Tribunal (the Tribunal), not later than 31 August in each year, to make a determination of the remuneration to be paid to these office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money.
2. The Judges Magistrates and Related Group comprises such officers who are listed in the Schedules of the Act and, in addition are defined as judicial officers (within the meaning of the Judicial Officers Act 1986) or offices which the Government considers should belong to that Group. The offices have been grouped together by the Tribunal for remuneration purposes only.

Section 2: 2001 Review

Government Submission

3. The Government has reviewed judicial remuneration around Australia and noted that in most jurisdictions increases varied from 3.7% to 5.5% in 2000/2001. The Government has submitted that any increase should retain the 85 percent nexus between salaries of State Supreme Court Judges and that of the Justice of the High Court of Australia.
4. In addition, the Government submission has also raised the issue of the payment of leave loading. The Government has noted that an anomaly exists in that some officers receive this allowance and others do not.

"The impact of the anomaly is heightened in a comparison of the remuneration of Deputy Presidents and Vice Presidents of the Industrial Relations Commission. While under the SOORT Determination both groups of officers are remunerated at the same level, the Deputy Presidents' total salary will be greater as a result of the payment of annual leave loading."

Other Submissions

5. Submissions were received from the Chief Justice of the Supreme Court, two judges from the Supreme Court, the Chief Judge of the District Court, the Chief Magistrate and the Director of Public Prosecutions.
6. Submissions sought the preservation of the 85 percent nexus between salaries of State Supreme Court Judges with the Justice of the High Court; consideration of the impact of the superannuation surcharge on pensions and consideration of the different conditions applicable to judicial pensions between the State and Federal schemes.
7. The Tribunal has examined all the material carefully and had regard to the views of the Assessors in making its determination.

Section 3 2001 Tribunal Review**Salary relativities between Judges of the Supreme Court and the Federal Court**

8. The Tribunal has noted carefully the Government's comments in regard to the retention of the 85 percent nexus. The Tribunal's determinations have consistently aimed at retaining the nexus and will continue to do so while the Tribunal considers it appropriate.
9. One problem that arises in maintaining the nexus is the statutory obligation on the Tribunal to make its report and determination by 31 August each year. This means that unless the Federal Remuneration Tribunal makes its determinations before 31 August each year this Tribunal is required to obtain a special reference from the Premier, if the Federal Tribunal's subsequent determination provides for a higher increase. This occurred in 2000.
10. The Tribunal understands that the Government will be amending the Act by removing the statutory time in which the Tribunal is required to make its annual determinations for Judges and Magistrates. The Tribunal strongly supports such an amendment as it would allow the Tribunal to make its determination in respect of the Judges, Magistrates and Related Group at a later date thus providing the Tribunal with the opportunity to consider the Federal Tribunal's determinations prior to making its own.

Superannuation Surcharge

11. The Tribunal has previously addressed the issue of the impact of the superannuation surcharge on judicial pensions. The Tribunal has consistently maintained that it is inappropriate to compensate officers for the impact of a tax such as the superannuation surcharge which is applied to the general community.
12. Judges pension entitlements are subject to the provisions of the Judges Pension Act 1953. Any changes to the scheme would require an amendment to the legislation. This is a matter for the Government and not this Tribunal.

Travelling Allowances for Judges

13. Then Director General of the Premier's Department has written to the Tribunal on behalf of the Premier advising the Government's support to the Attorney General's proposal that the Tribunal determine travelling allowance rates within Australia for the NSW judiciary.
14. Pursuant to s10A of the Act the Tribunal is specifically excluded from making determinations on travelling or subsistence allowances. The Tribunal has been advised that the Government intends to amend this section of the Act to remove the exclusion. The Tribunal would support an amendment to the Act to provide for such a determination.
15. When the Amendment has been completed the Tribunal would seek a special reference from the Premier to make the necessary determination.

Leave Loading

16. The Tribunal has examined the history of this matter and has noted that from 1976 to 1989 it was the Tribunal that made annual determinations on leave loading. The Tribunal also notes that leave loading is provided to officers in receipt of specified and approved annual leave either through an Award, Agreement or Determination or by way of Ministerial approval. For Judges, however, there is no approval for personal leave. Since its introduction, therefore, leave loading has not been available to Judges.

17. If remuneration comparisons are to be made between judicial and non judicial members of the Industrial Relations Commission then the cost of all entitlements provided to the two groups should be added to the salary. While non judicial Deputy Presidents, may receive leave loading (approx. \$1,100 pa.) they do not have access to the non contributory judicial pension scheme available to judicial Deputy Presidents and Vice Presidents of the Industrial Relations Commission. The cost of this benefit is tens of thousands of dollars greater than the dollar value of annual leave loading.
18. The Tribunal notes that leave loading is paid under local arrangements but that some office holders with similar leave conditions to others have been excluded. Although the Tribunal has not made specific determinations in respect of leave loading since 1989, the Tribunal will make annual determinations in respect of leave loading for eligible office holders in this Group. This will provide certainty and uniformity in the application of leave loading.

Section 4 Conclusion

19. While the Tribunal wishes to maintain the 85 percent nexus, at the time of making this determination the Federal Remuneration Tribunal had not made its annual determination of federal judicial salaries.
20. For this determination, the Tribunal has taken into consideration the economic and budgetary outlook, including key national economic indicators which show that the annual underlying inflation rate for Australia to June 2001 was 6 percent and the Wage Cost Index (WCI) for the 12 months ended June 2001 of 3.7 percent. The Tribunal notes that the WCI is now the principal wage and salary movement indicator and has been adopted by the Federal Remuneration Tribunal in its deliberations.
21. The Tribunal considers that in light of all the circumstances an increase of 3.7 percent would be just and reasonable on this occasion and so determines.
22. The Tribunal will consider the Federal Tribunal's determinations and, to ensure the 85 percent nexus is generally maintained, will seek a special reference from the Government if it is considered appropriate.

23. The Tribunal determines that the base rate of remuneration for a Supreme Court Judge should be increased on and from 1 October 2001 by 3.7 percent. The salary of a Judge of the Supreme Court will increase from \$212,960 to \$220,840 per annum. The Tribunal also determines an additional amount of \$13,400 per annum to bring consistency between NSW Judges and Federal and Inter-State Judges in relation to the provision of a motor vehicle.
24. The remuneration of the Heads of Jurisdiction of the Supreme Court, Court of Appeal and Industrial Relations Commission and all other office holders within this Group shall be proportionally increased to maintain existing relationships, as set out in the attached Determination on and from 1 October 2001.
25. The rates for Acting Judges of the Supreme Court and the District Court shall also be as set out in the attached Determination on and from 1 October 2001.
26. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to the office holders in this Group on and from 1 October 2001 shall be as set out in Annexures A to D.

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson
Dated: 29 August 2001

ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES
AND RELATED GROUP ON AND FROM 1 OCTOBER 2001**

<u>JUDGES</u>	Salary \$ per annum
Chief Justice of the Supreme Court	262,115
President of the Court of Appeal	245,435
President of the Industrial Relations Commission	245,435
Judge of the Supreme Court	220,840*
Vice-President of the Industrial Relations Commission	220,840*
Deputy President of the Industrial Relations Commission	220,840*
Judge of the District Court	210,815
Master or acting Master (under the Supreme Court Act 1970)	210,815

*** An additional amount of \$13,400 to be added to the salary of the office holder. The resultant total amount shall be the salary fixed for pension leave and other administrative purposes.**

ANNEXURE B

**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES
AND RELATED GROUP ON AND FROM 1 OCTOBER 2001**

<u>MAGISTRATES</u>	Salary \$ per annum
Chief Magistrate	210,815
Deputy Chief Magistrate	178,140
Chairperson of Licensing Court	178,140
State Coroner	178,140
Senior Children's Magistrate	178,140
Chief Industrial Magistrate	171,605
Deputy Chairperson, Licensing Court	171,605
Magistrate	168,650
Chairperson Victims Compensation Tribunal (NOTE 1)	168,650
Children's Magistrate	168,650
Licensing Magistrate	168,650
Deputy State Coroner	168,650

NOTE 1. When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

ANNEXURE C

**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES
AND RELATED GROUP ON AND FROM 1 OCTOBER 2001**

RELATED GROUP	Salary \$ per annum
Chairperson, Law Reform Commission	220,840*
Solicitor-General	220,840*
Director of Public Prosecutions	220,840*
Crown Advocate	210,815

*** An additional amount of \$13,400 to be added to the salary of the office holder. The resultant total amount shall be the salary fixed for pension leave and other administrative purposes.**

ACTING JUDGESSupreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court	\$1,170 per day
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District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court	\$1,050 per day
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ANNEXURE D**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES
AND RELATED GROUP ON AND FROM 1 OCTOBER 2001****Annual Leave Loading**

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the following office holders:

Magistrates Group listed in Annexure B of this Determination
Office Holders listed in Annexure C of this Determination
Deputy President of the Industrial Relations Commission (not being a judicial member)

**The Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson
Dated: 29 August 2001

**Code of Practice
for
OHS Consultation**



Preamble

This Code of Practice is a practical guide for meeting the duty to consult set out in the Occupational Health and Safety Act 2000 (OHS Act) and the Occupational Health and Safety Regulation 2001 (OHS Regulation).

The OHS Act provides choices on how consultation can occur. An OHS Committee, OHS Representative or Other Agreed Arrangements may be established. The legislation allows choice to enable the employer and their employees to adopt the consultative arrangement which they believe will best ensure effective and meaningful consultation.

An OHS Committee is an option where there is a desire for a representative group to come together in a co-operative way to improve the employer's systems for managing health and safety. An OHS Representative is an option where there would be a benefit from having an individual employee representative for a designated group of workers. Under Other Agreed Arrangements, the employer and their employees may agree on a consultative framework that is different to having an OHS Committee or OHS Representative structure.

The inclusion of a duty to consult in the OHS Act results from a recommendation of the Parliamentary Standing Committee on Law and Justice which undertook an Inquiry into Workplace Safety in 1997 and 1998.

The Committee's Report included a recommendation that "the Occupational Health and Safety Act be amended to require employers to consult with their employees at all stages of the implementation of a systematic approach to the management of occupational health and safety".

Consultation between employers and employees is an essential part of effectively managing health and safety at work.

Consultation should be viewed not just as a legal requirement, but as a valuable means of improving the employer's decision-making about health and safety matters.

Numerous studies have identified that employers who effectively manage health and safety are more likely to have:

- Planned and systematic approaches in place for health and safety.
- Meaningful consultation with employees about risks and how to control them.
- Strong senior management commitment to OHS consultation and improving safety performance.
- Lower rates of injury and disease.

This Code contains:

- Instruction on the provisions of the OHS Act and OHS Regulation.
- Practical guidance and tools to assist industry implement and maintain meaningful and effective consultative arrangements.
- Several case studies highlighting how various employers undertake consultation about health and safety.

The Code uses square brackets to reference relevant sections of the OHS Act and the OHS Regulation as they arise.

These references are also highlighted with a symbol.



Provisions of the OHS Act and the OHS Regulation are mandatory provisions in legislation and must be complied with. The references to legislative requirements in the Code are not exhaustive and are included by way of assistance only.

This Code has been prepared with the assistance of employer and employee representatives and experts on effective consultative practices.

PREAMBLE

What is an industry code of practice?

An approved industry code of practice is a practical guide to achieving the standards of health, safety and welfare required by the OHS Act and OHS Regulation.

An approved industry code of practice should be followed, unless there is an alternative course of action that achieves the same or a better standard of health and safety.

An industry code of practice is approved by the Special Minister of State. 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 OHS Act or OHS 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 OHS Act or OHS 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 OHS Act or OHS Regulation.

A WorkCover NSW Inspector may cite an approved industry code of practice in an Improvement Notice 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 Notice 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.
- Should be followed, unless there is an alternative course of action that achieves the same or a better standard of health, safety and welfare.
- Can be used in support of the preventive enforcement provisions of the OHS Act.
- Can be used to support prosecution for failing to comply with or contravening the OHS Act or OHS Regulation.

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AT A GLANCE

AN EMPLOYER'S GUIDE

	STEP	CODE REFERENCE
Getting started	1. Identify decisions that have health & safety implications.	Section 3
	2. Identify when decisions are made that have health and safety implications.	Section 3
Effective consultation	3. Consider how you can ensure effective & meaningful consultation.	Section 2.3 & 4.3
	4. Discuss the consultation options and provide employees with information to enable them to come to an informed view.	Section 4.1, 4.2 & 4.3
	5. Decide on the most appropriate and effective consultation arrangement.	Section 4.3
Setting up	6. Where an OHS Committee or OHS Representative is to be established, consult employees about the composition of the workgroup.	Section 5
	7. Establish the Consultation Arrangements. <ul style="list-style-type: none"> • To set up an OHS Committee(s). Section 6 & 10 • To set up an OHS Representative(s). Section 7 & 10 • To set up Other Agreed Arrangements. Section 8 & 10 	
	8. Organise OHS Consultation Training.	Section 11
	9. Where relevant, consider relationship with other OHS consultative arrangements that may exist.	Section 2.4, 5.3 & 9
	10. Record how consultation will occur, such as by preparing an OHS Consultation Statement.	Section 4.4
Evaluate	11. Consult employees on the timeframe and means for monitoring and evaluating the consultation arrangements.	Section 4.5

AN EMPLOYEE'S GUIDE

	STEP	CODE REFERENCE
Getting started	1. Be aware of your duty to report hazards to your employer.	Section 3.2.1
	2. Become familiar with how to identify hazards and the principles for controlling risk.	Section 3.2
	3. Understand your rights to be consulted about decisions that may have implications for your health and safety.	Section 2.1, 3, 4.2
Effective consultation	4. Become familiar with the options of having OHS Committees, OHS Representatives, Other Agreed Arrangements or a mix of these. Consider the relative merits of the options.	Section 4.1, 4.2, 4.3, 6.2, 7.2, 10.2, & Case Studies
	5. Consider the most appropriate and effective consultation arrangement. Be aware of your right to ask for an OHS Committee and/or OHS Representative.	Section 4.1, 4.2, 4.3
Setting up	6. Consider the composition of the workgroup to be represented by an OHS Committee or OHS Representative, where these are to be established.	Section 5
	7. Support the employer in establishing the Consultation Arrangements.	
	• For information about OHS Committees.	Section 6
	• For information on OHS Representative(s).	Section 7
	• For information on Other Agreed Arrangements.	Section 8
8. Conduct elections (for employee members of the OHS Committee and/or OHS Representatives).	Section 10.4	
9. Consider OHS Consultation training needs.	Section 11	
Evaluate	10. Monitor whether the consultation arrangements ensure all employees know about & can comment on matters that may affect their health & safety.	Section 2.3, 3.2.4, 4.5, 6.2 & 7.2

ESTABLISHMENT

1. Code establishment

1.1. Title

This Code may be cited as the Code of Practice: Occupational Health and Safety Consultation.

1.2. Purpose

This Code provides practical guidance regarding occupational health and safety consultation, in accordance with the obligations imposed by the OHS Act and the OHS Regulation.

1.3. Scope

This Code applies to employers at all places of work.

1.4. Commencement

This Code commences on 7 September 2001.

1.5. Authority

This Code is approved as an industry code of practice pursuant to section 43 of the OHS Act by the Special Minister of State on the recommendation of WorkCover NSW.

2. Duty to consult

This section explains the duty to consult, the benefits of consultation and how you can make consultation effective.

2.1. Introduction

The OHS Act places a duty to consult on each employer.



Under the duty, employers must consult with their employees to enable the employees to contribute to the making of decisions affecting their health, safety and welfare at work [Act: 13].

The duty to consult applies to all employers regardless of the number of employees they have or whether there is a request for an OHS Committee.

The duty to consult is based on a recognition that employee input and participation improves decision-making about health and safety matters.

The purpose of the duty to consult is to ensure there is meaningful and effective consultation about matters that may affect employees' health, safety and welfare so there is reduced injury and disease.

In determining how to meet the duty to consult the employer should start by considering two questions:

- What decisions are made that may affect my employees' health, safety or welfare?
- What can I do to ensure consultation is meaningful and effective?

In considering what decisions may affect employees' health, safety or welfare, the employer must have regard to the OHS Act. It lists circumstances when consultation is required. These are outlined in section 3 of this Code.

Employers should give further thought to additional circumstances where consultation could improve OHS outcomes. The employer should consider who makes decisions that affect OHS throughout the organisation and when those decisions are made. Adopting a planned, systematic approach to health and safety and applying risk management principles will help identify when to consult and will assist the employer plan to consult employees in the early phases of the decision-making process. Information about a systematic approach can be found in section 3 of this Code.

In considering what can be done to ensure consultation is meaningful and effective, the employer must have regard to the OHS Act. It defines what consultation must involve. This is outlined in section 2.3 of this Code, together with a summary of the key differences between effective and ineffective consultation.

The OHS Act requires employers to adopt an OHS consultation arrangement to assist with meeting their duty to consult. The OHS Act provides three options:

1. An OHS Committee comprised of employer and employee representatives.
2. OHS Representatives elected by employees.
3. Other Agreed Arrangements agreed to between the employer and their employees.

The OHS Act requires an employer to consult with their employees about the consultation arrangements. Section 4 of this Code provides more detail about the issues to be considered in determining the OHS consultation arrangement and how to ensure the consultation arrangement helps the employer meet the duty to consult.

DUTY TO CONSULT

Under the legislation an OHS Committee or an OHS Representative represents a defined "workgroup" of employees. Section 5 of this Code provides information on forming workgroups in a way that ensures the OHS Committee or OHS Representative is able to effectively represent employees.

Section 6 of this Code provides detail about how to establish an OHS Committee, what the Committee does and how to ensure that the Committee works effectively. Sections 7 and 8 of this Code provide similar detail about OHS Representatives and Other Agreed Arrangements respectively. Section 9 of this Code provides guidance about how OHS Committees and OHS Representatives work together where both exist for one employer.

Consideration will need to be given to the training necessary to enable the employer and their employees to participate in their OHS consultation arrangements in an effective way. Section 11 of this Code provides information about training obligations, training content and delivery.

2.2. Benefits of consultation

Through consultation, employers can become more aware of hazards and OHS issues experienced by employees. Employees can provide suggestions about how to solve health and safety problems.

Employee participation enables the employee to contribute to determining how the work can be undertaken safely.

Effective consultation can result in:

- Improved management decisions through gathering a wider source of ideas about OHS.
- Greater employee commitment to OHS through a better understanding of OHS decisions and employee ownership of the outcome of the consultation.
- Greater openness, respect and trust between management and employees through developing an understanding of each other's points of view.
- Higher employee morale and job satisfaction through the employer demonstrating that employee views are valued and taken into account.
- Healthier working environments and increased productivity.
- Opportunities for learning through sharing of information, concepts and ideas.
- Reduced injury and disease with consequent savings to the employer, employees and the general community.

2.3. What is consultation?

Meaningful and effective consultation involves drawing on the knowledge, experience and ideas of employees and encouraging their participation and input to improve the systems the employer has in place for managing OHS. The OHS Act sets out the elements of consultation.



Consultation requires [Act:14]:

- a) the sharing of relevant information about OHS and welfare with employees;
- b) that employees be given the opportunity to express their views and to contribute in a timely fashion to the resolution of OHS and welfare issues at their place of work;
- c) that the views of employees are valued and taken into account.

SECTION 2

The sharing of relevant OHS information with employees should include providing information about:

- Work processes and procedures.
- OHS consultative arrangements.
- OHS policies and procedures, including risk assessments and control measures.
- Changes to premises, work environment, plant, equipment, systems of work or substances used for work.
- Incidents, illnesses or injuries (in a way that protects the confidentiality of personal information).

Consultation can be done well and therefore assist in the making of better decisions about OHS or it can be done poorly. The following table summarises the key differences between effective consultation and ineffective consultation. It can be used as a guide to help assess whether the consultation arrangement adopted is working.

Table 1: Effective & ineffective consultation

	Effective consultation	Ineffective consultation
When consultation occurs	Early, before agenda is set and decisions are made	After the agenda is set and decisions are made
Employer role	Interested in and values employees' ideas	No recognition of the benefits of consultation
Employer skills needed	Interpersonal, facilitative, listening	No skills needed
Employee role	Pro-active, employees encouraged to suggest ideas	Reactive, employees have no role in improving OHS
Employee skills	Training provided in communication skills and risk assessment	No training provided to enable effective participation
Interaction style	Planned, genuine, and collaborative	Directionless, token, or sporadic
Approach toward each other	Trust, mutual respect	Mistrust, lack of respect for differing points of view
Process	Open and receptive to employee participation	Invisible, barriers to employee participation
Information	Relevant information provided	Limited access to information
Communication	Opportunities for one-to-one communication with employees, clear and on-going feedback	No direct communication with employees, no feedback
Outcomes	Outcomes result in improvements to the systems for managing safety	There is no improvement in how safety is managed

DUTY TO CONSULT

Consultation does not mean handing out papers or simply ascertaining the views of employees. It should be seen as an opportunity to add value to the employer's decision-making.

For consultation to be meaningful, the people actually doing the work that may be affected by an OHS issue must have an opportunity to express their views. Time should be made available for employees to come together to consider the issues. Bringing people together is the first step in providing them with a meaningful opportunity to express their views.

Open communication between employees and their employer is important to safety success. Employees should be encouraged to:

- Ask questions.
- Raise safety concerns.
- Make safety recommendations.
- Be a part of the problem-solving process.

In summary, employees should help to shape decisions about OHS, not hear about the decisions after they have been made. Effective consultation will result in better decision-making about OHS. However, consultation does not remove the responsibility that rests with the employer to ensure the health, safety and welfare at work of their employees under section 8 of the OHS Act.

2.4 Other employers

2.4.1 Concurrent responsibilities

The OHS Act and the OHS Regulation place responsibility for health and safety on a range of persons involved with work and the working environment (see section 13.1 of this Code for further information). Therefore the responsibility for health and safety in the place of work can be "concurrent". That is, the responsibility can be held by more than one person.



Under the OHS Regulation, if more than one person has a responsibility in relation to a particular OHS matter, each person retains responsibility for the matter and the responsibility is to be discharged in a coordinated manner [Reg: 8].

For example, Smith Manufacturing, a medium-sized manufacturing company based in Sydney, employs Brown Labour Hire to provide additional staff to assist with plant maintenance. By employing Brown Labour Hire, Smith Manufacturing does not contract out its health and safety responsibilities in relation to those workers. Smith Manufacturing and Brown Labour Hire each have OHS responsibilities in relation to the employees of Brown Labour Hire that work at Smith Manufacturing. They have "concurrent" responsibilities and they must discharge those responsibilities in a coordinated manner. Smith Manufacturing and Brown Labour Hire might meet this obligation by, for example:

- Meeting to discuss relevant OHS issues.
- Ensuring employees of Brown Labour Hire understand the safe work procedures relevant to their work at Smith Manufacturing.

2.4.2 Facilitation of consultation

The above requirement, that concurrent responsibilities are to be discharged in a coordinated manner, is related to the following obligation:



The employer (who we will call Employer 'A') must facilitate the OHS consultation arrangements of another employer (Employer 'B') where the employees of Employer 'B' are working at the place of work of Employer 'A' [Reg: 27(1)(h)].

Employer 'B' might include for example, a contractor or a labour hire company.

How Employer 'A' could facilitate the OHS consultation arrangements of Employer 'B' will vary. It will depend on the nature of their business and the number of contractors.

SECTION 2

In the example on page 12, Smith Manufacturing is Employer 'A' and Brown Labour Hire is Employer 'B'. The employees of Brown Labour Hire based at Smith Manufacturing elect an OHS Representative from among themselves as the OHS consultation mechanism for Brown Labour Hire. To facilitate consultation between the management of Brown Labour Hire and their OHS Representative, Smith Manufacturing provides a meeting room and assists arranging a suitable meeting time that minimises disruption to production. They also provide the OHS Representative with telephone and email access to assist communication with Brown Labour Hire management about OHS concerns.

In a place of work that has many sub-contractors, such as a construction site, Employer 'A's obligation to facilitate the OHS consultation arrangements of Employer 'B' might extend to establishing a consultation mechanism that enables communication and consultation about OHS matters between sub-contractors and their employees.

To determine the most effective way to facilitate the consultation arrangements of Employer 'B', Employer 'A' should consult with Employer 'B' in relation to:

- The most effective way for ensuring OHS information is communicated to all people working at the place under the control of Employer 'A'.
- The most effective way for ensuring that all employees are consulted in relation to risks to their health, safety and welfare as a consequence of work being undertaken by all employers at the place of work.

Principal contractors in the construction industry should be aware they have specific obligations to provide information to employees of sub-contractors or their representatives under clause 226 of the OHS Regulation.

Employer 'B' should advise Employer 'A' prior to commencing work how consultation with Employer 'B's employees is proposed to be undertaken.



If an employer has an OHS Committee or OHS Representative, the employer must consult about the relationship between their workgroup(s) and the representatives of a workgroup of another employer [Reg: 22(2)(i)].

See section 5.3 of this Code for further information about the relationship between workgroups.



An employer must not dismiss an employee, injure an employee in his/her employment, or alter an employee's position to his/her detriment because the employee: [Act: 23]

- **Makes a complaint about a workplace matter that the employee considers is not safe or is a risk to health.**
- **Is a member of an OHS Committee or an OHS Representative.**
- **Exercises any function conferred on the employee in relation to the duty to consult.**

The OHS Act imposes significant penalties for breaches of this requirement.

2.5 Employee victimisation

2.6 Volunteers

Many community service organisations rely on the contribution of a large number of volunteer workers. Volunteers are not employees and the duty to consult, therefore, does not apply. However, the employer does owe volunteers a duty to ensure they are not exposed to risks to their health and safety under section 8(2) of the OHS Act and consultation may be valuable in assisting the employer to meet this duty. The *Community Service Organisation Safety Pack* produced by the Council of Social Service of NSW under the WorkCover Grants Scheme contains advice about OHS management and consultation with respect to volunteers.

WHEN TO CONSULT

3. When to Consult

This section outlines when consultation should occur. In order to ensure consultation is timely, effective and meaningful the employer should adopt a systematic approach to health and safety.



The OHS Act requires that consultation be undertaken in the following circumstances: [Act: 15]

- When changes that may affect health, safety or welfare are proposed to the:
 - premises where persons work;
 - systems or methods of work;
 - plant used for work; or
 - substances used for work.
- When risks to health and safety arising from work are assessed or when the assessment of those risks is reviewed.
- When decisions are made about the measures to be taken to eliminate or control risks.
- When introducing or altering the procedures for monitoring risks (including health surveillance procedures).
- When decisions are made about the adequacy of facilities for the welfare of employees.



Employers are required to consult their employees in relation to these matters to enable the employees to contribute to the making of decisions affecting their health, safety and welfare [Act: 13].

In order to ensure that consultation takes place in relation to all these matters, the employer should adopt a systematic approach to health and safety.

Unless the employer has a systematic approach to decision-making about OHS, it will be difficult for the employer to plan and organise meaningful consultation prior to decisions about these matters being made.

Systematically managing OHS essentially means having a planned approach to addressing issues that may affect workers' health and safety. It increases the likelihood of preventing injury and disease.

A systematic (planned) approach can be broadly explained by contrasting it with an ad hoc (reactive) safety culture. This is illustrated below:

Table 2: Systematic approach -v- Reactive, ad hoc safety culture

Systematic approach to OHS	Ad hoc approach to OHS
OHS responsibilities are defined for everyone	OHS responsibilities are not defined or are unclear
All employees are competent to exercise designated responsibilities	Employees are not competent to exercise designated and defined responsibilities
Measures to prevent illness and injury are planned	Health and safety actions may happen but are not planned or coordinated
Hazards are identified before injury, illness or incident	Hazards are dealt with reactively after an incident
The means for controlling risks are set out in work procedures	The control of risks relies on individual foresight
Employees are consulted and participate in the development of the means of controlling risks	Employees informed but not consulted about safety
The means of controlling risks are monitored	Controls are only reviewed in response to incidents
Employer provides necessary knowledge, information, instruction, training & supervision	Employer relies on existing skills and knowledge

For more information, see Case Study A: 'How consultation can help an employer implement systems for managing OHS'.

3.1 What's involved in applying a systematic approach to OHS?

SECTION 3

3.2. Hazard identification, risk assessment and risk control

Central to systematically managing OHS are the principles of risk management. Risk management is made up of the following steps:

1. Identify the hazards.
2. Assess the risk(s) to the health safety and welfare of persons posed by the hazards.
3. Use appropriate control measures to eliminate or control the risk.
4. Review the control measures you put in place from time to time to ensure they remain appropriate.

Consultation is an essential part of every step in the risk management process.

Contact WorkCover NSW to get a copy of the *Workplace Safety Toolkit* for further information on applying risk management.

3.2.1. Hazard identification

Risk management starts with identifying hazards.



Under the OHS Regulation the employer must identify any foreseeable hazard that may arise from the conduct of the employer's undertaking [Reg: 9(1)].

Employees are likely to be aware of, or readily able to help identify, hazards in their place of work.

The employer should:

- Encourage employees to notify their supervisor of hazards in the place of work whenever they become aware of them.
- Consult employees when seeking to identify hazards.



An employee must take reasonable steps to prevent risks to health and safety at work by notifying the employer, supervisor, OHS Representative or OHS Committee member of any matter that may affect OHS [Reg: 28].

Employers and employees need to be alert to things that can cause harm.

For example, every week two council employees are required to clean the public toilet blocks in local parks. To do this they take a truck from the depot that has a high pressure water compressor and hose stored on the back of it. They drive the truck to the front of the toilet block, lift the compressor off the truck, carry it into the toilets, attach the hose to the tap and clean the block with the high pressure water. The compressor is heavy and awkward to lift and when they are using the hose in the confined space of the toilet block the noise is so loud it causes ringing in their ears which can last for hours. At lunch one day they complain to their supervisor that they are not getting any younger and they are worried about 'doing their backs in' lifting the compressor and that the noise in the toilet block is sending them deaf. The supervisor consults employees about the issue. Pete the maintenance fitter says they are mad doing the job that way and that they should bring the maintenance truck into the yard the next day and he would fit a 30 metre hose which will reach from the truck into the toilet block. Then they won't have to lift the compressor off the truck and the noise in the toilet block will be much less because the compressor will be outside.

In this example, the employees completed the first step of risk management by identifying that the way they were doing the job was hazardous. The hazards they identified were manual handling and noise.

3.2.2 Risk assessment

After identifying hazards the next step is to assess the risks to health and safety that they pose.



The employer must assess the risks such hazards pose to the health and safety of their employees and any other person at the employer's place of work [Reg: 10(1)].

WHEN TO CONSULT

3.2.3. Risk control

A risk assessment is the process of determining the level of risk involved and the likelihood of injury, illness or death occurring. This means evaluating the likelihood and consequences of injury or illness from exposure to an identified hazard or hazards.



The OHS Act requires that the employer must consult their employees when risks to their health and safety arising from work are assessed or when the assessment of those risks is reviewed [Act: 15(a)].

For example, the supervisor in the previous example realised that there was a high likelihood of harm being caused to these workers if the working practices did not change. The risks from manual handling were muscle strain and back injuries. The risk from noise was hearing loss. This is a risk assessment.

The next step is to implement appropriate measures to eliminate or control the risk.

To ensure the health, safety and welfare of employees it is preferable to eliminate the risk wherever possible. For example, Pete's solution outlined above eliminates the need to lift the compressor off the truck at all, thereby eliminating the manual handling risk.



