



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 197**

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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

**Legislative Assembly Office, Sydney, 25 November 2003**

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

Act No. 75 2003 - An Act to appropriate out of the Consolidated Fund the sum of \$420,000,000 towards public health capital works and services; and for other purposes. **[Appropriation (Health Super-Growth Fund) Bill]**

Act No. 76 2003 - An Act to amend the Evidence (Audio and Audio Visual Links) Act 1998 and the Evidence Legislation Amendment (Accused Child Detainees) Act 2003 to make further provision with respect to the giving of evidence by accused detainees; and for other purposes. **[Evidence (Audio and Audio Visual Links) Amendment Bill]**

Act No. 77 2003 - An Act to amend various superannuation Acts to accommodate Commonwealth legislation relating to the division of superannuation entitlements on marriage breakdown, to extend benefits to de facto partners in certain schemes and to update pension adjustment provisions; and for other purposes. **[Superannuation Legislation Amendment (Family Law) Bill]**

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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**ACTS OF PARLIAMENT ASSENTED TO****Legislative Assembly Office, Sydney, 27 November 2003**

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

Act No. 78 2003 - An Act to amend the City Tattersall's Club Act of 1912 to update the prudential safeguards applying to City Tattersall's Club; and for other purposes. [**City Tattersall's Club Amendment Bill**]

Act No. 79 2003 - An Act to amend the Duties Act 1997 to prevent the erosion of duty payable on certain transactions treated as transfers of dutiable property; and for other purposes. [**Duties Amendment (Land Rich) Bill**]

Act No. 80 2003 - An Act to make miscellaneous amendments to certain State revenue legislation; and for other purposes. [**State Revenue Legislation Further Amendment Bill**]

Act No. 81 2003 - An Act to amend the Workers Compensation Act 1987 to reform the legislative framework for workers compensation insurance; to make miscellaneous and consequential amendments to that Act, the Workplace Injury Management and Workers Compensation Act 1998 and certain other Acts; and for other purposes. [**Workers Compensation Amendment (Insurance Reform) Bill**]

Act No. 82 2003 - An Act to repeal certain Acts and provisions of Acts and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [**Statute Law (Miscellaneous Provisions) Bill (No 2)**]

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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**ACTS OF PARLIAMENT ASSENTED TO****Legislative Council Office Sydney 10 December 2003**

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

Act No. 98, 2003 - An Act to amend the *Legal Profession Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* to make further provision with respect to legal advertising; and for other purposes. [**Legal Profession Legislation Amendment (Advertising) Act 2003**]

Act No. 99, 2003 - An Act to amend the *Transport Administration Act 1988* to constitute Sydney Ferries as a statutory State owned corporation and to confer on it functions relating to the operation of Sydney ferry services; and for other purposes. [**Transport Administration Amendment (Sydney Ferries) Act 2003**]

Act No. 100, 2003 - An Act to provide for the reconstitution of the Wine Grapes Marketing Board as an agricultural industry services committee under the *Agricultural Industry Services Act 1998*; to provide for the temporary regulation of the terms and conditions of payment for MIA wine grapes; and for other purposes. [**Wine Grapes Marketing Board (Reconstitution) Act 2003**]

Act No. 101, 2003 - An Act to amend the *Totalizator Agency Board Privatisation Act 1997* and the *Totalizator Act 1997* in relation to shareholding interests in TAB Limited; to amend the *Totalizator Act 1997* in relation to licences under that Act; and for other purposes. [**Totalizator Legislation Amendment Act 2003**]

John Evans  
Clerk of the Parliaments

**ACTS OF PARLIAMENT ASSENTED TO****Legislative Assembly Office, Sydney, 10 December 2003**

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

Act No. 89 2003 - An Act to provide for the registration and regulation of architects; to repeal the Architects Act 1921; and for other purposes. [**Architects Bill**]

Act No. 90 2003 - An Act to amend the Ombudsman Act 1974 and the Commission for Children and Young People Act 1998 with respect to child protection. [**Child Protection Legislation Amendment Bill**]

Act No. 91 2003 - An Act to amend the Contaminated Land Management Act 1997 with respect to the accreditation of site auditors; and for other purposes. [**Contaminated Land Management Amendment Bill**]

Act No. 92 2003 - An Act to amend the Crimes Act 1900 and the Firearms Act 1996 to create additional offences in relation to firearms; and for other purposes. [**Firearms and Crimes Legislation Amendment (Public Safety) Bill**]

Act No. 93 2003 - An Act to amend the Registered Clubs Act 1976 in relation to the accountability of registered clubs, the appointment of managers for premises of registered clubs, and for other purposes. [**Registered Clubs Amendment Bill**]

Act No. 94 2003 - An Act to amend the Civil Liability Act 2002 with respect to the civil liability of public authorities and officials and for the birth of a child, the recovery of damages by criminals and mentally ill persons, self-defence and proportionate liability; to amend the Mental Health Act 1990 to exclude the civil liability for certain functions exercised under that Act; and for other purposes. [**Civil Liability Amendment Bill**]

Act No. 95 2003 - An Act to amend the Environmental Planning and Assessment Act 1979 and certain regulations with respect to the quality of building construction; and for other purposes. [**Environmental Planning and Assessment Amendment (Quality of Construction) Bill**]

Act No. 96 2003 - An Act with respect to the organisation of rail services in the State, the ownership of rail infrastructure facilities in the State and the constitution of new State rail agencies and the winding up and dissolution of others; and for other purposes. [**Transport Administration Amendment (Rail Agencies) Bill**]

Act No. 97 2003 - An Act to amend the Workers Compensation Act 1987 with respect to insurance for trainees; to make consequential amendments to other laws; and for other purposes. [**Workers Compensation Legislation Amendment (Trainees) Bill**]

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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**ACTS OF PARLIAMENT ASSENTED TO****Legislative Assembly Office, Sydney, 11 December 2003**

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

Act No. 102 2003 - An Act to establish the Natural Resources Commission; to confer functions on the Commission with respect to natural resource management; to amend various Acts consequentially; and for other purposes. [**Natural Resources Commission Bill**]

Act No. 103 2003 - An Act relating to the sustainable management and conservation of native vegetation; to repeal the Native Vegetation Conservation Act 1997; and for other purposes. [**Native Vegetation Bill**]

Act No. 104 2003 - An Act to establish catchment management authorities and to devolve to them certain natural resource management functions in their regions; to repeal the Catchment Management Act 1989 and to amend various Acts consequentially; and for other purposes. [**Catchment Management Authorities Bill**]

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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# Proclamations

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## Proclamation

under the

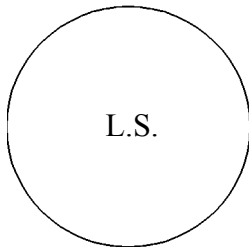
Civil Liability Amendment Act 2003 No 94

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 *Civil Liability Amendment Act 2003*, do, by this my Proclamation, appoint 19 December 2003 as the day on which that Act (other than Schedule 2) commences.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence all of the provisions of the *Civil Liability Amendment Act 2003*, other than Schedule 2.

Schedule 2 will make amendments to proposed Part 4 of the *Civil Liability Act 2002*. Part 4 is to be inserted in that Act by a provision of the *Civil Liability Amendment (Personal Responsibility) Act 2002* that has not yet been commenced.



New South Wales

## Proclamation

under the

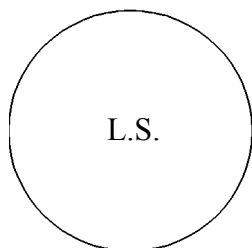
Building Legislation Amendment (Quality of Construction) Act  
2002 No 134

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 *Building Legislation Amendment (Quality of Construction) Act 2002*, do, by this my Proclamation, appoint 16 February 2004 as the day on which Schedule 2.2 to that Act commences.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



REBA PAIGE MEAGHER, M.P.,  
Minister for Fair Trading

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the provisions of the *Building Legislation Amendment (Quality of Construction) Act 2002* that amend the *Home Building Regulation 1997*. The provisions relate to conditions to be included in certain building contracts.



New South Wales

## Proclamation

under the

### Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003

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 *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003*, do, by this my Proclamation, appoint:

- (a) 1 January 2004 as the day on which the following provisions of that Act commence:

Long title and sections 1, 2 and 4,

Schedule 1 [2], [7]–[12], [19] (proposed section 109E (3) (a)–(c) and (e) excepted), [20] and [35],

Schedule 2.1 [7]–[9], [11], [15]–[17], [19], [35] (proposed clause 162A (4) and (6) excepted), [36], [42] and [43], and

- (b) 1 March 2004 as the day on which the following provisions of that Act commence:

Schedule 1 [1], [3]–[6], [13]–[18], [19] (to the extent that it gives effect to proposed section 109E (3) (a)–(c) and (e)), [21]–[26], [29]–[31], [33], [34], [36]–[38], [40] and [41],

Schedule 2.1 [1]–[6], [10], [12]–[14], [18], [20]–[34], [35] (to the extent that it gives effect to proposed clause 162A (4) and (6)), [37]–[41], [44] and [45],

Schedule 2.2.

Signed and sealed at Sydney, this 17th day of December 2003.

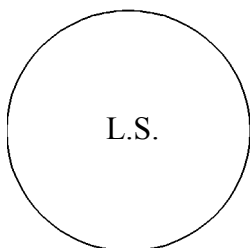


Proclamation

Explanatory note

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By Her Excellency's Command,



DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure and  
Planning (Planning Administration)

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence on 1 January 2004 the amendments made by the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003* (*the amending Act*) to the *Environmental Planning and Assessment Act 1979* that:

- (a) insert new definitions of *critical stage inspections*, *principal contractor*, *owner-builder* and *residential building work* into that Act, and
- (b) require the principal certifying authority for building work to give the person having the benefit of a development consent or complying development certificate for the work notice of any inspections that need to be carried out at different stages of the work, and
- (c) require that person to appoint a principal contractor for any such building work that will not be carried out by an owner-builder, and to give the principal contractor notice of those inspections, and
- (d) impose a maximum penalty of 300 penalty units (presently \$33,000) for failure to comply with any of those requirements, and
- (e) require a principal certifying authority to be satisfied that any inspections required by the regulations (*critical stage inspections*) have been carried out before issuing an occupation certificate for a building or a subdivision certificate for subdivision work.

Also commenced on that day are various amendments to the *Environmental Planning and Assessment Regulation 2000* which make provisions that are incidental and ancillary to those amendments (such as provisions setting out what must be included in notices required to be given because of the amendments described above).

This Proclamation commences on 1 March 2004 the remainder of the uncommenced amendments made by the amending Act (except Schedule 1 [28], which will allow an accreditation body to rely on a certificate of currency or an issued insurance policy to establish that an accredited certifier is covered by the required insurance).



## Proclamation

under the

Home Building Legislation Amendment Act 2001 No 51

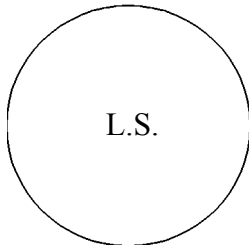
MARIE BASHIR, Governor

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 *Home Building Legislation Amendment Act 2001*, do, by this my Proclamation, appoint 1 January 2004 as the day on which the following provisions of that Act commence:

- (a) Schedule 3 [1]–[6], [8], [9] and [12]–[30],
- (b) Schedule 3 [7], except to the extent that it inserts sections 32A (3), 32B (3) (b), 32E and 32G of the *Home Building Act 1989*,
- (c) Schedule 9 [2] to the extent that it inserts clause 63 of Schedule 4 to the *Home Building Act 1989*.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



REBA PAIGE MEAGHER, M.P.,  
Minister for Fair Trading

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

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### **Explanatory note**

The object of this Proclamation is to commence certain amendments to the *Home Building Act 1989* that require persons who do building consultancy work to be licensed under that Act.



## Proclamation

under the

Home Building Legislation Amendment Act 2001 No 51

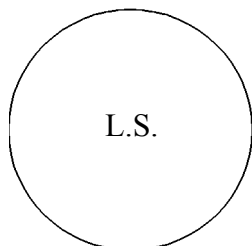
MARIE BASHIR, Governor

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 *Home Building Legislation Amendment Act 2001*, do, by this my Proclamation, appoint 16 February 2004 as the day on which the following provisions of that Act commence:

- (a) section 6,
- (b) Schedule 2 [1], [3]–[5] and [8]–[10],
- (c) Schedule 6 [15],
- (d) so much of Schedule 6 [17] as inserts section 96A (1A) into the *Home Building Act 1989*,
- (e) so much of Schedule 9 [2] as inserts clause 62 into Schedule 4 to the *Home Building Act 1989*.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



REBA PAIGE MEAGHER, M.P.,  
Minister for Fair Trading

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

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### **Explanatory note**

The object of this Proclamation is to commence certain amendments to the *Home Building Act 1989*. The amendments relate to:

- (a) the provision of information relating to certain building contracts and insurance, and
- (b) cooling off periods for certain building contracts.



## Proclamation

under the

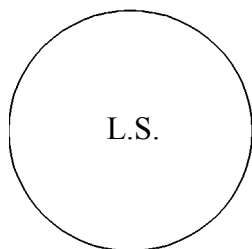
Legal Profession Legislation Amendment (Advertising) Act 2003  
No 98

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 *Legal Profession Legislation Amendment (Advertising) Act 2003*, do, by this my Proclamation, appoint 19 December 2003 as the day on which that Act (except so much of Schedule 1 [3] as would insert section 38JA (4)–(7) of the *Legal Profession Act 1987*) commences.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the whole of the *Legal Profession Legislation Amendment (Advertising) Act 2003* with the exception of those provisions that enable the Law Society Council, the Bar Council or the Legal Services Commissioner to apply to the Administrative Decisions Tribunal for a direction that a person cease advertising.



## Proclamation

under the

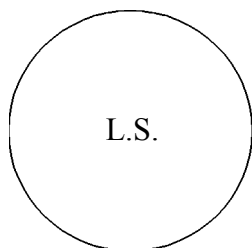
Police Legislation Amendment (Civil Liability) Act 2003 No 74

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 *Police Legislation Amendment (Civil Liability) Act 2003*, do, by this my Proclamation, appoint 1 January 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



JOHN WATKINS, M.P.,  
Minister for Police

GOD SAVE THE QUEEN!



## Proclamation

under the

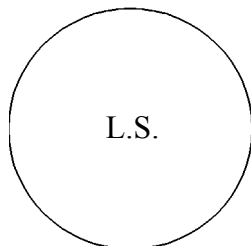
Police Powers (Drug Detection in Border Areas Trial) Act 2003  
No 28

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 *Police Powers (Drug Detection in Border Areas Trial) Act 2003*, do, by this my Proclamation, appoint 15 January 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



JOHN WATKINS, M.P.,  
Minister for Police

GOD SAVE THE QUEEN!





New South Wales

## Proclamation

under the

Transport Administration Amendment (Rail Agencies) Act 2003  
No 96

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 *Transport Administration Amendment (Rail Agencies) Act 2003*, do, by this my Proclamation, appoint 19 December 2003 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 [2],
- (b) Schedule 1 [6],
- (c) Schedule 1 [8], but only to the extent that it inserts the heading to Part 2, Divisions 1 and 2 of Part 2, section 10, Division 4 of Part 2 and Division 5 of Part 2 (other than sections 17D and 17F) in the *Transport Administration Act 1988*,
- (d) Schedule 1 [50], but only to the extent that it inserts Division 1 of Part 9, the heading to Division 1A of Part 9, section 96 and Division 1C of Part 9 in the *Transport Administration Act 1988*,
- (e) Schedule 1 [183],
- (f) Schedule 1 [184], but only to the extent that it inserts into Schedule 7 to the *Transport Administration Act 1988* the Part heading and the clauses entitled “Definition”, “RailCorp may act as agent of other rail authorities” and “Rail authorities may enter into arrangements for joint facilities and other matters”.

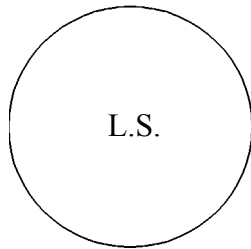
Signed and sealed at Sydney, this 17th day of December 2003.

Proclamation

Explanatory note

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By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

GOD SAVE THE QUEEN!

**Explanatory note**

The object of this Proclamation is to commence certain provisions amending the *Transport Administration Act 1988* in relation to the constitution of Rail Corporation New South Wales and other ancillary provisions.



New South Wales

## Proclamation

under the

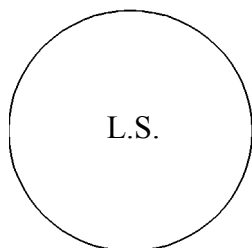
Transport Administration Amendment (Rail Agencies) Act 2003  
No 96

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 *Transport Administration Amendment (Rail Agencies) Act 2003*, do, by this my Proclamation, appoint 1 January 2004 as the day on which the uncommenced provisions of that Act (except Schedule 2) commence.

Signed and sealed at Sydney, this 17th day of December 2003.

By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Transport Administration Amendment (Rail Agencies) Act 2003*, other than Schedule 2 (which provides for the dissolution of Rail Infrastructure Corporation).

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# Regulations

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## Compensation Court Repeal (Transitional) Regulation 2003

under the

Compensation Court Repeal Act 2002

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

BOB DEBUS, M.P.,  
Attorney General

### Explanatory note

The *Compensation Court Repeal Act 2002* (*the Act*) abolishes the Compensation Court and transfers proceedings instituted and pending in that Court immediately before that abolition to the following:

- (a) in the case of proceedings concerning any matter arising under the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998* (except for certain proceedings relating to coal miners and proceedings exempted from that transfer by the regulations)—the Workers Compensation Commission (*the WCC*),
- (b) in the case of all other proceedings (including those exempted from the transfer to the WCC)—the District Court.

The Act also provides that, for the purposes of the hearing and determination by the District Court of the proceedings transferred to it by the Act, the District Court has the same jurisdiction to examine, hear and determine matters as the Compensation Court had immediately before the repeal of the *Compensation Court Act 1984*. The Act further provides that that jurisdiction of the District Court is subject to the same limitations and restrictions as the jurisdiction of the Compensation Court was subject to immediately before that repeal.

The Act also operates to confer other jurisdiction of the Compensation Court on the District Court (for example, under the *Sporting Injuries Insurance Act 1978*).

Compensation Court Repeal (Transitional) Regulation 2003

Explanatory note

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The objects of this Regulation are:

- (a) to exempt certain classes of proceedings from transfer to the WCC (with the result that, by operation of section 7 (2) (a) of the Act, those proceedings are transferred to the District Court), and
- (b) to provide that pending proceedings that are transferred to the District Court are, after being dealt with by that Court or the Court of Appeal, to be treated as new claims for the purposes of any subsequent activities (such as a review, under section 55 of the *Workers Compensation Act 1987*, because of changed circumstances), and
- (c) to provide that certain decisions of the Compensation Court are to be taken, on and from 1 January 2004, to be decisions of the District Court for all purposes (such as the purposes of further orders, reconsiderations and appeals), and
- (d) to provide for the making and disposal of appeals against certain other decisions of the Compensation Court after its abolition by providing that those decisions are taken to be decisions of the WCC, and
- (e) to remove any doubt that the District Court has the powers necessary to allow it to deal in the same way as the Compensation Court could have dealt (had it not been abolished) with matters in respect of which the District Court has acquired jurisdiction consequent on the abolition of the Compensation Court.

This Regulation is made under the *Compensation Court Repeal Act 2002*, including section 11 (the power to make regulations containing provisions of a savings or transitional nature consequent on the enactment of that Act).

Compensation Court Repeal (Transitional) Regulation 2003

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Clause 1 Compensation Court Repeal (Transitional) Regulation 2003

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## Compensation Court Repeal (Transitional) Regulation 2003

under the

Compensation Court Repeal Act 2002

### 1 Name of Regulation

This Regulation is the *Compensation Court Repeal (Transitional) Regulation 2003*.

### 2 Commencement

This Regulation commences on 1 January 2004.

### 3 Definitions

(1) In this Regulation:

*award* has the same meaning as it has in section 31 of the *Compensation Court Act 1984*.

*new claim* has the same meaning as it has in section 250 of the 1998 Act.

*residual jurisdiction of the District Court* means:

(a) the District Court's jurisdiction to hear and determine the proceedings transferred to the District Court by section 7 of the Act, and

(b) the other jurisdiction conferred on the District Court by operation of the Act.

*the Act* means the *Compensation Court Repeal Act 2002*.

*the 1998 Act* means the *Workplace Injury Management and Workers Compensation Act 1998*.

*WCC* means the Workers Compensation Commission of New South Wales established by the 1998 Act.

(2) Notes included in this Regulation do not form part of this Regulation.

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**4 Certain proceedings exempted from transfer to WCC**

- (1) The following classes of proceedings, to the extent to which they would otherwise be transferred to the WCC by section 7 of the Act, are exempted from that transfer:
  - (a) proceedings that are part heard in the Compensation Court as at 31 December 2003,
  - (b) proceedings in respect of which, as at 31 December 2003, judgment in the Compensation Court is reserved.
- (2) If the Court of Appeal remits any proceedings in consequence of an appeal under section 32 of the *Compensation Court Act 1984* that:
  - (a) was filed on or before 31 December 2003 (or in respect of which application for leave to appeal was so filed), and
  - (b) is determined on or after 1 January 2004,those proceedings, when remitted, are taken to have been exempted from any transfer to the WCC by section 7 of the Act.

**5 Finalised exempted proceedings**

- (1) A claim under proceedings exempted under clause 4 from transfer to the WCC is to be treated as a new claim:
  - (a) 28 days after the day on which the District Court makes a final award determining the claim (including a consent award), or
  - (b) on the day on which the claim is resolved by an agreement between the parties registered under section 66A of the *Workers Compensation Act 1987*,whichever occurs first.

**Note.** Although the claim has been determined, further action may be required in respect of the claim—for example, a review of weekly payments of compensation, under section 55 of the *Workers Compensation Act 1987*, because of changed circumstances. This clause ensures that such a review (and any other necessary action in respect of the claim) would be carried out by the Workers Compensation Commission and not the District Court.

- (2) However, if an appeal under section 32 of the *Compensation Court Act 1984* is made against the determination of the District Court, subclause (1) applies:
  - (a) if the Court of Appeal does not remit the matter—as if the reference to the District Court were a reference to the Court of Appeal, or



Clause 6 Compensation Court Repeal (Transitional) Regulation 2003

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- (b) if the Court of Appeal remits the matter—as if the reference to the final award of the District Court were a reference to its final award on the remittal.
- (3) The District Court retains jurisdiction to examine, hear and determine matters arising under section 112 (Costs) of the 1998 Act in respect of new claims referred to in subclause (1), but only if application for an order with respect to costs is made to the District Court within 28 days after the day on which the final award determining the claim was made (whether by the District Court or the Court of Appeal).
- (4) An award of the District Court in respect of a new claim referred to in subclause (1) is to be treated as an award of the WCC.

**6 Certain awards of Compensation Court taken to be awards of District Court**

An award of the Compensation Court in respect of proceedings relating to the residual jurisdiction of the District Court that were determined on or before 31 December 2003 is, on and from 1 January 2004, taken for all purposes to be an award of the District Court.

**7 Appeals against awards of Compensation Court after its abolition**

- (1) For the purposes of an appeal, on or after 1 January 2004, against an award of the Compensation Court in respect of proceedings relating to a jurisdiction other than the residual jurisdiction of the District Court:
  - (a) in the case of an award of a Judge of the Compensation Court—the award is taken to be a decision referred to in section 353 of the 1998 Act (that is, a decision of a Presidential member of the WCC), and
  - (b) in the case of an award of a commissioner or registrar of the Compensation Court—the award is taken to be a decision referred to in section 352 of the 1998 Act (that is, a decision of an Arbitrator of the WCC).
- (2) Subclause (1) extends to apply to an appeal that was filed on or before 31 December 2003 if:
  - (a) proceedings in respect of the appeal had not been determined by that date, and
  - (b) the Court of Appeal does not remit the matter.

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**8 Powers of District Court**

- (1) For the purposes of exercising the residual jurisdiction of the District Court, the District Court is taken to have all the powers, authorities and duties that the Compensation Court had under the *Compensation Court Act 1984* immediately before its repeal.
- (2) Without limiting subclause (1):
  - (a) sections 17, 18, 24, 25, 31, 32, 38 and 41 of the *Compensation Court Act 1984* are taken to continue in force despite the repeal of that Act, and
  - (b) a reference in any of those sections to the Compensation Court, the Chief Judge of the Compensation Court or a Judge of the Compensation Court is taken to be a reference to the District Court, the Chief Judge of the District Court and a Judge of the District Court, respectively.
- (3) For avoidance of doubt, the District Court has jurisdiction to examine, hear and determine a matter that the Court of Appeal has, in consequence of the operation of clause 7 (1), remitted to the District Court for reconsideration.
- (4) This clause ceases to have effect on 30 June 2004.



New South Wales

# Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003

under the

Dangerous Goods Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dangerous Goods Act 1975*.

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

## Explanatory note

The object of this Regulation is to amend the *Dangerous Goods (General) Regulation 1999* to:

- (a) remove the power of the holder of a permit to use display fireworks to authorise a person to receive display fireworks while retaining the power to authorise the use of display fireworks subject to the requirement of direct supervision, and
- (b) limit single occasion fireworks permits to being in force for a period not exceeding 7 days, and
- (c) provide for pyrotechnicians permits to be issued by the WorkCover Authority where the applicant intends to use display fireworks on a regular basis, and
- (d) require the holder of a pyrotechnicians permit to notify the WorkCover Authority of an intention to receive or use display fireworks, at least 7 days before receiving or using the display fireworks, and
- (e) make a consequential amendment to the *Licensing and Registration (Uniform Procedures) Act 2002* and other consequential amendments to the *Dangerous Goods (General) Regulation 1999*.

This Regulation is made under the *Dangerous Goods Act 1975*, including sections 25, 26 and 41 (the general regulation-making power) and under section 3 of the *Licensing and Registration (Uniform Procedures) Act 2002*.

Clause 1 Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003

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## **Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003**

under the

Dangerous Goods Act 1975

### **1 Name of Regulation**

This Regulation is the *Dangerous Goods (General) Amendment (Display Fireworks) Regulation 2003*.

### **2 Commencement**

- (1) This Regulation commences on 1 March 2004, except as provided by subclause (2).
- (2) Clause 4 commences on the commencement of Schedule 4.3 to the *Licensing and Registration (Uniform Procedures) Act 2002*.

### **3 Amendment of Dangerous Goods (General) Regulation 1999**

The *Dangerous Goods (General) Regulation 1999* is amended as set out in Schedule 1.

### **4 Amendment of Licensing and Registration (Uniform Procedures) Act 2002 No 28**

- (1) This clause is made under section 3 of the *Licensing and Registration (Uniform Procedures) Act 2002*.
- (2) Schedule 1 to the *Licensing and Registration (Uniform Procedures) Act 2002* is amended by omitting the matter relating to “display fireworks permit” under the heading “Dangerous Goods (General) Regulation 1999” and by inserting instead:
  - clause 54 (1), single occasion fireworks permit
  - clause 54A (1), pyrotechnicians permit

Dangerous Goods (General) Amendment (Display Fireworks) Regulation  
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Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 19 Dangerous occurrences

Omit “display fireworks permit” from clause 19 (2) (c).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

### [2] Clause 40 Prohibited explosives (model rocket propellant devices)

Omit “display fireworks permit” from clause 40 (2) (c).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

### [3] Clause 46 Prohibition on retail sale of distress signals and on use of distress signals for other purposes

Omit “display fireworks permit” from clause 46 (2).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

### [4] Clauses 54–54B

Omit clause 54. Insert instead:

#### 54 Single occasion fireworks permit

- (1) An individual may apply to the WorkCover Authority for a single occasion fireworks permit to:
  - (a) receive or use display fireworks, or
  - (b) use a distress signal other than as a distress signal, or
  - (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass.
- (2) An application must:
  - (a) set out the purposes for which the fireworks are, or the signal or device is, to be used, and
  - (b) nominate the period for which the permit is required, and

Dangerous Goods (General) Amendment (Display Fireworks) Regulation  
2003

Schedule 1 Amendments

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- (c) be made in an approved manner, and
  - (d) be accompanied by the fee fixed for the time being by the WorkCover Authority to cover expenses in connection with applications for a permit of the type concerned.
- (3) The WorkCover Authority may issue a single occasion fireworks permit, for a period not exceeding 7 days, to an applicant if it is satisfied that he or she:
- (a) is of or above the age of 18 years, and
  - (b) has a good and sufficient reason for using the fireworks, signal or device for the purposes set out in the application, and
  - (c) has attained a level of competence in the safe use of the fireworks, signal or device, that is recognised by the WorkCover Authority for the purposes of obtaining a permit, and
  - (d) in the case of an application to use display fireworks, can be trusted to receive, have in possession, convey and use the fireworks.
- (4) A permit issued under this clause is subject to the conditions specified in it (including conditions that the WorkCover Authority considers appropriate in the interests of the safety and the welfare of the community).
- (5) Subject to clause 58, a permit issued under this clause authorises its holder to:
- (a) in the case of a permit to receive and use display fireworks—receive and use display fireworks of the types specified in the permit, and
  - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,
- but only if the person does so in accordance with the permit's conditions.
- (6) Subject to clause 58, a permit issued under this clause authorises any person acting under the direct supervision of its holder to:

Dangerous Goods (General) Amendment (Display Fireworks) Regulation  
2003

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- (a) in the case of a permit to receive and use display fireworks—use display fireworks of the types specified in the permit, and
  - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,  
but only if the person does so in accordance with the permit's conditions.
- (7) A permit issued under this clause is in force only for the day or days specified in it.

**54A Pyrotechnicians permit**

- (1) An individual may apply to the WorkCover Authority for a pyrotechnicians permit to:
  - (a) receive or use display fireworks, or
  - (b) use a distress signal other than as a distress signal, or
  - (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass.
- (2) An application must:
  - (a) set out the purposes for which the fireworks are, or the signal or device is, to be used, and
  - (b) nominate the period for which the permit is required, and
  - (c) be made in an approved manner, and
  - (d) be accompanied by the fee fixed for the time being by the WorkCover Authority to cover expenses in connection with applications for a permit of the type concerned.
- (3) The WorkCover Authority may issue a pyrotechnicians permit for a specified period to an applicant if it is satisfied that he or she:
  - (a) is of or above the age of 18 years, and
  - (b) has a good and sufficient reason for using the fireworks, signal or device for the purposes set out in the application, and

Dangerous Goods (General) Amendment (Display Fireworks) Regulation  
2003

Schedule 1 Amendments

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- (c) has completed a training course or attained a level of competence in the safe use of the fireworks, signal or device, that is recognised by the WorkCover Authority for the purposes of obtaining a permit, and
  - (d) in the case of an application to use display fireworks, can be trusted to receive, have in possession, convey and use the fireworks.
- (4) A permit issued under this clause is subject to the conditions specified in it (including conditions that the WorkCover Authority considers appropriate in the interests of the safety and the welfare of the community).
- (5) It is a condition of a permit issued under this clause, that the holder notify the WorkCover Authority of an intention to receive or use any fireworks, signal or device, at least 7 days before the fireworks, signal or device is to be received or used.
- (6) Subject to clause 58, a permit issued under this clause authorises its holder to:
  - (a) in the case of a permit to receive and use display fireworks—receive and use display fireworks of the types specified in the permit, and
  - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,but only if the person has given notice in accordance with subclause (5) and does so in accordance with the permit's conditions.
- (7) Subject to clause 58, a permit issued under this clause authorises any person acting under the direct supervision of its holder to:
  - (a) in the case of a permit to receive and use display fireworks—use display fireworks of the types specified in the permit, and
  - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,but only if the person does so in accordance with the permit's conditions.



Dangerous Goods (General) Amendment (Display Fireworks) Regulation  
2003

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- 
- (8) A permit issued under this clause is in force only for the period specified in it.
- (9) A display fireworks permit issued before 1 March 2004 is taken to be a pyrotechnicians permit, which expires:
- (a) on the date specified in the permit, or
  - (b) on 1 March 2005,
- whichever is the sooner.

**54B Unauthorised use of fireworks**

A person must not:

- (a) receive or use display fireworks, or
- (b) use a distress signal other than as a distress signal, or
- (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass,

unless the person is authorised to do so by a single occasion fireworks permit issued under clause 54 or a pyrotechnicians permit issued under clause 54A.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

**[5] Clause 56 Restriction on the sale of display fireworks**

Omit “display fireworks permit” from clause 56 (2).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

**[6] Clause 58 Production of evidence of authority to receive explosives**

Omit clause 58 (2) (c). Insert instead:

- (c) clause 52, 53, 54 or 54A—is his or her shotfirer’s permit, collectors permit, single occasion fireworks permit or pyrotechnicians permit, respectively, or

Dangerous Goods (General) Amendment (Display Fireworks) Regulation  
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Schedule 1 Amendments

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**[7] Clause 102 Certain explosives that may be kept in or on unlicensed premises**

Omit “display fireworks permit” from clause 102 (1) (b).

Insert instead “single occasion fireworks permit or pyrotechnicians permit”.

**[8] Schedule 4 Penalty notices**

Omit “Clause 54” wherever occurring from Column 1 under the heading “Offence under Dangerous Goods (General) Regulation 1999”.

Insert instead “Clause 54B”.

**[9] Dictionary**

Omit the definition of *display fireworks permit*.

**[10] Dictionary**

Insert in alphabetical order:

*pyrotechnicians permit* means a pyrotechnicians permit under this Regulation.

*single occasion fireworks permit* means a single occasion fireworks permit under this Regulation.



New South Wales

## District Court Amendment (Residual Jurisdiction Fees) Regulation 2003

under the

District Court Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *District Court Act 1973*.

BOB DEBUS, M.P.,  
Attorney General

### Explanatory note

The *Compensation Court Repeal Act 2002* abolishes the Compensation Court and operates to confer certain of the jurisdiction of that Court on the District Court. That jurisdiction is referred to in this Regulation as the *residual jurisdiction of the Court*.

The object of this Regulation is to provide that no fees (other than fees relating to copies of transcripts, duplicate tapes of sound-recorded evidence, warrants and writs of execution, certain work in relation to a judgment creditor and travelling expenses incurred by officers in conveying an arrested person to prison or court) are chargeable in relation to proceedings under that residual jurisdiction.

This Regulation is made under the *District Court Act 1973*, including section 150 (Regulations: Court fees).

Clause 1 District Court Amendment (Residual Jurisdiction Fees) Regulation 2003

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## **District Court Amendment (Residual Jurisdiction Fees) Regulation 2003**

under the

District Court Act 1973

### **1 Name of Regulation**

This Regulation is the *District Court Amendment (Residual Jurisdiction Fees) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of District Court Regulation 2000**

The *District Court Regulation 2000* is amended as set out in Schedule 1.

District Court Amendment (Residual Jurisdiction Fees) Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 5B

Insert after clause 5A:

#### **5B Certain fees not chargeable in relation to residual jurisdiction**

- (1) No fee other than the fees set out in items 5, 6 and 8–12 of Schedule 1 is chargeable to any person in respect of proceedings under the residual jurisdiction of the Court.
- (2) In this clause, *residual jurisdiction of the Court* means:
  - (a) the Court's jurisdiction to hear and determine the proceedings transferred to the Court by section 7 of the *Compensation Court Repeal Act 2002*, and
  - (b) the other jurisdiction conferred on the Court by operation of that Act.



New South Wales

# Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003

under the

Electricity Supply Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

FRANK ERNEST SARTOR, M.P.,  
Minister for Energy and Utilities

## Explanatory note

The objects of this Regulation are as follows:

- (a) to prescribe Delta Electricity as an electricity generator that is a benchmark participant, in respect of certain electricity supply arrangements, for the purposes of the scheme relating to greenhouse gas benchmarks in Division 2 of Part 8A of the *Electricity Supply Act 1995* (the *Act*),
- (b) to enable a company that purchases electricity for its own activities and on behalf of its related body corporates to elect to become a benchmark participant, as a *large customer* (as defined in section 97AB of the *Act*), if:
  - (i) the company and the related body corporates use a total of 100 gigawatt hours or more of that electricity in New South Wales (with at least one of those sites using 50 gigawatt hours or more) in the year prior to the company electing to become a benchmark participant, or
  - (ii) the Independent Pricing and Regulatory Tribunal is satisfied that the company and related body corporates will use those amounts of electricity,
- (c) to enable an accredited abatement certificate provider to create abatement certificates in relation to activities taking place before it is accredited, to the extent that those activities take place during 2003 or the first 6 months of 2004. Currently, the Regulation enables an accredited abatement certificate provider to create abatement certificates in relation to activities taking place before accreditation, only to the extent that those activities take place during 2003.

Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions)  
Regulation 2003

Explanatory note

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This Regulation is made under the *Electricity Supply Act 1995*, including sections 97BB (1) (b) and (2) (d), 97E (1), 97EB (1) and 106 (1) (the general regulation-making power).

Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003

Clause 1

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## **Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003**

under the

Electricity Supply Act 1995

### **1 Name of Regulation**

This Regulation is the *Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003*.

### **2 Amendment of Electricity Supply (General) Regulation 2001**

The *Electricity Supply (General) Regulation 2001* is amended as set out in Schedule 1.



## Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003

Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 73B Electricity generators prescribed as benchmark participants**

Insert at the end of clause 73B:

- (2) Delta Electricity is prescribed as an electricity generator for the purposes of section 97BB (1) (b) of the Act in respect of its supply of electricity, under electricity supply arrangements of a class referred to in clause 18 of Schedule 6 to the Act, to:
  - (a) BlueScope Steel (AIS) Pty Ltd (ACN 000 019 625), and
  - (b) BHP Billiton Limited (ACN 004 028 077).

**[2] Clause 73BA Circumstances in which person is taken to be a large customer**

Insert after clause 73BA (2):

- (3) For the purposes of section 97BB (2) (d) of the Act, a company (other than a retail supplier) is taken to be a large customer who uses electricity at more than one site in this State if:
  - (a) the company is one of a number of related body corporates, and
  - (b) the company is the purchaser of electricity, on behalf of one or more of those related body corporates, used at sites in this State that are owned or occupied by one or more of those related body corporates, and
  - (c) one of the following applies:
    - (i) the total electricity used by the company (if any), at sites in this State that are owned or occupied by the company, and the related body corporates for which the company purchased electricity, in the year preceding an election by the company to be an elective participant, equalled or exceeded the amounts required to be used by a customer for the purposes of paragraph (b) of the definition of *large customer* in section 97AB of the Act,
    - (ii) the Tribunal is satisfied that the company and any such related body corporates are likely to use those amounts of electricity, at sites in this State

Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003

Amendments

Schedule 1

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that are owned or occupied by the company or the related body corporates, in the year in which any such election is to have effect.

(4) In this clause:

*company* and *related body corporate* have the same meanings as they have in the *Corporations Act 2001* of the Commonwealth.

**[3] Clause 73BC Elections by large customers**

Omit clause 73BC (1). Insert instead:

- (1) A person who makes an election to become an elective participant as a large customer must, before or when making the election, provide evidence to the Tribunal:
- (a) that the person is a customer who used or is likely to use 100 gigawatt hours or more of electricity at a single site, or at more than one site (at least one of which used or is likely to use 50 gigawatt hours or more), in this State, as referred to in clause 73BA (1) or (2), or
  - (b) that the person is a company that is the purchaser of electricity on behalf of one or more related body corporates and those related body corporates, including the company, used or are likely to use a total amount of 100 gigawatt hours or more of electricity at more than one site in this State (at least one of which used or is likely to use 50 gigawatt hours or more), as referred to in clause 73BA (3).

**[4] Clause 73BC (2)**

Omit “the customer”. Insert instead “the person”.

**[5] Clause 73BC (3) and (4)**

Omit “A customer” wherever occurring. Insert instead “A person”.

**[6] Clause 73BC (3)**

Omit “the customer’s”. Insert instead “a customer’s”.

**[7] Clause 73BD Duration of election to be elective participant**

Omit “the customer” wherever occurring in clause 73BD (4).

Insert instead “the large customer”.

Electricity Supply (General) Amendment (Reduction of Greenhouse Gas Emissions) Regulation 2003

Schedule 1 Amendments

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**[8] Clause 73KB Activities that take place before accreditation**

Insert “or during the period commencing on 1 January 2004 and ending on 30 June 2004” after “2003” in clause 73KB (2).



## Firearms (General) Amendment (Large Calibre Pistols—Temporary Amnesty) Regulation 2003

under the

Firearms Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1996*.

JOHN WATKINS, M.P.,  
Minister for Police

### Explanatory note

The object of this Regulation is to allow licensed sport/target pistol shooters to continue to use large calibre pistols (ie pistols with a calibre of more than .38 inch but not more than .45 inch) for the purposes of participating in metallic silhouette or single action shooting competitions pending determination of their applications for permits under clause 59A of the *Firearms (General) Regulation 1997*.

This Regulation is made under the *Firearms Act 1996*, including section 88 (2) (r).

Clause 1 Firearms (General) Amendment (Large Calibre Pistols—Temporary Amnesty) Regulation 2003

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## **Firearms (General) Amendment (Large Calibre Pistols—Temporary Amnesty) Regulation 2003**

under the

Firearms Act 1996

### **1 Name of Regulation**

This Regulation is the *Firearms (General) Amendment (Large Calibre Pistols—Temporary Amnesty) Regulation 2003*.

### **2 Amendment of Firearms (General) Regulation 1997**

The *Firearms (General) Regulation 1997* is amended by inserting after clause 120 the following clause:

#### **121 Temporary amnesty for licensed sport/target pistol shooters in relation to large calibre pistols**

(1) In this clause:

*eligible person* means a person:

- (a) who, immediately before 1 October 2003, was authorised by a licence under the Act to possess and use a large calibre pistol for the purposes of sport/target shooting, and
- (b) who applies or has applied for (but has not been issued with) a permit under clause 59A authorising the person to possess and use a large calibre pistol for the purposes of participating in a specialised shooting competition.

*large calibre pistol* means a pistol to which clause 59A applies.

*specialised shooting competition* has the same meaning as in clause 59A.

(2) An eligible person is exempt from the requirement under the Act to hold a licence or permit to possess or use a large calibre pistol, but only until:

Firearms (General) Amendment (Large Calibre Pistols—Temporary Amnesty) Regulation 2003

Clause 2

- 
- (a) such time as the person is issued with a permit under clause 59A (or is notified that the application for the permit has been refused), or
  - (b) the end of the period of 3 months immediately following the end of the buyback period within the meaning of section 78 of the Act,  
whichever occurs first.
- (3) During the period of exemption under subclause (2), the eligible person is authorised to possess or use a large calibre pistol for the purposes only of participating in a specialised shooting competition.



New South Wales

## Firearms (General) Amendment (Security Industry) Regulation 2003

under the

Firearms Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1996*.

JOHN WATKINS, M.P.,  
Minister for Police

### Explanatory note

The object of this Regulation is to amend the *Firearms (General) Regulation 1997* to:

- (a) prevent armed security guards from applying for a permit to acquire a firearm for the reason of carrying on activities as a security guard, or from using a firearm that has been acquired for any other purpose while carrying on activities as a security guard, and
- (b) increase the security requirements for the storage of firearms that are used or possessed by security firms, and
- (c) limit the number of firearms that security firms are permitted to use or possess, and
- (d) make other consequential amendments.

This Regulation is made under the *Firearms Act 1996*, including sections 8 (3), 41 (1) (d) and 88 (the general regulation-making power).

Clause 1 Firearms (General) Amendment (Security Industry) Regulation 2003

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## **Firearms (General) Amendment (Security Industry) Regulation 2003**

under the

Firearms Act 1996

### **1 Name of Regulation**

This Regulation is the *Firearms (General) Amendment (Security Industry) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 May 2004.

### **3 Amendment of Firearms (General) Regulation 1997**

The *Firearms (General) Regulation 1997* is amended as set out in Schedule 1.



Firearms (General) Amendment (Security Industry) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 60A

Insert before clause 60:

#### 60A Definitions

In this Part:

*armed security guard* has the same meaning as in the *Security Industry Act 1997*.

*security firm* means the holder of master licence under the *Security Industry Act 1997*:

- (a) who is licensed under this Act to possess firearms for the genuine reason of business or employment, or
- (b) who employs armed security guards.

### [2] Clause 60 Restriction on authority conferred by licence issued to security guard

Insert after clause 60 (2):

- (3) Except where otherwise authorised by the Commissioner in writing, the authority conferred by a licence issued to a security guard does not authorise the security guard to possess or use:
  - (a) a self-loading firearm with a calibre of more than .40 inch, or
  - (b) a pistol with a calibre of more than .38 inch.

### [3] Clauses 61A and 61B

Insert after clause 61:

#### 61A Special conditions on licence issued to armed security guard

- (1) It is a condition of a licence issued to an armed security guard for the genuine reason of business or employment that the holder of the licence must not:
  - (a) apply for a permit to acquire a firearm for the reason of carrying on activities as a security guard, or

## Firearms (General) Amendment (Security Industry) Regulation 2003

## Schedule 1 Amendments

- 
- (b) possess or use, in the holder's capacity as an armed security guard, any firearm acquired by the holder for any other reason.
  - (2) Nothing in subclause (1) prohibits an armed security guard from acquiring, possessing or using a firearm under the authority conferred by any other licence or permit held by that person.

**61B Special requirements for safe keeping of firearms by security firms**

- (1) For the purposes of section 41 (1) (d) of the Act the following requirements are prescribed in relation to the safe storage of firearms by security firms:
  - (a) in the case of a security firm in possession of one, but not more than one, firearm:
    - (i) the firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
      - (A) stored in a safe of an approved type, and
      - (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
      - (C) secured individually on a locked device within the safe, and
    - (ii) the safe must be fitted with an alarm of an approved type that is monitored off-site, and
    - (iii) the premises on which the firearm is stored must have an intruder alarm and duress facilities which are monitored off-site and are of an approved type,
  - (b) in the case of a security firm in possession of more than one but not more than 5 firearms:
    - (i) any such firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
      - (A) stored in a safe of an approved type which weighs at least 150kg, and

## Firearms (General) Amendment (Security Industry) Regulation 2003

## Amendments

## Schedule 1

- 
- (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
      - (C) secured individually on a locked device within the safe, and
    - (ii) the safe must be:
      - (A) secured in an approved manner to or within brick or concrete floors or walls, and
      - (B) fitted with an alarm of an approved type, that is monitored off-site and is separate from the alarm required under subparagraph (iii) (A), and
      - (C) locked at all times except when distributing firearms, and
    - (iii) the premises on which any such firearms are stored must:
      - (A) have an intruder alarm and duress facilities which are monitored off-site and are of an approved type, and
      - (B) not be premises that are used for a residential purpose,
  - (c) in the case of a security firm in possession of more than 5 but not more than 15 firearms:
    - (i) any such firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
      - (A) stored in a safe of an approved type which weighs at least 500kg, and
      - (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
      - (C) secured individually on a locked device within the safe, and
    - (ii) the safe must be:
      - (A) secured in an approved manner to or within brick or concrete floor or walls, and

## Firearms (General) Amendment (Security Industry) Regulation 2003

## Schedule 1 Amendments

- 
- (B) fitted with an alarm of an approved type, that is monitored off-site and is separate from the alarm required under subparagraph (iii) (A), and
  - (C) locked at all times except when distributing firearms, and
  - (D) fitted with 15 minute time delay locks, and
  - (iii) the premises on which any such firearms are stored must:
    - (A) have an intruder alarm and duress facilities which are monitored off-site and are of an approved type, and
    - (B) not be premises which are used for a residential purpose,
  - (d) in the case of a security firm in possession of more than 15 firearms:
    - (i) any such firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
      - (A) stored in a safe of an approved type or within a vault or control room of an approved type, and
      - (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
      - (C) secured individually on a locked device within the safe, and
    - (ii) the safe in which any firearm is to be stored must be:
      - (A) secured in an approved manner to or within brick or concrete floor or walls, and
      - (B) fitted with an alarm of an approved type, that is monitored off-site, independent of the alarm required under subparagraph (iii) (A), and
      - (C) locked at all times except when distributing firearms, and

## Firearms (General) Amendment (Security Industry) Regulation 2003

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- (iii) the premises on which any such firearms are stored must:
    - (A) have intruder alarms and duress facilities which are monitored off-site and are of an approved type, and
    - (B) be of an approved type, and
    - (C) have 24 hour video surveillance of an approved type.

**[4] Clause 69A**

Insert after clause 69:

**69A Number of firearms to be held by security firms**

- (1) The authority conferred by a licence issued to a security firm authorises the firm to use or possess only such number of firearms as, in the opinion of the Commissioner, are required to carry out the security activities of the security firm.
- (2) The Commissioner may require a security firm to provide information relating to the following:
  - (a) the number of firearms owned by the security firm,
  - (b) the number of armed security guards employed by the firm,
  - (c) the security activities for which the firearms are used,
  - (d) such other relevant information that is required in order for the Commissioner to form an opinion under this clause.



New South Wales

# Home Building Amendment (Building Consultancy Work) Regulation 2003

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

REBA PAIGE MEAGHER, M.P.,  
Minister for Fair Trading

## Explanatory note

The *Home Building Act 1989* makes provision concerning the residential building industry and certain specialist work. The Act was amended (by provisions of the *Home Building Legislation Amendment Act 2001* that will commence at the same time as this Regulation) so that it now also regulates building consultancy work, which is defined to mean any work, for fee or reward, involved in, or involved in co-ordinating or supervising, the inspection of dwellings and reporting on their condition, or the conduct of inspections and the furnishing of reports in respect of specialist work (for example, electrical, plumbing or air-conditioning work) or any other work prescribed by the regulations. It does not include work excluded by the regulations.

