



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 33
Friday, 31 January 2003

Published under authority by the Government Printing Service

LEGISLATION

Proclamations



Proclamation

under the

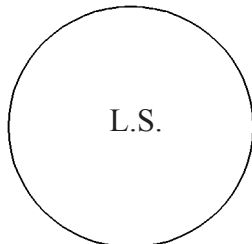
Adoption Act 2000 No 75

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 *Adoption Act 2000*, do, by this my Proclamation, appoint 1 February 2003 as the day on which that Act (other than sections 12–15, 18 and 19 (1) and clause 3 of Schedule 3) commences.

Signed and sealed at Sydney, this 29th day of January 2003.

By Her Excellency's Command,



L.S.

CARMEL TEBBUTT, M.L.C.,
Minister for Community Services

GOD SAVE THE QUEEN!

Explanatory note

The object of this proclamation is to commence the *Adoption Act 2000* other than certain provisions relating to accreditation of organisations as adoption agencies by the Director-General.



New South Wales

Proclamation

under the

Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002 No 81

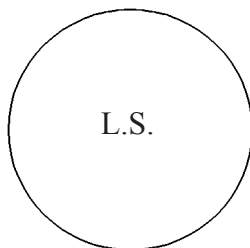
MARIE BASHIR, Governor

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 (1) of the *Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002*, do, by this my Proclamation, appoint 31 January 2003 as the day on which that Act commences except for:

- (a) sections 4 and 5, and
- (b) Schedule 1 [6].

Signed and sealed at Sydney, this 29th day of January 2003.

By Her Excellency's Command,



RICHARD AMERY, M.P.,
Minister for Agriculture

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the *Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002* except for a provision that repeals the *Murray Valley Citrus Marketing Act 1989* and a consequential provision that provides for the abolition of the Murray Valley Citrus Marketing Board, the establishment of a new committee to replace it, and associated matters.



Proclamation

under the

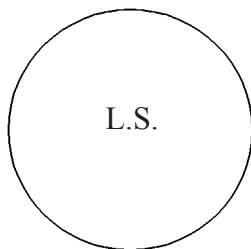
Harness Racing Act 2002 No 39

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 *Harness Racing Act 2002*, do, by this my Proclamation, appoint 3 February 2003 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 22nd day of January 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Harness Racing Act 2002*. The uncommenced provisions comprise most of the Act as only certain preliminary and transitional provisions have already been commenced.



Proclamation

under the

Licensing and Registration (Uniform Procedures) Act 2002 No 28

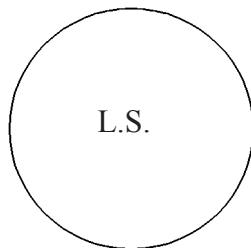
MARIE BASHIR, Governor

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 *Licensing and Registration (Uniform Procedures) Act 2002*, do, by this my Proclamation, appoint 28 February 2003 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 with respect to the matter relating to the *Motor Dealers Act 1974*, the *Pawnbrokers and Second-hand Dealers Act 1996* and the *Travel Agents Act 1986*,
- (b) Schedule 4.8, 4.11 and 4.14.

Signed and sealed at Sydney, this 15th day of January 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The object of this Proclamation is to commence the provisions of the *Licensing and Registration (Uniform Procedures) Act 2002* that apply the uniform procedures of that Act to the licensing schemes under the *Motor Dealers Act 1974*, the *Pawnbrokers and Second-hand Dealers Act 1996* and the *Travel Agents Act 1986*.



Proclamation

under the

Optometrists Act 2002 No 30

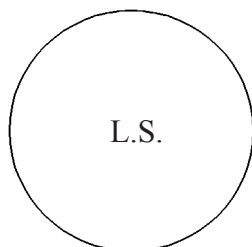
MARIE BASHIR, Governor

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 *Optometrists Act 2002*, do, by this my Proclamation, appoint 1 February 2003 as the day on which the following provisions of that Act commence:

- (a) Part 1,
- (b) sections 89, 91, 93 and 95,
- (c) sections 136 (1) and 139,
- (d) Schedules 2 and 3,
- (e) Schedule 6.5 [13] and [16] (and section 137 in its application to Schedule 6.5 [13] and [16]),
- (f) clauses 1, 2 and 5 of Schedule 7.

Signed and sealed at Sydney, this 29th day of January 2003.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The object of this Proclamation is to commence:

- (a) certain provisions of the *Optometrists Act 2002* relating to the constitution of the Optometrists Registration Board, but not so as to confer any functions on the new Board, and
- (b) certain provisions of the *Poisons and Therapeutic Goods Act 1966*, as amended by the *Optometrists Act 2002*, relating to the constitution of the Optometrists Drug Authority Committee, and
- (c) certain preliminary provisions and provisions allowing regulations of a savings or transitional nature to be made.



Proclamation

under the

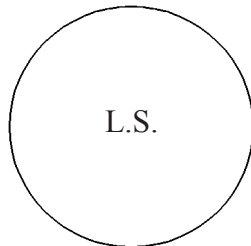
Road Transport (Vehicle Registration) Amendment Act 2002
No 126

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 *Road Transport (Vehicle Registration) Amendment Act 2002*, do, by this my Proclamation, appoint 31 January 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 22nd day of January 2003.

By Her Excellency's Command,



CARL SCULLY, M.P.,
Minister for Roads

GOD SAVE THE QUEEN!



Proclamation

under the

Security Industry Amendment Act 2002 No 107

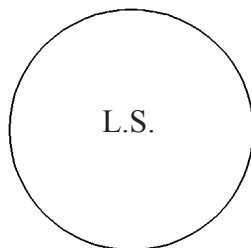
MARIE BASHIR, Governor

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 *Security Industry Amendment Act 2002*, do, by this my Proclamation, appoint:

- (a) 31 January 2003 as the date on which that Act (except for Schedule 1 [7] and Schedule 2.2 [3]) commences, and
- (b) 28 February 2003 as the date on which Schedule 1 [7] and Schedule 2.2 [3] to that Act commence.

Signed and sealed at Sydney, this 22nd day of January 2003.

By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,
Minister for Police

GOD SAVE THE QUEEN!



Proclamation

under the

Threatened Species Conservation Amendment Act 2002 No 78

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 *Threatened Species Conservation Amendment Act 2002*, do, by this my Proclamation, appoint 31 January 2003 as the day on which the whole of that Act other than the following provisions commences:

- (a) Schedule 1 [2] insofar as it inserts a definition of “vulnerable ecological community” in section 4 (1) of the *Threatened Species Conservation Act 1995*,
- (b) Schedule 1 [3], [5] and [7],
- (c) Schedule 1 [10] insofar as it inserts section 7A in the *Threatened Species Conservation Act 1995*,
- (d) Schedule 1 [18],
- (e) Schedule 1 [37] insofar as it inserts a new section 56 (3) and (6) in the *Threatened Species Conservation Act 1995*,
- (f) Schedule 1 [53], [54], [55], [59], [60] and [80],

Proclamation

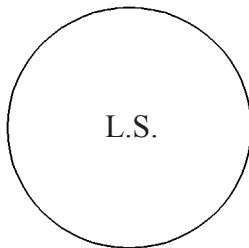
Explanatory note

(g) Schedule 2.1 [1]-[4], [6] and [7],

(h) Schedule 2.2 [5] and [6].

Signed and sealed at Sydney, this 29th day of January 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Regulations

Adoption Regulation 2003

under the

Adoption Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Adoption Act 2000*.

CARMEL TEBBUTT, M.L.C.,
Minister for Community Services

Explanatory note

The object of this Regulation is to provide for various matters that are necessary to bring the *Adoption Act 2000* into operation.

Matters the Regulation provides for include the following:

- (a) accreditation of adoption agencies,
- (b) the form of, and documentation and information to accompany, expressions of interest to adopt and applications for approval to adopt,
- (c) criteria for selecting people as suitable to adopt,
- (d) conditions that may be imposed on approvals to adopt,
- (e) the adoption register,
- (f) placement of children for adoption,
- (g) preconditions to be satisfied for the giving of consent to adoptions, the counselling of persons giving consent and the witnessing of consents,
- (h) preliminary hearings,
- (i) information to be included in various records of adoptions,
- (j) prescribed information to which adopted children, birth parents, adoptive parents, relatives and other persons are entitled,

Adoption Regulation 2003

Explanatory note

- (k) the information sources for prescribed information and guidelines for its release,
- (l) contact vetoes,
- (m) advance notice,
- (n) the Reunion and Information Register,
- (o) the review of decisions under the Regulation.

This Regulation is made under the *Adoption Act 2000*, including sections 43, 44, 45, 47, 50, 57 (definitions of *counsellor* and *mandatory written information*), 61, 62, 80, 130, 131 (4), 132 (2), 133, 136 (5), 138 (5), 141 (5), 142, 158 (3), 161 (5), 172, 185 (c), 189 (definition of *reviewable decision*), 194, 200 (5), 201 (1), 204 (5) (definition of *relevant authorised officer*) and 208 (the general regulation-making power) and clause 1 of Schedule 3.

Adoption Regulation 2003

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	7
2 Commencement	7
3 Definitions	7
4 Notes	8
Part 2 Accredited adoption agencies	
5 Saving of existing private adoption agencies	9
Part 3 Selection of prospective adoptive parents	
6 Form of expression of interest	12
7 Information to be provided to persons submitting expressions of interest	12
8 Adoptive parent education and training	12
9 Form of application to adopt	13
10 Documents to accompany application to adopt	13
11 Action to be taken by relevant decision-maker after receipt of application to adopt	13
12 Criteria for assessment of applicants	14
13 Assessment of applicants for adoption in NSW	14
14 Notification of assessment of applicants for adoption in NSW	15
15 Approvals subject to conditions	15
16 Advice to be given of decision and right to apply for reasons for, and review of, decision	16
17 Revocation of approval	16
Part 4 Adoption register	
18 Adoption register	17
19 Content of adoption register	17
20 Removal of names from adoption register	17
21 Effect of having name on register	18

Page 3

Adoption Regulation 2003

Contents

		Page
Part 5	Placement for adoption	
	22 Certain reports required before placement of child	19
	23 Selection of applicants for adoption order	19
	24 Entitlement of approved person to adopt child	19
	25 Placement of child for adoption in conformity with religious upbringing intentions	20
	26 Placement of child for adoption in conformity with wishes as to cultural heritage, identity or ties	20
	27 Placement where compliance with expressed wishes of parent or guardian impracticable	20
	28 Confidentiality of adoption proceedings	21
Part 6	Adoption plans	
	29 Particulars to be contained in plan	22
	30 Review of adoption plans	22
Part 7	Consents to adoptions	
	31 Counsellors	23
	32 Register of counsellors	23
	33 Mandatory written information	24
	34 Form of consent	25
	35 Classes and descriptions of persons who may witness consents	27
	36 Witnessing a consent	28
	37 Notice of signing of general consent	28
	38 No fees payable to witness to consent	29
	39 Period in which person giving consent must be counselled	30
Part 8	Preliminary hearings	
	40 Matters in relation to which preliminary hearings can be held	31
	41 Persons who may apply for a preliminary hearing to be held	31
Part 9	Adoption orders	
	42 Prescribed particulars relating to application for adoption order	32
Part 10	Records of adoptions	
	43 Prescribed particulars and information	33
	44 Form of records	34

Page 4

Adoption Regulation 2003

Contents

		Page
Part 11 Adoption information		
Division 1 Prescribed information to which persons are entitled		
45	Prescribed information under section 133	35
46	Entitlement of adopted person—information prescribed under section 134	35
47	Entitlement of adoptive parent—information prescribed under section 135	37
48	Entitlement of birth parent to information prescribed under section 136	38
49	Information prescribed under section 137 relating to deceased birth parent	40
50	Information prescribed under section 137 relating to deceased adopted person	41
51	Additional prescribed information	41
52	General guidelines under section 142 for release of birth certificate and prescribed information	42
53	Guidelines for exercise of discretion to supply a birth certificate or prescribed information under section 140 or 141	43
54	Guidelines for exercise of discretion to withhold supply (or authorise the withholding of supply) under section 141	44
55	Guidelines under section 142 for the release of prescribed information relating to unacknowledged birth fathers	44
56	Information as to “last known name and address”	45
57	Messages	45
Division 2 Information sources		
58	Information sources prescribed under paragraph (g) of definition of “information source” in Dictionary	46
59	Designated persons	47
60	Supply of birth certificate or prescribed information	47
61	Exchange of information between information sources	48
Division 3 Contact vetoes		
62	Director-General to endorse details of contact veto on authority to supply adoption information	48
63	Access to information about a contact veto	48
64	Guidelines under section 161 for request to confirm, cancel or vary contact veto	49

Page 5

Adoption Regulation 2003

Contents

	Page
Division 4 Advance notice	
65 Advance notice period	49
Division 5 Reunion and Information Register	
66 Definition	50
67 Information to be updated	50
68 Leaving and delivery of messages	50
69 Delivery of messages	51
70 Document left before the commencement of the Adoption Information Amendment Act 1995	51
71 Offence	52
Part 12 Miscellaneous	
72 Reviewable decisions	53
73 Case records	53
74 Restrictions on inspection of documents	54
75 Fees and charges	54
76 Expenditure relating to intercountry adoptions	54
77 Provision of financial and other assistance to certain children	54
78 Proceedings for offences	54
79 Savings	55

Adoption Regulation 2003

Clause 1

Preliminary

Part 1

Adoption Regulation 2003

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Adoption Regulation 2003*.

2 Commencement

This Regulation commences on 1 February 2003.

3 Definitions

In this Regulation:

access policy means any policy maintained by the Registrar concerning access under the Act to information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995*.

adoption register means the register kept under clause 18.

relevant decision-maker means:

- (a) in the case of an application to adopt a child made to the Director-General—the Director-General, or
- (b) in the case of an application to adopt a child made to an accredited adoption agency—the principal officer of the agency.

Reunion and Information Register means the register established under Part 5 of Chapter 8 of the Act.

selection criteria means:

- (a) if the relevant decision-maker is the Director-General—the selection criteria as in force from time to time referred to in clause 12, or
- (b) if the relevant decision-maker is the principal officer of an accredited adoption agency—the criteria referred to in clause 5 (3).

the Act means the *Adoption Act 2000*.

Clause 4 Adoption Regulation 2003

Part 1 Preliminary

4 Notes

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

Adoption Regulation 2003

Clause 5

Accredited adoption agencies

Part 2

Part 2 Accredited adoption agencies

5 Saving of existing private adoption agencies

- (1) An existing agency is taken, on publication of an accreditation order in the Gazette:
- (a) to have been accredited as an adoption agency under the Act, and
 - (b) to have been accredited under the Act subject to those conditions and requirements to which it was subject under section 11 (3) of the *Adoption of Children Act 1965* immediately before publication of the order, and
 - (c) to have as its principal officer the person who was its principal officer immediately before the commencement of this Regulation.

Note. Under section 17 (2) of the *Adoption Act 2000*, the Director-General may by notice in writing revoke or vary any condition to which accreditation is subject or attach new conditions. Under section 20 the Director-General may revoke or suspend accreditation in certain circumstances.

- (2) An agency referred to in subclause (1) may provide the adoption services specified in the order.
- (3) The criteria for approval and selection of applicants to adopt children for an agency referred to in subclause (1) are the criteria notified to the Director-General under clause 9 of Schedule 2 to the *Adoption of Children Regulation 1995* as in force immediately before the commencement of this Regulation. The principal officer of the agency must notify the Director-General within one month of any change to those criteria.
- (4) An accreditation order made in respect of an agency under this clause is taken, for the purposes of section 15 of the Act, to be the accreditation notice for the agency.
- (5) In this clause:
- accreditation order** means an order specifying:
- (a) the adoption services provided by an existing agency immediately before the repeal of Part 3 of the *Adoption of Children Act 1965*, and
 - (b) any other adoption service or class of adoption service that may be provided by the agency.

Clause 5 Adoption Regulation 2003

Part 2 Accredited adoption agencies

adoption service includes the adoption services referred to in subclause (6).

existing agency means a charitable organisation approved as a private adoption agency under Part 3 of the *Adoption of Children Act 1965* immediately before its repeal.

- (6) For the purposes of this clause, the following are *adoption services*:
- (a) the counselling of persons with respect to the consents to adoption,
 - (b) the making of arrangements for the care of a child following the giving of a consent to adoption of the child,
 - (c) the assessment of the suitability of a person or persons to adopt a child, including the following:
 - (i) receiving and processing expressions of interest to adopt,
 - (ii) receiving and processing applications for approval to adopt,
 - (iii) undertaking assessments of suitability (for example, obtaining and assessing medical, referee and police reports) and preparation of the assessment report,
 - (iv) determining the suitability of applicants,
 - (v) forwarding of reports to relevant authorities,
 - (vi) undertaking administrative arrangements approved by the Director-General,
 - (d) any decision to place a child with a person or persons wishing to adopt, including the following:
 - (i) receiving and processing consents to adoption and related requirements under the Act,
 - (ii) placement of children,
 - (iii) making of alternative arrangements in consultation with the Director-General or principal officer if a placement breaks down before an adoption order is made,
 - (e) the post-placement supervision of a child placed for adoption and the making of an application for the adoption of a child,
 - (f) the transfer of the care of a child to the person or persons who will adopt the child,

Adoption Regulation 2003

Clause 5

Accredited adoption agencies

Part 2

-
- (g) provision of post-adoption services, for example:
 - (i) provision in certain circumstances of post-adoption financial and other assistance to adopted children and their birth and adoptive parents, and
 - (ii) provision of post-adoption services, including the provision of information and arrangements to facilitate post-adoption contact between parties to an adoption, and
 - (iii) the collection and preservation of adoption information about a child, and
 - (iv) handling of requests for adoption information,
 - (h) any adoption service of a class described in subclause (7).
- (7) For the purposes of subclause (6) (h), provision of the following are classes of adoption service:
- (a) domestic arrangements for or towards or with a view to:
 - (i) the adoption of children who are less than 2 years of age, and
 - (ii) the adoption of children with specific needs (for example children who are more than 2 years of age or who have particular medical conditions or behaviour management difficulties or who are from a particular cultural background),
 - (b) intercountry arrangements for or towards or with a view to adoption of a child from jurisdictions overseas specified by the Director-General,
 - (c) adoption counselling, information and reunion services.

Clause 6 Adoption Regulation 2003

Part 3 Selection of prospective adoptive parents

Part 3 Selection of prospective adoptive parents

6 Form of expression of interest

- (1) An expression of interest to adopt a child is to be made in the form approved by the Director-General.
- (2) An expression of interest is effective for a period of 12 months after it is submitted to the Director-General or the principal officer.

7 Information to be provided to persons submitting expressions of interest

- (1) The Director-General or the principal officer is to supply every person who submits an expression of interest with information about the following:
 - (a) if the person is interested in adopting a child from New South Wales—the estimated number of and information about children needing adoptive placement through the Department or accredited adoption agency, respectively,
 - (b) if the person is interested in adopting a child from overseas—the estimated number of and information about children needing adoptive placement from overseas,
 - (c) the education, assessment, approval and selection processes,
 - (d) criteria for approval and selection of applicants,
 - (e) fees and the reduction or waiver of fees,
 - (f) the rights and responsibilities under the law of New South Wales of applicants, adoptive parents, adopted persons and birth parents or former adoptive parents of adopted children.
- (2) The information may be communicated to a person verbally or in writing or by such other means as the Director-General or the principal officer thinks fit.

8 Adoptive parent education and training

The Director-General or principal officer may, at any time following submission of an expression of interest to adopt, require the person who submitted it to attend an adoptive parent education and training course provided by the Director-General or principal officer. Costs of attendance at courses are to be at the person's expense.

Adoption Regulation 2003

Clause 9

Selection of prospective adoptive parents

Part 3

9 Form of application to adopt

An application to adopt a child is to be made in the form approved by the Director-General.

10 Documents to accompany application to adopt

- (1) An application to adopt a child is to be accompanied by the following:
 - (a) a statement made by each applicant as to the physical and mental health of the applicant, and a medical report in respect of the applicant, in the form approved by the Director-General,
 - (b) a certified copy of every marriage registration (if any) relating to the applicant issued by the Registry of Births, Deaths and Marriages or, if the applicant was married in another jurisdiction, a certified copy of an equivalent document issued by the authority responsible for the registration or recording of marriages in that jurisdiction,
 - (c) a certified copy of every decree absolute in divorce (if any) relating to the applicant,
 - (d) a certified copy of the birth registration relating to the applicant and proof of any amendment to the registration of birth, if applicable.
- (2) If a document referred to in subclause (1) (b) is not in English, it must be accompanied by a translation in English that is authenticated or certified to the satisfaction of the Director-General.

11 Action to be taken by relevant decision-maker after receipt of application to adopt

- (1) The relevant decision-maker must acknowledge receipt of each application to adopt a child made to the relevant decision-maker.
- (2) In addition to the medical report accompanying the application, the relevant decision-maker may obtain such other medical reports as he or she thinks fit in respect of an applicant.
- (3) Any medical report referred to in this clause is to be obtained at the applicant's expense.

Clause 12 Adoption Regulation 2003

Part 3 Selection of prospective adoptive parents

12 Criteria for assessment of applicants

The Director-General must cause to be published from time to time in the Gazette the criteria to be used in determining whether persons should be approved and selected to adopt children from New South Wales or overseas (the *selection criteria*).

13 Assessment of applicants for adoption in NSW

(1) The relevant decision-maker may:

- (a) decline to assess, or
- (b) approve or approve subject to conditions, or
- (c) decline to approve,

an applicant as suitable to adopt a child or a particular child.

Note. Clause 72 prescribes the above decisions as reviewable decisions for the purposes of Chapter 10 of the Act.

(2) Without limiting subclause (1), the relevant decision-maker may decline to assess, or decline to approve, an applicant or applicants as suitable to adopt a child if the applicant or applicants have made an application to another relevant decision-maker and that other decision-maker:

- (a) is assessing the suitability of the applicant or applicants to adopt the child or a particular child, or
- (b) has approved, or approved subject to conditions, the applicant or applicants as suitable to adopt a child or particular child.

(3) In assessing the suitability of applicants to adopt, the relevant decision-maker is to have regard to the provisions of Part 1 of Chapter 4 of the Act (so far as they are relevant) and to the selection criteria.