The OHS Regulation requires that an employer must eliminate any risk to health or safety, or if this is not reasonably practical, control the risk [Reg: 11].

Clause 5 of the OHS Regulation defines "control" of risks. The following table provides assistance in determining measures for controlling risk.

Level 1: Eliminate the risk (eg. discontinue the activity or not use the plant).

Level 2: Minimise the risk by:

- substituting the system of work or plant (with something safer).
- modifying the system of work or plant (to make it safer).
- isolating the hazard (eg. introduce a restricted work area).
- introducing engineering controls (eg. guardrails or scaffolding).

Level 3: Other controls:

- using Personal Protective Equipment (eg. eye protection).
- adopting administrative controls such as hazard warning signs (eg. "persons working above") and specific training and work instructions (eg. brittle roof).

NOTE:

- a) Control measures at Level 1 give the best results and should be adopted wherever practicable.
- b) The measures at the lower levels are less effective and require more frequent reviews of the hazards and systems of work.
- c) In some situations a combination of control measures may need to be used.

For example, Pete's solution outlined previously is a good example of step 2, isolating the hazard from the person put at risk. By extending the hose length the council workers are not exposed to the noise of the compressor amplified in the toilet block. (Additional control measures may be needed for persons working near the compressor on the back of the truck.)

Because of their specific knowledge about the work processes, plant or substances with which they work, employees may often be able to identify very practical and effective risk control measures. By consulting, employers can draw on the valuable knowledge and experience employees have about their jobs and the risks they are exposed to.

SECTION 3



The OHS Act requires that the employer must consult employees when decisions are made about the measures to be taken to eliminate or control risks [Act: 15(b)].

The employer should establish mechanisms and/or procedures to ensure all employees exposed to a risk are consulted about how the risk should be controlled.

Following consultation, the employer should implement appropriate control measures based on their risk assessment.

When controlling risks for certain hazards, an employer must comply with any specific risk controls set out in the OHS Regulation. Various WorkCover NSW Codes of Practice provide practical guidance about how specific hazards may be controlled. Where applicable, such Codes of Practice may form a useful basis for consultation about appropriate control measures. The WorkCover NSW Codes of Practice and guidance material are listed on the internet page: <http://www.workcover.nsw.gov.au>.

3.2.4 Review of risk assessment and risk control measures



The OHS Act requires that the employer consult their employees when introducing or altering the procedures for monitoring risks (including health surveillance procedures) [Act: 15(c)].

A review of risk control measures will be particularly relevant if the employer is considering changes to the place of work or the way in which work is done.



The OHS Act requires that the employer must consult their employees when changes that may affect health and safety are proposed to the:

- premises where persons work;
- the systems or methods of work; or
- the plant or substances used for work [Act: 15(e)].

The employer should consider the OHS implications of all changes they may wish to make to the place of work or the way in which work is done. Where there may be OHS implications the employer must consult with their employees.

This includes consultation with employees prior to the purchase of new plant and substances to be used for work or when planning for new premises or a refurbishment. It makes sense, for example, to consult employees in assessing the risks posed by any new piece of plant that the employer may wish to purchase. In this way, the employer might identify a piece of plant for purchase with the appropriate guarding for doing the work safety already affixed, rather than having to modify the plant after its installation.

The employer should also consult their employees after the occurrence of an injury, illness or incident to review why the control measures may have failed and to identify any necessary changes to the measures in place for controlling risk.

Possible questions might include:

- What factor(s) contributed to the injury, illness or incident?
- Could the injury, illness or incident have been prevented?
- Should the employer's safety procedures and systems have prevented the injury, illness or incident?
 - If no, what needs to be changed?
 - If yes, why didn't the OHS system prevent the injury, illness or incident?
- What can be done to prevent the injury, illness or incident from recurring, and when?

WHEN TO CONSULT

The essence of risk management

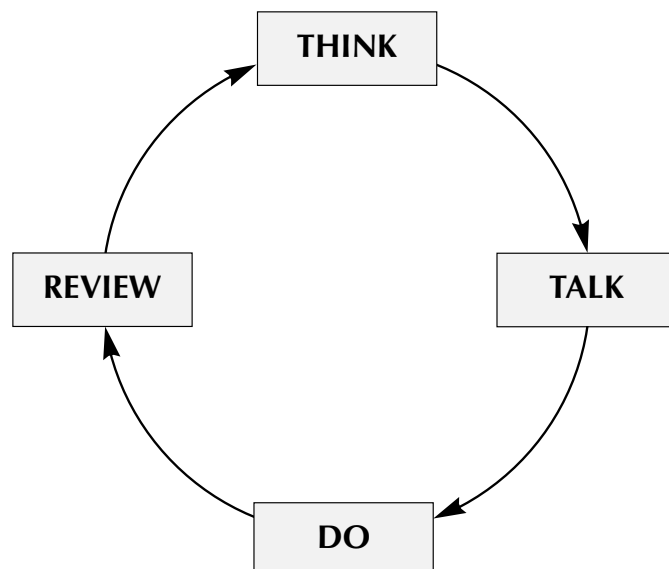
Think about what may affect employees' health, safety or welfare (identify hazards and assess the risks they pose).

Talk with employees (consult about matters that may affect employees' health, safety or welfare).

Do what is necessary to make the workplace safe (implement risk controls).

Review and monitor OHS measures (ensure risk controls are effective).

The basis of continuous improvement



3.3. Measuring safety performance

Ongoing monitoring of risk control measures, and measuring the effectiveness of OHS programs, contributes to safer places of work and facilitates continuous improvement in OHS outcomes.

The employer should consider ways of involving employees in the development and application of OHS performance indicators as a means of raising OHS awareness. This will provide the employer and employees with a clear sense of common purpose, and a focus on continuous improvement of OHS outcomes.

For further information see Case Study 'B': 'How OHS Committees can be involved in measuring performance'.

SECTION 3

3.4. Training and information



The OHS Act states that the employer must provide appropriate information, instruction, training and supervision to ensure the health, safety and welfare of employees [Act: 8(1)(d)].

The function of OHS Committees and OHS Representatives includes making recommendations on the OHS training of employees [Reg: 30(1)(g)].

The employer should consult their employees about the information and training necessary to undertake their work safely.

The employer should consult with their employees to ensure that such information and training is in a form that is accessible and easily understood.

In identifying training needs, it is important to consider a range of factors including the nature of the task, the age, experience, language, literacy and any disabilities of the workers, and the plant and substances used.

Training procedures should be developed in consultation with employees. They should be well displayed so they are accessible to everyone that may need them to carry out their work safely. Employers and employees can also work together to review and monitor training procedures as required.

The employer should review training needs and consult employees about training arising from changes proposed to the systems or methods of work, or to the plant or substances used for work.

3.5 Welfare



The employer must provide adequate facilities for the welfare of employees [Act: 8(1)(e)].

The employer must consult when [Act: 15(a) & (e)]:

- **Decisions are made about the adequacy of facilities for the welfare of employees.**
- **Changes that may affect welfare are proposed to the premises where persons work, to the systems or methods of work or to the plant or substances used for work.**

In considering the adequacy of amenities and facilities the employer should consider, and consult employees with respect to:

- The number of employees required to use amenities/facilities.
- The needs of people with disabilities.
- The condition and adequacy of amenities/facilities and their maintenance.

3.6 Emergency procedures



The employer must ensure that arrangements are in place in the event of an emergency [Reg: 17].

Employers should consult employees about the procedures to be followed in the event of an emergency or evacuation, and the training needs of employees with respect to these procedures.

CONSULTATION ARRANGEMENTS

4. Deciding on OHS consultation arrangements

The OHS Act requires an employer to consult with their employees about the consultation arrangements they will have. This section provides detail about the issues to be considered in determining the OHS consultation arrangement and how to ensure the consultation arrangement helps the employer meet the duty to consult.

4.1. Consultation options

The OHS Act provides a number of options for how consultation can be undertaken to ensure that the most appropriate and effective mechanism is adopted.



Consultation must be undertaken by one or a combination of the following means:

- a) **The establishment of one or more OHS Committees;**
- b) **The election of one or more OHS Representatives;**
- c) **Other arrangements agreed by the employer and employees [Act: 16].**

See section 12 of this Code for information on transitional arrangements for employers that already have an OHS Committee.

The consultation options are not necessarily alternatives. For example, an employer may have an OHS Committee and one or more OHS Representatives. An OHS Committee may serve a different role and/or operate at a different level to an OHS Representative.



The OHS Act provides that:

- **An OHS Committee be established if the employer has 20 or more employees and the majority of employees make such a request [Act: 17(1)].** More information on OHS Committees can be found in section 6 of this Code.
- **An OHS Representative be elected if at least one employee makes such a request [Act: 17(2)].** This does not mean, for example, that if there are 20 requests for an OHS Representative, 20 OHS Representatives must be elected. More information on OHS Representatives can be found in section 7 of this Code.
- **An employer may make arrangements for the establishment of an OHS Committee or the election of an OHS Representative whether or not it has been requested by any of their employees [Act: 17(4)].**
- **An OHS Committee must be established or an OHS Representative must be elected if WorkCover NSW so directs [Act: 17(1); 17(2)].**
- **Any Other Agreed Arrangements must be made by agreement between the employer and their employees [Act: 16(c)].**

A request by employees for an OHS Committee or OHS Representative can be conveyed to the employer through the employees' union.

A consultation mechanism must be adopted even where employees do not request an OHS Committee or an OHS Representative. If employees of an employer with less than 20 employees indicate a preference for an OHS Committee, then the employer should value and take the employees' views into account.

Having an OHS consultation arrangement does not of itself guarantee that the duty to consult under the OHS Act is being met. Whether the employer meets the duty to consult is dependent upon the employer meeting the requirements in sections 14 and 15 of the OHS Act (see sections 2 and 3 of this Code for further information).

For example, a company that has an OHS Committee will not be meeting the duty to consult if the employer does not take the employees' views into account as required by section 14(2) of the OHS Act or does not consult when changes that may affect health, safety or welfare are proposed to premises as required by section 15(e) of the OHS Act.

SECTION 4

4.2. Consultation to set up OHS consultation arrangements



The OHS Act requires that an employer consult about whether OHS consultation is to be undertaken by means of an OHS Committee, OHS Representative or Other Agreed Arrangement or a combination of these means.[Act: 15(f)].

If requested by an employee, a trade union may represent them in consulting about OHS consultation arrangements [Reg: 22(5)].

A trade union cannot represent employees in the actual OHS consultation arrangements, unless this is agreed as part of Other Agreed Arrangements (see section 8.3 of this Code for further information). A union can only represent employees in consultation about what the OHS consultation arrangements are going to be.

The employer should start the process of consulting with employees about the desired consultation arrangements by discussing the following matters with them:

- The employer's duty to consult.
- The purpose of consultation.
- The consultation options (OHS Committee, OHS Representatives, Other Agreed Arrangements).
- That there is no legal liability attached to the role of being an employee member of an OHS Committee or an OHS Representative.
- The workgroup concept (see section 5 of this code for more information).
- An employee's right to request union representation for the purposes of consultation on OHS consultation arrangements.
- That WorkCover NSW administers the OHS Act.
- The existence of this Code (a copy should be made available).

Whatever the OHS consultation arrangement adopted, is it more likely to be successful when it is agreed by the employer and their employees.

4.3. Issues to be considered

When determining which consultative arrangement to adopt, the employer and their employees should consider the following matters.

4.3.1. Options can be combined

An OHS Committee(s), OHS Representative(s) and Other Agreed Arrangements are not necessarily alternatives. One or a mix of these arrangements may be appropriate. For example, an employer may have an OHS Committee for their 40 office-based employees but an Other Agreed Arrangement in the form of regular direct discussions about OHS for their five employees working at remote locations.

4.3.2. Arrangements can serve different purposes

The functions of OHS Committees and OHS Representatives are the same under the OHS Act. However, consultative arrangements can operate at different levels or serve different purposes. For example, an OHS Representative may serve to ensure effective communication between the employer and a particular group of employees, such as afternoon shift workers, with respect to risks to their health and safety. An OHS Committee may also exist but focus at the level of recommending to the employer safe systems of work or identifying OHS training needs for all employees. See section 9 of this Code for more information about the inter-relationship between an OHS Committee and OHS Representatives, where both exist.

CONSULTATION ARRANGEMENTS

4.3.3. Why an OHS Committee?

The merits of an OHS Committee may include that it:

- Allows a planned and structured discussion about OHS matters.
- Encourages a cooperative approach between an employer and their employees.
- Brings together a group of employee and employer representatives to collectively discuss and develop ways of improving the systems for managing safety.
- Encourages the development and retention of a body of expertise including through Committee minutes and reports.

4.3.4. Why an OHS Representative?

The merits of an OHS Representative may include that it provides:

- An easily identifiable point of contact for individual employees seeking to provide input about OHS matters.
- A direct link to employees in the workgroup that elected the OHS Representative.
- Feedback direct to the employer.

4.3.5. Why an Other Agreed Arrangement?

Other Agreed Arrangements may include a variety of consultation arrangements. Where employees agree, the consultative arrangement can be different to OHS Committees and OHS Representatives. For example, small employers may reach agreement with their employees to consult directly. Direct consultation may be less formal than an OHS Committee. When everyone comes together in meetings to discuss OHS, everyone is involved. This can assist safety being fully integrated into the day-to-day operations of an employer.

4.3.6. Non-English speaking background employees

The employer should ensure the consultation arrangement does not exclude any employees of non-English speaking backgrounds. If employees do not have strong English language skills, the employer should consider how consultation will be undertaken with these employees to ensure it is effective and meaningful.

4.3.7. Questions and Criteria

The following questions may be useful in helping to determine the appropriate consultation arrangement:

- Which consultative arrangement is most likely to result in effective and meaningful consultation between the employer and their employees given:
 - the employer's size and structure;
 - the nature of the work that is carried out;
 - the work arrangements such as shiftwork and remote workers; and
 - the characteristics of employees including language, literacy or disabilities.
 (See section 2.3 of this Code for information on what is effective and meaningful consultation.)
- Which consultative arrangement is most likely to contribute to safe systems of work?
- Which consultative arrangement is most likely to aid a co-operative, focused, and systematic approach to managing OHS issues? (See section 3 of this Code for further information on a systematic approach.)
- Which consultative arrangement is most likely to ensure that the employer's duty to consult is met?

Any proposed consultation arrangement can be evaluated to see if it facilitates the duty to consult by examining the following criteria:

- The arrangement must provide for the sharing of relevant information that has implications for health and safety between employers and employees.

SECTION 4

4.4. OHS Consultation Statement

- The arrangement must provide opportunities for all employees to express their views about issues that have implications for health and safety.
- If employees' views are expressed through a representative, the arrangement should provide sufficient opportunities for representatives to engage in discussion with the employees they represent to ensure that they are aware of the views of those employees.
- The arrangement must ensure employees' views will be considered prior to decisions being made.
- The arrangement must ensure the employer, in any decision that has implications for health and safety, will take employees' views into account.



The OHS Regulation requires that the employer record their OHS consultation arrangements [Reg: 27(1)(a)] and publicise these arrangements among existing and new employees [Reg: 27(1)(b)].

One way of meeting these requirements is by preparing, in consultation with employees, an OHS Consultation Statement. The OHS Consultation Statement can cover the type of information previously contained in an OHS Committee constitution.

The employer should record:

- The OHS consultation arrangements (including the relevant workgroups where the consultation arrangements involve OHS Committees or OHS Representatives).
- How the OHS consultation arrangements were arrived at.
- How employees will be consulted about OHS.

The employer may also detail:

- The employer's commitment to protecting the safety and health of employees.
- The role and responsibilities of management with respect to OHS.
- Where they exist, the role of the OHS Committee and/or OHS Representative with respect to OHS.
- A procedure to resolve problems that may arise in relation to OHS matters.
- When and how OHS consultation arrangements will be reviewed.

A sample OHS Consultation Statement is included at Schedule 1.

The OHS Consultation Statement should be made available to employees and displayed in a place where employees will readily see it.

4.5. Monitoring and reviewing consultation arrangements



OHS consultation arrangements are to be reviewed as occasion requires. Consultation on new arrangements is to be undertaken if requested by a majority of the employees in the workgroup or if there has been a significant change in the composition of the workgroup that is not reflected in the existing arrangements [Reg: 22(4)].

Of course, if an employee requests an OHS Representative and/or if an employer has more than 20 employees and a majority of the employees request an OHS Committee, then the employer is bound to establish an OHS Representative and/or an OHS Committee. This is irrespective of the existence of different consultation arrangements at the place of work.

Consultation arrangements should be monitored and reviewed to ensure that they continue to be meaningful and effective. The employer should consult their employees and agree on the nature and timing of reviews of the consultative arrangements.

Any review should include consideration of the effectiveness of the consultation for employees of non-English speaking backgrounds.

WORKGROUPS

5. Workgroups

Under the legislation an OHS Committee or an OHS Representative represent a defined 'workgroup' of employees. This section provides information on forming workgroups to ensure the OHS Committee or OHS Representative is able to effectively represent employees.

5.1. What is a workgroup?



The OHS Regulation defines a workgroup as the group of employees that is represented by a particular OHS Committee or OHS Representative [Reg: 21].

The employer must consult their employees on the composition of workgroups [Reg: 22(2)(a)].

This includes consulting employees about what is the most appropriate workgroup for them to belong to.

5.2. What must be considered in determining a workgroup?



A workgroup must be formed in a manner that ensures that the OHS Committee and/or OHS Representative are able to represent the employees in the workgroup effectively. This includes being able to undertake regular meaningful communication with the employees in the workgroup [Reg: 23(1)].

The ideal size of a workgroup will vary according to the particular circumstances. However, the size of the workgroup must be such that regular meaningful consultation can be undertaken.

Consultation is more likely to be meaningful and effective if the OHS Committee or OHS Representative is able to easily and quickly communicate one-to-one with members of the workgroup.



The OHS Regulation requires that the diversity of the employees and their work must be taken into account when determining the composition of workgroups. In particular, the following must be considered [Reg: 23(2)]:

- the hours of work of employees, including the representation of employees on shift work;
- the pattern of work of employees, including the representation of part-time, seasonal or short-term employees;
- the number and grouping of employees;
- the geographic location where the employees work, including the representation of employees in dispersed locations such as in transport work or working from home;
- the different types of work performed by employees and the different levels of responsibility;
- the attributes of employees, including gender, ethnicity, age and special needs;
- the nature of the OHS hazards;
- the interaction of the employees with the employees of other employers (including contractors, labour hire etc.).



It is not necessary to establish separate workgroups for different categories of employees, places of work or other matters referred to above [Reg: 23(3)].

However, the diversity of employees and their work may make the establishment of more than one workgroup appropriate to ensure meaningful and effective consultation.

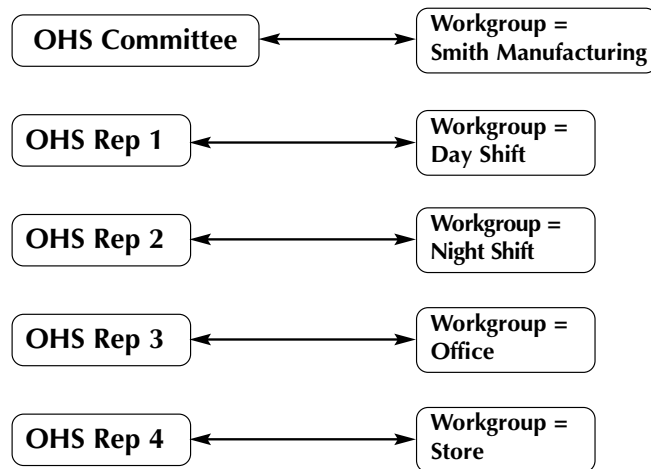
SECTION 5

5.3. Relationship between workgroups


If an employer and their employees decide to have an OHS Committee and an OHS Representative, the workgroup for the OHS Committee may be defined differently to the workgroup for the OHS Representative. The workgroup for the OHS Representative may be a sub-set of the workgroup for the OHS Committee.

For example, Smith Manufacturing consults with its employees about OHS consultation arrangements. It is agreed to have an OHS Committee and four OHS Representatives. The workgroup for the OHS Committee is defined to be all employees. The workgroups for the OHS Representatives are defined as production day shift, production night shift, store and office. This is represented on the chart below.

Chart 1: Workgroups at Smith Manufacturing



Where there are two or more workgroups, the employee representatives and the employer should consult to ensure there is an integrated approach to OHS and that there are no gaps in dealing with OHS issues.

 **The employer must consult their employees about the relationship between the representatives of their workgroups and the representatives of workgroups of another employer [Reg: 22(2)(i)].**

The employer should have a system of communication and consultation with the representatives of other employers' workgroups where there is potential for common OHS issues to arise.

For example, Smith Manufacturing employs Brown Labour Hire to provide additional staff to assist with plant maintenance. Brown Labour Hire has an OHS Representative to facilitate consultation with their employees based at Smith Manufacturing. Smith Manufacturing must consult with their employees about the relationship between their OHS Committee and OHS Representatives and Brown Labour Hire's OHS Representative. The outcomes of this consultation might include:

- inviting the Brown Labour Hire OHS Representative and a Brown Labour Hire management representative to Smith Manufacturing OHS Committee meetings;
- conducting regular meetings between management and OHS representatives of Brown Labour Hire and Smith Manufacturing.

See section 2.4 of this Code for more information on OHS consultation and the relationship between employers.

OHS COMMITTEES

6. OHS Committees

The establishment of an OHS Committee is an option for an employer and their employees where the parties desire a representative group who come together in a cooperative way to improve systems for managing health and safety. This section provides detail about how to establish an OHS Committee, how a Committee functions and how to ensure that the Committee works effectively.

6.1. What do OHS Committees do?

Under the OHS Act the functions of an OHS Committee are to:



1. **Keep under review the measures taken to ensure health, safety and welfare of persons at the place of work [Act: 18(a)].**
2. **Investigate any matter that may be a risk to health and safety at the place of work [Act: 18(b)].**
3. **Attempt to resolve any matter but, if unable to do so, to request an investigation by an inspector for that purpose [Act: 18(c)].**

An OHS Committee brings employees and management together in a non-adversarial, cooperative effort to promote safety and health. How to set up an OHS Committee is covered later in this section.

An OHS Committee can assist the employer to consult about the matters listed in section 15 of the OHS Act (see section 3 of this Code for more information).

An OHS Committee is an advisory body only. It makes recommendations about OHS issues.



1. **The employer must consider a matter raised by the OHS Committee and must respond in a timely manner [Reg: 29(2)(c)].**

It remains the employer's responsibility to make decisions about OHS issues. However, the employer must value employee's views and take them into account in accordance with section 14 of the OHS Act (see section 2.3 of this Code for further information).

Employer responses to Committee recommendations should be recorded in the minutes. A reasonable period for responding to recommendations should be determined in consultation with the OHS Committee. There may be different timeframes depending on the hazard or issue. High-risk hazards should always be dealt with promptly.

By drawing together management and employee representatives in a planned, structured and focused way to specifically address measures for controlling risks, the OHS Committee provides an excellent mechanism for developing recommendations to continually improve the way OHS is managed.

Even in an environment where the potential for injury and illness may appear low, there is still an important role for the OHS Committee. New equipment or processes can introduce new hazards. For example, ergonomics is an important issue in all office settings. The OHS Committee can help the employer plan for safety by making recommendations on appropriate equipment purchases and employee instruction on correct use and adjustment of ergonomic equipment and workstation layout.



1. **OHS Committee members must not disclose any information relating to any manufacturing or commercial secrets or working processes obtained by the member in connection with their functions under the OHS Act [Act: 137(1)].**

SECTION 6

6.1.1. Function 1: Reviewing OHS measures

OHS Committee meetings should do more than discuss the latest OHS hazards and incidents that have been identified. They should be providing input and expertise into the ongoing refinement and improvement of the employer's systems for managing safety.

Employees and supervisors, and/or OHS Representatives if they exist, should be encouraged to resolve everyday OHS issues. Where issues are unable to be resolved at this level, only then should the OHS Committee become involved. The role of the OHS Committee should move beyond routine hazard spotting and suggesting corrective action, to include making recommendations about how systems of work can be put in place to avoid hazards arising in the first place.

For example, if a piece of hazardous equipment is found without a guard, a basic response might be for the Committee to recommend that a guard be attached. However, the Committee should also ask why there was no guard in the first place and might also evaluate:

- Existence of and adherence to safe work procedures.
- The adequacy of training in identifying hazards.
- Hazard monitoring procedures.
- Equipment purchasing practices, including the assessment of hazards prior to the decision to purchase the equipment.
- Equipment maintenance practices.

An OHS Committee should actively review the employer's systems for managing safety and, if none exist, assist the employer to establish such systems.



An OHS Committee's function includes assisting in the development of arrangements for recording hazards and accidents to promote improved OHS [Reg: 30(1)(e)].

The Committee should also review and contribute to indicators for measuring OHS performance. Performance indicators will enable the employer and the Committee to assess the effectiveness of the existing measures for managing safety. See section 3.3. of this Code and case study 'B' for more information.

An OHS Committee should conduct inspections of the place of work. The Committee should agree on how the inspection is carried out and how frequently. The inspection may comprise a walk through the place of work by the entire OHS Committee. Alternatively, the place of work could be divided up and inspected by different members of the Committee. See case study 'B' for information on how to maximise the value of an inspection.



An OHS Committee's function includes making recommendations on the training of members of OHS Committees [Reg: 30(1)(f)]. See section 11 of this Code for more information about OHS consultation training.

An OHS Committee's function also includes making recommendations on the OHS training of employees [Reg: 30(1)(g)]. See section 3.4 of this Code for more information.

The employer should consider consulting the OHS Committee about:

- Emergency procedures. See section 3.6. of this Code for more information.
- The welfare of employees. See section 3.5. of this Code for more information.

6.1.2. Function 2: Investigating matters

Committee investigation



The OHS Committee can investigate any matter that may be a risk to health and safety at the place of work [Act: 18(b)].

Investigation includes conducting inspections of the place of work and seeking relevant information from the employer.

The Committee should establish procedures for investigations it may undertake into OHS matters, including incidents, injuries and/or illnesses.

The Committee should review reports of safety incidents, injuries and illnesses so that recommendations can be made for appropriate corrective action to prevent recurrence.

OHS COMMITTEES

Employer investigation



The OHS Committee can be an observer during any formal in-house investigation of an accident or other occurrence at the relevant place of work that is required to be notified to WorkCover NSW under Division 4 of Part 5 of the OHS Act. There can only be one observer. If the observer is an OHS Committee member, he/she must be an employee member of the Committee [Reg: 30(1)(d); 30(2)].

An observer does not actively participate in the investigation and should not unduly delay the investigation.



The OHS Committee can also accompany an employee of the workgroup that the Committee represents, at the request of the employee, during any interview by the employer on any OHS issue [Reg: 30(1)(c)]

WorkCover NSW investigation or inspection



When an inspector conducts an inspection under section 69 of the OHS Act that affects the workgroup that the OHS Committee represents, the OHS Committee can make a request to accompany him/her. [Reg: 30(1)(a)].

The request by the OHS Committee should be made to the inspector.

Similarly, an OHS Committee can be an observer during any formal report by an inspector to the employer in connection with any OHS matter concerning the workgroup that the Committee represents. [Reg: 30(1)(b)].

There can only be one observer of the inspection or formal report. If the observer is an OHS Committee member, he/she must be an employee member of the Committee.

The employer should communicate to employees the findings of any WorkCover NSW investigation or inspection.

6.1.3. Function 3: Resolving OHS issues



In attempting to resolve a matter that may be a risk to health and safety the Committee must use the applicable OHS consultation arrangements and formally refer the matter to the employer. The employer must consider the matter and respond in a timely manner [Reg: 29(2)].

The employer and the Committee should agree on an appropriate timeframe for the employer to respond to the matter. The timeframe may vary according to the particular issue and its complexity.



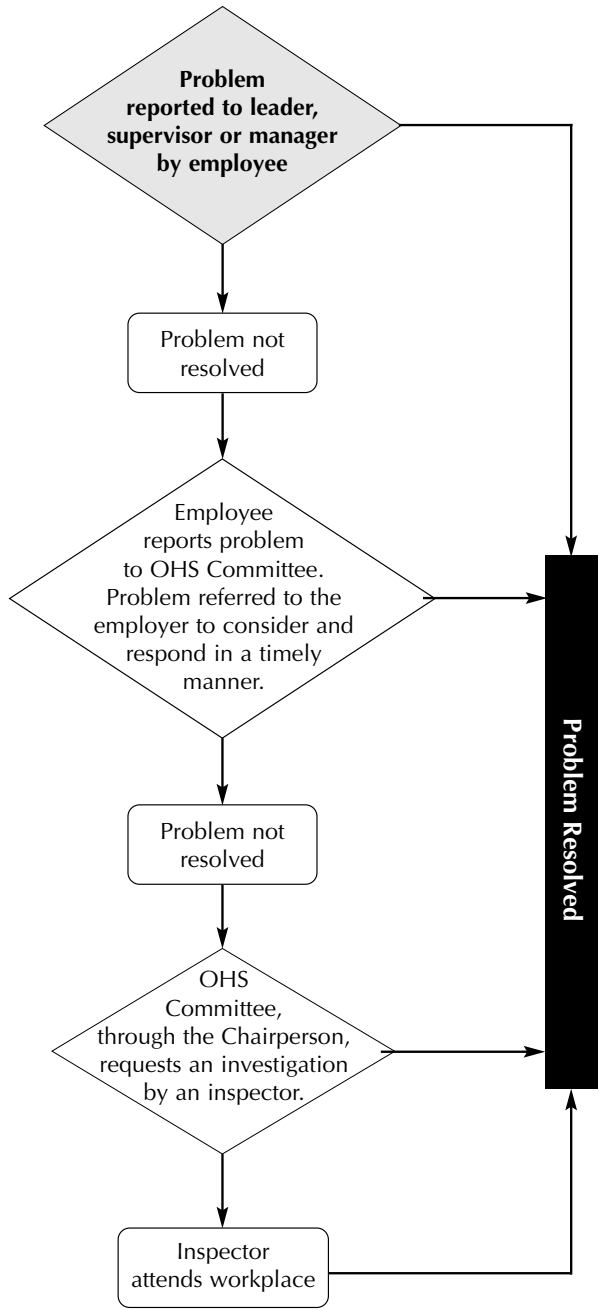
If the matter is not resolved after the employer has been given a reasonable opportunity to consider and respond, the OHS Committee, through the Chairperson, may request an investigation of the matter by a WorkCover NSW Inspector [Reg: 29(3)].

An OHS Committee may make arrangements for the making of a request by the Chairperson without convening a formal meeting of the Committee for that purpose [Reg: 29(4)].

This is illustrated in the following chart.

SECTION 6

Chart 2: Procedure for the resolution of an OHS problem where you have an OHS Committee



An inspector can be requested at any stage in the resolution process. To determine whether action is appropriate when a request is made for an investigation, the inspector will ask:

- whether the matter has been considered by the employer and the OHS Committee.
- What action has been taken as a result of the consultation.

The OHS Committee and the employer should work cooperatively to resolve the matter prior to requesting assistance from WorkCover NSW.