The object of this Regulation is to make provision regarding the regulation of building consultancy work. This Regulation:

- (a) excludes certain work from the definition of **building consultancy work**, so that the new provisions apply only to pre-purchase visual inspections of dwellings and not to pest inspections, inspections of specialist work or other building consultancy work, and
- (b) specifies the circumstances in which requirements as to the form and content of contracts to do building consultancy work do not apply, and
- (c) specifies the circumstances in which consumer information is not required to be provided to a party to a contract to do building consultancy work, and
- (d) specifies the requirements for obtaining a building consultancy licence, and

Home Building Amendment (Building Consultancy Work) Regulation 2003

Explanatory note

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- (e) specifies some of the conditions to which building consultancy licences are subject, and
- (f) specifies the application fees in relation to building consultancy licences.

This Regulation is made under the *Home Building Act 1989* (as amended by Schedule 3 to the *Home Building Legislation Amendment Act 2001*), including the definition of ***building consultancy work*** in section 3 (1) and sections 18J, 18L, 32B, 32C, 36 and 140 (the general regulation-making power).

Home Building Amendment (Building Consultancy Work) Regulation 2003      Clause 1

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## **Home Building Amendment (Building Consultancy Work) Regulation 2003**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Building Consultancy Work) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of Home Building Regulation 1997**

The *Home Building Regulation 1997* is amended as set out in Schedule 1.



Home Building Amendment (Building Consultancy Work) Regulation 2003

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Insert “, a building consultancy licence” after “licence)” in the definition of *authority* in clause 3 (1).

### [2] Clause 4A

Insert before clause 5 (in Part 2):

#### **4A Work excluded from the definition of “building consultancy work”**

- (1) For the purposes of the definition of *building consultancy work* in section 3 (1) of the Act, all work other than pre-purchase visual inspections of a dwelling or any part of a dwelling is declared to be excluded from the definition.
- (2) To avoid doubt:
  - (a) pre-purchase inspections undertaken for the sole purpose of providing a report on pest infestations, and
  - (b) inspections solely of specialist work,are declared to be excluded from the definition of *building consultancy work*.

### [3] Part 3, heading

Insert “, **building consultancy work**” after “**specialist work**”.

### [4] Clause 13, heading

Insert “**with holders of contractor licences**” after “**contracts**” in the heading to the clause.

### [5] Clause 13A and 13B

Insert in appropriate order in Division 1 of Part 3:

#### **13A Exemptions from requirements for contracts with holders of building consultancy licences**

For the purposes of section 18J (3) of the Act, the following are prescribed as circumstances in which sections 18K, 18M, 18N, 18O and 18R of the Act do not apply:

Home Building Amendment (Building Consultancy Work) Regulation 2003

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- 
- (a) where the contract concerned is subordinate to a principal contract to carry out building consultancy work,
  - (b) where the contract concerned is made between a licensed building consultant and the holder of a contractor licence,
  - (c) where the building consultancy work that is the subject of the contract concerned must be performed within 2 working days after entering into the contract,
  - (d) where the contract concerned is entered into with a licensed building consultant by a solicitor or licensed conveyancer on behalf of another party.

**13B Exemptions relating to provision of information by holders of building consultancy licences**

For the purposes of section 18L (2) of the Act, the following are prescribed as classes of contracts to which that section does not apply:

- (a) contracts that are subordinate to a principal contract to carry out building consultancy work,
- (b) contracts made between a licensed building consultant and the holder of a contractor licence,
- (c) contracts where the building consultancy work that is the subject of the contract must be performed within 2 working days after entering into the contract,
- (d) contracts entered into with a licensed building consultant by a solicitor or licensed conveyancer on behalf of another party.

**[6] Part 4, heading**

Insert “**building consultancy licences,**” after “**licences,**”.

**[7] Part 4, Division 1, heading**

Insert “**, building consultancy licences**” after “**licences**”.

**[8] Clause 19 Requirements for obtaining contractor licences**

Insert “**bankrupt or**” after “**is not**” in clause 19 (1BA).

## Home Building Amendment (Building Consultancy Work) Regulation 2003

## Schedule 1 Amendments

**[9] Clause 19A**

Insert after clause 19:

**19A Requirements for obtaining building consultancy licences**

- (1) Before a building consultancy licence is issued, the Director-General must be satisfied:
  - (a) that the applicant, if an individual, has such qualifications or has passed such examinations or practical tests, or both, as the Director-General determines to be necessary to enable the applicant to do the work for which the licence is required, and
  - (b) that the applicant, if an individual, has had experience of such a kind, and for such a period, as the Director-General considers would enable that applicant to do the work for which the licence is required, and
  - (c) that, in the case of an applicant that is a corporation, at least one director or employee of the applicant holds a building consultancy licence, and
  - (d) that, in the case of an applicant that is a partnership, at least one partner or employee of the applicant holds a building consultancy licence, and
  - (e) that any individual who is an applicant, and each individual who is a member of a partnership and each director of a corporation that is a member of a partnership or of a corporation that is an applicant:
    - (i) is not disqualified from holding a building consultancy licence or a building consultancy licence of the kind applied for, or from being a member of a partnership or a director of a corporation that is the holder of a building consultancy licence or of a building consultancy licence of the kind applied for, and
    - (ii) is not disqualified from holding a contractor licence or a certificate, or from being a member of a partnership or a director of a corporation that is the holder of a contractor licence or of a certificate, and
    - (iii) is not the holder of a building consultancy licence that is suspended, and

## Home Building Amendment (Building Consultancy Work) Regulation 2003

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- (iv) is not a debtor under a judgment for money owed to the Director-General or the Administration Corporation that has not been satisfied, and
  - (v) is of or above the age of 18, and
  - (vi) is a fit and proper person to hold the licence and is otherwise of good character, and
  - (vii) in the case where the applicant is an individual— is not an apprentice or a trainee, within the meaning of the *Apprenticeship and Traineeship Act 2001*.
- (2) Before a building consultancy licence is issued, the Director-General must be satisfied that:
- (a) the individual who is the applicant, or
  - (b) every individual who is a member of a partnership that is the applicant, or
  - (c) every director of a corporation that is the applicant,
- is not a person whose licence or other authority is currently suspended under the Act, the *Fair Trading Act 1987* or any other Act.
- (3) Before a building consultancy licence is issued, the Director-General must be satisfied that the applicant, or, in the case of an applicant that is a corporation, any director of that applicant, or, in the case of an applicant that is a partnership, any partner of that applicant:
- (a) is not subject to any order of the Tribunal that has not been satisfied within the period required by the Tribunal, and
  - (b) has not had what the Director-General considers to be an unreasonable number of complaints made against him, her or it, and
  - (c) has not had what the Director-General considers to be an unreasonable number of formal cautions given to him, her or it, and
  - (d) has not had what the Director-General considers to be an unreasonable number of penalty notices issued against him, her or it (being penalty notices for offences under the Act that were not dealt with by a court and dismissed), and

## Home Building Amendment (Building Consultancy Work) Regulation 2003

## Schedule 1 Amendments

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- (e) has not carried out building consultancy work in respect of which the Director-General considers an unreasonable number of insurance claims have been paid.
- (4) Before a building consultancy licence is issued, the Director-General must be satisfied that:
- (a) the applicant, or
  - (b) if the applicant is a partnership—every partner of the applicant, or
  - (c) if the applicant is a corporation—every director of the applicant,
- is not bankrupt or a director or person concerned in the management of a company that is the subject of a winding up order or for which a controller or administrator has been appointed.
- (5) Before a building consultancy licence is issued, the Director-General must be satisfied that, within the period of 3 years before the date of the application:
- (a) the applicant, or
  - (b) if the applicant is a partnership—every partner of the applicant, or
  - (c) if the applicant is a corporation—every director of the applicant,
- was not bankrupt or a director or person concerned in the management of a company when the company was the subject of a winding up order or when a controller or administrator was appointed.
- (6) However, subclauses (4) and (5) do not prevent the Director-General from issuing a building consultancy licence if the Director-General is satisfied that the relevant person took all reasonable steps to avoid the bankruptcy, winding up or appointment of a controller or administrator.
- (7) Before a building consultancy licence is issued, the Director-General must be satisfied that the applicant was not a director, partner or person concerned in the management of a partnership or corporation that was disqualified from holding a licence or certificate within 3 years before the date of the

Home Building Amendment (Building Consultancy Work) Regulation 2003

Amendments

Schedule 1

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application, unless the Director-General is satisfied that the applicant took all reasonable steps to prevent the conduct that led to the disqualification.

**[10] Part 4, Division 2, heading**

Insert “, **building consultancy licences**” after “**licences**”.

**[11] Clause 26A**

Insert after clause 26:

**26A Building consultancy licences**

- (1) The holder of a building consultancy licence must notify the Director-General in writing of the following particulars within 7 days of the specified events occurring and must provide any specified documents:
  - (a) if the holder starts to carry on business under a business name registered under the *Business Names Act 1962* or the *Business Names Act 2002*—the business name, the registration number of that name and the date of commencement of business under the name,
  - (b) if the holder notifies the Director-General of any change of particulars relating to a registered business name under which the holder carries on business or ceases to trade under such a name or if the registration of such a name expires and is not renewed—the date of notification of the change and the details notified, the date of ceasing to trade under that name or the date of expiry of the registration, as the case requires.
- (2) An individual who is the holder of a building consultancy licence must notify the Director-General in writing of the date and details of any change of name of the holder or of the address of the holder’s residence or principal place of business in New South Wales within 7 days of the specified events occurring.
- (3) A partnership that is the holder of a building consultancy licence must notify the Director-General in writing of the following particulars within 7 days of the specified events occurring:

## Home Building Amendment (Building Consultancy Work) Regulation 2003

## Schedule 1 Amendments

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- (a) the date and details of any change of name of the holder or of the address of the holder's principal place of business in New South Wales or of any individual partner's place of residence,
  - (b) if a corporation is a member of the partnership holding the licence—particulars of the events and details required by subclause (4) for each corporation that is such a member,
  - (c) if there is a change in the membership or in the name of a member of the partnership or the partnership is dissolved—the date and details of the change and the date of dissolution,
  - (d) if an employee of the partnership who is the holder of a building consultancy licence ceases to be an employee—the name of the employee and the date on which he or she ceased to be an employee.
- (4) A corporation that is the holder of a building consultancy licence must notify the Director-General in writing of the following particulars within 7 days of the specified events occurring:
- (a) the date and details of any change of name of the holder or of the address of the holder's registered office or principal place of business in New South Wales,
  - (b) if there is a change of director—particulars of the change including the name, date of birth and address of each new and former director,
  - (c) if an employee of the corporation who is the holder of a building consultancy licence ceases to be an employee—the name of the employee and the date on which he or she ceased to be an employee.
- (5) A corporation that is the holder of a building consultancy licence must, while the licence is in force, have at least one director or employee (*the nominated person*) who is the holder of a building consultancy licence.
- (6) A partnership that is the holder of a building consultancy licence must, while the licence is in force, have at least one partner or employee (*the nominated person*) who is the holder of a building consultancy licence.

Home Building Amendment (Building Consultancy Work) Regulation 2003

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**[12] Clauses 29 and 30**

Omit “a contractor licence or certificate” wherever occurring.

Insert instead “an authority”.

**[13] Clause 32 Duplicates**

Omit “a contractor licence or certificate” from clause 32 (1).

Insert instead “an authority”.

**[14] Clause 32 (2)**

Omit “a contractor licence, certificate or owner-builder permit”.

Insert instead “an authority”.

**[15] Clause 32 (3)**

Omit “contractor licence, certificate or owner-builder permit”.

Insert instead “authority”.

**[16] Clause 32 (4)**

Omit “contractor licence or certificate”. Insert instead “authority”.

**[17] Clause 34 Application fees**

Insert after clause 34 (3):

- (4) There is no prescribed fee for an application for the grant, renewal or restoration of a building consultancy licence if the applicant:
  - (a) is the holder of a contractor licence authorising the holder to do general building work, or
  - (b) is an architect within the meaning of the *Architects Act 1921*, or
  - (c) is an accredited certifier within the meaning of the *Environmental Planning and Assessment Act 1979*.



## Home Building Amendment (Building Consultancy Work) Regulation 2003

## Schedule 1 Amendments

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**[18] Clause 36B**

Insert after clause 36A:

**36B Category of building consultancy work**

For the purposes of section 32C (1) of the Act, the pre-purchase inspection of dwellings is prescribed as a category of building consultancy work.

**[19] Clause 58 Register**

Insert after clause 58 (a):

- (a1) *Building consultancy licences:*
- (i) name, date of birth and business address of building consultancy licence holder,
  - (ii) building consultancy licence number and description of work the building consultancy licence authorises the holder to contract to do,
  - (iii) date of issue and current expiry date,
  - (iv) conditions endorsed on the building consultancy licence, if any, and date of any alteration to the conditions,
  - (v) variations of the description of the work the building consultancy licence authorises the holder to contract to do,
  - (vi) if the holder is a partnership, the names, dates of birth and addresses of the members of the partnership,
  - (vii) if the holder is a corporation, the names, dates of birth and addresses of the directors of the corporation,
  - (viii) if the holder is a partnership or corporation, the name and licence number of the nominated person (as referred to in clause 26A (5) or (6)) of the partnership or corporation,
  - (ix) the results of any relevant determination under Part 4 of the Act,
  - (x) the results of any prosecution against the holder under the Act,
  - (xi) details of any penalty notices issued to the holder,

## Home Building Amendment (Building Consultancy Work) Regulation 2003

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- (xii) any instance of non-compliance with a Tribunal order to do work or to pay money,
  - (xiii) details of any public warnings issued regarding the holder under section 23 of the Act,
  - (xiv) details of any formal cautions issued to the holder regarding his, her or its conduct,
  - (xv) any cancellation or suspension of the building consultancy licence, whether made under the Act or any other Act.

**[20] Clause 63 Advertising**

Insert “or doing or contracting to do building consultancy work by the holder of a building consultancy licence,” after “licence,”.

**[21] Schedule 2 Application fees**

Insert after the matter relating to contractor licences:

**Building  
Consultancy Licence**

(Individual)	new application	1 year	\$471
	renewal application	1 year	\$315
	restoration application	1 year	\$508
(Partnership)	new application	1 year	\$786
	renewal application	1 year	\$357
	restoration application	1 year	\$552
(Corporation)	new application	1 year	\$943
	renewal application	1 year	\$471
	restoration application	1 year	\$678

**[22] Schedule 2**

Insert “**building consultancy licence,**” after “**contractor licence,**”.



New South Wales

# Home Building Amendment (Contracts) Regulation 2003

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

REBA PAIGE MEAGHER, M.P.,  
Minister for Fair Trading

## Explanatory note

The objects of this Regulation are as follows:

- (a) to exempt certain building contracts (including contracts between builders and between builders and developers or subcontractors) from the application of provisions conferring the right to rescind a building contract during a 5-day cooling off period and other provisions requiring consumer information to be given to persons entering building contracts,
- (b) to require certain building contracts to include a condition that variations must be in writing (replacing a requirement that those building contracts include a condition that makes any variations that are not in writing automatically ineffective),
- (c) to require certain building contracts to contain a checklist of matters of concern to a consumer, including an acknowledgement by a person contracting to have building work done that the checklist has been checked off,
- (d) to clarify obligations under building contracts to comply with statutory and other requirements and to enable liability to be limited in relation to designs and specifications provided by owners or required by owners.

This Regulation is made under the *Home Building Act 1989*, including sections 7AA, 7BA, 7E, 16DE and 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Contracts) Regulation 2003

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## **Home Building Amendment (Contracts) Regulation 2003**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Contracts) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 16 February 2004.

### **3 Amendment of Home Building Regulation 1997**

The *Home Building Regulation 1997* is amended as set out in Schedule 1.

Home Building Amendment (Contracts) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clauses 13C and 13D

Insert in appropriate order in Division 1 of Part 3:

#### **13C Exemptions relating to provision of consumer information**

Section 7AA (Consumer information) of the Act does not apply to the following classes of contract:

- (a) a contract referred to in clause 13,
- (b) a contract for residential building work entered into between the holder of a contractor licence and a developer who is taken under section 3A (1) of the Act to be a developer who does the work,
- (c) a contract for residential building work that is required to be completed urgently so as to rectify a hazard, or potential hazard, to the health or safety of persons or to prevent substantial damage to property.

#### **13D Exemptions relating to cooling-off periods in contracts**

Section 7BA (Cooling-off period: person may rescind a contract for residential building work within 5 days without penalty) of the Act does not apply to the following classes of contract:

- (a) a contract referred to in clause 13 (a) or (b),
- (b) a contract for residential building work entered into between the holder of a contractor licence and a developer who is taken under section 3A (1) of the Act to be a developer who does the work,
- (c) a contract for residential building work that is required to be completed urgently so as to rectify a hazard, or potential hazard, to the health or safety of persons or to prevent substantial damage to property,
- (d) a contract for residential building work that is supplied and prepared by or on behalf of the person who contracts with the holder of the contractor licence and not by or on behalf of the holder,

## Home Building Amendment (Contracts) Regulation 2003

## Schedule 1 Amendments

- 
- (e) a contract for residential building work for a contract price not exceeding \$12,000 or, if the contract price is not known, for the provision of labour and materials by the contractor the reasonable market cost of which does not exceed \$12,000.

**[2] Clause 68**

Insert after clause 67:

**68 Requirements for contracts for residential building work**

- (1) A contract between a person and the holder of a contractor licence for residential building work to be done by the holder must include a checklist in the form set out in Form 1 in Schedule 5.
- (2) This clause does not apply to a contract of a class referred to in clause 13B (a), (b), (c) or (d).

**[3] Schedule 3A Conditions to be included in certain contracts**

Omit “agreement” wherever occurring in clauses 1 (1), 2, 3 (1) and 4.

Insert instead “contract”.

**[4] Schedule 3A, clause 1 (2)**

Omit “agreement” where secondly, thirdly and fourthly occurring.

Insert instead “contract”.

**[5] Schedule 3A, clauses 1 (2) and 3 (2)**

Omit “does not have effect unless it is” wherever occurring.

Insert instead “must be”.

**[6] Schedule 3A, clause 2 (a)**

Insert “(to the extent required under the *Environmental Planning and Assessment Act 1979*, including any regulation or other instrument made under that Act)” after “*Building Code of Australia*”.

**[7] Schedule 3A, clause 2 (b)**

Insert “that the work is required to comply with under any law” after “specifications”.

Home Building Amendment (Contracts) Regulation 2003

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**[8] Schedule 3A, clause 2 (2)**

Insert at the end of clause 2:

- (2) Despite subclause (1), this contract may limit the liability of the contractor for a failure to comply with subclause (1) if the failure relates solely to:
  - (a) a design or specification prepared by or on behalf of the owner (but not by or on behalf of the contractor), or
  - (b) a design or specification required by the owner, if the contractor has advised the owner in writing that the design or specification contravenes subclause (1).

**[9] Schedule 3A, clause 3 (2)**

Omit “agreement” where secondly, thirdly and fourthly occurring.

Insert instead “contract”.

**[10] Schedule 3A, clause 4 (a)**

Insert “(to the extent required under the *Environmental Planning and Assessment Act 1979*, including any regulation or other instrument made under that Act)” after “*Building Code of Australia*”.

**[11] Schedule 3A, clause 4 (b)**

Insert “that the work is required to comply with under any law” after “specifications”.

**[12] Schedule 3A, clause 4 (2)**

Insert at the end of clause 4:

- (2) Despite subclause (1), this contract may limit the liability of the contractor for a failure to comply with subclause (1) if the failure relates solely to:
  - (a) a design or specification prepared by or on behalf of the owner (but not by or on behalf of the contractor), or
  - (b) a design or specification required by the owner, if the contractor has advised the owner in writing that the design or specification contravenes subclause (1).

## Home Building Amendment (Contracts) Regulation 2003

## Schedule 1 Amendments

**[13] Schedule 5**

Insert after Schedule 4:

**Schedule 5 Additional contract provisions**

(Clause 68 (1))

**Form 1 Checklist for owners entering building contracts****1 Checklist**

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| 1  | Does the contractor hold a current contractor licence?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2  | Does the licence cover the type of work included in the contract?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3  | Is the name and number on the contractor's licence the same as on the contract?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4  | Is the work to be undertaken covered in the contract, drawings or specification?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 5  | Is the contract price clearly stated?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 6  | If not, is there a warning that the contract price is not known?   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 7  | If the contract price may be varied, is there a warning and an explanation about how it may be varied?                               | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 8  | Are you aware of the cooling off provisions relating to the contract?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 9  | Is the deposit within the legal limit? The limit is 10% for work costing \$20,000 or less or 5% for work costing more than \$20,000. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 10 | Is the procedure for variations understood?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 11 | Are you aware of who is to obtain any council or other approval for the work?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |



## Home Building Amendment (Contracts) Regulation 2003

Amendments

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- 12 Do you understand that the contractor must have a policy of home warranty insurance under the *Home Building Act 1989* and provide you with a certificate of insurance before receiving any money under the contract (including a deposit) or before doing any work for more than \$12,000? Yes  No
- 13 Has the contractor given you a document that explains the operation of the *Home Building Act 1989* and the procedures for the resolution of contract and insurance disputes? Yes  No

**2 Signatures**

Do not sign this contract unless you have read and understand the clauses as well as the notes and explanations contained in this document.

If you have answered “no” to any question in the checklist, you may not be ready to sign the contract.

Both the contractor and the owner should retain an identical signed copy of this contract including the drawings, specifications and other attached documents. Make sure that you initial all attached documents and any amendments or deletions to the contract.

**3 Signed copy of contract**

Under the *Home Building Act 1989* a signed copy of the contract must be given to the owner within 5 working days after the contract is entered into.

**4 Home warranty insurance**

The contractor must provide the owner with a certificate of home warranty insurance (for work over \$12,000) before commencement of work and before demanding or receiving any payment.

**5 Owners acknowledgement**

I/we have been given a copy of the Consumer Building Brochure and I/we have read and understand it.

## Home Building Amendment (Contracts) Regulation 2003

Schedule 1      Amendments

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I/we have completed the check list and answered “**Yes**” to all items on it.

**Note.** Where the owner is a company or partnership or the contract is to be signed by an authorised agent of the owner, the capacity of the person signing the contract, eg director, must be inserted.

Signature

Name [*print*]

Capacity [*print*]

Signature

Name [*print*]

Capacity [*print*]



New South Wales

# Home Building Amendment (Insurance Exemptions) Regulation 2003

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 1997* to:

- (a) extend for a further 12 months (until December 2004) the period of the temporary exemption from the extension of insurance to all work done at an address specified in the building contract and insurance certificate concerned, and
- (b) exempt from insurance requirements under the *Home Building Act 1989* residential building work carried out on multi-storey buildings and land sold by developers on which residential building work for that purpose has been or is to be done.

This Regulation is made under the *Home Building Act 1989*, including section 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Insurance Exemptions) Regulation 2003

---

## **Home Building Amendment (Insurance Exemptions) Regulation 2003**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Insurance Exemptions) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 31 December 2003.

### **3 Amendment of Home Building Regulation 1997**

The *Home Building Regulation 1997* is amended as set out in Schedule 1.

Home Building Amendment (Insurance Exemptions) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] **Clause 57BB Temporary exemption from section 92B and 93B requirements**

Omit “at the end of December 2003” wherever occurring.

Insert instead “on 31 December 2004”.

### [2] **Clause 57BC**

Insert after clause 57BB:

#### **57BC Exemptions from insurance for multi-storey buildings**

- (1) A person who does, or enters into a contract to do, residential building work relating to the construction of a multi-storey building is exempt from the requirements of Part 6 of the Act in respect of that residential building work.
- (2) A developer who enters into a contract for the sale of land on which residential building work relating to the construction of a multi-storey building has been done, or is to be done, is exempt from the requirements of section 96A of the Act in relation to that residential building work.
- (3) This clause does not apply in respect of residential building work commenced before the commencement of this clause.
- (4) If a developer entered into a contract for the sale of land on which residential building work in relation to a multi-storey building was proposed to be carried out but was not commenced before the commencement of this clause and the developer complied with clause 66 in relation to that contract:
  - (a) the provisions of the contract complying with clause 66 (1) (b) (ii) and (iii) cease to have effect, and
  - (b) the developer must notify the purchaser of the land in writing that they no longer have effect and of the exemption from the requirements of Part 6 of the Act in relation to the residential building work conferred by this clause.

## Home Building Amendment (Insurance Exemptions) Regulation 2003

Schedule 1 Amendments

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(5) In this clause:

***multi-storey building*** means a building:

- (a) that has a rise in storeys of more than 3, and
- (b) that contains 2 or more separate dwellings.

***rise in storeys*** has the same meaning as it has in the *Building Code of Australia*.

***storey*** does not include a space within a building if the space includes accommodation only intended for vehicles.



New South Wales

## Liquor Amendment (Wharves) Regulation (No 2) 2003

under the

Liquor Act 1982

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

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

### Explanatory note

Section 35 (2) (a) of the *Liquor Act 1982* makes it an offence to sell or supply liquor to passengers on board a vessel while it is at its berth unless the vessel is at a wharf prescribed by the regulations and no persons other than passengers and crew are being allowed on board.

The object of this Regulation is to prescribe Wharves 5, 7 and 8, Darling Harbour as such wharves.

This Regulation is made under the *Liquor Act 1982*, including sections 35 (2) (a) and 156 (the general regulation-making power).

Clause 1           Liquor Amendment (Wharves) Regulation (No 2) 2003

---

## **Liquor Amendment (Wharves) Regulation (No 2) 2003**

under the

Liquor Act 1982

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Wharves) Regulation (No 2) 2003*.

### **2 Amendment of Liquor Regulation 1996**

The *Liquor Regulation 1996* is amended by inserting after clause 86E (b):

(b1) Wharves 5, 7 and 8, Darling Harbour,





New South Wales

# Meat Industry (Meat Industry Levy) Amendment Regulation 2003

under the

Meat Industry Act 1978

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Meat Industry Act 1978*.

IAN MICHAEL MACDONALD, M.L.C.,  
Minister for Agriculture and Fisheries

## Explanatory note

The object of this Regulation is to decrease the prescribed rate for the meat industry levy imposed under the *Meat Industry Act 1978*.

This Regulation is made under the *Meat Industry Act 1978*, including section 59A and section 77 (the general regulation-making power).

Clause 1 Meat Industry (Meat Industry Levy) Amendment Regulation 2003

---

## **Meat Industry (Meat Industry Levy) Amendment Regulation 2003**

under the

Meat Industry Act 1978

### **1 Name of Regulation**

This Regulation is the *Meat Industry (Meat Industry Levy) Amendment Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of Meat Industry (Meat Industry Levy) Regulation 1999**

The *Meat Industry (Meat Industry Levy) Regulation 1999* is amended by omitting the matter “1.2 cents” from clause 4 (2) and by inserting instead the matter “0.6 cents”.



New South Wales

# Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2003

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The object of this Regulation is to amend the *Occupational Health and Safety Regulation 2001* so as to allow WorkCover:

- (a) to accredit a person as an assessor for less than 3 years, and
- (b) to refuse an application for accreditation as an assessor for such reason as it considers sufficient, and
- (c) to require a person who holds a certificate of competency (whether or not it is suspended) to have his or her competency assessed and to cancel or suspend the certificate if the person refuses or fails to comply with that requirement.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including section 35 (1) (b) and (c) and section 33 (the general regulation-making power).

Clause 1 Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2003

---

## **Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2003**

under the

Occupational Health and Safety Act 2000

### **1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2003*.

### **2 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2003

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 284 Accreditation of assessors

Insert after clause 284 (2):

- (2A) WorkCover may accredit the applicant as an assessor or may refuse the application for such reason as it considers sufficient, even if it is satisfied that the applicant is competent to carry out the functions of an assessor under this Chapter.

### [2] Clause 286 Term of accreditation

Insert “, or such shorter time as is specified in the certificate of accreditation,” after “3 years” in clause 286 (1).

### [3] Clause 296 Suspension or cancellation of certificates

Insert after clause 296 (2):

- (2A) WorkCover may, at any time, cause written notice to be given to a person who is the holder of a certificate of competency, or whose certificate of competency is suspended, directing the person to have his or her competency assessed in accordance with the requirements set out in the notice.
- (2B) WorkCover may suspend or cancel the certificate of competency if the person refuses or fails to comply with the requirements set out in the notice.



New South Wales

# Occupational Health and Safety Amendment (Chrysotile Asbestos) Regulation 2003

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The objects of this Regulation are to phase in a prohibition on the use of chrysotile (otherwise known as white asbestos), subject to some specified exceptions, and to make consequential savings and other provisions. At present the use of chrysotile is restricted rather than prohibited. The prohibition is consistent with the *National Model Regulations for the Control of Workplace Hazardous Substances* of the National Occupational Health and Safety Commission (*the NOHSC*). The Regulation will also lower the exposure standard for chrysotile from 0.5 to 0.1 fibres per millilitre of air in accordance with recent changes to the *National Exposure Standards for Atmospheric Contaminants* made by the NOHSC.

This Regulation, which will commence on 31 December 2003, amends the *Occupational Health and Safety Regulation 2001* so as to:

- (a) set the new lower exposure standard for chrysotile referred to above, and
- (b) include chrysotile within the definition of *prohibited carcinogenic substance* (except in specified circumstances, such as when it is used for research or analysis) and remove it from the definition of *notifiable carcinogenic substance* for the purposes of Division 3 of Part 6.3 of Chapter 6 of that Regulation (which Division controls the supply of carcinogenic substances), and

Occupational Health and Safety Amendment (Chrysotile Asbestos) Regulation 2003

Explanatory note

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- (c) allow the lawful supply of chrysotile, and items containing chrysotile, for the purpose of research or analysis, in the course of its being removed and disposed of, if it is encountered in the course of non-asbestos mining and for display purposes, and
- (d) prohibit the use of chrysotile, and items containing chrysotile, except in the specified circumstances referred to above, and
- (e) allow chrysotile products installed and in use before 31 December 2003 to continue to be used as a saving measure, and
- (f) create certain exemptions which will allow specified products that contain chrysotile, such as certain asbestos fibre gaskets, vanes for rotary vacuum pumps, rotary compressors, seals and diaphragms and parts and components subject to exemptions under the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994* of the Commonwealth, to be lawfully used, but only for a specified limited time, and
- (g) make it clear that the present prohibitions on the supply and use of certain forms of asbestos extend to items that contain those forms of asbestos.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including sections 34 (a)–(d) and 33 (the general regulation-making power).

Occupational Health and Safety Amendment (Chrysotile Asbestos)  
Regulation 2003

Clause 1

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## **Occupational Health and Safety Amendment (Chrysotile Asbestos) Regulation 2003**

under the

Occupational Health and Safety Act 2000

### **1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Chrysotile Asbestos) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 31 December 2003.

### **3 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.



Occupational Health and Safety Amendment (Chrysotile Asbestos)  
Regulation 2003

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 4 Application of Regulation

Insert after clause 4 (3) (b):

- (b1) clauses 164 (Use of hazardous substances) and 345 (Proposed work in respect of which notice to WorkCover is required), but only to the extent those clauses relate to the handling or use of chrysotile (white asbestos),

### [2] Clause 51 Atmospheric contaminants—particular risk control measures

Omit “chrysotile or” from clause 51 (2) (a).

### [3] Clause 51 (2) (b)

Omit the paragraph.

### [4] Clause 158 Definitions

Omit “Chrysotile [12001-29-5] (white asbestos)—when used for the manufacture of asbestos products” from the definition of *notifiable carcinogenic substance*.

### [5] Clause 158, definition of “prohibited carcinogenic substance”

Insert in alphabetical order:

Chrysotile [12001-29-5] (white asbestos)—except when:

- (a) used for the purpose of research or analysis, or
- (b) being removed or disposed of, or being handled for storage or stored awaiting disposal, or
- (c) encountered during non-asbestos mining, or
- (d) comprising or included in an item being used for the purpose of a historical or educational display.

### [6] Clause 159 Supply of carcinogenic substances

Insert before clause 159 (1):

- (1AA) In this clause, a reference to a prohibited carcinogenic substance includes a reference to an item that contains any form of asbestos that is a prohibited carcinogenic substance.

Occupational Health and Safety Amendment (Chrysotile Asbestos)  
Regulation 2003

Amendments

Schedule 1

**[7] Clause 159 (1A) and (1B)**

Insert after clause 159 (1):

- (1A) In addition, supplying chrysotile (white asbestos) does not contravene subclause (1) if the only purpose of the supply is:
  - (a) so that it may be removed or disposed of, or
  - (b) so that it may be stored awaiting disposal, or
  - (c) so that it may be used for the purpose of a historical or educational display.
- (1B) Subclause (1) does not apply to a supply of chrysotile (white asbestos) encountered during non-asbestos mining.

**[8] Clause 164 Use of hazardous substances**

Insert before clause 164 (1):

- (1AA) In this clause, a reference to a hazardous substance includes a reference to an item that contains any form of asbestos that is a hazardous substance.

**[9] Clause 164 (1), Table**

Insert after the matter relating to arsenic or its compounds:

Asbestos in the form of chrysotile	All purposes, including the purpose of replacing an item including chrysotile with another item including chrysotile, but not for the purpose of: <ul style="list-style-type: none"> <li>(a) research or analysis, or</li> <li>(b) being removed or disposed of, or being handled for storage or stored awaiting disposal, or</li> <li>(c) a historical or educational display of an item consisting of or including chrysotile.</li> </ul>
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**[10] Clause 164 (1A)**

Insert after the Table to clause 164 (1):

- (1A) Subclause (1) does not apply to a use of chrysotile (white asbestos) encountered during non-asbestos mining.

Occupational Health and Safety Amendment (Chrysotile Asbestos)  
Regulation 2003

Schedule 1 Amendments

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**[11] Clause 362**

Insert after clause 361:

**362 Savings and transitional provisions**

Schedule 3 has effect.

**[12] Schedule 3**

Insert after Schedule 2:

**Schedule 3 Savings and transitional provisions**

(Clause 362)

**1 Savings relating to prohibition of chrysotile (white asbestos)**

Clauses 159 and 164 do not apply to the supply or use of a product containing chrysotile that was installed and in use before 31 December 2003.

**2 Transitional arrangements relating to prohibition of chrysotile (white asbestos)**

Clauses 159 and 164 do not apply, until the date specified, to the supply or use of the following items that contain chrysotile:

- (a) until 31 December 2004, compressed asbestos fibre gaskets used with saturated steam or superheated steam or with substances classified as dangerous goods under the *Dangerous Goods Act 1975*, including goods with corrosive, flammable, very toxic and toxic classifications,
- (b) despite paragraph (a), until 31 December 2006, compressed asbestos fibre gaskets used with chlorine in liquid chlorine service plants with designed process conditions of -45degrees Celsius and 1,500kPa pressure,
- (c) until 31 December 2007, any product consisting of a mixture of asbestos with phenol formaldehyde resin or with creylic formaldehyde resin used in:
  - (i) vanes for rotary vacuum pumps, or
  - (ii) vanes for rotary compressors, or

Occupational Health and Safety Amendment (Chrysotile Asbestos)  
Regulation 2003

Amendments

Schedule 1

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- (iii) split face seals of at least 150 millimetres diameter used to prevent leakage of water from cooling water pumps in fossil fuel electricity generating stations,
- (d) until 31 December 2006, diaphragms for use in electrolytic cells used for chlor-alkali manufacture in electrolysis plants in existence on 31 December 2003,
- (e) until 31 December 2007, or such earlier day on which the relevant exemption ceases to have effect, parts and components that are the subject of an exemption granted under Schedule 1B to the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994*.



New South Wales

# Public Sector Employment and Management (General) Amendment (RailCorp) Regulation 2003

under the

Public Sector Employment and Management Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Sector Employment and Management Act 2002*.

BOB CARR, M.P.,  
Premier

## Explanatory note

The object of this Regulation is to amend the *Public Sector Employment and Management (General) Regulation 1996* to prescribe Rail Corporation New South Wales (**RailCorp**) as a public sector service for the purposes of Division 2 of Part 3.2 of the *Public Sector Employment and Management Act 2002*. The effect of this is that employees of RailCorp who transfer to employment in another public sector service will retain their existing accumulated leave entitlements.

This Regulation is made under the *Public Sector Employment and Management Act 2002*, including sections 3 (1) and 164 (the general regulation-making power).

Clause 1            Public Sector Employment and Management (General) Amendment  
                         (RailCorp) Regulation 2003

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## **Public Sector Employment and Management (General) Amendment (RailCorp) Regulation 2003**

under the

Public Sector Employment and Management Act 2002

### **1 Name of Regulation**

This Regulation is the *Public Sector Employment and Management (General) Amendment (RailCorp) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of Public Sector Employment and Management (General) Regulation 1996**

The *Public Sector Employment and Management (General) Regulation 1996* is amended as set out in Schedule 1.

Public Sector Employment and Management (General) Amendment  
(RailCorp) Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 100AA Bodies prescribed as public sector services

Insert after clause 100AA (2):

- (3) For the purposes of paragraph (h) of the definition of *public sector service* in section 3 (1) of the Act, Rail Corporation New South Wales is prescribed, but only in relation to Division 2 of Part 3.2.



# Rural Lands Protection (General) Further Amendment (Rates) Regulation 2003

under the

Rural Lands Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Lands Protection Act 1998*.

IAN MICHAEL MACDONALD, M.L.C.,  
Minister for Agriculture and Fisheries

## Explanatory note

The object of this Regulation is to increase the minimum general and animal health rates for certain rural land protection districts.

This Regulation is made under the *Rural Lands Protection Act 1998*, including section 243 (the general power to make regulations) and section 62.



Clause 1 Rural Lands Protection (General) Further Amendment (Rates) Regulation  
2003

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## **Rural Lands Protection (General) Further Amendment (Rates) Regulation 2003**

under the

Rural Lands Protection Act 1998

### **1 Name of Regulation**

This Regulation is the *Rural Lands Protection (General) Further Amendment (Rates) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of Rural Lands Protection (General) Regulation 2001**

The *Rural Lands Protection (General) Regulation 2001* is amended as set out in Schedule 1.

Rural Lands Protection (General) Further Amendment (Rates) Regulation  
2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 5

Omit the Schedule. Insert instead:

### Schedule 5 Minimum general and animal health rates

(Clause 8)

	Column 1	Column 2
Board	Minimum general rate (\$)	Minimum animal health rate (\$)
Armidale	30.87	19.85
Balranald	10.80	5.90
Bombala	42.76	25.45
Bourke	0.00	0.00
Braidwood	55.04	24.36
Brewarrina	27.05	10.80
Broken Hill	20.00	2.20
Casino	32.07	25.36
Central Tablelands	42.27	26.81
Cobar	0.00	0.00
Condobolin	22.97	17.20
Cooma	58.45	25.08
Coonabarabran	32.20	21.47
Coonamble	21.65	7.60

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Page 3

Rural Lands Protection (General) Further Amendment (Rates) Regulation  
2003

Schedule 1 Amendment

	<b>Column 1</b>	<b>Column 2</b>
<b>Board</b>	<b>Minimum general rate (\$)</b>	<b>Minimum animal health rate (\$)</b>
Dubbo	30.15	12.53
Forbes	36.72	32.05
Gloucester	28.73	18.90
Goulburn	43.16	35.48
Grafton	35.50	23.50
Gundagai	30.80	20.70
Hay	12.10	12.10
Hillston	32.45	10.80
Hume	37.57	26.83
Hunter	38.70	21.84
Kempsey	40.33	29.39
Maitland	36.00	15.60
Milparinka	0.00	0.00
Molong	30.05	17.45
Moree	37.85	16.20
Moss Vale	46.85	29.00
Mudgee–Merriwa	41.00	20.50
Murray	10.80	4.35
Narrabri	38.58	27.55

Rural Lands Protection (General) Further Amendment (Rates) Regulation  
2003

Amendment

Schedule 1

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	<b>Column 1</b>	<b>Column 2</b>
<b>Board</b>	<b>Minimum general rate (\$)</b>	<b>Minimum animal health rate (\$)</b>
Narrandera	30.00	12.00
Northern New England	35.62	21.58
Northern Slopes	44.55	25.70
Nyngan	27.83	21.22
Riverina	26.00	15.60
South Coast	63.94	28.44
Tamworth	34.40	9.59
Tweed–Lismore	34.00	25.75
Wagga Wagga	31.45	35.30
Walgett	18.40	8.65
Wanaaring	0.00	0.00
Wentworth	11.15	4.28
Wilcannia	31.80	21.00
Yass	38.52	38.51
Young	28.86	28.86

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New South Wales

## Security Industry Amendment (Licence Conditions) Regulation 2003

under the

Security Industry Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Security Industry Act 1997*.

JOHN WATKINS, M.P.,  
Minister for Police

### Explanatory note

The object of this Regulation is to amend the *Security Industry Regulation 1998* to allow the Commissioner of Police to require any person who currently holds a licence under the *Security Industry Act 1997* and was not required to have his or her fingerprints taken at the time of applying for the licence, to consent to having his or her fingerprints taken.

This Regulation is made under the *Security Industry Act 1997*, including sections 21 (3) and 48 (the general regulation-making power).

Clause 1 Security Industry Amendment (Licence Conditions) Regulation 2003

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## **Security Industry Amendment (Licence Conditions) Regulation 2003**

under the

Security Industry Act 1997

### **1 Name of Regulation**

This Regulation is the *Security Industry Amendment (Licence Conditions) Regulation 2003*.

### **2 Amendment of Security Industry Regulation 1998**

The *Security Industry Regulation 1998* is amended as set out in Schedule 1.

Security Industry Amendment (Licence Conditions) Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Clause 20A

Insert after clause 20:

#### 20A Special licence conditions—fingerprints

- (1) For the purpose of section 21 (3) of the Act, it is a condition of a licence that the licensee must, at the Commissioner's request, consent to having his or her fingerprints taken by an authorised officer (within the meaning of section 18 of the Act) in order to confirm the licensee's identity.
- (2) Subclause (1) does not apply to a licensee who has, in accordance with a requirement under section 18 of the Act, consented to having his or her fingerprints taken.
- (3) Any fingerprint obtained in accordance with this clause may be used by the Commissioner for any purpose as the Commissioner sees fit.
- (4) A person who formerly held a licence, but is not currently a licensee, may apply to the Commissioner to have his or her fingerprints and any copies of them destroyed.
- (5) The Commissioner may grant or refuse the application as the Commissioner sees fit.



# State Owned Corporations Regulation 2003

under the

State Owned Corporations Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Owned Corporations Act 1989*.

BOB CARR, M.P.,  
Premier

## Explanatory note

The object of this Regulation is to make provision with respect to the employment of officers of Rail Corporation New South Wales, including:

- (a) enabling promotion appeals and disciplinary appeals to be made by officers to Transport Appeal Boards, and
- (b) providing for disciplinary matters concerning officers, including conferring power to suspend officers subject to disciplinary proceedings.

This Regulation is made under the *State Owned Corporations Act 1989*, including sections 20M and 38 (the general regulation-making power).



State Owned Corporations Regulation 2003

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State Owned Corporations Regulation 2003

Clause 1

Preliminary

Part 1

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## **State Owned Corporations Regulation 2003**

under the

State Owned Corporations Act 1989

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *State Owned Corporations Regulation 2003*.

#### **2 Commencement**

This Regulation commences on 1 January 2004.

#### **3 Definitions**

(1) In this Regulation:

*RailCorp officer* includes an employee of RailCorp, but does not include a casual or temporary employee.

*Transport Appeal Board* means a Transport Appeal Board constituted under the *Transport Appeal Boards Act 1980*.

(2) Words and expressions used in this Regulation have the same meanings as they have in the *Transport Administration Act 1988*.

Clause 4 State Owned Corporations Regulation 2003

Part 2 Disciplinary proceedings

---

## **Part 2 Disciplinary proceedings**

### **4 Punishments in disciplinary proceedings**

- (1) RailCorp may impose any one or more of the following punishments in disciplinary proceedings against a RailCorp officer:
  - (a) a caution or reprimand,
  - (b) a fine of an amount not exceeding \$100,
  - (c) reduction in position, rank or grade and pay,
  - (d) suspension from duty without pay,
  - (e) dismissal.
- (2) Instead of dismissing a RailCorp officer, RailCorp may allow the officer to resign.
- (3) This Part must not be construed as requiring the taking of disciplinary proceedings in order that RailCorp may dispense with the services of a RailCorp officer or other employee of RailCorp.
- (4) Nothing in this clause limits any other action that may be taken under any other law by RailCorp in respect of an officer in disciplinary proceedings.

### **5 Suspension of officer pending disciplinary proceedings**

- (1) A RailCorp officer may be temporarily suspended from duty:
  - (a) by RailCorp, or
  - (b) by any other RailCorp officer who is senior in position, rank or grade,pending the institution or determination of disciplinary proceedings against the officer.
- (2) RailCorp may at any time terminate any such suspension.
- (3) RailCorp may withhold the payment of salary to a RailCorp officer suspended from duty.

### **6 RailCorp officers convicted of serious offences**

- (1) RailCorp may take disciplinary proceedings against a RailCorp officer who is convicted of a serious criminal offence.

State Owned Corporations Regulation 2003

Clause 7

Disciplinary proceedings

Part 2

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- (2) For the purposes of this clause, *serious criminal offence* means an offence committed in New South Wales that is punishable by imprisonment for 6 months or more or an offence committed elsewhere that, if it had been committed in New South Wales, would be an offence so punishable.

#### **7 Procedure in disciplinary proceedings**

- (1) A RailCorp officer who is subject to disciplinary proceedings is entitled to be notified in writing by RailCorp of the particulars of the alleged behaviour giving rise to the proceedings.
- (2) A formal hearing is not required to be held before the person or body investigating the alleged behaviour, but the RailCorp officer the subject of the proceedings may make representations to that person or body.

Clause 8 State Owned Corporations Regulation 2003

Part 3 Appeals to Transport Appeal Boards

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## Part 3 Appeals to Transport Appeal Boards

### 8 Promotion appeals

- (1) For the purposes of this clause, an appointment to a position is *subject to appeal* if:
  - (a) the appointment is to a RailCorp officer's position with a maximum salary that is below the minimum salary for the position of senior officer, class 1, and
  - (b) the vacancy in the position was advertised.
- (2) A RailCorp officer may appeal to a Transport Appeal Board against the appointment of a RailCorp officer to a position that is subject to appeal.
- (3) An appeal may be lodged only by a RailCorp officer who was an unsuccessful applicant for the vacant position.
- (4) The *Transport Appeal Boards Act 1980* applies to an appeal under this clause in the same way that it applies to a promotion appeal under the *Transport Administration (Staff) Regulation 2000*.
- (5) Despite subclause (1), a decision to appoint:
  - (a) a RailCorp officer to a position that was not advertised, or
  - (b) a person who is not a RailCorp officer to any position,is not subject to appeal to a Transport Appeal Board.
- (6) The only ground on which a RailCorp officer may, under this clause, appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the officer selected.

### 9 Disciplinary appeals

- (1) A RailCorp officer may appeal to a Transport Appeal Board against:
  - (a) a decision of RailCorp to impose a punishment referred to in clause 4 (1) (b)–(e), or
  - (b) a decision to suspend the officer temporarily under clause 5.
- (2) The *Transport Appeal Boards Act 1980* applies to an appeal under this clause in the same way that it applies to a disciplinary appeal under the *Transport Administration (Staff) Regulation 2000*.

State Owned Corporations Regulation 2003

Clause 10

Appeals to Transport Appeal Boards

Part 3

---

#### **10 No other appeals to Transport Appeal Boards**

An appeal does not lie to a Transport Appeal Board against any decision of RailCorp or a RailCorp officer or other employee of RailCorp unless a right to make the appeal is expressly conferred by this Part.



New South Wales

# Transport Administration (General) Amendment (RailCorp) Regulation 2003

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Transport Administration Act 1988*.

MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

## Explanatory note

The object of this Regulation is to replace references in the *Transport Administration (General) Regulation 2000* to the State Rail Authority with references to Rail Corporation New South Wales (**RailCorp**), as a consequence of the conferral of State Rail Authority functions on RailCorp. The Regulation also makes other consequential amendments.

This Regulation is made under the *Transport Administration Act 1988*, including sections 91 and 119 (the general regulation-making power).

Clause 1            Transport Administration (General) Amendment (RailCorp) Regulation 2003

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## **Transport Administration (General) Amendment (RailCorp) Regulation 2003**

under the

Transport Administration Act 1988

### **1 Name of Regulation**

This Regulation is the *Transport Administration (General) Amendment (RailCorp) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of Transport Administration (General) Regulation 2000**

The *Transport Administration (General) Regulation 2000* is amended as set out in Schedule 1.



Transport Administration (General) Amendment (RailCorp) Regulation 2003

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Omit paragraph (a) of the definition of *relevant Authority*. Insert instead:

(a) RailCorp, in relation to RailCorp land, or

### [2] Clause 3

Insert in alphabetical order:

*RailCorp land* means land vested in RailCorp.

### [3] Clause 3

Omit the definitions of *SRA* and *SRA land*.

### [4] Clause 3, definition of “traffic control device”

Omit “SRA” from paragraph (b). Insert instead “RailCorp”.

### [5] Clause 3, definition of “traffic control officer”

Omit “SRA, in relation to SRA land” from paragraph (c).

Insert instead “RailCorp, in relation to RailCorp land”.

### [6] Clause 6 Powers of traffic control officers and duties of drivers

Omit “SRA” wherever occurring in clause 6 (1) and (2).

Insert instead “RailCorp”.

### [7] Clause 7 Parking of vehicles only in parking areas

Omit “SRA” from clause 7 (1). Insert instead “RailCorp”.

### [8] Clause 8 Parking contrary to traffic control devices

Omit “SRA” from clause 8 (1). Insert instead “RailCorp”.

### [9] Clause 9 False representation

Omit “SRA” wherever occurring. Insert instead “RailCorp”.

### [10] Clause 17 Short descriptions

Omit the clause.