(4) In assessing the suitability of applicants to adopt, the relevant decision-maker must take into account whether any other person who resides in the home of the applicant is of good repute and is a fit and proper person to associate with a child.

(5) The relevant decision-maker must decline to approve an application made jointly by a husband and wife or by de facto partners if the relevant decision-maker determines that either of them is not suitable to adopt a child.

(6) If the relevant decision-maker is a principal officer, he or she must:

- (a) promptly advise the Director-General of decisions taken by the decision-maker under subclause (1), and

Adoption Regulation 2003

Clause 13

Selection of prospective adoptive parents

Part 3

-
- (b) furnish the Director-General with such particulars relating to any such decision as the Director-General may require.

14 Notification of assessment of applicants for adoption in NSW

- (1) The relevant decision-maker is to advise the applicant of the decision by notice in writing served personally or by post.
- (2) The notice is to be accompanied by a copy of any assessment report or other report concerning the applicant (other than any criminal record check or confidential referee report) considered by the relevant decision-maker in assessing an applicant.
- (3) An approval (or approval subject to conditions) has effect for the period of 4 years (or such longer period as may be determined by the relevant decision-maker) after the applicant is advised of the approval.

15 Approvals subject to conditions

Without limiting the conditions that the relevant decision-maker may impose under clause 13, conditions may be imposed that:

- (a) limit the duration of the approval, or
- (b) limit the approval to adopt to a nominated child or a child from a specified age group or of a specified sex, or
- (c) limit the approval to adopt to a child from a specified country or to a child of a specified race or ethnic group, or
- (d) require an applicant approved as suitable to adopt to confirm or update the particulars of the application for approval on a periodic basis or at the request of the relevant decision-maker, or
- (e) require an applicant to notify the relevant decision-maker (if not already notified by some other person) as soon as practicable after the applicant becomes aware that the applicant or the applicant's spouse or de facto partner is pregnant, or
- (f) require an applicant to notify the relevant decision-maker of any other significant change in the applicant's circumstances that might affect the approval (for example, if the applicant suffers a deterioration in health or changes his or her marital status) as soon as practicable after the change occurs, or
- (g) require an applicant to confirm or update the particulars of the application (and to undergo such medical examinations for the purposes of medical reports and supply copies of such

Clause 15	Adoption Regulation 2003
Part 3	Selection of prospective adoptive parents

documents of a kind referred to in clause 10 as may be required by the relevant decision-maker) if a child is not placed with the applicant within a period of 4 years after the applicant is advised of the approval.

16 Advice to be given of decision and right to apply for reasons for, and review of, decision

The relevant decision-maker must:

- (a) advise an applicant of a decision to decline to approve an applicant as suitable to adopt a child, or to approve the applicant subject to conditions, as soon as practicable after the decision is made, and
- (b) give the applicant written advice of the applicant's right to request reasons for, and apply for a review of, the decision under Chapter 10 of the Act.

Note. Clause 72 prescribes a decision to decline to approve an applicant as suitable to adopt a child as a reviewable decision for the purposes of Chapter 10 of the Act.

17 Revocation of approval

- (1) The relevant decision-maker may at any time revoke approval of an applicant as suitable to adopt a child.
- (2) The relevant decision-maker must:
 - (a) advise an applicant of a decision to revoke an approval as soon as practicable after the decision is made, and
 - (b) give the applicant written advice of the applicant's right to request reasons for, and apply for a review of, the decision under Chapter 10 of the Act, and
 - (c) if the relevant decision-maker is the principal officer of an adoption agency—notify the Director-General in writing of the decision to revoke the approval as soon as practicable after the decision is made.

Note. Clause 72 prescribes a decision to revoke the approval of an applicant as suitable to adopt a child as a reviewable decision for the purposes of Chapter 10 of the Act.

Adoption Regulation 2003

Clause 18

Adoption register

Part 4

Part 4 Adoption register

18 Adoption register

The Director-General is to keep an adoption register in which is to be entered the following:

- (a) the name of every person who has submitted an application to adopt a child,
- (b) the name of every person approved as suitable to adopt a child,
- (c) if a person is approved as suitable to adopt a particular child, the names of the person and of the child,
- (d) the cultural identity of every person approved as suitable to adopt a child,
- (e) details of any condition to which an approval is subject and of any information that the relevant decision-maker has been notified of in accordance with a condition of an approval,
Note. See clauses 13 and 15.
- (f) such other particulars as the Director-General may determine.

19 Content of adoption register

The adoption register is to indicate, in the manner considered appropriate by the Director-General, the following:

- (a) the full name of each person approved as suitable to adopt a child from New South Wales and the date of the approval,
- (b) the full name of any person approved as suitable to adopt a child from overseas and the date of the approval,
- (c) whether the approval concerned was given after application to an accredited adoption agency or the Director-General,
- (d) if the application was made to an accredited adoption agency—the name of the agency.

20 Removal of names from adoption register

- (1) The name of a person is to be removed from the adoption register:
 - (a) on the making of an adoption order or interim order in favour of that person, or
 - (b) on receipt by the Director-General of a notice in writing from that person requesting the removal of the person's name, or

Clause 20 Adoption Regulation 2003

Part 4 Adoption register

- (c) if, after reasonable inquiry, the person cannot be found, or
 - (d) if, because of a change in the circumstances of the person existing at the time when the relevant decision-maker approved the person as suitable to adopt a child, the person is, in the opinion of the Director-General, no longer suitable to adopt a child, or
 - (e) following a decision to decline to assess or approve, or a revocation of approval of, the person as suitable to adopt the child, or
 - (f) in such other circumstances as the Director-General considers appropriate.
- (2) If a name removed at the request of the person concerned is the name of a person who applied jointly with another person for approval to enter his or her name in the adoption register, the name of that other person is, at the same time, to be removed from the adoption register.

21 Effect of having name on register

Nothing in this Regulation:

- (a) requires the relevant decision-maker to place a child for the purposes of adoption with an applicant whose name is on the adoption register, or
- (b) gives an applicant whose name is on the adoption register any right or entitlement to the placement of a child for the purposes of adoption.

Adoption Regulation 2003

Clause 22

Placement for adoption

Part 5

Part 5 Placement for adoption

22 Certain reports required before placement of child

- (1) The relevant decision-maker must not transfer or cause to be transferred care responsibility for a child to another person with a view to the adoption of that child by that other person unless the relevant decision-maker:
 - (a) has obtained a report, in the form approved by the Director-General, by a registered medical practitioner as to the health of the child, and
 - (b) has obtained, or made reasonable attempts to obtain, a social, developmental and medical history of the child and of the child's parents and of their immediate families,to assist the relevant decision-maker in selecting an approved person considered suitable by the relevant decision-maker to adopt that child having regard to all relevant considerations, including those specified in sections 26–28 of the Act.
- (2) The relevant decision-maker must not transfer or cause to be transferred the care responsibility for a child who is resident or domiciled in the State to another person with a view to the adoption of that child in a place outside Australia by that other person unless the Director-General has prepared a report as referred to in section 40 of the Act.

23 Selection of applicants for adoption order

Applicants for adoption orders in respect of particular children who may be adopted through an accredited adoption agency are to be selected by the Director-General or principal officer from the persons whose names are indicated in the adoption register as persons who have been approved as suitable to adopt by that agency.

24 Entitlement of approved person to adopt child

- (1) An approved person is not entitled to be the applicant for an adoption order in respect of a particular child available for adoption unless in the opinion of the relevant decision-maker the person is suitable to adopt the child.

Clause 24 Adoption Regulation 2003

Part 5 Placement for adoption

- (2) A child must not be placed in the care of a female approved person, or her husband or de facto partner, for the purposes of adoption if, to the knowledge of the relevant decision-maker, the female approved person is pregnant.

25 Placement of child for adoption in conformity with religious upbringing intentions

The relevant decision-maker is to make all reasonable efforts to place the child with an approved person whose expressed intention for the religious upbringing of that child is in accordance with any wish expressed by a parent or guardian of the child (whether in the adoption plan or when consenting to the adoption, or both).

26 Placement of child for adoption in conformity with wishes as to cultural heritage, identity or ties

Subject to Part 2 of Chapter 4 of the Act, the relevant decision-maker is to make all reasonable efforts to place the child with an approved person:

- (a) who has the cultural heritage, identity or ties expressed by a parent or guardian of the child in consenting to adoption of the child or in the adoption plan, or both, as being the cultural heritage, identity or ties which the parent or guardian wishes a person adopting the child to have, or
- (b) whose domestic arrangements accord with the wishes so expressed by a parent or guardian.

27 Placement where compliance with expressed wishes of parent or guardian impracticable

- (1) Despite clauses 25 and 26, if compliance with an expressed wish of a parent or guardian referred to in those clauses is impracticable, the relevant decision-maker may give written authorisation for the placement of the child with another approved person.
- (2) The relevant decision-maker must:
- (a) inform, or make reasonable efforts to inform, the parent or guardian before placing the child, and
- (b) if the relevant decision-maker is unable to inform the parent or guardian before placement, continue to make reasonable efforts to inform the parent or guardian until filing of the application for an adoption order in respect of the child, and

Adoption Regulation 2003

Clause 27

Placement for adoption

Part 5

-
- (c) include in the relevant decision-maker's report to the Court under section 91 of the Act a statement of the reasons why he or she authorised such a placement and of the efforts made to inform the parent or guardian.

28 Confidentiality of adoption proceedings

- (1) The relevant decision-maker must not disclose any confidential adoption information to any person not directly associated with the proceedings for the adoption of any child, except:
- (a) in accordance with Chapter 8 of the Act, or
 - (b) in such circumstances as may be approved by the Minister.
- (2) A person to whom confidential adoption information is disclosed must not disclose it to any person, except:
- (a) in accordance with Chapter 8 of the Act, or
 - (b) in such circumstances as may be approved by the Minister, or
 - (c) with the consent of the person to whom it relates.

Maximum penalty: 25 penalty units.

- (3) The person from whose care a child is transferred to a proposed adoptive parent or parents is not, by reason only of the transfer, entitled to receive information that will enable that person to identify or locate all or any of the parties to the adoption.
- (4) In this clause:
- confidential adoption information*** means:
- (a) the name or address of the applicant for an adoption order or interim order in respect of a child, or
 - (b) any other matter reasonably likely to enable that applicant, the child or the father or mother or a guardian of the child to be identified.

Clause 29 Adoption Regulation 2003

Part 6 Adoption plans

Part 6 Adoption plans

29 Particulars to be contained in plan

For the purposes of section 47 of the Act the following are the required particulars:

- (a) a statement of the means and nature by which contact between the child and the child's family and siblings is to be maintained, including people authorised to have contact with the child, purposes of the contact, frequency of contact and location of contact,
- (b) details of the ways in which the child is to be assisted to develop a healthy and positive cultural identity and of ways in which links with the child's cultural heritage are to be fostered,
- (c) a description of the type of information to be exchanged under the plan,
- (d) a statement of the frequency of exchange of information,
- (e) details of provision to be made for any financial and other assistance arrangements that the Director-General has agreed be included in the plan under section 201 (2) of the Act,
- (f) a statement of the period for which the plan is to have effect.

30 Review of adoption plans

An application for review of an adoption plan is to be made as provided by rules of court, or, if no provision is made by rules of court, in the form approved by the Director-General.

Adoption Regulation 2003

Clause 31

Consents to adoptions

Part 7

Part 7 Consents to adoptions

31 Counsellors

- (1) For the purposes of the definition of *counsellor* in section 57 of the Act, a counsellor is a person whose name is on the register of counsellors kept under clause 32.
- (2) For the purposes of the definition of *counsellor* in section 57 of the Act, the prescribed qualifications are that a person:
 - (a) has at least 2 years of experience within the last 5 years in providing (whether on a full or part-time basis) adoption, out-of-home care services or family services as an employee of, or contractor with, the Department, an accredited adoption agency or a body of a kind approved by the Director-General for the purposes of this paragraph, and
 - (b) is one or both of the following:
 - (i) an employee of the Department, an accredited adoption agency or a body or class of body approved by the Director-General for the purposes of this paragraph,
 - (ii) a member of a professional association approved by the Director-General for the purposes of this paragraph, and
 - (c) is the holder of a qualification in the social sciences conferred by a university (whether within or outside New South Wales) after the equivalent of at least 3 years full time study.
- (3) In addition to any functions conferred on a counsellor by the Act, a counsellor who provides counselling to a person under 16 years of age in relation to the adoption of the person's child must give a written report on the capacity of the person to understand the effect of signing an instrument of consent to the adoption.

32 Register of counsellors

- (1) The Director-General is to establish a register of counsellors.
- (2) The name of every person who is eligible to have his or her name entered in the register as a counsellor and who has duly applied for entry of his or her name in the register is to be entered in the register.
- (3) A person is eligible to have his or her name entered in the register if the person:
 - (a) has the qualifications prescribed by clause 31 (2), and

Clause 32 Adoption Regulation 2003

Part 7 Consents to adoptions

- (b) has no relevant criminal record.
- (4) Application for entry in the register is to be made in the form approved by the Director-General.
- (5) A person whose name is entered on the register must undertake such courses or training as are relevant to carrying out the functions of counsellors as may be required by the Director-General by notice in writing.
- (6) The Director-General is to remove the name of any person from the register who:
 - (a) dies, or
 - (b) ceases to possess or does not possess the qualifications in respect of which the person was registered, or
 - (c) requests that his or her name be removed, or
 - (d) becomes a mentally incapacitated person, or
 - (e) becomes a person with a relevant criminal record, or
 - (f) fails, without reasonable excuse, to undertake the training referred to in subclause (5),
 - (g) has been the subject of disciplinary action for a breach of professional standards or improper or unethical conduct, that, in the opinion of the Director-General, demonstrates that the person is not suitable to be a counsellor.
- (7) In this clause:

relevant criminal record means the criminal record of a person with respect to an offence against the Act, the *Adoption of Children Act 1965* or any other law relating to the adoption of children or any offence involving an assault or other offence against the person:

 - (a) that was committed in New South Wales and that was punishable by imprisonment for 12 months or more, or
 - (b) that was committed elsewhere and that would have been an offence punishable by imprisonment for 12 months or more if it had been committed in New South Wales.

33 Mandatory written information

- (1) For the purposes of paragraph (g) of the definition of ***mandatory written information*** in section 57 of the Act, the following are prescribed matters:

Adoption Regulation 2003

Clause 33

Consents to adoptions

Part 7

-
- (a) information concerning arrangements that could be made for temporary care of the child,
 - (b) information as to arrangements for the care of the child during the revocation period,
 - (c) information on the effects, if any, adoption may have on the child's cultural identity and cultural heritage.
- (2) A principal officer is to give mandatory written information in the form approved by the Director-General.

34 Form of consent

- (1) For the purposes of section 61 of the Act, the instrument for general consent to the adoption of a child (other than a consent referred to in subclause (2) or (3)) is to contain the following information:
- (a) the full name of the person consenting to the adoption,
 - (b) the address of that person,
 - (c) the relationship of the person to the child (mother, father or guardian),
 - (d) the full name of the child,
 - (e) the date and place of birth of the child,
 - (f) a statement as to whether the person consenting to the adoption requests and authorises the Director-General (or, if applicable, a principal officer) to make arrangements for the adoption of the child,
 - (g) a statement of the right of the person to revoke his or her consent and:
 - (i) if the person is a child—a statement that he or she may revoke consent at any time before the adoption order is made, and
 - (ii) if the person is an adult—a statement that he or she may revoke consent only within the period of 30 days beginning on the day on which he or she signs the instrument and the date on which that period ends,
 - (h) a statement as to when the Director-General or appropriate principal officer gave the person the mandatory written information,

Clause 34 Adoption Regulation 2003

Part 7 Consents to adoptions

-
- (i) if the person is consenting to the adoption of an Aboriginal child or a Torres Strait Islander child—a statement of when the person received the adoption counselling, or information, referred to in section 64 (1) or 65 (1), respectively, of the Act,
 - (j) a statement as to when the person was counselled in accordance with section 63 of the Act.

Note. Under section 63 of the Act a person must be counselled on the legal effect of signing the consent and the procedure for revoking consent before signing the consent form. The counsellor is required by section 61 of the Act to certify on the form of consent that the person has been counselled and that the counsellor is of the opinion that he or she understands the effect of signing.

- (2) For the purposes of section 61 of the Act, the instrument for general consent to the adoption of a non-citizen or other child of whom the Director-General has guardianship (otherwise than under section 75 (7) of the Act) is to contain the following information:
 - (a) the full name of the child,
 - (b) the date and place of birth of the child.
- (3) For the purposes of section 61 of the Act, the instrument for specific consent to the adoption of a child is to contain the following information:
 - (a) the full name of the person consenting to the adoption,
 - (b) the address of that person,
 - (c) the relationship of the person to the child (mother, father or guardian),
 - (d) the full name of the child,
 - (e) the date and place of birth of the child,
 - (f) the full names and addresses of the person or persons who are specified as the adoptive parent or parents of the child and a description of their relationship to the child,
 - (g) details of how long, and the period during which, the specified person or persons have cared for, lived with or had a relationship with the child,
 - (h) a statement of the right of the person consenting to the adoption to revoke his or her consent and:
 - (i) if the person is a child—a statement that he or she may revoke consent at any time before the adoption order is made, and

Adoption Regulation 2003

Clause 34

Consents to adoptions

Part 7

-
- (ii) if the person is an adult—a statement that he or she may revoke consent only within the period of 30 days beginning on the day on which he or she signs the instrument and the date on which that period ends,
 - (i) a statement as to when the Director-General or appropriate principal officer gave the person the mandatory written information,
 - (j) if the person is consenting to the adoption of an Aboriginal child or a Torres Strait Islander child—a statement of when the person received the adoption counselling, or information, referred to in section 64 (1) or 65 (1), respectively, of the Act,
 - (k) a statement as to when the person was counselled in accordance with section 63 of the Act.

Note. Under section 53 of the Act, specific consent to the adoption of a child by the persons having the following relationships to the child may be given:

- (a) a specified adoptive parent who is a relative of the child,
- (b) 2 specified adoptive parents, one of whom is a parent or relative of the child,
- (c) a specified adoptive parent who is a step parent of the child,
- (d) a specified adoptive parent who is a foster parent who has had the care of the child for 2 years or more.

35 Classes and descriptions of persons who may witness consents

- (1) For the purposes of section 62 (3) of the Act, the following classes or descriptions of persons are prescribed as persons who can be witnesses to the signing of an instrument of consent:
 - (a) if the instrument is signed in New South Wales:
 - (i) the Director-General,
 - (ii) an independent lawyer,
 - (iii) a principal officer,
 - (iv) a counsellor (not being the counsellor of any person signing the instrument or a person who is not independent of such a counsellor),
 - (b) if the instrument is signed in another State or Territory—a person authorised by the law of that State or Territory to witness a consent to the adoption of a child,
 - (c) if the instrument is signed in another place:
 - (i) an Australian Consular Officer as defined in section 26 of the *Oaths Act 1900*,
 - (ii) a judge of a court or magistrate of that place,

 Page 27

Clause 35 Adoption Regulation 2003

Part 7 Consents to adoptions

(iii) a person authorised by the law of that place to attest to a consent to the adoption of a child.

(2) An instrument of consent to the adoption of a child may not be witnessed by any person referred to in subclause (1) if the person is an officer of the Department or an employee of an accredited adoption agency or private foster agency who is the caseworker for a person adopting the child.

(3) In this clause:

independent lawyer means a barrister or solicitor who is not the legal representative of a person adopting the child concerned, or a partner or employee of such a legal representative.

36 Witnessing a consent

(1) Before a person witnesses the signing of an instrument of consent, the person must:

- (a) satisfy himself or herself as to the identity of the person signing the instrument, and
- (b) ensure that the person signing the instrument has been given ample opportunity to read, and understands the effect of signing, the instrument.

(2) Before witnessing the signing of the instrument of consent, the witness is to sign a statement on it certifying that he or she has done the things referred to in subclause (1).

(3) For the purposes of section 185 (c) of the Act, a person must not witness the signing of an instrument of consent by a person who he or she has reason to believe is less than 16 years of age unless he or she is satisfied that a registered psychologist or other appropriate expert has prepared a report stating that, in the opinion of the expert, the person is capable of understanding the effect of the consent.

37 Notice of signing of general consent

(1) If the signing of a general instrument of consent to the adoption of a child is witnessed by an officer of an accredited adoption agency, the principal officer of that agency must give the Director-General:

- (a) notice of the signing, and

Adoption Regulation 2003

Clause 37

Consents to adoptions

Part 7

-
- (b) if the adoption agency has been requested to make arrangements for the adoption of the child, a statement indicating whether or not the agency is willing to make such arrangements.
- (2) A person, other than an officer of an adoption agency or an officer of the Department, who signs a general instrument of consent to the adoption of a child as a witness to the signing of the instrument, must give the Director-General notice of the signing.
- (3) A notice under subclause (1) or (2):
- (a) must be in the form approved by the Director-General, and
 - (b) must be given within 7 days after the general instrument of consent is signed.
- (4) If the person witnessing the signing of a general instrument of consent to the adoption of a child is not an officer of an adoption agency or an officer of the Department, the person signing the instrument must, within 7 days after the signing:
- (a) give the Director-General the instrument together with a request, in the form approved by the Director-General, to make arrangements for adoption of the child, or
 - (b) give the principal officer of an accredited adoption agency the instrument together with such a request and send a notice of the signing of the instrument, in the form approved by the Director-General, to the Director-General.
- (5) The principal officer of an adoption agency that is unwilling to make arrangements for the adoption of a child as requested under subclause (1), must, as soon as practicable but within 14 days of receiving the request, give the Director-General notice, in the form approved by the Director-General, that the agency is unwilling to make the arrangements.
- (6) The agency is to forward to the Director-General, with the notice, any instrument of consent and any request to make arrangements with a view to adoption of the child relating to that child that is held by the agency.
- (7) Any notice required to be given under this clause may be served personally or by post.

38 No fees payable to witness to consent

No fees are payable to a person for witnessing a consent to adoption.

Clause 39 Adoption Regulation 2003

Part 7 Consents to adoptions

39 Period in which person giving consent must be counselled

For the purposes of section 63 of the Act, the prescribed period is:

- (a) except as provided by paragraph (b), not more than 30 days or less than 72 hours before the instrument of consent is signed, or
- (b) in the case of counselling given to the birth mother of a newborn child—not earlier than 5 days after the birth of the child and not more than 30 days or less than 72 hours before the instrument of consent is signed.