OHS COMMITTEES

6.2. What makes an OHS Committee work well?

An OHS Committee is more likely to be successful and effective if it:

- Has commitment and support from the employer.
- Has employer representatives who use their authority to make decisions.
- Consults employees.
- Focuses on ways of improving the systems for managing safety.
- Is well organised.
- Sets and follows clear and agreed procedures.
- Clearly defines members' roles and responsibilities.
- Keeps well-documented minutes.
- Has received appropriate training.

One of the main roles of employee members of an OHS Committee is to facilitate consultation with all employees as required by the OHS Act (section 13). Having an OHS Committee (or any other consultation arrangement) **does not of itself guarantee that the duty to consult under the OHS Act will be met**. There must be procedures to ensure that the Committee communicates and consults with the members of the workgroup it represents.



An employer must consult their employees in relation to the arrangements for communications between employee members on the Committee and employees in the workgroup, including procedures for enabling employees to raise issues and complaints about OHS matters [Reg: 22(2)(g)].

See section 5.2 of this Code for more information on communication between representatives and their workgroup.

A convenient and suitable system should be established for:

- Gathering OHS concerns and suggestions from employees;
- Seeking feedback from employees about matters raised at OHS Committee meetings.
- Providing feedback to employees about OHS matters.

The system could include:

- Giving time to each employee member of an OHS Committee to regularly talk one-to-one with a particular section of the workgroup.
- Regular employee meetings.
- Suggestion boxes.
- Surveys.
- Making employees aware of the names of employee members of the OHS Committee who they can contact, together with contact details, in circumstances where there is no ready face-to-face access to OHS Committee members, such as home workers, remote workers and drivers.

For example, at Smith Manufacturing the employee members of the OHS Committee are each allocated a portion of the Committee workgroup to communicate with. Each employee member of the OHS Committee has around 15 employees to communicate with. The number of employee members on the Committee was determined with this communication network in mind. It was agreed that the communication would be too difficult and time consuming if the employee Committee members had more than 20 employees to talk to. About a week before each OHS Committee meeting, when the agenda and previous minutes are put up on the noticeboard, each employee Committee member begins to consult with their allocated employees. Most have a short, one-to-one conversation about OHS matters to ensure that the Committee is able to advise the employer in relation to hazards and whether the systems for managing safety are working. Feedback is provided to employees after OHS Committee meetings.

SECTION 6

6.3. What makes a meeting work well?

OHS Committees conduct meetings to ensure that OHS issues are appropriately discussed and addressed. Meetings are the forums in which all members work together as a committee. To operate efficiently and to effectively represent the workgroup, an OHS Committee will need to be able to conduct effective meetings. This includes planning and preparing for the meeting beforehand and ensuring that the meeting itself is structured and focused on the agenda and securing positive outcomes.

OHS Committee meetings are more likely to be successful if they:

- Are planned (example meeting procedure at Schedule 2).
- Start and finish on time.
- Follow an agenda that has been circulated prior to the meeting (example at Schedule 3).
- Discuss all issues in a non-adversarial, open and focused way.
- Provide an opportunity for everyone to participate.
- Document all outcomes of the meeting through minutes (example at Schedule 4).
- Identify all decisions, necessary actions, the person responsible and the agreed timeframe for completion.
- Resolve issues within agreed timeframes.
- Follow up outstanding issues.

The employer should ensure that the minutes of OHS Committee meetings are displayed where employees are likely to see them.

OHS COMMITTEES

6.4. How to set up an OHS Committee




An OHS Committee is established when:

- a) **The employer has 20 or more employees and the majority of employees request that an OHS Committee be established [Act: 17(1)].**
- b) **WorkCover NSW directs that an OHS Committee be established [Act: 17(1)].**
- c) **The employer, in consultation with their employees, establishes an OHS Committee [Act: 17(4)].**

This section provides a starting point for establishing an OHS Committee. The following steps are designed to provide guidance to employers and their employees about an orderly approach to this task. The steps include any relevant legislative requirements.


Phase 1: Lay the groundwork

Step Task




1. It makes sense to become familiar with the OHS Act, OHS Regulations and this Code.
2. Consider whether an OHS Committee is an appropriate OHS consultation option. In some circumstances the employer's size, number of locations and/or diversity may make more than one OHS Committee appropriate.
3. Determine the composition of the workgroup the OHS Committee represents.
 -  **An employer must consult their employees in relation to the composition of the workgroup the OHS Committee represents [Reg: 22(2)(a)].** See section 5.2. of this Code for further information about what to consider in determining a workgroup.
4. Consider identifying and communicating with managers who may be involved with or affected by the OHS Committee. Let them know the OHS Committee's purpose, when it will start and what will be expected of them to support the Committee.
5. Consider beginning to educate employees through meetings, newsletters, memos, noticeboards etc. Let them know the OHS Committee's purpose, when it will start and what will be expected of them to support the Committee. This education process may be ongoing.

Phase 2: Determine OHS Committee membership

Step Task

1. Determine the number of employer and employee representatives on the OHS Committee.
 -  **The employer must consult with employees in relation to the number of employee representatives and employer representatives on each Committee [Reg: 22(2)(c)].**
 - The number of employer representatives on an OHS Committee must not exceed the number of elected employee representatives on the Committee [Reg: 24(d)].**
2. Consider inviting sub-contractors and their employees working at the Committee's workgroup to observe Committee meetings. This may be beneficial where there is potential for common OHS issues to arise. Such an arrangement would be additional to the requirement of a sub-contractor to consult with his/her own employees. It may be beneficial to the sub-contractor and the principal to invite a representative of the OHS Committee to the sub-contractor's consultation meetings.
3. A member of the Committee should be able to invite a trade union delegate or official or representative of an employer association to observe an OHS Committee meeting as occasion arises. The observer should be able to address the meeting if the Chairperson agrees.




SECTION 6

Step	Task
4.	<p>A member of an OHS Committee does not need any prior formal qualifications. The necessary skills for OHS Committee membership will be provided in the prescribed training after establishment of the Committee. Employees may want to consider the following characteristics in determining their representatives on the Committee:</p> <ul style="list-style-type: none"> • Ability to effectively represent members of the workgroup. • Ability to see other viewpoints. • Commitment to improving the management of OHS. • Communication skills.
5.	<p>Explain to employees what's involved in being on an OHS Committee, including the employer's obligations set out in section 10 of this Code.</p>
6.	<p>Explain the training Committee members will receive if it is their first time elected or appointed.</p>
7.	<p>Appoint and notify employer representatives.</p> <p> A person is not eligible to be an employer representative on an OHS Committee unless the person has authority to act on behalf of the employer in OHS matters at the place of work [Reg: 24(j)]. The type of employer representative who could meet this requirement will vary from employer to employer and will depend on the employer's decision-making structures. The employer must ensure that employer representatives on an OHS Committee participate in the work of the Committee on a regular basis [Reg: 27(1)(e)].</p> <p>The employer should also ensure that:</p> <ul style="list-style-type: none"> • Their representatives have good communication skills and an ability to see other viewpoints. • The employer is represented at every meeting of the OHS Committee. • OHS issues and/or recommendations raised in OHS Committee meetings are responded to within the timeframes agreed to by the Committee. • Their representatives encourage the OHS Committee to bring forward recommendations on how the employer's systems for managing OHS can be improved. • The recommendations of the OHS Committee agreed to by the employer are actioned and incorporated into the employer's systems for managing OHS.
8.	<p> The employer must consult their employees in relation to the arrangements for electing employee representatives on each Committee, including the arrangements for dealing with absences and casual vacancies [Reg: 22(2)(d)]. More information on elections can be found in section 10.4 of this Code.</p>
9.	<p>Conduct election for employee representatives.</p> <p> The employee members of an OHS Committee must be employees in the relevant workgroup the OHS Committee represents [Reg: 24(a)].</p> <ul style="list-style-type: none"> • The employees in the workgroup the Committee represents must elect the employee representatives on the OHS Committee [Reg: 24(a)]. • However, where a workgroup has an OHS Representative(s), that person(s) may be deemed an employee representative(s) on the OHS Committee without further election where the OHS consultation arrangements so provide [Act: 17(5); Reg: 24(f)]. • Note: a person who is elected as an employee representative on an OHS Committee may be an employee representative on another related committee without further election where the OHS consultation arrangements so provide [Reg: 24(g)].
10.	<p>The employer should inform all employees and management of the names of OHS Committee members.</p>
11.	<p>The employer should ensure OHS Committee members have a copy of this Code and access to other relevant information, such as the employer's existing OHS procedures.</p>

OHS COMMITTEES

Phase 3: Form OHS Committee

Step Task

1.  Conduct OHS Consultation training. **Each member of an OHS Committee must undertake OHS Consultation training [Reg: 31(1)].** This includes representatives of the employer and the employees. See section 11 of this Code for more information on training.
2. Convene the first OHS Committee meeting. This should take place as soon as reasonably practicable. See Section 14 of this Code for information on savings and transitional provisions.
3. The first meeting should:
 -  • Elect a Chairperson.
The election of the Chairperson should be conducted consistent with democratic principles. All OHS Committee members should be able to vote in the election of the Chairperson.
The Chairperson of the OHS Committee must not be an employer representative [Reg: 24(e)].
 -  • Establish the arrangements for OHS Committee meetings.
The employer must consult their employees in relation to the arrangements for meetings of each Committee, including:
 - **The frequency of ordinary meetings and the calling of special meetings [Reg: 22(2)(e)]**
 - **The procedures for any such meetings, including whether meetings may be held by electronic communication or the circulation of papers [Reg: 22(2)(f)]**
 - The Committee should meet with sufficient frequency to enable meaningful input into decisions that relate to OHS matters (see section 3 of this Code for more information on when to consult). When determining the frequency of meetings, consideration should also be given to the hazardous nature of the work. That is, the potential for injury and illness, not necessarily the actual incident rate. If the potential for injury and illness is high, frequent meetings may be required to discuss ongoing prevention efforts.
 - Discuss the purpose of the Committee.
 - Review this Code.
4. The initial meeting(s) could also:
 - Discuss and clarify the role and responsibilities of Committee members.
 - Develop an OHS Consultation Statement, if one is not already established. See section 4.4 of this Code for further information on OHS Consultation Statements. A sample Statement is included at Schedule 1. The Statement should be communicated to all levels in the organisation. It could include explanations of:
 - Why the Committee was established.
 - How the Committee fits into the organisation.
 - Committee goals and objectives.
 - Member roles and responsibilities.
 - The extent of the Committee's authority.
 - The need for cooperation and contribution by management and employees.
 - How consultation will occur.
 Accomplishing this task may take several meetings. It makes sense for the Statement to be signed by top management to indicate support.
 - Agree on a meeting procedure. Some guidance for meeting procedure is set out in Schedule 2.

Phase 4: Evaluation


The Committee should periodically evaluate itself against the criteria in sections 6.2. and 6.3. of this Code. See section 4.5. of this Code for more information on reviewing OHS consultation arrangements.

7. OHS Representatives

The establishment of an OHS Representative is an option for consultation and could be particularly suited where there would be a benefit from having an employee representative for a designated group of workers to directly raise and discuss their OHS issues. An OHS Representative may be an appropriate consultation arrangement for both small and large employers. This section provides detail about how to establish an OHS Representative and the role of an OHS Representative.


7.1. What do OHS Representatives do?

The OHS Act provides that the functions of an OHS Representative are to:


-  • **Keep under review the measures taken to ensure health, safety and welfare of persons at the place of work [Act: 18(a)].**
- **Investigate any matter that may be a risk to health and safety at the place of work [Act: 18(b)].**
- **Attempt to resolve the matter but if unable to do so, to request an investigation by an inspector for that purpose [Act: 18(c)].**

An OHS Representative represents the employees of a designated workgroup. Accordingly, the functions of an OHS Representative are limited to issues that may have implications for the occupational health, safety or welfare of their workgroup. How to establish OHS Representatives is covered later in this section.

An OHS Representative makes recommendations about OHS issues.

-  • **The employer must consider a matter raised by an OHS Representative and must respond in a timely manner [Reg: 29(2)(c)].**

It remains the employer's responsibility to make decisions about OHS issues. However, the employer must value the employee's views and take them into account in accordance with section 14 of the OHS Act (see clause 2.3 of this Code for further information).


-  • **OHS Representatives must not disclose any information relating to any manufacturing or commercial secrets or working processes obtained by them in connection with their functions under the OHS Act [Act: 137(1)].**

7.1.1. Function 1: Reviewing OHS measures

The ways in which an OHS Representative should keep under review the measures taken to ensure health, safety and welfare of employees include:

- Conducting inspections of their workgroup. The Representative and the employer should agree on how the inspection is carried out. The frequency of inspections will be determined by what is necessary to meet the duty to consult. See case study 'B' for information on how to maximise the value of an inspection.
- Providing input into the ongoing development and improvement of the employer's systems for managing safety, including indicators for measuring OHS performance.
- Providing input and being consulted about emergency procedures. See section 3.6 of this Code for more information.
- Providing input and being consulted about the welfare of employees. See section 3.5 of this Code for more information.

In addition to the functions set out in the OHS Act, the OHS Regulation provides that OHS Representatives have the following functions:

-  • **To assist in the development of arrangements for recording hazards and accidents to promote improved health and safety [Reg: 30(1)(e)].**
- **To make recommendations on their training needs as an OHS Representative [Reg: 30(1)(f)].** See section 11 of this Code for more information about OHS consultation training.
- **To make recommendations on the OHS training of employees [Reg: 30(1)(g)].** See section 3.4 of this Code for more information.

OHS REPRESENTATIVES

7.1.2. Function 2: Investigating matters

Representative investigation



The OHS Representative can investigate any matter that may be a risk to health and safety at the place of work [Act: 18(b)].

Investigation includes conducting inspections of the place of work and seeking relevant information from the employer.

The Representative and the employer should establish procedures for investigations the Representative may undertake into OHS matters, including incidents, injuries and/or illnesses.

The employer should provide the OHS Representative with reports of safety incidents, injuries and illnesses that may have implications for the occupational health, safety or welfare of the workgroup the OHS Representative represents.

Employer investigation



The OHS Representative can be an observer during any formal in-house investigation of an accident or other occurrence at the relevant place of work that is required to be notified to WorkCover NSW under Division 4 of Part 5 of the OHS Act. There can only be one observer [Reg: 30(1)(d);30(2)]. Generally the most appropriate observer will be the OHS Representative from the workgroup most affected.

An observer does not actively participate in the investigation and should not unduly delay the investigation.



The OHS Representative can accompany an employee of the workgroup that the Representative represents, at the request of the employee, during any interview by the employer on any OHS issue [Reg: 30(1)(c)].

WorkCover NSW investigation or inspection



When a WorkCover NSW inspector conducts an inspection under section 69 of the OHS Act that affects the workgroup that the OHS Representative represents, the OHS Representative can make a request to accompany him/her [Reg: 30(1)(a)]. The request to accompany the inspector should be made to the inspector.

Similarly, an OHS Representative can be an observer during any formal report by an inspector to the employer in connection with any OHS matter concerning the workgroup that the Representative represents [Reg: 30(1)(b)].

There can only be one observer during the inspection or formal report.

7.1.3. Function 3: Resolving OHS issues



In attempting to resolve a matter that may be a risk to health and safety, the OHS Representative must use the applicable OHS consultation arrangements and formally refer the matter to the employer. The employer must consider the matter and respond in a timely manner [Reg: 29(2)].

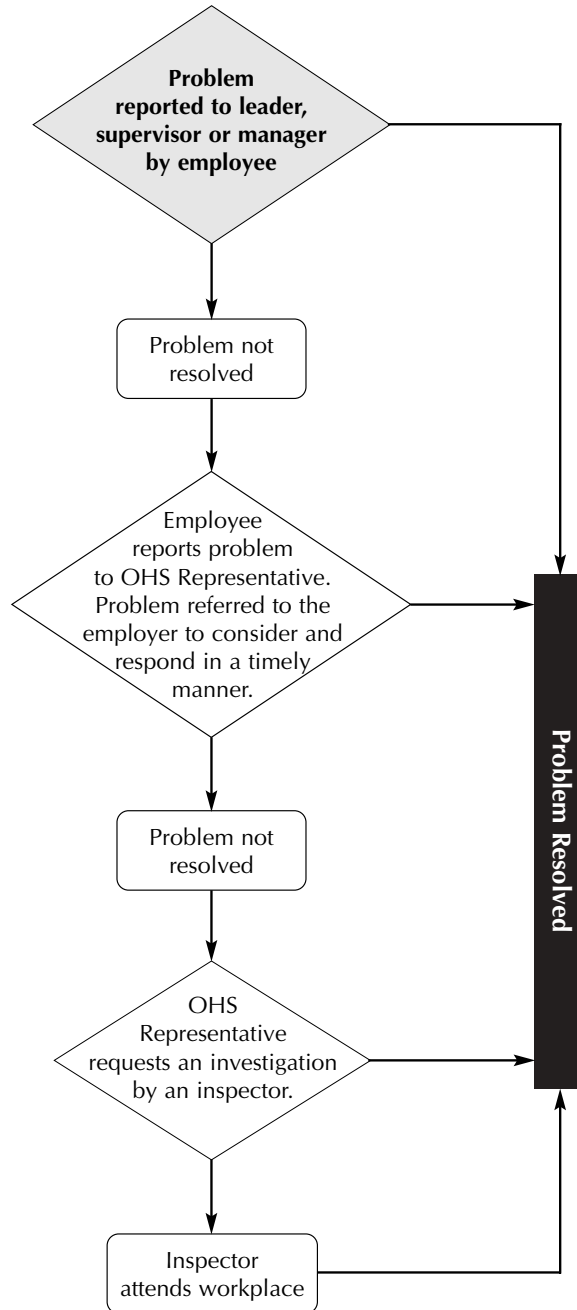
The employer and the OHS Representative should agree on an appropriate timeframe for the employer to respond to the matter. The timeframe may vary according to the particular issue and its complexity.



If the matter is not resolved after the employer has been given a reasonable opportunity to consider and respond, the OHS Representative may request an investigation of the matter by a WorkCover NSW Inspector [Reg: 29(3)]. This is illustrated in the following chart.

SECTION 7

Chart 3: Procedure for the resolution of an OHS problem where you have an OHS Representative



If an OHS Committee also exists, the matter should be referred to the Committee prior to a request being made for WorkCover NSW to investigate. See section 9 of this Code for more information about the relationship between an OHS Representative and OHS Committee where both exist.

OHS REPRESENTATIVES

7.2. What makes an OHS Representative work well?

An inspector can be requested at any stage in the resolution process. To determine whether action is appropriate when a request is made for an investigation, the inspector will ask:

- Whether the matter has been considered by the employer and the OHS Representative.
- What action has been taken as a result of the consultation.

The OHS Representative and the employer should work cooperatively to resolve the matter prior to requesting assistance from WorkCover NSW.

OHS Representatives are more likely to be successful and effective if they:

- Have commitment and support from the employer.
- Deal with employer representatives who have the authority to make decisions.
- Consult the employees they represent.
- Focus on ways of improving the systems for managing safety.
- Have a clearly defined role.
- Have received appropriate training.

One of the main roles of an OHS Representative should be to facilitate the employer's consultation with all employees as required by the OHS Act (section 13). Having an OHS Representative (or any other consultation arrangement) **does not of itself guarantee that the duty to consult under the OHS Act will be met**. There must be procedures to ensure that OHS Representatives communicate and consult with the members of the workgroup they represent.



An employer must consult their employees in relation to the arrangements for communication between the OHS Representative and employees of the workgroup, including procedures for enabling employees to raise issues and complaints about OHS matters [Reg: 22(2)(g)].

A convenient and suitable system should be established for:

- Gathering OHS concerns and suggestions from employees.
- Seeking feedback from employees.
- Providing feedback to employees about OHS matters.

The system could include:

- Giving time to an OHS Representative to regularly talk one-to-one with employees in their workgroup.
- Regular employee meetings.
- Suggestion boxes.
- Surveys.

SECTION 7

7.3. How to establish an OHS Representative



There are three ways in which OHS Representatives arise:

- a) When at least one employee requests that an OHS Representative be elected [Act: 17(2)].
- b) When WorkCover NSW directs that an OHS Representative be elected [Act: 17(2)].
- c) When the employer, in consultation with their employees, makes arrangement for the election of an OHS Representative [Act: 17(4)].

This section provides a starting point for the election of one or more OHS Representatives. The following steps are designed to provide guidance to employers and their employees about an orderly approach to this task. The steps include any relevant legislative requirements.

Phase 1: Lay the groundwork

Step Task

1. It makes sense to become familiar with the OHS Act, OHS Regulation and this Code.
2. Consider whether OHS Representatives are an appropriate OHS consultation option. The employer's size, number of locations and/or diversity may make electing more than one OHS Representative appropriate.
3. Determine the composition of the workgroup the OHS Representative represents.



An employer must consult their employees in relation to the composition of the workgroup the OHS Representative represents [Reg: 22(2)(a)]. See section 5 of this Code for further information about what to consider in defining a workgroup.

4. Consider identifying and communicating with managers who may be involved with OHS Representatives. Let them know the OHS Representatives' purpose, when they will be elected and what will be expected of them to support the Representative.
5. Begin to raise employees' awareness about the OHS Representatives including the OHS Representatives' purpose, when they will be elected and what will be expected of them to support the Representative.

Phase 2: Elect OHS Representatives

1. An OHS Representative does not need any prior formal qualifications. The necessary skills for OHS Representatives will be provided in the prescribed training after election. Employees should consider the attributes of an effective OHS Representative. These may include:
 - Ability to effectively represent members of the workgroup.
 - Ability to see other viewpoints.
 - Commitment to improving OHS.
 - Communication skills.
2. Explain to employees what's involved in being an OHS Representative, including the employer's obligations set out in section 10 of this Code.
3. Explain the training OHS Representatives will receive if it is their first time elected.

4. Decide on an election process for OHS Representatives.



The employer must consult their employees in relation to the arrangements for electing OHS Representatives, including the arrangements for dealing with absences and casual vacancies [Reg: 22(2)(d)].

More information on elections can be found in section 10.4 of this Code.

5. Conduct the election for OHS Representatives.





- **The OHS Representative must be an employee in the relevant workgroup the person represents [Reg: 25(a)].**
- **The employees in the workgroup the Representative represents must elect the OHS Representative [Reg: 25(a)].**

OHS REPRESENTATIVES

6. The employer should inform all employees (including home workers, remote workers and drivers etc.) and management of the names of the elected OHS Representatives and their contact details.
7. The employer should ensure OHS Representatives have a copy of this Code and access to other relevant information, such as the employer's existing OHS procedures.

Phase 3: Consult with OHS Representatives

1. Conduct OHS Consultation training.
 -  **Each OHS Representative must undertake OHS Consultation training [Reg: 31(1)].**
 - The employer should ensure managers have the necessary skills and knowledge in relation to OHS consultation. The OHS Consultation training is an appropriate course for managers. There may be benefits for a manager to attend this course with the OHS Representative. See section 11 of this Code for more information on OHS Consultation training.
2.  **The employer must consult in relation to the arrangements for meetings between the employer and any OHS Representatives, including the frequency of, and procedures for, meetings [Reg: 22(e) & (f)].** The OHS Representative should meet with employer representatives with sufficient frequency to enable meaningful input into decisions that relate to OHS matters. See section 3 of this Code for more information on when to consult.
3. The employer and the OHS Representative should confer in relation to:
 - The role and responsibilities of OHS Representatives
 - The development of an OHS Consultation Statement. See section 4.4 of this Code for further information on OHS Consultation Statements. A sample Statement is included at Schedule 1. The Statement should be communicated to all levels in the organisation. It could include explanations of:
 - Why OHS Representatives were elected.
 - How the OHS Representatives fit into the organisation.
 - An OHS Representative's roles and responsibilities.
 - The extent of the OHS Representative's authority.
 - The need for cooperation and contribution by management and employees.
 - How consultation will occur.
6. The employer should ensure that:
 - OHS Representatives meet with employer representatives that have authority to make decisions.
 - Their representatives have good communication skills and an ability to see other viewpoints.
 - OHS issues and/or recommendations raised by OHS Representatives are responded to within the agreed timeframes.
 - Their representatives encourage OHS Representatives to bring forward recommendations on how the employer's systems for managing OHS can be improved.
 - The recommendations of OHS Representatives agreed to by the employer are actioned and incorporated into the employer's systems for managing OHS.
7. A trade union or employer association representative should be able to be invited to meetings between the employer and an OHS Representative.

Phase 4: Evaluation

The OHS Representative and the employer should periodically evaluate their consultation arrangements against the criteria in section 7.2 of this Code. See section 4.5 of this Code for more information on reviewing OHS consultation arrangements.

8. Other Agreed Arrangements

Other Agreed Arrangements refer to a consultation mechanism that is not an OHS Committee or an OHS Representative. Other Agreed Arrangements may be appropriate where they are likely to result in better consultation and improved decision-making.

8.1. What are Other Agreed Arrangements?

Consultation is as critical to a small business with 5 employees as it is to a business with 20 or 200.

Providing for Other Agreed Arrangements involves a recognition that different ways of consulting may be necessary to ensure effective and meaningful consultation across the wide diversity of working arrangements in NSW.

Other Agreed Arrangements may take various forms, from face-to-face discussions to consultative arrangements based on industry framework agreements.

Where the employer has a very small or itinerant workforce, direct discussions between the employer and their employees may be the most appropriate way of undertaking OHS consultation.

Direct discussions involve discussions that are face-to-face (or on the telephone) between the employer and their employees. If the majority of employees agree that direct discussions are acceptable and the parties are satisfied that health and safety matters will be effectively addressed then this arrangement may be a suitable Other Agreed Arrangement. Schedule 5 gives some guidance for direct consultation through a safety meeting example.

Other Agreed Arrangements may also be based on industry framework agreements that provide a template for OHS consultation arrangements at the place of work.

8.2. Consultation



Where Other Agreed Arrangements for OHS consultation are to be established, the employer must consult their employees in relation to [Reg: 22(3)]:

- Meetings with the employer.
- Communication with the employees.
- The functions of the persons involved.
- Training of the persons involved.
- The procedures for resolving OHS issues.
- The role of any relevant union.
- Other relevant matters.

Other relevant matters include the process, mechanism and support structures that are necessary to meet the duty to consult and any matters that may affect the health and safety of employees.

OTHER ARRANGEMENTS

8.3. Establishment



Other Agreed Arrangements must be agreed between the employer and the majority of their employees [Act: 16(c); Reg: 26(3)].

Broad consensus regarding Other Agreed Arrangements is desirable to maximise the prospect of their success.

The fact that there is agreement between the employer and their employees in relation to the Other Agreed Arrangements **does not of itself guarantee that the employer will be meeting the duty to consult**. The employer should ensure that the consultation is meaningful and effective. See sections 2, 3 and 4 of this Code for more information.



Other Agreed Arrangements may comprise arrangements negotiated at an industry level. Any such arrangements may be used by a particular employer in the industry if the arrangements are agreed by the the majority of their employees. They must also comply with the duty to consult [Reg: 26(3)].

The nature of the Other Agreed Arrangements should be recorded, for example, in an OHS Consultation Statement. See section 4.5 of this Code for more information on OHS Consultation Statements.



Where an employee so requests, a union can represent them in Other Agreed Arrangements [Act: 17(3)].

Remember, if an employee requests an OHS Representative and/or an employer has more than 20 employees and a majority of the employees request an OHS Committee, then the employer is bound to establish an OHS Representative and/or an OHS Committee. This is irrespective of the existence of Other Agreed Arrangements.

8.4. Functions



The functions of persons under Other Agreed Arrangements are those that are derived from the agreement [Reg: 26(2)].

For example, the Other Agreed Arrangements might provide that OHS consultation will include the employer meeting with their employees each week and providing them with sufficient information to discuss OHS injuries and incidents and the implications for the employer's system for managing OHS. Arranging this meeting and providing the information then becomes one of the employer's functions under the Other Agreed Arrangements.

The function of participants in Other Agreed Arrangements should include:

- Keeping under review the measures taken to ensure health, safety and welfare of persons at work.
- Improving the employer's systems for managing health and safety, particularly through the application of the process of hazard identification, risk assessment and risk control (see section 3 of this Code for further information).

The employer and their employees should consider the merits of ensuring the Other Agreed Arrangement is independent from existing management committees/structures. By being independent, the Arrangements may be more likely to identify new and better ways of assisting the employer meet their duty of care. They may also be less likely to feel constrained by existing management approaches. An important part of any employer's plan for managing OHS should be to develop a dynamic consultative arrangement where both management and employees are encouraged to ask questions and suggest better ways of managing OHS.



Employees involved in Other Agreed Arrangements must not disclose any information relating to any manufacturing or commercial secrets or working processes obtained in connection with their functions under the OHS Act [Act: 137(1)].

SECTION 8

8.5. Participation

The employer should ensure that participants in the Other Agreed Arrangements have the necessary skills and knowledge for effective participation in such Other Arrangements. See section 11.2 of this Code for more information on training for Other Agreed Arrangements.

8.6. Review

Other Agreed Arrangements should be reviewed if the employees or employer believe that they are not providing for effective and meaningful consultation. See section 4.5 of this Code for more information about reviewing consultation arrangements.

8.7. WorkCover NSW Directions

It should be noted that WorkCover NSW can direct the establishment of an OHS Committee and/or OHS Representatives [Act: 17(1) & (2)] even where Other Agreed Arrangements are in place.

The circumstances where WorkCover NSW may issue such a direction could include, but are not limited to, situations where:

- There has not been adequate or bona fide consultation between the employer and their employees prior to agreement being reached on the Other Agreed Arrangements. This includes employees not being made fully aware of the consultation options available under the legislation or not being provided with the information set out in Section 4 of this Code.
- The Other Agreed Arrangements do not result in effective and meaningful consultation between the employer and their employees.
- A majority of the employees do not agree with the Other Agreed Arrangements.
- The Other Agreed Arrangements do not meet the employer's duty to consult under the OHS Act.

INTER-RELATIONSHIP

9. Relationship between OHS Committees and OHS Representatives

An employer and their employees may wish to establish both an OHS Committee and elect OHS Representatives. This section deals with how OHS Committees and OHS Representatives should work together.

9.1. Employer to consult on inter-relationship



The employer must consult with employees about the relationship between an OHS Committee and an OHS Representative where both exist [Reg: 22(2)(b)].

The nature of the relationship should be recorded in the OHS Consultation Statement. See section 4.4 of this Code for more information on OHS Consultation Statements.

9.2. Delineation of role

The OHS Act specifies the same functions for OHS Committees and OHS Representatives (see sections 6.1 and 7.1 of this Code). Employee members of OHS Committees and OHS Representatives have a common responsibility to represent employee interests with respect to:

- All relevant issues that affect the employees they represent; and
- All relevant issues raised by management.



Where there is both an OHS Committee and OHS Representatives representing the same employees, the OHS Committee is to be the principal mechanism for OHS consultation [Reg: 23(4)].

This means that OHS Representatives should, where an OHS Committee exists, focus on the specific health and safety issues that arise in relation to the employees they represent. OHS Representatives should refer to the OHS Committee any OHS problems they cannot resolve, issues that reveal weaknesses in the system for managing safety and any proposals for improving the systems for managing safety.

On the other hand, as the principal mechanism for OHS consultation, the OHS Committee should:

- Consider health and safety issues that affect all employees in the workgroup it represents.
- Address specific health and safety problems referred to it by the OHS Representative.
- Assist with developing and monitoring the systems for managing safety.