Transport Administration (General) Amendment (RailCorp) Regulation 2003

Schedule 1 Amendments

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**[11] Clause 24 Interpretation of references to SRA in certain environmental planning instruments**

Omit “Chief Executive of Rail Access Corporation or a nominee of the Chief Executive of Rail Access Corporation”.

Insert instead “chief executive officer of RailCorp or a nominee of the chief executive officer of RailCorp”.

**[12] Clause 24 (2)**

Omit “Rail Access Corporation”. Insert instead “RailCorp”.

**[13] Schedule 1 Penalty notice offences**

Omit Columns 2 and 3 of Parts 1 and 2, respectively.



New South Wales

# Weapons Prohibition Amendment (Tyre Deflation Devices) Regulation 2003

under the

Weapons Prohibition Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Weapons Prohibition Act 1998*.

JOHN WATKINS, M.P.,  
Minister for Police

## Explanatory note

The object of this Regulation is to add tyre deflation devices to the list of prohibited weapons in Schedule 1 to the *Weapons Prohibition Act 1998*.

This Regulation is made under the *Weapons Prohibition Act 1998*, including section 5 (Amendment of Schedule 1) and section 50 (the general regulation-making power).

Clause 1            Weapons Prohibition Amendment (Tyre Deflation Devices) Regulation 2003

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## **Weapons Prohibition Amendment (Tyre Deflation Devices) Regulation 2003**

under the

Weapons Prohibition Act 1998

### **1 Name of Regulation**

This Regulation is the *Weapons Prohibition Amendment (Tyre Deflation Devices) Regulation 2003*.

### **2 Amendment of Weapons Prohibition Act 1998 No 127**

Schedule 1 (Prohibited weapons) to the *Weapons Prohibition Act 1998* is amended by inserting after clause 4 (5) the following subclause:

- (6) Any portable **tyre deflation device**, or any other similar portable device, that is designed to puncture, or that has been adapted for the purposes of puncturing, the tyres of a motor vehicle when driven over the device.



New South Wales

# Workers Compensation Amendment (Compensation Court) Regulation 2003

under the

Workers Compensation Act 1987

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

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The object of this Regulation is to make certain amendments to the *Workers Compensation Regulation 2003* (**the Regulation**) that are consequential on the commencement, on 1 January 2004, of so much of the *Compensation Court Repeal Act 2002* as is currently uncommenced. That Act abolishes the Compensation Court and transfers proceedings instituted and pending in that Court immediately before the abolition to the following:

- (a) in the case of proceedings concerning any matter arising under the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998* (except for certain proceedings relating to coal miners and proceedings exempted from that transfer by the regulations)—the Workers Compensation Commission,
- (b) in the case of all other proceedings (including those exempted from the transfer to the Workers Compensation Commission)—the District Court.

The amendments made by this Regulation:

- (a) replace references to the Compensation Court in the Regulation with references to the Workers Compensation Commission or the District Court (as appropriate), and
- (b) omit from the Regulation matter that is rendered redundant by the abolition of the Compensation Court, and
- (c) make consequential amendments.

Workers Compensation Amendment (Compensation Court) Regulation 2003

Explanatory note

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This Regulation also inserts a new provision (in place of the superseded clause 226) to provide that existing claims in respect of which proceedings instituted in the Compensation Court were pending on 31 December 2003 are to be treated as new claims for the purposes of the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*.

This Regulation is made under the *Workers Compensation Act 1987*, including clause 5 of Part 18C of Schedule 6 (the power to make regulations requiring a class or classes of existing claims under the Act to be treated as new claims).

Workers Compensation Amendment (Compensation Court) Regulation  
2003

Clause 1

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## **Workers Compensation Amendment (Compensation Court) Regulation 2003**

under the

Workers Compensation Act 1987

### **1 Name of Regulation**

This Regulation is the *Workers Compensation Amendment (Compensation Court) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 January 2004.

### **3 Amendment of Workers Compensation Regulation 2003**

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

Workers Compensation Amendment (Compensation Court) Regulation  
2003

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 15 Notice of intention to discontinue or reduce weekly payments**

Omit clause 15 (1) (e) (i). Insert instead:

- (i) in the case of a dispute about a coal miner matter, the worker may apply to the District Court for determination of the dispute, or

**[2] Clause 15 (1) (e) (ii)**

Insert “(other than a coal miner matter)” after “a claim”.

**[3] Clauses 15 (1) (f), 25 (4), 30 (including the heading to clause 30), 42 and 197 (c)**

Omit “Compensation Court” wherever occurring.

Insert instead “District Court”.

**[4] Clause 34 Notice of dispute about liability**

Omit clause 34 (1) (d). Insert instead:

- (d) include a statement to the effect that the claimant may refer the dispute to the Registrar for determination by the Commission, and

**[5] Clause 41 Application to refer matter to medical referee or panel etc**

Omit clause 41 (2). Insert instead:

- (2) This clause applies only in respect of the following:
  - (a) existing claims, and existing claim matters, within the meaning of Chapter 7 of the 1998 Act,
  - (b) coal miner matters.

**[6] Clause 197 Uninsured Liability and Indemnity Scheme—  
modification of provisions of the Act**

Omit “the Compensation Court or” from clause 197 (f).



Workers Compensation Amendment (Compensation Court) Regulation  
2003

Amendments

Schedule 1

---

**[7] Clause 226**

Omit the clause. Insert instead:

**226 Transfer of existing claims pending in Compensation Court on abolition of that Court**

- (1) On and from 1 January 2004, each existing claim in respect of which proceedings instituted in the Compensation Court were pending on 31 December 2003 is to be treated as a new claim for the purposes of the Workers Compensation Acts (under clause 5 of Part 18C of Schedule 6 to the 1987 Act).
- (2) Subclause (1) does not apply to a claim in respect of which the relevant proceedings are exempted from transfer to the Commission by operation of the *Compensation Court Repeal (Transitional) Regulation 2003*.

**Note.** This clause does not apply in respect of coal miner claims. See clause 3 of Part 18 of Schedule 6 to the *Workers Compensation Act 1987*.

**[8] Clause 232 Definitions**

Omit the definition of *Compensation Court conciliator*.

**[9] Clauses 233 and 234**

Omit the clauses.



## Young Offenders Amendment Regulation 2003

under the

Young Offenders Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Young Offenders Act 1997*.

BOB DEBUS, M.P.,  
Attorney General

### Explanatory note

The object of this Regulation is to amend the *Young Offenders Regulation 1997* under the *Young Offenders Act 1997* so as:

- (a) to enable the Community Relations Commission to be represented on the Youth Justice Advisory Committee established under that Act, and
- (b) to enable an outcome plan under that Act to require a child who admits to an offence involving the lighting of a bush fire, or the destruction or damage of property by means of fire, to attend the screening of a film or video as to the effects of fire (as an alternative to attending the burns unit of a hospital).

This Regulation is made under the *Young Offenders Act 1997*, including section 73 (the general power to make regulations) and sections 52 and 70.

Clause 1          Young Offenders Amendment Regulation 2003

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## **Young Offenders Amendment Regulation 2003**

under the

Young Offenders Act 1997

### **1 Name of Regulation**

This Regulation is the *Young Offenders Amendment Regulation 2003*.

### **2 Amendment of Young Offenders Regulation 1997**

The *Young Offenders Regulation 1997* is amended as set out in Schedule 1.

Young Offenders Amendment Regulation 2003

Amendments

Schedule 1

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## **Schedule 1 Amendments**

(Clause 2)

### **[1] Clause 5 Appointment of members**

Insert after clause 5 (e):

- (f) the Chairperson of the Community Relations Commission or a nominee of the Chairperson.

### **[2] Clause 19A Outcome plans for bush fire/arson juvenile offenders**

Omit clause 19A (2) (a). Insert instead:

- (a) attendance by the child:
  - (i) at a burns unit or ward of a hospital that agrees to participate in the youth justice conference scheme, or
  - (ii) at a screening of a film or video designed to provide education as to the harmful effects of fire,

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# Rules

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## Corporations Law Amendment (No 3) Rules 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 11 December 2003.

Steven Jupp

Secretary of the Rule Committee

### Explanatory note

The objects of these Rules are:

- (a) to replace references in the *Corporations Law Rules* to the *Corporations Law* and the *ASIC Law* with references to the *Corporations Act 2001* and the *Australian Securities and Investments Commission Act 2001* of the Commonwealth respectively (the ***federal corporations legislation***), and
- (b) to rename the *Corporations Law Rules* as the *Supreme Court (Corporations) Rules 1999*, and
- (c) to make other amendments to promote uniformity with the rules of court of the Federal Court and the Supreme Courts of the other States and the Territories concerning the federal corporations legislation.

Rule 1 Corporations Law Amendment (No 3) Rules 2003

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## **Corporations Law Amendment (No 3) Rules 2003**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Corporations Law Amendment (No 3) Rules 2003*.

### **2 Commencement**

These Rules commence on 1 January 2004.

### **3 Amendment of Corporations Law Rules**

The *Corporations Law Rules* are amended as set out in Schedule 1.

Corporations Law Amendment (No 3) Rules 2003

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Rule 2)

### [1] Rule 1.1

Omit “*Corporations Law Rules*”.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

### [2] Rule 1.3

Omit “*Corporations Law, or the ASIC Law*” wherever occurring.

Insert instead “Corporations Act, or the ASIC Act”.

### [3] Rule 1.3

Omit the note to the rule. Insert instead:

**Note.** By virtue of the definition of *this Act* in section 9 of the Corporations Act, a reference to the Corporations Act includes a reference to the Corporations Regulations.

### [4] Rule 1.4

Omit “**Corporations Law**” from the heading to the rule.

Insert instead “**Corporations Act**”.

### [5] Rule 1.4

Omit “*Corporations Law*” wherever occurring in the rule and in the note to the rule.

Insert instead “Corporations Act”.

### [6] Rule 1.5

Insert after the definition of *applicant*:

*ASIC Act* means the *Australian Securities and Investments Commission Act 2001* of the Commonwealth.

*Corporations Act* means the *Corporations Act 2001* of the Commonwealth.

*Corporations Regulations* means the *Corporations Regulations 2001* of the Commonwealth.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

---

**[7] Rule 1.5**

Omit “the Law or the *ASIC Law*” wherever occurring in the definitions of *defendant* and *plaintiff*.

Insert instead “the Corporations Act or the ASIC Act”.

**[8] Rule 1.5**

Omit the definition of *the Law*.

**[9] Rule 1.8**

Omit “*Corporations Law*, the *ASIC Law*” from rule 1.8 (a).

Insert instead “Corporations Act, the ASIC Act”.

**[10] Rule 1.10**

Omit “*Corporations Law*, the *ASIC Law*”.

Insert instead “Corporations Act, the ASIC Act”.

**[11] Rule 2.2**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[12] Rule 2.2**

Omit “*ASIC Law*” wherever occurring. Insert instead “ASIC Act”.

**[13] Rule 2.2**

Omit “*Corporations Regulations*” wherever occurring.

Insert instead “Corporations Regulations”.

**[14] Rule 2.2 (4)**

Insert at the end of the subrule:

**Note.** In an application for winding up in insolvency on the ground that the company has failed to comply with a statutory demand, the applicant should consider completing Part C of Form 2 as shown in Schedule 2 (Notes to these Rules).



Corporations Law Amendment (No 3) Rules 2003

Amendments

Schedule 1

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**[15] Rule 2.4**

Insert at the end of rule 2.4 (2):

**Note.** An example of the affidavit in support of an application for winding up in insolvency for failure to comply with a statutory demand is shown in Schedule 2 (Notes to these Rules).

**[16] Rule 2.4A**

Omit the heading to the rule. Insert instead:

**2.4A Application for order setting aside statutory demand  
(Corporations Act s 459G)**

**[17] Rule 2.4A**

Omit “the Law” from rule 2.4A (1). Insert instead “the Corporations Act”.

**[18] Rule 2.8**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[19] Rule 2.9**

Omit “(s 465C of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 465C)”.

**[20] Rule 2.9**

Omit “the Law” from the rule and the note to the rule wherever occurring.

Insert instead “the Corporations Act”.

**[21] Rule 2.10**

Omit “(s 1330 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 1330)”.

**[22] Rule 2.11**

Omit “the Law” wherever occurring in the note to the rule.

Insert instead “the Corporations Act”.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

- 
- [23] Rule 2.15**  
Omit “the Law”. Insert instead “the Corporations Act”.
- [24] Rule 2.15**  
Omit “the *Corporations Regulations*”.  
Insert instead “the Corporations Regulations”.
- [25] Rule 3.2**  
Omit “the Law” wherever occurring.  
Insert instead “the Corporations Act”.
- [26] Rule 3.3**  
Omit “the Law” wherever occurring.  
Insert instead “the Corporations Act”.
- [27] Rule 3.4**  
Omit “(s 411 (4), s 413 (1) of the Law)” from the heading to the rule.  
Insert instead “(Corporations Act s 411 (4), s 413 (1))”.
- [28] Rule 3.4**  
Omit “the Law” from rule 3.4 (1) wherever occurring.  
Insert instead “the Corporations Act”.
- [29] Rule 3.5**  
Omit “the Law”. Insert instead “the Corporations Act”.
- [30] Division 4**  
Omit “(Part 5.2 of the Law)” from the heading to the Division.  
Insert instead “(Corporations Act Part 5.2)”.
- [31] Rule 4.1**  
Omit “(s 423 of the Law)” from the heading to the rule.  
Insert instead “(Corporations Act s 423)”.

Corporations Law Amendment (No 3) Rules 2003

Amendments

Schedule 1

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**[32] Rule 4.1**

Omit “the Law”. Insert instead “the Corporations Act”.

**[33] Rule 5.1**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[34] Rule 5.2**

Omit “(s 459E (3) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 459E (3))”.

**[35] Rule 5.2**

Omit “the Law”. Insert instead “the Corporations Act”.

**[36] Rule 5.3**

Omit “(s 459P (2) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 459P (2))”.

**[37] Rule 5.4**

Omit “(s 459P, s 462, s 464 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 459P, s 462, s 464)”.

**[38] Rule 5.4 (2)**

Insert at the end of the subrule:

**Note.** An example of the affidavit in support of an application for winding up in insolvency for failure to comply with a statutory demand is shown in Schedule 2 (Notes to these Rules).

**[39] Rule 5.4**

Omit “the Law” from rule 5.4 (3).

Insert instead “the Corporations Act”.

**[40] Rule 5.5**

Omit “(s 532 (9) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 532 (9))”.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

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**[41] Rule 5.5**

Omit “the Law” from rule 5.5 (2).

Insert instead “the Corporations Act”.

**[42] Rule 5.6**

Omit rule 5.6 (2) (b). Insert instead:

(b) published:

- (i) in accordance with rule 2.11 at least 7 days before the date fixed for the hearing of the application, or
- (ii) as otherwise directed by the Court.

**[43] Rule 5.9**

Omit “the Law” from rule 5.9 (b). Insert instead “the Corporations Act”.

**[44] Rule 5.10**

Omit “(s 465B of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 465B)”.

**[45] Rule 5.10**

Omit “the Law” from rule 5.10 (1).

Insert instead “the Corporations Act”.

**[46] Division 6**

Omit “(Part 5.4B of the Law)” from the heading to the Division.

Insert instead “(Corporations Act Part 5.4B)”.

**[47] Rule 6.1**

Omit “(s 472 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 472)”.

**[48] Rule 6.1**

Omit “the Law” from rule 6.1 (1).

Insert instead “the Corporations Act”.

Corporations Law Amendment (No 3) Rules 2003

Amendments

Schedule 1

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**[49] Rule 7.1**

Omit “(s 473 (1) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 473 (1))”.

**[50] Rule 7.2**

Omit “(s 473 (7), s 502 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 473 (7), s 502)”.

**[51] Rule 7.3**

Omit “(s 475 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 475)”.

**[52] Rule 7.3**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[53] Rule 7.4**

Omit “(s 478 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 478)”.

**[54] Rule 7.5**

Omit “(s 480 (c) and (d) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 480 (c) and (d))”.

**[55] Rule 7.5**

Omit “the Law” from the rule and the note to rule 7.5 (2) wherever occurring.

Insert instead “the Corporations Act”.

**[56] Rule 7.7**

Omit “(s 481 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 481)”.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

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**[57] Rule 7.7**

Omit “the Law” from rule 7.7 (1).

Insert instead “the Corporations Act”.

**[58] Rule 7.7**

Omit “*Corporations Law*” from rule 7.7 (2) (a).

Insert instead “*Corporations Act 2001*”.

**[59] Rule 7.8**

Omit “(s 483 (3) (b) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 483 (3) (b))”.

**[60] Rule 7.8**

Omit “the Law”. Insert instead “the Corporations Act”.

**[61] Rule 7.9**

Omit “(s 488 (2) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 488 (2))”.

**[62] Rule 7.10**

Omit “(s 488 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 488)”.

**[63] Rule 7.10**

Omit “*Corporations Law*”. Insert instead “Corporations Act”.

**[64] Rule 7.10**

Omit “*Corporations Regulations*”.

Insert instead “Corporations Regulations”.

**[65] Rule 7.10**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

Corporations Law Amendment (No 3) Rules 2003

Amendments

Schedule 1

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**[66] Rule 7.11**

Omit “(s 536 (1) and (2) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 536 (1) and (2))”.

**[67] Rule 7.11**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[68] Division 8**

Omit “(Part 5.4B of the Law)” from the heading to the Division.

Insert instead “(Corporations Act Part 5.4B)”.

**[69] Rule 8.1**

Omit “(s 484 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 484)”.

**[70] Rule 8.2**

Omit “(s 484 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 484)”.

**[71] Rule 8.3**

Omit “(s 484 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 484)”.

**[72] Rule 9.1**

Omit “(s 425 (1) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 425 (1))”.

**[73] Rule 9.1**

Omit “the Law” from rule 9.1 (1) and the note to the subrule.

Insert instead “the Corporations Act”.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

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**[74] Rule 9.2**

Omit “(s 449E (1) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 449E (1))”.

**[75] Rule 9.2**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[76] Rule 9.3**

Omit “(s 473 (2) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 473 (2))”.

**[77] Rule 9.3**

Omit “the Law” from rule 9.3 (1).

Insert instead “the Corporations Act”.

**[78] Rule 9.4**

Omit “(s 473 (3) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 473 (3))”.

**[79] Rule 9.4**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[80] Rule 9.5**

Omit “(s 484 (2) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 484 (2))”.

**[81] Rule 9.5**

Omit “the Law” from rule 9.5 (1).

Insert instead “the Corporations Act”.



Corporations Law Amendment (No 3) Rules 2003

Amendments

Schedule 1

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**[82] Rule 10.1**

Omit “(s 554A (2) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 554A (2))”.

**[83] Rule 10.1**

Omit “the Law”. Insert instead “the Corporations Act”.

**[84] Rule 10.2**

Omit “(s 568 (1A) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 568 (1A))”.

**[85] Rule 10.2**

Omit “the Law” from rule 10.2 (1).

Insert instead “the Corporations Act”.

**[86] Rule 10.3**

Omit the heading to the rule.

Insert instead:

**10.3 Winding up Part 5.7 bodies (Corporations Act s 583, s 585) and registered schemes (Corporations Act s 601ND)**

**[87] Division 11**

Omit “(Part 5.9, Divisions 1 and 2 of the Law)” from the heading to the Division.

Insert instead “(Corporations Act Part 5.9, Divisions 1 and 2)”.

**[88] Rule 11.1**

Omit “the Law” from the definition of *examination summons*.

Insert instead “the Corporations Act”.

**[89] Rule 11.2**

Omit “Law” from the heading to the rule.

Insert instead “Corporations Act”.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

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**[90] Rule 11.2**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[91] Rule 11.3**

Omit “(s 596A, s 596B of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 596A, s 596B)”.

**[92] Rule 11.3**

Omit “*Corporations Law*” from rule 11.3 (4) wherever occurring.

Insert instead “*Corporations Act 2001*”.

**[93] Rule 11.6**

Omit “(s 597 (13) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 597 (13))”.

**[94] Rule 11.6**

Omit “the Law”. Insert instead “the Corporations Act”.

**[95] Rule 11.7**

Omit “(s 597 (14) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 597 (14))”.

**[96] Rule 11.7**

Omit “the Law”. Insert instead “the Corporations Act”.

**[97] Rule 11.8**

Omit “**Law**” from the heading to the rule.

Insert instead “**Corporations Act**”.

**[98] Rule 11.9**

Omit “the Law” from rule 11.9 (1) (a).

Insert instead “the Corporations Act”.

Corporations Law Amendment (No 3) Rules 2003

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**[99] Rule 11.11**

Omit “(s 598 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 598)”.

**[100] Rule 11.11**

Omit “the Law” from rule 11.11 (1).

Insert instead “the Corporations Act”.

**[101] Division 12**

Omit the heading to the Division. Insert instead:

**Division 12      Takeovers, acquisitions of shares etc  
(Corporations Act Chapters 6 to 6D) and  
securities (Corporations Act Chapter 7)**

**[102] Rule 12.1**

Omit “Law” from the heading to the rule.

Insert instead “Corporations Act”.

**[103] Rule 12.1**

Omit “the Law”. Insert instead “the Corporations Act”.

**[104] Rule 12.2**

Omit “(s 1092 (3) of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 1071D (4))”.

**[105] Rule 12.2**

Omit “subsection 1092 (3) of the Law” from rule 12.2 (1).

Insert instead “subsection 1071D (4) of the Corporations Act”.

## Corporations Law Amendment (No 3) Rules 2003

## Schedule 1 Amendments

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**[106] Rule 12.3**

Omit the rule. Insert instead:

**12.3 Application for orders relating to refusal to register transfer or transmission of securities (Corporations Act s 1071F)**

As soon as practicable after filing an originating process under section 1071F of the Corporations Act, the plaintiff must serve a copy of the originating process and the supporting affidavit on:

- (a) the company, and
- (b) any person against whom an order is sought.

**[107] Division 13**

Omit the Division.

**[108] Division 14**

Omit “(Part 9.5 of the Law)” from the heading to the Division.

Insert instead “(Corporations Act Part 9.5)”.

**[109] Rule 14.1**

Omit “(s 554A, s 1321 of the Law)” from the heading to the rule.

Insert instead “(Corporations Act s 554A, s 1321)”.

**[110] Rule 14.1**

Omit “the Law” wherever occurring.

Insert instead “the Corporations Act”.

**[111] Rule 14.1**

Omit “the *Corporations Regulations*” from rule 14.1 (2).

Insert instead “the Corporations Regulations”.

**[112] Division 15**

Omit “ASIC Law” from the heading to the Division.

Insert instead “ASIC Act”.

Corporations Law Amendment (No 3) Rules 2003

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**[113] Rule 15.1**

Omit “(s 61 of the ASIC Law)” from the heading to the rule.

Insert instead “(ASIC Act s 61)”.

**[114] Rule 15.1**

Omit “ASIC Law”. Insert instead “ASIC Act”.

**[115] Rule 15.2**

Omit the rule.

**[116] Rule 15.3**

Omit “(s 70, s 201, s 219 of the ASIC Law)” from the heading to the rule.

Insert instead “(ASIC Act s 70, s 201, s 219)”.

**[117] Rule 15.3**

Omit “ASIC Law”. Insert instead “ASIC Act”.

**[118] Rule 16.1**

Omit “Corporations Law” from rule 16.1 (1).

Insert instead “Corporations Act”.

**[119] Rule 16.1**

Omit “Corporations Law Rules” from rule 16.1 (3) (b).

Insert instead “Supreme Court (Corporations) Rules 1999”.

**[120] Schedule 1**

Omit “(under administration)” from Form 1.

Insert instead “(administrator appointed)”.

**[121] Schedule 1, Form 2**

Omit “Corporations Law/\*ASIC Law/\*Corporations Regulations” from Part A.

Insert instead “Corporations Act/\*ASIC Act/\*Corporations Regulations”.

## Corporations Law Amendment (No 3) Rules 2003

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**[122] Schedule 1, Form 2**

Omit “*Corporations Law*” wherever occurring in Part C.

Insert instead “*Corporations Act*”.

**[123] Schedule 1, Form 2**

Insert at the end of Part C:

**Note 1.** In an application for winding up in insolvency on the ground that the company has failed to comply with a statutory demand, the applicant should consider completing Part C of Form 2 as shown in Schedule 2 (Notes to these Rules).

**Note 2.** An example of the affidavit in support of an application for winding up in insolvency for failure to comply with a statutory demand is shown in Schedule 2 (Notes to these Rules).

**[124] Schedule 1, Form 3**

Omit “*Corporations Law*/\**ASIC Law*/\**Corporations Regulations*” from Part A.

Insert instead “*Corporations Act*/\**ASIC Act*/\**Corporations Regulations*”.

**[125] Schedule 1, Form 8**

Insert before “Date:”:

The hourly rates currently charged in respect of work done as \*liquidator/\*provisional liquidator by me, and by my partners and employees who may perform work in this administration, are set out below or in the Schedule which is attached to this Consent. I acknowledge that my appointment by the Court does not constitute an express or implied approval by the Court of these hourly rates.

**[126] Schedule 1, Form 8**

Insert after “\* *Omit if not applicable*”:

**Schedule**  
[*Description of hourly rates(s)*]

Corporations Law Amendment (No 3) Rules 2003

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**[127] Schedule 1, Form 10**

Omit:

.....

*Signature of person giving notice  
or of person's legal practitioner*

Insert instead:

Name of substituted plaintiff or substituted plaintiff's legal practitioner:  
[*name*]

**[128] Schedule 1, Form 17**

Omit "*Corporations Law*" from Part A.

Insert instead "*Corporations Act*".

**[129] Schedule 2**

Insert after Schedule 1:

**Schedule 2 Notes to these Rules**

(rules 2.2, 2.4 and 5.4)

**Note 1—see rule 2.2 (Form 2 Part C)**

**C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

- 1 The plaintiff relies on failure by the defendant to comply with a statutory demand. A copy of the demand, marked A, is attached to this originating process.
- 2 The demand was [*or* The demand and an accompanying affidavit were] served by X.Y. who delivered it [*or* them] to the registered office of the defendant at [*insert address*] on [*insert date*] [*or, if service was by post, who posted \*it/\*them by ordinary prepaid post to the registered office of the defendant at [*insert address*] on [*insert date*]. [*If applicable, A copy of the accompanying affidavit, marked B, is attached to this originating process.*]*
- 3 The defendant failed to pay the amount of the debt demanded [*or* the total of the debts demanded] or to secure or compound for that \*amount/\*total to the plaintiff's reasonable satisfaction within 21 days after the demand was served on the defendant [*or* within 7 days after [*insert date*] when an application by the defendant under section 459G of the Corporations Act was finally determined or otherwise disposed of] [*or if the period for compliance with the demand was extended by order within the period specified in the order of the [*insert name of Court*] on [*insert date of order or, if more than one order, the**

## Corporations Law Amendment (No 3) Rules 2003

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*date of the last such order*] as the period for compliance with the demand. A copy of the order, marked C, is attached to this originating process.]

**[If the demand was varied by order under subsection 459H (4) of the Corporations Act]**

- 4 The demand was varied by order of the [*insert name of Court*] on [*insert date of order*]. A copy of the order, marked D [*or as the case may be*], is attached to this originating process.

\* *Omit if not applicable*

**Note 2—see rule 2.4 and rule 5.4 (2) (Affidavit in support)**

**\*AFFIDAVIT IN SUPPORT/\*AFFIDAVIT IN SUPPORT OF APPLICATION FOR WINDING UP IN INSOLVENCY**

I, [*name*] of [*address and occupation*], \*say on oath/\*affirm [*or \*make oath and say/\*solemnly and sincerely declare and affirm*]:

- 1 I am the above-named plaintiff [*or if the applicant is a corporation, I am \*a/\*the director of the above-named plaintiff which is registered or taken to be registered in [*specify State or Territory*]. I am duly authorised to make this affidavit on its behalf]. Now produced and shown to me and marked A is a copy of the originating process to be filed in the proceeding.*
- 2 Annexed to this affidavit is a current and historical extract of the records maintained by the Australian Securities and Investments Commission with respect to the defendant.
- 3 [*Where the defendant is registered or taken to be registered in another State or a Territory, state any facts—apart from the defendant’s principal place of business—which bear upon jurisdiction being exercised in New South Wales rather than in another State or Territory.*]
- 4 The following facts are within my own personal knowledge save as otherwise stated.
- 5 The defendant was on [*state date of statutory demand or other relevant date*] indebted to the plaintiff in the sum of \$[*amount*] for [*state concisely the consideration, for example, goods sold and delivered etc*] which sum was then due and payable.
- 6 The demand, a copy of which is attached to the originating process, was signed by or on behalf of the plaintiff. I served the demand [*or the demand and the accompanying affidavit*] as referred to in the originating process [*or X.Y. has been instructed to make an affidavit of service of the demand [or the demand and the accompanying affidavit]*].
- 7 The matters stated in the originating process concerning the demand and failure of the defendant to comply with it are true and correct.
- 8 The sum demanded remains due and payable by the defendant to me [*or the plaintiff*].

Sworn, *etc*

\* *Omit if not applicable*





New South Wales

## District Court Amendment (Abridgement of Time) Rule 2003

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 2 December 2003.

A Liounis

Secretary of the Rule Committee

### Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to limit the period within which periods for serving, filing or amending any pleading or other document may be amended by consent to not less than 28 days prior to the first date scheduled for a status conference.

Clause 1            District Court Amendment (Abridgement of Time) Rule 2003

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## **District Court Amendment (Abridgement of Time) Rule 2003**

under the

District Court Act 1973

### **1 Name of Rule**

This Rule is the *District Court Amendment (Abridgement of Time) Rule 2003*.

### **2 Amendment of District Court Rules 1973**

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

District Court Amendment (Abridgement of Time) Rule 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Part 3, rule 2 Extension and abridgement

Omit rule 2 (3). Insert instead:

- (3) The period within which a person is required by the rules or by any order to serve, file or amend any pleading or other document may be extended by consent, without an order for extension, not less than 28 days prior to the date first scheduled for a status conference.



New South Wales

## District Court Amendment (Coal Miners' and Special Statutory Compensation Claims) Rule 2003

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 2 December 2003.

A Liounis

Secretary of the Rule Committee

### Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to prescribe procedures for coal miners' workers compensation claims and special statutory compensation claims to be dealt with by the District Court pursuant to section 7 of the *Compensation Court Repeal Act 2002*.

Clause 1            District Court Amendment (Coal Miners' and Special Statutory  
                         Compensation Claims) Rule 2003

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## **District Court Amendment (Coal Miners' and Special Statutory Compensation Claims) Rule 2003**

under the

District Court Act 1973

### **1 Name of Rule**

This Rule is the *District Court Amendment (Coal Miners' and  
Special Statutory Compensation Claims) Rule 2003*.

### **2 Commencement**

This Rule commences on 1 January 2004.

### **3 Amendment of District Court Rules 1973**

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

District Court Amendment (Coal Miners' and Special Statutory  
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## Schedule 1 Amendments

(Clause 3)

### [1] Part 1, rule 4 (1)

In alphabetical order, insert:

***coal miner*** means a worker employed in or about a mine to which the *Coal Mines Regulation Act 1982* applies.

***coal miner's claim*** means a claim for compensation pursuant to the Workers Compensation Acts in respect of any injury received by a coal miner.

***compensation*** includes any monetary benefit under the Workers Compensation Acts or a Special Statutory Compensation Act.

***conciliator*** means a District Court conciliator being an officer or employee of the Court nominated by the registrar to carry out conciliation in connection with a coal miner's claim.

***Special Statutory Compensation Act*** means the *Police Act 1990*, the *Police Regulation (Superannuation) Act 1906*, the *Sporting Injuries Insurance Act 1978*, the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, and the *Workers' Compensation (Dust Diseases) Act 1942*.

***special statutory compensation claim*** means a claim for compensation pursuant to a Special Statutory Compensation Act.

***WorkCover Authority*** means the WorkCover Authority constituted under the *Workplace Injury Management and Workers Compensation Act 1998*.

***Workers Compensation Acts*** means the *Workers' Compensation Act 1926*, the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*.

District Court Amendment (Coal Miners' and Special Statutory  
Compensation Claims) Rule 2003

Schedule 1 Amendments

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**[2] Part 5**

After rule 6B, insert:

**6C Coal miners' claims**

Subject to these rules, in any proceedings in respect of a coal miner's claim the plaintiff shall file a statement of claim in the approved form and the proceedings shall be entered in the Coal Miners' Workers Compensation List in accordance with Part 24D.

**6D Special statutory compensation claims**

Subject to these rules, in any proceedings in respect of a special statutory compensation claim the plaintiff shall file a statement of claim in the approved form and the action shall be entered in the Special Statutory Compensation List in accordance with Part 24F.

**Division 2A Proceedings commenced by summons**

**6E Application and procedure**

- (1) This Division applies to proceedings commenced by summons.
- (2) For the purposes of Division 1 of Part 5, a summons is an originating process.
- (3) The procedure for the hearing and disposal of a summons shall be as near as practicable to that applicable to the hearing and disposal of a notice of motion in accordance with the provisions of Part 16.

**6F Particular proceedings commenced by summons**

The following proceedings shall be commenced by summons:  
proceedings set out in Part 24D rule 5.

District Court Amendment (Coal Miners' and Special Statutory Compensation Claims) Rule 2003

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**[3] Part 5**

After rule 15, insert:

**Division 8 Actions transferred from the Compensation Court**

**16 Actions transferred from the Compensation Court**

- (1) Proceedings under the Workers Compensation Acts, in respect of a coal miner matter within the meaning of those Acts, instituted in the Compensation Court and pending in that Court as at midnight on 31 December 2003 will transfer to the District Court in accordance with section 7 (1) (a) of the *Compensation Court Repeal Act 2002* and will be placed in the Coal Miners' Workers Compensation List.
- (2) Applications under section 122 of the *Workplace Injury Management and Workers Compensation Act 1998* instituted in the Compensation Court and pending in that Court as at midnight on 31 December 2003 will transfer to the District Court in accordance with section 7 (1) (a) of the *Compensation Court Repeal Act 2002* and will be dealt with pursuant to Part 24E.
- (3) Proceedings under a Special Statutory Compensation Act instituted in the Compensation Court and pending in that Court as at midnight on 31 December 2003 will transfer to the District Court in accordance with section 7 (1) (a) of the *Compensation Court Repeal Act 2002* and will be placed in the Special Statutory Compensation List.

**[4] Parts 24D–24F**

After Part 24C, insert:

**Part 24D Coal Miners' Workers Compensation List**

**Division 1 Proceedings generally**

**1 Actions under the Workers Compensation Acts**

- (1) In this Part:  
*action under the Acts* means proceedings commenced under the 1926 Act, the 1987 Act and the 1998 Act.



District Court Amendment (Coal Miners' and Special Statutory  
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*List* means the Coal Miners' Workers Compensation List.

*the 1926 Act* means the *Workers' Compensation Act 1926*.

*the 1987 Act* means the *Workers Compensation Act 1987*.

*the 1998 Act* means the *Workplace Injury Management and Workers Compensation Act 1998*.

- (2) This Division applies to an action under the Acts whether commenced in this Court or transferred from the Compensation Court.
- (3) Where there is an inconsistency in the operation of these rules and the provisions of this Division, the provisions of this Division shall apply.

## **2 Coal Miners' Workers Compensation List**

- (1) The registrar for Sydney and the registrar for Newcastle shall each maintain a Coal Miners' Workers Compensation List and shall enter in that List any action under the Acts as soon as the action is commenced or transferred.
- (2) The statement of claim in an action under the Acts shall bear in the heading the words "Coal Miners' Workers Compensation List", and shall be in the approved form.
- (3) A summons in an action under the Acts shall bear in the heading the words "Coal Miners' Workers Compensation List", and shall be in the approved form.
- (4) If a statement of claim or a summons in an action under the Acts is lodged with a registrar for a proclaimed place other than Sydney or Newcastle, the registrar at that other place shall forward the statement of claim or summons to the registrar for Sydney or Newcastle, whichever appears the most expedient, for filing and entry in the List maintained by that registrar.
- (5) An action under the Acts, and any proceedings ancillary to such action, may be set down for hearing at any proper place.

## **3 Functions of the registrar**

A conciliator has and may exercise all the functions of the registrar for Sydney in respect of proceedings in the Coal Miners' Workers Compensation List.

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**4 Compliance with statutory restrictions on commencement of proceedings under the 1998 Act**

- (1) This rule is made pursuant to section 104 of the 1998 Act.
- (2) This rule applies to claims for compensation referred to in sections 101, 102 and 103 of the 1998 Act, as modified by clauses 235, 236 and 237 respectively of the *Workers Compensation Regulation 2003*.
- (3) A party seeking to commence any proceedings in respect of any such claim shall file with the initiating process a certificate of compliance in the form stipulated by subrule (5) certifying that the commencement of such proceedings is not contrary to the provisions of section 101, 102 or 103 of the 1998 Act, as modified by clauses 235, 236 and 237 respectively of the *Workers Compensation Regulation 2003*, as the case may be.
- (4) Any initiating process not accompanied by such appropriate certificate shall not be accepted for filing.
- (5) Such certificate of compliance shall be in or to the effect of the approved form or such portion or portions thereof as may be relevant to the particular matter.
- (6) Where, leave of the Court having been previously obtained, a party seeks to file an amended statement of claim adding an additional party or parties to the current proceedings then the provisions of this rule apply with all necessary modifications in respect of the proposed application against such added party or parties.

**5 Particular proceedings commenced by summons**

- (1) The following proceedings shall be commenced by summons where no proceedings have been commenced in relation to the subject matter in dispute:
  - (a) for an order for costs pursuant to section 112 of the 1998 Act,
  - (b) for an order for refund of weekly payments pursuant to section 58 of the 1987 Act,
  - (c) for apportionment between dependants pursuant to section 29 of the 1987 Act or for variation of any previous apportionment pursuant to section 30 of the 1987 Act,

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- (d) where liability has been admitted, for an order for payment in respect of dependent children pursuant to section 31 of the 1987 Act,
  - (e) for variation in the manner in which the Public Trustee invests, applies, pays out or otherwise deals with money paid to the Public Trustee pursuant to section 85 of the 1987 Act. The Public Trustee shall be made a respondent to any such application,
  - (f) for any order, direction or authorization in respect of the payment of compensation pursuant to sections 83, 85, and 85A of the 1987 Act,
  - (g) for suspension of a weekly payment, or for a declaration that a worker's right to take or prosecute any proceedings under the 1998 Act has been suspended, until, pursuant to section 120 of that Act, the worker submits to medical examination,
  - (h) for an order under section 53 of the 1987 Act,
  - (i) for an order in respect of an objection to a reference to a medical referee or medical panel pursuant to Part 24E,
  - (j) for a determination under section 224 (1) or 225 (3) of the 1998 Act, as saved by clause 3 (1) of Part 18 of Schedule 6 to the 1987 Act, in respect of the Uninsured Liability and Indemnity Scheme.
- (2) Where proceedings are pending in relation to the subject matter of any application referred to in subrule (1), such application shall be made by notice of motion under Part 16 in the proceedings.

**6 Affidavits in support of summons under section 53 of the 1987 Act**

- (1) A summons for an order pursuant to rule 5 (1) (h) shall be supported by affidavits by the worker and a medical practitioner who has examined the worker.
- (2) The affidavits referred to in subrule (1) shall verify:
  - (a) the circumstances in which the application is made,
  - (b) the age and a description of the applicant sufficient to identify him,

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- (c) particulars as to the injury, the nature and extent of the incapacity resulting from the injury, and the history and treatment of the worker since the injury,
  - (d) the amount and duration of the weekly payment,
  - (e) the worker's present and proposed places of residence, and
  - (f) the detail of any award or previous proceedings in respect of the injury.

**7 Applications for contribution, indemnity or apportionment**

- (1) The following applications shall be made by notice of motion under Part 16 where proceedings are pending in relation to the subject matter of the application:
  - (a) for contribution subject to section 15, 16 or 17 of the 1987 Act,
  - (b) for indemnification pursuant to section 20 of the 1987 Act,
  - (c) for apportionment pursuant to section 22 or 22A of the 1987 Act,
  - (d) for a determination pursuant to section 22B of the 1987 Act.
- (2) Where there are no proceedings in relation to the subject matter of an application under subrule (1), proceedings shall be commenced by statement of claim.

**8 Application for further medical expenses etc**

Where a worker who has commenced proceedings for compensation seeks to apply for a direction under section 62 (6A) of the 1987 Act he may so apply by notice of motion under Part 16 in the proceedings.

**9 Application for suspension of weekly payment**

An application for an order for suspension of a weekly payment, or for a declaration that a worker's right to take or prosecute any proceedings under the 1998 Act, has been suspended, until, pursuant to section 120 of that Act, the worker submits to medical examination may be made, where proceedings have been commenced in respect of the subject matter to which the weekly payment relates, by notice of motion under Part 16.

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## **10 Uninsured Liability and Indemnity Scheme**

- (1) The WorkCover Authority shall be a necessary party to any application under section 224 (1) or 225 (3) of the 1998 Act, as saved by clause 3 (1) of Part 18 of Schedule 6 to the 1987 Act.
- (2) Where a matter or question for determination by the Court under the Uninsured Liability and Indemnity Scheme is already the subject of proceedings, proceedings to determine the matter or question may be made by notice of motion under Part 16 in the proceedings.

## **11 Applications in the case of death of worker**

- (1) In proceedings for the benefit of dependants in the case of the death of a worker pursuant to the 1987 Act and the 1998 Act, the following persons shall be joined as defendants:
  - (a) the personal representative (if any) of the worker, if that personal representative is not already an applicant,
  - (b) if the proceedings are brought by or on behalf of some only of the dependants, the other dependants,
  - (c) any other person claiming to be a dependant.
- (2) Where an injured worker dies leaving no dependants, proceedings to recover reasonable burial or cremation expenses pursuant to section 27 of the 1987 Act may be continued:
  - (a) by the personal representative of the worker, or
  - (b) by any person to whom any such expenses are due or who has paid any such expenses.
- (3) In proceedings brought under subrule (2) (b):
  - (a) the personal representative (if any) of the worker, and any person referred to in subrule (2) (b) who has not been joined as an applicant, shall be joined as a defendant,
  - (b) if the amount awarded is insufficient to meet the expenses sought to be recovered, the Court may give directions for the apportionment of that amount.

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## **12 Service on insurer**

Where any insurer of a defendant is named in an originating process, a copy of that originating process shall be served on any such insurer as well as on the defendant.

## **13 Service on WorkCover Authority**

Service on the WorkCover Authority may be effected by delivering a copy to an officer of the Authority at Legal Group, WorkCover, Level 1, 60-70 Elizabeth Street, Sydney, or by sending a copy by post addressed to the Authority, at GPO Box 2677 Sydney NSW 2001, or by leaving a copy, addressed to the Authority, in the Authority's exchange box in a document exchange of Australian Document Exchange Pty Limited, or at another exchange box for transmission to that exchange box.

## **14 Submission to award**

- (1) This rule applies without limiting the generality of Part 15 rule 3.
- (2) An employer who is a party to proceedings for an award of compensation or for determination of any question as to the employer's liability to pay compensation may, at any stage of the proceedings, and whether or not the employer admits any liability to pay compensation, file and serve a notice stating that the employer is willing to submit to an award of compensation in the terms set out in the notice.
- (3) If the worker who is a party, or the dependants who are parties, to the proceedings file and serve notice of his, her or their willingness to accept the award as set out in the notice given under subrule (2), the registrar shall cause the proceedings to be listed before the Court, and the Court may make such award or give such directions as to it may appear proper.
- (4) If notice under subrule (3) is not filed and served within 28 days after the service of notice under subrule (2) the proceedings shall be continued as though the notice under subrule (2) had not been filed.

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- (5) If proceedings are continued under subrule (4), before the record of the proceedings is brought before the Court for any hearing of the proceedings, the registrar shall seal within the record the notice filed under subrule (2) and any information contained in the record in respect of that notice, but the Court need not disqualify itself from hearing the proceedings only because it becomes aware in any manner of the notice or of any such information.

**15 Offer of compromise**

The provisions of Part 19A do not have application to proceedings entered in the Coal Miners' Workers Compensation List.

**16 Schedule of earnings**

In any statement of claim where the quantum of weekly compensation is or may be an issue and there is or may be a dispute in respect of the actual or probable earnings of a worker during any relevant period the following provisions shall, unless the Court otherwise orders, have effect:

- (a) the plaintiff shall file and serve on each other party not later than 10 days before conciliation of a coal miner's claim or, where there is no conciliation, 21 days before the hearing date, a schedule containing full particulars of such earnings during such period,
- (b) if any party disputes the accuracy of any matter in the schedule that party shall, not later than 7 days after service of the schedule or 28 days after expiry of the time prescribed for filing a statement of defence pursuant to Part 10 rule 1 (1), whichever is the later, file and serve a schedule containing its allegations of such earnings,
- (c) a matter not so disputed shall be deemed to be admitted.

**17 Proceedings deemed dismissed**

- (1) Where in respect of any proceedings on a claim for compensation:
  - (a) a defendant has not filed a notice of appearance or notice of defence, and

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(b) the plaintiff has not filed an affidavit of service of the originating process on that defendant,

within 3 months after the date of commencement of the proceedings, the proceedings as against that defendant are deemed to have been dismissed, and no further step may be taken in those proceedings other than an application mentioned in subrule (3) until the proceedings have been restored to the list.

- (2) Where proceedings which have not been heard, part heard or discontinued, and in which a preliminary advice of hearing or notice of call-over has been issued, have not been before the Court during any period of 6 months, the proceedings are, unless the Court otherwise orders, deemed to have been dismissed.
- (3) The Court may, on application by a party and on terms, restore to the list any proceedings deemed to have been dismissed under subrules (1) and (2).

**18 Dismissal of proceedings**

- (1) The Court may if it thinks fit dismiss any proceedings at any time on terms and without affecting the generality of the foregoing provisions of this rule, the Court may dismiss any proceedings if:
- (a) no party appears, or
- (b) a defendant does, but the plaintiff does not, appear.
- (2) Where proceedings are dismissed under subrule (1) the Court may, on the application of any party, order that the proceedings be reinstated on terms, and without affecting the generality of the foregoing provisions of this subrule, the proceedings may be reinstated upon such terms and conditions as to costs and the priority of the hearing of the proceedings as the Court thinks fit.
- (3) Subrule (2) applies except where otherwise provided in section 112 of the 1998 Act.

**19 Medical examination**

- (1) Except by leave of the Court, which may be given on terms, or consent of the worker, a notice shall not be given under Part 23 rule 2 (1) requesting that a worker submit to examination:



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- (a) by a medical expert specializing in a particular field of practice if the worker has already been examined, at the request of the party giving the notice, by another medical expert specializing in that field, or
- (b) by the one medical expert:
  - (i) more than twice in respect of the one proceedings, or
  - (ii) at intervals of less than 2 months.
- (2) An examination to which the worker submits himself for the purposes of section 119 of the 1998 Act is not an examination by a medical expert for the purposes of subrule (1).

**20 Expert evidence and hospital reports**

- (1) In this rule *expert's report* and *hospital report* have the same meaning as in Part 28, rule 8 and *party* includes any person who has filed a notice of appearance or notice of grounds of defence.
- (2) This rule applies in respect of any proceedings subject to the *Evidence Act 1995*, the Workers Compensation Acts and any regulations made thereunder and to any orders of the Court or agreement between the parties not inconsistent with such Acts or regulations.
- (3) Primary expert's reports must be served by each party in any proceedings prior to conciliation and any reports in reply or refresher reports must be served not later than 28 days before the hearing.
- (4) Where an expert's report is served in accordance with subrule (3), or an order is made under subrule (2), the report is admissible, without further evidence, oral or otherwise, as evidence of the expert's opinion and, where the expert's direct oral evidence of a fact upon which the opinion was formed would be admissible, as evidence of that fact.
- (5) Except where otherwise provided in the Workers Compensation Acts, and unless the Court otherwise orders, a party may require the attendance for cross examination of the expert.
- (6) A party who requires the attendance of a person under subrule (5) shall procure that attendance, and, whether the party procures the attendance by the issue and service of a subpoena

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or otherwise, the person shall not thereby become the party's witness except for the purpose of determining any liability for conduct money or witness' expenses.

- (7) A party who requires the attendance of a person as mentioned in subrule (6) shall as soon as practicable inform all other parties to the proceedings that he has done so.
- (8) Where a person who has made a report is cross-examined, the party tendering the report may re-examine that person.
- (9) Where a hospital report is served in accordance with subrule (3) or an order is made under subrule (2), the report is admissible.
- (10) In reckoning the period of 28 days referred to in subrule (3):
  - (a) any day on which the matter is listed for hearing shall not be counted, and
  - (b) where the hearing is not on consecutive days, any period of less than 28 days between hearing days shall not be counted.
- (11) Where a party has been served with an expert's report or a hospital report by another party and the first party seeks to rely on such report, it shall not be necessary to serve a copy of that report on the party who served it but the first party shall give notice of intention to rely on the report to the party who served it and to each other party in the proceedings, within the time prescribed by subrule (3).

## **21 Subpoenas**

For the purposes of the operation of this Part of these rules the provisions of Part 29 are modified as follows:

- (a) the provisions of rules 6A and 6C apply to a subpoena issued out of each proclaimed place,
- (b) the provisions of rule 6A (4) apply subject to section 112 of the 1998 Act.

## **22 Discontinuance**

- (1) A party may discontinue proceedings so far as concerns the whole or any part of any claim made by him:

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- (a) if no preliminary advice of hearing has been issued in the proceedings—without leave of the Court or consent of any other party, or
  - (b) after a preliminary advice of hearing has been issued in the proceedings—with the consent of all other parties or by leave of the Court.
- (2) Application for the leave of the Court as mentioned in subrule (1) (b) may be made:
- (a) if made on not less than 3 days' notice to all other parties at a time when the proceedings are before the Court for another purpose—orally, or
  - (b) if made otherwise—by motion under Part 16.