Adoption Regulation 2003

Clause 40

Preliminary hearings

Part 8

Part 8 Preliminary hearings

40 Matters in relation to which preliminary hearings can be held

For the purposes of section 80 (1) of the Act, decisions about the following are prescribed matters:

- (a) the identity of a child as an Aboriginal child or Torres Strait Islander child,
- (b) the validity of a consent to the adoption of a child,
- (c) the provision of contact with a child,
- (d) the allocation or exercise of parental responsibility for a child,
- (e) dispensing with consent,
- (f) matters relating to a child's revocation of consent before the making of an adoption order.

Note. Some relevant matters may be dealt with by other laws—for example, if parentage is in issue see the *Status of Children Act 1996*.

41 Persons who may apply for a preliminary hearing to be held

For the purposes of section 80 (3) of the Act, the following classes of person are prescribed:

- (a) parties to an adoption,
- (b) any person approved by the Court as having sufficient interest in an adoption.

Clause 42 Adoption Regulation 2003

Part 9 Adoption orders

Part 9 Adoption orders

42 Prescribed particulars relating to application for adoption order

For the purposes of section 88 (1) of the Act, the following are the prescribed particulars:

- (a) the full name and date of birth of the child,
- (b) the date on which the application was made,
- (c) the provisions of the adoption plan (if any),
- (d) advice about the right of the person given the notice to oppose the application,
- (e) information about how the person given the notice may become a party to the application.

Adoption Regulation 2003

Clause 43

Records of adoptions

Part 10

Part 10 Records of adoptions

43 Prescribed particulars and information

- (1) For the purposes of sections 130 (a), 131 (4) and 132 (2) of the Act, the following are the prescribed particulars and information relating to an adoption order:
- (a) the following particulars of the child prior to adoption:
 - (i) the surname and other names of the child,
 - (ii) the sex of the child,
 - (iii) the date and place of birth of the child,
 - (iv) the surname and other names of the child's father (if known),
 - (v) the occupation of the father,
 - (vi) the age and place of birth of the child's father,
 - (vii) the maiden surname and other names of the child's mother,
 - (viii) the occupation of the mother,
 - (ix) the age and place of birth of the child's mother,
 - (x) date and place of marriage (if any) of the child's parents,
 - (xi) details of previous children (if any) of the parents' relationship,
 - (xii) the name of the informant,
 - (xiii) particulars of the registration,
 - (b) the following particulars of the child after adoption:
 - (i) the surname and other names of the child,
 - (ii) the sex of the child,
 - (iii) the date and place of birth of the child,
 - (iv) the surname and other names of the child's adoptive father,
 - (v) the occupation of the adoptive father,
 - (vi) the age and place of birth of the child's adoptive father,
 - (vii) the married name (if any) and maiden surname and other names of the child's adoptive mother,
 - (viii) the occupation of the adoptive mother,
 - (ix) the age and place of birth of the child's adoptive mother,
 - (x) date and place of marriage (if any) of the child's adoptive parents,

Clause 43 Adoption Regulation 2003

Part 10 Records of adoptions

- (xi) details of previous children (if any) of the adoptive parent's relationship,
 - (xii) the name of the informant,
 - (xiii) particulars of the registration.
- (2) For the purposes of sections 130 (a), 131 (4) and 132 (2) of the Act, the following are the prescribed particulars and information relating to a discharge order:
- (a) the name of the child,
 - (b) the date and place of birth of the child,
 - (c) the names of the adoptive parent or parents,
 - (d) the number and date of the discharge order,
 - (e) any ancillary order made by the Court.

44 Form of records

Any record required to be given by a nominated officer under Chapter 7 of the Act is to be in a form approved by the Registrar.

Adoption Regulation 2003	Clause 45
Adoption information	Part 11
Prescribed information to which persons are entitled	Division 1

Part 11 Adoption information

Division 1 Prescribed information to which persons are entitled

45 Prescribed information under section 133

For the purposes of the Act, prescribed information is the information (being information in addition to that which persons are entitled to receive, or may in certain circumstances be supplied with, under and subject to the Act) that a person is entitled to receive under clauses 46–56.

46 Entitlement of adopted person—information prescribed under section 134

Note. This clause does not cover all information that an adopted person may be able to receive, or be supplied with, under the Act. Several other provisions of this Regulation give further entitlements to, or limit entitlements of, an adopted person to prescribed information. See clauses 51–57. Under section 134 (3) of the Act, an adopted person who is less than 18 years old will generally be entitled to receive prescribed information only with the consent of his or her adoptive parents.

- (1) An adopted person is entitled to receive:
 - (a) any relevant information that is held by an information source about the physical and intellectual attributes, educational and vocational qualifications, social and cultural background, health and welfare, family and other relationships, religious beliefs, hobbies and interests of a birth parent, sibling, grandparent, aunt or uncle of the adopted person and that will give the adopted person knowledge of his or her origins, and
 - (b) any of the following information held by an information source:
 - (i) date on which the person was placed with adoptive parents,
 - (ii) date of adoption order,
 - (iii) copy of the instrument of consent to the adoption,
 - (iv) copy of the request to make arrangements for the adoption,
 - (v) copy of adoption order or memorandum of adoption (or both),

Clause 46	Adoption Regulation 2003
Part 11	Adoption information
Division 1	Prescribed information to which persons are entitled

- (vi) reason the person was given up for adoption (as stated by the birth parent or recorded by the information source before placement for adoption),
 - (vii) copies of medical reports of examinations of the adopted person made before the date of the adoption order,
 - (viii) a document certifying particulars of the birth of a birth parent,
 - (ix) a document certifying particulars of the marriage of a birth parent,
 - (x) a document certifying particulars of the death of a birth parent,
 - (xi) messages given to the information source by a birth parent for the adopted person if clause 57 is complied with,
 - (xii) any other document, report, photograph or recording relating to the adopted person that contains information about his or her origins.
- (2) An adopted person is entitled to receive the following information held by an information source relating to an adopted brother or sister of the adopted person who is 18 or more years old:
- (a) adoptive name,
 - (b) date of birth,
 - (c) place of birth,
 - (d) date of placement for adoption,
 - (e) date of adoption order,
 - (f) copy of adoption order or memorandum of adoption (or both),
 - (g) a document certifying particulars of the marriage of the adopted brother or sister,
 - (h) a document certifying particulars of the death of the adopted brother or sister,
 - (i) the following details concerning adoptive parents:
 - (i) age,
 - (ii) nationality,
 - (iii) ethnic background,
 - (iv) occupation,
 - (v) hobbies and interests,
 - (vi) religion,

Adoption Regulation 2003	Clause 46
Adoption information	Part 11
Prescribed information to which persons are entitled	Division 1

(vii) composition of adoptive family (including number of children and their age and sex).

(3) Despite subclause (1), an adopted person is not entitled to receive:

- (a) information about a birth parent, sibling, grandparent, aunt or uncle that identifies any other person if the information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* unless the information is information that the adopted person is otherwise entitled to receive under the *Adoption Act 2000* or an access policy, or
- (b) information consisting of the family name of a birth parent, sibling, grandparent, aunt or uncle unless that information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the adopted person is otherwise entitled to receive under the *Adoption Act 2000* or an access policy.

Note. Subclause (3) (a) prevents the supply of information about persons such as marriage celebrants or witnesses involved in events that are required to be registered under the *Births, Deaths and Marriages Registration Act 1995*.

47 Entitlement of adoptive parent—information prescribed under section 135

Note. This clause does not cover all information that an adoptive parent may be able to receive, or be supplied with, under the Act. Several other provisions of this Regulation give further entitlements to, or limit entitlements of, an adoptive parent to prescribed information. See clauses 51–57.

- (1) An adoptive parent of an adopted person who is less than 18 years old is entitled to receive:
 - (a) any relevant information that is held by an information source about the physical and intellectual attributes, educational and vocational qualifications, social and cultural background, health and welfare, family and other relationships, religious beliefs, hobbies and interests of a birth parent, sibling, grandparent, aunt or uncle of the adopted person and that will give the adoptive parent knowledge of the adopted person's origins, and
 - (b) any of the following information held by an information source:
 - (i) date of placement for adoption,
 - (ii) date of adoption order,
 - (iii) reason the person was given up for adoption (as stated by the birth parent or recorded by the information source before placement for adoption),

Clause 47	Adoption Regulation 2003
Part 11	Adoption information
Division 1	Prescribed information to which persons are entitled

- (iv) messages given to the information source by a birth parent for the adopted person or for the adoptive parent if clause 57 is complied with.
- (2) Despite subclause (1), an adoptive parent is not entitled to receive information consisting of the family name of a birth parent, sibling, grandparent, aunt or uncle unless that information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the adoptive parent is otherwise entitled to receive under the *Adoption Act 2000* or an access policy.

48 Entitlement of birth parent to information prescribed under section 136

Note. This clause does not cover all information that a birth parent may be able to receive, or be supplied with, under the Act. Several other provisions of this Regulation give further entitlements to, or limit entitlements of, a birth parent to prescribed information. See clauses 51–57.

(1) Information about adult adopted person

A birth parent of an adopted person who is 18 or more years old is entitled to receive:

- (a) any relevant information that is held by an information source about the physical and intellectual attributes, educational and vocational qualifications, social and cultural background, health and welfare, family and other relationships, religious beliefs, hobbies and interests of an adopted person or his or her adoptive parent and that will give the birth parent knowledge of the adopted child's life after adoption, and
- (b) any of the following information held by an information source:
 - (i) birth details (including the time of birth and weight and length of the person at birth),
 - (ii) date of placement for adoption,
 - (iii) date of adoption order,
 - (iv) copy of the instrument of consent to the adoption and of any associated documents relating to the social and medical history of the adopted person provided by a birth parent,
 - (v) copy of the request to make arrangements for the adoption,
 - (vi) copy of adoption order or memorandum of adoption (or both),

Adoption Regulation 2003	Clause 48
Adoption information	Part 11
Prescribed information to which persons are entitled	Division 1

- (vii) copies of medical reports and examinations of the adopted person made before the date of the adoption order,
- (viii) a document certifying particulars of the marriage of the adopted person,
- (ix) a document certifying particulars of the death of the adopted person,
- (x) messages relating to the adopted person and adoptive family given to the information source for the birth parent if clause 57 is complied with,
- (xi) any other document, report, photograph or recording relating to the adopted person.

(2) **Information about adopted person who is a child**

A birth parent is entitled to receive the following information about an adopted person who is less than 18 years old held by an information source:

- (a) birth details (including the time of birth and weight and length of the person at birth),
- (b) date of placement for adoption,
- (c) date of adoption order,
- (d) copies of medical reports or examinations of the adopted person made before placement for adoption,
- (e) information relating to the health and welfare of the adopted person after the date of placement for adoption,
- (f) information about adoptive parents that does not identify the parents.

Note. Under section 136 (3) of the Act, information referred to in this subclause may only be supplied to a birth parent if the birth parent produces an authority authorising the supply of the information from the Director-General. However under section 136 (4), a designated person may supply the information without such an authority or an amended birth certificate if the designated person is of the opinion that the information could not be used to identify the adopted person or his or her adoptive parents.

(3) **Information relating to the health and welfare of an adopted person after placement for adoption is prescribed information for the purposes of subclauses (1) and (2) only if:**

- (a) the information source holding the information is the Department or an accredited adoption agency, or
- (b) the information is information referred to in clause 51 (1).

Clause 48	Adoption Regulation 2003
Part 11	Adoption information
Division 1	Prescribed information to which persons are entitled

- (4) For the purposes of section 136 (5) of the Act, the following kinds of information are prescribed as information that a birth parent may request the Director-General or a principal officer to take action to ascertain from the child's adoptive parents:
- (a) information relating to the health and welfare of the child,
 - (b) information relating to the educational progress of the child,
 - (c) information relating to the hobbies, sporting and other interests of the child,
 - (d) information relating to the general lifestyle of the child and the child's adoptive parents.
- (5) A birth parent whose name is entered in the Reunion and Information Register is entitled to receive any of the following information if it is held by the Department or accredited adoption agency:
- (a) advice of the death of the adopted person,
 - (b) advice that the relationship between the adopted person and the adoptive parents has irretrievably broken down and the adopted person is living separately from the adoptive parents.
- (6) Despite subclause (2), a birth parent is not entitled to receive information consisting of the family name of an adopted person who is less than 18 years old or of his or her adoptive parent unless that information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the birth parent is otherwise entitled to receive under the *Adoption Act 2000* or an access policy.

49 Information prescribed under section 137 relating to deceased birth parent

A relative, spouse or other person who had a de facto or other close personal relationship with a deceased birth parent may be supplied with the following information relating to the deceased birth parent:

- (a) information described in clause 48 (1) (a) relating to an adopted person,
- (b) information relating to a deceased birth parent referred to in clause 51,
- (c) a copy of the adoption order or memorandum of adoption.

Adoption Regulation 2003

Clause 50

Adoption information

Part 11

Prescribed information to which persons are entitled

Division 1

50 Information prescribed under section 137 relating to deceased adopted person

A relative, spouse or other person who had a de facto or other close personal relationship with a deceased adopted person may be supplied with the following information relating to the deceased adopted person:

- (a) information described in clause 46 (1) (a) relating to the birth parent,
- (b) information relating to a deceased adopted person referred to in clause 51,
- (c) a copy of the adoption order or memorandum of adoption.

51 Additional prescribed information

- (1) The following information is prescribed as information for the purposes of sections 134–137 of the Act:
 - (a) information that is supplied by the Director-General or authorised by the Director-General to be supplied by the Registrar or some other information source,
 - (b) information that the Director-General is satisfied would, if disclosed, promote the welfare and best interests of either or both the person seeking the information and the person affected by the supply of the information,
 - (c) information that the Director-General is satisfied is unlikely to be able to be obtained from any other source.
- (2) Information prescribed by this clause is not to be supplied unless:
 - (a) the Director-General has notified the person affected by the supply of the information of the intention to supply the information, and
 - (b) a period of not less than 7 days has expired since the person was so notified, and
 - (c) before the expiration of that period, the person has consented to supply of the information or the Director-General has considered any submissions received from the person as to why the information should not be supplied.
- (3) Information prescribed by this clause may be supplied even though the person affected by the supply has not been notified as required by subclause (2) if:

Clause 51	Adoption Regulation 2003
Part 11	Adoption information
Division 1	Prescribed information to which persons are entitled

- (a) in the opinion of the Director-General, it is not reasonably practicable to notify the person, or
- (b) the whereabouts of the person are unknown and the Director-General has been unable to discover them after making such inquiries as are reasonable in the circumstances.

52 General guidelines under section 142 for release of birth certificate and prescribed information

- (1) An information source is to comply with the following guidelines in connection with the supply of any birth certificates or prescribed information under the Act:
 - (a) the information source must make reasonable inquiries to confirm the applicant's identity and relationship to the person to whom the information relates,
 - (b) the information source must not supply confidential information unless the information source has obtained and taken into account the advice of the Director-General as to whether the information should be supplied and as to the provision of appropriate counselling for the person to whom it is supplied,
 - (c) the information source must not supply confidential information about a birth parent whose name is entered in the Reunion and Information Register unless the information source has taken such action as is reasonable in the circumstances to ascertain whether the birth parent wishes to supply the information personally.
- (2) In this clause:

confidential information means:

 - (a) information indicating that an adopted person was conceived as a result of incest or the sexual assault of his or her birth mother, and
 - (b) information indicating that an adopted person has an hereditary condition seriously affecting the current, or that could seriously affect the future, physical or mental health of the adopted person or any descendant of the adopted person.

Adoption Regulation 2003

Clause 53

Adoption information

Part 11

Prescribed information to which persons are entitled

Division 1

53 Guidelines for exercise of discretion to supply a birth certificate or prescribed information under section 140 or 141

- (1) The Director-General is to comply with the guidelines set out in this clause in connection with the supply of a birth certificate or prescribed information:
 - (a) under section 140 of the Act before an entitlement to the certificate or information arises under Part 2 of Chapter 8 of the Act, or
 - (b) in accordance with a request made under section 141 of the Act.
- (2) The Director-General is to seek the consent of the birth parent of an adopted person who is less than 18 years old to the supply of such a birth certificate or prescribed information that could be used to identify the birth parent.
- (3) The Director-General is not to supply such a birth certificate or prescribed information that could be used to identify the birth parent to an adopted person who is less than 18 years old against the wishes of a birth parent until such period (being a period of not less than 7 days) after the birth parent's refusal to consent to the supply as will, in the opinion of the Director-General, enable the birth parent (if he or she so wishes) to lodge a contact veto.
- (4) The Director-General is to supply a birth parent with an amended birth certificate or prescribed information relating to an adopted person who is less than 18 years old only if:
 - (a) the relationship between the adopted person and the adoptive parents has irretrievably broken down and the adopted person is living separately from the adoptive parents, or
 - (b) the adoptive parents support the supply of the birth certificate or prescribed information, or
 - (c) the adoptive parents have died,
 and, in the opinion of the Director-General (supported by expert opinion) it is unlikely that any detriment to the welfare and best interests of the adopted person or his or her adoptive family will result from the supply of the certificate or information.
- (5) The Director-General may supply, or authorise an information source to supply, any prescribed information to a person who is not entitled to receive it because of a failure to obtain a birth certificate only if:

Clause 53	Adoption Regulation 2003
Part 11	Adoption information
Division 1	Prescribed information to which persons are entitled

- (a) there is no contact veto in force against contact by the person with the person to whom the information relates, and
 - (b) in the opinion of the Director-General, the information could not be used to identify the person to whom it relates,
- and, in the opinion of the Director-General (supported by expert opinion) it is unlikely that any detriment to the welfare and best interests of the person to whom the information relates, or his or her family, will result from the supply of the information.

54 Guidelines for exercise of discretion to withhold supply (or authorise the withholding of supply) under section 141

- (1) The Director-General may obtain advice from such persons as the Director-General thinks may be of assistance to the Director-General in forming his or her opinion as to whether exceptional circumstances exist that make it necessary to refuse to supply a birth certificate or prescribed information under section 141 of the Act.
- (2) The advice may include advice from the following:
 - (a) a medical practitioner,
 - (b) a person who is a member, or who is eligible for membership, of the Australian Association of Social Workers,
 - (c) a person having knowledge or experience in adoption work,
 - (d) a person who, in the opinion of the Director-General, has other suitable qualifications or experience.

55 Guidelines under section 142 for the release of prescribed information relating to unacknowledged birth fathers

- (1) In this clause:

unacknowledged birth father means the birth father of an adopted person who:

 - (a) is not shown on the adopted person's original birth certificate as the person's father, or
 - (b) is not a person whom the Director-General, Registrar or another information source is entitled to presume, under any law (including a law of another State or Territory or the Commonwealth) to be the adopted person's birth father.

Adoption Regulation 2003	Clause 55
Adoption information	Part 11
Prescribed information to which persons are entitled	Division 1

- (2) An information source must, if it considers it to be necessary or appropriate to do so, obtain assistance from the Director-General or the Registrar to assist in its determination of whether it is entitled to presume a person to be an adopted person's birth father.
- (3) An information source is not to supply prescribed information relating to an unacknowledged birth father if, in the opinion of the information source, the information could be used to identify the unacknowledged birth father or a relative of the unacknowledged birth father, except with the consent of the unacknowledged birth father.

56 Information as to "last known name and address"

The last known name and address of a person held by an information source is prescribed information only if:

- (a) the information was obtained by the information source before the person was placed for adoption, on placement of the person for adoption or from or in connection with the making of the adoption order in relation to the person, or
- (b) the information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the person is otherwise entitled to receive under the Act or an access policy, or
- (c) the person concerned has consented in writing to the supply of the name and address to the person seeking the information, or
- (d) the person concerned has entered his or her name on the Reunion and Information Register.

57 Messages

- (1) A message referred to in clause 46, 47 or 48 that is given to an information source for an adopted person, adoptive parent or birth parent after the commencement of this Regulation is not prescribed information unless the person giving the message to the information source has signed a release (in a form approved by the Director-General) consenting to the supply of all such messages.
- (2) A release signed by the person giving a message to the information source is not required if the person:
 - (a) is dead, or
 - (b) cannot, after due search and inquiry, be found, or

Clause 57	Adoption Regulation 2003
Part 11	Adoption information
Division 1	Prescribed information to which persons are entitled

- (c) is, in the opinion of the Director-General, incapable of giving consent.
- (3) A message referred to in clause 46, 47 or 48 that is given to an information source for an adopted person, adoptive parent or birth parent before the commencement of this Regulation is not prescribed information unless:
- (a) in the opinion of the Director-General, the records of the information source concerned clearly indicate that the person intended the message to be supplied to the adopted person, adoptive parent or birth parent, or
 - (b) the Director-General is satisfied that the welfare and best interests of one or both persons concerned would be promoted by the passing on of the message.
- (4) In this clause:
message means the following:
- (a) a message left under section 147 (4) of the Act by a person who has lodged an advance notice request,
 - (b) a message left under section 156 (4) of the Act by a person who has lodged a contact veto,
 - (c) a message left by a person whose name is entered on the Reunion and Information Register under section 168 of the Act,
 - (d) a photograph or other document left by such a person.

Division 2 Information sources

58 Information sources prescribed under paragraph (g) of definition of "information source" in Dictionary

The following institutions, bodies and persons are prescribed as information sources for the purposes of the Act:

The Benevolent Society

Post Adoption Resource Centre

Scarba Family Centre

Burnside

Adoption Regulation 2003	Clause 58
Adoption information	Part 11
Information sources	Division 2

Link Up (NSW) Aboriginal Corporation
 Salvation Army Post-Adoption Service
 Wesley Dalmar Child and Family Care

59 Designated persons

- (1) The person prescribed under paragraph (h) of the definition of *designated person* in the Dictionary to the Act as the designated person to deal with an application to an institution, body or person (prescribed under clause 58) for the supply of a birth certificate or prescribed information under Part 2 of Chapter 8 of the Act is the chief executive officer, by whatever title he or she is known, of the institution, body or person.
- (2) The guidelines to be followed by a designated person in relation to an information source in authorising another person to exercise a function of the designated person are:
 - (a) the person must be a senior officer or member of the information source, and
 - (b) the person must, in the opinion of the designated person, have sufficient capacity to understand and responsibly exercise the functions of the designated person under the Act.