Chart 5 in section 9.4 of this Code illustrates the delineation of the role of an OHS Representative and an OHS Committee.



There can only be one observer where both an OHS Representative and an OHS Committee want to [Reg: 30(2)]:

- Accompany an inspector [Reg: 30(1)(a)].
- Observe a formal report by an inspector to the employer [Reg: 30(1)(b)].
- Observe any formal in-house investigation [Reg: 30(1)(d)].

SECTION 9

9.3. Election of OHS Committee members

The OHS Representative for the workgroup affected should be the observer. The OHS Representative should advise the OHS Committee of progress in relation to the inspection, report or investigation.

The OHS Committee should consult with an OHS Representative with respect to any issue that the Committee is considering which concerns the workgroup represented by the OHS Representative.

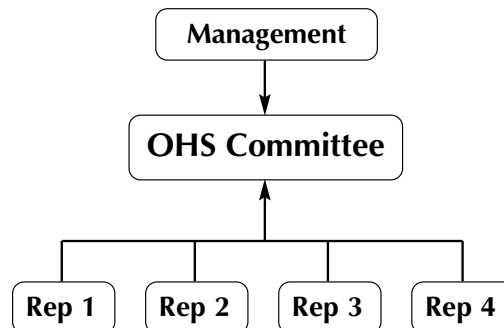
See Case Study C for more information on how an OHS Committee and OHS Representatives can work together.

It may facilitate effective communication and consultation for employee members of OHS Committees to be drawn from the OHS Representatives. This may minimise the prospect of employees having more than one representative in relation to OHS issues and the potential for OHS Representatives and OHS Committees to deal with the same issue in isolation from one another.

This is also a good way of making employee members of the OHS Committee representative of a specific group of employees.


For example, at Smith Manufacturing because the workgroup for the OHS Committee is the whole site, every employee is also eligible to stand in the election. This could result in all the employee members only coming from one part of the site. Therefore, the employer and the employees agreed that the OHS Representatives (one each for production day shift, production night shift, store and office) would sit on the OHS Committee as the employee members. The only election conducted is for the OHS Representatives. Therefore each part of Smith Manufacturing is directly represented by an employee member of the Committee. This is illustrated in the following chart.

Chart 4: Drawing OHS Representatives onto the OHS Committee.



See the chart in section 5.3 of this Code for how this structure fits with the workgroup concept.

The appropriateness of drawing the employee members of the OHS Committee from the OHS Representatives will depend on the circumstances and would have to be agreed during the discussions to set up OHS consultation arrangements.

 If this is agreed, there is no need to have an election for both the employee members of the OHS Committee as well as the OHS Representatives. Only one election is necessary [Reg: 24(f)].

All OHS Representatives can be employee members of the OHS Committee, but in some cases this may make the Committee too large.

OHS Representatives who are not members of the OHS Committee should be informed of the Committee's discussions in a timely manner.

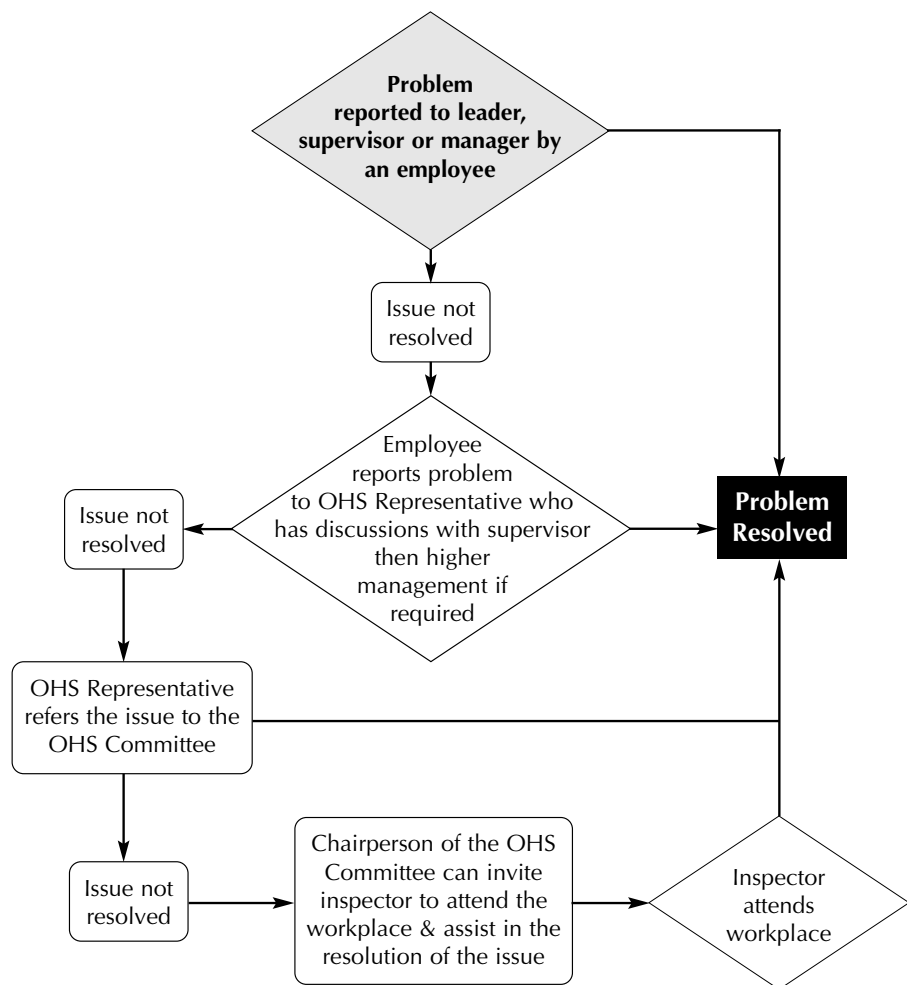
The employer and their employees should consider having any OHS Representatives who are not members of the OHS Committee as alternate members of the OHS Committee. See section 10.4 of this Code for more information on alternate members.

INTER-RELATIONSHIP

9.4. Resolving OHS issues

Where there is both an OHS Committee and OHS Representative, attempts to resolve matters that may be risks to health and safety should be resolved in accordance with the following chart.

Chart 5: Procedure for the resolution of an OHS problem if you have both an OHS Representative and an OHS Committee.



Any requests by an OHS Representative for an inspector to visit should be made through the OHS Committee, unless the Committee does not convene in a timely manner.

An inspector can be requested at any stage in the resolution process. To determine whether action is appropriate when a request is made for an investigation, the inspector will ask:

- Whether the matter has been considered by the employer and the OHS Representative.
- Whether the matter has been referred to the OHS Committee.
- What action has been taken as a result of the consultation.

The employer and the employees should work cooperatively to resolve the matter prior to requesting assistance from WorkCover NSW.

SECTION 10

10. Facilitation and support of the OHS consultation process

This section outlines the employer's requirements to support their OHS consultation arrangement including payment, access, facilities and election procedures.

10.1. Payment



An employer must, in connection with OHS Committees, OHS Representatives and Other Agreed Arrangements:

- Ensure that employees participating in consultation (and in training for consultation) are paid as if they were engaged in the duties of their employment [Reg: 27(1)(f)].
- Pay the costs reasonably and necessarily incurred by employees in connection with their participation in that consultation or training [Reg: 27(1)(g)].

An employer must not impose a charge on an employee for anything done or provided to meet a specific requirement of the OHS Act or OHS Regulation [Act: 22].

10.2. Access



In relation to their OHS consultation arrangements, the employer must provide access during working hours to the workplace, including for the purposes of enabling meetings, elections and inspections to occur [Reg: 27(1)(d)].

Specifically, in relation to members of OHS Committees or OHS Representatives, the employer must provide them with reasonable access to the employees they represent during working hours for the purposes of communication [Reg: 27(1)(c)].

The employer should ensure that the access enables the OHS consultation to be meaningful and effective. See sections 2 and 4 of this Code for further information about effective consultation.

10.3. Facilities



In relation to their OHS consultation arrangements, the employer must provide reasonable facilities for the purposes of consultation [Reg: 27(1)(d)].

The employer should provide such facilities and assistance that will enable OHS Representatives and OHS Committees to carry out their functions and ensure OHS consultation is meaningful and effective. See sections 2 and 4 of this Code for further information about effective consultation. The facilities may include:

- Telephone, facsimile, email and Internet access for the purposes of ascertaining information and assistance about health and safety matters.
- Administrative assistance, computer access and photocopying for the purposes of consultation.
- Translation of materials and other appropriate support for workers of non-English speaking backgrounds.
- Space to store relevant materials and documents.



The employer must provide reasonable facilities for the purposes of conducting or holding elections [Reg: 27(1)(d)].

The facilities may include:

- Providing time, resources and support to enable the returning officer to conduct the election.
- Providing time for employees to vote.
- Providing a place for the election to be conducted.

FACILITATION & SUPPORT

10.4. Elections

Elections for OHS consultation arrangements should be conducted in accordance with procedures agreed by the majority of employees. An example election procedure has been included at Schedule 6.



The employer must consult on the arrangements for electing any member of an OHS Committee or OHS Representative (including arrangements for dealing with absences, the removal of members and casual vacancies) [Reg: 22(2)(d)].

The elections for employee members of an OHS Committee and OHS Representatives must be conducted in a manner that is consistent with recognised democratic principles [Reg: 24(b) & 25(b)].

This includes ensuring that all employees, including part-timers, casuals and workers from non-English speaking backgrounds, have the opportunity to nominate and vote in any election.

Any elections conducted in relation to Other Agreed Arrangements should also be conducted in accordance with this principle.

Elections should take place as soon as possible after agreement has been reached on the OHS consultation arrangements.



The elections for employee members of an OHS Committee and OHS Representatives may be conducted by a trade union if the majority of employees concerned so request [Reg: 24(c) & 25(c)].

Each term of office of an employee member of an OHS Committee or an OHS Representative should be no longer than two years. The term of office may be shortened in connection with a change in the OHS consultation arrangements (see section 4.5 of this Code for more information) [Reg: 24(h) & 25(d)].

A person elected as an employee member of an OHS Committee or OHS Representative is eligible for re-election [Reg: 24(i) & 25(e)].

Only employees in the relevant workgroup can be elected as members of an OHS Committee or OHS Representatives [Reg: 24(a) & 25(a)].

Only the particular workgroup that the OHS Committee or OHS Representative represents is allowed to vote in electing employee members of the OHS Committee or the OHS Representative [Reg: 24(a) & 25(a)].

Employers should consult about new elections when:

- An employee member of an OHS Committee or an OHS Representative resigns.
- The composition of the workgroup materially changes.
- At least two-thirds of the workgroup request a new vote.

Alternate members of an OHS Committee or deputy OHS Representatives might also be elected to ensure employees are adequately represented when an employee member of the OHS Committee or the OHS Representative is absent from work.

The process for electing alternate employee members of an OHS Committee or a deputy OHS Representative should be decided by the majority of employees in the relevant workgroup in consultation with the employer. This may involve:

- Using the same procedure for electing the employee member of the OHS Committee or the OHS Representative.
- Declaring the 'runner-up' in the election as the alternate or deputy.

The employer and their employees should consider having any OHS Representatives who are not members of the OHS Committee as alternate members of the OHS Committee.

11. OHS consultation training

This section discusses training to assist the employer and their employees participate in OHS consultation arrangements. The focus of the OHS consultation training should be on how to ensure effective and meaningful consultation and how to systematically manage health and safety.

11.1. Training arrangements



The employer must ensure that each member of an OHS Committee and each OHS Representative undertakes OHS consultation training [Reg: 31(1)]. This includes employee and employer members of an OHS Committee.

With respect to Other Agreed Arrangements, the employer should ensure that participants have the necessary skills and knowledge for effective participation in those arrangements.



The employer must consult in relation to the arrangements for the training of:

- **members of an OHS Committee [Reg: 22(2)(h)];**
- **OHS Representatives [Reg: 22(2)(h)]; and**
- **persons involved in Other Agreed Arrangements [Reg: 22(3)].**

Consultation should involve discussing:

- Training needs.
- When training will occur.
- Who should deliver the training.
- How the training should be delivered (including whether all members of an OHS Committee, or all OHS Representatives, are to be trained together).

11.2. Training for Other Agreed Arrangements

The employer and their employees should give consideration to who should attend training under Other Agreed Arrangements.

All employer representatives and employees directly involved in Other Agreed Arrangements should undertake training if they do not have the skills and knowledge to enable the Other Agreed Arrangements to work effectively.

If any training is provided under Other Agreed Arrangements it should cover the following topic areas:

- The importance of OHS consultation and systematically managing health and safety.
- The requirements for consultation under the OHS Act.
- The general duties under the OHS Act.
- How effective consultation can result in better decision-making about health and safety.
- Effective communication techniques.
- How to systematically manage health and safety.
- A practical exercise in how to conduct a risk assessment.

The learning outcomes in Appendix 2 may be valuable in helping to determine training content. WorkCover NSW has developed these learning outcomes, in consultation with employer associations and unions, as the basis for training for OHS Committee members and OHS Representatives.

If any training for the purposes of consultation is provided under Other Agreed Arrangements the employer should consider some form of informal assessment to ensure that learning is achieved. This could include observation of participant contributions to discussions, short answer assessment discussion questions, and/or completion of training activities and exercises.

Employees involved in Other Agreed Arrangements may undertake the WorkCover NSW Model Training Package if the employer agrees.

If training is provided under Other Agreed Arrangements, the employer must:



- **Pay for OHS consultation training [Reg: 27(1)(g)].**
- **Ensure that employees participating in OHS consultation training are paid as if they were engaged in the duties of their employment [Reg: 27(1)(f)].**
- **Pay employees for costs reasonably and necessarily incurred in connection with their participation in that training [Reg: 27(1)(g)].**

TRAINING

11.3. Training for OHS Committees and OHS Representatives

11.3.1. Training content

The OHS consultation training content:



- **Must cover the topics in Appendix 1 of this Code [Reg: 31(5)].**
- **Must meet the durations in Appendix 2 of this Code [Reg: 31(5)].**
- Should cover the learning outcomes in Appendix 2 of this Code.



It is the responsibility of the employer to ensure that OHS Committee members and OHS Representatives undertake training in the topics set out in Appendix 1 of this Code and the durations set out in Appendix 2 of this Code [Reg: 31(1)].

However, it should be noted that where an OHS Committee member or OHS Representative has previously undertaken the WorkCover NSW OHS Committee course, new OHS consultation training is not legally required [Reg: 31(2)].

WorkCover NSW Model Training Package

A model training package that covers the topics and the learning outcomes is available from WorkCover NSW for delivery by approved training providers.

The WorkCover NSW Model Training Package can be customised. Customisation allows a course to be tailored to meet the specific needs of employers. Customisation must not affect the integrity of the overall qualification. However, outcomes can be added and activities can be re-structured so that they are relevant to the needs and context of the employer or industry. This can include changing or adding to the content to identify, for example, employer-specific products, equipment, terminology, work practices, policies or procedures.

The WorkCover NSW Model Training Package includes informal assessments to ensure that learning is achieved.

There is no provision for recognition of prior learning (RPL) in the WorkCover NSW Model Training Package, except as provided in the transitional arrangements in section 12 of this Code.

Other OHS Consultation Training Courses

Registered Training Organisations (RTOs) (that meet the requirements set out in section 11.3.3. of this Code) can develop an OHS consultation training course for particular employers. WorkCover NSW does not approve these courses. The WorkCover NSW Model Training Package may be a useful resource for RTOs who are developing their own course.

The Other OHS Consultation Training Course should be no more than six hours of training each day and there should be no more than 20 participants at each training course.

Informal assessments should be included in Other OHS Consultation Training Courses to ensure learning is achieved. This could include observation of participant contributions to discussions, short answer assessment discussion questions, and/or completion of training activities and exercises.

RPL should not be offered for Other OHS Consultation Training Courses because the training is not lengthy and is run for persons who voluntarily become OHS Committee members or OHS Representatives.

Action Learning Exercise

The topics in Appendix 1 of this Code include an action learning exercise that is intended to be completed at the participant's place of work. Where this is not possible, an alternative or simulated place of work should be substituted. The purpose is to give the participant the opportunity to put into practice some of what has been learnt.

It is logical to complete topics 1-4 prior to the action learning exercise. The action learning exercise should be conducted when there are some topics of OHS Consultation training left for completion. Participants should have the opportunity to review and discuss the action learning exercise.

SECTION 11

Training for Committees and OHS Representatives can be the same

It should be noted that there is no need for OHS consultation training for OHS Committee members and OHS Representatives to be different. In fact, the WorkCover NSW Model Training Package is for both OHS Committee members and OHS Representatives. This is designed to avoid the need for re-training should an employee's role change between being an OHS Committee member or an OHS Representative.

In summary, OHS consultation training can be received in:

- The WorkCover NSW Model Training Package delivered by an approved training provider; or
- The WorkCover NSW Model Training Package customised by an approved training provider to fit the particular circumstances of the employer or industry; or
- An Other OHS Consultation Training Course that meets the legislative requirements and is developed by a Registered Training Organisation that is an approved training provider.

11.3.2. When should the training be delivered?

OHS Representatives and members of OHS Committees must receive OHS consultation training as soon as practicable after the person is first elected or appointed, unless the employee has previously undertaken an approved course of training [Reg: 31(2)].

Training should be held within three calendar months of election or appointment.

There is no requirement for training to be delivered in one block. For example, training could be delivered one day a week for four weeks. However, training should be commenced and completed within a two month period. Where training is completed in more than four weeks, the training should provide for opportunities to reinforce and revise previous learning.

Where possible, it is beneficial for all OHS Committee members and/or OHS Representatives to attend training together.

Where an employee has previously undertaken an approved course of training, the following circumstances may be worth noting in deciding whether OHS consultation training is desirable:

- How long it has been since the person was trained.
- The changes to the legislation since the person was trained.
- The differences between the WorkCover NSW OHS Committee course and the learning outcomes set out in Appendix 2.
- Whether it is necessary for meaningful and effective consultation for the training to be conducted again.

See section 12 of this Code for information on transitional provisions for existing OHS Committees.

11.3.3. Who can deliver the training?

OHS consultation training for OHS Committee members or OHS Representatives can only be delivered by either [Reg: 31(3)]:

- a WorkCover NSW accredited trainer; or
- a Registered Training Organisation (RTO) that has a course of OHS consultation training within their scope of registration with the Vocational Education and Training Accreditation Board (VETAB).

One way an RTO can meet this requirement is to include the WorkCover NSW Model Training Package within their scope of registration.

The employer must ensure that their training provider satisfies one of the above criteria [Reg: 31(1)].

TRAINING

11.3.4. Training costs

The employer should meet this requirement by:

- Sighting evidence of the training provider's WorkCover NSW accreditation; or
- Sighting evidence from VETAB that the WorkCover NSW Model Training Package has been added to the training provider's registration.



The training provider has a responsibility to ensure that the training covers the topics set out in Appendix 1 [Reg: 31(6)].

An employer can become an RTO or nominate one or more of their employees to undertake the WorkCover NSW trainer accreditation process and thereby deliver OHS consultation training in-house. This is more likely to be a suitable and cost effective option for larger employers.



The employer must in relation to OHS Committees and OHS Representatives:

- Pay for OHS consultation training [Reg: 27(1)(g)].
- Ensure that employees participating in OHS consultation training are paid as if they were engaged in the duties of their employment [Reg: 27(1)(f)].
- Pay employees for costs reasonably and necessarily incurred in connection with their participation in that training [Reg: 27(1)(g)].

This includes the employer providing the resources and time during working hours to complete any on-the-job or off-the-job training components set by the training provider.

11.3.5. Record keeping



The trainer who provides the training must ensure that [Reg: 31(6)]:

- A statement of training is provided to each employee who completes one or more topics of training and a copy of the statement is provided to the employer.
- The trainer makes a record of the training provided and retains the record for at least six years.

The statement of training must be in a form approved by WorkCover NSW and record the topics of OHS consultation training completed, the dates of completion and other particulars [Reg: 31(6)].

To satisfactorily complete the training, all topics must be completed [Reg: 31(5)].

An employer must keep a record of the training undertaken by an employee under this clause until at least three years after the person ceases to be an employee of the employer [Reg: 31(7)].

11.4. Additional OHS consultation training



OHS Committees and OHS Representatives can make recommendations on the training of members of OHS Committees and OHS Representatives [Reg: 30(1)(f)].

For example, OHS Committees and OHS Representatives can make recommendations in relation to:

- The choice of OHS consultation training course.
- The choice of training provider.
- The need for any additional OHS consultation training.

Employees who wish to undertake additional training on OHS consultation, can access continuous learning materials on WorkCover NSW's Internet site.

If OHS Committee members, OHS Representatives and employees who are participants in Other Agreed Arrangements, want to undertake this additional OHS consultation training, and the employer has Internet access, the employer should facilitate employees undertaking this additional training by providing access to the Internet. Note sections 11.2 and 11.3.4 of this Code in relation to an employer's obligations to cover training costs.

See section 3.4 of this Code for information about general health and safety training.

12. Transitional provisions



The OHS consultation arrangements must be implemented within twelve months after the commencement of the OHS Act, except where an OHS Committee under the former OHS Act is retained [Reg: 32(1)].

An OHS Committee that existed under the former OHS Act may be retained. There is no requirement to retain an OHS Committee that existed under the former OHS Act. Where an existing OHS Committee is retained, the OHS consultation arrangements under the new OHS Act must be implemented:

- (a) within three months after the end of the terms of office of the members of the OHS Committee, or
- (b) within two years of the commencement of the OHS Regulation, whichever occurs first [Reg: 32(2)].

Any course of training of a member of an OHS Committee or an OHS Representative that was undertaken for the purposes of, and in accordance with, the regulations under the former OHS Act is taken to have been undertaken for the purposes of, and in accordance with, the OHS Regulation [Reg: 32(3)].

For three months after the commencement of the OHS Act, OHS Committees and OHS Representatives can receive training that complies with the *Occupational Health and Safety (Committees in Workplaces) Regulation 1999* (the 1999 Committee Regulation) [Reg: 32(4)].

A trainer accredited by WorkCover NSW in accordance with the 1999 Committee Regulation, is taken to be accredited by WorkCover in accordance with the new OHS Regulation [Reg: 32(5)].

LEGAL

13. Legal requirements

13.1. Occupational health and safety

Every person at the place of work has a duty under the OHS Act, whether in the role of an employer, an employee, a self-employed person or a person in control of the place of work. While the obligation for each person is different, all persons must ensure that the way they carry out their work does not interfere with the health and safety of other persons who are present at the place of work.

13.1.1. Employers' responsibilities



Employers must ensure the health, safety and welfare at work of all their employees. Employers must also ensure that other people are not exposed to risks to their health or safety at the employer's place of work [Act: 8].

Employers must consult with their employees to enable the employees to contribute to the making of decisions affecting their health, safety and welfare at work [Act: 13].

13.1.2. Employees' responsibilities



An employee must take reasonable care for the health and safety of people who are at the same place of work and who may be affected by the employee's actions or inaction [Act: 20(1)].

Employees must cooperate with their employer while at work so far as is necessary to enable compliance with any requirement under the OHS Act or OHS Regulation [Act: 20(2)].

13.1.3. Self-employed persons' responsibilities



A self-employed person must ensure that people (other than the employees of the person) are not exposed to risks to their health or safety arising from the conduct of the person's undertaking while they are at the person's place of work [Act: 9].

13.1.4. Responsibilities of the person in control



Any person who has, to any extent, control of a place of work, the means of access or egress, or plant or substance used, has an obligation to ensure health and safety regarding those matters under their control [Act: 10].

13.2. Statutory provisions

The following Acts and Regulations apply:

- the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001.

14. More information

For more information and guidance on the health and safety topics referred to in this Code and a comprehensive range of codes of practice, certification guides and OHS and workers compensation publications contact:

WorkCover NSW Client Contact Centre
13 10 50
E-mail – Contact@workcover.nsw.gov.au

The Client Contact Centre staff will refer you to specialists where necessary. If you prefer, visit the Centre, Ground Floor, 400 Kent Street (near Market Street), Sydney, between 8.30 am and 4.30 pm Monday to Friday.

For specific advice on WorkCover NSW trainer accreditation contact:

WorkCover NSW OHS Education Unit
(02) 9841 8512

You may also visit the WorkCover NSW website – <http://workcover.nsw.gov.au>

Particular WorkCover NSW publications to note are the:

- *Summary of the Occupational Health and Safety Act 2000*
- *Summary of the Occupational Health and Safety Regulation 2001*
- *Workplace Safety Toolkit*

APPENDIX 1

OHS Consultation Training Topics

Topic	Topic and Learning Aim
Topic 1	<p>Workplace health and safety</p> <p>This topic explains the requirements for effective management of health and safety and the importance of OHS consultation.</p>
Topic 2	<p>The role of OHS consultation in the workplace</p> <p>This topic details the requirements for consultation under the OHS Act and describes the mechanisms for consultation including OHS Committees and OHS Representatives.</p>
Topic 3	<p>Effective OHS consultation in the workplace</p> <p>This topic outlines effective consultation techniques and describes how these are essential in the consultation process.</p>
Topic 4	<p>Systematic management of health and safety</p> <p>This topic details the requirements for effective OHS Management Systems, their development, implementation, audit and review.</p>
Topic 5	<p>Action learning exercise</p> <p>This topic enables practical application of risk management through work based activity.</p>
Topic 6	<p>Continuous improvement of OHS systems</p> <p>This topic highlights the need for continuous improvement in occupational health and safety through consultation and provides the means for implementation, monitoring and evaluation of this process.</p>
Topic 7	<p>Summary and conclusion</p> <p>This topic summarises and concludes the course, including assessment and evaluation..</p>

OHS Consultation Training

Participant Learning Outcomes & Durations

Topic	Participant Learning Outcomes	Duration
Topic 1	At the completion of this topic participants will be able to: <ul style="list-style-type: none"> • Discuss the importance of effective management of health and safety. 	90 minutes
Topic 2	At the completion of this topic participants will be able to: <ul style="list-style-type: none"> • Describe the relationship between legislation and guidance material. • Outline the employer's duties under OHS legislation. • Outline the OHS obligations of individuals and others. • Define the role of WorkCover inspectors and authorised officers. • Describe how, when, where and why consultation should be conducted in the workplace. • Specify the role and functions of OHS Committees and OHS Representatives. 	240 minutes
Topic 3	At the completion of this topic participants will be able to: <ul style="list-style-type: none"> • Describe the elements of effective and meaningful consultation. • Demonstrate effective communication techniques to improve consultation. • Develop a basic protocol for ensuring effective consultation between OHS Representatives, OHS Committee members and management. • Demonstrate critical thinking and problem solving techniques. • Demonstrate conflict/dispute resolution skills. • Prepare and present a report. 	210 minutes
Topic 4	At the completion of this topic participants will be able to: <ul style="list-style-type: none"> • Discuss the importance of a systematic approach to OHS management. • Develop sample OHS policy and programs. • Explain the OHS risk management process. • Outline various tools for systematically managing safety. • Discuss what should be considered in determining which tool would be appropriate for use in their workplace. 	180 minutes

APPENDIX 2

Topic	Participant Learning Outcomes	Duration
Topic 5	At the completion of this topic participants will be able to: <ul style="list-style-type: none"> • Conduct hazard identification and risk assessment activities using relevant tools and resources. • Outline appropriate control measures based on risk assessment and the hierarchy of control. 	360 minutes
Topic 6	At the completion of this topic participants will be able to: <ul style="list-style-type: none"> • Detail various methods of ensuring continuous improvement in OHS. • Outline the role of workplace inspections as part of the continuous improvement process. • Detail the requirements for investigation of workplace incidents/accidents. • Discuss techniques that can be used to monitor and review the effectiveness of how safety is being managed. • Discuss techniques to measure the effectiveness of OHS consultation mechanisms. 	240 minutes
Topic 7	At the completion of this course participants will be able to: <ul style="list-style-type: none"> • Explain the need for effective consultative arrangements in the workplace. • Review the elements of effective and meaningful consultation. • Discuss the responsibilities of the OHS Committee & OHS Representatives. • Summarise the principles of risk management. • Detail the various resources available to provide for continuous OHS learning. 	120 minutes

CASE STUDIES & SCHEDULES

**The
following
Case Studies
and Schedules
are examples
provided as
guidance material
only.**

CASE STUDY A

How consultation can help an employer implement systems for managing OHS

Sutherland Manufacturing* operates in the NSW Hunter Valley. The company has grown its business in recent years with staff numbers rising from 10 to nearly 50. The nature of the business had changed from a 'one-off' job shop to include operating a production line. With these changes the company's workforce has expanded beyond its highly skilled core of tradespeople to include many semi-skilled production workers.

The company decided to undertake a process of reviewing how it was managing health and safety. For this purpose, the company established a group made up of management representatives and a number of employees.

The process started with the employer and employees looking at how they actually did their work. They identified what they did, how they did it, and the various levels of management responsibility within the company. Gradually a picture was built up, but as the picture took shape the company started to realise that there were gaps in it.

The way they managed the business was pretty much the same as it had always been. But the company had changed: there were new jobs, new people, and new risks that people were exposed to. When the company was only a job shop with a small number of tradespeople, employees had a fair degree of autonomy because they were skilled in how the work should be done. But most of the company's employees were not tradespeople any more, and it was wrong to continue to assume they were competent to do the work safely.

In conjunction with the employees, the company started developing safe work procedures. When the manager consulted the employees about these issues, it wasn't too long before the employees started to get interested. While at first the employees thought the process was a bit strange and hard to grasp, soon everyone was talking about how the work could be done more safely and effectively.

After the safe work procedures were written, the employer and employees realised that they now had a basis for training people. The process had enabled the company to identify exactly what they were doing in the workplace, what skills were required, and hence the necessary training to equip people with those skills. The company developed a skills register so they had a record of the competencies held by all employees.

Therefore, at the end of the process of sitting down with employees, the employer had put in place a systematic approach to managing safety.

Not only did this ensure the employer was better able to prevent workplace injuries, but it also better positioned the company to win work. Many of the clients the company was seeking wanted to be assured that suppliers could manage their health and safety. Sutherland Manufacturing was able to show clients their safety procedures and assure the client that when their employees went onto the client's site they would have the competence to do the job efficiently and safely.

Sutherland Manufacturing has since decided to use the systematic process for managing safety as a model for other aspects of management.

The company's efforts have created a culture where employees can't stop talking about how to do the job better and safer. In fact, they've now decided to establish an OHS Committee.

* Not its real name

How OHS Committees can be involved in measuring performance

1. Introduction

Measuring risk exposure and OHS performance enables an employer to determine whether their OHS efforts are making a difference. It also provides the employer and OHS Committee with a sense of focus and helps with setting clear goals and priorities.

One example of a tool to assist in the above is 'Safety Meter' which has been adapted by the University of NSW for WorkCover NSW from previous work undertaken in Finland.

Safety Meter is based on the normal workplace inspection. However, it moves beyond traditional recording of defects, and records both compliance and non-compliance with the employer's safety requirements.

The result is expressed as a score representing the percentage of OHS practices that are correct. The score is graphed and displayed in a prominent workplace location. This approach accords with research indicating that positive feedback provides better motivation to employees and supervisors than negative feedback.