**23 Settling of awards**

- (1) Where the Court gives a decision or makes a final order disposing of any proceedings in the Coal Miners' Workers Compensation List, the registrar shall as soon as convenient prepare and settle a form of award engrossing the decision or order.
- (2) The registrar shall sign and seal any form of award settled by the registrar, and as soon as practicable cause a copy to be forwarded to each party, and any insurer of a respondent, to the proceedings.

**Division 2 Conciliation of coal miners' claims**

**24 Referral**

The registrar shall, not later than 3 months after the filing of a statement of claim in respect of a coal miner's claim, or at such earlier time as the parties may request, refer the matter to a conciliator for conciliation.

**25 General powers of a conciliator**

- (1) Without limiting the powers of a conciliator pursuant to Divisions 3 and 4 of Part 2 of Chapter 4 of the 1998 Act, a conciliator may:
  - (a) make a recommendation to parties prior to conciliation,
  - (b) determine whether to hold a conference or return the matter to the registrar,

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- (c) direct the production of any document by any party to proceedings,
  - (d) generally control any proceedings before the conciliator, and
  - (e) do such other things as the rules specifically provide or the Court otherwise directs.
- (2) The conciliator may, if the conciliator thinks fit, on terms dispense with compliance with any of the requirements of the rules under this Part, either before or after the occasion for the compliance arises.

**26 Directions**

Without limiting the powers of a conciliator to give directions, a conciliator may give directions relating to preparation for and the conduct of the conciliation conference including:

- (a) a direction to a party to provide any other party or the conciliator with further particulars of any allegation or claim made in the proceedings,
- (b) a direction to a party to lodge further documents with the conciliator,
- (c) a direction to a party to make available to any other party a copy of a specified document (not being a document that is privileged from production), and
- (d) a direction revoking or varying any direction made at a conciliation conference.

**27 Conciliation conference procedure**

- (1) Unless the conciliator otherwise directs, a conciliation conference shall be attended by:
- (a) subject to paragraph (b), each party or, where a party is a company, an officer of the company having authority to settle the proceedings, or
  - (b) if the conduct of the proceedings by a party is controlled by an insurer, an officer of the insurer having authority to settle the proceedings.
- (2) A party may be accompanied at the conciliation conference by a barrister or solicitor retained by or on behalf of the party.

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- (3) A conciliator may from time to time adjourn the conciliation of a dispute which the conciliator has commenced to conduct.
- (4) A conciliator must not adjourn a matter beyond 35 days from the date of first notification of the conciliation conference, except with the consent of the parties.
- (5) A matter shall not be adjourned beyond 90 days from the date of first notification of the conciliation conference except by leave of the Court.

**28 Conduct of a conciliation conference**

A conciliation conference shall be conducted:

- (a) following reasonable notice to the parties, and
- (b) as a structured process in which the conciliator endeavours to assist the parties to:
  - (i) communicate effectively with each other about the issues in dispute,
  - (ii) narrow the issues in dispute and obtain appropriate concessions,
  - (iii) reach a settlement of the matter, and
  - (iv) record details of any settlement.

**29 Confidentiality**

Evidence of anything said or of any admission made in a conciliation conference is not admissible in any proceedings before the Court except:

- (a) with the consent of the parties,
- (b) where the evidence is referred to in a conciliation certificate but only to the extent so referred, and
- (c) where the evidence is relevant to an issue as to costs.

**30 Dismissal of proceedings**

- (1) The conciliator may, if the conciliator thinks fit, dismiss any proceedings if:
  - (a) no party appears, or
  - (b) a defendant does, but the plaintiff does not, appear.

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- (2) The conciliator or the Court may, on application by a party and on terms, restore any proceedings dismissed under subrule (1).

**31 Conciliation notifications**

- (1) The conciliator is taken to have notified the parties that a dispute has been referred to conciliation when the conciliator issues a notice of listing of the conciliation conference.
- (2) The conciliator shall, within 7 days of the conclusion of the conciliation conference, advise the registrar of the fact that the conciliation conference has been concluded but not of the details thereof.
- (3) A conciliator must, within a reasonable time after the conciliation conference, issue a conciliation certificate under section 84 of the 1998 Act.

**32 Guidelines**

Except to the extent of any inconsistency with these rules, or unless the Court otherwise orders, the parties shall comply with the requirements of any Conciliation Guidelines issued by the Chief Judge.

**Part 24E Medical panel procedures**

**1 Definitions**

In this Part:

*the 1987 Act* means the *Workers Compensation Act 1987*.

*the 1998 Act* means the *Workplace Injury Management and Workers Compensation Act 1998*.

**2 Application for reference**

- (1) An application for reference to a medical referee or medical panel pursuant to section 122 of the 1998 Act shall be lodged with the registrar together with sufficient copies for every respondent to the application.
- (2) The registrar shall endorse on or attach to the application and on sufficient copies of the application a notice containing the following matter:

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- (a) where any respondent to the application objects to the reference applied for that respondent may, within 21 days from the date of the notice, request that the application be listed before the registrar for argument and determination,
  - (b) any such request shall be made in accordance with Part 24D rule 5 (1) (i), and
  - (c) that, in certain circumstances, a certificate or determination of a medical referee or medical panel may be conclusive evidence of the worker's condition, and shall send a copy of the application so endorsed to every respondent to the application.
- (3) In the application of section 122 of the 1998 Act for the purposes of section 122 (12) of that Act, section 122 (2) of that Act shall be construed as requiring any application to be made jointly by the worker and the employer.

**3 Order for report**

Where an order is made by the Court or a conciliator referring a matter to a medical referee or medical panel for report pursuant to section 124 of the 1998 Act, the registrar shall, as soon as practicable, refer all relevant court papers and supporting material to the medical referee or medical panel for a report to be furnished in accordance with the terms of reference.

**4 Reports for medical panels**

Additional medical reports in respect of applications under section 122 of the 1998 Act shall be filed not later than 7 days prior to the date set for the medical examination.

**5 Certificate**

- (1) A certificate given under section 122 (5) of the 1998 Act shall be in or to the effect of the approved form.
- (2) The registrar shall as soon as practicable after receiving a certificate furnish a copy to each party to the application.

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## Part 24F Special Statutory Compensation List

### 1 Actions under the Special Statutory Compensation Act

(1) In this Part:

*action* includes appeal and application.

*action under the Acts* means proceedings under the:

- (a) *Police Regulation (Superannuation) Act 1906*, section 21,
- (b) *Police Act 1990*, section 216A,
- (c) *Sporting Injuries Insurance Act 1978*, section 29,
- (d) *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, sections 16 and 30, or
- (e) *Workers' Compensation (Dust Diseases) Act 1942*, section 8I.

*List* means the Special Statutory Compensation List.

- (2) This Part applies to an action under the Acts whether commenced in this Court or transferred from the Compensation Court.
- (3) Where there is an inconsistency in the operation of these rules and the provisions of this Part, the provisions of this Part shall apply.

### 2 Special Statutory Compensation List

- (1) The registrar for Sydney shall maintain a Special Statutory Compensation List and shall enter into that List any action under the Acts as soon as the action is commenced or transferred.
- (2) The statement of claim in an action under the Acts shall bear in the heading the words "Special Statutory Compensation List", and shall be in the approved form.
- (3) If a statement of claim in an action under the Acts is lodged with a registrar for a proclaimed place other than Sydney, the registrar at that other place shall forward the statement of claim to the registrar for Sydney for filing and entry in the List.



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- (4) An action under the Acts, and any proceedings ancillary to such action, may be set down for hearing at any proper place.

**3 Directions**

- (1) Where any proceedings are entered in the List, the registrar shall, as soon as convenient and not later than 3 months after the filing of a statement of claim, list the proceedings before a Judge (appointed by the Chief Judge for the control of proceedings in the List) for directions under this rule, and shall advise the parties of the listing.
- (2) Where any proceedings are before a Judge for directions under this rule, the Judge may give such directions as may be thought fit concerning the preparation of the proceedings for hearing, the conduct of the hearing and the adducing of evidence at or before the hearing.
- (3) Without limiting the generality of subrules (1) and (2), directions which may be given under this rule include directions as to the times within which, and the modes in which, particulars are to be given, documents are to be prepared and exchanged, documents are to be inspected, the application of Part 23, a further directions hearing and an order fixing a hearing date.
- (4) A direction given under this rule, and an order made in respect of non-compliance with such a direction, shall apply notwithstanding any time, mode, or penalty for non-compliance otherwise fixed by the rules or the practice of the Court.
- (5) In this rule:  
*document* includes an affidavit or statement of evidence and experts' reports (including any made by a medical practitioner).

**4 Expert evidence and hospital reports**

The provisions of Part 28 rules 8 and 9 apply to proceedings in the List subject to the following modifications:

- (a) each party to proceedings must, as soon as possible after their receipt and at least 28 days before any hearing date is allocated to the proceedings, serve experts' reports and hospital reports on each party who has an address for service in the proceedings,

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- (b) a party who requires the attendance of a person for cross-examination under Part 28 rule 9 (2) must inform the Court and all other parties to the proceedings that the party has done so or wishes to do so at a directions hearing before any hearing date is allocated to the proceedings.

**5 Oral expert evidence**

- (1) Unless the Court otherwise orders, where a party has served reports by more than one expert in the same field, that party shall not call more than one of those experts to give oral evidence.
- (2) This rule does not affect:
- (a) the right of a party to tender reports by more than one expert in the same field, or
- (b) the right of a party to require an expert to attend for cross-examination.

**6 Settling of orders**

- (1) Where the Court gives a decision or makes a final order disposing of any proceedings in the List, the registrar shall as soon as convenient prepare and settle a form engrossing the decision or order.
- (2) The registrar shall sign and seal any form of decision or order settled by him, and as soon as practicable cause a copy to be forwarded to each party to the proceedings.

**[5] Part 39B**

After Part 39A, insert:

**Part 39B Costs in Coal Miners' Workers  
Compensation List and Special Statutory  
Compensation List matters**

**1 Application**

- (1) The provisions of this Part apply subject to their terms, to proceedings entered in the Coal Miners' Workers Compensation List and the Special Statutory Compensation List in respect of costs payable or to be assessed under any order of the Court or under the rules.

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- (2) Where there is an inconsistency in the operation of these rules and the provisions of this Part the provisions of this Part shall apply.
- (3) The application of these rules and of this Part is subject to:
  - (a) the Act,
  - (b) the Workers Compensation Acts and the regulations made under those Acts,
  - (c) a Special Statutory Compensation Act and the regulations made under that Act, or
  - (d) the *Legal Profession Act 1987* and the regulations made under that Act.

## 2 Interpretation

In this Part, and unless the context or subject matter otherwise indicates or requires, a reference to costs is a reference to costs payable between party and party in respect of proceedings, including disbursements.

## 3 Time for dealing with costs

The Court may in any proceedings exercise its powers and discretions as to costs at any stage of the proceedings or after the conclusion of the proceedings.

## 4 Worker's costs

Where in any proceedings the Court makes a final order, or gives a final decision, in favour of the worker, the worker shall, unless the Court otherwise orders, be entitled to recover the worker's costs of the proceedings against the employer against whom the final order or decision was made or given.

## 5 Redemption cases

Where an employer commences proceedings for redemption under section 15 of the *Workers' Compensation Act 1926*, as preserved by Part 18 of Schedule 6 to the *Workers' Compensation Act 1987*, with the consent of the worker, the employer shall, unless the Court otherwise orders, pay the costs of the worker of the proceedings whatever be the result of the proceedings.

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## **6 Costs where other proceedings**

Where in any proceedings a worker is entitled to recover costs against an employer or insurer, those costs shall not be reduced or apportioned because any part of them was incurred also in respect of proceedings under the Uninsured Liability and Indemnity Scheme, or in respect of proceedings against another person against whom no award has been made, except to the extent that any such part has been received by the worker.

## **7 Assessed costs and other provisions**

- (1) Subject to this Part, where, by or under the rules or any order of the Court, costs are to be paid to any person, that person shall be entitled to assessed costs.
- (2) Where the Court orders that costs be paid to any person, the Court may, at any time prior to the costs being referred for assessment, further order that, as to the whole or any part (specified in the order) of the costs, instead of assessed costs, that person shall be entitled to:
  - (a) a proportion specified in the order of the assessed costs,
  - (b) the assessed costs from or up to a stage of the proceedings specified in the order, or
  - (c) a gross sum specified in the order instead of the assessed costs.

## **8 Preliminary discovery**

The Court may in any action require any person to pay the costs of a party to the action of proceedings under Part 4 in respect of that action including payments of conduct money and payments on account of expenses and loss under that Part.

## **9 Agreement as to costs**

- (1) Where costs are payable by one party to another, those parties may agree as to the amount of the costs.
- (2) An amount of costs agreed to under subrule (1) shall not be included in any process of enforcement unless the agreement is embodied in a form of order bearing the consent of the party required to pay the costs and lodged for the signature of the registrar.

District Court Amendment (Coal Miners' and Special Statutory  
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**10 Agreement as to part of costs**

- (1) Notwithstanding anything in this Part, where costs are payable by one party to another, the parties may agree as to the amount of those costs payable in respect of any item or items of work done.
- (2) An amount of costs agreed to under subrule (1) shall not be included in any process of enforcement unless the agreement is embodied in a form of order bearing the consent of the party required to pay the costs and lodged for the signature of the registrar.

**11 When costs payable**

- (1) Where, before the conclusion of any proceedings, the Court makes an order for the payment of costs or a motion is refused with costs, the costs shall not, unless the Court otherwise orders, be payable until after the conclusion of the proceedings.
- (2) Where, in any proceedings, it appears to the registrar, on application, that there is no likelihood of any further order being made in the proceedings, the registrar may order that any costs ordered to be paid shall be payable forthwith.

**12 Party and party basis**

Costs payable by or under the rules or any order of the Court shall be payable on a party and party basis unless the rules or an order provide that they are payable on an indemnity basis.

**13 Indemnity basis**

On an assessment on the indemnity basis, all costs shall be allowed except in so far as they are of an unreasonable amount or have been unreasonably incurred, and any doubts which the assessor may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the receiving party.

**14 Costs order to confirm earlier costs orders**

An order as to costs made in proceedings after 30 June 1994 shall unless the Court otherwise orders, be taken to expressly confirm all earlier orders as to costs made in the proceedings.



New South Wales

## District Court Amendment (Solicitors' Signatures) Rule 2003

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 2 December 2003.

A Liounis

Secretary of the Rule Committee

### Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to make it clear that only a partner of a solicitor who is a solicitor may sign on behalf of a solicitor in any proceedings.

Clause 1 District Court Amendment (Solicitors' Signatures) Rule 2003

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## **District Court Amendment (Solicitors' Signatures) Rule 2003**

under the

District Court Act 1973

### **1 Name of Rule**

This Rule is the *District Court Amendment (Solicitors' Signatures) Rule 2003*.

### **2 Amendment of District Court Rules 1973**

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

District Court Amendment (Solicitors' Signatures) Rule 2003

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## **Schedule 1 Amendment**

(Clause 2)

### **Part 47, rule 5 Signature for solicitor**

Omit "partner" from rule 5 (1) (a). Insert instead "solicitor partner".





New South Wales

# Supreme Court Rules (Amendment No 386) 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 11 December 2003.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to amend the *Supreme Court Rules 1970* to replace references to the *Corporations Law Rules* with references to the *Supreme Court (Corporations) Rules 1999* as a consequence of the renaming of the *Corporations Law Rules* by the *Corporations Law Amendment (No 3) Rules 2003*.

Rule 1 Supreme Court Rules (Amendment No 386) 2003

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## **Supreme Court Rules (Amendment No 386) 2003**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 386) 2003*.

### **2 Commencement**

These Rules commence on 1 January 2004.

### **3 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 386) 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Rule 3)

**[1] Part 51A rule 1**

Omit “*Corporations Law Rules*” from rule 1 (d).

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[2] Part 60 rule 1A**

Omit “*Corporations Law Rules*” from rule 1A (1) (b).

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[3] Part 61 rule 3**

Omit “*Corporations Law Rules*” from rule 3 (6) (a).

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[4] Part 65 rule 1**

Omit “*Corporations Law Rules*” from rule 1 (1A).

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[5] Part 65 rule 1A**

Omit “**Corporations Law Rules**” from the heading to the rule.

Insert instead “**Supreme Court (Corporations) Rules 1999**”.

**[6] Part 65 rule 1A**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[7] Part 77 rule 81**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

## Supreme Court Rules (Amendment No 386) 2003

## Schedule 1 Amendments

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**[8] Part 77 rule 81 (3)**

Omit “*Corporations Law*”.

Insert instead “*Corporations Act 2001*”.

**[9] Part 77 rule 83**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[10] Part 77 rule 83B**

Omit “**Corporations Law Rules**” from the heading to the rule.

Insert instead “**Supreme Court (Corporations) Rules 1999**”.

**[11] Part 77 rule 83B**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[12] Part 77 rule 83D**

Omit “**Corporations Law Rules**” from the heading to the rule.

Insert instead “**Supreme Court (Corporations) Rules 1999**”.

**[13] Part 77 rule 83D**

Omit “*Corporations Law Rules*”.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[14] Part 77 rule 83D**

Omit “*Corporations Law shall*”

Insert instead “*Corporations Act 2001 of the Commonwealth shall*”.

**[15] Part 77 rule 121**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

Supreme Court Rules (Amendment No 386) 2003

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**[16] Part 77 rule 123**

Omit “**Corporations Law Rules**” from the heading to the rule.

Insert instead “**Supreme Court (Corporations) Rules 1999**”.

**[17] Part 77 rule 123**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[18] Part 80 rule 1A**

Omit “*Corporations Law Rules*”.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[19] Part 80A rules 2 and 3**

Omit “*Corporations Law Rules*” wherever occurring.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.

**[20] Schedule E**

Omit “*Corporations Law Rules*” from paragraph 31A of Part 2.

Insert instead “*Supreme Court (Corporations) Rules 1999*”.



# Supreme Court Rules (Amendment No 387) 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 11 December 2003.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to remove references to “neutral evaluation” from Part 72C of the *Supreme Court Rules 1970* and to make other amendments consequential on the commencement of the *Courts Legislation Amendment Act 2003*.

Rule 1 Supreme Court Rules (Amendment No 387) 2003

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## **Supreme Court Rules (Amendment No 387) 2003**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 387) 2003*.

### **2 Commencement**

These Rules commence on 1 January 2004.

### **3 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 387) 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Rule 3)

[1] **Part 72C**

Omit the heading to the Part. Insert instead:

**Part 72C Mediation**

[2] **Part 72C, rules 1, 2, 3 and 7**

Omit “or neutral evaluation” wherever occurring.

[3] **Part 72C, rules 2, 4, and 7**

Omit “or evaluator” wherever occurring.

[4] **Part 72C, rule 3**

Omit “or evaluator” from the heading to the rule.

[5] **Part 72C, rule 5**

Omit the rule.

[6] **Part 72C, rule 7**

Omit “of conclusion of mediation or neutral evaluation” from the heading to the rule.

Insert instead “by mediator of conclusion of mediation”.

[7] **Part 72C, rule 7**

Omit “but not of the details thereof”.

[8] **Schedule E**

Omit “or neutral evaluation” from paragraph 36 of Part 2.



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## Orders

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# First State Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

under the

First State Superannuation Act 1992

MARIE BASHIR, Governor

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

Dated, this 17th day of December 2003.

By Her Excellency's Command,

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

### Explanatory note

The Independent Transport Safety and Reliability Regulator is a body corporate established under section 42B of the *Transport Administration Act 1988*.

The object of this Order is to amend Schedule 1 to the *First State Superannuation Act 1992* to add the Independent Transport Safety and Reliability Regulator to the list of employers listed in Schedule 1.

This Order is made under section 7 of the *First State Superannuation Act 1992*.

Clause 1 First State Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

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## **First State Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003**

under the

First State Superannuation Act 1992

### **1 Name of Order**

This Order is the *First State Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003*.

### **2 Commencement**

This Order commences on the commencement of Schedule 1 [10] to the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

### **3 Amendment of First State Superannuation Act 1992**

The *First State Superannuation Act 1992* is amended by inserting at the end of Schedule 1:

Independent Transport Safety and Reliability Regulator



New South Wales

## **Public Sector Employment and Management (Long Service Payments Corporation) Order 2003**

under the

Public Sector Employment and Management Act 2002

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 Chapter 4 of the *Public Sector Employment and Management Act 2002*, make the following Order.

Dated, this 17th day of December 2003.

By Her Excellency's Command,

BOB CARR, M.P.,  
Premier

Clause 1 Public Sector Employment and Management (Long Service Payments Corporation) Order 2003

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## Public Sector Employment and Management (Long Service Payments Corporation) Order 2003

under the

Public Sector Employment and Management Act 2002

### 1 Name of Order

This Order is the *Public Sector Employment and Management (Long Service Payments Corporation) Order 2003*.

### 2 Commencement

This Order commences on 1 January 2004.

### 3 Transfer of branch

The group of staff attached to the Building and Construction Industry Long Service Payments Corporation are removed from the Department of Commerce and added to the group of staff attached to the WorkCover Authority.

### 4 Construction of certain references in Building and Construction Industry Long Service Payments Act 1986

- (1) The reference in the definition of *Director-General* in section 3 (1) of the *Building and Construction Industry Long Service Payments Act 1986* to the Director-General of the Department of Industrial Relations (required by clause 33 (3) of the *Public Sector Employment and Management (General) Order 2003* to be construed as a reference to the Director-General of the Department of Commerce) is to be construed as a reference to the Chief Executive Officer of the WorkCover Authority.
- (2) A reference in section 7 of the *Building and Construction Industry Long Service Payments Act 1986* to the Department of Industrial Relations (required by clause 33 (3) of the *Public Sector Employment and Management (General) Order 2003* to be construed as a reference to the Department of Commerce) is to be construed as a reference to the WorkCover Authority (as a Department).



New South Wales

## State Authorities Non-contributory Superannuation Amendment (St Catherine's Villa) Order 2003

under the

State Authorities Non-contributory Superannuation Act 1987

MARIE BASHIR, Governor

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

Dated, this 17th day of December 2003.

By Her Excellency's Command,

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

### Explanatory note

The object of this Order is to enable certain employees who work at St Catherine's Villa, Eastwood, and whose employment has been transferred, to retain membership of the superannuation scheme under the *State Authorities Non-contributory Superannuation Act 1987* by listing St Catherine's Aged Care Services Ltd as an employer in Part 3 of Schedule 1 to that Act.

This Order takes effect from the date the employees had their employment transferred from the Trustees of the Daughters of Charity of St Vincent de Paul to St Catherine's Aged Care Services Ltd.

This Order is made under section 27 of the *State Authorities Non-contributory Superannuation Act 1987*.

Clause 1 State Authorities Non-contributory Superannuation Amendment (St Catherine's Villa) Order 2003

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## **State Authorities Non-contributory Superannuation Amendment (St Catherine's Villa) Order 2003**

under the

State Authorities Non-contributory Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Non-contributory Superannuation Amendment (St Catherine's Villa) Order 2003*.

### **2 Commencement**

This Order is taken to have commenced on 22 May 1998.

### **3 Amendment of State Authorities Non-contributory Superannuation Act 1987**

The *State Authorities Non-contributory Superannuation Act 1987* is amended by inserting at the end of Part 3 of Schedule 1:

St Catherine's Aged Care Services Ltd (limited to those employees who were employed at St Catherine's Villa, Eastwood, by the Trustees of the Daughters of Charity of St Vincent de Paul, immediately before 22 May 1998)



New South Wales

# State Authorities Non-contributory Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

under the

State Authorities Non-contributory Superannuation Act 1987

MARIE BASHIR, Governor

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

Dated, this 17th day of December 2003.

By Her Excellency's Command,

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

## Explanatory note

The Independent Transport Safety and Reliability Regulator is a body corporate established under section 42B of the *Transport Administration Act 1988*.

The object of this Order is to amend Schedule 1 to the *State Authorities Non-contributory Superannuation Act 1987* to add the Independent Transport Safety and Reliability Regulator to the list of employers in Part 1 of Schedule 1.

This Order is made under section 27 of the *State Authorities Non-contributory Superannuation Act 1987*.

Clause 1 State Authorities Non-contributory Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

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## **State Authorities Non-contributory Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003**

under the

State Authorities Non-contributory Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Non-contributory Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003*.

### **2 Commencement**

This Order commences on the commencement of Schedule 1 [10] to the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

### **3 Amendment of State Authorities Non-contributory Superannuation Act 1987**

The *State Authorities Non-contributory Superannuation Act 1987* is amended by inserting at the end of Part 1 of Schedule 1:

Independent Transport Safety and Reliability Regulator





New South Wales

## State Authorities Superannuation Amendment (St Catherine's Villa) Order 2003

under the

State Authorities Superannuation Act 1987

MARIE BASHIR, Governor

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

Dated, this 17th day of December 2003.

By Her Excellency's Command,

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

### Explanatory note

The object of this Order is to enable certain employees who work at St Catherine's Villa, Eastwood, and whose employment has been transferred, to continue to contribute to the superannuation scheme under the *State Authorities Superannuation Act 1987* by listing St Catherine's Aged Care Services Ltd as an employer in Part 3 of Schedule 1 to that Act.

This Order takes effect from the date the employees had their employment transferred from the Trustees of the Daughters of Charity of St Vincent de Paul to St Catherine's Aged Care Services Ltd.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1            State Authorities Superannuation Amendment (St Catherine's Villa) Order  
                         2003

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## **State Authorities Superannuation Amendment (St Catherine's Villa) Order 2003**

under the

State Authorities Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Superannuation Amendment (St Catherine's Villa) Order 2003*.

### **2 Commencement**

This Order is taken to have commenced on 22 May 1998.

### **3 Amendment of State Authorities Superannuation Act 1987**

The *State Authorities Superannuation Act 1987* is amended by inserting at the end of Part 3 of Schedule 1:

St Catherine's Aged Care Services Ltd (limited to those employees who were employed at St Catherine's Villa, Eastwood, by the Trustees of the Daughters of Charity of St Vincent de Paul, immediately before 22 May 1998)



New South Wales

# State Authorities Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

under the

State Authorities Superannuation Act 1987

MARIE BASHIR, Governor

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

Dated, this 17th day of December 2003.

By Her Excellency's Command,

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

## Explanatory note

The Independent Transport Safety and Reliability Regulator is a body corporate established under section 42B of the *Transport Administration Act 1988*.

The object of this Order is to amend Schedule 1 to the *State Authorities Superannuation Act 1987* to add the Independent Transport Safety and Reliability Regulator to the list of employers in Part 1 of Schedule 1.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1 State Authorities Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

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## **State Authorities Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003**

under the

State Authorities Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003*.

### **2 Commencement**

This Order commences on the commencement of Schedule 1 [10] to the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

### **3 Amendment of State Authorities Superannuation Act 1987**

The *State Authorities Superannuation Act 1987* is amended by inserting at the end of Part 1 of Schedule 1:

Independent Transport Safety and Reliability Regulator



New South Wales

# Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003

under the

Superannuation Act 1916

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 92 of the *Superannuation Act 1916*, make the following Order.

Dated, this 17th day of December 2003.

By Her Excellency's Command,

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

## Explanatory note

The Independent Transport Safety and Reliability Regulator is a body corporate established under section 42B of the *Transport Administration Act 1988*.

The object of this Order is to amend Schedule 3 to the *Superannuation Act 1916* to add the Independent Transport Safety and Reliability Regulator to the list of employers in Part 1 of Schedule 3.

This Order is made under section 92 of the *Superannuation Act 1916*.

Clause 1 Superannuation (Independent Transport Safety and Reliability Regulator)  
Order 2003

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## **Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003**

under the

Superannuation Act 1916

### **1 Name of Order**

This Order is the *Superannuation (Independent Transport Safety and Reliability Regulator) Order 2003*.

### **2 Commencement**

This Order commences on the commencement of Schedule 1 [10] to the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

### **3 Amendment of Superannuation Act 1916**

The *Superannuation Act 1916* is amended by inserting at the end of Part 1 of Schedule 3:

Independent Transport Safety and Reliability Regulator



New South Wales

## Water Management (Ministers' Plans) Further Amendment Order 2003

under the

Water Management Act 2000

I, the Minister for Natural Resources, in pursuance of section 50 of the *Water Management Act 2000*, do, by this my Order, amend each Minister's plan referred to in the Schedule to this Order by omitting from clause 3 of each plan the matter "1 January 2004" and by inserting instead the matter "1 July 2004".

Dated, this 9th day of November 2003.

CRAIG KNOWLES, M.P.,  
Minister for Natural Resources

### **Explanatory note**

The object of this Order is to postpone the commencement of a number of Ministers' plans from 1 January 2004 to 1 July 2004.

This Order is made under section 50 of the *Water Management Act 2000*.

Water Management (Ministers' Plans) Further Amendment Order 2003

Schedule 1 Ministers' plans to be amended

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## **Schedule 1 Ministers' plans to be amended**

*Water Sharing Plan for the Adelong Creek Water Source 2003*

*Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003*

*Water Sharing Plan for the Apsley River Water Source 2003*

*Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003*

*Water Sharing Plan for the Commissioners Waters Water Source 2003*

*Water Sharing Plan for the Coopers Creek Water Source 2003*

*Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003*

*Water Sharing Plan for the Gwydir Regulated River Water Source 2002*

*Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003*

*Water Sharing Plan for the Kangaroo River Water Source 2003*

*Water Sharing Plan for the Karuah River Water Source 2003*

*Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003*

*Water Sharing Plan for the Lachlan Regulated River Water Source 2003*

*Water Sharing Plan for the Lower Gwydir Groundwater Source 2003*

*Water Sharing Plan for the Lower Lachlan Groundwater Source 2003*

*Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003*

*Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003*

*Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003*

*Water Sharing Plan for the Mandagery Creek Water Source 2003*



Water Management (Ministers' Plans) Further Amendment Order 2003

Ministers' plans to be amended

Schedule 1

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*Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003*

*Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*

*Water Sharing Plan for the Ourimbah Creek Water Source 2003*

*Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*

*Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*

*Water Sharing Plan for the Stuarts Point Groundwater Source 2003*

*Water Sharing Plan for the Tarcutta Creek Water Source 2003*

*Water Sharing Plan for the Tenterfield Creek Water Source 2003*

*Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003*

*Water Sharing Plan for the Toorumbee Creek Water Source 2003*

*Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003*

*Water Sharing Plan for the Upper Billabong Water Source 2003*

*Water Sharing Plan for the Upper Brunswick River Water Source 2003*

*Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003*

*Water Sharing Plan for the Wandella Creek Water Source 2003*

*Water Sharing Plan for the Wybong Creek Water Source 2003*

# OFFICIAL NOTICES

## Appointments

### ART GALLERY OF NEW SOUTH WALES ACT 1980

Appointment of Trustees  
Art Gallery of New South Wales Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Art Gallery of New South Wales Act 1980, the following persons being appointed as trustees of the Art Gallery of New South Wales Trust from 1 January 2004 to 31 December 2006:

- (i) David GONSKI, pursuant to section 8 (1) (re-appointment)
- (ii) Professor Janice Claire REID (new appointment)
- (iii) John SCHAEFFER (re-appointment)
- (iv) Imants TILLERS, pursuant to section 6 (1) (re-appointment)
- (v) Peter YOUNG (re-appointment)  
and
- (vi) Sandra MCPHEE (new appointment) from 1 January 2004 to 31 December 2004

BOB CARR, MP  
Premier and Minister for the Arts

### AUSTRALIAN MUSEUM TRUST ACT 1975

Appointment of Trustees  
Australian Museum Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Australian Museum Trust Act 1975, the following persons being appointed as trustees of the Australian Museum Trust from 1 January 2004 to 31 December 2006:

- (i) Associate Professor Stephan SCHNIERER, pursuant to section 1 (b) (re-appointment)
- (ii) Brian SHERMAN, pursuant to section 8 (1) (re-appointment)
- (iii) Julianna WALTON (re-appointment)

BOB CARR, MP  
Premier and Minister for the Arts

### CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board  
Appointment of Community Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the appointment of The Hon. Faye LO PO' as a community member of the Parole Board for a period of

three (3) years dating on and from 15 December 2003 until 14 December 2006.

JOHN HATZISTERGOS  
Minister for Justice  
and Minister Assisting the Premier on Citizenship

### CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board  
Appointment of Deputy Chairperson

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the appointment of Judge Terence CHRISTIE Q.C. as a Deputy Chairperson of the Parole Board for a period of three (3) years dating on and from 15 December 2003 until 14 December 2006.

JOHN HATZISTERGOS  
Minister for Justice  
and Minister Assisting the Premier on Citizenship

### FILM AND TELEVISION OFFICE ACT 1988

Appointment of Members  
Board of the New South Wales Film and  
Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6A of the Film and Television Office Act 1988, the following persons being appointed as members of the Board of the New South Wales Film and Television Office from 1 January 2004 to 31 December 2006:

- (i) Sue MASTERS (re-appointment)
- (ii) Libby RHYS-JONES (re-appointment)

BOB CARR, MP  
Premier and Minister for the Arts

### HISTORIC HOUSES ACT 1980

Appointment of Trustees  
Historic Houses Trust of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Historic Houses Act 1980, the following persons being appointed as trustees of the Historic Houses Trust of New South Wales from 1 January 2004 to 31 December 2006:

- (i) Philip THALIS (re-appointment)
- (ii) Robert WARD (new appointment)
- (iii) Jill WRAN, pursuant to section 8 (1) (re-appointment)

BOB CARR, MP  
Premier and Minister for the Arts

**LIBRARY ACT 1939**

Appointment of Members  
Library Council of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Library Act 1939, the following persons being appointed as members of the Library Council of New South Wales from 1 January 2004 to 31 December 2006:

- (i) Dr Bridget GRIFFEN-FOLEY (re-appointment)
- (ii) Belinda HUTCHINSON (re-appointment)
- (iii) David SHERBON (re-appointment)

BOB CARR, MP  
Premier and Minister for the Arts

**SYDNEY OPERA HOUSE TRUST ACT 1961**

Appointment of Trustees  
Sydney Opera House Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Sydney Opera House Trust Act 1961, the following persons being appointed as trustees of the Sydney Opera House Trust from 1 January 2004 to 31 December 2006:

- (i) John BALLARD (re-appointment)
- (ii) Rhoda ROBERTS, pursuant to section 6 (2) (re-appointment)
- (iii) Barbara WARD (re-appointment)

BOB CARR, MP  
Premier and Minister for the Arts

**MUSEUM OF APPLIED ARTS AND SCIENCES ACT 1945**

Appointment of Trustees

The Trustees of the Museum of Applied Arts and Sciences

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Museum of Applied Arts and Sciences Act 1945, the following persons being appointed as trustees of the The Trustees of the Museum of Applied Arts and Sciences from 1 January 2004 to 31 December 2006:

- (i) Andrew DENTON (new appointment)
- (ii) Trisha DIXON (re-appointment)
- (iii) Margaret SEALE, pursuant to section 4 (2) (a) (new appointment)

BOB CARR, MP  
Premier and Minister for the Arts

The Cabinet Office, Sydney  
17 December 2003

**MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR HEALTH**

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable R. P. MEAGHER, MP, Minister for Fair Trading and Minister Assisting the Minister for Commerce, to act for and on behalf of the Minister for Health, as on and from 1 January 2004, with a view to her performing the duties of the Honourable M. Lemma, MP, during his absence from duty.

BOB CARR  
Premier

**STATE RECORDS ACT 1998**

Appointment of Members  
Board of the State Records Authority of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 69 of the State Records Act 1998, the following persons being appointed as members of the Board of the State Records Authority of New South Wales from 1 January 2004 to 31 December 2006:

- (i) Hon. John Joseph AQUILINA, MP, pursuant to section 69 (2) (d) (new appointment)
- (ii) Dr Shirley FITZGERALD, pursuant to section 69 (2) (a) and (3) (d) (re-appointment)
- (iii) Kevin YOUNG, pursuant to section 69 (2) (c) (re-appointment)

BOB CARR, MP  
Premier and Minister for the Arts

The Cabinet Office, Sydney  
17 December 2003

**MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR ENERGY AND UTILITIES, MINISTER FOR SCIENCE AND MEDICAL RESEARCH, MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER) AND MINISTER ASSISTING THE PREMIER ON THE ARTS**

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable M. R. EGAN, MLC, Treasurer, Minister for State Development and Vice-President of the Executive Council, to act for and on behalf of the Minister for Energy and Utilities, from 19 December 2003, with a view to him performing the duties of the Honourable F. E. Sartor, MP, during his absence from duty.

BOB CARR  
Premier

The Cabinet Office, Sydney  
17 December 2003

**MINISTERIAL ARRANGEMENTS DURING  
THE ABSENCE OF THE MINISTER FOR  
ENERGY AND UTILITIES, MINISTER FOR  
SCIENCE AND MEDICAL RESEARCH,  
MINISTER ASSISTING THE MINISTER  
FOR HEALTH (CANCER) AND MINISTER  
ASSISTING THE PREMIER ON THE ARTS**

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J. HATZISTERGOS, MLC, Minister for Justice and Minister Assisting the Premier on Citizenship, to act for and on behalf of the Minister for Science and Medical Research and Minister Assisting the Minister for Health (Cancer), as on and from 19 December 2003, with a view to him performing the duties of the Honourable F. E. Sartor MP, during his absence from duty.

BOB CARR  
Premier

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**TRANSPORT APPEAL BOARDS ACT 1980**

Appointment of Chairperson of Transport Appeal Boards

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 5 of the Transport Appeal Boards Act 1980, has approved the appointment of Georges Gervais AMBROISINE as Chairperson of Transport Appeal Boards for a period of 18 months commencing on 1 January 2004 and ending on 30 June 2005.

JOHN DELLA BOSCA, MLC  
Minister for Industrial Relations

## NSW Agriculture

### STOCK DISEASES ACT 1923

#### PROCLAMATION 547

Declaration of diseases for the purposes of the Stock Diseases Act 1923

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 and:

- i. pursuant to sections 3(2)(a) of the Stock Diseases Act 1923, revoke Proclamation No. 546 published in the Government Gazette No. 93 of 30 May 2003 at pages 4954-4955, and any Proclamation revived as a result of that revocation; and
- ii. pursuant to section 4(1) of Act, declare that any disease mentioned in Column 1 of the Schedule, being a disease in stock, shall be a disease in respect of which the provisions of the Act or such of them as may be specified in Column 2 of the Schedule shall apply.

#### SCHEDULE

##### Diseases in stock recognised as endemic or sporadic

Column 1	Column 2
Anaplasmosis	
Anthrax	
Babesiosis (bovine)	
Cattle tick ( <i>Boophilus microplus</i> )	
Chalk brood ( <i>Ascophæra apis</i> ) in honeybees	Only section 9
Chlamydiosis in birds other than poultry	Only section 9
Chlamydiosis in poultry	
Egg drop syndrome (EDS 76)	Only section 9
Enzootic abortion of ewes	Only section 9
Enzootic bovine leucosis	
Equine herpesvirus abortion	Only section 9
Equine infectious anaemia	Only section 9
Equine viral arteritis	Only section 9
European foulbrood ( <i>Melissococcus pluton</i> ) in honeybees	Only section 9
Footrot in sheep and goats	
Infectious laryngotracheitis	Only section 9
Johne's disease	
Ovine brucellosis ( <i>Brucella ovis</i> )	All provisions other than section 9
Porcine brucellosis ( <i>Brucella suis</i> )	
Porcine Myocarditis syndrome (PMC)	
Pullorum disease ( <i>Salmonella pullorum</i> )	

<i>Salmonella enteritidis</i> infection in poultry	
Sheep ked	
Sheep lice	All provision other than sections 9 and 20B
Small hive beetle ( <i>Aethina tumida</i> )	Only section 9
Strangles	Only section 9
Trichomoniasis	
Tuberculosis	
Tularaemia	Only section 9

#### Diseases in stock recognised as exotic

##### Column 1

##### Column 2

Bovine brucellosis ( <i>Brucella abortus</i> )	
Contagious agalactia	Only section 9
Duck virus enteritis (duck plague)	Only section 9
Duck virus hepatitis	Only section 9
Foot and mouth disease	
Louping ill	Only section 9
Malignant catarrhal fever	Only section 9
Newcastle disease	
Porcine cysticercosis	Only section 9
Rabies	Only section 23
Transmissible spongiform encephalopathies (including bovine spongiform encephalopathy and scrapie)	Only sections 20FB, 20J and 23
Trypanosomiasis	Only section 9

Signed and sealed at Sydney this 17th day of December 2003.

By Her Excellency's command

IAN MACDONALD, M.L.C.,  
Nsw Minister for Agriculture and Fisheries

GOD SAVE THE QUEEN!

**PLANT DISEASES ACT 1924****ERRATUM**

I, IAN MACDONALD MLC, NSW Minister for Agriculture and Fisheries pursuant to Section 3(2) of the *Plant Diseases Act 1924*:

a) revoke Order (OR77) published in the Government Gazette of 21 November 2003, Gazette No. 185 on page 10669, and

b) substitute the NSW Banana Protected Area map on page 10521 of Order (OR77) published in the Government Gazette of 14 November 2003, Gazette No. 179 on page 10517, with the map in Schedule 1.

IAN MACDONALD MLC  
NSW MINISTER FOR AGRICULTURE AND FISHERIES

### NSW Banana Protected Area



NSW Agriculture  
Prepared by Resource Information  
October, 2003



## Department of Infrastructure, Planning and Natural Resources

### Natural Resources

#### WATER ACT 1912

APPLICATIONS for a licence and an authority 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*

CRANDELL PTY LTD, for pump on the Lachlan River, on Lot 137, DP 752936, Parish Cumbijowa, County Forbes, for water supply for irrigation of 374 hectares (lucerne) (new licence—existing entitlement, part replacement of authority) (Reference: 70SL090933) (GA2:512526).

AN application for an authority under section 20 of Part 2 of the Water Act 1912, has been received as follows:

Mark Kingsley and Robert James GREEN and Kingsley James GREEN, for 3 pumps on the Lachlan River, on Lot A, DP 407543 and Lot 6, DP 626336, Parish of Waayourigong, County of Forbes, for water supply for stock purposes and irrigation of 325.16 hectares (lucerne and cereals) (new authority—existing entitlement and entitlement obtained by way of permanent transfer scheme) (Reference: 70SA009604) (GA2:512526).

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

D. THOMAS,  
Senior Natural Resource Officer,  
Central West Region.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 136 Forbes, NSW 2871, tel.: (02) 6852 1222.

#### WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under Section 10 of the Water Act, 1912, as amended.

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

*Lower MacIntyre River Valley*

Malcolm David HARRIS for a pump on Carwal Creek on Lot 25, DP750462, Parish of Galloway, County of Benarba for water supply for stock and domestic purposes and irrigation of 324 hectares. Subject application seeks to permanently transfer 648 megalitres from an upstream Gil Gil Creek Licence to existing development (to combine with and replace an existing Licence). Ref: 90SL100725. GA2472127.

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 28 days as specified in the Act.

GEOFF CAMERON,  
Manager Resource Access

Department of Infrastructure, Planning and  
Natural Resources  
PO Box 550 TAMWORTH NSW 2340

#### WATER ACT 1912

##### Notice Pursuant to Section 20Z

THE Water Administration Ministerial Corporation notifies the holders of entitlements (licences, authorities, irrigation corporations, and group licences), that water allocations under the Murrumbidgee River Volumetric Water Allocations Scheme are reduced to the proportions as specified in Schedule 1 for the water year commencing 1st July 2003 until further notice.

Dated this day 1st December 2003

Signed for the Water  
Administration Ministerial Corporation

WARWICK FORD,  
Murrumbidgee Region

Department of Infrastructure, Planning and  
Natural Resources  
(by Delegation)

#### SCHEDULE 1

- (a) The water allocation for the 2003-2004 water year for High Security licences for any purpose, other than aquaculture, domestic, experimental/research, industrial, mining, pisciculture, stock and town water supply, are reduced ninety five percent (95%) of entitlement.
- (b) The water allocation for the 2003-2004 water year for General Security licences are reduced to thirty nine (39%) of entitlement.

#### WATER ACT 1912

##### Notice of Withdrawal of Pumping Suspensions Under Section 22b of the Water Act 1912

*Bookookoorara Creek, Boonoo Boonoo River and their  
Tributaries*

THE Department of Infrastructure, Planning and Natural Resources advises that PUMPING SUSPENSIONS under Section 22B of the Water Act 1912 relating to Bookookoorara Creek, Boonoo Boonoo River and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping

restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licenses.

Dated this eleventh day of December 2003.

G LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON (GA2:- 476055)

### WATER ACT 1912

#### Notice Pursuant to Section 20Z

THE Water Administration Ministerial Corporation notifies the holders of entitlements (licences, authorities, irrigation corporations, group licences and rights under Section 38B) used for the taking of General Security water, that water allocations under the Murray River Volumetric Water Allocations Scheme are limited to 55 percent (%) until further notice.

Dated this day 15th day of December 2003

Signed for the Water  
Administration Ministerial Corporation

DAVID HARRISS,  
Regional Director  
Murray/Murrumbidgee Region

Department of Infrastructure, Planning and Natural  
Resources  
(by Delegation)

### WATER ACT 1912

#### Notice of Withdrawal of Pumping Suspensions and Restrictions Under Section 22B of the Water Act 1912

Buckra-bendinni Creek, Missabotti Creek, South Creek, Taylors Arm, Nambucca River and its Tributaries.

THE Department of Infrastructure, Planning and Natural Resources advises that PUMPING SUSPENSIONS and RESTRICTIONS under Section 22B of the Water Act 1912 relating to Buckra-Bendinni Creek, Missabotti Creek, South Creek, Taylors Arm, Nambucca River and its tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping suspensions and restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licenses.

Dated this seventeenth day of December 2003.

G LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON (GA2:- 467056)

### WATER ACT 1912

#### Notice of Withdrawal of Pumping Restrictions Under Section 22B of the Water Act 1912

##### *Dungay Creek and its Tributaries*

THE Department of Infrastructure, Planning and Natural Resources advises that PUMPING RESTRICTIONS under Section 22B of the Water Act 1912 relating to Dungay Creek and its tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Water Act that pumping restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licenses.

Dated this eighteenth day of December 2003.

G LOLLBACK,  
Resource Access Manager  
North Coast Region  
GRAFTON (GA2:- 476057)

### WATER ACT 1912

#### PUBLIC NOTICE

#### **Pumping Restrictions Lifted**

##### *Wybong Creek Catchment*

THE Department of Infrastructure, Planning and Natural Resources, on advice from the Wybong Water User's Association, wish to inform landholders within the Wybong Creek catchment that pumping restrictions are now lifted. The situation will be closely monitored and reviewed again on 8 January 2004.

Licensees with the option of pumping into off-creek storages are encouraged to do so during this period of higher flows.

The department and the Association wish to thank all landholders for their continued support during the extremely difficult times of water shortage. With everyone's co-operation the equal sharing of the limited water resources available would not have been possible.

Dated this Sixteenth day of December 2003.

C ABBS,  
A/regional Director  
Hunter

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## Department of Lands

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### FAR WEST REGIONAL OFFICE

#### Department of Lands

**45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830**

**Phone: (02) 6883 3000      Fax: (02) 6883 3099**

#### APPONTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

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#### SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Brewarrina Shire Council.	Brewarrina Aboriginal Cultural Museum Trust.	Reserve No.: 230001. Public Purpose: Museum. Notified: 8 May 1987.
		Reserve No.: 230074. Public Purpose: Public recreation. Notified: 26 July 1991. File No.: WL90 R 31/1.

For a term commencing this day.

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**GOULBURN OFFICE**  
**Department of Lands**  
**159 Auburn Street (PO Box 748), Goulburn, NSW 2580**  
**Phone: (02) 4828 6725 Fax: (02) 4828 6730**

**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 Schedules hereunder are appointed, for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Margaret Anne WISBEY (re-appointment), John Arthur MULLINS (re-appointment), Ronald Charles HARRISON.	Araluen Recreation Reserve Trust.	Reserve No.: 81367. Public Purpose: Public recreation. Notified: 30 January 1959. File No.: GB80 R 235.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Diana Cathryn MORAN (re-appointment), Moira McGINITY (re-appointment), Frank McGINITY (re-appointment), Paul BAYLISS (re-appointment), Anne Kathleen Mary Patricia WILLIAMS, Kenneth John MORAN.	Bungonia Park Trust.	Reserve No.: 35559. Public Purpose: Public recreation. Notified: 10 January 1903. File No.: GB80 R 275.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
George M. NICOLA (new member), Peter William SAUNDERS (new member),	Gundaroo Park Trust.	Dedication No.: 530000. Public Purpose: Public recreation. Notified: 14 February 1873. File No.: GB80R91.

Peter VAN KLEEF (new member),  
James Edward FINN (re-appointment),  
Rohan Raphael McCARTHY (re-appointment),  
Christopher John HUMPHRIES (re-appointment).

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
Victor Bradshaw GLEESON (new member), Gwynyth Ruth JAGGER (new member), Jo-Anne Beverley McDONALD (re-appointment).	Gundillion Recreation Reserve Trust.	Reserve No.: 46380. Public Purpose: Public recreation. Notified: 8 March 1911. File No.: GB79 R 48.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 5

COLUMN 1	COLUMN 2	COLUMN 3
Paul Dominic CHOWN, Peter Angus COLES, Sonya Lea-Anne RUPS (new member), Glenda Eva CHOWN (new member), Roy Gordon CHOWN (re-appointment), Kevin John MILLER (re-appointment), Glen Edward BERRY (re-appointment).	Reids Flat Recreation Reserve Trust.	Reserve No.: 60976. Public Purpose: Public recreation. Notified: 22 February 1929. File No.: GB80 R 290.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

## SCHEDULE 6

COLUMN 1	COLUMN 2	COLUMN 3
Pamela Mary FLETCHER (new member), Harley John HEDGER (re-appointment), Philip Alan REID (re-appointment), David Maxwell JARDINE (re-appointment), Ann Elizabeth LEHMANN (re-appointment), Raymond George CROWE (re-appointment), Anthony Trahair CLIFFORD (re-appointment).	Rocky Plains Recreation Reserve Trust.	Reserve No.: 89053. Public Purpose: Public recreation. Notified: 19 October 1973. File No.: GB80 R 227.