60 Supply of birth certificate or prescribed information

- (1) An information source (other than the Supreme Court) must not supply an amended birth certificate or any prescribed information under the Act to a person unless the information source has ascertained:
 - (a) whether the birth certificate or prescribed information is affected by an advance notice registration, and
 - (b) whether the birth certificate or prescribed information is affected by a contact veto registration relating to the person.
- (2) Subclause (1) does not apply to the supply of an amended birth certificate or prescribed information by an information source if that supply is authorised by, and is in accordance with any conditions of, a supply authority issued by the Director-General.

Note. The Director-General is required to advise the Registrar of Births, Deaths and Marriages of each entry made in the Advance Notice Register and of each contact veto entered in the Contact Veto Register (see sections 148 (3) and 157 of the Act). An information source is required by the Act to ascertain whether a contact veto has been entered before supplying an original birth certificate (see section 158 (2)).

Clause 61 Adoption Regulation 2003

Part 11 Adoption information

Division 2 Information sources

61 Exchange of information between information sources

- (1) If a person who is entitled to receive information under the Act:
- (a) makes an application for the supply of the information to an information source that does not hold the information, and
 - (b) the information source knows of one or more other information sources that do hold the information,
- the information source to whom the application is made may request the other information source or sources to supply it with the information to enable it to supply it to the person.
- (2) An information source is not to supply another information source with such information unless the other information source has forwarded to it:
- (a) a copy of the application made by the person, and
 - (b) a request signed by the person for the information source to supply the information.

Division 3 Contact vetoes

62 Director-General to endorse details of contact veto on authority to supply adoption information

The Director-General is to endorse details of a contact veto lodged by an adopted person on the birth record of the person supplied by the Director-General.

63 Access to information about a contact veto

- (1) An application may be made to the Director-General by an adopted person who is 18 or more years old, a birth parent of such a person or a relative, spouse or other person referred to in section 137 of the Act for the Director-General to supply:
- (a) a statement as to whether a veto objecting to contact by the person with an adopted person or a birth parent has been entered in the Contact Veto Register, and
 - (b) if a contact veto has been entered, details of the relationship of the person who lodged the contact veto to the applicant, and
 - (c) if a message has been left for the applicant by the person who has lodged the contact veto, a copy of the message.

Adoption Regulation 2003	Clause 63
Adoption information	Part 11
Contact vetoes	Division 3

- (2) An application under this clause:
- (a) is to be made in the form approved by the Director-General, and
 - (b) is to be accompanied by proof (to the satisfaction of the Director-General) of the identity of the applicant, and
 - (c) is to be accompanied by the fee or charge payable for the supply of such information or, if the applicant wishes the fee or charge to be reduced or waived by the Director-General, a statement as to why it should be reduced or waived.
- (3) The Director-General is not to supply any information under this clause if, in the opinion of the Director-General, the information could be used to identify the person who objects to contact or a parent, brother or sister of that person, except with the consent of the person.

64 Guidelines under section 161 for request to confirm, cancel or vary contact veto

Unless the Director-General considers that the circumstances are exceptional, the Director-General is not to deal with an applicant's request under section 161 of the Act to approach a person who has lodged a contact veto if the request is made within 6 months after the contact veto took effect.

Division 4 Advance notice

65 Advance notice period

- (1) For the purposes of paragraph (a) of the definition of *advance notice period* in section 145 of the Act, the period of 2 months after an application for personal information relating to a person is made is the prescribed period.
- (2) For the purposes of paragraph (b) of the definition of *advance notice period* in section 145 of the Act, a period not greater than 4 months after an application for personal information relating to a person is made may be specified by the Director-General.

Clause 66	Adoption Regulation 2003
Part 11	Adoption information
Division 5	Reunion and Information Register

Division 5 Reunion and Information Register

66 Definition

In this Division:

message means:

- (a) a message left under section 147 (4) of the Act by a person who has lodged an advance notice request, or
- (b) a message left by a person whose name is entered on the Reunion and Information Register under section 168 of the Act, or
- (c) a photograph or other document left by such a person.

67 Information to be updated

A person whose name is entered on the Reunion and Information Register or who has left a message must notify the Director-General of:

- (a) any change in his or her name or address, or
- (b) any change of circumstances known to the person that substantially affects the content of the message.

Note. Under this clause a person whose name is entered on the Register might be required, for example, to notify the Director-General if a person referred to in a message dies or leaves Australia permanently.

68 Leaving and delivery of messages

- (1) A message may be left by a person by leaving it at, or by sending it by post to, an address advised by the Director-General.
- (2) The Director-General:
 - (a) is to offer to deliver the message to the person for whom it has been left on entry of the person's name in the Reunion and Information Register if the person is willing to receive the message, or
 - (b) if the person's name is not entered in the Register or if the person for whom it has been left refuses to accept the message, is, if reasonably practicable, to return the message to the person who left it.

Adoption Regulation 2003	Clause 68
Adoption information	Part 11
Reunion and Information Register	Division 5

- (3) The Director-General may deliver a message:
- (a) by delivering it to the person for whom it has been left at the address entered on the register, or
 - (b) if the person for whom it has been left advises the Director-General that he or she wishes to collect the message personally or to authorise another person to collect the message, by delivering it to the person or the other person authorised to collect it.

69 Delivery of messages

The Director-General must not give a person a message that the Director-General has opened and inspected and that the Director-General knows identifies, or believes could be used to identify, the person who left the message, or a relative of the person, unless the person who left the message has given consent (either at the time of leaving the message or at a later time) to the identifying information being given.

70 Document left before the commencement of the Adoption Information Amendment Act 1995

- (1) This clause applies to any document left with the Director-General before the commencement of the amendments to Part 4 of the *Adoption Information Act 1990* made by the *Adoption Information Amendment Act 1995* by a person whose name was entered on the Reunion Information Register established under that Act as then in force.
- (2) The Director-General may:
 - (a) approach the person who left a document to which this clause applies, or
 - (b) take such other action (including opening and inspecting the document) as is reasonable in the circumstances,

to ascertain whether the document should be treated as if it were a message for the purposes of Part 4 of the *Adoption Information Act 1990* as in force after the commencement of the amendments made to Part 4 by the *Adoption Information Amendment Act 1995*.

Clause 70	Adoption Regulation 2003
Part 11	Adoption information
Division 5	Reunion and Information Register

- (3) The Director-General is not to treat a document as if it were a message unless the person indicates, or the document or records in relation to the leaving of the document clearly indicate, that the person leaving the document intended it to be delivered to an adopted person, birth parent, adoptive parent or some other specified person.

71 Offence

A person whose name is entered on the Reunion and Information Register must not leave any message for a person concerned in or affected by an adoption with the intention of intimidating, harassing or threatening the person.

Maximum penalty: 5 penalty units.

Adoption Regulation 2003

Clause 72

Miscellaneous

Part 12

Part 12 Miscellaneous

72 Reviewable decisions

The following classes of decision of the Director-General or a principal officer are prescribed for the purposes of paragraph (b) of the definition of *reviewable decision* in section 189 of the Act:

- (a) a decision to decline to assess an applicant as suitable to adopt a child or a particular child,
- (b) a decision to decline to approve the applicant as suitable to adopt a child or a particular child,
- (c) a decision to revoke the approval of the applicant as suitable to adopt a child or a particular child,
- (d) a decision to approve the applicant as suitable to adopt a child or a particular child subject to conditions.

73 Case records

- (1) The Director-General and the principal officer are to maintain a case record of:
 - (a) each person and that person's child adopted under arrangements made by the Director-General or the accredited adoption agency, and
 - (b) each person who has requested the Director-General or the accredited adoption agency to make arrangements for the adoption of a child by the person.
- (2) Despite section 194 (1) of the Act, the records are open to inspection by the following:
 - (a) the Court,
 - (b) an officer of the accredited adoption agency or any consultant appointed by the adoption agency,
 - (c) the Director-General or any other person authorised in writing to inspect any such record by the Court or by both the Director-General and the principal officer of the accredited adoption agency.
- (3) The case records are not to be destroyed.

Clause 74 Adoption Regulation 2003

Part 12 Miscellaneous

74 Restrictions on inspection of documents

Despite section 194 (1) of the Act, the records of any proceedings under the Act or a memorandum sent to the Principal Registrar by the Deputy Registrar of the Supreme Court in accordance with section 130, 131 or 132 of the Act are open to inspection by the following:

- (a) officers of the Court,
- (b) the Director-General,
- (c) the principal officer of an accredited adoption agency in respect of proceedings in which the agency was involved.

75 Fees and charges

Any fee or charge in relation to the provision of a service, or supply of a document or information, is payable before the provision of the service or supply of the document or information.

76 Expenditure relating to intercountry adoptions

An applicant for an adoption order in respect of the intercountry adoption of a child must pay any expense associated with the application.

77 Provision of financial and other assistance to certain children

For the purposes of section 201 of the Act, the following classes of children are prescribed:

- (a) children who, in the opinion of the Director-General, are intellectually disabled,
- (b) children who, in the opinion of the Director-General, have a substantial physical, emotional or sensory disability,
- (c) any other children whose circumstances are such that, in the opinion of the Director-General, their best interests would be served by the Director-General entering into an agreement referred to in section 201 of the Act.

78 Proceedings for offences

For the purposes of section 204 (5) of the Act, the Director, Legal Services of the Department is prescribed as a relevant authorised officer.

Adoption Regulation 2003

Clause 79

Miscellaneous

Part 12

79 Savings

- (1) Without limiting Schedule 3 to the Act or section 30 of the *Interpretation Act 1987*, anything done or commenced under the repealed regulation which could have been done under the Act (if the Act had been in force when it was done or commenced) has effect on or after the repeal of the regulation as if it had been done or commenced under the Act.
- (2) Without limiting subclause (1), an expression of interest submitted under the repealed regulation is taken to be a submission of interest submitted under this Regulation.
- (3) Any proceedings with respect to review of a decision of the Director-General that had been commenced but not finally determined immediately before the repeal of the *Adoption of Children Act 1965* may be continued as if that Act had not been repealed.
- (4) In this clause:
repealed regulation means the *Adoption of Children Regulation 1995* as in force immediately before its repeal.



Gaming Machines Amendment (Retail Shopping Centres) Regulation 2003

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

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

Explanatory note

Under section 60 of the *Gaming Machines Act 2001*, gaming machines cannot be authorised to be kept in a hotel or registered club that is part of a retail shopping centre if the authorisation would result in an increase in the number of gaming machines to be kept in the hotel or club concerned. That section also provides that the authorisation to keep gaming machines in a hotel or club ceases when the hotel or club premises are moved or extended to a retail shopping centre.

Clause 138A of the *Gaming Machines Regulation 2002* currently excludes small retail shopping centres (ie those that comprise less than 40 shops) from the operation of section 60 of the Act if they contain a hotel. The object of this Regulation is to extend that exclusion to small retail shopping centres which contain a registered club.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 60 (gaming machines not permitted in retail shopping centres) and 210 (the general regulation-making power).

Clause 1 Gaming Machines Amendment (Retail Shopping Centres) Regulation 2003

Gaming Machines Amendment (Retail Shopping Centres) Regulation 2003

under the

Gaming Machines Act 2001

1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Retail Shopping Centres) Regulation 2003*.

2 Amendment of Gaming Machines Regulation 2002

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Gaming Machines Amendment (Retail Shopping Centres) Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] **Clause 138A Exclusion of retail shopping centres with less than 40 shops**

Omit clause 138A (1) (b). Insert instead:

- (b) the retail shopping centre contains or adjoins no more than one hotel or one registered club (or no more than one of each), and
- (c) any such hotel or registered club:
 - (i) was part of (or was adjoining) the retail shopping centre as at 18 October 2002, or
 - (ii) has become part of (or has become adjoining) to the retail shopping centre as a result of the granting of an application under the *Liquor Act 1982* or the *Registered Clubs Act 1976* (being an application that was made on or before 28 March 2000 but not determined by that date).

[2] **Clause 138A (2)**

Insert “or registered club” after “hotel”.



New South Wales

Harness Racing New South Wales (Appeals) Amendment Regulation 2003

under the

Harness Racing Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Harness Racing Act 2002*.

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

Explanatory note

The *Harness Racing New South Wales (Appeals) Regulation 1999* is taken to be a regulation made under the *Harness Racing Act 2002* by clause 21 of Schedule 6 to that Act. The object of this Regulation is to update references in that Regulation to certain bodies and provisions so as to accord with that Act and to change the name of that Regulation.

This Regulation is made under the *Harness Racing Act 2002*, including sections 29, 32 and 62 (the general regulation-making power).

Clause 1 Harness Racing New South Wales (Appeals) Amendment Regulation 2003

Harness Racing New South Wales (Appeals) Amendment Regulation 2003

under the

Harness Racing Act 2002

1 Name of Regulation

This Regulation is the *Harness Racing New South Wales (Appeals) Amendment Regulation 2003*.

2 Commencement

This Regulation commences on 3 February 2003.

3 Amendment of Harness Racing New South Wales (Appeals) Regulation 1999

The *Harness Racing New South Wales (Appeals) Regulation 1999* is amended as set out in Schedule 1.

Harness Racing New South Wales (Appeals) Amendment Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “*New South Wales*”.

[2] Clause 3 Definitions

Insert in alphabetical order:

Chairperson means the Chairperson of the Authority.

chief executive officer means the chief executive officer of the Authority.

[3] Clause 3

Omit “*Harness Racing New South Wales Act 1977*”.

Insert instead “*Harness Racing Act 2002*”.

[4] Part 2, heading

Omit “**Harness Racing New South Wales**”.

Insert instead “**the Authority**”.

[5] Clause 5 Appeals to the Authority

Omit “section 18”. Insert instead “section 29 (1)”.

[6] Clauses 5, 6, 7 (2) and (3), 8, 9 (3), 10, 12, 13, 23, 27, 29 and 31

Omit “HRNSW” wherever occurring. Insert instead “the Authority”.

[7] Clauses 7 (5) and (6), 9 (1) and (2), 11, 15 and 30 (2)

Omit “HRNSW” wherever occurring. Insert instead “The Authority”.

[8] Clauses 14 (1) and 30 (1)

Omit “HRNSW” where firstly occurring. Insert instead “The Authority”.

Harness Racing New South Wales (Appeals) Amendment Regulation 2003

Schedule 1 Amendments

[9] Clauses 14 (1) and 30 (1)

Omit “HRNSW” where secondly occurring.

Insert instead “the Authority”.

[10] Clause 16 Appeals to Tribunal

Omit “section 19”. Insert instead “section 29 (2)”.



Optometrists Transitional Regulation 2003

under the

Optometrists Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Optometrists Act 2002*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to enable:

- (a) the Optometrists Registration Board to be constituted under the *Optometrists Act 2002*, and
- (b) the Optometrists Drug Authority Committee to be constituted under the *Poisons and Therapeutic Goods Act 1966* (as amended by the *Optometrists Act 2002*),

before the commencement of the provisions of the *Optometrists Act 2002* relating to the registration of optometrists.

This Regulation is made under the *Optometrists Act 2002*, including section 136 (1) (the general regulation-making power) and clauses 2 and 5 of Schedule 7.

Clause 1 Optometrists Transitional Regulation 2003

Optometrists Transitional Regulation 2003

under the

Optometrists Act 2002

1 Name of Regulation

This Regulation is the *Optometrists Transitional Regulation 2003*.

2 Commencement

This Regulation commences on 1 February 2003.

3 Definitions

In this Regulation:

new Board means the Optometrists Registration Board constituted by the Act.

the Act means the *Optometrists Act 2002*.

4 Membership of new Board

For the purpose of enabling the new Board to be constituted in accordance with section 91 of the Act before the commencement of Part 2 (Registration) of the Act, a reference in section 91 to a registered optometrist is taken to include reference to a registered optometrist under the *Optometrists Act 1930*.

5 Membership of the Optometrists Drug Authority Committee

For the purpose of enabling the Optometrists Drug Authority Committee to be constituted in accordance with clause 2 of Schedule 2A to the *Poisons and Therapeutic Goods Act 1966* (as inserted by the Act) before the commencement of Part 2 (Registration) of the Act, a reference in that clause to a registered optometrist is taken to include reference to a registered optometrist under the *Optometrists Act 1930*.



Road Transport (Driver Licensing) Amendment (Release of Information in Register) Regulation 2003

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to authorise the Roads and Traffic Authority (the RTA) to release certain information kept on the RTA's driver licence register for the purpose of its publication by the RTA. The information concerns the pass rates of persons presented for driving tests for learner licences of class C (car licences) by certain categories of driving schools (being persons who have not previously attempted such a driving test).

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 12 and 19 (the general power to make regulations).

Clause 1 Road Transport (Driver Licensing) Amendment (Release of Information in Register) Regulation 2003

Road Transport (Driver Licensing) Amendment (Release of Information in Register) Regulation 2003

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Release of Information in Register) Regulation 2003*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended by inserting after clause 25:

25A Release of certain information for publication by RTA

The Authority may cause the following information recorded in the driver licence register to be published:

- (a) the name of any driving school (within the meaning of the *Driving Instructors Act 1992*) that has presented persons to the Authority for submission to a driving test for a learner licence of class C, being a driving test:
 - (i) conducted in a vehicle of the driving school, and
 - (ii) to which the student has not previously submitted, and
- (b) the percentage of those persons who passed the driving test on their first attempt.

Note. The disclosure of personal information by the Authority is regulated by the *Privacy and Personal Information Protection Act 1998*. Section 25 of that Act allows personal information to be disclosed if the disclosure is permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law.

Rules

PUBLIC LOTTERIES ACT 1996 SECTION 23

KENO – APPROVAL OF RULES

The following rules for the game of keno, being a game of chance within the meaning of section 5 (1) (c) of the Public Lotteries Act 1996, have been approved by the Honourable J Richard Face MP, Minister for Gaming and Racing, under section 23 (1) of the Act and, at the request of the joint licensees Jupiters Gaming (NSW) Pty Ltd and Clubkeno Holdings Pty Limited, are published in the Government Gazette, such rules to take effect on and from 01 February 2003.

The following rules amend, on and from 01 February 2003, the rules for the conduct of the game of keno as notified in the *Government Gazette* of 20 November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001, 1st March 2002 and 1st September 2002).

RULE ADDENDUM FOR KENO MAXIMUM JACKPOT PRIZE ENTITLEMENT

The Keno Rules dated 23rd November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001, 1st March 2002 and 1st September 2002) are further amended as set out in this Addendum. This Addendum is effective on and from 1st February 2003.

1. Rule 10(d)

Insert the following as a new clause 10(d):

- (d) A Jackpot Prize is payable only in respect of the first \$1 of the Subscription paid for an Entry in relation to a Game of Keno, irrespective of the amount actually subscribed. Subject to clause 19(e), a Jackpot Prize which is payable to a Subscriber in respect of a Game of Keno does not increase proportionally to the amount subscribed.

2. Rule 15(a)

Delete existing Clause 15(a) and replace it with the following:

- (a) Regardless of the amount of a Subscription, the maximum liability in respect of:
 - (i) any one Entry (excluding a Jackpot Entry) in any one Game of Keno will be \$250,000, and

- (ii) a Jackpot Prize will be the amount showing as the Jackpot Prize at that time resident on magnetic media at the Central Site.

For the purposes of this Rule 15(a), a Lucky Last Entry shall be taken to be a separate Entry and a Way Bet Entry or Set Bet Entry shall be taken to be one Entry for each Way nominated.

OFFICIAL NOTICES

Appointments

MARKETING OF PRIMARY PRODUCTS ACT 1983

Appointment of Members
of the Wine Grapes Marketing Board

HER Excellency the Governor, with the advice of the Executive Council and pursuant to section 11 of the Marketing of Primary Products Act 1983, has been pleased to appoint the following persons as elected members of the Wine Grapes Marketing Board for a term commencing 3 February 2003 and expiring on 2 February 2007.

Len Gullotta
Robert Bellato
Bruno Brombal and
Louis dal Nevo

Dated this 29th day of January 2003.

RICHARD AMERY, M.P.,
Minister for Agriculture

MINES INSPECTION ACT 1901

Appointment of Inspector
Department of Mineral Resources

HER EXCELLENCY, PROFESSOR MARIE BASHIR, A.C., Governor of New South Wales, with the advice of the Executive Council, pursuant to the provisions of section 32 (1) of the Mines Inspection Act 1901, has appointed Stanley Sidney GOODMAN as an Inspector of Mines for a six week term commencing from 20 January 2003.

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

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912

State Electoral Office
Appointment of Returning Officers

HER Excellency the Governor, with the advice of the Executive Council, and in pursuance of section 75 of the Parliamentary Electorates and Elections Act 1912 has approved of :

1. The appointment of those persons set out in Column 1 of the following Schedule as Returning Officers for the electoral districts set out in Column 2 thereof be terminated; and
2. The appointment of those persons set out in Column 3 of the following schedule for the electoral districts set out in Column 2 thereof be approved.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Ronald John MARSHMAN	Coffs Harbour	Paul WITTMAN
Robert Stephen FINDLAY	Illawarra	Victor MIGLIONICO
Kristine Jane PATRICK	Kogarah	David Charles OATLEY
Sharon Lea LUEDECKE	Lakemba	John CLARKE
John Anthony POOLE	Londonderry	Tony BOUNADER
Carl WYDEMAN	Mulgoa	Milan KUBAN
Marcella O'CONNOR	Northern Tablelands	Lynette SCHUH
Warwick Michael SMITH	Port Stephens	Yvonne ANDERSON

BOB CARR, M.P.,
Premier

NSW Agriculture

PLANT DISEASES ACT 1924

PROCLAMATION P131

PROCLAMATION to regulate the importation, introduction and bringing into specified parts of New South Wales of certain fruit originating from or which has moved through other specified parts of New South Wales on account of an outbreak of Queensland fruit fly at Hay.