2. How does Safety Meter work?

You start by identifying the most significant risks in your workplace. These might be, for example:

- Electrical & lighting
- Housekeeping
- Protection against falls
- Plant and equipment
- Scaffold and ladders
- Work practices

The above categories can be added to, or altered, depending on the requirements of a specific workplace and its unique characteristics. However, the categories to be measured should be the most significant risks in the workplace.

Once the categories are decided, criteria to enable their appraisal are defined. With, 'Housekeeping', for example, measurement criteria might be that access and egress pathways are clear.

When the OHS Committee members undertake their routine inspection of the workplace they look at the measurement criteria for each of the risks. They record both 'correct' and 'not correct' items.

Each item observed is scored as 'correct' if it meets the safety requirements of the defined criteria. Otherwise the item is scored as 'not correct'. A score sheet taken from one workplace inspection using Safety Meter is provided on the next page.

CASE STUDY B

Construction Company - Example taken from a large commercial construction site					
Site - Sydney central business district			Date: 20/11/98		
Object	Correct	Total	Not correct	Total	%
1. Work Practices	 	51		15	77
2. Housekeeping	 	34		2	94
3. Electricity and Lighting	 	63	 	33	66
4. Scaffold and ladders	 	23		11	68
5. Protection against falls and falling objects	 	54		25	68
6. Plant and equipment		7		6	54
	Total Correct	232	Total Not Correct	92	

This measurement technique provides a safety 'snapshot' of a workplace at a specific point in time. Ongoing use of Safety Meter allows a workplace to track its performance over time relative to its initial (baseline) score. Safety Meter also allows the employer to identify particular problem areas. In the above example, it can be seen that the workplace is performing well with respect to minimising hazards due to housekeeping (94%) but that attention needs to be paid to plant (only 54% correct). Note that Safety Meter does not allocate an additional penalty based on the level of risk. All items appraised are weighted equally. In this regard 'not correct' items which are listed for rectification require action according to a risk assessment. In the above example, a housekeeping hazard may happen to pose the greatest risk to an employee's health and safety.

3. Trial results

Safety Meter was piloted in late 1999 on 10 construction sites at fortnightly intervals for a period of six months. Over 9,000 measurements were taken. The first set of measurements were used as a baseline for each site. Thereafter, every fortnightly measure was displayed on site using project posters positioned in prominent locations to provide positive feedback on improved safety performance and warn of any slippage in performance that may have occurred.

Over the six month period there was an improvement in performance among the participating companies. Employers who participated in the trial commented that with Safety Meter 'the site safety team is able to easily identify and focus resources on areas of safety weakness rather than the previous scatter gun approach used by traditional safety committee walks and minutes'. Similarly, management was able to assess areas of weakness against their management practices in a workplace.

4. Summary

Sites involved in the trial of Safety Meter have commented that the measurement technique is particularly powerful as feedback is available on a more frequent basis and this allows management to develop preventative measures. The ability to provide an individual score on each of the key hazards areas identified is particularly useful. Safety Meter allows employers to know where to direct their efforts for improvement. Positive feedback to the workforce on the workplace's safety score has proved very successful and resulted in greater safety awareness and commitment to safe work practices.

For more information on the Safety Meter Starter's Kit see www.workcover.nsw.gov.au

How an OHS Committee and OHS Representatives can work together

Sean Welsh is the NSW Safety Manager for John Holland, a national construction contractor. According to Sean, there is value in having a consultative arrangement involving both an OHS Committee and OHS Representatives.

"OHS Committees and Reps should go together," says Sean. "I would always recommend that employers have both a Committee and OHS Representatives."

Sean has first hand experience with jobs in Victoria where legislation has long provided for both OHS Committees and OHS Representatives. Even in NSW (where the law hasn't previously provided for OHS Representatives) Sean says John Holland often asks employees who sit on OHS Committees to act as 'OHS Reps'.

What do the OHS Reps do?

"Normally," says Sean, "the OHS Reps look at safe work method statements and the plans for the work to be undertaken, make sure information is communicated to the members of their workgroup, check employees have had appropriate OHS training to do the job, and make routine workplace inspections to check for hazards."

What does the OHS Committee do?

"The Committee, on the other hand, looks at the overall site safety practices, ensures everyone knows what's going on, discusses issues that affect everyone, and makes comment and recommendations to management about how things could be done safely. The Committee also helps ensure that the company's systems for managing safety get implemented."

Who sits on an OHS Committee?

Normally on a project John Holland has an OHS Committee comprised of management representatives and elected employee OHS Representatives, with the company's site safety adviser monitoring and providing advice to the Committee.

"A project might have up to 6 OHS Reps," says Sean, "elected from workgroups based on the different trades such as carpenters, electricians, fitters, boiler makers, and scaffolders."

CASE STUDY C

How do the OHS Reps and OHS Committee work together?

"It's better if the employee members of the OHS Committee are drawn from the OHS Representatives," says Sean.

"The OHS Reps need to be involved in the Committee and be able to give feedback to their workgroups about what's going on. The OHS Committee enables the sharing of information, cross pollination of ideas, and the setting of clearly understood standards across the whole workplace. The OHS Committee and the OHS Reps are good on their own but you need to bring it together somehow."

"We even have a management committee we've formed ourselves that parallels the Committee/Reps structure. We have members of management in the field across different sites that come together in a management steering committee purely to deal with safety and provide the company with some strategic directions."

Sean says that for the OHS Committee to work it has got to have commitment from management and everyone has to feel a sense of ownership of the consultation process. "A Committee or a Representative is not something that an employer should be fearful of. You've got to give workers ownership of safety issues. There's no 'them and us' when it comes to safety, we all work for the same company. Sure there needs to be clear ground rules in place. The system in NSW of having Committee constitutions is very good and gives you those rules."

"The Committee works by providing recommendations to management on how to manage safety better. For the employer to get the benefit of the Committee's work, management then has to seriously deal with those recommendations."

What happens when the OHS Rep and the employer can't agree on a safety issue?

Sean says: "When disputes arise about safety on the job, the OHS Rep normally first raises it with the site supervisor. If that doesn't resolve it, the matter goes up the line to the site manager. The Committee should be called together if the issue can't be resolved with the site manager. If that doesn't resolve it, then Hollands itself would probably call in a WorkCover NSW inspector."

"But safety disputes shouldn't need to go to WorkCover NSW when you have a Committee. Issues should be resolved at a site level. If the issue has got to leave the site then management should be asking itself 'What are we doing?' because once the matter goes off site, where's the site ownership of safety? You can't let safety get caught up in the 'them and us' stuff. We are all employees of the one company and we've all got the same interests at heart. The ownership of safety is ours together – the employer's and the employees'. That's what safety committees should be about."

OHS Consultation Statement (Example)

CONTENTS

The employer may wish to include a statement which outlines the nature of their commitment

Outline the consultation arrangement

If the consultation arrangement involves elected employee representatives, explain who they are and what workgroups they represent

Outline their functions under the consultation arrangement

If an OHS Committee is to be established, outline who will be on it and explain what workgroup it represents

Outline the functions of the OHS Committee and the extent of its authority

EXAMPLE

SMITH MANUFACTURING OHS Consultation Statement

COMPANY COMMITMENT

Smith Manufacturing is committed to protecting the health and safety of all our employees. Injury and illness is needless, costly and preventable. Our company will consult our employees in implementing safety practices and systems that will ensure the health, safety and welfare of our employees. Employee involvement at all levels is critical for ensuring a safe workplace.

An OHS Committee and OHS Representatives will be established to promote safety and health in the workplace.

OHS REPRESENTATIVES

The OHS Representatives that have been elected by employees are: Anna Thompson – Office Workgroup; Angela Valastro – Production (Day Shift) Workgroup; Tony Kiang – Production (Night Shift) Workgroup; and Bill Pickman – Store Workgroup. The OHS Representatives have been elected in accordance with the procedures agreed between Smith Manufacturing and their employees for 2-year terms.

The OHS Representatives are responsible for raising specific health and safety issues that arise in relation to the employees in their workgroup. Employees should raise OHS issues directly with their supervisor or their OHS Representative. Where the OHS Representative cannot resolve an OHS issue it has been agreed that they will refer it to the OHS Committee.

OHS COMMITTEE

The OHS Committee shall consist of four employee members and four employer representatives.

The workgroup for the OHS Committee is all employees who work for Smith Manufacturing, at 1 Smith St, Smithfield NSW.

The employee members of the OHS Committee are the four OHS Representatives. The management representatives are John Smith, Tim Hand, Ken Nickel, and Shirley McIntyre.

The OHS Committee will assist with the development and monitoring of safe work practices and systems, and discuss issues that affect the health, safety and welfare of all employees at Smith Manufacturing. The company will respond to OHS Committee recommendations within a timeframe agreed by the Committee, set according to the particular issue and its complexity.

SCHEDULE 1

Explain how employees will be consulted under the consultation arrangement

Record how the consultation arrangement was determined

Outline what has been agreed in relation to monitoring and reviewing the consultation arrangement

Record who is signing the Statement on behalf of the company

HOW EMPLOYEES WILL BE CONSULTED ABOUT OHS

When an OHS issue is raised either by the company, an employee or the OHS Committee, the OHS Representative will consult members of their workgroup. The OHS Representative will also feed back to their workgroup the outcomes of OHS Committee meetings.

Employees should draw to the attention of their supervisor or OHS Representative any health and safety concerns that they have about the workplace so the issue can be promptly addressed.

ESTABLISHMENT OF CONSULTATION ARRANGEMENTS

Smith Manufacturing discussed establishing consultation arrangements with its employees in April 2001. After a number of information sessions and small group workshops with all employees, it was agreed to establish OHS Representatives and an OHS Committee.

REVIEW OF CONSULTATION ARRANGEMENTS

It has been agreed by Smith Manufacturing and their employees that these OHS consultation arrangements will be monitored and reviewed on an on-going basis to ensure that consultation with all employees is effective and that all safety issues are being addressed.

Signed: **John Smith, Managing Director**

Date: **May 2001**

Checklist: How to conduct an OHS Committee meeting

Effective meetings rely on:

- Planning for an effective meeting.
- Agreed procedures that ensure an orderly meeting.
- Agreement on the meeting agenda.
- Opportunities for everyone to participate.
- Keeping the meeting focused on the agenda and the desired outcomes.
- Clarity about what is agreed.
- Clarity about who is responsible for actioning what's agreed.

At the first meeting

- The OHS Committee should agree on the procedures for conducting an OHS Committee meeting and how the OHS Committee will function. Agreed procedures help avoid confusion and differences about how the OHS Committee should function.

Before any meeting

- The Chairperson should plan a draft agenda for the meeting. In framing the agenda it is important to review minutes from the last meeting and check the status of outstanding issues. You should consult with other OHS Committee members (and OHS Representatives if also elected) to see if they want issues put on the agenda. Ensure that adequate time is allowed for the major issues on the agenda. If there are too many agenda items, prioritise and see if minor issues can be resolved outside the OHS Committee. An example agenda is included in Schedule 3.
- Give OHS Committee members adequate notice of when and where the meeting will be held. If the notice is too short, some members may not be able to participate and the meeting will be less effective. For members to have a chance to think about the issues, or discuss them with relevant employees or managers, at least three to five days notice is desirable.
- Display the draft agenda for the next meeting where employees will see it. This will enable employees to provide input to OHS Committee members prior to the meeting.

Once the meeting has been planned and notice given, it's important that the meeting is run effectively.

At every meeting

The Chairperson should ensure that:

- The meeting starts and finishes on time.
- Apologies or absences are recorded.
- The OHS Committee members agree on the draft agenda including whether appropriate time has been allocated for each item. (Review, revise and reorder agenda if necessary).

SCHEDULE 2

- The minutes of the last meeting are reviewed and approved as an accurate record, or amended as necessary.
- The meeting hears a report-back on any matters listed for action in the minutes of the last meeting.
- The meeting works through the agenda in a business-like fashion. Avoid getting bogged down on minor points (which may be able to be addressed outside the meeting with a report-back to the OHS Committee) and side-tracked by issues not on the agenda (the OHS Committee can consider these issues in General Business or at the next meeting as agreed).

During the meeting

All OHS Committee members should:

- Focus on resolving problems by considering the appropriate recommendations to put to management.
- Support the Chairperson in ensuring the meeting keeps on track and doesn't get bogged down.

At the end of the meeting

All OHS Committee members should:

- Ensure that there are clear outcomes from the meeting. Establish action items and responsibilities (What has been decided? Who is going to follow through on the decision? When will that happen?).
- Agree on a date and place for the next meeting.
- Spend a few minutes evaluating the meeting. (Did the meeting follow the agreed agenda? Was the desired outcome achieved? Are there clear action items and responsibilities?).

After the meeting

The Chairperson (with the assistance of the employer and/or other OHS Committee members as appropriate) should ensure:

- Minutes of the meeting are written up. Example minutes are included in Schedule 4.
- Persons responsible for actioning items are clear on what the OHS Committee expects them to do.
- The meeting minutes are distributed to OHS Committee members.
- The meeting minutes are displayed in the workplace where employees are likely to see them. (If an employer has remote locations, it is still important to keep employees notified).

SCHEDULE 3

OHS Committee Agenda (Example)

SMITH MANUFACTURING OHS COMMITTEE

DATE: 27 September 2001

TIME: 10am –11.15am

PLACE: Conference Room

TIME	ITEM	REPORT
10.00 am	1. Welcome & apologies	Chairperson
10.05 am	2. Minutes from last meeting (28 August 2001)	Chairperson
10.10 am	3. Report on action items (from last meeting) Safe work procedures to be reviewed for production area following near hit incident	Tim Hand (Production Supervisor)
10.20am	4. New business 4.1 New OHS Induction Training Program 4.2 Risk control measure for new work process	John Smith (Manager) Tony Kiang (OHS Rep Production)
11.00am	5. Review of incidents since last meeting	John Smith (Manager)
11.05am	6. Workplace Safety Inspection 6.1 Results 6.2 Feedback to workgroup	Angela Valastro (Chairperson)
11.10am	7. General Business	
	8. Next meeting (set date and time)	
11.15am	9. Close of meeting	

Note: Please bring your notes on September's workplace inspection

SCHEDULE 4

OHS Committee Minutes (Example)

SMITH MANUFACTURING OHS COMMITTEE MEETING

HELD:	27 September 2001 at 10am	
PRESENT:	Angela Valastro John Smith Tim Hand Tony Kiang Bill Pickman Anna Thompson Ken Nickel Shirley McIntyre	Chairperson (Production Day Shift) Manager Production Supervisor Employee member (Production Night Shift) Employee member (Stores) Employee member (Office) Management rep Management rep
APOLOGIES:	Nil	
OBSERVERS:	Rebecca Brown Greg Fixer	Supervisor, Brown Labour Hire OHS Representative, Brown Labour Hire
DISTRIBUTION:	OHS Committee members & Brown Labour Hire Notice Board -Main Office -Lunch Room -Production area -Storeroom	

AGENDA ITEM	ACTION	TIMEFRAME
1 Welcome and apologies No apologies. The Chairperson welcomed observers Rebecca Brown & Greg Fixer from Brown Labour Hire.	Noted.	
2 Minutes from last meeting Previous minutes were agreed as a true and accurate record.		
3 Report on action items (from last meeting) Work Procedures Production Supervisor Tim Hand reported that safe work procedures had been reviewed in liaison with production OHS Representatives, Angela and Tony.	Supervisor & OHS Reps to discuss with production employees.	Hold meeting on 30 September.

SCHEDULE 4

AGENDA ITEM	ACTION	TIMEFRAME
<p>4 New Business</p> <p>4.1 New OHS Induction Training Program John Smith reported that the company would be taking on a range of new starters and believed it was necessary to review and improve the induction training people received.</p> <p>The OHS Committee identified the need for the induction training to reference the new safe work procedures in production and provide more information about how to identify hazards in the workplace.</p> <p>4.2 Risk control measure for new work process The Production Night Shift OHS Representative Tony Kiang reported a problem with inadequate ventilation. Problem has been discussed with Production Supervisor but is not resolved. Problem has arisen following use of new chemicals associated with new work process.</p>	<p>John Smith to incorporate OHS Committee suggestions into new induction program.</p> <p>OHS Reps to talk with employees about any other issues that the program should be updated to include.</p> <p>John Smith (Manager) to investigate.</p>	<p>New Induction Program to be tabled at next OHS Committee meeting.</p> <p>OHS Reps to provide any additional comment by 7 October.</p> <p>Report to Chairperson by 6/10/01. Report to October meeting.</p>
<p>5 Review of incidents since last meeting</p> <p>No near hits were reported.</p>	Noted.	
<p>6 Workplace Safety Inspection</p> <p>6.1 Results Angela Valastro reported on the Safety Inspection conducted by the OHS Committee on 19th September.</p> <p>All housekeeping hazards have been removed. Electrical hazards remain a problem.</p> <p>Management agreed to address all hazards identified by the OHS Committee.</p> <p>The OHS Committee recommended that the company establish new guidelines for working with electrical appliances.</p> <p>6.2 Feedback to workgroups A copy of the inspection results and actions taken will be made available to workgroups on the OHS notice board.</p>	<p>John Smith</p> <p>John Smith to discuss with management and report back.</p> <p>Angela Valastro to post. OHS Representatives to talk with employees in workgroups.</p>	<p>Within 24 hours.</p> <p>Next OHS Committee meeting.</p> <p>Within 1 week. Report to next meeting</p>
<p>7 General Business</p> <p>New OHS Committee member to attend OHS Consultation Training in early October.</p>	Ken Nickel to organise.	
<p>8 Next meeting</p> <p>10 am 25 October 2001 Conference Room</p>		

Chairperson Signature _____

SCHEDULE 5

Direct consultation under Other Agreed Arrangements

Example approach for face-to-face safety meetings between an employer and their employees

1. **Gather employees at the start of work.**
2. **Invite employees to raise any OHS issues they may have.**
3. **Report actions taken since last meeting.**

The employer should advise their employees of the actions that have been taken to address issues raised at the last meeting. In particular, the employer should report on measures to eliminate or minimise risks previously identified.
4. **Discuss with employees any planned changes that may have implications for their health and safety.**
5. **Preview work assignments.**

Discuss with employees any hazards associated with the current work being performed and the safety measures that should be taken to eliminate or minimise the risks posed by those hazards.
6. **Conduct walk around safety inspection.**

All employees should join in an inspection to identify hazards in the workplace. This provides an important opportunity for employees to learn about how to identify hazards and assess the risks they pose. Discuss with employees their views on the appropriate corrective action.
7. **Ask employees for feedback.**

After the meeting, ask employees for feedback. Two-way communication involves everyone in the process. Ask employees to evaluate the effectiveness of the safety meetings in allowing them to have a say and making the workplace safer.

Example Election Procedure

Step 1: Agree on a Returning Officer.

The role of the Returning Officer is to conduct the election process. The Returning Officer should be an employee. At least 50 per cent of the workgroup should agree on the Returning Officer. The Returning Officer should not nominate for any position being elected, but may vote in the election.

Step 2: Invite nominations.

The Returning Officer should display notices where employees are likely to see them inviting nominations. The notices should state:

- The purpose of the election (for example: "to elect an OHS Representative" or "to elect employee members of an OHS Committee").
- The day and time nominations close.
- How or where nominations can be lodged (e.g. by advice to the Returning Officer).
- The day, time and place the election is to be held.
- The name of the workgroup (for example: "the store area", or "the Black Street site").
- The name of the Returning Officer and their contact details.

The employer and the Returning Officer should give consideration to ensuring that employees from non-English speaking backgrounds understand the election process to ensure their participation.

Step 3: Examine the nominations.

At the day, time and place nominations were advertised to have closed, the Returning Officer should examine the nominations received. Nominations need not be in writing, but could form an expression of interest from the person concerned made direct to the Returning Officer.

In the event that only one nomination is received, the Returning Officer should declare that person elected unopposed.

Where more than one nomination is received, a formal election should be held.

Ballot papers should be prepared that clearly list the name of all candidates in alphabetical order.

Step 4: Hold the election.

At the advertised day, time and place of the election, employees eligible to vote should collect one ballot paper each.

The ballot papers should be filled in at the same time. Employees should be given the opportunity to fill in the ballot papers in private.

The Returning Officer should declare the candidate who receives the most number of votes elected. In the event that the vote is tied, the result should be determined as agreed when establishing the election procedure. For example:

- By drawing a candidate's name out of a hat.
- By holding a new election.
- By electing both candidates.

WorkCover NSW Offices

Head Office

400 Kent Street
SYDNEY 2000
Phone: (02) 9370 5000
Fax: (02) 9370 5999

Albury District Office

463 Kiewa Street
ALBURY 2640
Phone: (02) 6021 5911
Fax: (02) 6041 2580

Bateman's Bay District Office

Shop 6
Fenning Place
12 Orient Street
BATEMANS BAY 2536
Phone: (02) 4472 5544
Fax: (02) 4472 5060

Blacktown District Office

Ground Floor
125 Main Street
BLACKTOWN 2148
Phone: (02) 9671 8701
Fax: (02) 9831 8246

Dubbo District Office

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157 Brisbane Street
DUBBO 2830
Phone: (02) 6884 2799
Fax: (02) 6884 2808

Central Coast District Office

3/13 Anzac Road
TUGGERAH 2259
Phone: (02) 4353 1711
Fax: (02) 4353 2373

Goulburn District Office

21-23 Clifford Street
GOULBURN 2580
Phone: (02) 4822 1243
Fax: (02) 4822 1242

Grafton District Office

NSW Government Offices
49-51 Victoria Street
GRAFTON 2560
Phone: (02) 6642 0511
Fax: (02) 6642 0638

Griffith District Office

NSW Government Offices
104- 110 Banna Avenue
GRIFFITH 2680
Phone: (02) 6964 2027
Fax: (02) 6964 1738

Hurstville District Office

Level 4
4-8 Woodville Street
HURSTVILLE 2220
Phone: (02) 9598 3366
Fax: (02) 9585 0261

Lindfield District Office

345 Pacific Hwy
LINDFIELD 2070
Phone: (02) 9936 3000
Fax: (02) 9936 3030

Lismore District Office

Suite 4, Level 4
Manchester Unity Building
29 Molesworth Street
LISMORE 2480
Phone: (02) 6622 0088
Fax: (02) 6622 0090

Liverpool District Office

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157-161 George Street
LIVERPOOL 2170
Phone: (02) 9827 8600
Fax: (02) 9827 8690

Narrabri District Office

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NARRABRI 2390
Phone: (02) 6792 4643
Fax: (02) 6792 3532

Newcastle District Office

956 Hunter Street
NEWCASTLE WEST 2302
Phone: (02) 4921 2900
Fax: (02) 4921 2929

Orange District Office

74 McNamara Street
ORANGE 2800
Phone: (02) 6361 7070
Fax: (02) 6362 8820

Parramatta District Office

Level 8 128 Marsden Street
PARRAMATTA 2150
Phone: (02) 9841 8550
Fax: (02) 9841 8599

Port Macquarie District Office

Shops 1 & 2
Raine & Horne House
145 Horton Street
Port Macquarie 2444
Phone: (02) 6584 1188
Fax: (02) 6584 1788

Shellharbour Office

134-134A Lamerton House,
Shellharbour Square
BLACKBUTT 2529
Phone: (02) 4297 3796
Fax: (02) 4296 8914

Tamworth District Office

Shop 20
341 Peel Street
TAMWORTH 2340
Phone: (02) 6766 2490
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Lake Macquarie District Office

Shop 2
33 The Boulevard
TORONTO 2283
Phone: (02) 4959 6366
Fax: (02) 4950 5587

Tweed Heads Office

Suite 5, 1 Sands Court
TWEED HEADS 2485
Phone: (07) 5536 3262
Fax: (07) 5536 4389

Wagga Wagga District Office

Shop 2
71A Baylis Street
WAGGA WAGGA 2650
Phone: (02) 6921 8766
Fax: (02) 6921 7548

Wollongong District Office

106 Market Street
WOLLONGONG 2500
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Fax: (02) 4226 9087

**Code of Practice
for
Risk Assessment**



CODE OF PRACTICE FOR RISK ASSESSMENT

FOREWORD

The Special Minister of State has approved this Industry Code of Practice on the recommendation of the WorkCover Authority to provide practical guidance for employers to meet their obligations to assess health and safety risks in the workplace.

**General Manager
WorkCover NSW**

1. INTRODUCTION

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 Act 2000* and *OHS Regulation 2001* for a particular area of work.

This 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 Special Minister for State. 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 may 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 preventative enforcement provisions of the *Occupational Health and Safety Act*,
- ✓ can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

1.1 TITLE

This is the *Code of Practice for Risk Assessment*.

1.2 SCOPE

This Industry Code of Practice applies to all workplaces where an employer has an obligation to carry out a risk assessment of identified hazards apart from mines within the meaning of the *Coal Mines Regulation Act 1982* or the *Mines Inspection Act 1901*.

A note in this document does not form part of the Code of Practice.

1.3 COMMENCEMENT

This Industry Code of Practice commences on the date it is published in the NSW Government Gazette.

1.4 AUTHORITY

This is an industry code of practice approved by the Special Minister of State under section 43 of the *Occupational Health and Safety Act 2000*.

2. RISK MANAGEMENT

Employers have obligations under the *Occupational Health and Safety Regulation 2001* to **identify any foreseeable hazards** that may arise in the workplace and to **assess the risk** of harm arising from the identified hazards. Employers then have an obligation to **eliminate the hazards**. If this is not "reasonably practicable" they must **control the risks** by implementing measures to lessen the risk of harm to the lowest possible level.

The purpose of this Code of Practice is to provide practical guidance to assist employers to meet their risk assessment obligations under the *Occupational Health and Safety Regulation 2001*.

2.1 RISK ASSESSMENT

Once a hazard has been identified, an employer must assess the risk. This should include the following:

- identify factors that may be contributing to the risk,
- review health and safety information that is reasonably available from an authoritative and relevant to the particular hazard evaluate the likelihood of an injury occurring and the likely severity of any injury or illness that may occur,

- evaluate the likelihood of an injury occurring and the likely severity of an injury or illness that may occur,
- identify the actions necessary to eliminate or control the risk; and
- identify records that is necessary to keep to ensure that risk are eliminated or controlled.

Note. Section 15(a) of the *OHS Act 2000* requires that consultation with employees be undertaken when risks to health and safety arising from work are assessed. Such consultation should be undertaken with those employees who are directly involved in undertaking the task, or working with the hazardous substance or plant, to which the risk assessment relates.

The employer should adopt a systematic approach to the risk assessment process. The employer should adopt a process that includes:

- Reviewing any available information about the hazard.
- Consider factors that contribute to the risk, and
- Decide what records need to be kept

2.1.1 FACTORS CONTRIBUTING TO THE RISK

When assessing risks employers should also identify the factors that may be contributing to the risk, including:

- (i) the work premises and the working environment, including their layout and condition,
- (ii) the capability, skill, experience and age of people ordinarily undertaking work,
- (iii) the systems of work being used, and
- (iv) the range of reasonably foreseeable conditions.

2.1.2 RELEVANT HEALTH AND SAFETY INFORMATION.

When assessing a particular hazard an employer should review reasonably available health and safety information from an authoritative and relevant to the particular hazard, including the following:

Note: An 'authoritative source' refers to such things as:

- information prepared by the supplier (eg. material safety data sheets prepared by the supplier of a hazardous substance)
- information such as Safety Alerts or Fact Sheets prepared by WorkCover
- industry Codes of Practice
- Australian Standards
- documents published by the National Occupational Health and Safety Commission
- assessments prepared by NICNAS (National Industrial Chemicals Notification and Assessment Scheme)
- technical reports prepared by a competent person for a particular workplace.

- (i) any health and safety information provided by the supplier of any plant or substance (including a person who hires or leases out plant),
- (ii) the Material Safety Data Sheet (see OHS Regulation clause 150)for any hazardous substance,

- (iii) the label of any unopened consumer package containing a hazardous substance,
- (iv) the register of installed asbestos (created by the controller of the workplace) for any workplace with installed asbestos,
- (v) results of any biological monitoring carried out for employees of the employer,
- (vi) results of any atmospheric monitoring of atmospheric contaminants at the workplace, and
- (vii) information about previous injuries, illness and dangerous incidents.

2.1.3 ASSESSMENT TO IDENTIFY RISK CONTROL OPTIONS

An employer must identify the actions necessary to eliminate the risk, taking into account:

- (i) the factors identified as contributing to the risk, and
- (ii) any specific risk control measures required by the *Occupational Health and Safety Regulation 2001*.

Note. The *Occupational Health and Safety Regulation 2001* specifies a number of risk control measures for particular hazards. When a hazard has been identified and the risks are obvious the employer should undertake any research into the hazards necessary to assess the risks. Part of the risk assessment process involves identifying what you need to do to eliminate or minimize the risk and deciding which control option is appropriate given the degree of risk. The *Occupational Health and Safety Regulation 2001* in clause 5 sets out a hierarchy of control measures that must be followed to minimize risks to the lowest possible level.

2.1.3 RECORDS

In addition to the record keeping requirements stipulated in the Regulation employers should identify any records that it is necessary to keep to ensure that risks are eliminated or controlled (including the length of time which records should be kept).

Note. The Occupational Health and Safety Regulation 2001 includes specific record keeping requirements in Chapter 4, 5, 6 and 8. Employers also need to make a judgement about whether risk assessments should be recorded. Factors that may be considered in making this judgement could include the significance of the risk and the complexity of the risk control measures adopted.

2.1.4 GENERAL RISK ASSESSEMENTS

If hazards are identified as being likely to arise in the conduct of an employer's undertaking are of the same kind but arise in different places or circumstances, a general assessment of risk is sufficient compliance with the *Occupational Health and Safety Regulation 2001* so long as it has been applied to each such place or circumstance.

3. OTHER GUIDANCE MATERIAL

There is other guidance material available that may provide valuable assistance to employers when assessing risks. This includes:

- **Workcover guidance material** that will help you assess potential risks for particular hazards, processes or work tasks. The following guidance material is available from WorkCover NSW:
 - *Workplace Safety Kit*
 - *Small Business Safety Starter Kit*
 - *Due Diligence at Work: a checklist for action on workplace health and safety for company directors and managers*
 - *Hazpak – Making your Workplace Safer*
 - *Hierarchy of Hazard Control*
 - *Six Steps to Occupational Health and Safety: Duty of care in OH&S*
 - *Worksite Occupational Health and Safety Assessment Package*
- **Industry Codes of Practice** which provide direction and detailed guidance on the identification and control of hazards in line with accepted legislative requirements and industry standards
- **Australian Standards** which set out specifications for a range of equipment, products and materials to ensure that they are safe and of a good quality. Australian Standards represent good engineering practice in relation to fabrication and design. You must comply with the Australian Standards that are referred to in the *Occupational Health and Safety Regulation 2001*.

4. LEGISLATION

This Industry Code of Practice provides practical guidance on compliance with the *Occupational Health and Safety Regulation 2001* in relation to risk assessment. Employers must comply with the provisions of the Regulation.

The employer's general obligation to carry out risk assessments is set out in clause 10, *Employer to assess risks*. There are also particular risk assessment requirements in the following clauses:

- 35 Controller of premises to assess risks
- 43 Asbestos – risk assessment and control
- 81 Manual handling – assessment of risks
- 87 Plant – designer to assess risks
- 101 Plant - Manufacturer to assess risks
- 124 Plant - Hirer or lessor to assess risks

The recommended procedures of this Code of Practice should be observed unless an alternative course of action is implemented that achieves the same or a better standard of health safety and welfare in the workplace.