## Term of Office

For a term commencing the date of this notice and  
expiring 18 December 2008.

## SCHEDULE 7

COLUMN 1	COLUMN 2	COLUMN 3
Charles DOGGETT (new member), Anne Dilys BOLLEN (new member), Charles STUDDERT (re-appointment), Andrew STUDDERT (re-appointment).	Towrang Stockade Trust.	Reserve No.: 79119. Public Purpose: Preservation of graves. Notified: 30 November 1956.  Reserve No.: 79121. Public Purpose: Memorial. Notified: 30 November 1956. File No.: GB80 R 58.

## Term of Office

For a term commencing the date of this notice and  
expiring 18 December 2008.

## SCHEDULE 8

COLUMN 1	COLUMN 2	COLUMN 3
Murray Barclay HALLAM (re-appointment), Kerrie Elizabeth BROWN (re-appointment), Kevin Hilary APPS (re-appointment), Shayne Donald FRIEND (re-appointment).	Yarra Recreation Reserve Trust.	Reserve No.: 88669. Public Purpose: Public recreation. Notified: 21 July 1972. File No.: GB80 R 242.

## Term of Office

For a term commencing the date of this notice and  
expiring 18 December 2008.

**GRAFTON OFFICE**  
**Department of Lands**  
**76 Victoria Street (Locked Bag 10), Grafton, NSW 2460**  
**Phone: (02) 6640 2000 Fax: (02) 6640 2035**

**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 thereunder, 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.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Neil Thomas TIERNEY (re-appointment), Elizabeth Diedre WALLACH (new member), Georgette Hazel EVERINGHAM (new member), Keiran Francis ROGERSON (new member), Vicki Louise SMITH (re-appointment), David Charles McINNES (new member), Raymond John ROBERTSON (new member).	The Channon Public Hall Reserve Trust.	Reserve No.: 140076. Public Purpose: Environmental protection, rural services and public recreation. Notified: 31 July 1992.  Reserve No.: 88821. Public Purpose: Public hall. Notified: 12 January 1973. File No.: GF81 R 149.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

**APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST**

PURSUANT to section 48(1) of the Commons Management Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed, as administrator for the term also specified thereunder, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Peter Edward BAUMANN.	Brushgrove Common Trust.	Reserve No.: 770. Public Purpose: Commonage. Notified: 1 August 1881. File No.: GF81 R 64.

Term of Office

For a term commencing 14 September 2003 and expiring 13 March 2004.

**ROADS ACT 1993**

ORDER

Transfer of a Crown Road to a Council

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

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE 1

The Crown public road shown by black colour on the diagram hereunder at Tyagarah, Parish Brunswick, County Rous.



Not to scale  
 Diagrammatic representation only

## SCHEDULE 2

Roads Authority: Byron Shire Council.

File No.: GF03 H 391.

Councils Reference: 194930G/#420606.

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

Transfer of a Crown Road to a Council

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

## SCHEDULE 1

The Crown public road shown by black colour on the diagram hereunder at Tweed Heads, Parish Terranora, County Rous.



Not to scale  
Diagrammatic representation only

## SCHEDULE 2

Roads Authority: Tweed Shire Council.

File No.: GF02 H 374.

Councils Reference: Crown Road.

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

**APPOINTMENT OF RESERVE TRUST AS  
TRUSTEE OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

## SCHEDULE

**COLUMN 1**

Lachlan Shire Council  
Crown Reserves Reserve  
Trust.

**COLUMN 2**

Reserve No.: 1005169.  
Public Purpose. Public recreation  
and environmental protection.  
Notified: 5 December 2003.  
File No.: GH01 R 9.

**MOREE OFFICE**  
**Department of Lands**  
**Frome Street (PO Box 388), Moree, NSW 2400**  
**Phone: (02) 6752 5055 Fax: (02) 6752 1707**

**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 Schedules hereunder are appointed, for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
John William FORSYTH (re-appointment), James Alexander Comer DONALDSON (re-appointment), James Ian REES (re-appointment).	Croppa Creek Public Recreation Reserve Trust.	Reserve No.: 83986. Public Purpose: Public recreation. Notified: 14 September 1962. File No.: ME83 R 13.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2007.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
The person for the time being holding the office of President, Gurley Pony Club Incorporated (ex-officio member).	Gurley Public Recreation Reserve Trust.	Reserve No.: 75730. Public Purpose: Public recreation. Notified: 2 April 1953. File No.: ME80 R 46.

Term of Office

For a term commencing the date of this notice and expiring 18 July 2004.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Patricia Joyce WOODS (re-appointment), Mavis Lillian CAIN (re-appointment), Christopher Boyce CAIN (re-appointment), Adrian Neville COLLETT (re-appointment), John Robert TOMLINSON (re-appointment), Roydon Lyle FRY (new member), Stephen John TOMLINSON (new member).	Yarrie Lake Public Hall Trust.	Dedication No.: 560033. Public Purpose: Public hall. Notified: 24 May 1935. File No.: ME81 R 41.

Term of Office

For a term commencing the date of this notice and expiring 31 May 2008.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
William Harold GUEST (re-appointment), Nigel Max GUEST (re-appointment), Trevor Charles MADDEN (re-appointment), Michael Edward Troy BURGMANN (new member).	Curramanga Recreation Reserve Trust.	Reserve No.: 160047. Public Purpose: Public recreation and community purposes. Notified: 15 July 1994. File No.: ME96 R 2.

Term of Office

For a term commencing the date of this notice and expiring 1 May 2007.



**NOWRA OFFICE**  
**Department of Lands**  
**5 O'Keefe Avenue (PO Box 309), Nowra, NSW 2541**  
**Phone: (02) 4428 6900 Fax: (02) 4428 6988**

**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 Schedules hereunder are appointed, for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Gary KENT (new member), Ian Alexander MAY (new member), Neil Arthur DAWSON (new member), David John SMITH (new member), Gregory Neil CLEMENTS (re-appointment), Maria KING (re-appointment), Bede Francis KELLY (re-appointment).	Pambula Recreation Reserve Trust.	Reserve No.: 89209. Public Purpose: Showground and public recreation. Notified: 31 May 1974. File No.: NA80 R 162/1.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Rachel JONES (new member), Bradley Leighton BOBBIN (new member), Leslie George WILTON (new member), Gary Richard BERMAN (new member), Elizabeth Mary CLARK (re-appointment).	Bemboka Showground Trust.	Reserve No.: 40788. Public Purpose: Showground. Notified: 22 August 1906. File No.: NA84 R 35/1.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
David Roland MONCK (new member), Rod GILLETT (new member), Ronald Francis DALE (new member), Richard John ROBERTS (re-appointment), Keith LUCAS (re-appointment).	Quaama Sports Ground Trust.	Dedication No.: 580101. Public Purpose: Public recreation and racecourse. Notified: 31 October 1947. File No.: NA80 R 117/1.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

Description

*Land District – Moruya; L.G.A. – Eurobodalla Shire.*

Lot 7011, DP 1059358 at Long Beach, Parish Benandarah and County St. Vincent (not being land under the Real Property Act).

File No.: NA03 H 120.

Notes: (1) On closing, the land remains vested in the Crown as Crown Land.

(2) The land is to be added to R.72057 for public recreation and resting place, this day.

**ADDITION TO RESERVED CROWN LAND**

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedules hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedules.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

## SCHEDULE 1

COLUMN 1	COLUMN 2
Land District: Bega.	Reserve No.: 79310.
Local Government Area: Bega Valley Shire Council.	Public Purpose: Public recreation and resting place.
Locality: Tathra.	Notified: 1 February 1957.
Lot 7001, DP No. 750236 #, Parish Wallagoot, County Auckland.	Lot 246, DP No. 40506, Parish Wallagoot, County Auckland;
Area: 4.5 hectares.	Lot 266, DP No. 726739, Parish Wallagoot, County Auckland;
File No.: NA80 R 7.	Lot 243, DP No. 39811, Parish Wallagoot, County Auckland;
	Lot 7004, DP No. 750236 #, Parish Wallagoot, County Auckland;
	Lot 7005, DP No. 750236 #, Parish Wallagoot, County Auckland;
	Lot 7002, DP No. 750236 #, Parish Wallagoot, County Auckland;
	Lot 7003, DP No. 750236 #, Parish Wallagoot, County Auckland.
	New Area: 110.15 hectares

Note: The affected part of R.95808 for public recreation is hereby automatically revoked by this notice, this day.

Disclaimer: Please note that the above Lot numbers marked # are for Departmental use only.

## SCHEDULE 2

COLUMN 1	COLUMN 2
Land District: Bega.	Reserve No.: 64333.
Local Government Area: Bega Valley Shire Council.	Public Purpose: Public recreation.
Locality: Tathra.	Notified: 5 January 1934.
Lot 7014, DP No. 1056907, Parish Wallagoot, County Auckland.	Lot 255, DP No. 729166, Parish Wallagoot, County Auckland;
Area: 4047 square metres.	Lot 256, DP No. 729166, Parish Wallagoot, County Auckland;
File No.: NA80 R 212	Lot 7010, DP No. 750236 #, Parish Wallagoot, County Auckland.
	New Area: 24.69 hectares.

Note: R.69605 for public pound is hereby automatically revoked by this notification, this day.

Disclaimer: Please note that the above Lot numbers marked # are for Departmental use only.

## SCHEDULE 3

COLUMN 1	COLUMN 2
Land District: Moruya.	Reserve No.: 72057.
Local Government Area: Eurobodalla Council.	Public Purpose: Public recreation and resting place.
Locality: Long Beach.	Notified: 11 October 1946.
Lot 7011, DP No. 1059358, Parish Benandarah, County St Vincent.	Lot 7006, DP No. 1029234, Parish Benandarah, County St Vincent;
Area: 5.93 hectares.	Lot 7007, DP No. 755904 #, Parish Benandarah, County St Vincent;
File No.: NA03 R 22.	Lot 7008, DP No. 755904 #, Parish Benandarah, County St Vincent.
	New Area: 35.16 hectares.

Note: Being the road closed this day.

Disclaimer: Please note that the above Lot numbers marked # are for Departmental use only.

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

**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 Schedules hereunder are appointed, for the terms of office specified thereunder, 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 Schedules.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Robert Ian MORRISON (new member), Catherine SMITH (new member), Madelaine FORGIE (re-appointment), Athyl Dawn SMITH (re-appointment), Roger Ian SMITH (re-appointment), Allan Lee FORGIE (re-appointment), Marilyn LECH (re-appointment).	Billimari Public Hall and Recreation Reserve Trust.	Reserve No.: 50139. Public Purpose: Public recreation. Notified: 26 August 1914.
		Reserve No.: 51431. Public Purpose: Public hall. Notified: 14 April 1916. File No.: OE81 R 98/3.

Term of Office

For a term commencing this day and expiring 18 December 2008.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Malcolm Charles LANG (re-appointment), Glenn Raymond CAMPBELL (re-appointment), Reginald Edgar BOYD (re-appointment), Ian Mileham LITCHFIELD (re-appointment).	Hampton Park Reserve Trust.	Public Park No.: 590012. Public Purpose: Park. Notified: 16 July 1904. File No.: OE81 R 14/5.

Term of Office

For a term commencing 29 January 2004 and expiring 28 January 2009.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Lorraine CHADWICK (new member), Allan SIM (re-appointment), David SIM (re-appointment).	Running Stream Recreation Reserve Trust.	Reserve No.: 37372. Public Purpose: Public recreation. Notified: 12 March 1904. File No.: OE80 R 121/4.

Term of Office

For a term commencing this day and expiring 16 January 2008.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
Laurence William CROWLEY (re-appointment), Anthony Uel SIMMONS, Terrence John GREEN.	Trundle Showground Trust.	Dedication No.: 590139. Public Purpose: Showground. Notified: 16 January 1931. File No.: OE80 R 280/4.

Term of Office

For a term commencing this day and expiring 18 December 2008.

SCHEDULE 5

COLUMN 1	COLUMN 2	COLUMN 3
Gloria Alice PROSPER (new member), Deirdre Elaine MOLLOY (re-appointment), Francis James RYAN (re-appointment), John Charles RIDLEY (re-appointment), Edward Anthony PROSPER (re-appointment).	Mandurama Public Hall Reserve Trust.	Reserve No.: 190109. Public Purpose: Community purposes. Notified: 6 August 1993. File No.: OE92 R 18/1.

Term of Office

For a term commencing 26 February 2004 and expiring 25 February 2009.

## SCHEDULE 6

COLUMN 1	COLUMN 2	COLUMN 3
Lindsay Peter WOOLDRIDGE (new member), Richard William POWTER (re-appointment), Franklin John POWTER (re-appointment).	Garema Public Hall and Public Recreation Reserve Trust.	Reserve No.: 55646. Public Purpose: Public hall. Notified: 8 September 1922.  Reserve No.: 55690. Public Purpose: Public recreation. Notified: 29 September 1922. File No.: OE80 R 335/2.

## Term of Office

For a term commencing this day and expiring  
18 December 2008.

## SCHEDULE 7

COLUMN 1	COLUMN 2	COLUMN 3
Tania SELBY (re-appointment), Gregory Stephen GARLINGE (re-appointment), Wendy Anne MURPHY (re-appointment), Ian Douglas MOORE (re-appointment), Noella B MOORE (re-appointment), Margaret Elizabeth WEATHERLY (re-appointment), Geoffrey Thompson MOORE (re-appointment).	Iford Recreation Reserve Trust.	Reserve No.: 29265. Public Purpose: Public recreation. Notified: 22 April 1899. File No.: OE80 R 59/4.

## Term of Office

For a term commencing this day and expiring  
18 December 2008.

## SCHEDULE 8

COLUMN 1	COLUMN 2	COLUMN 3
Graham Spencer MOON (re-appointment), Kelton Caroline WILSON (re-appointment), Kenneth George WILSON (re-appointment), Ada Marie EDWARDS (re-appointment), Lynette Margaret HARVEY (new member), Della Elena TOOHEY (re-appointment).	Morongla Creek Showground Trust.	Reserve No.: 74010. Public Purpose: Public recreation. Notified: 5 February 1951. File No.: OE81 R 84/3.

## Term of Office

For a term commencing this day and expiring  
18 December 2008.

## ROADS ACT 1993

## ORDER

## Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public 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 and as from that date, the roads specified in Schedule 1 cease to be Crown public roads.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

## SCHEDULE 1

The Crown public road south of Lots 281 and 242 in Deposited Plan 756895 and Lot 1 in Deposited Plan 598762, road south-west of Lots 34 and 10 in Deposited Plan 827252 and road through and west of Lot PT58 in Deposited Plan 756889, Parishes Mulyan and Lewis, County Wellington and Land District of Orange.

File No.: OE03 H 124.

## SCHEDULE 2

Road Authority: Cabonne Council.

## REVOCATION OF RESERVATION OF CROWN LAND

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

## SCHEDULE

COLUMN 1	COLUMN 2
Land District: Bathurst. Local Government Area: Evans Shire Council. Locality: Sofala. Reserve No.: 94776. Public Purpose: Future public requirements. Notified: 15 May 1981. File No.: OE01 H 312.	The whole being Lot 117, DP No. 755790, Parish Sofala, County Roxburgh, of an area of 270 hectares.

Note: Conversion to freehold land.

**SYDNEY METROPOLITAN OFFICE****Department of Lands****Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150****(PO Box 3935), Parramatta, NSW 2124****Phone: (02) 9895 7657 Fax: (02) 9895 6227****NOTIFICATION OF CLOSING OF ROADS**

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

\_\_\_\_\_

Descriptions

*Land District – Metropolitan; L.G.A. – Canada Bay.*

Lot 100, DP 1062450 at Mortlake, Parish Concord (Sheet 3), County Cumberland.

File No.: MN03 H 134.

Notes: 1] On closing, title for the land in Lot 100 remains vested in City of Canada Bay Council as operational land.

2] The road is closed subject to the easement for electricity purposes variable width as shown in DP 1061011.

\_\_\_\_\_

*Land District – Metropolitan; L.G.A. – Woollahra.*

Lot 14, DP 1057597 at Bellevue Hill, Parish Alexandria (Sheet 5), County Cumberland.

File No.: MN02 H 261.

Note: On closing, title for the land in Lot 14 remains vested in Woollahra Municipal Council as operational land.

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*Land District – Metropolitan; L.G.A. – Wollondilly.*

Lot 100, DP 1062577 at Bargo, Parish Bargo, County Camden.

File No.: MN00 H 295.

Note: On closing, title for the land in Lot 100 remains vested in the Crown.

**ROADS ACT, 1993****ORDER****Transfer of a Crown Road to Council**

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

\_\_\_\_\_

**SCHEDULE 1**

*Land District – Metropolitan;  
Local Government Area – South Sydney;  
Parish – Alexandria; County – Cumberland.*

Lot 1767, DP 821362.

\_\_\_\_\_

**SCHEDULE 2**

Roads Authority: South Sydney City Council.

File No.: MN85 R 125.

**REVOCATION OF RESERVATION OF CROWN LAND**

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**COLUMN 1**

Land District: Metropolitan.  
Council: Liverpool.  
Parish: St Luke.  
County: Cumberland.  
Location: Prestons.  
Reserve No.: 98131.  
Purpose: Public recreation,  
showground and  
community purposes.  
Date of Notification: 18 April  
1986.  
File No.: MN85 R 63.

**COLUMN 2**

Part reserve being the whole of  
Lot 15, DP 1061935, comprising  
an area of 17.03 hectares.

**DRAFT ASSESSMENT OF CROWN LAND UNDER  
PART 3 OF THE CROWN LANDS ACT 1989 AND  
THE CROWN LANDS REGULATION 2000**

THE Minister Assisting the Minister for Natural Resource (Lands) has prepared a draft assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the following locations: Sydney Metropolitan Office of the Department of Lands, at Level 12, 10 Valentine Avenue, Parramatta; Customer Service Desk of Warringah Council, Civic Centre, 725 Pittwater Road, Dee Why; Belrose Library, Glen Street, Belrose; Forestville Library, 6 Darley Street, Forestville; Dee Why Library, Pittwater Road, Dee Why and Warringah Mall Library, Shop 650, Level 2, Arena Cove, Warringah Mall, Brookvale, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing from 23 December 2003 until 28 February 2004 and should be sent to Martin Sewell, Department of Lands, Sydney Metropolitan Office, PO Box 3935, Parramatta, NSW 2124.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

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Description

Crown Land between Forest Way in the west, Garigal National Park in the north, the suburb of Cromer in the east and Warringah Road in the south at Belrose, Cromer and Oxford Falls, comprising about 469 hectares.

Comprised of various lots in the Parish of Manly Cove, County of Cumberland and Local Government Area of Warringah.

Contact: Martin Sewell (02) 9895 6212.

File No.: MN00 H 69.

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**ERRATUM**

THE notification appearing in the *Government Gazette* of 28 November 2003, Folio 10898, under the heading of Notification of Closing of Roads in Notes 1, Lot 14 should read Lot 201.

File No.: MN03 H 14.

**TAMWORTH OFFICE**  
**Department of Lands**  
**25-27 Fitzroy Street (PO Box 535), Tamworth, NSW 2340**  
**Phone: (02) 6764 5100; Fax: (02) 6766 3805**

**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 thereunder, 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.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**COLUMN 1**

Phillip Noel  
WHITTEN  
(re-appointment),  
Alfred THOMAS  
(new member),  
Rodney Edward  
HAWORTH  
(new member).  
Helen Westlake  
ANDREW  
(new member),  
Stephen Rodney  
ROWE (new member).

—————  
**SCHEDULE**

**COLUMN 2**

Ogunbil  
Recreation  
Reserve Trust.

**COLUMN 3**

Reserve No.: 47286.  
Public Purpose: Public  
recreation.  
Notified: 20 December  
1911.  
Locality: Ogunbil.  
File No.: TH79 R 50.

Term of Office

For a term commencing this day and expiring on  
19 December 2008.

—————  
**TAREE OFFICE**  
**Department of Lands**  
**98 Victoria Street (PO Box 440), Taree, NSW 2430**  
**Phone: (02) 6552 2788 Fax: (02) 6552 2816**

**NOTIFICATION OF CLOSING OF PUBLIC  
ROAD**

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**ERRATUM**

THE notice appearing in the *Government Gazette* of 19 September 2003 (Folio 9455), under the heading of "Assignment of Name to a Reserve Trust" is hereby amended by changing 'County Macquarie' to 'County Gloucester'.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

—————  
Description

*Land District – Port Macquarie;*  
*Local Government Area – Hastings*

Road closed: Lot 1, DP 1061725 at North Shore, Port Macquarie, Parish of Torrens, County of Macquarie.

File No.: TE02 H 31.

Note: On closing, the land within Lot 1 remains vested in Hastings Council as operational land.

**WAGGA WAGGA REGIONAL OFFICE****Department of Lands****Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****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 thereunder, 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.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Wayne Alexander NEVINSON (new member), Marie Bridgid Cecelia CARROLL (re-appointment), Francis DENSLEY (re-appointment), Michael Serge BONNEL (re-appointment).	Albury West Public Hall Trust.	Reserve No.: 68462. Public Purpose: Public hall. Notified: 7 July 1939. File No.: WA82 R 82.

**Term of Office**

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

**REVOCATION OF RESERVATION OF CROWN LAND**

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

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Urana. Local Government Area: Lockhart Shire Council. Locality: Ross. Reserve No.: 93822. Public Purpose: Future public requirements. Notified: 17 October 1980. File No.: WA79 H 179.	The whole being Lot 54, DP No. 756442, Parish Ross, County Urana; Lot 1, DP No. 723410, Parish Ross, County Urana; Lot 2, DP No. 723410, Parish Ross, County Urana, of an area of 24.89 hectares.

**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.

Tony Kelly, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Urana. Local Government Area: Lockhart Shire Council. Locality: Urangeline. Lot 54, DP No. 756442, Parish Ross, County Urana; Lot 1, DP No. 723410, Parish Ross, County Urana; Lot 2, DP No. 723410, Parish Ross, County Urana. Area: 32.234 hectares. File No.: WA03 R 18.	Reserve No.: 1005368. Public Purpose: Environmental protection.

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Lockhart Council Crown Reserves Reserve Trust.	Reserve No.: 1005368. Public Purpose: Environmental protection. Notified: This day. File No.: WA03 R 18.



## Department of Mineral Resources

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T03-0993)

No. 2251, PARADIGM NSW PTY LTD (ACN 099 477 979), area of 41 units, for Group 1, dated 8 December 2003. (Armidale Mining Division).

(T03-0994)

No. 2252, PARADIGM NSW PTY LTD (ACN 099 477 979), area of 41 units, for Group 1, dated 8 December 2003. (Armidale Mining Division).

(T03-0995)

No. 2253, HELIX RESOURCES LIMITED (ACN 009 138 738), area of 52 units, for Group 1, dated 8 December 2003. (Orange Mining Division).

(T03-0996)

No. 2254, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), area of 4 units, for Group 2, dated 8 December 2003. (Orange Mining Division).

(T03-0997)

No. 2255, NORBERT CALABRO, area of 18 units, for Group 1, dated 9 December 2003. (Broken Hill Mining Division).

(T03-1000)

No. 2256, MOUNT CONQUEROR MINERALS NL (ACN 003 312 721) and CENTRAL WEST GOLD NL (ACN 003 178 591), area of 1 unit, for Group 1, dated 10 December 2003. (Orange Mining Division).

(T03-1001)

No. 2257, COMPASS RESOURCES NL (ACN 010 536 820), area of 81 units, for Group 1, dated 12 December 2003. (Broken Hill Mining Division).

(T03-1002)

No. 2258, COMPASS RESOURCES NL (ACN 010 536 820), area of 64 units, for Group 1, dated 12 December 2003. (Broken Hill Mining Division).

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATION

(T03-0095)

No. 2136, now Exploration Licence No. 6167, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), Counties of Menindee and Yancowinna, Map Sheet (7133), area of 9 units, for Group 1, dated 5 December 2003, for a term until 4 December 2005. As a result of the grant of this title, Exploration Licence No. 5614 has partly ceased to have effect.

### MINING LEASE APPLICATION

(C02-0227)

Singleton No. 205, now Mining Lease No. 1543 (Act 1992), CENTENNIAL MANDALONG PTY LIMITED (ACN 101 508 892), Parish of Mandolong, County of Northumberland, Map Sheet (9131-1-S), area of 172.5 hectares, to mine for coal, dated 25 November 2003, for a term until 24 November 2024. As a result of the grant of this title, Exploration Licence No. 5892 has partly ceased to have effect.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following applications have been withdrawn:

### EXPLORATION LICENCE APPLICATION

(T03-0994)

No. 2252, PARADIGM NSW PTY LTD (ACN 099 477 979), County of Hardinge and County of Sandon, Map Sheet (9137). Withdrawal took effect on 8 December 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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

(T83-0858)

Exploration Licence No. 2151, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), area of 38 units. Application for renewal received 8 December 2003.

(T99-0016)

Exploration Licence No. 5671, MILLENNIUM MINERALS (OPERATIONS) PTY LIMITED (ACN 077 507 521), area of 11 units. Application for renewal received 8 December 2003.

(T01-0138)

Exploration Licence No. 5914, MOUNT ISA MINES LIMITED (ACN 009 661 447), area of 23 units. Application for renewal received 5 December 2003.

(T01-0129)

Exploration Licence No. 5919, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), area of 13 units. Application for renewal received 9 December 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

**RENEWAL OF CERTAIN AUTHORITIES**

NOTICE is given that the following authorities have been renewed:

(T92-0656)

Exploration Licence No. 4566, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Gipps, Map Sheet (8430), area of 13 units, for a further term until 3 August, 2005. Renewal effective on and from 11 December, 2003.

(C00-1092)

Consolidated Coal Lease No. 723 (Act 1973), RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761), Parish of Ravensworth, County of Durham and Parish of Vane, County of Durham, Parish of Liddell, County of Durham, Map Sheet (9133-3-S), area of 154.2 hectares, for a further term until 31 January 2024. Renewal effective on and from 24 October 2003.

(C00-1102)

Consolidated Coal Lease No. 752 (Act 1973), SOUTHLAND COAL PTY LTD (ACN 000 077 225), Parish of Congewai, County of Northumberland and Parish of Ellalong, County of Northumberland, Map Sheets (9132-2-S, 9132-3-S), area of 3802 hectares, for a further term until 30 December 2023. Renewal effective on and from 17 November 2003.

(C02-0314)

Mining Lease No. 1480 (Act 1992), CENTENNIAL NEWSTAN PTY LIMITED (ACN 101 508 865), Parish of Awaba, County of Northumberland, Map Sheet (9232-3-S), area of 14.49 hectares, for a further term until 20 July 2023. Renewal effective on and from 17 November 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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## Roads and Traffic Authority

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### ROADS ACT 1993

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

Queanbeyan City Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

HUGH A PERCY,  
General Manager  
Queanbeyan City Council  
(by delegation from the Minister for Roads)

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### Schedule

#### 1. *Citation*

This Notice may be cited as the Queanbeyan City Council B-Doubles Notice No 2/2003.

#### 2. *Commencement*

This Notice takes effect from the date of gazettal.

#### 3. *Effect*

This Notice remains in force until 31 December 2008 unless it is amended or repealed earlier.

#### 4. *Application*

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

#### 5. *Routes*

##### **B-Double routes within the Queanbeyan City Council**

Type	Rd No	Road Name	Starting point	Finishing point	Conditions
25	000	Kendall Ave, Queanbeyan	Paterson Pde	63 Kendall Ave	<i>Extension of existing route</i>

**ROADS AND TRAFFIC AUTHORITY**

[NO INCREASE IN NORMAL TOLL]

**ROADS ACT 1993 - ORDER**

I, PAUL JOHN FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of section 215 of the *Roads Act 1993*, make the Order set forth hereunder.

**PAUL JOHN FORWARD**  
Chief Executive  
Roads and Traffic Authority

Sydney, 15 December, 2003.

**Citation**

1. This Order may be cited as the *Roads (Sydney Harbour Bridge Toll) Order 2004*.

**Commencement**

2. This Order takes effect on 1 January 2004.

**Repeal**

3. The *Roads (Sydney Harbour Bridge Toll) Order 2003* dated 13 December, 2002 (published in Gazette No.263 of 20 December 2002 at pages 10967 to 10970) is repealed on and from 1 January 2004.

**Tolls**

4. The toll payable for a motor vehicle that is travelling across the Sydney Harbour Bridge in a southerly direction is the toll specified in Schedule 1 in respect of the vehicle.

**Motor cycle periodic toll pass**

5. (1) A motor cycle periodic toll pass -
  - (a) is issued by the Roads and Traffic Authority on payment of the appropriate charge as set out in Schedule 2, Schedule 3, Schedule 4 or Schedule 5; and
  - (b) authorises travel by the motor cycle to which the pass relates across the Sydney Harbour Bridge without payment of a toll while the pass is in force.
- (2) A motor cycle periodic toll pass is in force on and from the date specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5 in respect of the charge

paid for the pass as the date the pass may first be used, up to and including the expiry date of the pass as specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5.

**Charge payable by owner of vehicle if toll not paid at barrier-**

6. The charge payable by the owner of a motor vehicle referred to in item 1 in Schedule 1 in this Order in respect of which:

- (a) a direction referred to in clause 22 (1) (b) of the *Roads (General) Regulation 2000* is given to the driver, and
- (b) the directions are given in respect of the Sydney Harbour Bridge, and
- (c) the directions are given subject to the condition referred to in clause 22 (2) of the *Roads (General) Regulation 2000*,

is .....\$5.00.

**SCHEDULE 1 - TOLLS**

<i>Class of vehicles</i>	<i>Toll</i>
1. Any motor vehicle other than a vehicle referred to in item 2, 3 or 4	\$3.00
2. Any motor vehicle that consists of -	
(a) a vehicle that is the property of the Roads and Traffic Authority, that is readily identifiable as such and that is being used either for the purpose of maintenance work on the Bridge or for the purpose of removing vehicles from the Bridge;	
(b) a police vehicle;	
(c) a vehicle that is the property of the Board of Fire Commissioners and that is readily identifiable as such;	
(d) an ambulance or rescue vehicle that is readily identifiable as such;	
(e) a vehicle that is the property of the NSW Red Cross Blood Transfusion Service (Blood Bank), that is readily identifiable as such and that is fitted with a roof mounted red flashing light and siren or similar warning device;	
(f) a vehicle that is being driven by a person to whom a disabled person's toll exemption pass has been issued by the Roads and Traffic Authority, being a pass that exempts the person from payment of tolls and charges in respect of travelling across the Bridge;	
(g) a vehicle in which the driver or passenger displays a pass issued on behalf of the Roads and Traffic Authority, being a pass indicating that the holder is an incapacitated ex-service person;	

- |     |   |     |
|-----|---|-----|
| (h) | a Defence Force vehicle that is readily identifiable as such; or  |     |
| (i) | a vehicle driven by a person who produces evidence that he or she or a passenger is a member of the Diplomatic or Consular Corps                        | Nil |
| 3.  | Any motor vehicle that is attached to, or carried or drawn by, another vehicle  | Nil |
| 4.  | Any motor cycle in respect of which a periodic toll pass is in force and displayed in accordance with any directions of the Roads and Traffic Authority | Nil |

**SCHEDULE 2 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS  
EXPIRING ON 31 MARCH 2004**

<i>Date pass may first be used</i>	<i>Charge for motor cycle</i> \$
2 January 2004	95.00
5 January 2004	93.00
12 January 2004	86.00
19 January 2004	78.00
27 January 2004	71.00
2 February 2004	65.00
9 February 2004	57.00
16 February 2004	50.00
23 February 2004	42.00
1 March 2004	35.00

**SCHEDULE 3 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS  
EXPIRING ON 30 JUNE 2004**

<i>Date pass may first be used</i>	<i>Charge for motor cycle</i> \$
1 April 2004	92.00
5 April 2004	89.00
13 April 2004	83.00
19 April 2004	77.00
27 April 2004	69.00
3 May 2004	63.00
10 May 2004	56.00
17 May 2004	48.00
24 May 2004	41.00
31 May 2004	33.00

**SCHEDULE 4 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS  
EXPIRING ON 30 SEPTEMBER 2004**

<i>Date pass may first be used</i>	<i>Charge for motor cycle</i> \$
1 July 2004	99.00
5 July 2004	96.00
12 July 2004	89.00
19 July 2004	81.00
26 July 2004	74.00
2 August 2004	66.00
9 August 2004	59.00
16 August 2004	51.00
23 August 2004	44.00
30 August 2004	36.00

**SCHEDULE 5 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS  
EXPIRING ON 31 DECEMBER 2004**

<i>Date pass may first be used</i>	<i>Charge for motor cycle</i> \$
1 October 2004	95.00
5 October 2004	93.00
11 October 2004	87.00
18 October 2004	80.00
25 October 2004	72.00
1 November 2004	65.00
8 November 2004	57.00
15 November 2004	50.00
22 November 2004	42.00
29 November 2004	35.00

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# ROADS ACT 1993

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

Conargo Shire Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

PETER J JORGENSEN  
General Manager  
Conargo Shire Council (by delegation from the Minister for Roads)

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### Schedule

#### Citation

This Notice may be cited as the Conargo Shire Council B Double Notice No. 2, 2003.

#### Commencement

This Notice takes effect from the date of the gazettal.

#### Effect

This Notice remains in force for a trial period until 31<sup>st</sup> December 2005 unless it is amended or repealed earlier.

#### Application

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

#### Routes

##### B Double routes within the Conargo Shire Council

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Aratula Road South	Riverina Highway	Conargo/Murray Shire Bounday	



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

Wollongong City Council, in pursuance of Divisions 1, 2 and 3 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which those vehicles described in clause 4 may be used subject to any requirements or conditions set out in the Schedule.

ROD OXLEY,  
General Manager  
Wollongong City Council  
(by delegation from the Minister for Roads)

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**SCHEDULE*****PART 1 — GENERAL******1. Citation***

This Notice may be cited as the Wollongong City Council 4.6 Metre High Vehicle Route Notice No 2/2003.

***2. Commencement***

This Notice takes effect from the date of gazettal.

***3. Effect***

This Notice remains in force until 31 December 2008 unless it is amended or repealed earlier.

***4. Application***

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

***5. Limitations***

The conditions or requirements set out in clauses 3.3 and 3.4 of Part 3 ('Vehicle Access'), Part 4 ('General Requirements') and Part 5 ('Special Requirements') of the Schedule to the '***4.6 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 3 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 4.6 metres, in height;
- b) a vehicle or combination (including a low loader or load platform combination) that is specially designed for the carriage of a large indivisible item, or is carrying a 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 a 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 a 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 a 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****5. Routes****4.6 metre high vehicle routes within the City of Wollongong**

<b>Route</b>	<b>Starting point</b>	<b>Finishing point</b>	<b>Conditions</b>
University Ave, Gwynneville	Southern Freeway, (F6) Offload Ramp	Graham Ave	Travel is permitted <b>only</b> in the direction of listing.
Graham Ave, Gwynneville	University Ave	Northern Distributor (MR626)	Travel is permitted <b>only</b> in the direction of listing.

## ROADS ACT 1993

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

Coffs Harbour City Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

MARK FERGUSON,  
General Manager  
Coffs Harbour City Council  
(by delegation from the Minister for Roads)

### Schedule

#### 1. Citation

This Notice may be cited as the Coffs Harbour City Council B-Doubles Notice No 2/2003.

#### 2. Commencement

This Notice takes effect from date of gazettal.

#### 3. Effect

This Notice remains in force until 31 March 2004, unless it is amended or repealed earlier.

#### 4. Application

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

#### 5. Routes

##### B-Double routes within the Coffs Harbour City Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25m	000	Gleniffer Road, Bonville.	Pacific Highway (SH10).	Coffs Harbour City Council boundary.	Access from 6.00am-6.00pm only Travel at 40kph in school zone at all times, Monday-Sunday Give right of way to school buses Gazettal up to 31/03/2004
25m	000	Bucca Road, Nana Glen.	Pacific Highway (SH10).	Orara Way (MR151).	Access from 6.00am-6.00pm only Travel at 40kph in school zone at all times, Monday-Sunday Give right of way to school buses Gazettal up to 31/03/2004
25m	151	Orara Way (MR151) Nana Glen.	Bucca Road.	Coffs Harbour City Council boundary.	Access from 6.00am-6.00pm only Travel at 40kph in school zone at all times, Monday-Sunday Give right of way to school buses Gazettal up to 31/03/2004

## 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 6/2003.

##### 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

###### B-double routes outside the Sydney Region

Type	Road No	Road	Starting Point	Finishing Point
25	000	Wee Jasper Forest Rd	Brindabella Rd	Wee Jasper Rd
25	000	Cockatoo Rd	Brindabella Rd	Roberts Rd
25	000	Cotterills Rd	Brindabella Rd	Mitchells Rd
25	000	Green Hills Forest W/ov	Wondalga Rd	Adelong Creek Rd
25	000	Snubba Rd	Bago Forest Way	Unnamed Rd
25	000	Couragago Rd	Wee Jasper Forest Rd	Wee Jasper Rd
25	000	McDonnells Rd	Brindabella Rd	Argalong Rd
25	000	Hallorans Rd	Chinamans Creek Rd	Brindabella Rd
25	000	Masons Rd	Argalong Stock Route	Argalong Rd

Type	Road No	Road	Starting Point	Finishing Point
25	000	Argalong Stock Route	Argalong Rd	Brindabella Rd
25	000	Roberts Rd	Cockatoo Rd	Wee Jasper Rd
25	000	Mitchells Rd	Fairview Rd	Wee Jasper Forest Rd
25	000	Nottingham Rd	Brindabella Rd	Forest Boundary
25	000	Honeysuckle Rd	Adjungbilly Rd	7.1km west of Adjungbilly Rd
25	000	Airtruk Rd	Wondalga Rd	Willigobung Rd
25	000	Chinamans Creek Rd	Brindabella Rd	Hallorans Rd
25	000	Willigobung Rd	Wondalga Rd	Baked Apples Rd
25	000	Courabyra North Rd	Airtruk Rd	Wondalga Rd
25	000	Red Hill Access Rd	Billapaloola Rd	Honeysuckle Rd
25	000	Brindabella Rd	Billapaloola Rd	Wee Jasper Forest Rd
25	000	Yellowin Access Rd	Bago Forest Way	Blowing Camp Rd

## ROADS ACT 1993

### Notice under Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996

I Paul Forward, Chief Executive of the Roads and Traffic Authority, in pursuance of Clause 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, and Divisions 1, 2, and 3 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, make the Notice set forth hereunder so as to:

- exempt those vehicles described in clauses 2.1 and 2.3 of the Schedule to this Notice from the provisions of Clause 76 (1) of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998 relating to height, while on the areas or routes specified in Part 3 of the Schedule to this Notice; and
- specify the areas and routes on which those vehicles described in clause 2.2 of the Schedule to this Notice may be used,

subject to any conditions set out in the Schedule to this Notice and any general or specific requirements set out in Parts 3 and 4 of such Schedule.

PAUL FORWARD,  
Chief Executive  
Roads and Traffic Authority

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#### SCHEDULE

### PART 1 — PRELIMINARY

#### 1.1 Citation

This Notice may be cited as the *4.6 Metre High Vehicle Route Notice 2004*.

#### 1.2 Commencement

This Notice takes effect on 1 January 2004

#### 1.3 Effect

This Notice remains in force until 31 December 2007.

#### 1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in Appendix 1. A diagram appearing in this Notice is illustrative only.

#### 1.5 Application

- a) This Notice applies to any of the vehicles or combinations specified in Part 2 that are constructed or loaded to a height that exceeds 4.3 metres but do not exceed 4.6 metres in height, while such vehicles are travelling in the area or on the routes specified in Part 3.

- b) Unless stated otherwise, vehicles and combinations operating under this Notice must comply with the dimension limits prescribed in the Road Transport (Mass, Loading and Access) Regulation 1996 and the Road Transport (Vehicle Registration) Regulation 1998.

## **PART 2 — VEHICLE CLASSES**

For the purposes of this Notice the following classes of vehicles are specified.

### **2.1 Class 1 vehicles**

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

### 3.1 On and west of the Newell Highway

The vehicles described in Part 2 of this Notice may be stood or driven on the Newell Highway and any road west of the Newell Highway if they comply with Part 4 and the relevant sections of Part 5 of this Notice.

### 3.2 Approved 4.6m high routes east of the Newell Highway

The vehicles described in Part 2 of this Notice (except vehicles described by Clause 2.3 (d)) may be stood or driven on the roads specified in Appendix 2 if they comply with Part 4 and the relevant sections of Part 5 of this Notice.

**Note:**

For the 'Special Requirements' relating to construction, loading and equipment, refer to Clause 5.1 (general freight); 5.2 (stock crates); Clause 5.3 (car carriers); 5.4 (hay bales); 5.5 (wool bales); 5.6 (freight containers).

### 3.3 B-doubles travelling on 4.6m high routes

A B-double that exceeds 4.3 metres but does not exceed 4.6 metres in height may be stood or driven in those areas and on roads permitted in this Notice if:

- a) it is also permitted to do so by the *General B-Doubles Notice 2000*; and
- b) any relevant conditions set out in the *General B-Doubles Notice 2000*, are complied with.

**Note:**

This means the road must be approved for both 4.6m high and B-Double travel.

### 3.4 Road Trains travelling on 4.6m high routes

A Road Train that exceeds 4.3 metres but does not exceed 4.6 metres in height may be stood or driven in those areas and on roads permitted in this Notice if:

- a) it is also permitted to do so by the *General Notice for the Operation of Road Trains 2000*; and
- b) any relevant conditions set out in the *General Notice for the Operation of Road Trains 2000*, are complied with.

**Note:**

This means the road must be approved for both 4.6m high and Road Train travel.



## PART 4 — GENERAL REQUIREMENTS

### 4.1 Direction of travel

Travel is permitted in both directions on all roads approved for travel under this Notice except where stated in Appendix 2, or where one way traffic only is permitted.

### 4.2 Copy of Notice or information sheet must be carried

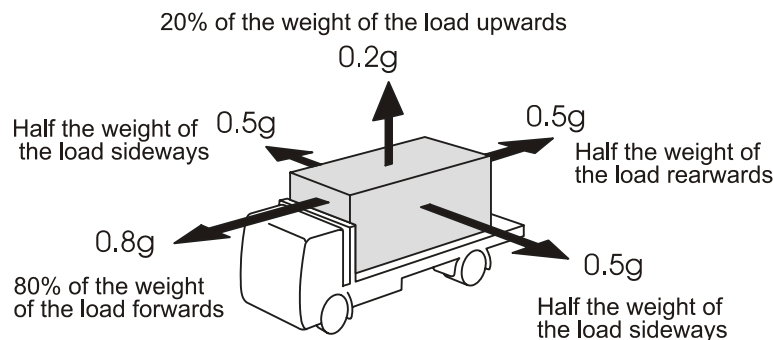
No person shall stand or drive on roads and road related areas, a vehicle to which this Notice applies, unless a copy of this Notice, or an information sheet published by the Roads and Traffic Authority setting out the obligations of this notice, is carried in the driving compartment and produced to a police officer or an authorised officer if requested to do so.

### 4.3 Load security

The load must be secured in accordance with the requirements of the *Road Transport (Mass, Loading and Access) Regulation 1996*. Therefore a load restraint system must be used which is capable of withstanding the forces which result if the laden vehicle were subjected to each of the following separately:

- a) 0.8g deceleration in a forward direction;
- b) 0.5g deceleration in a rearward direction;
- c) 0.5g acceleration in either lateral direction; and
- d) 0.2g acceleration in either from the load in a vertical direction:

where “g” (the acceleration due to gravity) is equal 9.81 metres/second/second (Refer Diagram 4.1).



**Diagram 4.1**

**Note:**

For additional guidance on load restraint refer to the National Road Transport Commission (NRTC)/National Transport Commission (NTC) *Load Restraint Guide*. Copies of the guide can be obtained from the Roads and Traffic Authority.

## PART 5 — SPECIAL REQUIREMENTS

### 5.1 Vehicles constructed to 4.6m carrying general freight (ie freight other than vehicles, livestock, or primary produce)

A vehicle, or vehicle 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, wool, hay bales, or other primary produce, must:

- a) have —
  - (i) a maximum deck height of 1.2 metres over at least 50% of its deck length;
  - (ii) air suspension on trailers; and
- and
- b) be operated at 10% less than the gross mass limit applicable to the vehicle or combination.

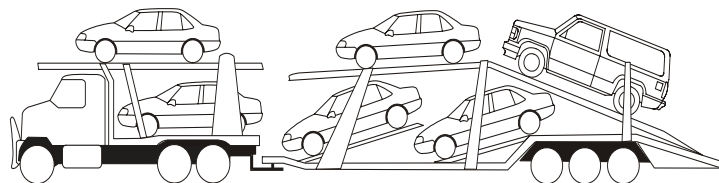
### 5.2 Multi-deck stock crates

Livestock must not be carried in an upper deck of a multi-deck stock crate unless any lower deck of the stock crate is fully laden.

### 5.3 Car carriers

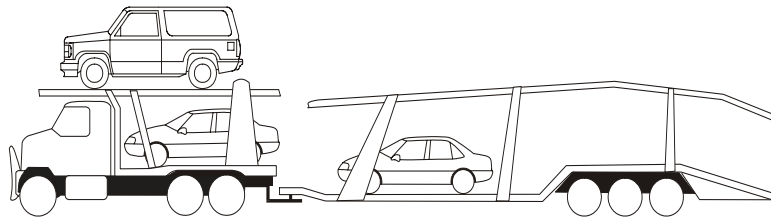
Car-carriers operating under this Notice must comply with the following requirements.

- a) Car-carriers must not carry a load other than motor vehicles, trailers, and caravans.
- b) The overall height limit of vehicles is a laden height of 4.6 metres maximum.
- c) With the exception of cab/chassis, all vehicles carried as loading must be carried directly on decking fixed to the base vehicle structure and not carried on other vehicles being carried as loading by the base vehicle.
- d) No vehicle can be carried on an upper deck unless all decks below it, except the well deck, are fully occupied, except under the following circumstances:
  - (i) where the rear of the upper deck of the car carrier can be lowered, vehicles that cannot fit in the lower deck may be transported on the lowered section of the upper deck if the rest of the lower deck of the car carrier is full (refer Figure 5.1);



**Figure 5.1**

- (ii) a vehicle may be carried on the upper deck forward of the lowered upper deck if there is a vehicle in the space under it, or the vehicle is above the cabin of the car carrier (refer Figure 5.2). If the vehicle can fit into the lower deck, it must be carried on the lower deck.

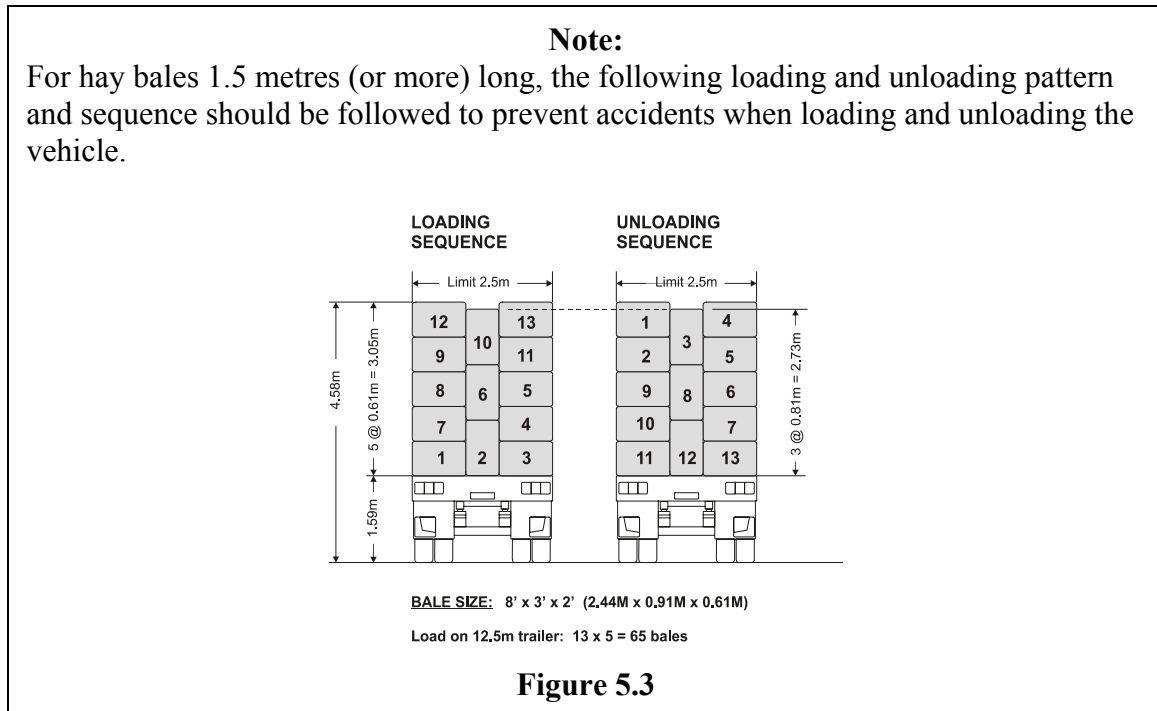


**Figure 5.2**

- e) Where a mix of vehicles is carried and there is a difference in the mass of individual vehicles the total mass of the vehicles on the upper deck shall not exceed the total mass of the vehicles on the lower deck.
- f) For all vehicles, except cab/chassis:
  - (i) a secure and substantial part of the structure of each end of each vehicle carried must be lashed to the structure of the car carrier;
  - (ii) where wheel lashings are relied upon to meet this requirement at least one wheel on each side of each vehicle, must be secured to the car carrier.
- g) For cab/chassis:
  - (i) at least one end of each vehicle's chassis frame must be lashed to the structure of the car carrier;
  - (ii) the other end may be secured to the chassis frame of another cab/chassis if both ends of the lower cab/chassis are lashed to the structure of the car carrier.
- h) Except for cab/chassis as above, the securing of one vehicle to another vehicle being carried on the same carrier, is not permitted.