Her Excellency Professor MARIE BASHIR AC,
Governor

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council:

1. (a) in pursuance of section 3(2)(a) of the Plant Diseases Act 1924, revoke Proclamation P99 published in the Government Gazette No. 37 of 17 March 2000 at pages 2000-2002; and
 - (b) in pursuance of section 4(1) of the Plant Diseases Act 1924 and being of the opinion that any host fruit from the suspension area is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into the outer area, regulate the importation, introduction or bringing into the outer area of any host fruit originating from or which has moved through the suspension area.
2. Host fruit that originates from or that has moved through the suspension area must not be imported, introduced or brought into the outer area unless:
 - (a) the host fruit is in a commercial consignment of host fruit in a securely sealed container or bulk bin that:
 - is unopened and securely sealed while in transit through the suspension area, and
 - leaves the suspension area within 12 hours of its being brought into the suspension area; or
 - (b) the host fruit is accompanied by:
 - a Plant Health Certificate issued by an inspector, or
 - a Plant Health Assurance Certificate

that certifies that the host fruit has been treated in a manner approved by the Chief, Division of Plant Industries; or
 - (c) the host fruit has been purchased from a retail outlet, but not from a market or stall, and is accompanied by a receipt or invoice from the retail outlet showing that it was purchased in the preceding 24 hours; or
 - (d) the host fruit is moved in accordance with the written consent of the Chief, Division of Plant Industries.

Definitions

In this Proclamation:

fruit means the edible part of a plant derived from a flower;

host fruit means fruit specified in Schedule 2;

outer area means the part of New South Wales known as the New South Wales Fruit Fly Exclusion Zone, as declared in the Notification published in *Government Gazette* No. 13

of 31 January 1997 at page 321, other than the suspension area;

Plant Health Assurance Certificate means a Plant Health Assurance Certificate issued by a person authorised by the New South Wales Department of Agriculture to issue Plant Health Assurance Certificates;

Plant Health Certificate means a Plant Health Certificate issued by an authorised officer of the New South Wales Department of Agriculture; and

suspension area means the part of New South Wales specified in Schedule 2.

SCHEDULE 1 - SUSPENSION AREA

The part of New South Wales within a 30 kilometre radius of coordinates decimal degrees 34.509551 south and 144.842221 east. The part is represented in the map titled "Hay Fruit Fly Outbreak Suspension Area."

SCHEDULE 2 - HOST FRUIT

All citrus fruit, pome fruit, stone fruit and tropical fruit (excepting pineapple).

The following berry fruit:

blackberry	cape gooseberry	raspberry
blueberry	loganberry	strawberry
boysenberry	mulberry	youngberry

The following other fruit:

abiou	kiwifruit or Chinese gooseberries
babaco	loquat
Brasilian cherry	medlars
capsicum	pepino
cashew apple	persimmon
cherimoya	pomegranate
chilli (chillies) (sherry peppers) (tabasco)	prickly pear
dates (fresh)	rollinia
feijoa	santol
fig	tamarillo
granadilla	tomato
grumichama (Brazilian) (Costa Rican)	walnuts (green)
jujubes	wax jambu

Note: The New South Wales Department of Agriculture's reference is **P131**.

For further information contact the New South Wales Department of Agriculture on (02) 6391 3583.

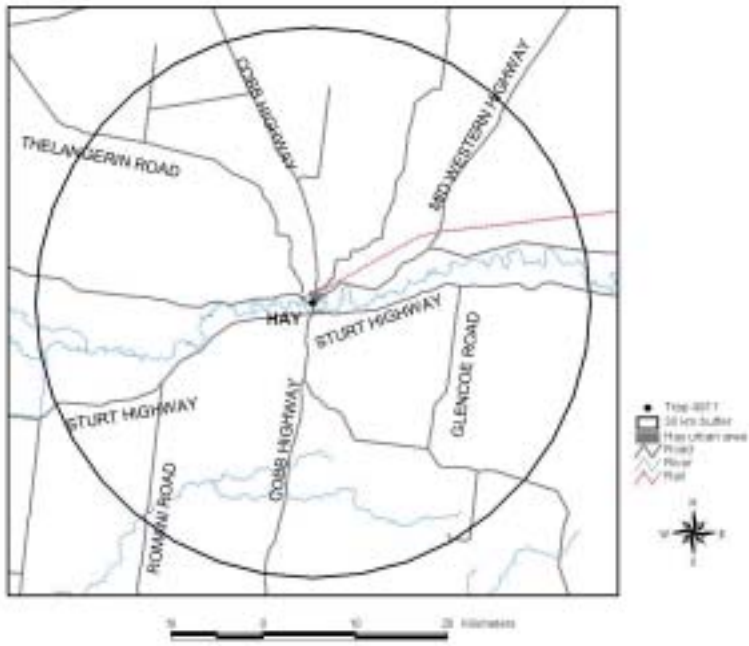
Signed and sealed at Sydney this 15th day of January 2003.

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

Hay Fruit Fly Outbreak Suspension Area



NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 39 (4) — Notice of Aquaculture Lease Renewal

The Minister has renewed the following class 1 Aquaculture Lease:

OL59/035 within the estuary of the Pambula River, having an area of 0.7606 hectares to Mr Colin Maxwell England of Gerringong, NSW, for a term of 15 years expiring on 15 February 2018.

OL88/057 within the estuary of the Clyde River, having an area of 1.2698 hectares to Christos Paschalidis of Batemans Bay, NSW, for a term of 15 years expiring on 6 September 2018.

OL58/006 within the estuary of the Hawkesbury River having an area of 0.5212 hectares to Kevin Allan Buie and James Norman Buie of Brooklyn, NSW, for a term of 15 years expiring on 28 November 2017.

OL87/195 within the estuary of Manning River having an area of 0.426 hectares to Neil Kevin Currie of Taree NSW, for a term of 15 years expiring on 20 July 2018.

OL85/200 within the estuary of the Wonboyn River, having an area of 0.4822 hectares to Wonboyn Oysters Pty Ltd of Kiah, NSW, for a term of 15 years expiring on 5 November 2017.

OL85/201 within the estuary of the Wonboyn River, having an area of 1.2774 hectares to Armitage Holdings (Vic) Pty Ltd of Kiah, NSW, for a term of 15 years expiring on 5 November 2017.

OL58/007 within the estuary of the Shoalhaven River, having an area of 0.3250 hectares to Peter Zealand of Shoalhaven Heads, NSW, for a term of 15 years expiring on 17 June 2018.

OL96/066 within the estuary of Brisbane Waters having an area of 2.4460 hectares to Leonard Allan Lilley and Craig John Lilley of Swan Bay, NSW, for a term of 15 years expiring on 23 August 2018.

OL71/268 within the estuary of the Manning River, having an area of 0.5405 hectares to Jason Bloomfield of Mitchells Island, NSW, for a term of 15 years expiring on 10 July 2017.

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

Department of Land and Water 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

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 roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder as from the date of publication of this notice. The road specified in Schedule 1 ceases to be a Crown road from that date.

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

SCHEDULE 1

The Crown Public Road west of Lot 9 DP 751545 above road intersecting Lot 9 and west of Lot 10 DP 751545, Parish of Back Willoi and Cuddie, County Clyde; Land District of Nyngan.

SCHEDULE 2

Roads Authority: Walgett Shire Council. Papers DB 02H364. Council's Ref: JM:CB SR 40.

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 roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder as from the date of publication of this notice. The road specified in Schedule 1 ceases to be a Crown road from that date.

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

SCHEDULE 1

The Crown Public Road which separates Lot 8 from Lot 9 DP 251110 adjoining the Newell Highway north of Tomingley, Parish Oxley; County Gordon.

SCHEDULE 2

Roads Authority: Dubbo Shire Council. Papers DB 03H21. Council's Ref.: SR2.1/19307.02

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 roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder as from the date of publication of this notice. The road specified in Schedule 1 ceases to be a Crown road from that date.

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

SCHEDULE 1

The Crown Public Road north and west of Lot 62 in DP 754246, Parish Quanda Quanda; County Leichhardt; Land District of Coonamble.

SCHEDULE 2

Roads Authority: Coonamble Shire Council. Papers DB 02H434. Council's Ref: L1 KA JM

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 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 Leases have been altered as shown.

JOHNAQUILINA, M.P.,
Minister for Land and Water Conservation

—
Administrative District – Broken Hill;
Shire – Unincorporated Area;
Parish – Umberumberka & others; County – Yancowinna

The purpose of Western Lands Leases 709, 1139, 4668, 5443 and 12745, being the land contained within Folio Identifiers 43/760242, 3/757309, 30/757309, 31/757309, 6481/769310, 6482/769311, 2526/764489, 3161/765366 and 4782/46664 have been altered from “Grazing” to “Grazing and Film Making” effective from 17 December 1998.

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 4666-4667.

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of Section 28A of the Western Lands Act 1901, the Western Lands Lease of the land specified has been granted to the undermentioned persons.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder and to the special conditions, provisions, exceptions, covenants and reservations set out hereunder.

The land is to be used only for the purpose for which the lease is granted.

All amounts due and payable to the Crown must be paid to the Financial Controller, Department of Land and Water Conservation within three months of the date of demand.

JOHNAQUILINA, M.P.,
Minister for Land and Water Conservation

—
Administrative District – Broken Hill;
Shire – Unincorporated Area;
Parish – Bray; County – Yancowinna

Western lands Lease 14381 granted to Colin Vernon McLeod and Innes McLeod of Silverton, comprising Allotment 4 Section 14 at Silverton (folio identifier 4/14/758905) and Lot 1 DP 910168 (folio identifier 1/910168) of 1518 square metres at Silverton, Parish of Bray, County of Yancowinna, Administrative District of Broken Hill, for the purpose of Domestic Garden for a term in perpetuity commencing 28 January 2003; Annual rental \$70.00; Next reappraisal date 27 January 2008.

Papers: WLL 14381

**CONDITIONS AND RESERVATIONS ATTACHED TO
WESTERN LANDS LEASE 14381**

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Land and Water Conservation as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
 (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
 (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be as determined by the local land board for each period of 5 years of the term of the lease, except where a rent is bid at auction or tendered under Section 19C(5) of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 22 July in each year.

- (6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
- "GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
- (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
- (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey, assign or sublet the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The land leased shall be used only for the purpose of "Domestic Garden".
- (10) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (11) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (12) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (13) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (14) The lessee shall comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (15) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
- (16) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (17) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (18) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (19) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Land and Water Conservation within 3 months of the date of gazettal of the granting.

-
- (20) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (21) The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997 particularly in relation to disposal of tailwaters or waters, which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
-

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**SCHEDULE**

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 in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

COLUMN 1	COLUMN 2	COLUMN 3
Bruce Mackenzie Herrett (new member)	Towrang Community Hall Reserve Trust	Reserve No. 130073 Public Purpose: Community Purposes Notified: 16 February 1996 File Reference: GB93R50
Beryl Margaret Mills (re-appointment)		
Gloria M Jones (re-appointment)		
Kerrie Lynn Jones (re-appointment)		

For a term commencing the date of this notice and expiring
 30 January 2008.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Vivienne Marie Shepherd (new member)	Grabben Gullen Hall and Recreation Reserve Trust	Reserve No. 65615 Public Purpose: Public Hall Notified: 15 November 1935
Pamela Ruth Reeves (new member)		Reserve No. 71160 Public Purpose: Public Recreation Notified: 10 March 1944
Camac Benson Wilson (new member)		Dedication No. 530124 Public Purpose: Public Recreation Notified: 9 June 1897 File Reference: GB80R57
Norma Betsy Eldridge (new member)		
Shauna Mary Hewitt (new member)		
Kenneth Joseph Hewitt (re-appointment)		

For a term commencing the date of this notice and expiring
 30 January 2008.

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

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 in that Column, 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.

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

—————
 SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Lydia Dalbroi (new member)	Warrawidgee Hall Trust	Reserve No. 83127 Public Purpose: Public Recreation Notified: 14 April 1961 File Reference: HY79R32
Julie Minato (new member)		
Melina Armanini (re-appointment)		

For a term commencing the date of this notice and expiring
 30 June 2007.

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

ERRATUM

THE notice appearing in NSW *Government Gazette* of 3 January 2003, Folio 32, under the heading 'CROWN LANDS ACT 1989' (File No. OE93H20), should have included the deposited plan number, DP 758446, in the associated Schedule describing the land.

ERRATUM

IN the *Government Gazette* of 17 January 2003, folio 308, under the heading of Appointment of Trust Board Members, Running Stream Recreation Reserve Trust the term to expire is 16 January 2008 not 23 January 2008.

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

ERRATUM

IN the notice appearing in NSW *Government Gazette* of 9 August 2002, Folio 5873, under the heading 'NOTIFICATION OF CLOSING OF A ROAD' (File Nos. OE00H222 and OE02H97) the wording 'being land not under the Real Property Act' is incorrect and should be deleted from both notices.

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

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to Section 138 of the Crown Lands Act, 1989, the land described in the Schedule hereunder, is declared to be Crown land within the meaning of that Act.

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

SCHEDULE

Land in the name of Her Most Gracious Majesty Queen Elizabeth the Second

Land District Metropolitan;
City North Sydney;
Parish Willoughby;
County Cumberland

4.725 hectares being Lots 20 and 22 DP 1048933 and Lot 99 DP 1048930 at Waverton.

File No.: MN02R71.

Note: Right of carriageway (DP 1048933), lease H652629 (DP 1048933) and right of carriageway (DP 1048930) are not extinguished by this notification.

RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1
Land District: Metropolitan
City: North Sydney
Parish: Willoughby
County: Cumberland
Locality: Waverton
Lots 20 and 22 DP 1048933
and Lot 99 DP 1048930
Area: 4.725 hectares
Torrens Title Folio
Identifiers: 20/1048933,
22/1048933 and 99/1048930

File No.: MN02R71

COLUMN 2
Reserve 1004268 for the
purpose of Public Recreation
and Community purposes.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

COLUMN 1
Waverton Peninsula
(R1004268) Reserve
Trust

COLUMN 2
Area at Waverton notified for the
purpose of Public Recreation and
Community purposes this day.
File No.: MN02R71

APPOINTMENT OF CORPORATION TO MANAGE A RESERVE TRUST

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

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

SCHEDULE

COLUMN 1
North Sydney
Council

COLUMN 2
Waverton
Peninsula
(R1004268)
Reserve Trust

COLUMN 3
Area at Waverton notified
for the purpose of Public
Recreation and
Community purposes
this day.

File No.: MN02R71

APPOINTMENT OF ADMINISTRATOR

PURSUANT to Section 117 of the Crown Lands Act, 1989, the person named in Column 1 of the Schedule hereunder is appointed to be the administrator of the reserve trust named in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

COLUMN 1
Mark Kenneth
BABISTER

COLUMN 2
Dharawal
Recreation
(R100247)
Reserve Trust

COLUMN 3
Reserve No. 100247 at
Wedderburn notified for
Environmental
Protection, Public
Recreation and Rural
Services on
18 February 1994.
File: MN94R94

For a term expiring on May 8, 2003.

NOTIFICATION OF CLOSING OF ROAD

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

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

Descriptions

*Land District – Penrith;
L.G.A. – City of Blue Mountains*

Lots 1 and 2, D.P. 1048553 at Wentworth Falls, Parish Jamison, County Cook (being land in F.I. 1/1048553 and 2/1048553).

MN02H44.

Note: On closing, titles for the land in lots 1 and 2 remain vested in the Crown.

Water Conservation

WATER ACT 1912

Notice Under Section 22B
Unregulated Catchments

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the Moredun Creek Catchment, Georges Creek Catchment, Laura Creek Catchment and the Gwydir River upstream of Copeton Dam is insufficient to meet all requirements with respect to the taking of water therefrom, hereby gives notice to all holders of permits, authorities and licences issued under Part 2 of the Water Act that as from 28 January 2003, extraction of water other than for stock and domestic purposes is hereby suspended until further notice.

RANDALL HART,
Regional Director,
Barwon Region.

WATER ACT 1912

AN application for an approval for controlled works under section 167, within the proclaimed (declared) local area described hereunder, has been received from:

Bogan River Valley

RABREMO PTY LIMITED for proposed levees, irrigation channels, on-farm water storages and associated irrigation infrastructure on the Bogan River Floodplain, Lot 5117 and 5118, DP 720094; Lot 6641, DP 820431; Lot 6640, DP 820431, Parish of Richardson, County of Clyde, for augmentation, conservation of water and prevention of inundation of land by floodwaters purposes (new approval) (Reference: 80CW809650) (GA:494461).

Existing irrigation and the works described within this advertisement were discussed within an Environmental Impact Statement (EIS) publicly exhibited by Brewarrina Shire Council prior to Council's determination of a Development Application consented to with conditions in October 2002.

The Department of Land and Water Conservation will use the hydrological information within the EIS during its assessment and determination of this Water Act 1912, Part 8 application.

Any inquiries regarding the above should be directed to the undersigned (telephone: [02] 6872 2144).

Written objections to the application specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments District Office at Bourke, by 19 February 2003, as prescribed by the Act.

ALLAN AMOS,
Natural Resource Project Officer.

PO Box 342, Bourke, NSW 2840.

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

Barwon/Darling River Valley

Robert William Geach JOLLEY and Evelyn Marjorie JOLLEY for 1 pump on the Darling River, Lot 5103/720104, Parish of Wentworth, County of Wentworth, water supply for industrial and domestic purposes (replacement licence — due to change of purpose — no increase in commitment to Murray River storages) (Reference: 60SL085411) (GA2:512561).

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 within 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,
32 Enterprise Way (PO Box 363), Buronga, NSW 2739.
Telephone: (03) 5021 9400.

WATER ACT 1912

Notice under Section 22B — Pumping Restrictions
Lawsons Creek

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Lawsons Creek and its tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities, and licences issued under Part 2 of the Act, that from Friday, 24th of January 2003 and until further notice, the right to pump water from Lawsons Creek is RESTRICTED to a maximum of 8 hours every second day only.

This restriction excludes water supply for town water supply, stock, domestic, and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a corporation — 200 penalty units.
- (b) where the offence was committed by an individual — 100 penalty units.

One penalty unit = \$110.00.

Dated this 24th day of January 2003.

F. HUNDY,
A/Resource Access Manager,
Central West Region.

WATER ACT 1912

AN application for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the Act.

An application for a licence under section 10 of Part 2 of the Water Act 1912, has been received as follows:

Lachlan River Valley

Peter John MOONEY for a pump on the Lachlan River on Lot 8, DP 787612, Parish of Gulgo, County of Cunningham, for water supply for stock and domestic purposes and irrigation of 7.5 hectares (new licence — combining existing entitlement with entitlement obtained by way of permanent transfer) (In lieu of advertisements in *Government Gazette* dated 15 February 2002, *The Condobolin Argus* dated 20 February 2002 and *The Lachlander* dated 28 March 2002. (Reference: 70SL090777) (GA2:512473).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected and must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

V. RUSSELL,
Resource Access Manager,
Central West Region.

Department of Land and Water Conservation,
PO Box 136, Forbes, NSW 2871.
Telephone: (02) 6852 1222.

WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under section 20 of the Water Act 1912, as amended.

An application for an authority within a proclaimed local area as generally described hereunder has been received as follows:

Namoi River Valley

LONGPOINT IRRIGATION GROUP PTY LIMITED for two (2) pumps on the Namoi River on Lot 29, DP 751007, Parish of Dight, County of Buckland, for irrigation purposes (cotton and cereal) (LO Papers: 90SA011691) (GA2:460837).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth, within twenty-eight (28) days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access.

Department of Land and Water Conservation,
PO Box 550, Tamworth, NSW 2340.

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T03-0001)

No. 2047, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 100 units, for Group 1, dated 21 January, 2003. (Orange Mining Division).

(T03-0002)

No. 2048, FALCON MINERALS LIMITED (ACN 009 256 535), area of 148 units, for Group 1, dated 21 January, 2003. (Orange Mining Division).

(T03-0003)

No. 2049, GOLDMINCO CORPORATION (ABN 83 669 382 832), area of 66 units, for Group 1, dated 22 January, 2003. (Orange Mining Division).

(T03-0004)

No. 2050, ARNOLD GETZ and PAUL FRANCIS SMETHURST, area of 35 units, for Group 1, dated 24 January, 2003. (Armidale Mining Division).

EDWARD OBEID, MLC,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T02-0363)

No. 1939, now Exploration Licence No. 6040, THE AUSTRALIAN LAND COMPANY PTY LTD (ACN 009 617 350), County of Bathurst, Map Sheet (8731), area of 59 units, for Group 1, dated 21 January, 2003, for a term until 20 January, 2005.

(T02-0373)

No. 1945, now Exploration Licence No. 6042, FALCON MINERALS LIMITED (ACN 009 256 535), County of Narromine, Map Sheet (8533), area of 17 units, for Group 1, dated 17 January, 2003, for a term until 16 January, 2005.

(T02-0375)

No. 1947, now Exploration Licence No. 6046, BARRY FERGUSON COSIER, COLIN MAXWELL RIBAU, PETER RAYMOND RIBAU, ROBERT GILBERT RIBAU and THOMAS ARTHUR HAWLEY, County of Roxburgh, Map Sheet (8931), area of 7 units, for Group 6, dated 23 January, 2003, for a term until 22 January, 2005.

(T02-0377)

No. 1948, now Exploration Licence No. 6043, FALCON MINERALS LIMITED (ACN 009 256 535), County of Forbes, Map Sheet (8530), area of 30 units, for Group 1, dated 17 January, 2003, for a term until 16 January, 2005.

(T02-0378)

No. 1950, now Exploration Licence No. 6040, THE AUSTRALIAN LAND COMPANY PTY LTD (ACN 009 617 350), County of Bathurst, Map Sheet (8731), area of 59 units, for Group 1, dated 21 January, 2003, for a term until 20 January, 2005.

(T02-0382)

No. 1956, now Exploration Licence No. 6044, FALCON MINERALS LIMITED (ACN 009 256 535), County of Ashburnham, Map Sheet (8631), area of 18 units, for Group 1, dated 17 January, 2003, for a term until 16 January, 2005.

(T02-0395)

No. 1967, now Exploration Licence No. 6041, PLATSEARCH NL (ACN 003 254 395), County of Menindee, Map Sheet (7133), area of 20 units, for Group 1, dated 21 January, 2003, for a term until 20 January, 2005.

(T02-0396)

No. 1968, now Exploration Licence No. 6039, BALRANALD GYPSUM PTY LTD (ACN 081 196 947), County of Manara, Map Sheet (7732), area of 4 units, for Group 2, dated 20 January, 2003, for a term until 19 January, 2005.