A copy of this Industry Code of Practice is available for public inspection at the WorkCover Authority head office 400 Kent Street Sydney between 8.30AM and 4.30PM Monday to Friday.

**Code of Practice
for
Technical Guidance**



CODE OF PRACTICE FOR TECHNICAL GUIDANCE

FOREWORD

The Special Minister of State has approved this Industry Code of Practice on the recommendation of the WorkCover Authority to provide practical guidance for employers and other persons to meet their obligations under the Occupational Health and Safety Regulation 2001.

General Manager

WorkCover NSW

INTRODUCTION

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- 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 preventative enforcement provisions of the *Occupational Health and Safety Act*;
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

Title

This is the *Code of Practice for Technical Guidance*.

Commencement

This Industry Code of Practice commences on the date it is published in the NSW Government Gazette.

Authority

This code of practice is approved by the Special Minister of State as an Industry Code of Practice pursuant to Section 43 of the *Occupational Health and Safety Act 2000*.

Incorporated documents

The *Occupational Health and Safety Act 2000* provides for an Industry Code of Practice to refer to or incorporate a document prepared or published by a body specified in the Code. The Standards incorporated by this Code of Practice are published by the Standards Association of Australia.

The Australian Standards set out below are incorporated without modification for the purposes of this Industry Code of Practice:

Boilers and pressure equipment

AS 3873 : 2001	Pressure equipment – operation and maintenance. Publication date: 6 March 2001
AS 2593 1995	Boilers – Unattended and limited attendance. Publication date 5 July 1995

Laser safety

- AS 2211.1 1997 Laser safety – equipment classification, requirements and user's guide. Publication date: 5 March 1997
- AS 2211.1: 1999 Laser safety - equipment classification, requirements and user's guide - application guidelines and explanatory notes. (Supplement to AS/NZS 2211.1:1997) Publication date: 5 March 1997.
- AS 2397-1993 Safe use of lasers in the building and construction industry

Electrical equipment

- AS/NZS 3012:1995 Electrical installations - Construction and demolition sites

An earlier Code of Practice also covers the inspection and testing of electrical installations and electrical equipment on construction sites. It is titled Code of Practice: Electrical Practices for Construction Work and commenced 1 February 1992. In the event of any inconsistencies between AS/NZS 3012:1995 and the earlier Code of Practice, the earlier Code shall prevail.

- AS/NZS 3760:2001 In-service safety inspection and testing of electrical equipment. Publication date: 22 May 2001.

Scaffolding

- AS/NZS 4576:1995 Guidelines for scaffolding. Publication date: 5 June 1995.
- AS 1577: 1993 Scaffold Planks. Publication date: 20 December 1993.

Lifting gear

- AS 1353.2-1997 Flat synthetic-webbing slings - Care and use Publication date: 5 December 1997
- AS 1353.1-1997 Flat synthetic-webbing slings - Product specification Publication date: 5 December 1997.
- AS 2741- 1992 Shackles Publication date: 5 October 1992.
- AS 4497.2 1997 Roundslings: synthetic fibre care and use Publication date: 5 October 1997.
- AS 4497.1-1997 Roundslings - Synthetic fibre - Product specification Publication date: 5 October 1997

AS 1666.2-1995 Wire-rope slings - Care and use Publication date: 5 November 1995

AS 1666.1-1995 Wire-rope slings - Product specification Publication date: 5 November 1995

Cranes - safe use

AS 2550.1-1993 Cranes - Safe use - General requirements Publication date: 13 September 1993

AS 2550.4-1994 Cranes - Safe use - Tower cranes Publication date: 20 June 1994

AS 2550.5-1993 Cranes - Safe use - Mobile and vehicle-loading cranes
Publication date: 13 September 1993

AS 2550.6-1995 Cranes - Safe use - Guided storing and retrieving appliances
Publication date: 5 December 1995

AS 2550.7-1996 Cranes - Safe use - Builders' hoists and associated equipment
Publication date: 5 March 1996

AS/NZS 2550.9:1996 Cranes - Safe use - Vehicle hoists Publication date: 5 August 1996

AS 2550.10-1994 Cranes - Safe use - Elevating work platforms Publication date: 20 June 1994

AS 2550.13-1997 Cranes - Safe use - Building maintenance units Publication
Date 5 June 1999

AS 2550.15-1994 Cranes - Safe use - Concrete placing equipment Publication
date: 20 June 1994

AS 2550.16-1997 Cranes - Safe use - Mast climbing work platforms Publication
date: 5 December 1997

AS 2337.1 1999 Gas Cylinder test stations – general requirements, inspections
and tests – gas cylinders. Publication date: 5 April 1999

AS 2337.2 1990 Gas Cylinder test stations – LP gas fuel vessels for automotive
use. Publication date: 7 May 1990.

- AS 2337.3 1998 Gas Cylinder test stations – inspection and testing of fibre reinforced plastics (FRP) gas cylinders. Publication date: 5 November 1998.
- AS/NZ 1891. 1: 1995 Industrial fall-arrest systems and devices – Safety belts and harnesses. Publication date: 5 March 1995
- AS/NZ 1891. 2: 2001 Industrial fall-arrest systems and devices – Horizontal lifeline and rail systems. Publication date: 20 March 2001
- AS/NZ 1891. 3: 1997 Industrial fall-arrest systems and devices – Fall arrest devices. Publication date: 5 July 1997.
- AS/NZ 1891. 4: 2000 Industrial fall-arrest systems and devices – Selection, use and maintenance. Publication date: 21 August 2000
- AS 1270 – 1999 Acoustics - Hearing Protectors. Publication date: 5 October 1999.

Respiratory protective devices

- AS/NZ 1716: 1994- Respiratory Protective Devices. Publication date: 16 May 1994

New lift installations

- AS/NZS 4431:1996 Guidelines for safe working on new lift installations in new constructions Publication date: 5 December 1996.

Fixed platforms, stairways and ladders

- AS 1657 : 1992 Fixed platforms, stairways and ladders – design, construction and installation Publication date: 16 November 1992.

Conveyors

- AS 1755 – 2000 Conveyors – Safety Requirements. Date of publication: 6 November 2000

Tilt up concrete constructions

- AS 3850.1-1990 Tilt-up concrete and precast concrete elements for use in buildings - Safety requirements - Publication date: 12 November 1990

- AS 3850.2-1990 Tilt-up concrete and precast concrete elements for use in buildings - Guide to design, casting and erection of tilt-up panels - Publication date: 12 November 1990
- AS 3850.3-1992 Tilt-up concrete and precast concrete elements for use in buildings - Guide to the erection of precast concrete members - Publication date: 16 March 1992

Powered industrial trucks

- AS 2359.1-1995 Powered industrial trucks - General requirements Publication date: 5 May 1995
- AS 2359.2-1985 Industrial trucks (known as the SAA Industrial Truck Code) - Operation Publication date: 4 October 1985
- AS 2359.3-1995 Powered industrial trucks - Counterbalanced fork-lift trucks - Stability tests Publication date: 5 January 1995
- AS 2359.4-1995 Powered industrial trucks - Reach and straddle fork-lift trucks - Stability tests Publication date: 5 January 1995
- AS 2359.5-1995 Powered industrial trucks - Control symbols Publication date: 5 January 1995
- AS 2359.6-1995 Powered industrial trucks - Safety code Publication date: 5 January 1995
- AS 2359.7-1995 Powered industrial trucks - Terminology Publication date: 5 January 1995
- AS 2359.8-1995 Powered industrial trucks - Pallet stackers and high-lift platform trucks - Stability tests Publication date: 5 January 1995
- AS 2359.9-1995 Powered industrial trucks - High-lift rider trucks - Overhead guards - Specification and testing Publication date: 5 January 1995
- AS 2359.10-1995 Powered industrial trucks - Fork-lift trucks - Hook-on type fork arms - Vocabulary Publication date: 5 January 1995
- AS 2359.11-1995 Powered industrial trucks - Fork-lift trucks - Hook-on type fork arms and fork carriers - Mounting dimensions Publication date: 5 January 1995

AS 2359.12-1996 Powered industrial trucks - Hazardous areas Publication date: 5
January 1995

Australian Standards that use the terms “shall” or “must” or in some other manner specify that certain procedures or practices are mandatory do not apply to this Code of Practice.

The recommendations in the Australian Standards incorporated by this Code of Practice are the recommended procedures only and should be observed unless an alternative course of action is implemented that achieves the same or a better standard of safety in the workplace.

A copy of this Industry Code of Practice any incorporated Standards is available for public inspection at the WorkCover Authority head office 400 Kent Street Sydney between 8.30AM and 4.30PM Monday to Friday. The Standards Association of Australia may be contacted for further information regarding the incorporated Standards.

**Code of Practice
for
Workplace Amenities**



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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 Act 2000* and *OHS Regulations 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 Regulations 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 Regulations, 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 Regulations.

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 *Occupational Health and Safety Act*;
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulations.

Preface

What are 'amenities' and what role do they play in workplace health and safety?

How to use this information

The aim of this code of practice is to assist employers in deciding on appropriate amenities for the welfare of their employees. It provides practical advice on implementing the requirements of the *Occupational Health and Safety Regulation 2001*.

'Workplace amenities' are facilities provided for the welfare or personal hygiene needs of employees. They include toilets, rest rooms, shelter sheds, seating, dining rooms, change rooms, drinking water, lockers and washing facilities.

The provision of workplace amenities can help minimise illnesses and diseases, which may result from the absence of appropriate hygiene and welfare facilities.

- **What is this code of practice about?**

This code of practice provides information to assist you in determining appropriate amenities, and in turn ensuring welfare for people in your workplace. If you follow the advice set out here, you will be well on the way to complying with responsibilities for the provision of amenities outlined in occupational health and safety laws. This guidance should be read in conjunction with 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, unions and employer organisations who need to know about establishing or improving workplace amenities.

- **When to use the information**

Use this code of practice to assess your arrangements for amenities – are they adequate and effective? If you are setting up a new business, this code of practice should be your step-by-step guide to determining your requirements for amenities.

What do the symbols used in this 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.



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

1.1 Title

1.2 Purpose

1.3 Scope

1.4 Commencement

1.5 Authority

Establishment

This is the Code of Practice for Workplace Amenities.

This code sets out and explains the requirements for amenities in the workplace, to ensure the health, safety and welfare of employees when at work. It provides practical guidance on determining what is appropriate for the particular circumstances of each workplace.

This Code of Practice applies to all workplaces in NSW, apart from:

- (a) Agricultural workplaces, covered by the *Code of Practice: Accommodation and Amenities for Rural Agricultural Work*;
- (b) Construction workplaces, covered by the *Code of Practice: Amenities for Construction Work*; and
- (c) Mines within the meaning of the *Coal Mines Regulation Act 1982* or the *Mines Inspection Act 1901*.

Note: The former OHS shop provisions contained in Part 3 of the *Factories Shops and Industries Act 1962* and the *Factories (Health and Safety) General Regulation 1913* continue to have effect. The recommendations contained in this Code should be considered in conjunction with those provisions.

This code commences on the date it is published in the NSW Government Gazette.

This is an industry code of practice approved by the Minister of Industrial Relations under section 43 of the *Occupational Health and Safety Act 2000*.

Chapter 2

How to establish the special needs of your workplace



An employer must ensure that appropriate amenities are available for all employees while they are at work. The amenities must be maintained in a safe and healthy condition.

Amenities are facilities provided for the welfare or personal hygiene needs of persons. They include toilets, rest rooms, shelter sheds, seating, dining rooms, change rooms, drinking water, lockers and washing facilities.

The provision of appropriate workplace amenities is important for the basic health and welfare of employees. To some extent, workplace amenities also depend upon your industry and the specific activities required by your operations. To evaluate your amenities needs, employers should understand and analyse the workplace activities and hazards, and consult their employees when doing this.

Employers are required to have regard for all the circumstances of the work, including:

- (a) The nature of the work undertaken at the place of work;
- (b) The size and location of the place of work; and
- (c) The number of men and women at the place of work.

2.1 Linking amenities with health, safety and welfare

The table following sets out the basic types of amenities and explains how they link with employee health and safety.

Workplace Amenity	Link to employee health, safety and welfare
Toilets	Needed for basic health and welfare. Clean and hygienic toilets reduce exposure to germs and disease.
Rest rooms	Needed for recovery or rest if suffering an injury or illness at work. Provides an area for short-term respite if employees are fatigued.
Shelter sheds	Needed for respite from weather (e.g. heat, cold, rain, wind). They reduce the likelihood of stress due to heat or cold working environments.
Seating	Provides the opportunity to rotate from standing to sitting, thus reducing fatigue and stress on the legs and back.
Dining rooms	Provides a hygienic area for the consumption of food, reducing the likelihood of food being contaminated by substances used in work processes, or by infectious agents.
Provision of drinking water	Needed for basic health and welfare. Water reduces the likelihood of heat stress for employees undertaking physically demanding tasks. It is essential for bodily function, especially kidneys and bladder.
Washing facilities	Needed for personal hygiene. Enables employees to remove hazardous or dirty substances associated with the work process from hands/bodies.
Change rooms	Enables employees to change dirty or contaminated work clothing, reducing employee exposure to the contaminating substances.
Lockers	Needed for the storage of personal belongings or clothing, so that substances associated with the work process do not contaminate them. Needed for the storage of personal protective equipment to ensure it remains clean.

First aid facilities and rooms are additional to that above. For advice on the requirements for first aid facilities or rooms see WorkCover's *Health and Safety Guide: First Aid in the Workplace*.

Chapter 3



Consultation at the workplace



Employers are required by the OHS Act 2000 to consult with employees when taking steps to assess and control workplace risks.

Employers must consult their employees about issues that may affect their health, safety and welfare at work.

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.

Consultation is based on recognition that employee input and participation improves decision-making about health and safety matters. 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.

Consultation must occur in the following circumstances:

- When 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.
- When risks to health and safety arising from work are assessed.
- When decisions are made about the measures to be taken to eliminate or control those risks.
- When introducing or altering the procedures for monitoring those risks.
- When decisions are made about the adequacy of facilities for employee welfare.
- When decisions are made about the procedures for consultation.

Employers must establish an OHS consultation mechanism and need to consult employees about what the consultation arrangements are going to be.

Readers should refer to the WorkCover NSW *Code of Practice: OHS Consultation*.

Chapter 4



4.1 Nature of the work undertaken

4.2 Size and location of the place of work

4.3 Composition of the workforce (men, women, people with special needs)

Identifying the requirements for amenities



An employer must ensure that appropriate amenities are available for all of the employer's employees while they are at work. The appropriateness of amenities is to be determined having regard to all of the circumstances of the case, including:

- (a) the nature of work undertaken at the place of work;
- (b) the size and location of the place of work;
- (c) the number of men and women at the place of work.

In assessing the requirements for amenities, the following factors should be considered, in consultation with employees.

The type of work performed will influence the amenities required. For example, amenities provided for office employees may differ from those provided for employees undertaking dirty, hot or arduous tasks (such as foundry work or fire fighting), or for employees working in hospitals or nursing homes. Indeed, different areas within the one workplace may have different amenity requirements, depending on the tasks being undertaken and the equipment being used. For example, those who do dirty work will require washing and showering facilities.

Consider whether the place of work is in a building or structure, or whether work is undertaken outdoors, or in a remote area. Work may also be undertaken away from base e.g. sales representatives or tradespersons. The following questions should be asked:

- Does the place of work cover an extensive area, or is work undertaken in a relatively compact location?
- Do employees travel between workplaces, to numerous work sites, or other locations?
- Is the place of work close to appropriate amenity facilities or in a remote area?
- How long would it take to access the nearest amenity facilities if necessary?

The number of employees at the workplace will influence the amenities required. Facilities should ensure adequate privacy and security for the needs of men and women. People with disabilities or special needs should also be provided with appropriate amenities.

4.4 Type of workplace

Workplaces include any places where people may go while at work. In determining what is required, consider the type of workplace (e.g. indoors or outdoors), and whether it is permanent or temporary.

The table below describes different types of permanent and temporary workplaces.

Type of workplace	Examples
Permanent – fixed in a building	Office, factory, hospital, school.
Permanent – fixed or mobile, but not always in a building	Bus and truck drivers, airline crews.
Temporary – seasonal	Tourism, show workers, recreational workers (e.g. ski instructors).
Temporary – where employees work in a one off situation for hours, days or weeks	Tradespersons (e.g. plumbers, electricians), gardeners, emergency services.

There may be other factors relevant to your workplace, in addition to those above. An example is the time of work, such as in shift work, where workers may not have access to facilities that are closed at night.

The WorkCover NSW Code of Practice for Risk Assessment can also help you in assessing your needs.

Chapter 5



Putting your information into action

Having assessed the workplace requirements, you are now ready to work out what specific amenities are appropriate for the welfare and personal hygiene of persons in the place of work. These decisions should be based on what is reasonably practicable in the circumstances.

Apart from the provisions in OHS Regulation 2001, you should also be aware of the requirements of the Building Code of Australia. The Building Code of Australia sets out requirements for the design, construction and modification of facilities in a building. The local government building requirements should also be checked.

5.1 Toilets

It is essential that employees have ready access to toilet facilities for the maintenance of good health.

5.1.1 Health reasons

Research has shown that where toilets are not readily accessible, employees may reduce their fluid intake to compensate. A reduced fluid intake is not recommended and can lead to health problems such as bladder and kidney disease, or heat stress in hot conditions. Where toilets are not accessible, people may sometimes try to delay going, which is also inadvisable, and may lead to health problems in the longer term such as incontinence.

5.1.2 Design

It is preferable that toilets are connected to the sewer. If this is not practicable, self-contained freshwater flushing or open-closet portable toilets should be provided. Toilets not connected to the sewer must be serviced regularly to ensure that they are maintained in a sanitary condition.

Each toilet should be fitted with a hinged seat and lid, and hinged door capable of locking from the inside. Adequate and hygienic means for the disposal of sanitary items should be provided for female employees. Toilets should be kept clean and hygienic at all times, and be positioned to ensure privacy for users.

5.1.3 How many toilets are needed?

The number of toilets required depends on the number of employees, or users of the facilities, and the type of building. In assessing needs, also consider how many visitors or members of the public might come to your workplace. Consult the Building Code of Australia for specific guidance on the number of toilets required, however the following ratios will be applicable to most workplaces:

<i>Employees</i>	<i>Closet Pan(s)</i>	<i>Urinals</i>
Males	1 per 20 males	1 per 25 males
Females	1 per 15 females	Not Applicable

5.1.4 Considerations for different types of workplaces

- **Permanent workplaces in buildings or structures**

For workplaces within buildings, the Building Code of Australia outlines the ratio of toilets to employees, and the specifications for toilets. In most cases, employers are expected to provide their own toilet facilities for employees, rather than relying on access to external public toilets.

Separate toilets should be provided for male and female employees, and should be clearly signposted. However, in some small businesses with only a few employees (e.g. less than 10) a unisex facility may be provided, as long as the privacy of male and female employees can be assured. In such situations, one toilet, one washbasin and a means of disposing of sanitary items is required.

Toilets must be accessible, preferably located inside a building, or as close as possible to the workplace to control any risk to employees' safety. They should be installed to prevent any odours escaping.

In multiple storey buildings, toilets should be located on at least every second storey. Where shops are located in a shopping complex, the owner of the complex should provide sufficient toilets to satisfy the needs of all the shops. Larger employers within shopping complexes, such as department stores and supermarkets would reasonably be expected to provide their own toilets to facilitate quick access for employees. Further guidance is provided in the Building Code of Australia.

- **Short-term temporary workplaces, and workplaces in remote areas**

Short-term temporary workplaces include maintenance of parks and gardens. This type of short-term workplace, or workplace in a remote area, requires the provision of temporary toilets.

Any temporary toilet should be located in a secure place, with safe access. Temporary toilets must be installed so as they are prevented from toppling over or becoming unstable, to ensure the safety of employees. Privacy (a lockable door), lighting, and ventilation should be provided.

- **Workplaces away from base locations**

Reasonable access to toilet facilities needs to be provided for employees working away from base locations and at outdoor work sites. These include gardeners, bus drivers, emergency service personnel, sales representatives and couriers.

The amenity may be in the form of access to public toilets, or the provision of temporary toilets. However, the employer must ensure access is available while they are at work.

5.2 Rest Rooms

Employees may need access to a rest area for a period of short-term respite while at work. The need for rest may be due to illness, injury or fatigue.

Rest rooms may take a number of forms. If there is a first aid room, the rest area facilities may be part of that room. Alternatively, a quiet office with a comfortable chair may serve as a rest area. If it is not practicable to provide an appropriate rest area within the place of work, then other arrangements may be adequate. This may include transporting the employee to a nearby medical clinic, or home. Some employees may have different needs for rest areas. For example, the rest area for long distance truck drivers may be the sleeper berth behind their seat, or in a busy call centre or hospital, employees might need time out from their work activities.

In general, a rest area should be:

- clean, hygienic and comfortable (e.g. comfortable seating);
- separated from the main working area (though not necessarily a separate room);
- quiet and well ventilated;
- conveniently accessible to toilets and washing facilities.

5.3 Shelter Sheds

Outdoor workers, such as road maintenance workers and gardeners, should be provided with reasonable access to shelter if weather conditions make work unsafe, for example, high winds, lightning, rain or very hot weather.

In some situations where employees have a vehicle nearby, this may provide appropriate short-term shelter. Where larger numbers of workers require shelter a shed or caravan may be needed. Portable shade canopies may also provide shelter against the heat. In some situations, access to appropriate nearby public shelter (for example, rotunda in the park, awnings under nearby buildings) may be suitable.

5.4 Seating

Employees should be provided with seating appropriate to the tasks being undertaken.

An assessment of work activity, in consultation with employees, should consider whether the work is best carried out in a seated or standing position (or a combination of the two). Ideally, employees should have a mix of seated and standing tasks – neither prolonged sitting nor standing is desirable.

Many tasks are best done in a seated position – screen based tasks, fine component assembly, tasks involving the frequent use of foot controls. For tasks best undertaken in a seated position, employees should be provided with suitable seating. The seat design should:

- (a) be appropriate for the work performed;
- (b) enable the worker to adopt a comfortable, ergonomically sound working position;
 - be fully adjustable to accommodate different sized employees;
 - provide good body support, especially for the low back;
 - enable good foot support – this may mean the use of a footrest which should be moveable if necessary.

Some standing tasks can be done using a sit/stand chair – for example, some process or inspection work. This means that the employee can prop themselves on the chair while still having the flexibility to undertake the standing task.

If the job is primarily carried out while standing, but the nature of the work allows the worker to sit from time to time, appropriate seating should be provided. This allows the worker to vary their position between sitting and standing.

5.5 Dining Areas

5.5.1 Basic requirements

Employees need to be provided with hygienic facilities for eating their meals and for preparing and storing food.

In some workplaces, mixing working and eating areas can create risks to health and safety. Substances or processes used in the workplace may have the potential to contaminate food, posing a risk to employees. In some situations, mixing working and eating areas may have the potential to spoil work being done, or equipment being used, e.g. crumbs in sensitive equipment. In such workplaces, employees need to be provided with appropriate facilities for eating during meal breaks. In many situations, an area within the workplace for making tea and coffee and preparing and storing food might be all that is needed.

In all workplaces, appropriate systems for the removal of rubbish associated with eating and dining areas should also be implemented.

The appropriate amenities for your workplace will be determined by examining the assessment factors. A range of options could be considered appropriate:

- **For large permanent workplaces**
A dedicated dining or eating area may be provided. The dining area should be separated from the work area and protected from weather. It should provide hot and cold running water; facilities for washing and storage of utensils; and hygienic storage and heating of food. Adequate numbers of tables and seats should be provided, as well as the appropriate crockery and cutlery.
- **For smaller permanent workplaces**
Where dining facilities are not practicable, there should at least be access to a separate area, which has a sink with running

water, a clean storage cupboard, a facility for boiling water and a refrigerator to avoid food spoilage. In workplaces where work processes may contaminate food, no matter how small those workplaces are, a separate dining room is required.

- **For temporary or remote workplaces**

Where the work involves travelling between different workplaces, or is remote or seasonal, employees need reasonable access to dining facilities. This may involve organising rosters for mobile workers (such as bus drivers or couriers) to ensure that they are back at their base location for meal breaks. Alternatively, mobile workers such as sales representatives may take their meal breaks en route.

It may be determined appropriate for some temporary workplaces, to provide portable dining facilities. Mobile caravans or transportable lunchrooms are suitable.

Employees working in remote areas, such as loggers or mining exploration workers, may face severe constraints in dining facilities. At times the only enclosed facility available to them may be their vehicle. In this instance portable food storage facilities may be required, such as a car fridge or insulated lunch box.

5.6 Change Rooms

Sometimes employees need to change clothes before, during or after work. Operating theatre workers, meat workers and asbestos removalists are in this group. This enables the removal of clothing that may be contaminated with substances from the work process. In other situations, employees may need to change out of a uniform that is required to be worn at work. In all of these circumstances, access to a change room is required for privacy reasons.

5.6.1 What type of change room is needed?

When establishing change rooms, consider:

Privacy and security needs: separate change rooms should be provided for males and females. In some small workplaces, as long as the privacy of individuals can be assured by administrative means (e.g. an "engaged" sign on the door), only one change room may be necessary. The room should be secure and lockable.

Space requirements: change rooms need sufficient space and adequate seating to accommodate the maximum number of people changing their clothes at any one time.

Location: the room should be separate from other parts of the workplace, in a position convenient to washing and toilet facilities.

Fittings: the room should contain adequate storage space for clothes, a reasonable number of hooks and appropriately positioned mirrors.

Seating: suitable seating (e.g. benches) should be provided to accommodate the numbers of people likely to be using the room at any one time.

5.6.2 Change rooms for temporary workplaces

Special requirements for hazardous substances: where the work involves the wearing of protective clothing due to hazardous substances (e.g. asbestos work, lead processing, electroplating), special decontamination changing facilities may be needed. This special change room should be separate from other changing, washing and toilet facilities.

Special requirements for wet outdoor work: some outdoor workers, such as emergency services personnel, and parks and gardens maintenance workers, may regularly get wet during the course of their work. As wet clothing and footwear may be a risk to their health and safety, drying facilities for clothes and shoes should be arranged.

Portable changing facilities may be needed for temporary workplaces such as road maintenance sites. In these situations a caravan or other portable change room may be used.

Where the work is in a remote area, or involves travelling between different workplaces, reasonable access to change areas may need to be organised. This may, for example, involve employees being able to use the facilities provided at the base location at the beginning and end of each shift.

5.7 Drinking Water

An adequate supply of clean drinking water must be provided at all workplaces, and be readily accessible for all employees. Drinking enough fluids is essential for normal body functioning, especially bladder and kidney function.

In general, drinking points should be:

- positioned where they can be easily accessed by employees;
- close to where hot or strenuous work is being undertaken to reduce the likelihood of dehydration or heat stress;
- separate from toilet or washing facilities to avoid contamination of the drinking water.

The temperature of the drinking water should be at or below 24 degrees Celsius. This may be achieved by:

- refrigeration of the water;
- provision of non-contaminated ice;
- shading of water pipes and storage containers from the sun.

Where connection to a water supply is possible, the drinking water must be presented in a hygienic manner. This may involve:

- a drinking fountain, where the water is delivered in an upward jet;
- a supply of disposable cups or washable glasses.

Where connection to a water supply is not possible (for example in some remote or rural outdoor workplaces), drinking water must be provided by other means. The risk assessment will determine the most appropriate alternative, perhaps individual water bottles, a water bag or dispenser. To avoid the spread of germs, drinking water should not be dipped from a shared container, and workers should not drink directly from a shared container.

5.8 Lockers and storage

Employees should be provided with space to store personal belongings (such as handbags and coats) while at work.

Personal protective clothing and equipment should also be stored and secured to ensure that it will be available for use when next required.

Many items of PPE should not be transferred from worker to worker. These include respirators and moulded earplugs that have been fitted to provide maximum protection for their owner. There is also potential for transmission of disease if items such as these are shared.

The safe storage of personal belongings may be more difficult for mobile workers, such as parks and gardens or road maintenance workers. In these cases, temporary lockable containers stored in a secure place may be appropriate. Employees working from a vehicle, such as sales representatives or couriers, may be able to use the vehicle as their lockable, secure space.

In some circumstances, work involves the use of tools provided by the employee. In these situations, secure, weatherproof storage of the tools during working and non-working hours should be organised.

Where people need to change their clothes during the course of their work, a locker may be required. It should be:

- big enough to store the personal belongings;
- fitted with a hook on the back of the door, coat hanging space, and a shelf;
- fitted with a door capable of being locked;
- positioned so that there is adequate space to change clothes in front of the locker; and,
- located in an accessible but secure place.

5.9 Washing Facilities

An employer must provide access to suitable hand washing facilities to enable employees to maintain standards of personal hygiene. Depending on the nature of work undertaken, hands will require washing at different times (for example, after handling chemicals, changing children's nappies, or handling greasy machinery).

5.9.1 Hand washing facilities

Hand washing basins should be separate from troughs or sinks used in connection with the work process. The workplace assessment will determine where they should be positioned, but in general they should be located within easy access of:

- work areas;
- dining or eating areas;
- toilets.

5.9.2 How many hand basins are required?



5.9.3 Showering facilities

5.9.4 Considerations for different types of workplaces

The washing facility should be protected from weather, and provided with an adequate supply of non-irritating soap (preferably from a soap dispenser), and hygienic hand drying facilities (such as automatic air dryers or paper towels).

The ratio of hand washing basins to employees, and specifications for basins depends on the number of users, the type of building and the nature of the work. Consult the Building Code of Australia for information about the number of basins required for your workplace (e.g. there are special provisions for certain workplaces such as health care buildings, schools, and early childhood centres), however the following ratio will be adequate for most workplaces:

<i>Employees</i>	<i>Wash Basins</i>
Males	1 per every 30 males
Females	1 per every 30 females

Jobs such as fire fighting, work in abattoirs, foundry work, welding, and police search and rescue are examples of situations where showering facilities may be required. Such jobs may involve dirty, hot or arduous work. The appropriate ratio of showers to employees will be determined by the nature of the work.

Separate showering facilities should be provided for male and female employees. However, in small or temporary workplaces where the privacy of male and female employees can be assured, it may be acceptable to provide one shower. Each shower area should have a lockable door, and non-slip flooring.

- **Permanent workplaces**
Clean hot and cold water should be provided for washing facilities at permanent workplaces.
- **Temporary workplaces**
Where washing facilities are required at temporary work locations, the facilities should be provided with clean water as a minimum. If possible, hot water should also be provided. In some situations, individual plastic washbasins or other portable equipment may need to be provided.

Chapter 6

6.1 Managers



6.2 Employees

6.3 Contractors and visitors

Who needs to know about your workplace amenities?

Employers need to ensure that managers and supervisors understand the amenity requirements and provisions for the workplace.

Managers and supervisors will be accountable for making sure that amenities are available for employees and maintained in a safe and healthy condition.

Employees need to know where they can access the amenities provided for their health and welfare, such as toilets, change rooms and washing facilities. The appropriate positioning of amenities and clearly visible signs will help to make sure that employees know where the amenities are located.

The induction of new employees should include a walk-through of the workplace, pointing out relevant amenities. Consider also the needs of employees with languages other than English, and make sure signs are appropriate for everyone's needs.