#### **5.4 Hay bales**

- a) For hay bales 1.5 metres (or more) long, each group of bales laid transversely must be secured to the vehicle structure by webbing and webbing winches;
- b) For hay bales less than 1.5 metres long laid transversely, at least every second group of bales and both end bale groups must be secured by webbing and webbing winches, and a cap tarpaulin must cover and secure the top of the entire load;
- c) Gates must be provided at each end of the load and held upright by diagonal chains, or equivalent means, attached to the tie rails. (Ropes will not provide sufficient restraint for this purpose)
- d) Angle or edge protectors must be placed between the webbing straps and the bales.

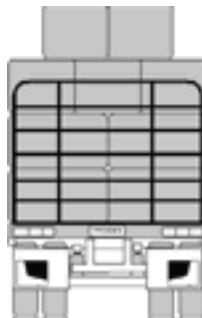


## 5.5 Wool bales

Wool bales carried under this Notice must comply with the following loading pattern.

### (a) Loading Pattern

- (i) The first tier comprises two rows of bales placed on their flat with heads together and butts facing outwards. Bales shall be loaded so that no seam of any bale projects beyond the outermost limit of the tray of the vehicle (See Fig 5.4 Loading Pattern)
- (ii) The second tier is placed on top of the first tier in the same pattern.
- (iii) The third tier comprises three rows of bales placed on their flat with their ends facing to the front and back of the vehicle.
- (iv) The fourth tier comprises no more than two rows of binding bales places on their flat, with at least one row facing to the front and back of the vehicle.
- (v) If the fourth tier comprises only one row of bales, it should be placed along the centre of the vehicle, with the ends of all bales facing the same direction, either outwards or to the front and back of the vehicle.



**Fig 5.4**

## (b) Restraining the load laterally

(i) The outward spread of the lower bales along the sides of the vehicle must be minimised by using separate lashings to restrain the centre of the lower two rows of bales (See Fig 5.5).

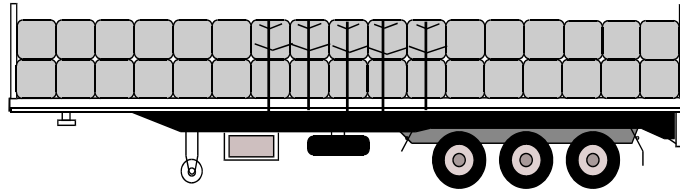


Fig 5.5

(ii) lashings (minimum standard 12 mm synthetic ropes) must be tied over the five centre bales.

(iii) After the third row of bales is added, webbing lashings each of a minimum rated capacity of 2 tonnes must be applied at each bale along the length of the vehicle (See Fig 5.6). Ropes alone are not strong enough for this application. Two webbing lashings must be replaced by rope where there are no suitable winch positions, except for the end two lashings, provided that the two lashings are not side by side.

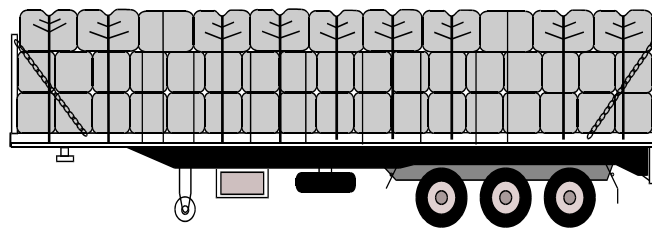


Fig 5.6

(iv) Where a fourth row of two bales is added to the already restrained bottom three rows, it must be restrained by a suitable cap tarpaulin but still having ropes on the front and rear end bales (See Fig 5.7). If a cap tarpaulin is not utilised, ropes or webbing lashings should be applied at each bale along the length of the load.

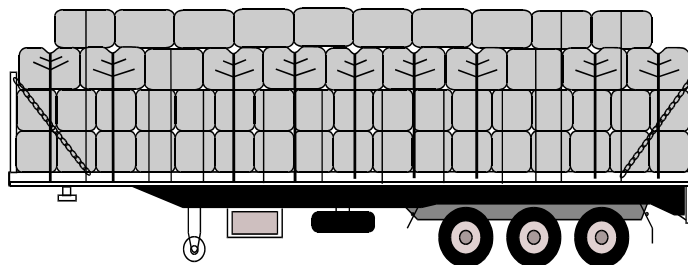


Fig 5.7

## (c) Restraining the load forwards and rearwards

(i) Forward and rearward movement of the load must be restrained by tie-down lashings, with additional restraint from strong head and tail gates.

(ii) Diagonal chains of 2 tonnes minimum rated capacity must be attached to the top of these gates and onto the vehicle tie rail supports to provide additional restraint (See Fig 5.7).

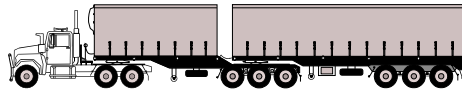
**5.6 Freight containers**

(a) Freight containers must not be carried under this Notice unless securely fastened to the carrying vehicle by twist locks.

(b) Clause 5.6(a) applies whether a container is laden or unladen, and whether certified for marine use or not.

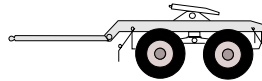
## APPENDIX 1 – DEFINITIONS

- ‘authorised officer’** means a person employed by the RTA as an enforcement officer;
- ‘B-double’** means a motor vehicle combination consisting of a prime mover towing two semi-trailers;



**Typical B-double**

- ‘cab/chassis’** means an incomplete motor lorry without a body or turntable;
- ‘combination’** means a motor vehicle connected to one or more trailers;
- ‘converter dolly’** means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;



**Typical converter dolly**

- ‘fifth wheel coupling’** means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;
- ‘freight container’** means a box-like goods receptacle provided with corner fittings of, or similar to, the types specified respectively in Australian/New Zealand Standard AS/NZS 3711.1–1993, Freight Containers – Classification, Dimensions and Ratings;
- ‘GCM’** (gross combination mass), in relation to a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time:
- a) as specified by the motor vehicle’s manufacturer:
    - i) on a plate fixed to the vehicle by the manufacturer, or
    - ii) if the manufacturer has not specified the sum of the maximum loaded mass on a plate fixed to the vehicle in another place, or
  - (a) as specified by the vehicle registration authority if:
    - i) the manufacturer has not specified the sum of the maximum loaded mass,
    - ii) the manufacturer cannot be identified, or
    - iii) the vehicle has been modified to the extent that the manufacturer’s specification is no longer appropriate;
- ‘GVM’** (gross vehicle mass) means the maximum loaded mass of a vehicle;

- a) as specified by the manufacturer,
- b) as specified by the vehicle registration authority if:
  - (i) the manufacturer has not specified a maximum loaded mass,
  - (ii) the manufacturer cannot be identified, or
  - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

**'large indivisible item'** means an item that:

- a) cannot be divided without extreme effort, expense or risk of damage to it, and
- b) cannot be carried on any vehicle or combination without exceeding a mass or dimension limit in Schedule 1;

**'lashing'** means a device such as chain, cable or webbing together with suitable fittings which is used to restrain a load;

**'load'** in relation to a vehicle or combination, includes anything that is normally removed from the vehicle or combination when not in use, but, if the vehicle or combination is not constructed to carry anything that is not normally removed from that vehicle or combination when not in use, does not include:

- a) tools, equipment or substances necessary for the vehicle or combination to function, or for any load to be restrained, or
- b) personal items used by the driver;

**'primary produce'** means:

- a) fruit, grain, flowers, vegetables, tobacco, or farm or agricultural produce;
- b) dairy, poultry, other bird farming, pig farming, bee keeping, oyster or fish culture produce;
- c) nursery produce;
- d) sheep, cattle or horses;
- e) eucalyptus or other oil produce from leaves for distillation.

**'prime mover'** means a motor vehicle built to tow a semi-trailer;

**'restricted access vehicle'** means a single motor vehicle or a combination which alone, or together with any load, exceeds one or more of the following limits:

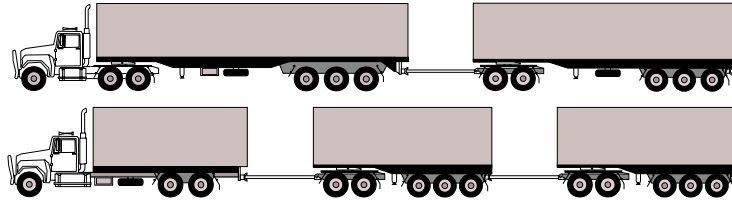
- a) a mass limit prescribed in the *Road Transport (Mass, Loading and Access) Regulation 1996*, or
- b) one or more of the following dimension limits:
  - i) a width of 2.5 metres,
  - ii) a height of 4.3 metres,
  - iii) a length of 12.5 metres in the case of a single motor vehicle or 19 metres in the case of a combination,
  - iv) any other dimension limit prescribed in the *Road Transport (Mass, Loading and Access) Regulation*



1996, or the Road Transport (Vehicle Registration) Regulation 1998;

**‘road train’**

means a combination, other than a B-double, consisting of a motor vehicle towing at least two trailers (counting as one trailer a converter dolly supporting a semi-trailer);



**Typical road trains**

**‘semi-trailer’**

means a trailer that has:

- a) one axle group or single axle towards the rear, and
- b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

**‘special purposes vehicle’**

means a motor vehicle, other than a tow truck or an agricultural vehicle, built for a purpose other than carrying a load, except for water in the case of concrete pumps and fire trucks.

**‘trailer’**

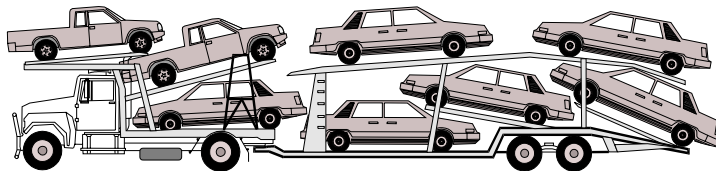
means a vehicle that is meant to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

**‘vehicle’**

means any description of vehicle on wheels and includes the vehicle’s equipment and any substances that the vehicle is carrying that are essential for its operation;

**‘well deck’**

means a deck area which is below the level of the top of the road wheels of the carrying vehicle.



**Typical well-deck car carrier**

## APPENDIX 2 – 4.6 METRE HIGH VEHICLE ROUTES IN NSW

Those parts of New South Wales that are on the routes or in or between the boundaries listed below:

### Part 1 – 4.6 metre high vehicle routes within the Sydney Region

State Routes	Starting point	Finishing point
Alison Rd	Anzac Pde, Randwick	Avoca St, Randwick
Appin Rd – Moore-Oxley Bypass – Campbelltown Rd	Wollondilly boundary, near Appin	Hume Hwy, Crossroads
Bay St	The Grand Pde, Brighton-Le-Sands	Princes Hwy, Rockdale
Beecroft Rd	Carlingford Rd, Epping	Pennant Hills Rd, Pennant Hills
Blaxland Rd	Victoria Rd, Ryde	Epping Rd, Epping
Botany Rd – Regent St	Bunnerong Rd, Matraville	Cleveland St, Chippendale
Bridge St – Wilberforce Rd	Macquarie St, Windsor	King Rd, Wilberforce
Bunnerong Rd – Anzac Pde – Cleveland St – City Rd – Parramatta Rd	Botany Rd, Matraville	Old Canterbury Rd, Lewisham
Burns Bay Rd – Centennial Ave	Victoria Rd, Huntleys Point	Epping Rd, Lane Cove
Cabramatta Rd	Hume Hwy, Cabramatta	Elizabeth Dr, Bonnyrigg
Carlingford Rd	Beecroft Rd, Epping	Pennant Hills Rd, Carlingford
Castle Hill Rd	Pennant Hills Rd, West Pennant Hills	Old Northern Rd, Castle Hill
Castlereagh Rd – Bosworth St	Andrews Rd, Cranebrook	Kurrajong Rd, Richmond
Chisholm Rd, Regents Park	Wellington Rd	Princes Rd West
Church St – Gt Western Hwy – Russell St	Parramatta Rd, Granville	Western Fwy, Emu Plains
Cumberland Hwy – Pennant Hills Rd	Hume Hwy, Liverpool	Pacific Hwy, Wahroonga
Denison St – Beauchamp Rd	Wentworth Ave, Hillsdale	Botany Rd, Banksmeadow
Elizabeth Dr	Hume Hwy, Liverpool	The Northern Rd, Luddenham
Fairford Rd – Stacey St	M5 Motorway, Padstow	Hume Hwy, Bankstown
Falcon St – Merlin St – Military Rd – Spit Rd – Manly Rd – Burnt Bridge Ck Dev'n – Condamine St – Pittwater Rd	Pacific Hwy, Crows Nest	Mona Vale Rd, Mona Vale
Foreshore Rd	Botany Rd, Banksmeadow	Gen. Holmes Dr, Mascot
Forest Way	Warringah Rd, Frenchs Forest	Mona Vale Rd, Terrey Hills

Gardeners Rd – Kent Rd – Ricketty St – Canal Rd	Bunnerong Rd, Kingsford	Princes Hwy, Sydenham
Gen. Holmes Dr	Foreshore Rd, Mascot	Botany Rd, Mascot
Gordon St – Railway Tce	New Canterbury Rd, Petersham	Old Canterbury Rd, Lewisham
Great North Rd – Lyons Rd – Victoria Rd	Parramatta Rd, Croydon	Devlin St, Ryde
Hassall St – Gipps Rd – Greystanes Rd	The Horsley Dr, Smithfield	Great Western Hwy, Girraween
Heathcote Rd, Moorebank	Newbridge Rd	South Western Hwy
High St – Pacific Hwy, (including Arthur St – Berry St southbound)	Warringah Fwy, North Sydney	Syd-Newcastle Fwy, Wahroonga
James Ruse Dr	Parramatta Rd, Granville	Cumberland Hwy, North Parramatta
Joyce Dr	Gen. Holmes Dr, Mascot	O’Riordan St, Botany
King Georges Rd – Wiley Ave – Roberts Rd – Centenary Dr – Homebush Bay Dr – Concord Rd – Church St – Devlin St – Lane Cove Rd – Ryde Rd – Mona Vale Rd	Princes Hwy, Blakehurst	Pittwater Rd, Mona Vale
Kingsway – Taren Point Rd – Rocky Point Rd	Princes Hwy, Kirrawee	Princes Hwy, Kogarah
Liverpool Rd – Hume Hwy	Parramatta Rd, Ashfield	Nepean River, Menangle
Longueville Rd – Epping Rd	Pacific Hwy, Lane Cove	Blaxland Rd, Epping
M2 Motorway – Abbott Rd	Epping Rd, North Ryde	Seven Hills Rd, Seven Hills
Malta St, Fairfield East	Woodville Rd	-----
Mamre Rd	Elizabeth Dr, Kemps Creek	Gt Western Hwy, St Marys
Marsden Rd	Victoria Rd, Ermington	Pennant Hills Rd, Carlingford
Marsh St – West Botany St – Wickham St – Forest Rd – Croydon Rd – Queen St – Forest Rd – Henry Lawson Dr – Woodville Rd	Cooks River (Qantas Dr)	River Ave, Villawood
McEvoy St – Euston Rd – Sydney Park Rd – Mitchell Rd – Princes Hwy ( <b>southbound travel only permitted between King Georges Rd and Port Hacking Rd</b> )	Botany Rd, Alexandria	Southern Fwy, Waterfall
Mill Pond Rd	Gen. Holmes Dr, Mascot	Botany Rd, Mascot
Milton St – Georges River Rd – Punchbowl Rd	Liverpool Rd, Ashfield	Canterbury Rd, Punchbowl
Minto Rd, Ingleburn	Pembroke Rd	Collins Promenade
Narellan Rd – Camden Valley Way – The Northern Rd – Parker St – The Northern Rd	Appin Rd, Campbelltown	Richmond-Blacktown Rd, South Windsor
O’Riordan St, Alexandria	Gardeners Rd	Botany Rd
<b>Pacific Hwy</b>	Windybanks interchange near Berowra	Cowan interchange
Park Rd – Mulgoa Rd	The Northern Rd, Luddenham	Gt Western Hwy, Penrith

Parramatta Rd	Homebush Bay Dr, Flemington	James Ruse Dr, Granville
Parramatta Rd – Concord Rd	Liverpool Rd, Ashfield	Homebush Bay Dr, Rhodes
Phillip Pkwy	Eastern Rd, Rooty Hill	Woodstock Ave, Rooty Hill
Pitt Town Rd – Bathurst St – Chatham St – Eldon St – Cattai Rd – Wisemans Ferry Rd – Bay Rd – Old Northern Rd	Windsor Rd, McGraths Hill	Wisemans Ferry Access
Pittwater Rd – Belgrave St – Sydney Rd – Frenchs Forest Rd – Wakehurst Pkwy	Condamine St, North Manly	Pittwater Rd, North Narrabeen
Port Hacking Rd Nth	Kingsway, Caringbah	Princes Hwy, Sylvania
President Ave	The Grand Pde, Brighton-Le- Sands	Princes Hwy, Kogarah
Prospect Hwy – Blacktown Rd – Main St – Sunnyholt Rd – Burns Rd – Memorial Ave	Western Fwy, Prospect	Windsor Rd, Kellyville
Rawson Rd, Clyde St, Wellington Rd, Park Rd to Princes Rd, Commercial Drive (Regents Park Estate)	Woodville Rd, Guildford	Regents Park Estate, Regents Park
Richmond Rd- Blacktown Rd	Knox Rd, Doonside	Bourke St, Richmond
Rookwood Rd – Joseph St	Hume Hwy, Bankstown	Weeroona Rd, Lidcombe
Rooty Hill Rd Nth	Woodstock Ave, Rooty Hill	Richmond Rd, Plumpton
Sandringham St – The Grand Pde	Rocky Point Rd, Sans Souci	Bay St, Brighton-Le- Sands
Showground Rd	Old Northern Rd, Castle Hill	Windsor Rd, Kellyville
Silverwater Rd – Stewart St	Parramatta Rd, Auburn	Marsden Rd, Ermington
South Western Fwy (M5) (Including King Georges Rd interchange)	Hume Hwy, Prestons	Marsh St, Arncliffe
Stanmore Rd – New Canterbury Rd – Canterbury Rd – Milperra Rd – Newbridge Rd – Terminus St	Edgeware Rd, Enmore	Hume Hwy
Stoney Creek Rd	Forest Rd, Bexley	Forest Rd, Peakhurst
Sydney-Newcastle Fwy	Pacific Hwy, Wahroonga	Gosford boundary
The Horsley Dr	Hume Hwy, Carramar	Wallgrove Rd, Horsley Park
Victoria Rd – Bank St – Jones St – Western Distributor – Bradfield Hwy – Warringah Fwy – Gore Hill Fwy	Darling St, Rozelle	Pacific Hwy, Artarmon
Victoria Rd – Church St – Windsor Rd – Bridge St – Macquarie St – Richmond-Windsor Rd – Eastmarket St – March St – Kurrajong Rd – Bell's Line of Rd	Marsden Rd, Ermington	Darling Causeway, Bell
Wall Park Ave – Seven Hills Rd – Old Northern Rd	Blacktown Rd, Blacktown	Bay Rd, Maroota

Wallgrove Rd – Rooty Hill Rd Sth	Elizabeth Dr, Horsley Park	Eastern Rd, Rooty Hill
Warringah Rd – Babbage Rd – Clive St, (Boundary St) – Eastern Valley Way	Pittwater Rd, Dee Why	Edinburgh Rd, Willoughby
Wattle St – Dobroyd Pde – Lilyfield Rd – Balmain Rd – Brennan St – Railway Pde – The Crescent	Parramatta Rd, Ashfield	Victoria Rd, Rozelle
Wentworth Ave	Botany Rd, Mascot	Bunnerong Rd, Maroubra
Western Fwy	Parramatta Rd, Strathfield	Russell St, Emu Plains
<b>Sydney Ports Corporation</b>		
Bumborah Point Rd – Friendship Rd and other access roads within Port Botany	Botany Rd	
<b>State Rail Authority</b>		
Chullora Industrial Area	Area bound by Muir Rd, Rookwood Rd, Auburn Council boundary, Liverpool Rd	
<b>Auburn Council</b>		
Silverwater and Homebush Bay areas	Area bound by Parramatta Rd, Duck River, Parramatta River, Powells Creek and Homebush Bay Dr	
John St	Parramatta Rd, Lidcombe	Fury Ford Holding Yard
<b>Auburn / Strathfield Councils</b>		
Weeroona Rd – East St – Railway St – Arthur St	Joseph St, Lidcombe	Centenary Dr, Flemington
<b>Bankstown Council</b>		
Villawood industrial area	Area bound by Woodville Rd, Christina Rd, Miller Rd, Biloela St, Marple Ave and Llewellyn Ave	
Revesby industrial area	Area bound by Milperra Rd, Ashford Ave, Bullecourt Ave, Horsley Rd, South Western Mwy and Queen St	
Woorang Rd, Milperra	Milperra Rd	—
<b>Baulkham Hills / Hawkesbury Councils</b>		
Sackville Rd – King Rd	Wisemans Ferry Rd, Sackville	Wilberforce Rd, Wilberforce
<b>Blacktown Council</b>		
Arndell Park and Huntingwood industrial areas	Area bound by Doonside Rd, Bungarribee Creek, Holbeche Rd, Reservoir Rd, Western Motorway and Horsley Rd	
Minchinbury Industrial Area	Roads within the area bound by M4 Motorway, Ropes Creek, Great Western Hwy and Archbold Rd, but excluding Archbold Rd	

North Blacktown, Kings Park industrial areas	Roads within the area bound by Sunnyholt Rd, Bessemer St, Chicago Ave, Richmond railway, Cobham St, Faulkland Crescent Reserve, Camorta Close and Madagascar Dr, but excluding Cobham St, Camorta Close and Madagascar Dr	
Rooty Hill industrial area	Area bound by Phillip Pkwy and its proposed extension northwards, Lamb St, Eastern Creek and Western Railway	
Brabham Dr – Ferrers Rd	Great Western Hwy, Eastern Creek	Eastern Creek Raceway south gate
Eastern Rd – Knox Rd	Rooty Hill Rd Sth, Rooty Hill	Richmond Rd, Doonside
Woodstock Ave, Rooty Hill	Rooty Hill Rd Nth	Phillip Pkwy
Power St	Knox Rd, Doonside	Rooty Hill Rd Nth, Glendenning
<b>Botany Bay Council</b>		
Exell St, Banksmeadow	Botany Rd	—
Greenfield St, Banksmeadow	Hill St	Exell St
Hale St, Botany	Botany Rd	Commonwealth Wool Stores
Hill St – McPherson St	Botany Rd, Banksmeadow	—
Stephen Rd – Swinbourne St	Botany Rd, Botany	—
<b>Camden Council</b>		
Camden Valley Way – Argyle St	The Northern Rd, Narellan	Commens Depot, Camden
Edward St, Camden	Argyle St	Camden Saleyards
<b>Campbelltown Council</b>		
Queen St, Campbelltown	Campbelltown Rd	Chamberlain St
Blaxland Rd	Narellan Rd, Campbelltown	Campbelltown Rd, Leumeah
Mill Rd, Campbelltown	Blaxland Rd	Paul Wakeling Ford
Brooks Rd, Ingleburn	Hume Hwy	Williamson Rd
Williamson Rd, Ingleburn	Campbelltown Rd	Stennet Rd
Ingleburn industrial area	Area bound by Williamson Rd, Henderson Rd, Lancaster St and Stennet Rd	
Minto industrial area	Area bound by Campbelltown Rd, Leumeah Rd, Airds Rd, Roase Payten Dr, Pembroke Rd, Ben Lomond Rd, Southern railway, Bow Bowing Creek and its tributary to Campbelltown Rd at St Andrews Park	
<b>Canterbury / Ashfield Councils</b>		
Jeffrey St – King St – Milton St	Canterbury Rd, Canterbury	Georges River Rd, Ashfield
<b>Concord Council</b>		

Patterson St – Gipps St – Broughton St – Ian Pde – Frederick St – Cabarita Rd – Mortlake St – Gale St – Tennyson Rd	Concord Rd, Concord	23 Tennyson Rd, Mortlake
<b>Fairfield Council</b>		
Victoria St, Smithfield	Cumberland Hwy	Hassall St
Wetherill Park industrial area	Area bound by The Horsley Dr, Cowpasture Rd and a line continued north to Prospect Reservoir, Fairfield City Council boundary, Gipps Rd, Hassall St, Victoria St and Elizabeth St	
<b>Fairfield / Bankstown Councils</b>		
River Ave – Christina Rd	The Horsley Dr, Villawood	Miller St, Leightonfield
<b>Hawkesbury Council</b>		
Groves Ave – Railway Rd North – Park Rd	Windsor Rd, Mulgrave	saleyards
Bourke St – March St, Richmond	Lennox St	East Market St
Springwood Rd-Hawkesbury Rd-Singles Ridge	Castlereagh Rd, Yarramundi	Mushroom Farm
<b>Holroyd Council</b>		
Woodpark industrial area	Woodpark Rd, Percival St, Jumal Pl, Tait St, Britton St, Cooper St, Dupas St, Hume Rd, Tarlington Pl, Cullen Pl, Long St, Sammut St	
Sturt St – McCredie Rd – Fairfield Rd – Dursley Rd	Cumberland Hwy, Guildford	Pine Rd, Yennora
Dennistoun Ave	Fairfield Rd	Sydney Wool Centre
McCredie Rd, Smithfield	Sturt St	Westward
Pavesi St, Smithfield	Sturt St	Iris St
<b>Hornsby Council</b>		
Dartford Rd – Sefton Rd	Pennant Hills Rd, Thornleigh	—
<b>Kogarah Council</b>		
Park Rd – Ramsgate Rd	Princes Hwy, Kogarah Bay	Rocky Point Rd, Ramsgate
Terry St, Blakehurst	Princes Hwy	King Georges Rd
<b>Leichhardt Council</b>		
Robert St, Rozelle	Victoria Rd	White Bay Container Terminal
<b>Liverpool Council</b>		
Governor Macquarie Dr – Munday St – Manning St	Hume Hwy, Warwick Farm	—
Moorebank Ave – Church Rd, Moorebank	South-western Fwy	Heathcote Rd
Helles Ave, Moorebank	Moorebank Ave	—
Hoxton Park Rd	Hume Hwy, Liverpool	Cowpasture Rd, Hoxton Park
Nuwarra Rd, Moorebank	Newbridge Rd	Heathcote Rd
<b>Marrickville Council</b>		
May St – Bedwin Rd – Edgeware Rd	Princes Hwy, St Peters	Stanmore Rd, Enmore

Edinburgh Rd, Marrickville	Bedwin Rd	Victoria Rd
<b>Parramatta Council</b>		
Grand Ave – Durham St – Thackery St	James Ruse Dr, Camellia	Shell depot, Jack Seatons depot
Colquhoun St – Devon St, Camellia	Grand Ave	Durham St
Rydalmere industrial area	Area bound by Victoria Rd, Park Rd, Parramatta River and Subiaco Creek	
Brodie St, <b>excluding</b> Victoria Rd underpass	Victoria Rd, Rydalmere	
<b>Parramatta / Ryde Councils</b>		
Wharf Rd – Hope St – Boronia St – Spurway St	Victoria Rd, Ermington	Prixcar Services, Ermington
<b>Penrith Council</b>		
Andrews Rd, Cranebrook	The Northern Rd	Castlereagh Rd
Glossop St – Forrester Rd	Great Western Hwy, St Marys	Dunheved Circuit, Dunheved
Dunheved industrial area:	Christie St, Wordoo St, Power St, Lee Holm Rd, Maxim Place, Warrior Place, Anne St, Bent St, Tresco St, Production Ave, Dunheved Circuit, Links Rd, Severn St, Vallance St, Charles St, Appin Place, Triggs St, Kiewa Rd, Niemur Rd	
<b>Rockdale Council</b>		
West Botany St	Princes Hwy, Arncliffe	President Ave, Kogarah
<b>South Sydney Council</b>		
Link Rd – Epsom Rd, Zetland	South Dowling St	Botany Rd
Campbell Rd - Burrows Rd, St Peters	Euston Rd	Canal Rd - Ricketty St
Bourke Rd, Alexandria	Gardeners Rd	Cleveland St
<b>Strathfield Council</b>		
Ford St, Naughton St, Mayvic St, Wentworth St	Roberts Rd	—
Cosgrove Rd, South Strathfield	Liverpool Rd	Travel conditions for B- doubles between the hours of 10.00pm and 6.00am: - Entry to Cosgrove Rd is permitted only by a right turn from Liverpool Rd and exit from Cosgrove Rd is permitted only by a left turn into Liverpool Rd. - Travel on Cosgrove Rd from Liverpool Rd is not permitted beyond Cox's Creek
<b>Note:</b> Time limits for direction of travel apply to B- doubles only. Other vehicles may access Cosgrove Rd from either Liverpool Rd or Punchbowl Rd.		



Cosgrove Rd, South Strathfield <b>Note:</b> The time limits for direction of travel apply to B-doubles only. Other vehicles may access Cosgrove Rd from either Liverpool Rd or Punchbowl Rd.	Liverpool Rd	Travel conditions for B-doubles between the hours of 6.00am and 10.00pm: - Entry to Cosgrove Rd is permitted only by a right turn from Liverpool Rd and exit from Cosgrove Rd is permitted only by a right turn into Punchbowl Rd.
Gould St, South Strathfield	Liverpool Rd	—
<b>Sutherland Shire</b>		
Parraweena Rd – Atkinson Rd	Port Hacking Rd, Miranda	end Atkinson Rd, Taren Point
<b>Sydney City Council</b>		
Sussex St – Hickson Rd	Western Distributor	Darling Harbour ports
<b>Willoughby Council</b>		
Reserve Rd – Frederick St, Artarmon	Gore Hill Fwy	New Hunter Holden
Edinburgh Rd High St Mowbray Rd	Eastern Valley Way, Willoughby	Pacific Hwy, Chatswood
Herbert St – Clegg St	Pacific Hwy, St Leonards	Reserve Rd, Artarmon
Dickson Ave – Clarendon St – Hotham Pde – McLachlan Ave – Marden St	Reserve Rd, Artarmon	

**Part 2 – 4.6 metre high vehicle routes in New South Wales (excluding the Sydney Region) (Refer to Part 3 for Shire and Council listings)**

<b>The Western area of the State</b>	Travel permitted in the area west of the eastern boundary of the Newell Hwy, <b>except:</b> - MR129 between Coonabarabran and Baradine (low railway underpass) - Calder Hwy (SH22) between Silver City Hwy and NSW/ VIC border.
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Route	Starting point	Finishing point
<b>Newcastle, Central Coast and Hunter area</b>		
<b>Sydney-Newcastle Freeway (F3)</b>	Hawkesbury River Bridge	John Renshaw Drive (MR588)
Kangoo Rd, Somersby	Pacific Hwy (SH10)	Coles Myer Logistics Centre
MR675 – Motorway Connection	Sydney Newcastle Freeway (F3)	Pacific Highway, Doyalson
MR220 – F3 to Branxton - via Freemans Waterhole, Brunkerville, Mulbring, Cessnock and Rothbury	Sydney to Newcastle Freeway at Freemans Drive Interchange	New England Highway, Branxton

MR82 – via The Link Road, Thomas St, Newcastle Rd, Griffiths Rd, Brisbane Rd, Donald St and Parry St.	Sydney to Newcastle Freeway	Pacific Highway (Stewart Avenue), Newcastle West
Pendlebury Rd, Cardiff	Munibung Rd	23 Pendlebury Rd (Smith Snack Food Depot)
Weakleys Drive (SH9 arm)	John Renshaw Drive (MR588)	New England Hwy
<b>New England Highway – SH9</b>	SH10 – Pacific Highway, Hexham	MR209- Muswellbrook
<b>New England Highway – SH9</b>	Market Street, Muswellbrook	NSW / QLD border
Muswellbrook High Vehicle detour - Southbound – Market St, Victoria St and Bell St. - Northbound – Bell St, Victoria St and Market St.	New England Highway and Bell St. intersection	New England Highway and Market St intersection
<b>Golden Highway (SH27)</b> via Mt. Thorley, Jerrys Plains, Denman, Sandy Hollow, Merriwa, and Dunedoo to Dubbo	New England Highway – north of Belford	Dubbo
<b>Kamilaroi Highway (SH29)</b>	New England Highway north of Willow Tree	Newell Highway south of Narrabri
<b>Pacific Highway (SH10)</b>	Sydney to Newcastle Freeway, Kariang	Dane Drive, Gosford
<b>Pacific Highway (SH10)</b>	Racecourse Road (RR7757) at northern end	Queensland border
RR7757 – Racecourse Road	Southern Intersection with Pacific Highway, West Gosford	Northern Intersection with Pacific Highway, Gosford
MR349 – Manns Road	Southern intersection with Pacific Highway at West Gosford	Northern Intersection with Pacific Highway at Narara
SH23 – Charlestown Road, Lookout Road and Croudace Road	Pacific Highway, Charlestown	Newcastle Road (MR82), Lambton
SH23 – Newcastle Inner City Bypass	Newcastle Road (MR82), Jesmond	Pacific Highway, Sandgate
MR603 – Carnley Avenue	SH23 – Charlestown Rd	MR326 – Bridges Road, New Lambton
MR223 – Lambton Road	MR326 Turton road, New Lambton	MR604 Bruncker Road, Broadmeadow
RR7769 – Myall Road	MR527 – Macquarie Road, Cardiff	SH23 – Charlestown road, Garden Suburb
Munibung Road and Mitchell Drive, Cardiff	MR527 – Macquarie Rd	Car Carrier depot in Mitchell Rd
MR326 – Northcott Drive, Bridges Rd and Turton Rd	Pacific Highway, Highfields	MR82 – Griffiths Road, Waratah
Park Avenue, Kotara	MR326 – Northcott Drive	Holding yards near Searle St
MR316 – Industrial Drive and Hannell St	Pacific Highway, Mayfield West	Pacific Highway – Stewart Avenue, Newcastle West

To the Carrington port Facilities – - Elizabeth St, Darling St, Robertson St, Bourke St, Cowper St and Dennison St - Lee Wharf Rd	MR316 – Hannell St MR316 – Hannell St	Carrington Lee Wharf
MR604 – Belford St and Tudor St	MR223 – Lambton Rd, Broadmeadow	MR82 – Parry Street, Newcastle West
MR527 – George Booth Drive, Main Rd and Macquarie Rd	MR588 – Buchanan	RR7769 – Myall Road, Cardiff
MR195 – Kurri to Maitland Road	MR588 – Victoria St, Kurri	New England Highway, Maitland
MR588 – Cessnock Rd, Northcote St, Mitchell Ave, Victoria St, Tarro St, Mulbring St and John Renshaw Drive	MR220 – Cessnock	New England Highway at Beresfield
High St, Ken Tubman Drive and High St, Maitland	New England Highway – Les Darcy Drive, South Maitland	New England Highway at Johnson St roundabout
MR101 – Dungog to Stroud Road	Dungog	MR90 – north of Stroud
MR101 – Dungog to Maitland Road	Dungog	North of Paterson ( old MR128 junction )
RR7764 – Bingleburra Road	Gresford	Dungog
MR90 – The Bucketts Way	Pacific Highway – south of Karuah	MR192 – Krambach
MR192 – Krambach to Taree via Wingham	MR90 – Krambach	Taree
RR7719 – Thunderbolts Way	Gloucester	Walcha
MR128 – Mount Thorley to Gresford via Singleton	SH27 – Mount Thorley	Gresford
MR209 – Muswellbrook to Denman Road	New England Highway, Muswellbrook	SH27 near Denman
MR618 – Vinegaroy Rd and Cassilis Rd	Golden Hwy (SH27) west of Cassilis	Coolah
MR105 - Scone	New England Highway – Scone	Moonan Flat
Local Road – Moonan Flat to Ellerston	Moonan Flat	Ellerston
Local Road – Ellerston to Blanford	Ellerston	New England Highway, Blanford
<b>Northern NSW</b>		
<b>Pacific Hwy (SH10)</b>	New England Hwy, Hexham	Queensland border
<b>New England Hwy (SH9)</b>	Pacific Hwy, Hexham	Intersection of the New England Hwy and Bell St, Muswellbrook
<b>New England Hwy (SH9)</b>	Muswellbrook, north of Market St	NSW/Qld border

High Vehicle detour through Muswellbrook: <ul style="list-style-type: none"> <li>• Southbound—Market St, Victoria St, Bell St</li> <li>• Northbound—Bell St, Victoria St, Market St</li> </ul>	Intersection of the New England Hwy and Market St, Muswellbrook	Intersection of the New England Hwy and Bell St, Muswellbrook
<b>Golden Hwy (SH27)</b>	New England Hwy south of Singleton	Dunedoo
<b>Kamilaroi Hwy (SH29)</b>	New England Hwy north of Willow Tree	Newell Hwy south of Narrabri
<b>Oxley Hwy (SH11)</b>	Tamworth	Coonabarabran
<b>Oxley Hwy (SH11)</b>	Port Macquarie	New England Hwy, north of Bendemeer
<b>Gwydir Hwy (SH12)</b>	Grafton	Moree
<b>Bruxner Hwy (SH16)</b>	Ballina	Boggabilla
MR90 (Bucketts Way)	Taree	Pacific Hwy south of Karuah
MR192	Taree	Wingham
MR76 (Waterfall Way)	Pacific Hwy south of Raleigh	Armidale
MR135 (Guyra-Inverell road)	Waterfall Way south of Ebor	Inverell-Uralla road south of Gilgai
Summerland Way, including signposted internal bypass around obstruction in Prince St, Grafton on MR 83	Grafton	NSW/Qld border
Bentley Rd (MR544), Kyogle Council	Summerland Way (MR83)	Richmond Valley Council boundary
Hillyards Rd, Kyogle Council	Bentley Rd (MR544)	Borabee Creek Rd
Reynolds Rd – Nammoona Drive, Casino	Summerland Way	Casino Regional Livestock Centre
Lismore-Bangalow road (MR65)	Bruxner Hwy (SH16), Lismore	Eltham Rd (11km from Lismore)
Union St, Lismore	Elliott Rd (SH16)	Casino St
Casino St, Lismore	Union St	Kyogle Rd
Kyogle Rd, Lismore	Casino St, South Lismore	Richmond Valley Shire Council boundary
Eltham Rd, Lismore City Council	Lismore-Bangalow Rd (MR65)	Teven Rd, Ballina Council
Houghlahans Creek Rd, Lismore City Council	Eltham Rd	Pearce Rd
Pearce Rd, Lismore City Council	Houghlahans Creek Rd	Byron Shire Council boundary
Teven Rd, Ballina Council	Titenbar Rd	Eltham Rd
Tintenbar Rd (RR7734), Ballina Council	Pacific Hwy (SH10)	Teven Rd
MR74 (Grafton-Armidale road)	Grafton	Waterfall Way north of Ebor
MR124 (Armidale-Bundarra road)	Armidale	Uralla-Inverell road
MR622 (Mount Lindsay Rd)	Woodenbong	Legume and Tenterfield
MR361 (Bonalbo Rd)	Tabulum	Woodenbong
MR77 (Craboon-Gilgandra road)	MR55 east of Dunedoo (Craboon)	Newell Hwy, Gilgandra
MR105 (Tamworth-Nundle road) to Barry	New England Hwy east of Tamworth	Barry

Walcha to Gloucester via Top Dale and Nowendoc (RR7719, Thunderbolts Way)	Walcha	Gloucester
Topdale to Nundle	Walcha–Gloucester Rd, Top Dale	MR105 west of Hanging Rock
Walcha to Dungowan via Niangala and Port Stephen's Cutting	Walcha	MR105, Dungowan
Local Rd 13 and 15	Top Dale–Nundle Rd	Nowendoc Junction
MR106 (Nundle-Wallabadah road)	MR105 west of Nundle	New England Hwy north of Wallabadah
Shire Rd 6	MR105 west of Nundle	New England Hwy
MR187 (Inverell-Yetman road via Wallangra)	Warialda-Yetman road (MR63)	Gwydir Hwy west of Inverell
MR73 (Thunderbolts Way)	Walcha	Gwydir Hwy east of Inverell
MR382 (Glen Innes-Bonshaw road)	Gwydir Hwy, Glen Innes	Emmaville-Inverell road (MR136) north of Woodville
MR382 (Glen Innes-Bonshaw road)	Emmaville-Inverell road (MR136) west of Emmaville	Bruxner Hwy
MR 136 (Emmaville-Inverell road)	Glen Innes-Bonshaw road (MR382) west of Emmaville	Glen Innes-Bonshaw road (MR382) north of Woodville
<b>Kamilaroi Hwy (SH29)</b>	New England Hwy north of Willow Tree	Newell Hwy south of Narrabri
MR129 (Quirindi–Coonabarabran Rd)	Kamilaroi Hwy (SH29) west of Quirindi	Coonabarabran
MR205 (Mendooran–Coonamble Rd)	Mendooran	Newell Hwy
MR334 (Mendoran–Coonabarabran road)	MR205 north of Mendooran	Newell Hwy
MR130 (Tamworth–Quirindi road)	Quirindi	Oxley Hwy, West Tamworth
MR126 (Quirindi–Wallabadah road)	Wallabadah	Quirindi
MR579 (Gap Rd)	Werris Creek	Kamilaroi Hwy (SH29) south of Breeza
MR63 (Yetman–Tamworth Rd)	Tamworth	Yetman
MR357 (Manilla–Boggabri road)	Manilla	Kamilaroi Hwy (SH29) north of Boggabri
MR132 (Bundarra–Barraba Rd)	Bundarra	Barraba
MR133 (Bingara–Narrabri Rd)	MR63, Bingara	Newell Hwy near Narrabri
MR360 (Cobbadah road)	Yetman–Tamworth road (MR63) north of Barraba	Bingara–Narrabri road (MR133), Cobbadah
MR134 (Bingara–Delungra–Ashford road)	Yetman–Tamworth road (MR63) north of Bingara	Ashford
MR137 (Inverell–Bonshaw road)	Inverell	Bruxner Hwy east of Bonshaw
7705 (North Star Road)	MR63 north of Warialda	North Star and Bruxner Hwys

<b>Western NSW</b>		
MR55 (Mullaley–Coolah–Gulgong–Ilford Rd)	Oxley Hwy, Mullaley	Ilford
MR56 (Lachlan Valley Way)	Forbes	Hume Hwy, Yass
MR390 (Blayney–Hobbys Yards Rd)	Blayney	Hobbys Yards
MR246 (Trunkey–Near Georges Plains)	Hobbys Yards	Trunkey
MR236 (Henry Lawson Way)	Newell Hwy, Forbes	Mid Western Hwy west of Grenfell
<b>Mid Western Hwy (SH6)</b>	Bathurst	Marsden
<b>Mitchell Hwy (SH7)</b>	Bathurst	Dubbo
MR206 (Dubbo–Dunedoo road)	Dubbo	MR77, Dunedoo
MR233 (Gulgong–Wellington road)	Gulgong	Mitchell Hwy north of Wellington
MR61 (Orange–Bogan Gate Rd)	Mitchell Hwy north of Orange	Parkes
MR359 (Boree–Molong Rd)	Molong	MR61 west of Borenore
MR377 (Boree–Condobolin Rd)	Forbes	MR61 west of Borenore
MR310 (Cudal–Cowra Rd)	Cudal	Cowra
MR239 (Henry Lawson Way)	Grenfell	Young
MR54 (Goulburn–Crookwell–Bathurst Rd)	Trunkey	Goulburn
MR54 (Goulburn–Crookwell–Bathurst Rd)	Ilford	Great Western Hwy east of Bathurst.
MR245 (Blayney–Millthorpe road)	Mid Western Hwy, Blayney	Junction with MR559, north of Millthorpe
MR559 (Millthorpe–Shadforth road)	Junction with MR245, north of Millthorpe	Mitchell Hwy, Shadforth
MR253 (Bathurst–Oberon road)	Great Western Hwy, Bathurst	Oberon
<b>Great Western Hwy (SH5)</b>	MR516, Bowenfels	Bathurst
Bells Line of Road	East Market St, Richmond	Bell
MR516 (The Chifley Rd)	Bell	Great Western Hwy, Bowenfels
Regional Road 7512/MR233	MR206 (Dubbo–Dunedoo Rd), Muronbung, via Saxa Bridge, Gollan, Goolma, Two Mile Creek and Guntawang	Gulgong
<b>South and South Western NSW (including Wollongong City)</b>		

<b>Princes Hwy</b> , (including Bulli Pass, Bellambi Lane, Northern Distributor to/from North Wollongong, Flinders St, Keira St, Crown St, to West Wollongong). <b>Excluding</b> the bridge over Wagonga River at Narooma and the south-bound bridge over Shoalhaven River at Nowra	Bega	Port Hacking Rd, Sylvania
Menangle Rd (MR179), Wollondilly Shire	Picton-Wilton Rd (MR95)	Finns Rd
Finns Rd, Wollondilly Shire	Menangle Rd (MR95)	Remembrance Driveway (MR620, Old Hume Hwy)
Remembrance Driveway (MR620, Old Hume Hwy)	Finns Rd	WollondillyShire / Camden boundary
Campbelltown - Appin (MR177)	Campbelltown / Wollondilly boundary near Appin	Princes Hwy, Bulli Tops
Mt Ousley Rd (MR513)	Picton Rd, Mt Ousley	Princes Hwy, Bulli Tops
Mt Ousley Rd (MR95)– Picton Rd	Princes Hwy, North Wollongong	Hume Highway near Wilton
Southern Fwy (F6) ( <b>southbound vehicles must remain in the travel lanes under the bridge at University Avenue, Gwynneville</b> )	Princes Hwy, Waterfall	Princes Hwy, Yallah
Bourke St (MR581) – Corrimal St – Springhill Rd	Princes Hwy, North Wollongong	Five Islands Rd Cringilla
Coal Terminal Rd, Port Kembla	Port Kembla Rd	Loop road around Coal Loader Terminal
Tom Thumb Rd, Port Kembla	Springhill Rd (MR581)	Coal Terminal Rd
Port Kembla Rd (MR671)	Corrimal St	Coal Terminal Road
Teal Rd, Port Kembla	Tom Thumb Rd	Grain Handling Terminal
Five Islands Rd	Princes Hwy, Unanderra	King St, Warrawong
Flinders St (MR295), Port Kembla	Five Islands Rd (MR295)	Old Port Road (MR295)
Old Port Rd (MR295), Port Kembla	Flinders St (MR295)	Christy Drive
Christy Dr, Port Kembla [Westbound exit from Christy Dr <b>must turn right</b> at Old Port Rd]	Old Port Rd (MR295)	No 6 Jetty
King St (MR522) – Windang Rd – Shellharbour Rd	Five Islands Rd, Warrawong	Princes Hwy, Dunmore
King St, Warrawong	Pt Kembla Steelworks, Five Islands Rd	Northcliffe Dr, Warrawong
Northcliffe Dr (MR613)	Princes Hwy, Kembla Grange	King St, Warrawong
Lake Entrance Rd (MR611) – New Lake Entrance Rd – Pioneer Dr	Shellharbour Rd, Warilla	Princes Hwy, Oak Flats
Masters Rd (MR602)	Southern Freeway, Mt St Thomas	Springhill Rd, Coniston
<b>Illawarra Hwy</b> (SH25)- <b>excluding</b> the railway bridge at Moss Vale	Princes Hwy north of Albion Park Rail	Hume Hwy at Hoddles Cross Roads south of Moss Vale