(T02-0409)

No. 1980, now Exploration Licence No. 6045, ELEPHANT MINES PTY LIMITED (ACN 097 799 025), Counties of Farnell and Mootwingee, Map Sheet (7235), area of 31 units, for Group 1, dated 22 January, 2003, for a term until 21 January, 2005.

EDWARD OBEID, MLC,
Minister for Mineral Resources

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(T02-0041)

No. 1884, KEL-EX DEVELOPMENT LTD, County of Yungnulgra, Map Sheet (7436). Refusal took effect on 23 January, 2003.

(T02-0468)

No. 2037, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Windeyer, Map Sheet (7231, 7331). Refusal took effect on 22 January, 2003.

EDWARD OBEID, MLC,
Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

MINING LEASE APPLICATION

(C98-2664)

No. 118, GLOUCESTER COAL LTD (ACN 008 881 712), CIM STRATFORD PTY LTD (ACN 070 387 914) and ICA COAL PTY LTD (ACN 066 784 558), Parish of Avon, County of Gloucester, (9233-1-S). Withdrawal took effect on 13 January, 2003.

EDWARD OBEID, MLC,
Minister for Mineral Resources

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

(T02-0104)

Mining Lease No. 369 (Act 1973), PAUL SAMUEL BEATH and BRIAN JOSEPH BEATH, area of 3.946 hectares. Application for renewal received 20 January, 2003.

(T02-0106)

Mining Lease No. 1035 (Act 1973), BENT HEINRICH NIELSEN, area of 76.1 hectares. Application for renewal received 20 January, 2003.

EDWARD OBEID, MLC,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T98-1005)

Exploration Licence No. 5542, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheet (7230, 7330), area of 33 units, for a further term until 29 November, 2004. Renewal effective on and from 22 January, 2003.

(T99-0223)

Exploration Licence No. 5795, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), Counties of Menindee and Yancowinna, Map Sheet (7233), area of 100 units, for a further term until 29 November, 2004. Renewal effective on and from 22 January, 2003.

(T80-0767)

Mineral Lease No. 564 (Act 1906), CENTENNIAL SPRINGVALE PTY LIMITED (ACN 052 096 812) and SPRINGVALE SK KORES PTY LIMITED (ACN 051 015 402), Parish of Lidsdale, County of Cook, Map Sheet (8931-3-N, 8931-3-S), area of 19.75 hectares, for a further term until 2 May, 2023. Renewal effective on and from 3 May, 2003.

(T96-0366)

Mining Purposes Lease No. 298 (Act 1973), DORIS ADELENE FULLER, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 2.685 hectares, for a further term until 1 November, 2007. Renewal effective on and from 22 January, 2003.

EDWARD OBEID, MLC,
Minister for Mineral Resources

**CANCELLATION OF AUTHORITY
AT REQUEST OF HOLDER**

NOTICE is given that the following authority has been cancelled:

(T00-0151)

Exploration Licence No. 5884, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), County of Bland, Map Sheet (8329), area of 2 units. Cancellation took effect on 22 January, 2003.

EDWARD OBEID, MLC,
Minister for Mineral Resources

C98/0193

COAL MINE REGULATION ACT 1982

NOTICE

Amendment of Manager's Jurisdiction and Location

Description of the Declared Macquarie Coal

Preparation Plant - Section 145B (1)

IT is hereby notified that the Chief Inspector of Coal Mines by virtue of delegated authority from the Minister and pursuant to section 145B (1) of the Coal Mines Regulation Act 1982, has declared that the plant described as follows:

Plant: Macquarie Coal Preparation Plant

Designated by: Plan labelled Macquarie Coal Preparation Plant Area of Manager's Responsibility Dated 19 December 2002 DRG NO :PP 15703

Location: Macquarie Coal Preparation Plant, Teralba NSW

Owner: Macquarie Coal Joint Venture

Operator: Oceanic Coal Australia Limited

to be suitable for management separately from a mine. This declaration varies a previously granted order issued dated 8 September 2000.

A copy of this approval and the designating plan shall be placed indefinitely on the main mine notice board and the main declared coal preparation plant notice board.

R. REGAN,
Chief Inspector of Coal Mines

COAL MINES REGULATION ACT 1982

REVOCATION OF APPROVAL

REVOKED APPROVAL No: MDA Ex ia 14339
FILE No: C98/0334
DATE: 6 January 2003

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 70 of the Coal Mines (General) Regulation 1999, has REVOKED the approval number quoted herein. This means that the apparatus to which that approval number applied is no longer deemed to be approved for use in the hazardous zones of underground coal mines in New South Wales.

Description: Computer Board
Identification: Sensor Guard, SG2000

This approval was issued to:

Name: Goodyear Belting Pty Ltd
Address: 7 Dunlop Street, BAYSWATER, VIC 3153

J. F. WAUDBY,
Senior Inspector of Electrical Engineering
FOR CHIEF INSPECTOR OF COAL MINES

Department of Planning



Botany Local Environmental Plan 1995 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/00472/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 29)

Botany Local Environmental Plan 1995 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Botany Local Environmental Plan 1995 (Amendment No 29)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 4 (a) Industrial to Zone No 4 (c2) Industrial Special—Airport Related—Restricted under *Botany Local Environmental Plan 1995*, and
- (b) to facilitate and promote commercial, light industrial, high-tech industry and airport-related development on the land, and
- (c) to ensure that the development on the land contributes positively to the visual quality and amenity of the area.

3 Land to which plan applies

This plan applies to land bounded by Alexandra Canal, Coward Street, Kent Road and Gardeners Road, Mascot, as shown edged heavy black and lettered “4 (c2)” on the map marked “Botany Local Environmental Plan 1995 (Amendment No 29)” deposited in the office of the Council of the City of Botany Bay.

4 Amendment of Botany Local Environmental Plan 1995

Botany Local Environmental Plan 1995 is amended by inserting in appropriate order in the definition of *the map* in Schedule 1 the following words:

Botany Local Environmental Plan 1995 (Amendment No 29)



Mosman Local Environmental Plan 1998 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00494/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Mosman Local Environmental Plan 1998 (Amendment No 15)

Mosman Local Environmental Plan 1998 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Mosman Local Environmental Plan 1998 (Amendment No 15)*.

2 Aims of plan

This plan aims to allow, with the consent of Mosman Municipal Council, the carrying out of development for the purpose of vehicular access through certain land at the end of Amaroo Crescent, Mosman to enable access to the rear of 3 Windward Avenue, Mosman.

3 Land to which plan applies

This plan applies to an unformed section of road at the end of Amaroo Crescent, Mosman, zoned 7 (a) Environment Protection (Bushland) under *Mosman Local Environmental Plan 1998*, fronting 3 Windward Avenue, Mosman (Part Lot 1, DP 12611), as shown on the Engineering Drawing titled "Proposed property access and turning path", Drawing Number C01 Issue 02, prepared by Jeff Mouldsdale & Associates and dated November 2002, approved by Mosman Municipal Council on 12 November 2002 and deposited in the office of the Council.

4 Amendment of Mosman Local Environmental Plan 1998

Mosman Local Environmental Plan 1998 is amended as set out in Schedule 1.

Mosman Local Environmental Plan 1998 (Amendment No 15)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 6 Exceptions

Insert at the end of the Schedule under the headings **Property** and **Development**, respectively:

Unformed section of Amaroo Crescent, Mosman, zoned 7 (a) Environment Protection (Bushland), fronting 3 Windward Avenue, Mosman (Part Lot 1, DP 12611), as shown on Engineering Drawing titled "Proposed property access and turning path", Drawing Number C01 Issue 02, prepared by Jeff Mouldsdale & Associates and dated November 2002, approved by the Council on 12 November 2002 and deposited in the office of the Council.

Development for the purpose of vehicular access to the rear of 3 Windward Avenue, Mosman



Mulwaree Local Environmental Plan 1995 (Amendment No 22)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00060/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Mulwaree Local Environmental Plan 1995 (Amendment No 22)

Mulwaree Local Environmental Plan 1995 (Amendment No 22)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Mulwaree Local Environmental Plan 1995 (Amendment No 22)*.

2 Aims of plan

This plan aims to allow, with the consent of Mulwaree Shire Council, the carrying out of development on the land to which this plan applies for the purpose of the erection of one dwelling-house.

3 Land to which plan applies

This plan applies to land situated in the local government area of Mulwaree, being Lot 1, DP 5411, Lot 1, DP 589075 and Lots 154–158, Section 24, DP 5411, Bunnaby Street, Taralga.

4 Amendment of Mulwaree Local Environmental Plan 1995

Mulwaree Local Environmental Plan 1995 is amended by inserting at the end of Schedule 6 the following words:

Land known as Lot 1, DP 5411, Lot 1, DP 589075 and Lots 154–158, Section 24, DP 5411, Bunnaby Street, Taralga—one dwelling-house on the whole of the land.



Narrabri Local Environmental Plan No 45

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01180/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Narrabri Local Environmental Plan No 45

Narrabri Local Environmental Plan No 45

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Narrabri Local Environmental Plan No 45*.

2 Aims of plan

This plan aims to amend *Narrabri Local Environmental Plan No 2* to alter the minimum size of allotments that may be created by the subdivision of certain land within Zone No 1 (u) (the Rural/Urban Zone) under that plan.

3 Land to which plan applies

This plan applies to land known as the “Riverbend Estate”, Narrabri, being all that land in DP 1032295 as is shown hatched and lettered “1 (u)” on the map marked “Narrabri Local Environmental Plan No 45” deposited in the office of the Narrabri Shire Council.

4 Amendment of Narrabri Local Environmental Plan No 2

Narrabri Local Environmental Plan No 2 is amended by inserting after clause 18A (7) the following subclause:

- (8) Despite any other provision of this plan, the land known as the “Riverbend Estate”, Narrabri, being all that land in DP 1032295 as is shown hatched and lettered “1 (u)” on the map marked “Narrabri Local Environmental Plan No 45” deposited in the office of the Council, may be subdivided so as to create an allotment that is not less than 6,000 square metres.

Randwick Local Environmental Plan 1998 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01477/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 21)

Randwick Local Environmental Plan 1998 (Amendment No 21)

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 21)*.

2 Aims of plan

This plan aims to repeal clauses 23 (Notification procedures for development applications), 24 (Development requiring advertising and site notice) and 25 (Consideration of submissions) of *Randwick Local Environmental Plan 1998* as the public notification requirements are to be included (and explained in more detail) in Randwick City Council's *Development Control Plan—Notification of Development Proposals*.

3 Land to which plan applies

This plan applies to all land situated within the City of Randwick under *Randwick Local Environmental Plan 1998*.

4 Amendment of Randwick Local Environmental Plan 1998

Randwick Local Environmental Plan 1998 is amended by omitting clauses 23, 24 and 25.

Rockdale Local Environmental Plan 2000 (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S02/00433/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Rockdale Local Environmental Plan 2000 (Amendment No 16)

Rockdale Local Environmental Plan 2000 (Amendment No 16)

1 Name of plan

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 16)*.

2 Aims of plan

This plan aims to allow a place of public worship as a permissible use, with the consent of Rockdale City Council, on land within Zone 3 (b)—the Highway Business zone under *Rockdale Local Environmental Plan 2000*.

3 Land to which plan applies

This plan applies to all land situated in the City of Rockdale within Zone 3 (b)—the Highway Business zone under *Rockdale Local Environmental Plan 2000*.

4 Amendment of Rockdale Local Environmental Plan 2000

Rockdale Local Environmental Plan 2000 is amended by inserting in alphabetical order under the heading “**Only With Development Consent**” in the matter relating to Zone 3 (b) in clause 36 the words “places of public worship;”.



Tweed Local Environmental Plan 2000 (Amendment No 27)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00032/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 27)

Tweed Local Environmental Plan 2000 (Amendment No 27)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 27)*.

2 Aims of plan

This plan aims to provide flexible density development standards in relation to multi-dwelling housing.

3 Land to which plan applies

This plan applies to all the land within the local government area of Tweed to which *Tweed Local Environmental Plan 2000* applies.

4 Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended as set out in Schedule 1.

Tweed Local Environmental Plan 2000 (Amendment No 27)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 11 The zones

Omit the fourth dot point in Item 2 of Zone 2 (a) in the Table to the clause.

Insert instead:

- multi-dwelling housing

[2] Clause 11

Omit from Item 4 of Zone 2 (a) in the Table to the clause:

- multi-dwelling housing not included in item 2

[3] Clause 51A

Insert after clause 51:

51A Multi-dwelling housing densities in Zone 2 (a)

(1) Objective

- to control the density of multi-dwelling housing in Zone 2 (a) (the Low Density Residential zone) by the use of a development standard.

(2) Multi-dwelling housing proposed to be erected on land within Zone 2 (a) is to be at a density not greater than:

- (a) one dwelling per 450 square metres of site area, or
- (b) if the site is within 300 metres of a business centre listed in Schedule 8—one dwelling per 250 square metres of site area.



Wagga Wagga Local Environmental Plan 1985 (Amendment No 51)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q97/00082/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 51)

Wagga Wagga Local Environmental Plan 1985 (Amendment No 51)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 51)*.

2 Aim of plan

The aim of this plan is to amend *Wagga Wagga Local Environmental Plan 1985* to make the promotion of ecologically sustainable development an aim of that plan.

3 Land to which plan applies

This plan applies to all land to which *Wagga Wagga Local Environmental Plan 1985* applies.

4 Amendment of Wagga Wagga Local Environmental Plan 1985

Wagga Wagga Local Environmental Plan 1985 is amended as set out in Schedule 1.

Wagga Wagga Local Environmental Plan 1985 (Amendment No 51)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Aims, objectives etc

Insert “as follows” after “The particular aims of the plan are” in clause 2 (2).

[2] Clause 2 (2) (h)

Omit “area, and”. Insert instead “area,”.

[3] Clause 2 (2) (j)

Insert after clause 2 (2) (i):

(j) to promote ecologically sustainable development.

[4] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

ecologically sustainable development means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs (as derived from the “Brundtland Report” (1990) on Environment and Development). The principles of ecological sustainability are set out in Schedule 1.

[5] Schedule 2

Insert after Schedule 1:

Schedule 2 Principles of ecological sustainability

(Clause 5 (1))

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

Wagga Wagga Local Environmental Plan 1985 (Amendment No 51)

Schedule 1 Amendments

-
- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (b) an assessment of the risk-weighted consequences of various options.

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.



Wagga Wagga Rural Local Environmental Plan 1991 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00103/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Wagga Wagga Rural Local Environmental Plan 1991 (Amendment No 12)

Wagga Wagga Rural Local Environmental Plan 1991 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wagga Wagga Rural Local Environmental Plan 1991 (Amendment No 12)*.

2 Aim of plan

The aim of this plan is to amend *Wagga Wagga Rural Local Environmental Plan 1991* to make the promotion of ecologically sustainable development an aim of that plan.

3 Land to which plan applies

This plan applies to all land to which *Wagga Wagga Rural Local Environmental Plan 1991* applies.

4 Amendment of Wagga Wagga Rural Local Environmental Plan 1991

Wagga Wagga Rural Local Environmental Plan 1991 is amended as set out in Schedule 1.

Wagga Wagga Rural Local Environmental Plan 1991 (Amendment No 12)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Aims, objectives etc

Insert “as follows” after “The general aims of the plan are”.

[2] Clause 2 (g)

Omit “and”.

[3] Clause 2 (i)

Insert after clause 2 (h):

- (i) to promote ecologically sustainable development.

[4] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

ecologically sustainable development means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs (as derived from the *Brundtland Report (1990) on Environment and Development*). The principles of ecological sustainability are set out in Schedule 1.

[5] Schedule 1

Insert after Part 3:

Schedule 1 Principles of ecological sustainability

(Clause 5 (1))

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

Wagga Wagga Rural Local Environmental Plan 1991 (Amendment No 12)

Schedule 1 Amendments

- (b) an assessment of the risk-weighted consequences of various options.

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Warringah Local Environmental Plan 2000 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S97/00568/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Warringah Local Environmental Plan 2000 (Amendment No 8)

Warringah Local Environmental Plan 2000 (Amendment No 8)

1 Name of plan

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 8)*.

2 Aims of plan

- (1) This plan aims:
 - (a) to amend non-urban Locality Statements under *Warringah Local Environmental Plan 2000*, and
 - (b) to remove the public open space designation from land known as Lot 210 DP 752017, Kulgoa Road, Terrey Hills.
- (2) Provisions relating to the protection of environmentally sensitive land have been deferred from this plan.

3 Land to which plan applies

This plan applies:

- (a) to land to which Locality Statements A2 Booralie Road, A4 Myoora Road, A5 McCarrs Creek Road, B2 Oxford Falls Valley, B9 Mona Vale Road East, C8 Belrose North and C10 Mona Vale Road West apply, and
- (b) to Lot 210 DP 752017, Kulgoa Road, Terrey Hills.

4 Amendment of Warringah Local Environmental Plan 2000

The *Warringah Local Environmental Plan 2000* is amended as set out in Schedule 1.

Warringah Local Environmental Plan 2000 (Amendment No 8)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Dictionary

Insert in appropriate order in the definition of *the map*:

Warringah Local Environmental Plan 2000 (Amendment No 8)—Sheet 1

[2] Appendix A Cowan Creek Catchment Locality Statements

Insert “low intensity, low impact” after “settings and occasionally” in the matter under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality A2 Booralie Road.

[3] Appendices A and B

Insert immediately before the heading “COMPLYING DEVELOPMENT” in the statements relating to Locality A2 Booralie Road, Locality A5 McCarrs Creek Road and Locality B2 Oxford Falls Valley:

Rear and side building setback

Development is to maintain minimum rear and side building setbacks.

The minimum rear and side building setback is 10 metres.

The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

Landscaped open space

The minimum area of landscaped open space is 30 per cent of the site area.

To measure an area of landscaped open space:

- (a) impervious surfaces such as driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks and the like and any areas with a width or length of less than 2 metres are excluded from the landscaped open space area, and

Warringah Local Environmental Plan 2000 (Amendment No 8)

Schedule 1 Amendments

-
- (b) the water surface of swimming pools and impervious surfaces that occur naturally such as rock outcrops are included in the landscaped open space area, and
 - (c) landscaped open space must be at ground level, and
 - (d) the minimum soil depth of land that can be included as landscaped open space is 1 metre.

National Park setback

Development is to maintain a minimum setback from National Park boundaries of 20 metres. The minimum setback area is to be fire fuel reduced and landscaped with local species.

[4] Appendix A

Insert “retained or” after “bushland buffer will be” in paragraph 1 of the matter under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality A4 Myoora Road.

[5] Appendix A

Omit “Signs will not be permitted where they are visible from Mona Vale Road.” from paragraph 2 of the matter under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality A4 Myoora Road.

Insert after the second paragraph of that matter:

Only small, non obtrusive and non illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade will not be permitted. All signs are to be in keeping with the colour and textures of the natural landscape.

[6] Appendix A

Insert after the matter under the heading “Front building setback” that is under the heading “BUILT FORM” in the statement relating to Locality A4 Myoora Road:

Rear and side building setback

Development is to maintain minimum rear and side building setbacks.

Warringah Local Environmental Plan 2000 (Amendment No 8)

Amendments

Schedule 1

The minimum rear and side building setback is 7.5 metres.

The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

[7] Appendices B and C

Insert immediately before the heading “COMPLYING DEVELOPMENT” in the statements relating to Locality B9 Mona Vale Road East, Locality C8 Belrose North and Locality C10 Mona Vale Road West:

Rear and side building setback

Development is to maintain minimum rear and side building setbacks.

The minimum rear and side building setback is 10 metres.

The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

Bushland setting

A minimum of 50 per cent of the site area is to be kept as natural bushland or landscaped with local species.

National Park setback

Development is to maintain a minimum setback from National Park boundaries of 20 metres. The minimum setback area is to be fire fuel reduced and landscaped with local species.

[8] Appendix B

Insert as a new paragraph after the third paragraph of the matter under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality B2 Oxford Falls Valley:

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway.

Warringah Local Environmental Plan 2000 (Amendment No 8)

Schedule 1 Amendments

[9] Appendix B

Omit “The minimum front building setback from the street alignment is 20 metres.” from under the heading “Front building setback” that is under the heading “BUILT FORM” in the statement relating to Locality B2 Oxford Falls Valley.

Insert instead:

The minimum front building setback to all roads is 20 metres. On corner allotments fronting Forest Way or Wakehurst Parkway the minimum front building setback is to apply to those roads and the side setback is to apply to the secondary road.

[10] Appendix B

Omit “landscaped and” from the third paragraph of the matter under the heading “Front building setback” that is under the heading “BUILT FORM” in the statement relating to Locality B2 Oxford Falls Valley.

Insert instead “densely landscaped using locally occurring species of canopy trees and shrubs and be”.

[11] Appendix B

Insert as a new paragraph after the third paragraph of the matter under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality B9 Mona Vale Road East:

A dense bushland buffer will be retained or established along Mona Vale Road.

[12] Appendix B

Omit “landscaped and” from the third paragraph of the matter under the heading “Front building setback” that is under the heading “BUILT FORM” statement relating to Locality B9 Mona Vale Road East.

Insert instead “densely landscaped using locally occurring species of canopy trees and shrubs and be”

Warringah Local Environmental Plan 2000 (Amendment No 8)

Amendments

Schedule 1

[13] Appendix C

Insert as a new paragraph after the third paragraph of the matter under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality C8 Belrose North:

A dense bushland buffer will be retained or established along Forest Way.

[14] Appendix C

Omit “The minimum front building setback from Forest Way is 20 metres. Otherwise, the minimum front building setback is 10 metres.” from under the heading “Front building setback” that is under the heading “BUILT FORM” in the statement relating to Locality C8 Belrose North.

Insert instead:

The minimum front building setback to all roads is 20 metres. On corner allotments fronting Forest Way the minimum front building setback is to apply to this road and the side setback is to apply to the secondary road.

[15] Appendix C

Omit “landscaped and” from under the heading “Front building setback” that is under the heading “BUILT FORM” in the statement relating to Locality C8 Belrose North.

Insert instead “densely landscaped using locally occurring species of canopy trees and shrubs and be”

[16] Appendix C

Insert after the third paragraph under the heading “DESIRED FUTURE CHARACTER” in the statement relating to Locality C10 Mona Vale Road West:

A dense bushland buffer will be retained or established along Mona Vale Road West.