Access needs to be ensured, for example for those who need permission to leave their workstations to go to the toilet – a replacement might be needed.

All people entering the workplace should be provided with information about relevant amenities, such as toilets and washing facilities. This may be done using signs and/or written information, and if necessary explained by the receptionist or the person to whom they report on arrival.

Chapter 7

Checking that the workplace amenities are adequate

There may already be amenities for employees in your workplace. It is important that you know whether or not they continue to meet the needs of employees – preferably before the health and welfare of a person is compromised.



An employer must ensure that any amenities or accommodation provided for the welfare of employees are maintained in a safe and healthy condition.

- (a) Periodically review the amenities, involving the people who have accountabilities for health and safety. If new information is obtained which identifies a previously unidentified need, review the provision of amenities.
- (b) If work practices are modified, or new work practices introduced, review the amenities provided against the assessment factors to ensure they are still adequate.
- (c) If an incident impacting on the health and welfare of employees does occur, review the amenities provided, and make changes if necessary.
- (d) Ensure that cleaning and maintenance are carried out (e.g. are consumable items such as soap and toilet paper replenished regularly?).

Appendix 1



The most likely questions a WorkCover Inspector will ask about your amenities

- How many people work on this site, and are the toilets and washing facilities adequate?
- For outdoor sites, in the case of bad weather, where can employees take shelter?
- What consultation has occurred to ensure that the amenities provided meet the needs of the health and welfare of employees?
- Where can employees store their personal protective equipment?
- What facilities are available when employees undertake work requiring them to shower and change their clothing?
- Are there enough drinking points for employees, especially for those undertaking physically demanding work?
- Is appropriate seating provided for employees?

Appendix 2



Some frequently asked questions

Are there any building regulations that I need to be aware of?

Yes. The Building Code of Australia sets out requirements for the design, construction and modification of facilities in a building, as well as specific provisions in relation to sanitary facilities. These provisions are also regulated at the planning stage and during construction or alteration by Local Government Authorities.

Is it necessary to provide eating and food preparation facilities for employees?

Yes. However, the appropriate facility will vary from workplace to workplace. Employees need to be provided with reasonable access to hygienic facilities for eating during meal breaks. This might simply mean provision of an area for boiling water, preparing and storing food and washing utensils in the workplace. But if there is a risk to health and safety by food being contaminated by substances related to the work process, a separate dining or eating area will be required.

Is it necessary to provide showers and change rooms for all employees?

Where some or all of an organisation's employees undertake hot, dirty or arduous work, shower facilities should be provided. Change rooms, with secure personal lockers, should be provided where the nature of the work requires employees to change out of uniforms or protective clothing before, during or after work.

Appendix 3



Amenities planning checklist

Assessment Factors, consider the following:

- Nature of work undertaken

- Size and location of the place of work

- Composition of the workforce (number of men and women)

- Type of workplace (permanent or temporary)

Planning amenities, consider the following:

- Toilets – numbers, location, management

- Rest area – location, management, alternative arrangements

- Shelter sheds – size, location

- Seating – adequate number and type

- Dining rooms – size, location, seating, storage facilities

- Change rooms – size, location

- Clean drinking water – accessibility, presentation and temperature

- Lockers – numbers, location, management

- Washing facilities (hand basins, showers) – numbers, location, management

Checking that the amenities are adequate

- Consider when the checks are made, how this is done and who does it

Appendix 4



Sample Amenities Plan: Temporary workplace – Gardening

Assessment of Amenities Requirements

Nature of work performed

- Garden maintenance. Employees gather tools from depot at the start of the shift, and work outdoors in pairs most of the day, returning to the depot at the end of the day.

Size & location of the place of work

- Depot located in township – gardens within 8 kms of depot.

Composition of the workforce

- 10 men and 3 women.

Type of workplace

- Depot is a permanent building, garden maintenance done at temporary sites.

Need for maintenance

- Cleaning.
- Replenishing consumable items.

Amenities Plan

Toilets (as required by Building Code of Australia)

- Separate male & female toilets available at depot. Staff can use public toilets if required in gardens.

Rest rooms

- Comfortable chair and blanket available in first aid room at the depot.

Shelter sheds

- Some of the gardens have public shelter accessible to employees. Can also seek temporary shelter in vehicle, or return to depot.

Seating

- Sit/stand chair provided in potting room, and comfortable seating in lunchroom. Most other tasks done when standing or kneeling.

Dining rooms

- Employees have the option of returning to base for lunch where a lunchroom is provided, or taking lunch on site. Vehicles equipped with folding stools if latter is chosen.

Change room

- Separate male & female change rooms provided at the depot.

Drinking water

- Cool drinking water provided at depot, plus refrigerator for other types of drinks.
- Workers take insulated individual flasks when off site.

Lockers

- Lockable locker provided for each employee, located in change room.

Washing Facilities

- Hand basins located adjacent to male & female toilets; employees can use garden taps if off site.
- One shower located adjacent to change rooms – with room to change clothes and lockable door.

* This is not an exhaustive checklist and is designed to illustrate the approach to planning for amenities.

Appendix 5



Sample Amenities Plan: Permanent workplace – Office

Assessment of Amenities Requirements	Amenities Plan
<p><i>Nature of work performed</i></p> <ul style="list-style-type: none"> • Employees undertaking general office work. <p><i>Size & location of the place of work</i></p> <ul style="list-style-type: none"> • Three-storey building located in the central building district. All floors in use. <p><i>Composition of the workforce</i></p> <ul style="list-style-type: none"> • 50 females and 20 males. • Some staff have disabilities. <p><i>Type of workplace</i></p> <ul style="list-style-type: none"> • Permanent – building. <p><i>Need for maintenance</i></p> <ul style="list-style-type: none"> • Cleaning. • Replenishing consumable items. 	<p><i>Toilets</i> (as required by Building Code of Australia)</p> <ul style="list-style-type: none"> • Toilet block located on 2nd floor. • Lift provides access for disabled. • Male – one toilet & urinal provided. • Female – four toilets provided. • Facilities for workers with disabilities – one unisex toilet provided. <p><i>Rest rooms</i></p> <ul style="list-style-type: none"> • Comfortable chair with blanket available in small alcove near lunchroom on ground floor. <p><i>Shelter sheds</i></p> <ul style="list-style-type: none"> • Not applicable, as all work is indoors. <p><i>Seating</i></p> <ul style="list-style-type: none"> • All employees provided with fully adjustable office chair. • Kitchen area provided with comfortable, non-adjustable dining chairs. <p><i>Dining rooms</i></p> <ul style="list-style-type: none"> • Dining room on ground floor has tables and seating to accommodate up to twenty persons at any one time, it also has a kitchen. • 2nd & 3rd floors have kitchenettes for boiling water & washing utensils. <p><i>Change room</i></p> <ul style="list-style-type: none"> • Change rooms not provided. <p><i>Drinking water</i></p> <ul style="list-style-type: none"> • Drinking water and refrigerators provided in kitchen & kitchenettes. • Cool water dispenser in ground floor kitchen. <p><i>Lockers</i></p> <ul style="list-style-type: none"> • Each employee has lockable drawer for personal belongings at their workstation, or a locker or cabinet to store valuables on the same level as their workstation. <p><i>Washing Facilities</i> (as required by Building Code of Australia)</p> <ul style="list-style-type: none"> • Hand basins located adjacent to male & female toilets. • Male – one hand basin provided. • Female – two hand basins provided. • Facilities for workers with disabilities – one hand basin provided.

* This is not an exhaustive checklist and is designed to illustrate the approach to planning for amenities.

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**Code of Practice
for
Working in Hot or Cold Environments**



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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 Act 2000 and OHS Regulation 2001* for a particular area of work.

This 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 *Occupational Health and Safety Act*;
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

Preface

The aim of this code of practice is to assist employers in deciding on appropriate measures to eliminate or control the risks to employees who work in hot or cold environments. It provides practical advice on implementing the requirements of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

What is meant by 'hot or cold environments'? How can heat or cold affect health and safety?

Many occupations and tasks expose employees to hot or cold working environments. Work outdoors may expose a person to the sun's radiation, or to wind chill. Work with hot plant (such as a baker's oven), or in hot surroundings (such as a foundry), also creates the potential for heat-related illness. Workers in refrigerated areas like cool rooms are also exposed to thermal hazards in their working environment.

It is important to distinguish between a condition, which threatens health and safety, and a feeling of discomfort. Terms like *heat stroke* and *hypothermia* refer to serious medical conditions. Hypothermia is where a person gets an abnormally low body temperature as a result of exposure to cold environments; it is a serious condition, which can lead to death. Heat stroke is an uncommon and more severe form of heat illness, which is a medical emergency. It occurs when the body can no longer control the body temperature and it rises to temperatures where mental function is seriously impaired.

Heat exhaustion is related to lack of fluids, or a rapid loss of body fluids. *Heat stress* is more serious, and can lead to death. It is more likely to occur in conditions of high humidity, and to affect non-acclimatised persons – that is, those unused to the conditions.

Thermal discomfort may be experienced even when there is little likelihood of a medical condition developing.

For example, office workers may feel uncomfortable if their air conditioning is not working to optimum effect in hot weather. While that problem should be addressed (and if air temperatures rise sufficiently, could result in a real risk of heat related illness) it would not usually create a serious threat to health.

Preventive steps should aim to reduce thermal discomfort as much as is practicable, and to develop working conditions and work practices which will not give rise to more serious problems.

How to use this information

- **What is this code of practice about?**

This code of practice aims to assist you to take action to prevent heat- or cold-related injury or illness from affecting people 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 heat or cold. This guidance should be read in conjunction with 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, unions and employer organisations to assist them to manage risks arising from work in hot or cold environments.

- **When to use this information**

Use this code of practice to assess the effectiveness of your present arrangements for work in hot or cold environments, 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 hazards arising from work in hot or cold conditions.

What do the symbols in the Code of Practice mean?



Assess the risks in your workplace



Legal obligations that must be followed



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 *Work in Hot and Cold Environments*.

1.2 Purpose

This code sets out and explains the requirements for managing risks associated with hot and cold working environments, to ensure the health, safety and welfare of employees when at work. It provides practical guidance on determining what is appropriate for the particular circumstances of each workplace.

1.3 Scope

This code of practice applies to all workplaces in NSW, except for work carried out in a mine within the meaning of the coal *Mines Regulation Act 1982* of the *Mines Inspection Act 1901*.

1.4 Commencement

This code commences on the date it is published in the NSW Government Gazette.

1.5 Authority

This is an industry code of practice approved by the Minister of Industrial Relations under section 43 of the *Occupational Health and Safety Act 2000*.

Chapter 2 Consultation at the workplace



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 information in this code of practice should be used when consulting with employees about the hazards of hot and cold environments. The *Occupational Health and Safety Act 2000* (OHS Act) and the *OHS Regulation 2001* (OHS Regulation) require employers to consult with employees and take into account their views 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.

2.1 What is meant by consultation?

Consultation involves: sharing information with employees; giving them the opportunity to express their views before decisions are made; and, valuing their views and taking them into account.

Consultation is based on recognition that employee input and participation improves decision-making about health and safety matters. 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.

Consultation must occur in the following circumstances:

- When 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.
- When risks to health and safety arising from work are assessed.
- When decisions are made about the measures to be taken to eliminate or control those risks.
- When introducing or altering the procedures for monitoring those risks.
- When decisions are made about the adequacy of facilities for employee welfare.
- When decisions are made about the procedures for consultation.

Employers must establish an OHS consultation mechanism and need to consult employees about what the consultation arrangements are going to be. Employers must also record the consultation arrangements and publicise them to all existing and new employees.

Readers should refer to WorkCover's *Code of Practice: Occupational Health and Safety Consultation* for detailed guidance regarding employer obligations related to consultation.



Chapter 3 How to establish the special needs of your workplace

3.1 Managing risks in the workplace

OHS Regulation 2001 requires employers to:



- Identify the hazards
- Assess the risk(s) to the health and safety of persons arising from the hazards.
- Use appropriate control measures to eliminate or control the risk.
- Monitor and review the control measures to ensure on-going safety.

Safety issues may arise when organisations are considering purchasing equipment or substances, developing or changing work systems, and designing or re-modelling the workplace.

These are the key elements of a risk management process and must be undertaken in consultation with the people most likely to be affected such as employees and contractors. It makes sense to consult with workers because these people are likely to be aware of the particular risks at their workplace and may have good ideas about how to eliminate or control the hazards.

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.

3.2 Identifying the hazards

An employer must take reasonable care to identify any foreseeable health or safety hazards, which could harm the employee or other persons in the workplace. The hazards may involve work practices and systems, people, equipment, materials, and environment. Some ways to identify hazards include:

- 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.
- Looking at the way work is conducted.
- Consultation with workers. This is one of the easiest and most effective ways to identify hazards.
- Looking at the workplace records on "near misses", incidents, accidents and injuries.
- Information supplied by manufacturers and suppliers about the proper use of hazardous substances and plant (for example: Material Safety Data Sheets and Product Labels).
- Using the knowledge of an outside expert.

It is a good idea to list the hazards, identify 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.

3.3 Assessing the risks

Risk assessment involves considering the:

- risks that any identified hazard can cause to an employee or other person in the work place;
- likelihood of an injury or illness occurring;

- likely severity of any injury or illness that may occur.

In doing this employers should also read any available health and safety information related to the hazard; identify the factors that might contribute to the risk; and identify the actions necessary to control the risk.

Employers should think about:

- the potential sources of heat or cold;
- the number of people involved;
- the type of work to be performed;
- the work practices in use;
- the type of plant, machinery and equipment to be used;
- the premises and working environment including their layout or condition; and,
- the capability, skill, experience and age of people doing the work.

Risk assessment must be done in consultation with employees. It is a good idea to document the risk assessment. 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 "death by freezing" to "fatigue". The most serious risks are the ones that should be dealt with first.

The *WorkCover NSW Code of Practice for Risk Assessment* can also help you with assessing your needs.

3.4 Eliminate or control the risk

This step involves working out how to eliminate or control the risks. Employers must eliminate any risk to the health and safety of all employees or other persons at the workplace. If it is not reasonably practicable to eliminate the risk the employer must control the risk. The employer is responsible for ensuring risks are controlled, and that the method of control is working.

The "hierarchy of controls" is listed in terms of levels. You should select controls from the highest level possible:

- Level 1. Eliminate the risk** - for example, discontinue the activity, think about using a different, less dangerous piece of equipment, fixing faulty ventilation, or using safer materials or chemicals.
- Level 2. Control the risk** - if you can't eliminate the risk think about redesigning the equipment or processes so that less hazardous equipment or materials may be used.

Control the risk, by:

- a) substituting the hazard giving rise to the risk with a hazard that gives rise to a lesser risk, such as changing the plant or the way work is done to something safer or modifying the way work is done or the plant to make it safer;
- b) isolating the hazard (e.g. introduce a restricted work area);
- c) using engineering controls (e.g. ventilation, exhaust ducting, thermostats).

Level 3. Other controls such as:

- a) administrative controls and safe work practices (e.g. specific training and work instructions);

- b) personal protective equipment (e.g. insulated gloves, warm clothing or face shields). Personal protective equipment (PPE) is the least preferred way of dealing with hazards, but should be used when the other methods are simply not practical or feasible. Make sure the PPE is appropriate, fitted correctly, maintained in good condition and always used correctly. Workers should be trained not only in how to use it correctly, but also in how to look after it.

The control measures at Level 1 give the best result and should be adopted where practicable. The measures at the lower levels (e.g. Level 3) are less effective and they require more frequent reviews of the hazards and the systems of work. In some situations a combination of control measures may need to be used.

Any new control measures should be evaluated to ensure that they are effective and safe and that they create no new hazards. Also, develop clear work procedures and make sure they are documented and available to employees.

3.5 Keeping your workplace safe – monitor and review

OHS 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 a workplace stays safe an employer must review the risk assessments undertaken and the control measures implemented. This will occur whenever:

- there is evidence that the risk assessment is no longer valid;
- an injury or illness occurs; or
- a significant change is planned to the place of work, work practices, or work procedures.

In these circumstances, the process of identification, assessment and deciding control measures must be repeated. 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 assuring health, and maintaining safety.



You must follow the three steps of identification, assessment and elimination or control for every health and safety issue that requires attention. For work in hot or cold environments, this method provides a systematic way of working out the most effective action to control all possible risks.

Chapter 4 Identify your workplace exposures to heat and cold



The first step is to identify the sources of heat and cold. You should look at the work environment, the plant used, and work processes and practices.

The effects of heat and cold on the body are influenced by environmental factors including:

- **Air temperature** how hot or cold the surrounding air is;
- **Humidity** the moisture content in the air;
- **Air movement** including air speed (or wind speed), and air circulation;
- **Radiant heat** heat radiating from the sun, or emitted by plant, buildings, fixtures or processes.

Other things can magnify the effect of these factors. For example by themselves, high or low air temperature, or humidity, will not necessarily present a serious hazard at work. However, if they are present during strenuous physical work, or if the worker is required to wear heavy protective clothing, the potential for harm may be greatly increased.

Look at the workplace itself, and the plant in operation. A tin roof, for example, can transmit considerable radiant heat in hot weather. Inadequate ventilation will increase the effects of heat caused by plant or processes.

Some plant heats up considerably, or becomes very cold during operation. It can generate humidity in the work environment or create a strong movement of hot (or cold) air.

Think about your **work processes**. Are people exposed to risk through:

- the physical activities they perform (e.g. increased risk because of a high work rate in hot conditions, or low work rate in cold conditions)?
- their proximity to hot or cold plant or substances?
- the surroundings (work environment) in which they are located?

Think also about the **people** who will do the work. In Section 5.1 (d) you will find some of the *personal* factors that may increase the risks people face when working in hot or cold environments.

The sources of heat or cold, nature of the work and duration of exposure, will also be considered in more depth when you assess the risks. For now, the key step is to ensure that you have *identified all the hazards* to which people may be exposed.

Tool 1 (follows) is a guide to identifying hazards and the possible effects of exposure. The combination of factors and conditions outlined in Tool 1 should be considered in managing exposures to heat and cold.



Tool 1: Work in Hot or Cold Environments Exposures to Heat and Cold and Possible Effects

Hazard	Typical exposures	Possible effects
High air temperature	Outdoor physical work in hot weather (e.g. road construction). Indoor physical work in a hot working environment (e.g. foundry, bakery).	Discomfort, sweating, flushed skin, fatigue, dizziness, muscle cramps, nausea, vomiting, dehydration, and excessive or erratic pulse. Severe exposure: heat stroke, hyperthermia, loss of consciousness, death.
Low air temperature	Prolonged exposure to low air temperatures while wearing clothing inadequate for cold conditions. Outdoor work in cold weather, indoor work in cold environments.	Discomfort, shivering, loss of motor co-ordination, slurred speech. Severe exposure: irrational behaviour, frostbite, hypothermia, loss of consciousness, death.
Humidity	Work with plant or processes, which generate humidity (e.g. brick curing, steam presses).	Discomfort, flushed skin, sweating, fatigue, headaches, dizziness, nausea, vomiting, excessive or erratic pulse. Severe exposure: collapse, heat stroke, hyperthermia.
Air movement (high)	Prolonged outdoor activity in cold, wet and windy conditions, work in wet clothing in cold wind.	(In cold conditions) discomfort, shivering, cold-related illnesses. Severe exposure: hypothermia, loss of consciousness.
Air movement (low)	Work in enclosed area with inadequate ventilation during hot weather.	(In hot conditions) discomfort, flushed skin, sweating, fatigue, headaches, dizziness and excessive or erratic pulse. Severe exposure: nausea, vomiting, collapse, heat stroke.
Radiant heat	Exposure to UV radiation from the sun, exposure to radiant or conducted heat from plant (dryer, oven, furnace) or processes such as smelting, molten metals.	Discomfort, sweating, fatigue, dizziness, nausea and vomiting, radiation burns to exposed skin. Severe exposure: severe burns, heat stroke, collapse, loss of consciousness.

This Tool is not a comprehensive guide to work in hot or cold environments. It provides examples of typical situations in which exposure to heat and cold occurs, and some of the effects, which may result.

Note that some of the "possible harmful effects" listed may be considered as creating discomfort for the person affected, rather than any serious (or potentially serious) medical condition.

You must 'stocktake' your own workplace hazards to be sure you have identified all the sources of heat and cold to which people may be exposed. Your risk assessment will consider how serious a problem each one could create.

Chapter 5 How serious could your heat or cold related problems be?



5.1 Factors to consider

Before you decide how to eliminate or control the risks for work in hot or cold environments, you should look at the following five assessment factors:

a. *The source of the heat or cold*

What working conditions expose employees to heat or cold?

- Work in direct sunlight in hot weather (e.g. bitumen laying, construction). The risks increase when combined with high temperatures, high humidity and low air movement.
- Work requiring high physical work rate in humid conditions (e.g. laundries, kitchens).
- Work in cold weather (e.g. horticulture, power line maintenance). The risks increase when combined with low temperatures, wet and windy conditions.
- Plant which becomes hot (e.g. ovens, dryers, furnaces) or cold (e.g. freezers).
- Workplace with inadequate temperature control or ventilation.

b. *The nature of work undertaken*

The risk assessment should consider how the work being done interacts with (or generates) hot or cold conditions. For example:

- Work in close proximity to sources of heat or cold (e.g. metal forging).
- Work in hot conditions (e.g. smelter, boiler room, asbestos removal) requiring protective clothing that inhibits loss of body heat.
- Work in cold conditions where loss of body heat may affect body function (e.g. occupational diving, garden maintenance in wet weather).
- The interaction of other hazards with hot or cold conditions: (e.g. work in confined spaces, where limited ability to move about could increase the effects of heat or cold).

c. *The duration of exposure to heat or cold*

Risks to health and safety will be influenced by the length of time workers are exposed to heat or cold. In particular, the following should be considered:

- Work activity requiring prolonged physical exertion in high temperatures or high humidity.
- Work activity requiring prolonged physical inactivity in low temperatures or wet conditions.

d. *The physical condition and capability of the worker*



An employer must ensure that appropriate work and rest regimes relative to the physical fitness, general health, medication taken and body weight of each employee exposed to heat or cold are implemented.

Work in hot and cold environments should be planned so that the needs of individual employees are considered.

While none of the following factors need exclude a person from doing the work, any one of them may trigger special consideration of the worker's needs when assessing heat- or cold-related risks:

- Does the person have any physical or medical health conditions that make them more likely to be affected by heat or cold? (Sensitivity to privacy may be important when collecting or using this type of information).
- Have they recently taken any medication, drugs or alcohol that may make them more likely to be affected when working in hot or cold environments? (Sensitivity to privacy is important when collecting or using this type of information).
- Are they experienced in, and acclimatised to, the working conditions?
- Have they ever suffered a reaction to work in hot or cold environments?
- What level of physical activity is required by the work?
- Are there adequate breaks from particular tasks or rotated duties to avoid heat-or cold-related problems?
- Have I taken sufficient steps to reduce risks to workers or should I undertake more comprehensive monitoring or implement a work-rest regime? Refer to section 6.1.3 for further information.

e. Past experience of problems arising from work in hot or cold environments

You should look at all information that may indicate that there have been instances of heat stress, hypothermia or similar problems. This would include:

- Incident data – claims and incident reports.
- Documented complaints or problems arising from work in hot or cold conditions.



Remember: assessing the potential risks from exposure to hot or cold conditions must be undertaken in consultation with the employees concerned. Employees must also have input into the risk controls selected.

5.2 Measurement

Having considered the factors outlined above, you may need to establish a clearer picture of potential problems. If the assessment indicates those hot or cold environments present a risk greater than just discomfort, the extent of that risk should be measured.

There a range of ways to measure temperature, these are:

Measurement in degrees Celsius by a Dry Bulb thermometer

The measurement in degrees Celsius that we see in weather reports is simply air temperature, measured by a Dry Bulb thermometer. It does not provide a basis for assessing the potential risks from heat exposure.

Effective Temperature using a Wet Bulb thermometer

The combined effects of *temperature, humidity and air movement* can be described on a single scale. This is the *Effective Temperature*. Generally, an effective temperature between 18 and 24 degrees Celsius is considered satisfactory for most working situations. Effective Temperature is calculated using a Wet Bulb thermometer (one whose bulb is cooled by evaporation).

Effective Temperature, however, is not enough to establish the level of risk when there are significant radiant heat loads. These are better measured by a Wet Bulb Globe thermometer that absorbs radiant heat.

Wet Bulb Globe Thermometer (WBGT) Temperature

The most comprehensive heat stress index is measured by WBGT. WBGT takes into account the factors likely to be significant *in combination* in their effect upon a person performing work in hot conditions.

The following factors interact with each other to determine the level of heat-related risks for a worker:

- Environmental conditions (air temperature, radiant heat, humidity).
- Physical work to be done (e.g. strenuous or light physical work).
- The way the work is organised (such as its duration, or times of day).
- Clothing which must be worn in order to do the work (e.g. heavy protective clothing).

The use of a heat stress index is valuable in that it allows us to accurately measure or monitor conditions. There are established international standards for work in hot and cold environments that are based upon WBGT temperature. For further information refer to the international standard *ISO 7243 (1989) (E) Hot environments – Estimation of the heat stress on working man, based on the WBGT- index (wet bulb globe temperature)* and the American Conference of Governmental Industrial Hygienists (ACGIH), (2001), "*Threshold Limit Values for Chemical Substances and Physical Agents*".

Core temperature, heart rate or mean sweat rates

These can be used when measuring an individual's physical and physiological response. Core temperature, heart rate or mean sweat rate measurements are used in situations where personal monitoring is required, for example where there is extreme radiant heat or where there is moderate physical labour combined with high radiant heat such as work near furnaces.

5.3 Secondary risks of work in hot or cold environments

Prolonged exposure to heat or cold can lead to fatigue, lowered concentration, slowed reflexes and loss of physical co-ordination. Any one of these things increases the possibility of an injury occurring. If an employee should faint as a result of heat stress, for example, there is the possibility of an injury from falling or striking objects.

Vibration from tools and equipment also presents increased risk to the operator in cold conditions. As air temperature drops, risks arising from tools that cause significant hand-transmitted or whole body vibration may be increased.

Workers must be able to function efficiently both physically and mentally to sustain work practices that will not place them at risk. If exposure to heat or cold leads to fatigue or discomfort, this could impair decision-making and affect the ability to follow safe working procedures.



Chapter 6 Putting your information into action: controlling risks of work in hot or cold environments

Having assessed the workplace conditions and risks, action must now be taken to ensure that heat and cold related risks are controlled. Listed below are steps to consider when looking at the situation in your workplace.

Every workplace is different, and these risk controls may or may not be the right ones for you.

Risk controls that address the source of a health and safety problem will always prove most effective. If exposure to heat or cold can be reduced without relying on procedures and the use of PPE, control efforts are likely to prove more effective.



Employers have legal responsibilities to implement risk control measures to safeguard employees against harm arising from heat or cold while at work.

6.1 Hot environments

The best way to control body temperature in hot environments is to encourage the evaporation of sweat from the surface of the body. Evaporation is highest when humidity is low and the air movement is high.

If any worker experiences significant symptoms of heat stress, corrective action must be taken and assistance must be provided without delay, regardless of any temperature reading.

6.1.1 Steps to consider for outdoor hot conditions

- Provide and encourage the use of mechanical aids (such as tractors, forklifts, electric saws, mechanical lifters).
- Provide shade where possible, at least for rest periods.
- Monitor temperature, humidity and workers' physical response to environmental conditions.
- Inform and train employees to recognise symptoms of heat-related illness.
- Allow workers to acclimatise to hot conditions over a period of time.
- Provide frequent rest breaks and/or rotate duties to allow people to cool down. Consider work-rest regimes.
- Schedule heavy work and tasks that require the wearing of personal protective equipment (PPE), for cooler times of day (or year).
- Provide fluids and encourage workers to make up for body fluid lost through sweating. A useful "rule of thumb" is that workers should drink at least half a litre of water each hour if hot environments result in excessive sweating.
- Provide a fresh water supply for washing and external cooling e.g. wet towels.
- Develop first aid and emergency procedures - and make sure they are understood.

6.1.2 Steps to consider for indoor hot conditions



An employer must ensure that adequate ventilation and air movement is provided in indoor environments that may become hot.

- Provide and encourage the use of mechanical aids (such as tractors, forklifts, electric saws, mechanical hoists).
- Isolate workers from heat sources.
- Remove heat by exhausts or other sources to the outside of the building.
- Ventilate the work area to provide a flow of cool (or cooled) air. This is particularly important where hot work processes generate radiant heat or high humidity.
- Use fans to circulate airflow (e.g. overhead ceiling fans).
- Reduce heat from plant and processes as far as possible by insulating plant, pipes, walls or roofs to minimise radiant heat.
- Monitor temperature, humidity and workers' physical response to environmental conditions.
- Organise the work so those tasks requiring greater physical exertion or that require the wearing of personal protective equipment (PPE) are undertaken in cooler periods within the working shift. Also, provide rest breaks.
- Rotate work in hot conditions to limit the exposure of individual employees.
- Inform and train employees to recognise symptoms of heat-related illness.
- Develop first aid and emergency procedures - and make sure they are understood.
- Provide ready access for employees to fluids and encourage workers to make up for body fluid lost through sweating. A useful "rule of thumb" is that workers should drink at least half a litre of water each hour if hot environments result in excessive sweating.
- Provide PPE for workers exposed to radiant heat and flames such as face shields, appropriate clothing, gloves etc.

6.1.3 Applying work-rest regimes to reduce heat risk

If the steps taken to manage hot working conditions have not sufficiently reduced risk to workers, then more comprehensive monitoring of the contributing factors should be undertaken. This monitoring should be used to determine what corrective actions should be taken including short breaks, rotating duties, the use of a work-rest regime as part of additional risk controls, or reviewing the effectiveness of existing work-rest regimes.

When establishing a work-rest regime the level of physical activity required and whether the worker has already been acclimatised to the heat conditions are important factors. The rest periods will increase as heat stress factors increase.

There are established international standards that set out the rest periods that should be built into each hour for work in hot and cold environments.

For further information refer to the following:

- International standard *ISO 7243 (1989) (E) Hot environments – Estimation of the heat stress on working man, based on the WBGT- index (wet bulb globe temperature)*.

- American Conference of Governmental Industrial Hygienists (ACGIH), (2001), *"Threshold Limit Values for Chemical Substances and Physical Agents"*.

6.2 Cold environments



An employer must ensure that employees exposed to cold have adequate access to heated or sheltered work areas and warm clothing or other personal protective equipment.

Warm clothing is clothing that is suitable for the purpose of:

1. working in artificially cold workplaces such as refrigerated areas; or
2. working outside in extreme climatic conditions such as those experienced in alpine zones or where there is a need to be protected against environmental conditions (eg. underwater work).

6.2.1 Recognise the 'early warning' signs of cold-related illness

Work involving cold can lead to physical discomfort without meaning you are at risk of a more serious condition developing. However, you must be aware of the early warning signs of hypothermia, and take appropriate action if you experience them - or if you observe another person who appears to be in difficulty.

The warning signs to watch for are:

- Hands become numb
- Shivering is not under voluntary control
- Loss of fine motor co-ordination (particularly in your hands – you may have trouble with buttons, laces, zips)
- Slurred speech
- Difficulty in thinking clearly
- Irrational behaviour - sometimes a person will even begin to discard clothing

Once more than one of these signs has been experienced or observed, you should stop work and take steps to safeguard health. For outdoor work, this could mean seeking shelter, finding an external heat source, putting on extra layers of clothing, replacing wet clothing with dry, increasing your physical activity.