<b>Hume Hwy</b> (SH2)	NSW/Vic border	Cumberland Hwy (Orange Grove Rd), Liverpool
MR79 (Doughboy–Tarago–Goulburn Rd)	Auburn St, Goulburn	Kings Hwy
MR268 (Bungendore–Tarago Rd)	Tarago	Kings Hwy, Bungendore
MR51 (Kings Hwy)	Batemans Bay	NSW/ACT border
Uriarra Rd, Crawford St, Bungendore St, Queanbeyan	NSW/ACT border	Kings Hwy
Kendall Ave, Patterson Parade, Queanbeyan	Canberra Ave	
<b>Federal Hwy</b>	Hume Hwy	NSW/ACT border
MR248 (Boorowa–Crookwell–Taralga Rd)	Boorowa	Main Rd 54 west of Crookwell
MR52 (Sutton Rd)	Crookwell	NSW/ACT border
<b>Barton Hwy</b> (SH15)	NSW/ACT border	Hume Hwy
<b>Monaro Hwy</b> (SH19)	NSW/ACT border	NSW/Vic border
<b>Snowy Mountains Hwy</b> (SH4)	Princes Hwy north of Bega	Hume Hwy, Mount Adrah
Carlaminda Rd, Cooma	Saleyards Rd	Monbeef Abattoir
Polo Flat Rd, Cooma	Monaro Hwy (SH19)	Carlaminda Rd
Saleyards Rd, Cooma	Carlaminda Rd	Monaro Hwy (SH19)
<b>Olympic Hwy:</b> <ul style="list-style-type: none"> <li>• <b>Excluding—</b></li> <li>• Railway overbridge 1.2 kilometres north of Junee</li> <li>• Railway overbridge 3.1 kilometres south of Cootamundra,</li> </ul>	Mid Western Hwy west of Cowra	Hume Hwy north of Albury
Travers St, Wagga Wagga	Moorong St (Olympic Hwy MR78)	Fitzmaurice St
MR93 (Bombala–Delegate Rd)	Monaro Hwy south of Bombala	NSW/Vic border
MR243 (Gundagai–Junee–Coolamon–Grong Grong Rd)	Gundagai	Newell Hwy
MR57 (Junee–Temora–Condobolin–Nyngan Rd)	Olympic Way, Old Junee	Newell Hwy east of Wyalong
MR241 (Gunning–Boorowa–Young–Temora Rd)	Young	Temora
MR84 (Bowning–Temora Rd)	Olympic Way, Wallendbeen	MR57, Temora
MR387 (Temora to Newell Hwy)	MR 57, Temora	Newell Hwy, Mirrool
MR211 (Holbrook–Wagga Wagga Rd)	Sturt Hwy, Wagga Wagga	Hume Hwy north of Holbrook
MR331 (Berrigan–Walbundrie–Holbrook Rd)	MR85 north of Jingellic	Berrigan
MR85 (Tumut–Jingellic Rd)	Snowy Mountains Hwy south of Gilmore	NSW/Vic border
MR628 (Tumbarumba–Murray River Rd)	NSW/Vic border	Tumbarumba
MR282 (Jingellic–Tumbarumba Rd)	Jingellic	Hume Hwy, Bowna
MR284 (Tumbarumba–Hume Hwy Rd)	MR85 west of Tumbarumba	Hume Hwy
MR384 (Tumbarumba–Wagga Wagga Rd)	MR284	Hume Hwy
MR384 (Tumbarumba–Wagga Wagga Rd)	Sturt Hwy, Forest Hill	Hume Hwy south of Kyeamba
MR370 (Howlong–Kywong Rd)	Sturt Hwy, Kywong	Riverina Hwy east of Howlong
MR131 (Riverina Hwy–Urana Rd)	Riverina Hwy	MR125 south of Urana



MR299 (Corowa–Riverina Hwy Rd)	Corowa	Riverina Hwy
MR86 (Corowa–Riverina Hwy Rd)	Corowa	Riverina Hwy
MR250 (Edward St, Corowa)	MR86 (Sanger St, Corowa)	MR550 (Deniliquin Rd)
MR550 (Deniliquin Rd)	Corowa	Tocumwal
MR226 (Barooga –Cobram Bridge)	NSW/Vic border	MR550, Barooga
MR551 (To Murray River east of Tocumwal)	Barooga	MR550
MR363 (Cobram–Berrigan Rd)	Barooga	Riverina Hwy south of Berrigan
MR564 (Berigan–Jerilderie road)	Berrigan	Newell Hwy south of Jerilderie
MR280 (Wondalga–Tumblong Rd)	MR85, Wondalga	Hume Hwy north of Tumblong
MR59 (Lockhart–Urana Rd)	Collingullie	Newell Hwy north of Jerilderie
MR356 (East/NE of Finley)	MR331	MR323
MR323 (Jerilderie east)	MR131 north of Daysdale	Newell Hwy, Jerilderie
MR543 (The Rock–Coolamon Rd)	Coolamon	The Rock
MR87 (Coolac–Cootamundra Rd)	Hume Hwy, Coolac	Cootamundra
MR235 (Cootamundra–MR84 Rd)	Cootamundra	Stockinbingal
MR385 (Urana–Morundah Rd)	Urana	Newell Hwy, Morundah
MR125 (Albury–Walbundrie–Urana Rd)	Hume Hwy, Lavington	Urana
MR547 (Jindera–Walla Park Rd)	MR125 north of Jindera	MR332 north of Walla Walla
<b>Riverina Hwy (SH20)</b>	NSW/Vic border at Bethanga Bridge	Finley
MR197 (Merino Vale Dr)	Riverina Hwy, Howlong	NSW/Vic border
<b>Sturt Hwy (SH14)</b>	Hume Hwy north of Tarcutta	Newell Hwy, Narrandera
MR279 (Tumut–Gundagai Rd)	Snowy Mountains Hwy west of Tumut	Gundagai
Annette Crescent, Albury	Catherine Crescent	To end
Borella Rd, Albury	Young St	Drome St
Boronia St, Albury	Union Rd	Nowra St
Catherine Crescent, Albury	Hume Hwy (SH2)	Thurgoona Drive
Conrad Place, Albury	Dallinger Road	Entire length
Dallinger Rd, Albury	Catherine Crescent	Gorden & Goch Access
David St, Albury	Hume St	Ebden St
Drome St, Albury	Borella Rd	North St
Ebden St, Albury	Wodonga Place	Macauley St
Hope Court, Albury	Jelbart Rd	Entire length
Hudson Crescent, Albury	Dallinger Rd	Reiff Street
Jelbart Rd, Albury	North St	Hope Court
Kaitlers Rd, Albury	Wagga Rd	BTR Factory
Macauley St, Albury	Hume St	Atkins St
North St, Albury	Mate St (Hume Hwy)	Jelbart Rd
Reiff St, Albury	Catherine Crescent	To end
Thurgoona Drive, Albury	Hume Hwy (Wagga Rd)	Travel Stop Way
Travel Stop Way, Albury	Thurgoona Drive	BP Access

Union Rd, Albury	Wagga Rd	Boronia St
Hopeful Rd, Corowa	Riverina Hwy (SH20)	Berrigan-Walbundrie-Holbrook Rd (MR331)
Hudson's Rd, Corowa	Redlands Rd (MR299)	Entire length
Parliament St, Corowa	Queen St	Edward St (MR250)
Queen St, Corowa	Federation Ave (MR550)	Parliament St
Melbourne St (MR314), Mulwala	Victorian border	Federation Ave (MR550)

**Part 3 – 4.6 metre high vehicle routes in Shire and Council areas (excluding the Sydney Region)**

Shire or Council Area	
<b>Blayney Shire Council</b>	All roads within the Blayney Shire with the <b>exception</b> of the following roads (due to low railway underpasses): <ul style="list-style-type: none"> <li>- Forest Reefs Road at Millthorpe</li> <li>- Newbridge Road between Blayney and Moorilda</li> </ul>
<b>Bathurst City</b>	All classified and local roads <b>except</b> : <ul style="list-style-type: none"> <li>- Rocket St (MR54), low bridge superstructure, 4.5 metres</li> <li>- Russell St, low railway underpass, 4.04 metres</li> </ul>
<b>Coolah Shire</b>	All roads within Coolah Shire
<b>Dubbo City</b>	All classified and local roads east of Newell Hwy (SH17) <b>except</b> : <ul style="list-style-type: none"> <li>- Rosedale Rd, between Minore Rd &amp; Mitchell Hwy, low railway underpass</li> <li>- Minore Rd, approx 7km west of Newell Hwy, low railway underpass</li> <li>- Albion Hills Rd, approx 5km east of Wongarbron, low railway underpass</li> <li>- Railway Lane, approx 3.5km west of Wongarbron, low railway underpass</li> </ul>
<b>Forbes Shire</b>	All classified and local roads east of Newell Hwy (SH17) <b>except</b> James St, Forbes [low underpass, 3.3 metres clearance]
<b>Guyra Shire Council:</b>	<p>1 Access is available within the township of Guyra to the following streets <b>only</b>:</p> <ul style="list-style-type: none"> <li>- Ollera St (East) to Stevenson St</li> <li>- Baldersleigh Rd</li> <li>- Balbair St from Baldersleigh Rd to Lagoon St</li> <li>- Coventry St from New England Hwy to Ryanda St</li> <li>- Elm St</li> <li>- Everett St from New England Hwy to Waste Transfer Depot</li> <li>- Lagoon St from Ollera St to Balbair St</li> <li>- Lagoon Rd from Starr St</li> <li>- Llangothlin St</li> <li>- Manse St from Prisk St to Stevenson St</li> <li>- Prisk St from Ollera St (MR135) to Manse St</li> <li>- Ryanda St from Starr St to Coventry St</li> <li>- Starr St from New England Hwy (SH9)</li> <li>- Stevenson St</li> </ul> <p>2 Access is available to the local roads network outside the township of</p>

	<p>Guyra <b>except:</b></p> <ul style="list-style-type: none"> <li>- Albion Flat Road</li> <li>- Amethyst St</li> <li>- Dettmans Road</li> <li>- Kookabookra Road</li> <li>- Swimming Pool Road</li> </ul>
<b>Lithgow City</b>	<p>All classified roads <b>except:</b></p> <ul style="list-style-type: none"> <li>- Tarana-Sodwalls Rd (MR255), low railway underpass</li> <li>- Inch St &amp; Bells Rd, Lithgow, low railway underpass</li> <li>- Coerwull Rd, Lithgow, low railway underpass</li> <li>- George Coates Avenue &amp; James St, Lithgow, low railway underpass</li> </ul>
<b>Moree Plains Shire</b>	<p>All classified and local roads <b>except:</b></p> <ul style="list-style-type: none"> <li>- Shire Road 200 Gwyderfield Rd), low railway underpass, 3.4 metres</li> </ul>
<b>Narrabri Shire</b>	<p>All classified roads and local roads east of Newell Hwy (SH17) <b>except:</b></p> <ul style="list-style-type: none"> <li>- Shire Road 22, Boston St Bridge over Namoi River, approx 1km east of Boggabri</li> <li>- Shire Road 6 (Eulah Creek Road), Bullawa Creek Bridge, approx 12 kms east of Narrabri</li> <li>- Maitland St, Narrabri railway overpass</li> <li>- Selina St, Narrabri, railway overpass</li> </ul>
<b>Narrromine Shire</b>	All roads within Narrromine Shire
<b>Oberon Council</b>	All roads within Oberon Council
<b>Orange City</b>	<p>Travel is permitted on the following classified and local roads <b>only:</b></p> <ul style="list-style-type: none"> <li>- From Mitchell Hwy via Dairy Creek Rd, Blowes Rd, Elsham Ave, Ash St, Huntley Rd, Forest Rd, Sharp Rd, Anson St, Gardiner Rd, Woodward St to Mitchell Hwy (Summer St)</li> <li>- From Woodward St via Racecourse Rd, Canoblas Rd, Ploughman's Lane, Cargo Rd to boundary of Orange City</li> <li>- From Woodward St via Coronation Drive to Ploughman's Lane</li> <li>- From Mitchell Hwy via Burrendong Way (March Rd), Dawson's Gate Rd, Clergate Rd, Peisley St, Dalton St, McLachlan St to Mitchell Hwy (Bathurst road)</li> <li>- From Mitchell Hwy (Bathurst Rd) via McLachlan St, Margaret St, Leeds Parade to Abattoirs</li> <li>- From Mitchell Hwy (Bathurst Rd) via Edward St, McNeilly Ave, Elsham Ave, Leewood Drive (entire length)</li> </ul>
<b>Rylstone Shire</b>	All classified and local roads.
<b>Weddin Shire</b>	All classified and local roads.
<b>Wellington Shire</b>	<p>All classified and local roads <b>except:</b></p> <ul style="list-style-type: none"> <li>- Farnham Rd, low railway underpass, 4.4 metres</li> <li>- Deep Creek Rd, low railway underpass, 4.2 metres</li> </ul>

**Roads Act**  
**Notice made under the Road Transport (Mass, Loading and Access)**  
**Regulations 1996 and the Road Transport (Vehicle Registration)**  
**Regulation 1998**

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to clause 23 of the Road Transport (Mass, Loading and Access) Regulation 1996 and clause 10 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, do, by this Notice, exempt vehicles that are described in clause 1.4 of the Schedule to this Notice, from the dimensions, as specified in that Schedule, set out in clause 7 (2) of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996, and clause 74 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998 subject to any conditions or requirements set out in the Schedule to this Notice.

PAUL FORWARD,  
Chief Executive  
Roads and Traffic Authority

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**Schedule**

**Citation**

- 1.1 This Notice may be cited as the Rear Overhang Limit Notice 2004.

**Commencement**

- 1.2 This Notice takes effect on 1 January 2004.

**Effect**

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

**Application**

- 1.4 This Notice applies to a motor vehicle or any trailer, that has a manufacturer's gross vehicle mass greater than 4.5 tonnes and which has a forklift truck attached to the rear of the vehicle or trailer for the sole purpose of loading and unloading goods on and off such vehicle or trailer.

**Dimension limits**

- 1.5 Except as provided in clauses 1.6 and 1.7 or any other law, a motor vehicle or trailer to which this Notice applies must comply with the dimension limits specified in Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**1.6** Any load carried on a motor vehicle or trailer, as the case may be, that exceeds 9.5 metres in length shall not project to the rear of such vehicle or trailer beyond a point which is 4 metres from the rear overhang line.

**1.7** Any load carried on a motor vehicle or trailer, may project more than 1.2 metres to the rear of the vehicle or trailer if there is displayed at the rear of the load or equipment:

- (a) a 300 mm square brightly coloured flag or piece of material; or
- (b) in the case of night travel, a red light visible at a distance of 200 metres.

### **Definitions**

In this Notice:

**“rear overhang line”** means:

- (a) if there is a single axle at the rear of the vehicle the centerline of the axle, or
  - (b) if there is an axle group at the rear of the vehicle the center of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable.
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**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 Clause 10 of the Road Transport (Mass, Loading and Access) Regulation 1996, do by this Notice, permit vehicles, that are described in clause 1.5 of the Schedule to this Notice, to stand and operate on roads and road related areas subject to the conditions set out in the Schedule hereto.

PAUL FORWARD,  
Chief Executive  
Roads and Traffic Authority

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**Schedule**

**Citation**

**1.1** This Notice may be cited as the Special Purpose Vehicle Stand and Operate Notice 2004.

**Commencement**

**1.2** This Notice takes effect on 31 December 2004.

**Effect**

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

**Interpretations**

**1.4** Unless stated otherwise, words and expressions used in this Notice that are defined in clause 1.15 of this Notice or the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996 (the MLA Regulation), have the same meaning as those set out in that clause or that Dictionary.

**Application**

**1.5 (1)** This Notice applies to any standing special purpose vehicle that exceeds a dimension limit specified in Table 3 of Schedule 2 to the MLA Regulation or the corresponding limit in the Road Transport (Vehicle Registration) Regulation 1998 or

Schedule 1 to the MLA Regulation while such vehicle is standing and operating upon a road or road related area in New South Wales.

(2) Notes in the text of this Notice do not form part of this Notice.

**NOTE:** This Notice extends to standing special purpose vehicles that are standing and operating with booms, jibs, masts, platforms and stabiliser outriggers extended beyond the prescribed limits.

### Conditions and Operating requirements

**1.6** The dimension limits specified in Part 2 of Schedule 1 to the MLA Regulation do not apply to a standing special purpose vehicle while such vehicle is standing or operating in accordance with a Notice published in the Government Gazette.

**1.7** A copy of this Notice or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under the Notice, must be carried in the driving compartment whenever the standing special purpose vehicle is standing and operating and must be produced when requested by a Police Officer or an authorized officer.

**1.8** Whenever the standing special purpose vehicle, to which this Notice applies, is to stand and operate the following must be contacted prior to any such vehicle being allowed to stand and operate on a road or road related area so as to designate the location where the vehicle may stand and operate and to give any relevant directions in relation to traffic or temporary road closure:

- the NSW Police Local Area Commander for the area (or the Commander's representative), or
- the Operations Room of the RTA Transport Management Centre,

whichever is appropriate.

**NOTE:** Where the standing special purpose vehicle is to stand and operate upon an RTA classified road (as defined in this Notice) or upon a road that is not a classified road where its impact upon traffic is believed will extend onto a classified road, a Road Occupancy License (ROL) for any resulting temporary lane closures must be obtained from the Planned Incident Unit of the RTA Transport Management Centre for these activities prior to the standing special purpose vehicle is to stand and operate.

An ROL requires approximately 10-business days notice to process and issue after the receipt of the application. Where a standing special purpose vehicle is to stand and operate on a road other than a classified road where its impact upon traffic does not extend onto a classified road, the Operations Room of the RTA Transport Management Centre must be contacted prior to any such vehicle being allowed to stand or operate on the road or road related area, and provide details relating to any impacts on traffic.

The contact details for the Operations Room of the RTA Transport Management Centre are: Phone: 02 8396 1686; Fax: 02 8396 1436.  
The contact details for the Planned Incident Unit of the RTA Transport Management Centre are: Phone: 02 8396 1513; Fax: 02 8396 1530.

**1.9** The driver or operator of a standing special purpose vehicle is only exempted under clause 1.6 while standing and operating at the designated location and direction of the Police.

### **Mass and Dimension Limit**

**1.10 (1)** When not standing and operating, travel is only permitted on a road or road related area if the standing special purpose vehicle does not exceed a mass or dimension limit specified in Schedule 2 to the MLA Regulation, or the corresponding limit in the Road Transport (Vehicle Registration) Regulation 1998 or Schedule 1 to the MLA Regulation, unless it is exempt from such limit by a Class 1 Notice or a Class 1 Permit and is travelling in accordance therewith.

**(2)** When a standing special purpose vehicle is standing and operating then any booms, jibs, masts, platforms and stabiliser outriggers that are incidental to such use must only be used in accordance with the manufacturer's recommendations.

### **Warning Lights**

**1.11** Amber rotating beacons, emitting a light visible at a distance of 500 m, must be fitted on the foremost and rearmost extremities of the standing special purpose vehicle and operated at all times whilst the vehicle is standing or operating on any road or road related area.

### **Markings**

**1.12 (1)** A rear marker plate, or plates, complying with ADR 13/00, must be displayed at the rear of a standing special purpose vehicle that is standing or operating upon a road or road related area.

**(2)** A pattern covering an area of at least 0.16 square metres and consisting of diagonal stripes at least 150 mm wide and alternately coloured:

- (a) red and white, or
- (b) black and white,

must be displayed on the left and right sides of any rigid projection extending more than 1.2 m in front of the body of a standing special purpose vehicle, if it is practicable to do so.



## Traffic control

**1.13 (1)** The road or road related area in the vicinity of a standing special purpose vehicle that is standing and operating is to be properly marked with an adequate number of traffic lane markers to control the flow of traffic.

**(2)** Suitable warning signs and barriers are to be erected in the area where the standing special purpose vehicle is standing and operating.

**(3)** If so required by the NSW Police Local Area Commander for the area in which the standing special purpose vehicle, to which this Notice applies, is to stand and operate (or the Commander's representative) a person equipped with a flag or other suitable sign must also be in attendance to assist with the control of traffic.

**(4)** Any traffic control measures must comply with Police directions and Australian Standard AS 1742.3.

<b>NOTE:</b> AS 1742.3 enquires can be directed to WorkCover NSW.
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## Miscellaneous requirements

**1.14 (1)** Prior approval must be obtained from the Local Council in which the standing special purpose vehicle, to which this Notice applies, is to stand and operate before a standing special purpose vehicle is allowed to stand and operate.

**(2)** If the whole of the road is to be closed the New South Wales Fire Brigades, the Rural Fire Service and the Ambulance Service must be notified.

**(3)** If the standing special purpose vehicle is to stand and operate on a bus route where operation interferes with bus services, the operators of any bus company or authority whose services are interfered with must be informed.

**(4)** Approval must be gained from the RTA's Transport Management Centre where the operation of a standing special purpose vehicle affects traffic flow on the State Road network or traffic signals within the Sydney Central Business District.

**(5)** In addition to the foregoing conditions and requirements, the operator must comply with any reasonable direction of a Police Officer.

## Definitions

**1.15** In this Notice:

**“authorised officer”** means a person employed by the Roads and Traffic Authority as an enforcement officer.

**“classified road”** means any of the following:

- (a) a main road,
- (b) a State highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transit way,
- (i) a State work.

**“standing and operating”** means using in a stationary position or between positions in close proximity to one another for the purpose for which a standing special purpose vehicle is designed and standing as incidental to such use.

**“standing special purpose vehicle”** means a mobile crane, elevated travel tower, scissor lift or mobile concrete pump that is built for a purpose other than carrying a load, except for water in the case of concrete pumps.

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**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at  
Nabiac in the Great Lakes Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

—————  
SCHEDULE

ALL that piece or parcel of land situated in the Great Lakes Council area, Parish of Talawahl and County of Gloucester, shown as Lot 20 Deposited Plan 1059974, being part of the land in Certificate of Title 783/551080.

The land is said to be in the possession of Great Lakes Council.

(RTA Papers FPP 3M4522; RO 10/410.1907)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road  
at Lyndhurst in the Blayney Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

—————  
SCHEDULE

All those pieces or parcels of land situated in the Blayney Shire Council area, Parishes of Lyndhurst and Lucan and County of Bathurst, shown as Lots 17 to 22 inclusive, Deposited Plan 264544.

(RTA Papers: 6/43.1103)

## Other Notices

### APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

#### Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001*, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Sport and Recreation.

#### CITATION

The order is cited as the Sport and Recreation Order.

#### ORDER

A summary of the Order is given below.

##### (a) Term of Training

###### (i) **Full-time**

Training shall be given for a nominal term of:

<b>Qualification</b>	<b>Nominal Term</b>
All Certificate II	12 months
All Certificate III*	24 months
*Certificate III in Sport (Career Orientated Participation) SRS30203	
All Certificate IV	24 months

or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

###### (ii) **Part-time**

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

#### School based traineeships

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

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

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

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

##### (b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National Sport and Recreation Competency Standards.

##### (c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

- Certificate II Sport and Recreation SRO20103
- Certificate III Sport and Recreation SRO30103
- Certificate IV Sport and Recreation SRO40103
- Certificate II Outdoor Recreation SRO20203
- Certificate III Outdoor Recreation SRO30203
- Certificate IV Outdoor Recreation SRO40203
- Certificate II Outdoor Recreation (Multiple activities) SRO20303
- Certificate III Outdoor Recreation (Multiple activities) SRO30303
- Certificate II Sport (Career-orientated participation) SRS20203
- Certificate III Sport (Career-orientated participation) SRS30203
- Certificate II Sport (Coaching) SRS20303
- Certificate III Sport (Coaching) SRS30303
- Certificate IV Sport (Coaching) SRS40203

Certificate II Sport (Officiating) SRS20403  
 Certificate III Sport (Officiating) SRS30403  
 Certificate IV Sport (Officiating) SRS40303  
 Certificate III Sport (Athlete support services) SRS30503  
 Certificate IV Sport (Athlete support services) SRS40403  
 Certificate IV Sport (Development) SRS40503  
 Certificate III in Fitness SRF30201  
 Certificate II in Community Recreation SRC20201  
 Certificate III in Community Recreation SRC30201  
 Certificate IV in Community Recreation SRC40201  
 Certificate III in Community Recreation (Instruct) SRC30301

#### **AVAILABILITY FOR INSPECTION**

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

#### **ASSOCIATIONS INCORPORATION ACT 1984**

Transfer of Incorporation Pursuant to Section 48 (4)(a)  
 TAKE NOTICE that the co-operative "Telemark Ski Club Co-operative Limited" formerly registered under the provisions of the *Co-operatives Act 1992* is now incorporated under the *Associations Incorporation Act 1984* as "Telemark Ski Club Incorporated" effective 15 December 2003.

LINDA FULLER,  
 Delegate of Commissioner  
 Office of Fair Trading  
 16 December 2003

#### **ASSOCIATIONS INCORPORATION ACT 1984**

Transfer of Incorporation Pursuant to Section 48 (4)(a)  
 TAKE NOTICE that the co-operative "Newtown Neighbourhood Centre Co-operative Limited" formerly registered under the provisions of the *Co-operatives Act 1992* is now incorporated under the *Associations Incorporation Act 1984* as "Newtown Neighbourhood Centre Incorporated" effective 15 December 2003.

LINDA FULLER,  
 Delegate of Commissioner  
 Office of Fair Trading  
 16 December 2003

#### **ASSOCIATIONS INCORPORATION ACT 1984**

Transfer of Incorporation Pursuant to Section 48(4)(a)  
 TAKE NOTICE that the company "Moree Christian Community School Limited" formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act 1984 as "Moree Christian School Incorporated" effective 16 December 2003.

L. FULLER,  
 Delegate of the Commissioner  
 Office of Fair Trading

#### **BANKS AND BANK HOLIDAYS ACT 1912**

Notice

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 19(3) of the Banks and Bank Holidays Act 1912, appoint the special days and parts of special days specified in Column 1 of the Schedule to be observed as public holidays and public half-holidays (as the case may be) in those parts of New South Wales specified in Column 2 of that Schedule opposite each such special day or part of a special day.

Dated at Sydney, this 5th day of December, 2003.

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

#### **SCHEDULE**

Column 1	Column 2
After noon, Friday, 13 February 2004	Walcha Council area
Friday, 13 February 2004	That part of the County of Camden, comprising the Parish of Cambewarra and those portions of the Parishes of Burrawong, Bugong, Yarrowa and Wallawa, situated within the Shoalhaven City Council area
Friday, 5 March 2004	Lake Macquarie City Council and Newcastle City Council areas
After noon, Monday, 15 March 2004	Armidale Dumaresq Council area
After noon, Friday, 26 March 2004	Albury City Council area
After noon, Wednesday, 21 April 2004	Kempsey Shire Council area
After noon, Wednesday, 28 April 2004	Maclean Shire Council area
Tuesday, 4 May 2004	That portion of the township of Yeoval which is within the Cabonne Council area
After noon, Wednesday, 5 May 2004	Kempsey Shire Council area
After noon, Monday, 10 May 2004	Bogan Shire Council area
Wednesday, 12 May 2004	Gilgandra Shire Council area
Wednesday, 19 May 2004	Coonamble Shire Council area
After noon, Friday, 21 May 2004	Scone Shire Council area
After noon, Wednesday, 14 July 2004	Grafton City Council area
After noon, Thursday, 15 July 2004	Coffs Harbour City Council area
After noon, Thursday, 5 August 2004	Town of Trundle within the Parkes Shire Council area
Wednesday, 18 August 2004	Town of Peak Hill within the Parkes Shire Council area
Wednesday, 25 August 2004	Town of Parkes within the Parkes Shire Council area
After noon, Tuesday, 31 August 2004	West Wyalong/Wyalong Town Improvement District and the Police Patrol District of Tallimba within the Bland Shire Council area
After noon, Wednesday, 8 September 2004	

After noon, Thursday, 9 September 2004	Ballina Shire Council area
After noon, Friday, 10 September 2004	Forbes Shire Council area
After noon, Tuesday, 28 September 2004	Young Shire Council area
After noon, Tuesday, 2 November 2004	Muswellbrook Shire Council area
After noon, Thursday, 4 November 2004	Grafton City Council area

### CHARITABLE TRUSTS ACT 1993

#### Order Under Section 12

#### Variation to Cy-Pres Scheme relating to The Northern Sydney Area Health Service

ON 15 December 1982, upon application, the Supreme Court of NSW ordered that the gift in the Will of the late Gertrude Laura May Byrnes to the Fairbridge Foundation be applied cy pres by the Dalwood Children's Home. By order dated 4 April 1995 the then Attorney General varied the existing cy-pres scheme in favour of the Manly Hospital and Community Health Services (then administrator of Dalwood Home, and later part of the Northern Sydney Area Health Service) to be applied in alterations and upgrading to the Queenscliff Dalwood Assessment Centre, to be used as short term accommodation for disadvantaged children. This accommodation was to be called 'The Charles Ernest Byrnes of Parramatta Building incorporating the Queenscliff Dalwood Assessment Centre for Children'.

The existing cy-pres scheme is no longer capable of or has ceased to provide a suitable and effective method of using the trust property, given the changes in approach to the treatment and care of disadvantaged children from a residential to a family-based model.

I have approved a recommendation that the Attorney General vary the existing cy-pres scheme pursuant to section 17(2) of the Charitable Trusts Act 1993. The variation is to apply the funds 'in the construction of a brick cottage with a tiled roof to be known as the 'Charles Ernest Byrnes of Parramatta Building' the said building to operate as a Child Health Early Intervention Program for at-risk pre-school children and their families'. I have approved a further recommendation that the costs of the application be paid out of the trust fund on an indemnity basis.

Therefore, pursuant to section 12 of the Charitable Trusts Act 1993, I hereby order that the cy pres scheme presently in effect be varied to apply the money to the construction of a brick cottage with a tiled roof to be known as the 'Charles Ernest Byrnes of Parramatta Building', the said building to operate as a Child Health Early Intervention Program for at-risk pre-school children and their families, such Order to take effect 21 days after its publication in the Government Gazette, in accordance with section 16(2) of the Charitable Trusts Act 1993.

Date of Order: 15th December 2003.

M. G. SEXTON, SC,  
Solicitor General  
Under delegation from the Attorney General

### COMMERCIAL VESSELS ACT -1979

#### Revocation of

#### Notice Exempting Certain Corporate Vessels from the Provisions of the Commercial Vessels Act -1979

THE **WATERWAYS AUTHORITY** -(the Authority)- in pursuance of Section 48(3) of the *Commercial Vessels Act -1979*, **HEREBY REVOKES** the Exemption Notice dated 23 April, 1993, published in Government Gazette No. 41 of 30 April, 1993, relating to vessels used on sheltered waters in connection with a business, or trade, or commerce and **STATES THAT**;

1. All vessels currently being operated under the subject Exemption Notice must be operated in full compliance with the *Commercial Vessels Act -1979* within **TWELVE (12) MONTHS** of the date of this Notice;
2. Any vessel replacing a vessel currently being operated under the subject Exemption Notice must comply fully with the *Commercial Vessels Act -1979* and will not have the benefit of the subject Exemption; and
3. Any Company/Business not currently operating a vessel under the subject Exemption Notice must, from the date of this Notice, ensure that any vessel used in connection with the business, or trade, or commerce complies fully with the *Commercial Vessels Act -1979*.

**DATED** this 12th day of December, 2003

**The Common Seal of the Waterways Authority  
was hereto duly affixed in the presence of the  
Chief Executive**

MATTHEW TAYLOR,  
Chief Executive

### CONTAMINATED LAND MANAGEMENT ACT 1997

#### Environment Protection Authority

#### Declaration of remediation site

#### Section 21 of the Contaminated Land Management Act 1997

#### Declaration Number 21050

THE Environment Protection Authority (the "EPA") declares the following land to be a remediation site under the *Contaminated Land Management Act 1997* ("the Act"):

#### 1. Land to which this declaration applies ("the site")

The bed of Homebush Bay adjacent to the former Orica Rhodes premises, Oulton Avenue, Rhodes. The site comprises the south-eastern part of Homebush Bay adjacent to the land parcel of Part DP67372 being part of a former paint factory.

A map has been prepared which shows the site delineated by the area designated "Remediation site" encompassed by a dotted line. This map is available for inspection at the offices of the Department of Environment and Conservation at 59-61 Goulburn Street, Sydney. On the map, Part DP67372 is referred to as "the Alfred Street site".

The area was previously declared an Investigation Area (Declaration Number 15013) under Section 15 of the Act.

#### 2. Nature of the substances causing the contamination Lead.

### 3. Reasons for the declaration

The EPA has considered the matters in s.9 of the Act and found that the site is contaminated with lead in such a way as to present a significant risk of harm for the following reasons:

- Substantially elevated concentrations of lead have been found in the sediments present in the bay ('the bay sediments'). Lead is harmful to human health, and is persistent in sediments.
- There are human and biota exposure pathways to the lead contamination in the bay sediments. The risk of harm associated with the human exposure pathways may increase following the development of the adjacent lands for residential and public recreational purposes and increased public access to the water front.

### 4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal. Orica Australia Pty Ltd has submitted a voluntary remediation proposal for the EPA's consideration.

### 5. Submissions invited

The EPA advises that the public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites  
Environment Protection Authority  
PO Box A290  
SYDNEY SOUTH NSW 1232  
or faxed to: 02 9995 5930  
by not later than 15 January 2004

CAROLYN STRANGE,  
Director Contaminated Sites,  
Department of Environment and Conservation  
(by delegation)

Date: 17th December 2003.

**NOTE:** Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under Section 23 of the Act.

### Variation/Revocation

This declaration remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (Section 44 of the Act).

### Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

### Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to Section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within a declaration area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate can be removed.

### CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, GOVERNOR

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the *Crimes (Administration of Sentences) Act 1999*, do, by this proclamation, revoke the proclamations published in the Government Gazette of 19 October 2001 and 2 April 1993 which declared Oberon Young Offenders Correctional Centre to be a correctional centre.

This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 10th day of December 2003.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice

Minister assisting the Premier on Citizenship

GOD SAVE THE QUEEN!

### CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, GOVERNOR

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(1) and 225(3) of the *Crimes (Administration of Sentences) Act 1999*, do, by this Proclamation, declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional centre within the meaning of the *Crimes (Administration of Sentences) Act 1999* and I further declare that the correctional centre shall be known as Oberon Correctional Centre, viz.:

All that piece or parcel of land situate in the Shire of Oberon, Parish of Gurnang and County of Georgiana, being that part of Gurnang State Forest No 825 dedicated on 15th August 1930 shown by the shaded area on Plan Catalogue Number 53400 in the Department of Commerce Plan Room and having an area of 7.829 hectares or thereabouts.

This proclamation is to take effect on and from the date of publication in the Government Gazette.

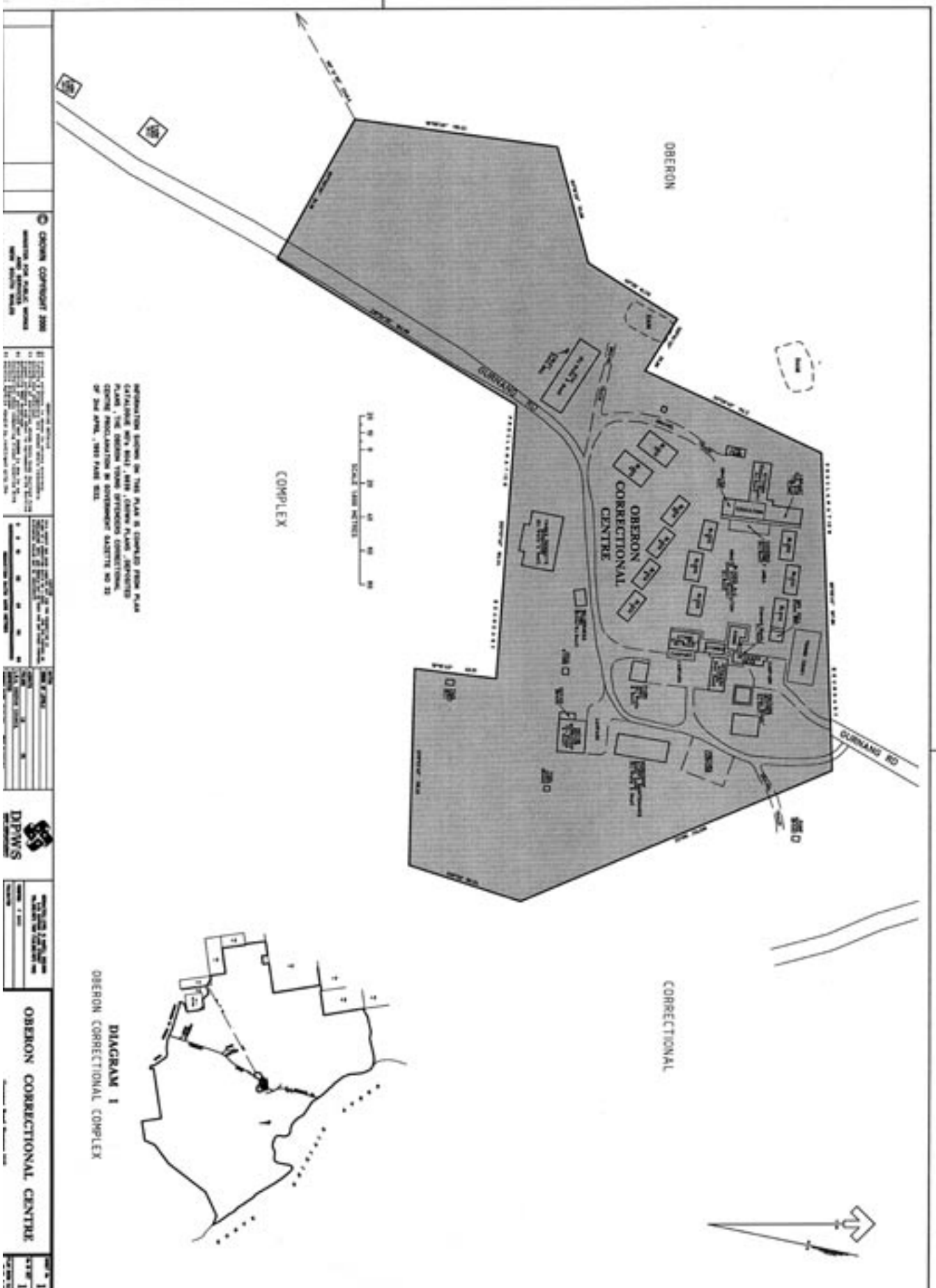
Signed and sealed at Sydney, this 10th day of December 2003.

By Her Excellency's Command.

JOHN HATZISTERGOS,  
Minister for Justice

Minister Assisting the Premier on Citizenship

GOD SAVE THE QUEEN!





**GEOGRAPHICAL NAMES ACT 1966**

Notice of Discontinuance of a Geographical Name  
Walgett Public School

PURSUANT to the provisions of Section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Walgett Public School" which was assigned with the designation of School, Folio 9264, on the 10 April 1981. This school has now been renamed "Walgett Community College-Primary School" and assigned by the Department of Education and Training.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
P O Box 143, Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Discontinuance of a Geographical Name  
Collie Public School

PURSUANT to the provisions of Section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Collie Public School" which was assigned with the designation of School, Folio 8930, on 27 March, 1981.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
P O Box 143, Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Discontinuance of a Geographical Name  
'Eden Marine Technology High School'

PURSUANT to the provisions of Section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Eden Marine Technology High School" which was assigned with the designation of School. The school has now been renamed "Eden Marine High School" and assigned by the Department of Education and Training.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
P O Box 143 Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Discontinuance of a Geographical Name  
Walgett High School

PURSUANT to the provisions of Section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Walgett High School" which was assigned with the designation of School, Folio 7649, on the 6 February 1981. This school has now been renamed "Walgett Community College-High School" and assigned by the Department of Education and Training.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
P O Box 143, Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Discontinuance of a Geographical Name  
Graman Public School

PURSUANT to the provisions of Section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Graman Public School" which was assigned with the designation of School, Folio 961, on 9 May 1980.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
P O Box 143, Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Discontinuance of a Geographical Name  
Merriwagga Public School

PURSUANT to the provisions of Section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Merriwagga Public School" which was assigned with the designation of School, Folio 3652 on 11 July 1980.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
P O Box 143, Bathurst NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

Assigned Name:	Curraghbeena Point Lookout Reserve
Designation:	Reserve
L.G.A.:	Mosman Municipal Council
Parish:	Willoughby
County:	Cumberland
L.P.I. Map:	Parramatta River
1:100,000 Map:	Sydney 9130
Reference:	GNB 4957

Assigned Name:	Olga Robshaw Reserve
Designation:	Reserve
L.G.A.:	Blacktown City Council
Parish:	Prospect
County:	Cumberland
L.P.I. Map:	Prospect
1:100,000 Map:	Penrith 9030
Reference:	GNB 4958

Assigned Name:	Burnum Burnum Sanctuary Reserve
Designation:	Reserve
Assigned Name:	Jannali Reserve
L.G.A.:	Sutherland Shire Council
Parish:	Sutherland
County:	Cumberland
L.P.I. Map:	Port Hacking
1:100,000 Map:	Port Hacking 9129
Reference:	GNB 4964

Assigned Name: Michael Eades Reserve  
 Designation: Reserve  
 L.G.A.: Blue Mountains City Council  
 Parish: Blackheath  
 County: Cook  
 L.P.I. Map: Katoomba  
 1:100,000 Map: Katoomba 8930  
 Reference: GNB 4965

Assigned Name: Ray Goodman Oval  
 Designation: Reserve  
 L.G.A.: Snowy River Shire Council  
 Parish: Myack  
 County: Wallace  
 L.P.I. Map: Cootralantra  
 1:100,000 Map: Berridale 8625  
 Reference: GNB 4966

Assigned Name: Forbes Creek Remembrance  
 Walkway  
 Designation: Reserve  
 L.G.A.: Sutherland Shire Council  
 Parish: Sutherland  
 County: Cumberland  
 L.P.I. Map: Port Hacking  
 1:100,000 Map: Port Hacking 9129  
 Reference: GNB 4967

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

#### ERRATUM

IN the notice referring to a locality name amendment in Evans Shire in the Government Gazette of 5 December 2003, the name Garthowen, designation locality, should have been Discontinued. Garthowen designation locality is now Discontinued under Section 14 of the Act. The locality is Tannas Mount.

#### FORESTRY AND NATIONAL PARK ESTATE ACT, 1988

##### Extension of Period to Publish Order

I, BOB DEBUS, Minister for the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with section 7(5) of Schedule 7 of the Forestry and National Park Estate Act 1998 No 163, extend by a further 12 months (to 31 December 2004) the period during which an Order may be published under this sub-section.

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

#### MENTAL HEALTH ACT 1990

##### Order under section 114

I, Robyn Kruk, Director-General of the NSW Department of Health, in pursuance of the provisions of section 114 of the Mental Health Act 1990 DO HEREBY DECLARE the Northern Illawarra Sector Mental Health Service to be a health care agency for the purposes of the Mental Health Act 1990.

Signed at Sydney, this 16th day of December 2003.

ROBYN KRUK,  
 Director-General

#### NATIONAL PARKS AND WILDLIFE ACT 1974

##### Aboriginal Place

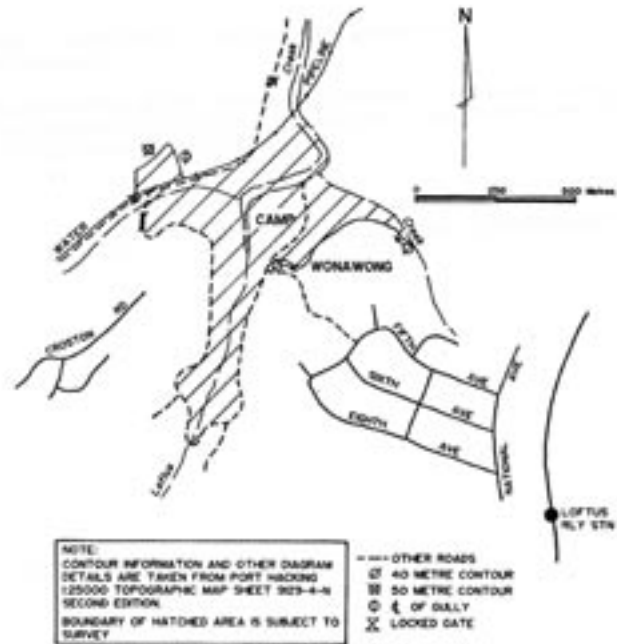
IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act, 1974, I, the Minister for the Environment, do by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

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

##### Description

*Land District - Metropolitan;  
 Council - Sutherland*

County Cumberland, Parish Sutherland, about 27 hectares, being the area shown by hatching in the diagram hereunder. NPWS/ASR 52/3/1108



#### NATIONAL PARKS AND WILDLIFE ACT 1974

##### Kumbatine National Park and State Conservation Area

##### Fishermans Bend Nature Reserve

##### Draft Plans of Management

DRAFT plans of management for Kumbatine National Park and State Conservation Area and Fishermans Bend Nature Reserve have been prepared and may be viewed during office hours at:

- Trial Bay Gaol Visitor Information Centre, Cardwell Street, South West Rocks;
- Kempsey Shire Library, Civic Centre, Corner Tozer and Elbow Streets, West Kempsey; and
- NPWS Mid North Coast office, 152 Horton Street, Port Macquarie.

Copies of the plans may be obtained free of charge from the NPWS Mid North Coast office; Trial Bay Gaol Visitor Information Centre; and The National Parks Centre, 102 George Street, The Rocks, NSW 2541. The plans are also available on the NPWS web site: [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

Written submissions on the Kumbatine plan must be received by The Planning Officer, NPWS, P.O. Box 61, Port Macquarie, NSW 2444 by 22 March 2004; and submissions on the Fishermans Bend plan must be received at the same address by 19 April 2004.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on these draft plans of management may contain information that is defined as "personal information" under the *NSW Privacy and Personal Information Protection Act 1998*. The submission of personal information with your comments is voluntary.

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#### NATIONAL PARKS AND WILDLIFE ACT 1974

Coolah Tops National Park  
Kirramingly Nature Reserve  
Plans of Management

A plan of management for Coolah Tops National Park and a plan of management for Kirramingly Nature Reserve were adopted by the Minister on 17 November 2003.

Copies of the plans may be obtained at a cost of \$8.50 from The National Parks Centre, 102 George Street, The Rocks, NSW 2655. Copies of the Coolah Tops plan may also be obtained from the NPWS office at 1/160 Church Street, Mudgee, NSW 2850; and copies of the Kirramingly plan may also be obtained from the NPWS office at 1/100 Maitland Street, Narrabri, NSW 2390.

The plans are also available on the NPWS web site: [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

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#### NATIONAL PARKS AND WILDLIFE ACT, 1974

Proclamation

I, PROFESSOR MARIE BASHIR, AC, 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 69(4b) of the National Parks and Wildlife Act, 1974, at the request of the owner do, on the recommendation of the Director-General Department of Environment and Conservation, by this my Proclamation revoke Lake Cowal Wildlife Management Area as described hereunder .

Signed and sealed at Sydney this 17th day of December, 2003.

MARIE BASHIR  
Governor,

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

—  
Description

*Land District – Forbes;  
Council – Bland*

County Gipps, Parish Lake, about 123 hectares, being the area formerly known as Lake Cowal Game Reserve, notified in the NSW Government Gazette on 5 May 1978, folio 1663: NPWS/1992/W/590.

#### NSW DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Notice of Exhibition of the draft *Uromyrtus australis* (Peach Myrtle) Recovery Plan and the draft *Rapanea* species A Richmond River (Ripple-leaf Muttonwood) Recovery Plan.

THE Department of Environment and Conservation, hereby gives notice of the exhibition of the draft for *Uromyrtus australis* (Peach Myrtle) Recovery Plan and the draft *Rapanea* species A Richmond River (Ripple-leaf Muttonwood) Recovery Plan. Exhibition details will be published on 22 December 2003 in the Sydney Morning Herald, the Byron Echo, the Tweed Daily News and the Lismore Northern Star. The Internet site [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au) will also have exhibition information including a full version of the draft Recovery Plans.

GARY DAVEY,  
Manager  
Conservation Programs and Planning (Northern)

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#### 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 Geoffrey James Arthur of 2 Nicholson Place, Windsor Downs 2756 prohibiting him, until further notice, as a pharmacist from supplying, or having possession of, or manufacturing drugs of addiction, or manufacturing any preparation, admixture or extract of a drug of addiction, as authorised by clauses 101(1) and 102 of the Regulation.

This order is to take effect on and from Wednesday 17 December 2003.

ROBYN KRUK,  
Director-General

Department of Health, New South Wales.  
Sydney, Tuesday 16 December 2003.

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#### 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 Canterbury City Council Youth Crime Prevention Social Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 17 December 2003 and remains in force until 16 December 2006.

Signed at Sydney, this 15th day of December 2003.

BOB DEBUS, M.P.,  
Attorney General

**SYDNEY WATER ACT, 1994**  
**LAND ACQUISITION (JUST TERMS**  
**COMPENSATION) ACT, 1991**

Notice of Compulsory Acquisition of Land at West Dapto  
in the Local Government Area of Wollongong

SYDNEY Water Corporation declares, with the approval  
of Her Excellency, the Governor, that the land described in  
the First Schedule hereto is acquired by compulsory process  
under the provisions of the Land Acquisition (Just Terms  
Compensation) Act, 1991 for the purpose of the Sydney  
Water Act, 1994.

Dated at Sydney this fifteenth day of December 2003

Signed for Sydney Water Corporation	)	
by its Attorneys	)	
	)	
	)	
WARREN FREDERICK WATKINS	)	(Signed)
	)	
	)	
JEFFREY FRANCIS COLENZO	)	(Signed)
	)	
who hereby state at the time of executing this	)	
instrument have no notice of the revocation of	)	
the Power of Attorney Registered No. 689	)	
Book 4409 under the Authority of which this	)	
instrument has been executed.	)	

**SUBORDINATE LEGISLATION ACT 1989**

Rail Safety (Drug and Alcohol Testing) Regulation 2003  
Passenger Transport (Drug and Alcohol Testing)  
Regulation 2004  
Rail Safety (General) Amendment (Miscellaneous)  
Regulation 2004

IN accordance with Section 5 of the Subordinate Legislation  
Act 1989, notice is given of the Rail Safety (Drug and  
Alcohol Testing) Regulation and the Rail Safety (General)  
Amendment (Miscellaneous) Regulation under the Rail  
Safety Act 2002, and the Passenger Transport (Drug and  
Alcohol Testing) Regulation under the Passenger Transport  
Act 1990.

The object of the Rail Safety (Drug and Alcohol Testing)  
Regulation 2003 is to remake, with some changes in  
substance, the provisions of Schedule 2 of the now repealed  
Rail Safety Act 1993 in respect of drug and alcohol testing.  
The Regulation's most significant change is the permitting  
of random drug and alcohol testing for the rail sector.

The New South Wales Ministry of Transport invites  
comments and submissions on the Regulation, which  
was gazetted on 8 August 2003 in accordance with the  
retrospective Regulatory Impact Statement provisions of  
the Subordinate Legislation Act.