Warringah Local Environmental Plan 2000 (Amendment No 8)

Schedule 1 Amendments

[17] Appendix C

Omit "Forest Way" from under the heading "Front building setback" that is under the heading "BUILT FORM" in the statement relating to Locality C10 Mona Vale Road West.

Insert instead "Mona Vale Road".

[18] Appendix C

Omit "landscaped and" from the fourth paragraph of the matter under the heading "Front building setback" that is under the heading "BUILT FORM" in the statement relating to Locality C10 Mona Vale Road West.

Insert instead "densely landscaped using locally occurring species of canopy trees and shrubs and be".

Roads and Traffic Authority

Roads Act 193

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

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of Divisions 1, 2 and 3 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which those vehicles described in clause 4 may be used subject to any requirements or conditions set out in the Schedule.

PAUL FORWARD,
Chief Executive
Roads and Traffic Authority

Schedule

Part 1- General

1.1 Citation

This Notice may be cited as the Roads and Traffic Authority 4.6 Metre High Vehicle Route Notice No 1/2003.

1.2 Commencement

This Notice takes effect from the date of gazettal.

1.3 Effect

This Notice remains in force until 31 January 2007 unless it is amended or repealed earlier.

1.4 Application

This Notice applies to the vehicle classes specified in Part 2 of this Schedule.

1.5 Limitations

The conditions of requirements set out in Clause 3.3 and 3.4 of Part 3 ('Vehicle Access'), Part 4 ('General Requirements') and Part 5 ('Special Requirements') of the Schedule to the '4.6m Metre High Vehicle Route Notice 1999' published in NSW Government Gazette No.22 of 19 February, 1999, as amended by the Notice published in NSW Government Gazette No.32 of March, 2000, must be duly complied with.

Part 2- Vehicle Classes

2.1 Class 1 Vehicles

- a) a special purpose vehicle that exceeds 4.3 metres, but does not exceed 4.6metres, in height;

- b) a vehicle or combination (including a low loader or load platform combination) that is specially designed for the carriage of large indivisible item, that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;

2.2 Class 2 vehicles

- a) a combination carrying vehicles on more than one deck that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;
- b) a single motor vehicle, or combination, that exceeds 4.3 metres but does not exceed 4.6 metres in height and is built to carry cattle, sheep, pigs or horses.

2.3 Class 3 vehicles

- a) a single motor vehicle, or combination, that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height and is carrying wool, hay bales or other primary produce;
- b) a single motor vehicle carrying vehicles on more than one deck that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height.
- c) A single motor vehicle, or combination, that is constructed to exceed 4.3 metres in height, but does not exceed 4.6 metres in height and is carrying freight, other than cattle, sheep, pigs, horses, wool, hay bales, or other primary produce.
- d) A single motor vehicle or combination carrying a freight container that together with its load exceeds 4.3 metres in height, but does not exceed 4.6 metres in height.

Part 3 – Routes

3.1 Routes

4.6 metre high vehicle routes within the Sydney Region

Route	Starting point	Finishing point	Conditions
Parramatta Rd, Granville	James Ruse Dr	Marsh St	Right turn only from Marsh St to Parramatta Rd
Smeaton Grange Industrial Estate, Smeaton Grange	Area bound by Narellan Rd, Hartley Rd, Anzac Av, Anderson Rd and Camden Valley Way		
Chadderton St, Canley Vale	Hume Hwy		Compass Transport, Rear 17 Longfield St.

ROADS ACT 1993
Notice under Clause 17 of the Roads Transport (Mass, Loading and Access)
Regulation, 1996

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, 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.

PAUL FORWARD,
Chief Executive
Roads and Traffic Authority

Schedule

1. Citation

This Notice may be cited as the Roads and Traffic Authority 25 Metre B-Double Notice No 1/2003.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 January 2007 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Insert the following route in Part 2, B-double routes within the Sydney Region of Appendix 2- B-double Routes in NSW.

Type	Road No	Road	Starting point	Finishing Point
25	635	Old Windsor Rd	Sunnyholt Rd – Burns Rd	Windsor Rd

Roads Act 1993**Notice under the Road Transport (Mass, Loading and Access) Regulation, 1996**

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of the *Road Transport (Mass, Loading and Access) Regulation 1996*, make the Notice set forth hereunder.

PAUL FORWARD,
Chief Executive
Roads and Traffic Authority

Amendments

The General Class 1 Oversize Notice 2002 published in Government Gazette No. 122 of 26 July 2002 at pages 5630 to 5674, is amended by omitting the following entry from clause 7.1 – *Restricted roads*:

59. Old Windsor Road (MR635) between Seven Hills Road and Sunnyholt Rd.

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at Windale
in the Lake Macquarie City 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 LORSCHY,
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the
Lake Macquarie City Council area, Parish of Kahibah
and County of Northumberland, shown as Lots 15 to 20
inclusive, Deposited Plan 1013486.

(RTA Papers: 10/252.1338)

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at
Klimpton, Tomerong and Falls Creek in the Shoalhaven
City 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. LORSCHY,
Manager, Statutory Processes,
Roads and Traffic Authority of New South Wales.

SCHEDULE

All those pieces or parcels of land situated in the
Shoalhaven City Council area, Parishes of Tomerong and
Nowra, County of St Vincent, shown as:

Lot 6 Deposited Plan 749284;
Lots 3 to 11 inclusive Deposited Plan 567097;
Lots 3, 4 and 7 Deposited Plan 246456;
Lots 41, 46, 47, 48 and 49 Deposited Plan 258153;
and
Lots 52 and 53 Deposited Plan 845277.

(RTA Papers: 1/404.1231)

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

Notification of the Constitution of a Local Aboriginal
Land Council Area

PURSUANT to the power vested in me by section 49 (1) of the Aboriginal Land Rights Act 1983, I hereby constitute the area described in text below as the Pilliga Local Aboriginal Land Council Area.

The Hon. ANDREW REFESHAUGE, M.P.,
Minister for Aboriginal Affairs

Pilliga Local Aboriginal Land Council Area

Commencing at the junction of the generally north-eastern boundary of the County of Baradine with the Namoi River: and bounded thence by part of that boundary generally south-easterly to its junction with the generally southern boundary of the Parish of Denobollie; by a line south-westerly to a point on the eastern boundary of Portion 23, Parish of Coolangoola distant 440 metres north of the south-eastern corner of that portion; by a line north-westerly to a point on the northern boundary of Portion 7, Parish of Cumbil distant 280 metres west of the north-eastern corner of that portion; by the continuation of that line for a further 200 metres; by a line south-westerly to the south-western corner of that portion; by Etoo Creek downwards to the north-eastern corner of Portion 3, Parish of Euligal; by a line generally westerly to a point on the southern boundary of Portion 11 distant 1 220 metres west of the south-eastern corner of that portion; by a line north-westerly to a point on the southernmost southern boundary of Portion 1, Parish of Boorimah distant 940 metres west of the southernmost south-eastern corner of that portion; by a line north-easterly to a point on the western boundary of Portion 2 distant 400 metres north of the south-western corner of that portion; by the continuation of that line for a further 520 metres; by a line north-westerly to a point on the north-western boundary of Portion 48, Parish of Wangan distant 1 380 metres south-west of the northern corner of that portion; by a line south-westerly to the north-eastern corner of Portion 3; by the northern boundary of that portion and its prolongation westerly to the road from Pilliga to Baradine via Gwabegar; by that road southerly to Baradine Creek; by that creek upwards to its intersection with the Gwabegar Branch Railway; by a line south-westerly to Merriwee Creek; by a line north-westerly to the southern prolongation of the western boundary of Portion 2, Parish of Gwabegar; by a line south-westerly to a point on the western boundary of the Parish of Ceelnoy distant 2 200 metres north of the south-western corner of that parish, the generally eastern boundaries of the Parishes of Gidgenbar and Yarraman northerly, part of the northern boundary of the lastmentioned parish westerly, the eastern boundary of the Parish of Bulliwy and the generally eastern and part of the generally northern boundaries of the Parish of Meit generally northerly and generally westerly and the generally western boundary of the Parish of Pilliga generally northerly to the Namoi River, aforesaid, and by that river upwards to the point of commencement.

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to section 55B

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Australian Amateur Cine Society Incorporated
Coolamon Show Society Incorporated
International Endovascular Symposium Incorporated
Myall Park Land Care Incorporated
National Association of Executives Incorporated
Orana Regional Council of Adult and Community
Education Incorporated
Penrith City Pipes and Drums Incorporated
B.M.C. Leyland Australia Heritage Group Incorporated
Canine and Family Social Club
Health Consumers' Network (NSW)
Truckers Family Support Group Incorporated
Chittaway Aquatic Club Incorporated
Coffs Harbour Streets Ahead Incorporated
Lake Macquarie City Australia Day Committee
Incorporated

ROBYN DONNELLY,
Acting General Manager
Registry of Co-operatives & Associations

Department of Fair Trading
24 January 2003

COALSUPER RETIREMENT INCOME FUND TRUST DEED

Determination under Rule 3.9.13

WHEREAS this Rule provides that where there is a variation in the amount of the Reference Rate the Trustees shall by a determination published by the Gazette as soon as practical after the variation to amend Appendix 3A of the Trust Deed in the manner provided by this Rule: and whereas there has been a variation in the Reference Rate the Trustee has amended Appendix 3A of the Trust Deed as follows:

- (a) by omitting the amount of "\$36.15 and \$14.035" in Column 5 of Item 1
and by inserting the amount of "\$36.15 and \$15.645";
- (b) by omitting the amount of "\$49.70 and \$15.22" in Column 5 of Item 2
and by inserting the amount of "\$49.70 and 17.30";
- (c) by omitting the amount of "\$21.10 and \$29.085" in Column 5 of Item 3 and by inserting the amount of "\$21.10 and \$30.695";

The amendments made of Appendix 3A by this Determination take effect on and from 1 January 2003.

Dated: 2 January 2003.

A. E. POTTS,
General Manager

CO-OPERATIVES ACT 1992

Notice under Section 601AA of the Corporations Law as applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operatives mentioned below will be deregistered when two months have passed since the publication of this notice.

Name of Co-operative

Coonamble Wool Processing Co-operative Ltd
Anatolia National Allied Taxi Co-operative Ltd
Co-operative Endeavour Ltd
Dorrigo Community Recycling Co-operative Ltd
Liverpool's First Housing Co-operative Ltd
Macquarie Industry Network (Minet) Co-operative Ltd
Murray River Craft Co-operative Ltd
Security (Protection) Industry Co-operative Ltd
Sydney Table Tennis Co-operative Ltd
United Agricultural Producers Co-operative Ltd
Hastings Lawnmowing Co-operative Ltd
The Hunter Musicians Co-operative Ltd
Hyde Park Chambers (7th Floor) Co-operative Ltd
Co-operative Of United Newsagents Of Australia Ltd
Australian Woolgrowers Co-operative Ltd
Scotland Island Traders Co-operative Ltd

Dated this 23rd day of January 2003.

C. GOWLAND,
Delegate of the Registrar of Co-Operatives

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

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 Sutherland Shire Council Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order is a variation on the existing Sutherland Shire Crime Prevention Plan that took effect on 11 May 2001 and which remains in force until 10 May 2004.

The variation is under the Objective "Objective 5.2: To Reduce Violence" of the Sutherland Shire Council Crime Prevention Plan, and states:

"To perform research into the levels, causes and consequences of Domestic Violence in the Sutherland Shire".

Signed at Sydney, this 24 day of January 2003.

BOB DEBUS, M.P.,
Attorney General

HARNESS RACING ACT 2002

ORDER

I, JACK RICHARD FACE, Minister for Gaming and Racing, pursuant to clause 6(3) of schedule 6 of the *Harness Racing Act 2002* do, by this my order, transfer the below mentioned assets, rights and liabilities of the Harness Racing Authority, to Harness Racing New South Wales.

(1) The balance of unexpended or undistributed funds, as at midnight on 2 February 2003, in the following accounts:

- TAB Distribution – HRNSW and Industry Suspense Account
- TAB Distribution – TAB Clubs Suspense Account
- TAB Distribution – Non-TAB Clubs Suspense Account
- NSW Harness Racing Industry Development Fund
- Country Clubs Contingency Fund
- Harness Racing Benevolent Fund
- Harness Racing Scholarship Suspense Account
- Harness Racing Industry Stakes Payments System Suspense Accounts
- Group Insurance Suspense Accounts

(2) In respect of the accounts listed in (1) above, as at midnight on 2 February 2003, any records, applications in progress, liabilities, agreements or any other rights relating to those accounts.

(3) The right to receive TAB Limited distributions to the harness racing code, received each day from TAB Limited through NSW Racing Pty Ltd.

(4) The assets (including pre-paid subscriptions), rights and liabilities as at midnight on 2 February 2003, with respect to the publishing of the *Harness Racing Gazette*.

(5) The right to accommodation at premises owned by the Harness Racing Authority at 22 Meredith Street, Bankstown, and/or other premises that may be acquired by the Harness Racing Authority. Such right is subject to agreement as to the sharing of costs and for the duration of the existence of the Harness Racing Authority.

This order takes effect on and from midnight on 2 February 2003 and shall remain in effect unless varied by Ministerial Order.

Dated this 31st day of January 2003.

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

HOUSING ACT 2001

Dedication of Land as Public Reserve

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 34 (3) and 34 (4) of the Housing Act 2001 that the land described in the Schedule below is dedicated as Public Reserve and vested in the Council of the Shire of Wingecarribee.

Dated this 22nd day of January, 2003.

C. MORGAN,
Acting General Manager Resitech

Schedule

The Public Reserve shown as Lot 126 on the plan of land at Moss Vale, Shire of Wingecarribee, Parish of Bong Bong, County of Camden, registered in the Land Titles Office as Deposited Plan No. 263356.

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**TRANSPORT ADMINISTRATION ACT 1988**

Notice of Compulsory Acquisition of Land and Easement for the Purposes of the State Rail Authority of New South Wales

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the land described in Schedule 1 and the easement described in Schedule 2 hereto are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority as authorised by the Transport Administration Act 1988.

Dated this 11th day of September 2002.

HOWARD LACY,
Chief Executive

SCHEDULE 1
(Land)

All that piece or parcel of land situate at Ingleburn in the Local Government Area of Campbelltown City Parish of Minto County of Cumberland and State of New South Wales being Lot 1 in Deposited Plan 838925 having an area of 3583 square metres or thereabouts and said to be in the possession of Campbelltown City Council.

All those pieces or parcels of land situate at Ingleburn in the Local Government Area of Campbelltown City Parish of Minto County of Cumberland and State of New South Wales being Lots 3 and 4 in Deposited Plan 845871 having a total area of 130 square metres or thereabouts and said to be in the possession of Campbelltown City Council.

SCHEDULE 2
(Easement)

The interest of the Campbelltown City Council in the Easement to Drain Water created by Transfer P118578 affecting the piece or parcel of land 9.145 metres wide situate at Macquarie Fields in the Local Government Area of Campbelltown City Parish of Minto County of Cumberland and State of New South Wales and shown on the plan annexed to that Transfer.

SRA Ref 001470

MARITIME SERVICES ACT 1935

Notification

Limitation of Speed of Vessels within
Certain Navigable Waters

THE Waterways Authority (the Authority), in pursuance of the provisions of section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the Government Gazette;

(a) **REVOKE** the notification appearing in Government Gazette No. 64 of 14 May 1976 which limits the speed of vessels in the area described as Corindi (formally Redbank) River Area; and

(b) Limit the speed of vessels of the Class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class - All vessels propelled by mechanical power, except vessels engaged in an activity authorised under an Aquatic Licence issued by the Waterways Authority pursuant to Clause 8 of the Water Traffic Regulations - NSW.

TABLE OF AREA AND MAXIMUM SPEED

<i>First Column</i>	<i>Second Column</i>
<u>Corindi River Area</u> : The navigable waters of that part of Corindi River from its entrance with the Coral Sea to a line across the waterway commencing from a point on the south eastern shore seven hundred metres (700) upstream from the north western extremity of Jewfish Point excluding the waters of Saltwater and Mullet Creeks.	Four Knots

Dated this 29th day of January 2003.

MATTHEW TAYLOR,
Chief Executive
Waterways Authority

NATIONAL PARKS AND WILDLIFE ACT 1974
PROCLAMATION

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of National Parks and Wildlife, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as "Geebung Ridge Wildlife Refuge"

Signed and sealed at Sydney this 15th day of January 2003.

MARIE BASHIR,
Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

Description
*Land District – Goulburn;
 Council – Mulwaree*
 County Argyle, Parish Jerralong, at Jerralong, 40.25
 hectares, being Lot 39, DP 793733. NPWS 02/00203.

SCHEDULE
 Pilot (Pesticide Rating) Licence
 Name and address of Licensee Date of Granting of Licence
 Mr JAMES RICHARD 29 January 2003
 ROBINS
 1 NINGADHUN CCT
 NARRABRI NSW 2390

**NSW NATIONAL PARKS AND WILDLIFE
 SERVICE**

Notice of Exhibition of the Draft Species Recovery Plans
 Tarengo Leek Orchid, Crimson Spider Orchid and the
 Threatened Flora of Rocky Outcrops in South Eastern
 NSW

I, Ian Pulsford, Manager, Conservation Programs & Planning
 Division of National Parks and Wildlife Service Southern
 Directorate, hereby give notice of the exhibition of the Draft
 Recovery Plans for the Tarengo Leek Orchid, Crimson Spider
 Orchid and the Threatened Flora of Rocky Outcrops in South
 Eastern NSW. These Plans will be on exhibition from the
 31st January 2003 and public submissions are invited from
 then until the 14th March 2003. The Plans will be exhibited
 at the following NPWS offices:

Head Office, 43 Bridge Street (Hurstville)
 Sydney Harbour National Park Information Centre,
 102 George St (The Rocks)

Southern Directorate Office, 6 Rutledge Street
 (Queanbeyan)

Merimbula, Cnr. Merimbula & Sapphire Coast Dr
 (Merimbula)

Threatened Flora of Rocky Outcrops only
 Narooma, Cnr Field St & Princes Hwy. (Narooma)

Threatened Flora of Rocky Outcrops only
 Albury City Council, 553 Kiewa St (Albury)

Crimson Spider Orchid only

Boorowa Council, Market St (Boorowa)

Tarengo Leek Orchid only

Exhibition details will be published on the 31st January
 2003 in the: Sydney Morning Herald, Bega District News,
 Border Morning Mail, Queanbeyan Age, Canberra Times,
 Cootamundra Herald and Yass Tribune. Exhibition details
 will also be published on the 29th January 2003 in
 the: Merimbula News Weekly and the Narooma News, and
 on the 30th January in the Boorowa News.

IAN PULSFORD,
 Manager,
 CPPD, Southern Directorate

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to Section 48(4) of the
 Pesticides Act 1999, that I have granted a Pilot (Pesticide
 Rating) Licence, particulars of which are stated in the
 Schedule.

ALAN RITCHIE,
 Manager Dangerous Goods
 Environment Protection Authority
 by delegation

PIPELINES ACT 1967

Notification of Grant of Licence

Dubbo to Tamworth / Gunnedah Natural Gas Pipeline
 Licence No. 27

IT is hereby notified that, pursuant to section 14 (1) of the
 Pipelines Act 1967 Her Excellency the Governor, with the
 advice of the Executive Council, has approved of the grant
 to APT Pipelines (NSW) Pty (ACN 080 842 360) of Licence
 No. 27. The lands affected by the pipeline licence area are
 indicated in Memorandum No 7909125 and on the
 instruments attached to Deposited Plan DP 1029589 lodged
 and registered at the Sydney office of Land and Property
 Information NSW.

Signed at Sydney, this fifteenth day of January, 2003.

KIM YEADON, M.P.,
 Minister for Energy

PIPELINES ACT 1967

Notification of Vesting of Easements

Dubbo to Tamworth / Gunnedah Natural Gas Pipeline
 Licence No. 27

HER EXCELLENCY the Governor with the advice of the
 Executive Council, pursuant to the provisions of sections
 21 and 61 of the Pipelines Act 1967, hereby declares that the
 easements over the lands described in Schedule 1 hereto
 are vested in APT Pipelines (NSW) Pty (ACN 080 842 360)
 for the purposes of and incidental to the construction and
 operation of a pipeline subject to the restrictions as to user
 set out in Schedule 2 hereto.

Signed at Sydney, this fifteenth day of January, 2003

MARIE BASHIR,
 Governor

By Her Excellency's Command

KIM YEADON, M.P.,
 Minister for Energy

SCHEDULE 1

Lands affected by Easements for Pipeline

All those pieces or parcels of land described in the
 instruments annexed to Deposited Plan DP 1029589 lodged
 and registered at the Sydney Office of Land and Property
 Information NSW.

SCHEDULE 2

Restrictions as to User

Without affecting the generality of any requirement
 imposed by the Pipelines Act or regulations thereunder, the
 owner or occupier of land over which there is an easement
 for pipeline must not within the easement, except with the

prior consent in writing of the person in whom the easement is vested:

- (a) Excavate (including blasting), drill or dig.
- (b) Erect, place or permit to be erected or placed any building, structure (including fence posts), plant, apparatus or equipment, earthworks, utility services or other improvements whether permanent or temporary on, over or under the land.
- (c) Alter or disturb existing levels, contours or gradients.
- (d) Plant or cultivate any tree within 3 metres of the pipeline or any apparatus or works.
- (e) Place on or use any part of the land for the transport, carriage or support of any heavy object, vehicle or implement, which could in any way cause or be likely to cause damage to the pipeline.
- (f) Undertake any other activity that represents a danger to the pipeline or is a danger to the operation of the pipeline or its apparatus or works including signs, vent pipes and cathodic protection systems including anode beds and electrolysis test points.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 171 (1)

Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Dr Henry SZTULMAN of 13 Mitchell Street, Norah Head 2263, prohibiting him until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This Order is to take effect on and from Wednesday, 29 January 2003.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, Thursday 23 January 2003.

POULTRY MEAT INDUSTRY ACT 1986

2003 Election of Growers' Representative Members to the Poultry Meat Industry Committee

PURSUANT to Clause 4 (3) (c) of the Poultry Meat Industry Act 1986, and the Poultry Meat Industry Regulation 1995, the Electoral Commissioner for New South Wales will conduct an election for the purpose of appointing to the Poultry Meat Industry Committee:

- Three (3) representatives of independent growers and
- Three (3) representatives of Association growers

Nominations on the prescribed form (Form 2) are invited.