6.2.2 Steps to consider for outdoor cold conditions

- Provide protection from wind and rain - a shelter, such as a hut or the cabin of a vehicle, will offer relief from extreme conditions.
- Monitor environmental conditions, and the physical well being of people when work involves prolonged or repeated exposure to cold.
- Cease work if conditions become too cold to continue safely. Wind chill can create significant risk even if the air temperature is above freezing point.
- Inform and train employees, so they will recognise unsafe conditions arising from exposure to cold while working outdoors.
- Develop first aid and emergency procedures, and make sure they are understood.

- Provide appropriate protection through warm clothing. Clothing should be worn in light, loose fitting layers; a waterproof outer layer will provide protection from rain. A hat will significantly reduce heat loss, as will ear protection. Slip-resistant, insulated boots are preferable to light footwear which may allow the feet to become wet. Gloves or mittens should also be considered.
- Monitor the use of tools that cause significant hand-transmitted or whole body vibration as they present an increased risk to the operator in cold conditions (see section 5.3).

6.2.3 *Steps to consider for indoor cold conditions*

- Isolate workers from sources of cold.
- Raise the air temperature in the workplace by providing heating.
- Insulate ceiling spaces and walls where possible to minimise heat loss.
- Eliminate draughts (though not at the expense of adequate ventilation).
- Organise work to minimise risk: provide breaks, rotate or 'share' work in cold conditions to limit the exposure of individual employees, organise work-rest regimes.
- Provide training about the hazards and their risk controls.
- Ensure that employees are suitably clothed to work in cold conditions.

6.2.4 *Applying work-rest regimes to reduce risk*

If the steps taken to manage cold working conditions have not sufficiently reduced risk to workers then more comprehensive monitoring of the contributing factors should be undertaken. This monitoring should be used to determine what corrective actions should be taken including the use of a work-rest regime as part of additional risk controls.

Appendix 3 (Work in Hot Environments – Sample Risk Control Plan– Bakery) 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. This sample plan gives a simple example of the hazards identified and the actions that have resulted following a risk assessment.



Chapter 7 Who needs to know about the effects of exposure to hot and cold?

7.1 Managers

Employers should ensure that managers and supervisors understand the effects of exposure to hot and cold conditions, sources of heat and cold in the workplace and work environment, and the steps that must be followed to protect people. Managers and supervisors will be accountable for making sure that preventive measures are implemented, understood by employees, and monitored. Reporting of hazards (and any symptoms of illness) should be encouraged.

7.2 Employees

Employees need to know the potentially harmful effects of heat and cold, and the measures in place for their protection. They must know how to recognise the physical 'warning signs' if their health is affected by work in hot or cold conditions, and be encouraged to report these without delay.

Also, consider the needs of employees whose first language is not English, and make sure they understand both the risks and the chosen controls.

7.3 Contractors and visitors

All people who undertake work, or enter the workplace as a visitor, must be made aware of your expectations in regard to their safety. If contractors or visitors could be exposed to heat or cold, their safety must also be ensured.



Chapter 8 Checking that your preventive measures are adequate

You may already have taken action to manage the risks associated with work in hot and cold environments. It is important to know whether or not the measures taken still provide effective safeguards - before the health and safety of any person is put at risk.

- Carry out a regular review of workplace procedures, involving all those who have accountabilities for health and safety (e.g. area managers, supervisors).
- If work practices are modified, or new work practices introduced, review the preventive measures against the assessment factors to ensure they are still adequate. You should also review your assessment factors to ensure you haven't missed anything.
- If a heat or cold related incident (injury, illness or 'near miss') occurs, review the procedures that were in place at the time. If necessary, make changes to prevent a recurrence.



Appendix 1 The most likely questions a WorkCover Inspector will ask about work in hot or cold environments

- ▲ Do you have plant that exposes employees to heat or cold?
- ▲ How did you assess the risks that your operations might create in regard to heat or cold?
- ▲ What action have you taken - what risk controls have you put in place?
- ▲ What consultation with employees has occurred to develop safeguards for exposure to heat or cold?
- ▲ What training have you provided in the effects of exposure to heat or cold and the control measures in place?
- ▲ Do you have emergency procedures in place in the event of heat collapse?
- ▲ Have any employees suffered heat or cold-related illness in the past?
- ▲ Have you made any assessment of the physical capacity of an employee to perform work in heat or cold?
- ▲ Have you engaged a competent person to measure any of your possible exposures to heat or cold?



Appendix 2 Some frequently asked questions

▲ Are there any regulations that I must be aware of?

Yes. Occupational Health and Safety Regulation 2001 requires that employers take steps to protect employees from harmful effects of heat and cold.

These requirements are summarised in this code of practice wherever you see this symbol:



▲ Are there any Australian Standards that I should be aware of?

Yes. A number of Australian Standards address issues associated with working in heat and cold, as well as ventilation and other relevant subjects. Some of these include:

AS 2865 – 1995 *Safe working in a confined space*

AS/NZS 2161.4:1999 *Occupational protective gloves – Part 4: Protection against thermal risks (heat and fire)*

AS/NZS 4740:2000 *Natural Ventilators – Classification and Performance*

AS/NZS 2161.5:1998 *Occupational protective gloves- Part 5: Protection against cold*

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 heat from our plant could cause heat stress?

You need to assess the risks, using the assessment factors explained in this booklet. If in doubt about how serious a problem could be, you should consider getting advice from someone competent to assess your heat sources and exposures. The manuals and information supplied with plant from the manufacturer or supplier may also provide some information to assist you.

▲ Do I have to arrange for Wet Bulb Globe Temperature (WBGT) testing?

This depends on your initial assessment of risk. If you believe you may have a problem with heat, but you are not sure of its extent, you should arrange for a competent person to measure exposure, using a heat stress index like WBGT. Persons with suitable training are occupational hygienists and can also include some engineers or ergonomists.

If you have put in place a work-rest regime to manage employee exposure to hot conditions, it's important that your employees are able to monitor temperature using the heat stress index chosen. This may require providing them with the equipment, and making sure they are able to monitor and measure conditions.

▲ Is it necessary to provide warm clothing for employees working in cold conditions?

You must provide warm clothing where it is used as personal protective equipment (i.e. to control risks). It is important that employees know what kind of clothing will provide the best protection for them. You must inform them, and supervise their work to ensure they are appropriately dressed in conditions where temperature, wind chill or rain may present a threat to health.

Warm clothing is clothing that is suitable for the purpose of:

1. working in artificially cold workplaces such as refrigerated areas; or
2. working outside in extreme climatic conditions such as those experienced in alpine zones or where there is a need to be protected against environmental conditions (eg. underwater work).

▲ Can I rely on employees to recognise the signs of heat stress, and to report any problem related to work in hot conditions?

If you have provided information alerting employees to the physical symptoms of heat and cold related illness, 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 eliminate or control the hazards to minimise the risk of employees being exposed in the first place. Remember to consider the factors outlined in Chapter 6 when controlling the risks.



Appendix 3 Work In Hot Environments Sample Risk Control Plan - Bakery

Employee exposure to heat	Prevention Plan
<p>Source of heat</p> <ul style="list-style-type: none"> Hot bread ovens. 	<ul style="list-style-type: none"> Air conditioning to be operative at all times while ovens are on, to maintain a comfortable surrounding temperature. Exhaust ventilation to be switched on above ovens during baking, to reduce heat build-up in their immediate vicinity. PPE to include gloves where hot items (equipment, trays) are to be handled.
<p>Nature of work undertaken</p> <ul style="list-style-type: none"> Baking: bread is placed into and taken out of ovens at frequent intervals. Ovens are opened briefly every 10-15 minutes to check progress of baking. Work involves sustained physical exertion while mixing dough, lifting flour bags, placing and removing trays 	<ul style="list-style-type: none"> Staff who are not working with or near ovens to wear light clothing (shorts and T-shirt, sneakers) while baking is in progress. Work to be organised so that staff share tasks requiring close proximity to ovens. Staff to be encouraged to drink fluids while working. Cold drinks kept in refrigerator.
<p>Duration of exposure to heat</p> <ul style="list-style-type: none"> Electric ovens in operation from 2 am to 8 am in each shift. Exposure is intermittent throughout this six-hour period. 	<ul style="list-style-type: none"> Work will be organised to allow rest breaks of five minutes each hour; twenty-minute break after three hours.
<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 which may affect capacity to work in hot conditions. 	<ul style="list-style-type: none"> Any incidence of heat-related illness to be reported at once Any change in medical status (e.g. employee taking prescribed medication) to be notified and medical advice regarding their fitness for work sought if any doubt exists.

Note This sample deals only with work in a hot working environment. In some industries, workers may be exposed to fluctuating conditions (e.g. workers in cool stores who move repeatedly into and out of a refrigerated environment). Both working environments must be assessed. Because the final assessment factor (Physical Condition/Capability) refers to an individual worker, it will in most cases be necessary to complete a plan for each employee exposed to heat or cold.



Appendix 4 Work In Hot or Cold Environments Key Preventive Actions Checklist

Identify the hazards

Know:

- Relevant environmental factors: air temperature, humidity, air movement, and radiant heat.
- The heat or cold effects of the plant being used.
- The heat or cold effects of work processes.

Assessment factors: working out how serious the problem might be

Look at:

- Source of the heat or cold.
- Nature of work undertaken.
- Duration of exposure to heat or cold.
- Physical condition and capability of the worker.

Risk controls: taking preventive action

- Has a risk control plan been developed to control risks by other ways than simply providing personal protective equipment?
- Do employees know the 'early warning' signs of heat- or cold-related illness?
- Have first aid and emergency arrangements been made? Do people understand them?

Checking that preventive measures are adequate

Have there been sufficient changes to the following that may effect health and safety?

- Environmental conditions (e.g. weather)?
- Buildings, plant or equipment?
- The way the work is organised – the work routine or schedule?

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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, NSW 2000, up till 9.30 a.m. on the dates shown below.

25 September 2001

S0172563 2001 HSC SECURITY CENTRES, GREATER SYDNEY METRO AREA. DOCUMENTS: \$110.00 PER SET.

27 September 2001

S01/00305 (906) CLEANING OF WESTMEAD CORONER'S COURT. CATEGORY D. INSPECTION DATE AND TIME: 13 SEPTEMBER 2001 AT 11:30 AM SHARP. AREA: 611 SQUARE METERS. DOCUMENTS: \$27.50 PER SET.

00/7136 REHABILITATION OF OYSTER LEASES IN GEORGES RIVER ESTUARY. DOCUMENTS: \$110.00 PER SET.

3 October 2001

ITS004/2025a MOBILE TELEPHONES, ACCESSORIES AND INSTALLATION; REPAIR AND MAINTENANCE. DOCUMENTS: \$220.00 PER SET.

10 October 2001

S01/00274 (32) CLEANING CENTRAL SQUARE AT 323 CASLHEREAGH STREET FOR UP TO 2 YEARS. DOCUMENTS: \$55.00 PER SET

11 October 2001

013/7225 MOTOR SPIRIT AND DIESEL TO LORD HOWE ISLAND. DOCUMENTS: \$110.00 PER SET

16 October 2001

S01/00238 (191) CLEANING DET BUILDING AT BRIDGE STREET. DOCUMENTS: \$55.00 PER SET

014/7220 PROGRESSION OF REFORM WITHIN THE NSW POLICE SERVICE. DOCUMENTS: \$110.00 PER SET

6 November 2001

025/7223 PUBLIC SECTOR MANAGEMENT COURSE. 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>)

DEPARTMENT OF HOUSING

TENDERERS are required to comply with the New South Wales Government's Code of Practice and Tendering for the Construction Industry.

WESTERN SYDNEY REGIONAL OFFICE**MAINTENANCE / UPGRADING**

- 1) COLYTON / ST MARYS (JOB No. WSR 1755), approx 76 properties.
- 2) KINGSWOOD PARK / LEMONGROVE / MOUNT PLEASANT (JOB No. WSR 1756), approx 92 properties.
- 3) BLAXLAND / RICHMOND / WENTHWORTH FALLS / WINDSOR (JOB No. WSR 1757), approx 98 properties.

External Repairs / External Painting

FULL BUILDERS LICENCE REQUIRED FOR ALL EXTERNAL REPAIRS / EXTERNAL PAINTING CONTRACTS.

LAWNMOWING / CLEANING

- 1) LALOR PARK / KINGS LANGLEY (JOB No. WSG 018), 17 Sites.
- 2) SEVEN HILLS / BLACKTOWN (JOB No. WSG 019), 12 Sites.
- 3) SEVEN HILLS / BLACKTOWN / LALOR PARK (JOB No. WSG 021), 18 Sites.

Lawns / Gardens / Common Area Cleaning.

Note: **CLOSING 10.00 a.m., TUESDAY, 9 OCTOBER 2001.**

Tender Fee: \$55.00 (GST Included) per tender, payable by cheque or money order.

Telephone: 9891-8402 / 9891-8180.

Tender documents are available from Western Sydney Regional Office, 106-108 Church Street, Parramatta and tenders close at that office.

**Government Printing Service
TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer, Unit 5, Block V, 391 Park Road, Regents Park NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted. Special envelopes are available for this purpose.

Tender No. 22328

Closing: 2 October 2001

Advertised for 1 week starting Monday, 17 September 2001

Tenders are invited on behalf of Department of Community Services for the printing of Curriculum Framework. The kit consists of 4,500 copies each 430 pages text (215 leaves) and 12 divider tabs inserted into a ring binder.

Enquiries to Peter Sparks, (02) 9743 8777.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

AUSTRALIAN INLAND ENERGY AND WATER

WATER AND SEWERAGE CHARGES

Water Management Act 2000

Determination of Service Charges for Year Commencing
1 July 2001

PURSUANT to Section 310 of the Water Management Act 2000 and Regulations, Australian Inland Energy and Water determines the scale of charges to apply for the 12 months commencing on 1 July 2001, as follows:

SCHEDULE 1

Water Supply Charges

1. CITY OF BROKEN HILL

Residential Land:

(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	220.00
25 mm	220.00
32 mm	523.00
40 mm	816.00
50 mm	1,270.00
80 mm	3,243.00
100 mm	5,043.00

plus

(b) (i) *Water Usage Charge:*

Water Usage

0 – 200 kilolitres allowance included in access charge

201 – 400 kilolitres .60 cents per kilolitre

Over 400 kilolitres \$1.62 per kilolitre

(ii) *Unfiltered Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

Over 200 kilolitres 80 cents per kilolitre

Commercial Land:

(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	220.00
25 mm	343.00
32 mm	559.00
40 mm	870.00
50 mm	1,356.00
80 mm	3,462.00
100 mm	5,405.00
150 mm	12,145.00

plus

(b) (i) *Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

201 – 400 kilolitres 86 cents per kilolitre

Over 400 Kilolitres \$1.11 per kilolitre

(ii) *Unfiltered Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

Over 200 kilolitres 80 cents per kilolitre

Vacant Land:

All properties to be levied \$173.00 per property.

Properties Exempt from Water Service Charges:

Any water supplied by measure shall be \$1.01 per kilolitre.

Unfiltered Water Usage Charge:

All usage to be charged at 80 cents per kilolitre.

2. VILLAGE OF MENINDEE

Residential Land:

(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	220.00
25 mm	220.00
32 mm	523.00
40 mm	816.00
50 mm	1,270.00
80 mm	3,243.00
100 mm	5,043.00

plus

(b) (i) *Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

201 – 400 kilolitres 60 cents per kilolitre

Over 400 kilolitres \$1.62 per kilolitre

Commercial Land:

(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	220.00
25 mm	343.00
32 mm	559.00
40 mm	870.00
50 mm	1,356.00
80 mm	3,462.00
100 mm	5,405.00

plus

(b) (i) *Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

201 – 400 kilolitres 86 cents per kilolitre

Over 400 kilolitres \$1.11 per kilolitre

Vacant Land:

All properties to be levied \$173.00 per property.

Properties Exempt from Water Service Charges:

Water supplied by measure within the Village of Menindee shall be \$1.01 per kilolitre.

Unfiltered Water Usage Charge:

All usage to be charged at 80 cents per kilolitre.

3. SETTLEMENT OF SUNSET STRIP**Residential Land:**(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	148.00
25 mm	148.00
32 mm	326.00
40 mm	508.00
50 mm	793.00
80 mm	2,025.00
100 mm	3,093.00

plus

(b) (i) *Water Usage Charge:*

Water Usage

0 – 200 kilolitres allowance included in access charge

201 – 400 kilolitres 39 cents per kilolitre

Over 400 kilolitres \$1.41 per kilolitre

Vacant Land:

All properties to be levied \$116.00 per property.

4. SILVERTON(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	220.00
25 mm	220.00
32 mm	523.00
40 mm	816.00
50 mm	1,270.00
80 mm	3,243.00
100 mm	5,043.00

plus

(b) (i) *Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

201 – 400 kilolitres 50 cents per kilolitre

Over 400 kilolitres \$1.56 per kilolitre

5. PIPELINE CONSUMERS(a) *Water Access Charge:*

Nominal Size of Water Service	Annual Access Charge (\$)
20 mm	220.00
25 mm	220.00
32 mm	523.00
40 mm	816.00
50 mm	1,270.00
80 mm	3,243.00
100 mm	5,043.00

plus

(b) (i) *Water Usage Charge:*

0 – 200 kilolitres allowance included in access charge

Over 200 kilolitres 80 cents per kilolitre

SCHEDULE 2

Sewerage Service Charges**1. CITY OF BROKEN HILL**

Residential Land: The service charge shall be 0.6600 cents for each dollar of Land Value. The minimum amount in respect of any such land shall be \$218.00. In respect of any chargeable land used as the site of a building comprising two or more flats, the minimum amount shall be \$218.00 in respect of each flat. In respect of any strata lot designed and intended for occupation or used for the purpose of accommodating one or more motor vehicles, there shall be no minimum amount for service charges.

Commercial Land: The service charge shall be 4.4000 cents for each dollar of Land Value. The minimum amount in respect of any such land shall be \$320.00. In respect of any chargeable land used as the site of a building comprising two or more flats, the minimum amount shall be \$218.00 in respect of each flat. In respect of any strata lot designed and intended for occupation or used for the purpose of accommodating one or more motor vehicles, there shall be no minimum amount for service charges.

Other Land: 0.5500 cents for each dollar of Land Value – the minimum amount in respect of any such land shall be \$109.00.

Sewerage Charges in Respect of Lands Exempt under Schedule 6:

(a) The charge for sewerage services rendered, unless otherwise provided by separate assessment by Australian Inland Energy and Water of the cost of providing the service, in respect of –

(i) lands owned by the Crown, being:

(1) State School Lands, and

(2) Lands used or occupied as a playground in connection with such school, or as the residence of a caretaker, servant or teacher of any such school:

(ii) land which belongs to and which is occupied and used in connection with any school registered under the Bursary Endowment Act 1912, or any certified school under the Public Instruction (Amendment) Act 1916, including any playground which belongs to and is used in connection with any such school, and any building occupied as a residence by any caretaker, servant or teacher of any such school which belongs to and is used in connection with the school;

(iii) land which belongs to a religious body and which is occupied and used in connection with any church or other building used or occupied for public worship;

shall be sixty six dollars fifty cents per annum for each water closet on the premises. In any case where a urinal is installed an additional seventy five dollars fifty cents per annum for each cistern serving such urinal may be made.

(b) The charge for sewerage services rendered in respect of –

- (i) lands, other than lands referred to in paragraph (i) of clause (a) above, owned by the Crown, which are exempt under schedule 6 of the act;
- (ii) lands, other than lands referred to in paragraph (iii) of clause (a) above, belonging to a religious body which is exempt under Schedule 6 of the Act; shall be seventy five dollars 50 cents per annum for each water closet on the premises. In any case where a urinal is installed an additional seventy five dollars 50 cents per annum for each cistern serving such urinal may be made.

JOE FLYNN

Managing Director

Australian Inland Energy and Water

PO Box 800 BROKEN HILL NSW 2880 [0829]

BEGA VALLEY SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement over Land

THE Bega Valley Shire Council declares with the approval of Her Excellency the Governor, that the easement for water supply over land described in the Schedule below, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Dated at Bega this 14th day of September 2001. D. G. JESSON, General Manager, Bega Valley Shire Council, Zingel Place, Bega, NSW 2550.

Schedule

Easement for water supply 5 wide within Lot 135, DP 821405 as shown in DP 1012590. [0828]

HORNSBY SHIRE COUNCIL

Road Closure Notice

NOTICE is hereby given that Council, pursuant to the Roads Act 1993 and in accordance with the powers delegated to it by the Roads and Traffic Authority of New South Wales, proposes to close David Road, Castle Hill at Castle Hill Road.

Plans showing the extent of the closure will be displayed for public inspection during normal office hours at Council's Works Division, 296 Pacific Highway, Hornsby. Written submissions will be received up until 18th October, 2001 in respect of the proposal notified herein. Further information may be obtained by contacting Council's Traffic and Road Safety Branch between the hours of 8.30 a.m. – 5.00 p.m., Monday to Friday on tel.: (02) 9847 6616, fax: (02) 9847 6999.

[0836]

LAKE MACQUARIE CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Lake Macquarie City 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 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a drainage and stormwater control pond.

Dated at Speers Point this 13th day of September 2001. K. HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre, NSW 2310.

Schedule

Lot 50 as shown in DP 1012225. [0814]

QUEANBEYAN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Queanbeyan City 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 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of stormwater detention basin.

Dated at Queanbeyan this 29th day of May 2001.

Schedule

Lot 102 in DP 727512. HUGH PERCY, General Manager, Queanbeyan City Council, PO Box 90, Queanbeyan, NSW 2620. [0819]

WEDDIN SHIRE COUNCIL

Roads Act 1993, Section 10

Notice of Acquisition of Land by Agreement

NOTICE is given that the land known as Lots 11, 12, 17 and 18 in DP 872222 (Main Road 239, from Grenfell to Young, at Hunters Bridge, Tyagong Creek) is hereby acquired by negotiation under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. T. V. LOBB, General Manager, Weddin Shire Council, PO Box 125, Grenfell, NSW 2810. [0817]

WEDDIN SHIRE COUNCIL

Roads Act 1993, Section 10

Notice of Dedication of Land as Public Road

IN accordance with the provisions of Part 2, section 10 of the Roads Act 1993, Council advises that the land known as Lots 1, 2, 5, 17, 8, 11 and 12 (new alignment of Main Road 239, from Grenfell to Young, at Hunters Bridge, Tyagong Creek) is hereby dedicated as a public road. T. V. LOBB, General Manager, Weddin Shire Council, PO Box 125, Grenfell, NSW 2810. [0818]

WINGECARRIBEE SHIRE COUNCIL

Environmental Planning and Assessment Model
Provisions 1980

Amended Tree Preservation Order

NOTICE is hereby given that Wingecarribee Shire Council, in pursuance of section 8 of the Environmental Planning and Assessment Model Provisions 1980, has amended its Tree Preservation Order. D. J. McGOWAN, General Manager, Wingecarribee Shire Council, Elizabeth Street, Moss Vale, NSW 2577. (File No. 5454/2).

[0837]

ESTATE NOTICES

NOTICE of intended distribution of estate. Any person having any claim upon the estate of WALTER JAMES MCCARTHY, late of Lurnea, in the State of New South Wales, retired storeman, who died on 15th May, 2001, must send particulars of his claim to the executor, Alan Jack McCarthy, c.o. Kencalo & Ritchie, Solicitors, 96 Moore Street, Liverpool, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 10th September, 2001. KENCALO & RITCHIE, Solicitors, 96 Moore Street, Liverpool, NSW 2170 (D.X. 5003 Liverpool), tel.: (02) 9602 8333.

[0815]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of STANLEY ALLAN RUCKLEY, late of 3/229 Windsor Road, Northmead, in the State of New South Wales, ticket writer, who died on 30th March, 2001, must send particulars of his claim to the executor, Wayne Allen Ruckley, 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 2nd August, 2001. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (D.X. 8109 Blacktown), tel.: (02) 9622 4644.

[0821]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of VALDA GERTRUDE HARVEY, late of Erina, in the State of New South Wales, femme sole, who died on 5th July, 2001, must send particulars of their claim to the executor, John Kennedy McLaughlin, c.o. Makinson & d'Apice, Solicitors, Level 18, 68 Pitt Street, Sydney, 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 5th September, 2001. MAKINSON & d'APICE, Solicitors, Level 18, 68 Pitt Street, Sydney, NSW 2000 (D.X. 296 Sydney), tel.: (02) 9233 7788.

[0822]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of GREGORY ALBERT EWER, late of 213 Geoffrey Road, Chittaway Point, in the State of New South Wales, watchmaker, who died on 27th January, 2001, must send particulars of his claim to the administratrix, Jane-Ette Frew, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the administratrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Letters of Administration were granted in New South Wales on 8th August, 2001. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (D.X. 8109 Blacktown), tel.: (02) 9622 4644.

[0824]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of WILLIAM EDWIN BOCK, late of Griffith, in the State of New South Wales, retired, who died on 28th June, 2001, must send particulars of his claim to the executrix, Constance Emma Bock, c.o. Messrs Olliffe & McRae, Solicitors, Griffith, 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 31st August, 2001. MESSRS OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680 (D.X. 5901 Griffith), tel.: (02) 6962 1744.

[0825]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of NATHAN JOHN CHAPMAN, late of 5 Ballina Street, Greystanes, in the State of New South Wales, sawmaker, who died on 24th April, 2001, must send particulars of their claim to the executors, Stephen John Chapman and Pamela Jean Chapman, 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 6th September, 2001. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (D.X. 25406 Merrylands), tel.: (02) 9682 3777.

[0830]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of PATRICIA MARY HOPEWELL, late of Guildford Nursing Home, Bursill Street, Guildford, in the State of New South Wales, home duties, who died on 26th June, 2001, must send particulars of their claim to the executrices, Stephanie Jane Turner and Denise Patricia Lockwood, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrices 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 11th September, 2001. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (D.X. 25406 Merrylands), tel.: (02) 9682 3777.

[0831]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of FREDERICK THOMAS HYNES, late Collaroy, in the State of New South Wales, retired, who died on 21st July, 2001, must send particulars of their claim to the executrix, c.o. Rees & Tuckerman, Solicitors, 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 to Vivienne Lee Fox on 10th September, 2001. REES & TUCKERMAN, Solicitors, 678 Pittwater Road, Brookvale, NSW 2100, (D.X. 831 Sydney) tel.: (02) 9905 1469. [0834]

NOTICE of intended distribution of estate. Any person having any claim upon the estate of BRUCE MACALLISTER GEOFFREY RUSHTON, late of Coonabarabran, in the State of New South Wales, who died on 29th June, 2001, must send particulars of his claim to the executors, John Alexander Rushton and Judith Marie Clancy, c.o. Newnhams, Solicitors, 122 Castlereagh Street, Sydney, 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 11th September, 2001. NEWNHAMS, Solicitors, 122 Castlereagh Street, Sydney, NSW 2000 (D.X. 665 Sydney), tel.: (02) 9264 7788. [0835]

COMPANY NOTICES

NOTICE of voluntary liquidation pursuant to section 491(2) of the Corporations Law. HILLGROVE (CURLEWIS) PTY LTD, ACN 000 307 077. At a general meeting of the abovenamed company duly convened and held at 1/105 Barber Street, Gunnedah, on 10th September, 2001, the following special resolution was passed: That the company be wound up as a members' voluntary liquidation and that Colin William Stewart of C. W. Stewart & Associates, 179 George Street, Quirindi, NSW 2343, be appointed liquidator with power to distribute the assets of the company in specie for the purposes of winding up the company and also be empowered to destroy all books and papers of the company after five (5) years of the date of dissolution of the company. Dated 10th September, 2001. C. W. STEWART, c.o. C. W. STEWART & ASSOCIATES, 179 George Street, Quirindi, NSW 2343, tel.: (02) 6746 3100. [0816]

NOTICE of winding up Order and appointment of liquidator. LWK ENGINEERING PTY LIMITED, ACN 072 184 528. On 11th September, 2001 the Supreme Court of New South Wales in Proceeding No. 3250 of 2001 ordered the winding up of LWK Engineering Pty Limited and I was appointed as liquidator of the company. Dated 11th September, 2001. GEOFFREY RALPH JAMES, Ernst & Young, Chartered Accountants, 321 Kent Street, Sydney, NSW 2000, tel.: (02) 9248 5389. [0820]

NOTICE of final meeting of members. BENNETT'S RADIO PTY LTD (in liquidation), ACN 000 167 662. Notice is hereby given that pursuant to section 509 of

the Corporations Law, the final meeting of members of the abovementioned company will be held at the office of Keith L. Hope, 1st Floor, 34 Slade Road, Bardwell Park on 29th October, 2001 at 9.00 a.m. for the purpose of laying before the meeting the liquidator's final accounts and report and giving any explanation thereof. Dated 13th September, 2001. KEITH LINDSAY HOPE, Chartered Accountant, 1st Floor, 34 Slade Road, Bardell Park, NSW 2207, tel.: (02) 9597 2511. [0823]

NOTICE of voluntary winding up. Corporations Law Section 491 (2), DUCHESS MANUFACTURING CO. PTY LIMITED, ACN 000 114 394. Notice is hereby given that at an extraordinary general meeting of the abovenamed company held at 2 Perth Avenue, Lindfield NSW on 27th August, 2001 the following special resolution was duly passed: That the company be wound up as a members' voluntary liquidation and that Gabriel Elliott be appointed liquidator. Dated 31st August, 2001. GABRIEL ELLIOTT, Liquidator, c.o. G. A. ELLIOT & CO., Level 1, 60 York Street, Sydney, NSW 2000, tel.: (02) 9262 2844. [0826]

NOTICE of voluntary winding up. Corporations Law Section 491 (2), TIDYWEAR PTY LIMITED, ACN 000 145 675. Notice is hereby given that at an extraordinary general meeting of the abovenamed company held at 2 Perth Avenue, Lindfield NSW on 27th August, 2001 the following special resolution was duly passed: That the company be wound up as a members' voluntary liquidation and that Gabriel Elliott be appointed liquidator. Dated 31st August, 2001. GABRIEL ELLIOTT, Liquidator, c.o. G. A. ELLIOT & CO., Level 1, 60 York Street, Sydney, NSW 2000, tel.: (02) 9262 2844. [0827]

NOTICE of voluntary liquidation pursuant to section 491(2) of the Corporations Law. WILLIAMS & SON PTY LTD, ACN 000 395 979. At a general meeting of the abovenamed company duly convened and held at Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto, on 7th September, 2001, the following special resolution was passed: That the company be wound up as a members' voluntarily liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidators so desire. Dated this 12th day of September 2001. IAN PERRY, Liquidator, K. H. PERRY & CO., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto, NSW 2283, tel.: (02) 4959 5322. [0832]

NOTICE of voluntary liquidation pursuant to section 491 (2) of the Corporations Law. KURRANBURRA PTY LIMITED, ACN 000 877 672. At a general meeting of the abovenamed company, duly convened and held at Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto, on 7th September, 2001 the following special resolution passed: That the company be wound up as a members' voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidators so desire. Dated this 12th day of September, 2001. IAN PERRY, Liquidator, K. H. PERRY & CO., Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto, NSW 2283, tel.: (02) 4959 5322. [0833]