Close of Nominations

Completed Nomination forms and Statutory Declarations in Support of Candidature must be received by the Returning Officer before the close of nominations at NOON, FRIDAY 21 FEBRUARY 2003. They may be hand delivered to the State Electoral Office, Level 20, 207 Kent Street, Sydney, posted to PO Box 693, Grosvenor Place, 1220 or faxed to (02) 9241 6011.

Enquiries should be directed to the State Electoral Office, telephone (02) 9200 5999.

J. WASSON,
Electoral Commissioner for New South Wales
and Returning Officer for the
2003 Poultry Meat Industry Committee Election

SPORTING INJURIES COMMITTEE

SYDNEY, 11th December 2002

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare be this order the

LIFEBALL NSW

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Walkball.

JOHN GARBUTT,
Acting Chairperson

Date: 11th December 2002.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the Purposes of the State Rail Authority of New South Wales

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the sub surface stratum land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority, as authorised by the Transport Administration Act, 1988 being for underground rail facilities in connection with the Parramatta Rail Link.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 6th day of January 2002.

HOWARD LACY,
Chief Executive

SCHEDULE

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046586 having an area of 101.1 square metres or thereabouts and said to be in the possession of D. N. & J. E. Miles.

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046587 having an area of 3562 square metres or thereabouts and said to be in the possession of N & C Ward, Alison Maree Hammond, I & W Thompson, D Ryan and KuRingGai Council.

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046585 having an area of 7671 square metres or thereabouts and said to be in the possession of C & M Smith, B A Fisher, A & D Grellman, W. S. & M. L. Cook, J. A. & S. F. Hordern, I. C. Palmer & D. M. Kelleher, A Broadfoot, C & M Kennett, P J & C P Kerr and KuRingGai Council.

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1047031 having an area of 363.8 square metres or thereabouts and said to be in the possession of R & C Napoli.

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1047288 having an area of 8761 square metres or thereabouts and said to be in the possession of John Hall, Sandra Diane Duckmanton, M & N Davie, L & S Carey, D. N. & J. E. Miles, C S Barrett, K Prineas, P & E Kirby, Hilary Vallance, Susan Maria Grundy, F A & S B Crothers, G & M Morgan, Wendy Michelle Greenwood and W & G Thompson.

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1047030 having an area of 1.082 hectares or thereabouts and said to be in the possession of P & B Spencer, S R & H R Gresham, H B North, P W North, Christopher Dodds, G & J Groundwater, R & M Blake, Yi Hsiung Chen & Grace Mei Yin Tsay, Rockcliffe Developments Pty Limited, Lynn Julie Wykes, W. & L. Wong and KuRingGai Council.

All that subsurface stratum of land situate at Roseville in the Local Government Area of KuRingGai, Parish of Gordon, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1047218 having an area of 1.178 hectares or thereabouts and said to be in the possession of June Croston, Christopher Lafazanis, KuRingGai Old Peoples Welfare Assoc. Limited, Olive Nellie Benjamin, Myre Elsie Stanyer, Trafalgar Gardens Pty Limited, Tai Hsiung Lee, HuiChu Chiu, R & E Cornell and KuRingGai Council.

SRA Reference: 013043

PRL Reference: 36905

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 6th day of January 2003.

HOWARD LACY,
Chief Executive

SCHEDULE

All that subsurface stratum of land situate at North Ryde in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1047032 having an area of 6.59 hectares or thereabouts and said to be in the possession of The State of New South Wales, Manx Holdings Pty Limited, Vetspec Pty Limited, Gwynvill Trading Pty Limited, Development Group Pty Limited, Scanna Pty Limited, Salvatore Circosta, Anna Circosta, Service Corporation International Australia Pty Limited and Ryde City Council.

All that subsurface stratum of land situate at Chatswood West in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1047637 having an area of 4458 square metres or thereabouts and said to be in the possession of The Minister Administering The Environmental Planning & Assessment Act, 1979, Ryde City Council and The State of New South Wales.

SRA Reference: 013079

PRL Reference: 37203

TRANSPORT ADMINISTRATION ACT 1988

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

Notice of Compulsory Acquisition of Land for the
Purposes of the State Rail Authority of New South Wales

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the sub-surface stratum land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority, as authorised by the Transport Administration Act, 1988 being for underground rail facilities in connection with the Parramatta Rail Link.

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 til 9.30 am on the dates shown below:

29 January 2003

- 0202513** SUPPLY OF SOCKS. DOCUMENTS: \$110.00 PER SET
0202514 PROVISION & MANAGEMENT OF STORAGE FACILITIES FOR CONFISCATED VEHICLES. DOCUMENTS: \$110.00 PER SET
0202837 SIGNAGE. DOCUMENTS: \$110.00 PER SET

6 February 2003

- IT 01/2774** LEARNINGWARE PLATFORM. DOCUMENTS: \$220.00 PER SET

19 February 2003

- 035/3000** DISPOSABLE DRAPES. DOCUMENTS: \$110.00 PER SET
025/7271 RELOCATION OF DEMOUNTABLE BUILDINGS. DOCUMENTS: \$110.00 PER SET
0202990 NSW TRAINING MARKET 2003 TENDER. DOCUMENTS: \$0.00 PER SET

20 February 2003

- IT 02/2954** PROVISION OF MAINTENANCE SERVICES FOR VOICE CUSTOMER PREMISES EQUIP. DOCUMENTS: \$220.00 PER SET

26 February 2003

- 0203274** EMPLOYEE ASSISTANCE SERVICES FOR NSW FIRE BRIGADES. DOCUMENTS: \$110.00 PER SET
ITT037/2067 SITE TELECOMMUNICATIONS CABLING SERVICES. DOCUMENTS: \$55.00 PER SET

4 March 2003

- S0218928** SECONDARY RESOURCE USE OF PRE-TREATED MUNICIPAL SOLID WASTE. DOCUMENTS: \$220.00 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>).

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.

Tender Closing Monday the 10th February 2003

Job No: 34753 Tenders are invited for the Marketing Collateral Tender for the Department of Ageing, Disability and Homecare. Tender consists of letterheads through to 700,000 copies of their Seniors Guide Booklets and other affiliated material (all material to be produced in this tender is printed matter).

Full details are available from Gavin Potter 9743 8777.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

HASTINGS COUNCIL

Roads Act 1993, Section 10

NOTICE is given that pursuant to section 10 of the Roads Act 1993, the land in the Schedule below is dedicated as public road. B. SMITH, General Manager, Hastings Council, corner Lord and Burrawan Streets, Port Macquarie, NSW 2444.

SCHEDULE

Lots 353 and 354 in Deposited Plan 1037320, Parish Torrens, County of Macquarie being situated along Riverside Drive, near the Hibbard Ferry.

[0055]

HUME SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Road – Hall Court

NOTICE is hereby given that Hume Shire Council has named the road as follows:

<i>Description</i>	<i>New Name</i>
The unnamed road situated in the newly constructed subdivision at 50-66 Pell Street, Howlong comprising Lots 12-14, DP 758528 and Lot 15, DP 583543, section 45.	Hall Court.

HUME SHIRE COUNCIL, PO Box 70, Albury, NSW 2640.

[0056]

INVERELL SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Elsmore Road and Paradise Road

IN accordance with section 162 of the Roads Act 1993, it is notified that there being no objections received, Council has adopted the names of:

<i>Current Names/Location</i>	<i>Official Name</i>
Elsmore Road, Elsmore-Paradise Road and Paradise-Guyra Road. Running south-east from the Gwydir Highway to the Guyra Road.	Elsmore Road.

Please note: This is (3) three roads combining into (1) one.

Paradise-Maybole Road. Running south-east from Elsmore Road for a distance of 10.6km to the property Dalkeith.	Paradise Road.
--	----------------

Authorised by resolution of Council on 13th November, 2002. P. J. HENRY, General Manager, Inverell Shire Council, PO Box 138, Inverell, NSW 2360.

[0074]

OBERON COUNCIL

Roads Act 1993

Resumption of Land for Road

IN pursuance of the provision of the Roads Act 1993 the land hereunder described in Schedule 1 is resumed for public road purposes and is vested in the Road Authority specified in Schedule 2 hereunder as from the date of publication of this notice. BRUCE FITZPATRICK, General Manager, Oberon Council, Council Chambers, Oberon, NSW 2787.

DESCRIPTION

Parish – Oberon, County – Westmoreland
Land District – Bathurst, Shire – Oberon

SCHEDULE 1

DP 852082.

Land acquired for road – Lots 1, 2 and 3.
Titles affected and area resumed.

SCHEDULE 2

Road Authority – The Oberon Council.
File Ref: R256.1

[0075]

SNOWY RIVER SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Snowy River Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Berridale, 28th day of January 2003. H. R. McKINNEY, General Manager, Snowy River Shire Council, 2 Myack Street, Berridale, NSW 2628.

SCHEDULE

Lots 4 and 5, DP 1035279, Parish of Clyde, County of Wallace.

[0076]

WYONG SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Wyong Shire Council (a water supply authority) with the approval of the Governor declares pursuant to section 30 (1) of the Land Acquisition (Just Terms Compensation) Act 1991, that the land described in the Schedule below is acquired by compulsory process.

Pursuant to section 318 (1) of the Water Management Act 2000, this acquisition is taken to be for an authorised work and Wyong Shire Council (a water supply authority) is taken to be the Constructing Authority for the purposes of the Public Works Act 1912.

J. S. DAWSON, General Manager, Wyong Shire Council, PO Box 20, Wyong, NSW 2259.

SCHEDULE

All that piece or parcel of land containing an area of 1.052 hectares being Lot 192, DP 1032847.

[0068]

WYONG SHIRE COUNCIL

Roads Act 1993, Section 16

PURSUANT to section 16 of the Roads Act 1993, notice is hereby given that all that part of the constructed Macleay Drive at Halekulani up to Lot 201, DP 861823 is dedicated as public road. J. S. DAWSON, General Manager, Wyong Shire Council, PO Box 20, Wyong, NSW 2259.

[0069]

YOUNG SHIRE COUNCIL

Roads Act 1993

Notice of Dedication of Public Road

PURSUANT to section 16 (2) of the Roads Act 1993, Young Shire Council gives notice that Henley Street, Miriam Street and the lanes set aside for the purposes of roads left in DP 9152 are hereby dedicated as public roads. A. G. HANRAHAN, General Manager, Young Shire Council, Locked Bag 5, Young, NSW 2594.

[0057]

BERRIGAN SHIRE COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that the Council of the Shire of Berrigan has proposed, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder by way of public auction of which the persons named appear to be owners or in which they appear to have an interest, and on which account the amount of rates stated in each case, as at 28th January, 2003, is unpaid:

<i>(a)</i> Owner or person having interest in the land	<i>(b)</i> Description of Land	<i>(c)</i> Amount of rates & charges (including extra charges) overdue for more than five (5) years or one (1) year where unpaid rates/charges on vacant land exceed valuation	<i>(d)</i> Amount of all other rates and charges (excluding interest) payable and unpaid	<i>(e)</i> Amount of Other Interest Accrued Not Shown in Column (d)	<i>(f)</i> Total
		\$	\$	\$	\$
John Michael CATTANI.	Billing No. 12273-9. Lot 5, DP 232857, Parish Gereldery, County Denison. 12 William Street, Berrigan.	\$4,405.33	\$809.52	\$282.19	\$5,497.04
Alison May DOYLE.	Billing No. 12276-2. Lot 2, DP 232857, Parish Gereldery, County Denison. 18 William Street, Berrigan.	\$3,581.09	\$809.52	\$266.56	\$4,657.17
Michael Raymond FOWLER.	Billing No. 9154-6. Lot 36, section B, DP 2425, Parish Gereldery, County Denison. 41 Corcoran Street, Berrigan.	\$1,866.24	\$604.30	\$211.20	\$2,681.74
Peter John HALEY.	Billing No. 9404-5. Lots 1, DP 653791; Lot 24, DP 541315. 8 Stewart Street, Berrigan.	\$1,089.78	\$5,675.07	\$1,644.12	\$8,408.97

Stanyers Transports Pty Limited.	Billing No. 10110-5. Lot 125, DP 752274, Parish Barooga, County Denison. 126-130 Buchanans Road, Barooga.	\$628.91	\$3,754.60	\$1,228.42	\$5,611.93
Paul Austen and Marion Claire SHUMACK.	Billing No. 8909-4. Lot 4, section 11, DP 758097, Parish Gereldery, County Denison. 24-26 Barooga Street, Berrigan.	\$1,329.63	\$3,453.71	\$3,818.11	\$8,601.45

In respect of each parcel of land, if all rates and charges payable are not paid to Council or any arrangement satisfactory to Council is not entered into by the rateable person(s), before the time fixed for the sale, or if for any other reason deemed appropriate by Council, then Council will proceed with the sale. The said land will be offered for sale at a public auction conducted by licensed auctioneers, Howard Martin & Co. and Gilmore & Co., at the Berrigan Council Chambers 56 Chanter Street, Berrigan on Tuesday, 6th May, 2003 at 11.00 a.m. R. PERKINS, General Manager, Berrigan Shire Council, 56 Chanter Street, Berrigan, NSW 2712.

[0067]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BENJAMIN RHYS BECKHOUSE, late of 71 Runyon Avenue, Greystanes, in the State of New South Wales, project manager, who died on 14th September, 2001 must send particulars of his claim to the executrix, Leesa Louise Bezzina, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, 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. Letters of Administration were granted in New South Wales on 20th June, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0058]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ROY ALEXANDER GRINHAM, late of Esther Jamesville Nursing Home, Normanhurst, in the State of New South Wales, automotive mechanic/insurance assessor, who died on 14th August, 2002 must send particulars of his claim to the executors, Trevor Gwilym Lloyd and Rosalyn Dorothy Grinham, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby, 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 15th January, 2003. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby, NSW 2077 (DX 9691, Hornsby), tel.: (02) 9476 2788.

[0064]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CHARLES HENRY JAMES BOULTING, late of Esther Somerville Nursing Home, 79 Mount Pleasant Avenue, Normanhurst, in the State of New South Wales, retired, who died on 28th June, 2002 must send particulars of his claim to the executor, Eric John Howse, Treasurer of the Conference

of the Seventh-Day Adventist Church, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby, 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 16th January, 2003. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby, NSW 2077 (DX 9691, Hornsby), tel.: (02) 9476 2788.

[0059]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ROBERT JOHN BISSETT, late of 51 Formosa Street, Drummoyne, in the State of New South Wales, driver, who died on 19th September, 2002 must send particulars of his claim to the executrix, Patricia Elizabeth Bissett, c.o. Whitfields, Solicitors, PO Box 512, Drummoyne, NSW 1470, 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 20th December, 2002. WHITFIELDS, Solicitors, PO Box 512, Drummoyne, NSW 1470, tel.: (02) 9819 6299.

[0060]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PAUL GREGORY WILSON, late of 78 Willoughby Road, Terrigal, in the State of New South Wales, retired, who died on 24th October, 2002 must send particulars of his claim to the executrix, Rhonda Gai Wilson, c.o. F. R. Pope, Solicitor, 22 Stratford Park Drive, Terrigal, 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 6th January, 2003. F. R. POPE, Solicitor, 22 Stratford Park Drive, Terrigal, NSW 2260, tel.: (02) 4365 2641.

[0061]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANDREW OWENS STEWART, late of 39 Best Road, Seven Hills, in the State of New South Wales, carpenter, who died on 8th August, 2002 must send particulars of his claim to the executrix, Kathleen Helen Stewart, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, 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 December, 2002. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644.

[0062]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DENIS ARTHUR WARD, late of Ingleburn, in the State of New South Wales, driver, who died on 8th July, 2002 must send particulars of his claim to the executor, Matthew Denis Ward, c.o. Kencalo & Ritchie, Solicitors, 96 Moore Street, Liverpool, 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 16th January, 2003. KENCALO & RITCHIE, Solicitors, 96 Moore Street, Liverpool, NSW 2170 (DX 5003, Liverpool), tel.: (02) 9602 8333.

[0063]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of FREDa MARION MARSHALL, late of Kincumber, in the State of New South Wales, retired, who died on 26th October, 2002 must send particulars of his claim to the executor, c.o. John G. Burton & Associates, Solicitors, 16 Adelaide Street, East Gosford, 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 24th December, 2002. JOHN G. BURTON & ASSOCIATES, Solicitors, 16 Adelaide Street, East Gosford, NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899.

[0065]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANGUS KYLE HODGE, late of Springfield, in the State of New South Wales, retired cabinet maker, who died on 19th December, 2002 must send particulars of his claim to the administrator, c.o. John G. Burton & Associates, Solicitors, 16 Adelaide Street, East Gosford, within one (1) calendar month from publication of this notice. After that time the administrator 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 19th December, 2002. JOHN G. BURTON & ASSOCIATES, Solicitors, 16 Adelaide Street, East Gosford, NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899.

[0070]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARGARET MAUD FOX, late of Bowral, in the State of New South Wales, who died on 27th August, 2002 must send particulars of his claim to the executors, David Richard Todd and Paul Johnstone, c.o. A. E. Whatmore, G. C. M. Gee & Co., Solicitors, 5/46 Burns Bay Road, Lane Cove, 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 5th November, 2002. A. E. WHATMORE, G. C. M. GEE & CO., Solicitors, 5/46 Burns Bay Road, Lane Cove, NSW 2066 (DX 23306, Lane Cove), tel.: (02) 9427 0400.

[0071]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ALMA SOLOMONS, late of 21 Samuel Street, Tempe, in the State of New South Wales, retired clerk, who died on 18th May, 2002 must send particulars of his claim to the executors, Graham Robert Ferguson and Mary Louise Ferguson, c.o. Lobban McNally & Harney, Solicitors, 50 Margaret 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 9th August, 2002. LOBBAN McNALLY & HARNEY, Solicitors, 50 Margaret Street, Sydney, NSW 2000 (DX 471, Sydney), tel.: (02) 9299 8438.

[0072]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of UMBERTO PALUDETTO, late of 35 Betts Road, Wentworthville, in the State of New South Wales, widowed, who died on 17th September, 2002 must send particulars of his claim to the executors, Alberto Thomas Paludetto and John Paludetto, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 16th January, 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0073]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of OLIVE EMMELINE MARGUERITE KEATING, late of James Milson Nursing Home, High Street and Clark Road, North Sydney, in the State of New South Wales, home duties, who died on 18th August, 2002 must send particulars of his claim to the administrator, Barry John Aylwin, c.o. Heaney, Richardson & Nemes, Solicitors, Level 10, 47 York Street, Sydney, within one (1) calendar month from publication of this notice. After that time the administrator 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 16th January, 2003. HEANEY, RICHARDSON & NEMES, Lawyers, Level 10, 45-47 York Street, Sydney, NSW 2000 (DX 367, Sydney), tel.: (02) 9262 3299.

[0077]

COMPANY NOTICES

NOTICE convening final meeting.—QCC (VIC) PTY LIMITED (In liquidation), ACN 006 689 265.—Notice is hereby given that the final meeting of members of the abovenamed company will be held at the offices of Miller Needs, 434 Elizabeth Street, Surry Hills, NSW on 3rd March, 2003 at 10.00 a.m., for the purpose of laying before the meeting an account showing how the winding up has been conducted and the property of the company has been disposed of and giving any explanation thereof. Dated this 24th January 2003. MARK DOYLE, Liquidator, c.o. Miller Needs, 434 Elizabeth Street, Surry Hills, NSW 2010, tel.: (02) 9318 2755.

[0066]

IN the Supreme Court of New South Wales No. 5867 of 2002.—SYDNEY WAFFLE PODS PTY LIMITED, ABN 490 083 982 049.—A proceeding for the winding up of Sydney Waffle Pods Pty Limited was commenced by the plaintiff, Lumley Finance Limited on 10th December, 2002 and will be heard by the Supreme Court of New South Wales at Queen Square, Sydney at 9.00 a.m. on Thursday, 20th February, 2003. Copies of documents filed may be obtained from the plaintiff's address for service. The plaintiff's address for service is c.o. Rockliffs, Solicitors and Attorneys, Level 5, 50 King Street, Sydney, tel.: (02) 9299 4912, fax: (02) 9262 2603. Any person intending to appear at the hearing must file a Notice of Appearance, in accordance with the prescribed form, together with any Affidavit on which the person intends to rely, and serve a copy of the Notice and any Affidavit on the plaintiff's address for service at least three (3) days before the date fixed for the hearing. Dated 30th January, 2003. MICHELLE RENEE ROCKLIFF, Solicitor for the Plaintiff, c.o. Rockliffs, Solicitors and Attorneys, Level 5, 50 King Street, Sydney, tel.: (02) 9299 4912.

[0079]

OTHER NOTICES

NOTICE of intended distribution of assets.—MAVK TRUST.—Any person having claim upon the MAVK Trust constituted by a trust deed dated 31st October, 1997 must send particulars of their claim to the trustee of the Trust, Andco Nominees Pty Limited, c.o. Horwath (NSW) Pty Limited, 1 Market Street, Sydney, NSW 2000 (Attention: Mr Trevor Vella) within two (2) calendar months from the date of publication of this notice. After that date, the trustee of the MAVK Trust may distribute the assets of the trust having regard only to the claims of which it has notice as at the date of distribution.

[0078]

INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement –
WinmaleeWinmalee

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995. Dated at Huntingwood this 28th day of January 2003. JOHN WALLACE, General Manager Engineering Performance, Integral Energy Australia, 51 Huntingwood Drive, Huntingwood, NSW 2148.

SCHEDULE 1

Easement for overhead power lines as set out in Memorandum No. 3021850 filed at Land and Property Information NSW. For the purposes of this notice, "lot burdened" means Portion 73 Parish Nepean County Cook Portion 73, Parish Nepean, County Cook.

SCHEDULE 2

All that piece or parcel of land at Winmalee, in the local government area of Blue Mountains, Parish of Nepean and County of Cook, being the site of the easement for transmission line 9 wide affecting that part of Portion 73, Parish Nepean, County Cook as defined in DP 266141.

[0080]

ISSN 0155-6320

Authorised to be printed
R. J. MILLIGAN, Government Printer