The object of the proposed Passenger Transport (Drug  
and Alcohol Testing) Regulation 2004 is to permit drug and  
alcohol testing of persons undertaking transport safety work  
in respect of buses, ferries and charter vessels.

The object of the proposed Rail Safety (General)  
Amendment (Miscellaneous) Regulation 2004 is to introduce  
new requirements for the rail sector in respect of annual  
safety reports, safety interface agreements, passenger  
security policies and plans, fatigue management and the  
certification of competency.

Submissions on the Regulations will be received up to  
Friday 30 January 2004. Copies of the Regulatory Impact  
Statements and the Regulations are available free of charge  
from:

John Pinhorn  
Legal Officer  
Transport Safety & Reliability Regulator  
Ministry of Transport  
PO Box A2633  
SYDNEY SOUTH NSW 1235  
[john.pinhorn@transportregulator.nsw.gov.au](mailto:john.pinhorn@transportregulator.nsw.gov.au)  
Telephone: (02) 8263 7198 Fax: (02) 8263 7299

**WORKERS COMPENSATION (PUBLIC**  
**HOSPITAL RATES) AMENDMENT ORDER 2003**

under the

Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the  
WorkCover Authority of New South Wales, pursuant to  
section 62 (1) of the *Workers Compensation Act 1987*, and  
with the concurrence of the Director-General of NSW Health  
(under delegated authority of the NSW Minister for Health),  
make the following Order.

Dated this 11th day of November 2003.

JON BLACKWELL,  
Chief Executive Officer  
WorkCover Authority

**1. Name of Order**

This Order is the *Workers Compensation (Public Hospital  
Rates) Amendment Order 2003*.

**2. Commencement**

This Order commences on the date of its publication in the  
Gazette.

**3. Amendment of Workers Compensation (Public  
Hospital Rates) Order 2003**

The *Workers Compensation (Public Hospital Rates) Order  
2003*, published in the NSW Government Gazette No 111 of  
11 July 2003 at page 7239, is amended by omitting Schedule  
B to that Order and inserting instead:

Schedule B

Brain injury rehabilitation services

<i>Column 1</i> Item/Hospital classification	<i>Column 2</i> Amount (\$)
(1) Admitted patient services:	
(a) Category A patient	805 per day
(b) Category B patient	515 per day
(c) Category X patient	1,145 per day
(2) Metropolitan (non-referral) hospital:	
(a) Category A patient	575 per day
(b) Category B patient	285 per day
(3) Non-admitted patient services	55 per half hour
(4) Outpatient medical clinic appointments:	
(a) Medical consultation – initial assessment	190
(b) Medical consultation – follow-up appointment	95
(5) Group activities:	
(a) directly supervised by qualified allied health clinician	35 per half hour
(b) not directly supervised by qualified allied health clinician	25 per half hour

**Note to Schedule B.** In this Schedule:

**Category A patient** means a patient being assessed for or receiving  
active rehabilitation.

**Category B patient** means a patient receiving personal and nursing  
support who is resident in a brain injury program unit.

**Category X patient** means a patient needing an extremely high  
level of support.

## LAND AND ENVIRONMENT COURT

### PRACTICE DIRECTION

#### S 40 Land And Environment Court Act

In consequence of the enactment of the substituted s 40 of the Land and Environment Court Act 1979, it is necessary to ensure that the questions—**(i)** whether an easement over land other than that upon which an approved development is to be sited is reasonably necessary for that development; and **(ii)** whether the owner of the land to be burdened by the easement can be adequately compensated for any loss or other disadvantage that will arise from the imposition of the easement; and **(iii)** whether all reasonable attempts have been made to obtain the easement but have been unsuccessful—be adjudicated upon in proceedings seeking an order pursuant to **s 40** of the Act.

An application seeking such an order can only be made “if the Court has determined to grant development consent on an appeal under s 97 of the Environmental Planning and Assessment Act 1979”: s 40(1).

Accordingly, it will be inappropriate for any of the abovementioned questions (requiring adjudication upon an application under s 40 of the Land and Environment Court Act) to be raised at the hearing of the appeal pursuant to s 97 of the Environmental Planning and Assessment Act 1979.

It is only if such an appeal is upheld and development consent is granted that an application for an order under **s 40** can be made. It is only at this point that those questions become relevant to the exercise of the power conferred by s 40 of the Land and Environment Court Act.

In order to preserve the integrity of **s 40** such questions should not be raised or adjudicated upon at the hearing of the relevant development appeal.

## EXPERT WITNESS PRACTICE DIRECTION 2003

1. This Practice Direction replaces the existing 1999 Practice Direction (as amended in 2002) relating to Expert Witnesses.
2. This Practice Direction shall commence on 2 February 2004.
3. In this Practice Direction:  
**"expert witness"** means an expert engaged for the purpose of:
  - (a) providing a report as to his or her opinion for use as evidence in proceedings or proposed proceedings, or
  - (b) giving opinion evidence in proceedings or proposed proceedings.  
**"the code"** means the expert witness code of conduct provided in Schedule 1.
4. Unless the Court otherwise orders:
  - (a) at or as soon as practicable after the engagement of an expert as a witness, whether to give oral evidence or to provide a report for use as evidence, the person engaging the expert shall provide the expert with a copy of the code,
  - (b) unless an expert witness's report contains an acknowledgment by the expert witness that he or she has read the code and agrees to be bound by it:
    - (i) service of the report by the party who engaged the expert witness shall not be valid service for the purposes of the rules or of any order or practice note, and
    - (ii) the report shall not be admitted into evidence,
  - (c) oral evidence shall not be received from an expert witness unless:
    - (i) he or she has acknowledged in writing, whether in a report relating to the proposed evidence or otherwise in relation to the proceedings, that he or she has read the code and agrees to be bound by it, and
    - (ii) a copy of the acknowledgment has been served on all parties affected by the evidence.
5. If an expert witness furnishes to the engaging party a supplementary report, including any report indicating that the expert witness has changed his or her opinion on a material matter expressed in an earlier report by the expert witness:
  - (a) the engaging party must forthwith serve the supplementary report on all parties on whom the engaging party has served the earlier report, and
  - (b) the earlier report must not be used in the proceedings by the engaging party, or by any party in the same interest as the engaging party on the question to which the earlier report relates, unless paragraph (a) is complied with.
6. (1) The Court may, on application by a party or of its own motion, direct expert witnesses to:
  - (a) confer and may specify the matters on which they are to confer,
  - (b) endeavour to reach agreement on outstanding matters, and
  - (c) provide the Court with a joint report specifying matters agreed and matters not agreed and the reasons for any non agreementand in complying with any such direction, the requirements stipulated in Schedule 2 shall apply.

- (2) An expert so directed may apply to the Court for further directions.
- (3) The Court may direct that such conference be held with or without the attendance of the legal representatives of the parties affected, or with or without the attendance of legal representatives at the option of the parties respectively.
- (4) The content of the conference between the expert witnesses shall not be referred to at the hearing or trial unless the parties affected agree.
- (5) The parties may agree, at any time, to be bound by agreement on any specified matter. In that event, the joint report may be tendered at the trial as evidence of the matter agreed. Otherwise, the joint report may be used or tendered at the trial only in accordance with the rules of evidence and the practices of the Court.
- (6) Where, pursuant to this paragraph, expert witnesses have conferred and have provided a joint report agreeing on any matter, a party affected may not, without leave of the Court, adduce expert evidence inconsistent with the matter agreed.

## SCHEDULE 1

### . EXPERT WITNESS CODE OF CONDUCT

#### **Application of code**

1. This code of conduct applies to any expert engaged to:
  - (a) provide a report as to his or her opinion for use as evidence in proceedings or proposed proceedings, or
  - (b) give opinion evidence in proceedings or proposed proceedings.

#### **General Duty to the Court**

2. An expert witness has an overriding duty to assist the Court impartially on matters relevant to the expert's area of expertise.
3. An expert witness's paramount duty is to the Court and not to the person retaining the expert.
4. An expert witness is not an advocate for a party.

#### **The Form of Expert Reports**

5. A report by an expert witness must (in the body of the report or in an annexure) specify:
  - (a) the person's qualifications as an expert,
  - (b) the facts, matters and assumptions on which the opinions in the report are based (a letter of instructions may be annexed),
  - (c) reasons for each opinion expressed,
  - (d) if applicable---that a particular question or issue falls outside his or her field of expertise,
  - (e) any literature or other materials utilised in support of the opinions, and

- (f) any examinations, tests or other investigations on which he or she has relied and identify, and give details of the qualifications of, the person who carried them out.
6. If an expert witness who prepares a report believes that it may be incomplete or inaccurate without some qualification, that qualification must be stated in the report.
  7. If an expert witness considers that his or her opinion is not a concluded opinion because of insufficient research or insufficient data or for any other reason, this must be stated when the opinion is expressed.
  8. An expert witness who, after communicating an opinion to the party engaging him or her (or that party's legal representative), changes his or her opinion on a material matter shall forthwith provide the engaging party (or that party's legal representative) with a supplementary report to that effect which shall contain such of the information referred to in 5 (b), (c), (d), (e) and (f) as is appropriate.
  9. Where an expert witness is appointed by the Court, the preceding paragraph applies as if the Court were the engaging party.

### **Experts' Conference**

10. An expert witness must abide by any direction of the Court to:
  - (a) confer with any other expert witness,
  - (b) endeavour to reach agreement on material matters for expert opinion, and
  - (c) provide the Court with a joint report specifying matters agreed and matters not agreed and the reasons for any non agreement.
11. An expert witness must exercise his or her independent, professional judgment in relation to such a conference and joint report, and must not act on any instruction or request to withhold or avoid agreement.

## **SCHEDULE 2**

### **REQUIREMENTS FOR JOINT CONFERENCE OF EXPERT WITNESSES**

1. The objectives of the Court giving directions for a joint conference of experts are:
  - (a) the just, quick and cost effective disposal of the proceedings;
  - (b) the identification and narrowing of issues in the proceedings during preparation for such a conference and by discussion between the experts at the conference. The joint report may be tendered by consent as evidence of matters agreed and/or to identify and limit the issues on which contested expert evidence will be called;
  - (c) the consequential shortening of the trial and enhanced prospects of settlement;
  - (d) apprising the Court of the issues for determination.
  - (e) binding experts to their position on issues, thereby enhancing certainty as to how the expert evidence will come out at the trial. (The joint report may, if necessary, be used in cross-examination of a participating expert called at the trial who seeks to depart from what was agreed.); and



- (f) avoiding or reducing the need for experts to attend court to give evidence.
2. Where, pursuant to a direction given by the Court, expert witnesses have conferred and have provided a joint report agreeing on any matter, a party affected may not, without leave of the Court, adduce expert evidence inconsistent with the matter agreed.
  3. The experts to attend should be those specified in the Court's direction. If none are so specified, the parties should arrange for experts to attend who have expertise pertinent to the questions to be asked. Separate conferences may be required between experts in different specialities in relation to different issues arising in the case.
  4. The questions to be answered should be those specified by the Court or those agreed by the parties as relevant and any other question which any party wishes to submit for consideration.
  5. The questions to be answered should be framed to resolve an issue or issues in the proceedings. If possible, questions should be capable of being answered Yes or No, or (if not) by a very brief response.
  6. The materials to be provided to each of the participating experts should include:
    - (a) this Practice Direction;
    - (b) an agreed chronology, if appropriate;
    - (c) relevant witness statements or, preferably, a joint statement of the assumptions to be made by the experts, including any competing assumptions to be made by them in the alternative (which should be specified clearly as such);
    - (d) copies of all expert opinions already exchanged between the parties and all other expert opinions and reports upon which a party intends to rely; and
    - (e) such records and other documents as may be agreed between the parties or ordered by the Court.
  7. Subject to any directions given by the Court concerning the range of dates for the convening of the conference, the parties should communicate amongst themselves to fix a mutually convenient date, time and place for the conference.
  8. The conference should take the form of a personal meeting. Alternatively the participants may choose to hold the conference by teleconference, videolink or similar means if a personal meeting is not practicable.
  9. The Court may direct that the conference be held with or without the attendance of the legal representatives of the parties affected, or with or without the attendance of legal representatives at the option of the parties respectively.
  10. The experts should be given a reasonable opportunity to prepare for the conference by ensuring that before the conference the experts have:
    - (a) an opportunity to seek clarification from the instructing lawyers or the Court concerning any question put to them; and
    - (b) access to any additional materials which the parties are able to provide and which the experts consider to be relevant.
  11. The experts should provide their respective opinions in response to the questions asked based on the witness statements or assumptions provided. Where alternative assumptions

- are provided the experts should provide their respective opinions on the alternative assumptions.
12. The experts may specify in their joint report other questions which they believe it would be useful for them to consider.
  13. An expert witness must exercise his or her independent, professional judgment in relation to such a conference and joint report, and must not act on any instruction or request to withhold or avoid agreement. An expert should not assume the role of advocate for any party during the course of discussions at the joint conference. If, for whatever reason, an expert is unable to reach agreement with the other experts on any matter, that expert should be free to express his or her disagreement with the other experts on that matter.
  14. The experts should accept as fact the matters stated in witness statements or assumptions submitted to them. It is not their role to decide any disputed question of fact or the credibility of any witness. Where there are competing assumptions to be made in the alternative, alternative answers may have to be provided to a question or questions, specifying which of the assumptions are adopted for each answer.
  15. The conference should be conducted in a manner which is flexible, free from undue complexity (so far as is practicable) and fair to all parties.
  16. The participating experts may appoint one of their number as a chairperson. If one of them so requests and the parties agree or the court orders, some other person may be appointed to act as chairperson.
  17. Secretarial or administrative assistance should be provided by the parties if so requested by the experts.
  18. If the participating experts agree, one of them or a secretarial assistant may be appointed to make a note at the conference of matters agreed, matters not agreed and reasons for disagreement.
  19. The conference may be adjourned for no more than 7 days and reconvened as may be thought necessary by those participating.
  20. The joint report should specify matters agreed and matters not agreed and the reasons for non agreement.
  21. The joint report should, if possible, be signed by all participating experts immediately at the conclusion of the conference and, otherwise, as soon as practicable thereafter.
  22. Prior to signing of a joint report, the participating experts should not seek advice or guidance from the parties or their legal representatives except as provided for in this Practice Direction. Thereafter, the experts may provide a copy of the report to a party or his or her legal representative and may communicate what transpired at the meeting in detail if they wish.

23. The report of the joint conference should be composed by the experts and not the representatives of the parties. The report should be set out in numbered paragraphs and should be divided into the following sections:
- (a) statement of agreed opinion in respect of each matter calling for report;
  - (b) statement of matters not agreed between experts with short reasons why agreement has not been reached;
  - (c) statement in respect of which no opinions could be given eg issues involving credibility of testimony;
  - (d) any suggestion by the participating experts as to any other matter which they believe could usefully be submitted to them for their opinion; and
  - (e) disclosure of any circumstances by reason of which an expert may be unable to give impartial consideration to the matter.
24. The joint report, when signed by all participating experts, should be forwarded to the Court.
25. Legal representatives who attend a conference pursuant to an order of the Court or who are approached for advice or guidance by a participating expert should respond jointly and not individually, unless authorised to do so by the legal representatives for all other parties with an interest in the conference. Such advice or guidance may be provided by:
- (a) responding to any questions in relation to the legal process applicable to the case;
  - (b) identifying relevant documents;
  - (c) providing further materials on request;
  - (d) correcting any misapprehensions of fact or an misunderstanding concerning the conference process; and
  - (e) recommended amendments to plans.
26. The legal representatives of the parties should perform any other role the Court may direct.
27. The legal representatives of the parties should inform the Court of the date of a conference when arranged, the names of the participating experts and the questions submitted.
28. It is not intended that the joint report provided to the Court or that information provided to the Court concerning a conference will be evidence in the proceedings unless admitted into evidence in the ordinary way.
- The content of the conference between the expert witnesses shall not be referred to at the hearing or trial unless the parties affected agree.
29. An expert directed to confer may apply to the Court for further directions. That may be done, at the expert's election, by arrangement with the Court. A party may also apply for further directions in relation to a directed conference.

**AMENDMENT TO LAND AND ENVIRONMENT COURT PRACTICE DIRECTION  
1993**

Paragraph 9 of the Court's Practice Direction is amended by omitting from sub-paragraphs (a) and (b) the words "the Duty Judge" wherever appearing and by substituting the words "a Commissioner".

Dated 17 November 2003.

The Honourable Justice Peter David McClellan  
Chief Judge

**AMENDMENT TO  
LAND AND ENVIRONMENT COURT PRACTICE DIRECTION 1993**

Paragraphs 10 and 10A of the Court's Practice Direction are to be deleted upon the coming into force on 2 February 2004 of the Land and Environment Court Rules (Amendment No 8) 2003 which inserts into Part 16 a new Division 2 (costs in proceedings in classes 1, 2 and 3 of the Court's Jurisdiction). Thereupon, the following new paragraph shall take effect—

10. Where an application for costs is made in proceedings that have been heard and determined by one or more Commissioners the application shall be made to that Commissioner or those Commissioners (as the case may be).

Where the Commissioner or Commissioners are of the opinion that a costs order should be made, the parties shall be informed of that decision and the reasons for it and shall be given the opportunity to make submissions to the Chief Judge on the question of whether he should give concurrence to the proposed costs order.

Normally, submissions shall be made in writing and must be made within 14 days of publication of the reasons for decision by the Commissioner or Commissioners (as the case may be) of the proposed costs order. If any party wishes to make oral submissions in addition to any written submissions, application must be made to the Chief Judge within the 14 day period. If such an application is not made or written submissions are not provided, the Chief Judge shall, without further notice to the parties, decide whether to grant concurrence to the proposed costs order. If the Chief Judge concurs, the order for costs determined by the Commissioner or Commissioners shall be made pursuant to s 69(8) of the Land and Environment Court Act 1979.

Dated 15 December 2003

*The Honourable Justice  
Peter David McClellan  
Chief Judge*

**LAND AND ENVIRONMENT COURT ACT 1979****LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO. 8) 2003**

Pursuant to s 74 of the *Land and Environment Court Act 1979* we have this day made the Rules set forth in the Schedule hereto

Dated this

.....  
*P D McClellan Chief Judge*

.....  
*N.R. Bignold Judge*

.....  
*R.N. Talbot Judge*

**Explanatory note**

The object of the Rule Amendment is to provide a new basis for the award of costs in planning and building and valuation appeals in substitution for the existing practice which is reflected in **paragraphs 10 and 10A** of the Court's current Practice Direction, which paragraphs will be superseded by the Rule Amendment.

The need for the Rule Amendment arises from the decision of the Court of Appeal in *Maurici v Chief Commissioner of State Revenue* (2001) 51 NSWLR 673 which questioned the validity of Par 10A of the Court's Practice Direction.

The Rule Amendment implements a specific recommendation made in the Final Report of the Working Party on the Court's Planning Appeals Jurisdiction adopted by the Government.

## SCHEDULE

### LAND AND ENVIRONMENT COURT ACT 1979

#### LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO.8) 2003

##### 1. Name of Rules

These Rules may be cited as the Land and Environment Court Rules (Amendment No 8) 2003.

##### 2. Commencement

These Rules commence on 2 February 2004.

##### 3. Amendment of Principal Rules

The Land and Environment Court Rules 1996 are amended by inserting in Part 16 the following matter:

**Division 2 – Costs in proceedings in classes 1, 2 and 3 of the Court’s jurisdiction.**

##### 4. Costs in certain proceedings.

- (1) This rule applies to the following proceedings in classes 1, 2 and 3 of the Court’s jurisdiction —
- (a) proceedings under Sections 95A, 96, 97, 98, 109K, 121ZK, 121ZM and 149F of the Environmental Planning and Assessment Act 1979;
  - (b) proceedings under sections 176, 177, 178, 182 and 611 of the Local Government Act 1993;
  - (c) proceedings under s 37 of the Valuation of Land Act 1916;
  - (d) proceedings under s 38A of the Land Tax Management Act 1956; and
  - (e) proceedings under s 96 of the Taxation Administration Act 1996.
- (2) No order for the payment of costs will be made in proceedings to which this Rule applies unless the Court considers that the making of a costs order is, in the circumstances of the particular case, fair and reasonable.

**LAND AND ENVIRONMENT COURT ACT 1979****LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO. 9) 2003**

Pursuant to s 74 of the *Land and Environment Court Act 1979* we have this day made the Rules set forth in the Schedule hereto

Dated this

.....  
*P D McClellan Chief Judge*

.....  
*N.R. Bignold Judge*

.....  
*R.N. Talbot Judge*

**Explanatory note**

The object of this Rule Amendment is to provide for the commencement of separate class 3 proceedings seeking an order pursuant to s 40 of the Land and Environment Court Act 1979 that an easement be imposed over land in circumstances where the Court has determined to grant development consent on an appeal under s 97 of the Environmental Planning and Assessment Act 1979.

Such proceedings will be commenced by the filing of an application in or to the effect of Form 3A.

That form requires the Applicant to describe the easement that is sought and the land over which it is sought. It also requires the Applicant to annex documentary material evidencing that all reasonable attempts made by the applicant to obtain the easement have been unsuccessful.

The Respondent to the proceedings is the owner(s) of the land(s) over which the easement is sought.



**SCHEDULE**

**LAND AND ENVIRONMENT COURT ACT 1979**

**LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO.9) 2003**

**1. Name of Rules**

These rules may be cited as the Land and Environment Court Rules (Amendment No 9) 2003.

**2. Commencement**

These Rules commence on 2 February 2004.

**3. Amendment of Principal Rules**

The Land and Environment Court Rules 1996 are amended—

- (i) by inserting in **Part 7 Rule 1(1)(a)** after the words “Form 3” the words “or where the proceedings relate to an application for an easement pursuant to s 40 of the Act—an application in or to the effect of Form 3A”; and
- (ii) by inserting in the Schedule next after Form 3 the following new matter:

FORM 3A

Land and Environment Court Rules

(Part 7 rule 1(1)(a))

IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

Xxxx OF 200X  
 (Court file number)

APPLICANT  
 (name/s)

RESPONDENT  
 (name/s)

Full name of Applicant .....
Address.....
Telephone.....
Application for an order that an easement be imposed pursuant to s 40 of the Act.....

APPLICATION  
CLASS 3

.....  
Title details of the land(s) over which easement is sought

.....  
...

Description of easement that is sought.....

.....  
...

Annex copy of documentary material evidencing that all  
reasonable attempts to obtain the easement have been  
made but have been unsuccessful.....

.....  
...

Date:

.....  
Signed, applicant or his/her solicitor or agent

To the Respondent (address)

A call-over will take place before the Registrar at the  
time and place specified below.

If there is no attendance before the Registrar by you or  
your counsel or solicitor or your agent authorised by  
you in writing, the call-over may take place and  
orders may be made in your absence.

Time:

Place: Level 1, 225 Macquarie Street, Sydney

Signed, Registrar

**LAND AND ENVIRONMENT COURT ACT 1979****LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO. 10) 2003**

Pursuant to s 74 of the *Land and Environment Court Act 1979* we have this day made the Rules set forth in the Schedule hereto

Dated this

.....  
*P D McClellan Chief Judge*

.....  
*N.R. Bignold Judge*

.....  
*R.N. Talbot Judge*

**Explanatory note**

The object of the Rule Amendment is to adopt Rules 13C and 13CA of Part 36 of the Supreme Court Rules (expert testimony) with respect to proceedings in class 4 of the Court's jurisdiction and to adopt Rules that ensure that expert evidence in proceedings in the Court is presented in accordance with the Court's new Practice Direction on Expert Witnesses.

**SCHEDULE****LAND AND ENVIRONMENT COURT ACT 1979****LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO.10) 2003**

1. This Rule may be cited as the Land and Environment Court Rules (Amendment No 10) 2003.
2. This Rule commences on 2 February 2004.
3. The Land and Environment Court Rules 1996 are amended as follows:
  - (i) **Part 6 Rule 2** — Omit “*and 36(other than rules 13C and 13CA)*” and insert instead “*and 36*”;
  - (ii) **Part 13 Rule 16** — Omit from paragraph (b) “*has been served*” and insert instead “*has been prepared and served*”;
  - (iii) **Part 13 Rule 24** — Omit from paragraph (a) “*has been served*” and insert instead “*has been prepared and served*”.

**LAND AND ENVIRONMENT COURT ACT 1979****LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO. 11) 2003**

Pursuant to s 74 of the *Land and Environment Court Act 1979* we have this day made the Rules set forth in the Schedule hereto

Dated this

.....  
*P D McClellan Chief Judge*

.....  
*N.R. Bignold Judge*

.....  
*R.N. Talbot Judge*

**Explanatory note**

The object of the Rule Amendment is to enable callovers conducted by the Registrar in respect of proceedings in classes 1, 2 and 3 of the Court's jurisdiction to be conducted by a Judge or Commissioner where the Chief Judge has made the necessary arrangements therefor in pursuance of s 30 of the *Land and Environment Court Act 1979*.

**SCHEDULE****LAND AND ENVIRONMENT COURT ACT 1979****LAND AND ENVIRONMENT COURT RULES (AMENDMENT NO. 11) 2003****1. Name of Rules**

These Rules may be cited as the Land and Environment Court Rules (Amendment No 11) 2003.

**2. Commencement**

These Rules commence on 2 February 2004.

**3. Amendment of Principal Rules**

The Land and Environment Court Rules 1996 are amended by omitting from Part 13 Rules 8(4), 8(5), 9(1) 9(2), 9(3), 10(1), 10(3), 10(4), 11(1), 12, 14, 15, 18, 19, 21, 22, 23 and 26 the words “the Registrar” wherever occurring and by inserting instead the words “the Court”.

**SUPREME COURT ACT 1970****PRACTICE NOTE No 125****MEDIATION**

This Practice Note concerns proceedings referred to mediation under Part 7B of the *Supreme Court Act 1970*. This Practice Note replaces Practice Note No 102 and Practice Note No 118 and will apply from 1 January 2004.

**Referrals generally**

1. Part 7B of the *Supreme Court Act 1970* permits the Court at any stage of the proceedings, by order, to refer parties to mediation where, in the opinion of the Court, mediation appears appropriate. The Court's power does not depend on the consent of the parties, or of any of the parties.
2. It is not the intention of the Court that mediation will be ordered in all proceedings.
3. The parties themselves may, at any time, agree to mediation, nominate a mediator and request the Court to make the appropriate orders.
4. The Court may consider ordering mediation on the motion of a party, or on referral by a registrar, or on the Court's own motion. Where mediation is ordered, the parties will usually agree on the person to be the mediator. If they do not:
  - (a) the Court may select the mediator to be appointed or may appoint the mediator pursuant to the Joint Protocol set out in this Practice Note;
  - (b) the Court may refer the proceedings to a registrar certified by the Chief Justice as a mediator to meet with the parties to discuss mediation and report back to the Court with a recommendation as to whether the proceedings are suitable for mediation; or
  - (c) the Court may decide against ordering mediation.
5. The Joint Protocol describes the expected course but its terms are not mandatory.
6. The Court requires the parties to inform the Court of the outcomes of mediations ordered by the Court. Where a mediator is appointed under the Joint Protocol, the Court also requires the parties to provide the Joint Protocol Evaluation Information referred to in the Joint Protocol, which should be sent in writing to the Principal Registrar.

**Referral to a registrar**

7. Where the Court refers proceedings to a registrar the registrar will notify the parties of the time and place for an information session. It is anticipated that the information session will take no more than 15 to 30 minutes. Parties as well as their representatives must attend the session.
8. At the conclusion of the information session, if the parties agree to mediation, the registrar will make the necessary orders. If the mediator is to be a registrar, directions may be given for the filing and serving of position statements and any documents, reports, valuations etc that will assist the parties and the mediator. A direction will generally require all parties to the mediation to exchange relevant material not less than seven days before the mediation.
9. Where the parties do not agree to mediation or to a mediator, the registrar will report to the Court the outcome of the information session with his or her recommendation.

**Proceedings case-managed by registrars**

10. A registrar may, at his or her discretion, refer proceedings that in the opinion of the registrar are suitable for mediation, to the Court notwithstanding that the parties, or any one of them, do not consent to mediation.

**Mediators**

11. A person may be appointed by the Court as a mediator if the person:
  - (a) consents to being appointed; and
  - (b) agrees to comply with the provisions of Part 7B of the Supreme Court Act and the provisions of this Practice Note.
12. The Chief Justice may certify registrars of the Court as qualified mediators.
13. Section 110R of the Supreme Court Act describes the exoneration from liability that exists for mediators appointed under the provisions of this Practice Note.

**Form of order for referral to mediation**

14. Where proceedings are referred to mediation under section 110K of the Supreme Court Act, the Court's order should provide one of the following:
  - (a) if the parties agree on a mediator or if the Court appoints a specific mediator (for example, where specific expertise is considered desirable), an order should be made that the proceedings be referred to that mediator; or
  - (b) if the Court appoints a registrar as the mediator, the order should be that the proceedings be referred to that registrar for mediation; or



- (c) otherwise, the order should be that if the parties cannot agree on a mediator within a specified time (say 14 days) after the referral under section 110K of the *Supreme Court Act 1970*, the Joint Protocol described in this Practice Note then will apply and the mediator will be the person appointed under the Joint Protocol.

## **JOINT PROTOCOL**

### **P1. Obligation of the plaintiff(s)**

P1.1. Where the Court's order requires a mediator to be appointed pursuant to the Joint Protocol, the plaintiff sends to the Principal Registrar a copy of the pleadings, or a copy of the summons if there are no pleadings, and informs the Principal Registrar of the **Joint Protocol Referral Information**. The plaintiff gives the Principal Registrar this information by letter within seven days of the Court's order and at the same time gives each other party a copy.

P1.2. The Joint Protocol Referral Information is:

P1.2.1. the Court's order referring the proceedings to mediation;

P1.2.2. the nature of the proceedings; and

P1.2.3. the identity of the parties.

### **P2. Role of the Principal Registrar**

P2.1. The Principal Registrar keeps a list of proceedings in which the plaintiff(s) has informed him or her of the Joint Protocol Referral Information.

P2.2. The Principal Registrar sends the Joint Protocol Referral Information and accompanying documents to one of the nominating entities listed at paragraph P3.2, with a request for nomination of a person as the mediator in the proceedings. The Principal Registrar sends the information on the day of receiving it or the following day.

### **P3. Nominating entities**

P3.1. The Court's Alternative Dispute Resolution Steering Committee keeps a list of professional associations that accredit mediators and provide mediation services suitable for Supreme Court proceedings.

P3.2. The initial nominating entities are:

P3.2.1. the NSW Bar Association;

P3.2.2. the Law Society of New South Wales;

P3.2.3. the Institute of Arbitrators and Mediators Australia;

P3.2.4. the Australian Commercial Disputes Centre;

P3.2.5. LEADR;

P3.2.6. the Australian Branch of the Chartered Institute of Arbitrators.

#### **P4. Fees for mediation**

P4.1. The Court may request that the President or Chief Executive Officer of any of the nominating entities consider providing mediation on a reduced or no fee basis.

#### **P5. Role of the nominating entity**

P5.1. Each of the nominating entities establishes a panel of suitable persons to whom Court ordered mediations may be referred. Each nominating entity regularly reviews its panels.

P5.2. Within seven days of receiving the Joint Protocol Referral Information the President, the Chief Executive Officer or a delegate nominates in writing a person who:

P5.2.1. is a suitably qualified and experienced person, and

P5.2.2. consents to the nomination as the mediator in the proceedings,

to the Principal Registrar and provides the telephone number, facsimile number and email address of the mediator.

P5.3. The person nominated is a person named on the panel of a nominating entity, but not necessarily on the panel of the nominating entity to which the Principal Registrar sent the Joint Protocol Referral Information.

P5.4. Where the Court has requested mediation on a reduced or no fee basis the nominating entity endeavours to nominate a mediator who will provide mediation services on this basis.

P5.5. A co-mediator can also be nominated if the President, Chief Executive Officer or delegate considers that this is warranted.

#### **P6. Effective date of appointment of mediator**

P6.1. On receipt of a nomination under paragraph P5.2 (and under paragraph P5.4, if applicable), the Principal Registrar promptly, by letter, facsimile or email, informs the parties to the proceedings of the name, telephone number, facsimile number and email address of the mediator (and any co-mediator).

P6.2. When the Principal Registrar has dispatched the notifications referred to in paragraph P6.1, the person nominated by the President or the Chief Executive Officer of the nominating entity as the mediator (and any co-mediator so nominated) is deemed to have been appointed the mediator (and the co-mediator, if applicable) in the proceedings under s. 110K of the *Supreme Court Act 1970*.

#### **P7. Request for review of appointment of mediator**

P7.1. A party to the proceedings may request the judicial officer who made the order referring the proceedings to mediation to review the appointment of the mediator (and the co-mediator, if applicable). Such a request should:

- P7.1.1. be in writing;
- P7.1.2. be received by the Principal Registrar within 10 days of dispatch of notifications under paragraph P6.1;
- P7.1.3. state with specificity the objections that the party has to the mediator that has been appointed; and
- P7.1.4. be served by the party making the request on the other parties to the proceedings.

#### **P8. Evaluation of referral of proceedings to mediation and entry of any consent orders**

P8.1. Within 14 days after the conclusion of the mediation, the plaintiff in writing informs the Principal Registrar of the following (“**Joint Protocol Evaluation Information**”):

- P8.1.1. the name and file number of the proceedings;
- P8.1.2. the name of the mediator;
- P8.1.3. the date(s) of the mediation;
- P8.1.4. the number of hours occupied by the mediation;
- P8.1.5. whether the parties were represented at the mediation by solicitors;
- P8.1.6. whether the parties were represented at the mediation by counsel;
- P8.1.7. whether the parties agreed to settle, or partly settle, the proceedings or whether no resolution of any issues was achieved;
- P8.1.8. to the extent that any terms of settlement are not confidential to the parties, the terms of settlement; and

- P8.1.9. if the parties agreed to the Court making orders, a signed consent order in a form suitable for entry by the Registry.
- P8.2. On receipt of the Joint Protocol Evaluation Information, the Principal Registrar will forward a copy of that information to the relevant nominating entity.

17 December 2003

**Chief Justice**

This Practice Note is available on the Supreme Court's website:  
*[www.lawlink.nsw.gov.au/sc](http://www.lawlink.nsw.gov.au/sc)*

## **PRACTICE NOTE No 126**

### **Guidelines – Disclosure by Insolvency Practitioners of Fees to be Charged**

**(Effective 1 January 2004)**

1. The Insolvency Practitioners Association of Australia no longer publishes a Scale of Rates in respect of fees.
2. Where application is made to the Court for an order that a company be wound up or for an official liquidator to be appointed as a provisional liquidator of a company, an official liquidator must consent in writing to be appointed: see *Corporations Act 2001* (Cth) ('the Act'), subs 532(9); *Supreme Court (Corporations) Rules 1999* ('the Rules') 6.1(1). The consent must be in accordance with Form 8 to the Rules: see rr 5.5(2); 6.1(2). Form 8 requires disclosure of the hourly rates currently (as at the signing of the consent) charged in respect of work done as a liquidator or provisional liquidator (as the case may be) by the person signing the consent, and by that person's partners and employees who may perform work in the administration in question.
3. The provisions referred to in 2 above have no application, however, to appointments of persons as external administrators:
  - otherwise than by the Court; or
  - by the Court otherwise than as liquidator or as liquidator provisionally.Moreover, even in the case of appointments as liquidator or as liquidator provisionally, the provisions referred to in 2 above do not touch on changes in the hourly rates after the signing of the Form 8 consent.
4. Various provisions of the Act empower the Court, in certain circumstances, to determine or review the remuneration of insolvency practitioners when they are filling the office of various forms of external administrator: see ss 425; 449E; 473(2) (3), (5), (6); 504.
5. With the exception of Form 8, where it is applicable, the provisions referred to in 2 above do not indicate a standard of disclosure of fees to be charged which the Court might regard as appropriate in any situation in which it may be relevant for the Court to take into account whether an insolvency practitioner has followed a practice of making adequate disclosure of such fees.
6. The guidelines in 7 and 8 below are intended to fill that gap. Those guidelines are not, however, intended to limit the judicial discretion available in any particular case, or to require that non-observance of the guidelines be taken into account where that would not be relevant to the exercise of a judicial discretion.
7. All external administrators (including persons appointed as liquidators or as liquidators provisionally) should, in their first report to creditors:
  - disclose the hourly rates of fees which are being charged by them and by any of their partners and employees who may work in the administration; and
  - give their best estimate of the cost of the administration to completion or to a specified milestone identified in the report.

8. If, at any time after an external administrator has reported in accordance with 7, the hourly rates are to change, or the administrator has reason to believe that the estimate given to creditors is no longer reliable, he or she should report to creditors, disclosing the new hourly rates and giving a revised estimate.

**Note:** These guidelines are not intended:

- to prevent an external administrator from changing hourly rates or revising estimates if he or she is otherwise lawfully permitted to do so; or
- to authorise an external administrator to change hourly rates or revise estimates if he or she is not otherwise lawfully permitted to do so.

17 December 2003

**Chief Justice**

This Practice Note is available on the Supreme Court's website: [www.lawlink.nsw.gov.au/sc](http://www.lawlink.nsw.gov.au/sc)

**INSTRUMENT OF REVOCATION****Workplace Injury Management and Workers Compensation Act 1998, section 376  
(3)**

By this instrument I revoke the WorkCover Medical Assessment Guidelines made by me on 30 April 2002 and published in the NSW Government Gazette of 3 May 2002 at page 2717.

This instrument has effect on the date it is published in the Gazette.

**The Hon JOHN DELLA BOSCA MLC**

Special Minister of State

Minister for Commerce

Minister for Industrial Relations

Assistant Treasurer

Minister for the Central Coast

# **WORKCOVER MEDICAL ASSESSMENT GUIDELINES**

## **WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION ACT 1998**

### **EXPLANATORY NOTE**

These guidelines are made pursuant to sections 328, 331 and 376 (1) of the *Workplace Injury Management and Workers Compensation Act 1998* ('the Act').

These guidelines explain the operation of sections of the Act relating to medical assessment. The guidelines set out the procedures for the referral of medical disputes for assessment and for the review of assessments under Part 7 of Chapter 7 of the Act. The guidelines replace guidelines dated 30 April 2002 and published in Government Gazette No 82 at page 2717.

Questions about these Guidelines or medical assessments should be directed to the Registrar at the Commission.

Jon Blackwell  
Chief Executive Officer  
WorkCover Authority of NSW

[date]



## Medical Assessment Guidelines

These Guidelines set out the procedures for referring medical disputes for assessment or review of assessments under Part 7 of Chapter 7 of the Act.

### Chapter A: Interpretation

#### What abbreviations are used in these Guidelines?

1. In these Guidelines, these abbreviations are used:

AMS	Approved Medical Specialist
NAATI	National Accreditation Authority for Translators and Interpreters
MAC	Medical Assessment Certificate

#### What words and phrases are defined in these Guidelines?

2. In this Part, these words and phrases have the following meanings:

- *approved medical specialist* means a medical practitioner appointed under Part 7 of Chapter 7 of the Act as an approved medical specialist.
- *day* or *days* means calendar days.
- *Registrar* means the Registrar of the Commission.
- *claimant* means a person who has made a claim under the Act.
- *Party* includes the claimant, an insurer or an employer.
- *the Act* means the *Workplace Injury Management and Workers Compensation Act 1998*.
- *WorkCover Guides* means the WorkCover Guides for the Evaluation of Permanent Impairment.

## **Chapter B: The referral process**

### **How is a matter referred to an AMS?**

3. A party to a dispute can request a matter to be referred to an AMS.

A court or the Commission is to notify the Registrar when a matter is to be referred to an AMS, either on their own motion or on the request of a party.

The notification must be in the form approved by the Registrar for that purpose.

### **Whom must the Registrar notify of the referral?**

4. The Registrar is to notify the parties that a dispute is to be referred to an AMS.

### **Who chooses the AMS?**

5. The parties to the dispute have 7 days after receiving notice of the referral to jointly advise the Registrar in writing the name of the AMS they have agreed to appoint.
6. If the parties do not advise the Registrar as set out above, the Registrar is to choose the AMS who is to assess the dispute and advise the parties in writing of the name of the AMS.

### **On what basis is the Registrar to appoint an AMS?**

7. When choosing an AMS, the Registrar is to consider:
  - which location would be most convenient to the parties and the AMS; and
  - the AMSs on the Commission's list who are most appropriate given the nature of the injury, any continuing disabilities, the nature of the dispute, and the specialty and or expertise of the assessor.
  - the availability of the AMS.

### **May the parties object to an AMS the Registrar has appointed?**

8. A party may apply to the Registrar to have the matter reallocated on the grounds that the AMS to whom the matter has been allocated has a conflict of interest. To do that, the party must apply:
  - within 7 days of receiving notification of the name and contact details of the AMS; and
  - in writing, detailing the reasons.

The Registrar is to decide on the application for reallocation within 7 days of receipt. If the Registrar is of the opinion that there are reasonable grounds for believing that the appointed AMS may have a conflict of interest, the Registrar must reallocate the matter.

**Who arranges for the AMS assessment to take place?**

9. The Registrar is to make arrangements for the assessment to take place.

**What arrangements must the Registrar make for the assessment?**

10. The Registrar is to contact the agreed or appointed AMS to obtain an appointment for assessment. Upon request, the AMS must provide an appointment for assessment on a date within 21 days of the request. The Registrar will then immediately forward the referral documents to the AMS.
11. The Registrar advises the parties of the date and location of the assessment, within 2 days of the appointment being made.
12. If an interpreter is required, the Registrar is to organise for a NAATI accredited interpreter to assist with the assessment.

**What details is the Registrar to provide for the AMS?**

13. When the Registrar refers the matter to the AMS, the Registrar is to provide the AMS with:
  - a copy of any minute of order or referral indicating the nature of the medical dispute; and
  - all information and documentation on which the parties propose to rely lodged with the Commission in accordance with the *Workers Compensation Commission Rules 2003*.

**May the Registrar communicate with the worker's medical etc. providers?**

14. The Registrar may communicate with the parties, or any of the worker's treatment or service providers to clarify the matter or matters in dispute.

**May the parties communicate with the AMS directly?**

15. The parties are not to communicate directly with the AMS at any time other than during the examination. The parties are not to provide additional information to the AMS at any time.

**What arrangements may the Registrar make to deal with the matter?**

16. The Registrar may make such arrangements as are necessary and appropriate to deal with the matter.

## **Chapter C: The assessment procedure**

### **Conflict of Interest**

17. An AMS to whom a matter has been allocated must not consider the matter if there is a conflict of interest. For the purpose of identifying any potential conflict of interest, the AMS is to review the referral documents within 7 days of receiving them.
18. If the AMS considers that there may be a conflict of interest the AMS is to immediately notify the Registrar. If the Registrar agrees that a conflict exists, the Registrar will reallocate the matter to another AMS.

### **How is the process for the AMS's review determined?**

19. The Guidelines for Medico-Legal Consultations and Examinations of the NSW Medical Board as in force from time to time apply to the making of an assessment by an AMS.
20. The procedures set out in the WorkCover Guides apply to the conduct of assessments relating to permanent impairment. The applicable Guides are those in force at the time of the original assessment.
21. The AMS may do any one or more of the following:
  - consult with any medical practitioner or other health care professional who is treating, or has treated, the worker;
  - call for medical records (including X-rays and the results of other tests) and other information that the AMS considers necessary or desirable to assess the dispute;
  - require the worker to submit himself or herself for examination by the AMS.

### **Is a medical examination of the worker always required as part of the assessment?**

22. For the majority of matters, a medical examination of the worker will be necessary for the AMS to be able to form an opinion.
23. However, the AMS may make an assessment without a medical examination if they are satisfied that the information they have is sufficient to enable them to determine the issues. In exercising the discretion not to conduct a medical examination, the assessor must consider:
  - The nature and complexity of the issues;
  - The likely impact of non-examination on the outcome of the dispute;
  - The extent and detail of the information provided;
  - Any submission by the parties as to why a medical examination is required.

**May someone accompany the worker to an assessment?**

24. A parent, carer or other support person may accompany a worker to a medical assessment if it is reasonable in the circumstances and the AMS agrees. An agent or legal practitioner must not accompany a worker to a medical assessment.
25. The accompanying person is to conduct him or herself appropriately during the examination. The AMS has the right to ask the person to withdraw if his or her behaviour interferes with the conduct of the examination.

**What is the AMS required to do if the worker does not attend the scheduled appointment?**

26. The AMS must notify the Registrar in writing if the worker did not attend the scheduled appointment. The notification is to be provided within 7 days of the scheduled appointment.

**Who pays the worker's expenses?**

27. The employer meets the worker's cost of travel and accommodation for AMS appointments, including pre-payment of expenses when requested by the Registrar. (Section 330 of the Act provides further detail.)

## **Chapter D: The Medical Assessment Certificate and Report**

28. The AMS is to provide the Registrar with a completed MAC and report within 10 days of the assessment.
29. The MAC must be in the form approved by the Registrar and must include the following information:
  - details of the matters referred for assessment,
  - the AMS's opinion with respect to those matters
  - the facts on which that opinion is based,
  - the AMS's reasons for that opinion.
  - in matters related to permanent impairment, proper reference to the WorkCover Guides.

### **What does the Registrar do with the MAC and report?**

30. The Registrar is to review the MAC and report for any obvious error and if it is correct, sends copies of the MAC and report to:
  - the relevant member of the Commission who referred the matter for assessment; and
  - the parties to the dispute; and

If the MAC and report addresses the degree of the worker's permanent impairment, each of the parties must also be provided with a notice advising them that they may appeal.

### **What if the MAC or report contains an error?**

31. If the Registrar is satisfied that a MAC or report contains:
  - an obvious error, such as a typographical error – provided this does not compromise the meaning of the MAC or report the Registrar may correct the error; or
  - any other error – the Registrar is to refer the matter to the AMS for correction.
32. The Registrar is to provide the parties and the AMS with a copy of the altered MAC or report within 7 days of making the alteration.
33. If the MAC or report is changed, the altered MAC or report is taken to be the decision of the AMS.

## **Chapter E: Reviewing or appealing the Medical Assessment Certificate**

### **Who can appeal against a MAC?**

34. Any party to a dispute can appeal against a medical assessment on specified grounds.

### **Is there a time limit on an appeal?**

35. An appeal made on the ground:
- that the medical assessment was made on the basis of incorrect criteria, or
  - that the MAC contains a demonstrable error,
- must be made within 28 days after the date the MAC is made.

In such cases, the Registrar may agree to extend the time for bringing the appeal if the Registrar is satisfied that special circumstances justify the extension. A party seeking an extension of time must supply details of the special circumstances to the Registrar.

36. An appeal made on the ground:
- that the worker's condition has deteriorated, or
  - that extra relevant information is available,
- may be made at any time prior to determination. In such cases, the Registrar may refer the matter for further assessment as an alternative to appeal.

### **What if the Commission has already determined the dispute?**

37. A party cannot appeal against a MAC if:
- the Commission or a court has already made a determination of the dispute, or
  - the parties have registered an agreement in the Commission setting out the amount of compensation the worker is to be paid for permanent impairment (a section 66A agreement).

### **Can the whole of the MAC be appealed against?**

38. A party can appeal only against those parts of a medical assessment certificate that is conclusively presumed to be correct. The parts of a MAC that can be appealed against are the following:
- the degree of permanent impairment of the worker as a result of the injury;
  - whether any proportion of the permanent impairment is due to any previous injury or pre-existing condition or abnormality;
  - the nature and extent of any loss of hearing suffered by a worker;
  - whether impairment is permanent;

- whether the degree of permanent impairment is fully ascertainable

### **What are the grounds for appeal?**

39. An appeal against a MAC can proceed only if the party appealing can satisfy the Registrar that at least one of the following grounds can be demonstrated:
- there has been a deterioration in the worker's condition that results in an increase in the degree of permanent impairment,
  - additional relevant information, which has not previously available and which could not have reasonably been obtained, is now available;
  - the assessment was made on the basis of incorrect criteria; or
  - there is a demonstrable error in the medical assessment certificate.

### **How does a party apply to appeal?**

40. To appeal against the decision of an AMS, a party must complete an 'Application for Leave to Appeal Against Decision of Approved Medical Specialist' (Form 10). This form can be obtained personally from the Commission's office or downloaded from the Commission's web site ([www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)). The form must attach the following:
- a copy of the medical assessment certificate being appealed.
  - a copy of all reports and documents that the party sent to the Commission to be referred to the AMS prior to the assessment.
  - any submissions the party wants to make in support of the grounds of appeal.

The party who is appealing must give the Commission at least 3 copies of all of these documents for the Appeal Panel plus enough copies for the other parties in the dispute. (For example, if there is only one other party, then 4 copies must be filed). The Registrar will stamp the documents and will return copies to the person lodging the appeal so that they can send them to the other party or parties. The Registrar will supply the copies to the Appeal Panel.

### **How does a party reply to an appeal?**

41. Any party to a dispute who receives an appeal has 14 days to file a reply to the appeal. There is no prescribed form for this. However, a reply must include:
- a copy of the Medical Assessment Certificate being appealed,
  - a copy of all reports and documents that the party sent to the Commission to be referred to the AMS prior to the assessment, and
  - any submissions the party wants to make in regard to the grounds of appeal.



**Will the appeal be sent back to the same AMS?**

42. Possibly. If the application to appeal demonstrates to the Registrar that the worker's condition has deteriorated since the original medical assessment, or the Registrar accepts that there is fresh evidence that was not previously available, the Registrar may decide to refer the matter back to an AMS instead of referring it to an Appeal Panel. Usually such a matter will go back to the AMS who completed the MAC. If a party does not want the matter to be referred to this AMS, the Registrar must be notified and given reasons.

**What happens after the appeal is lodged?**

43. The Appeal Panel, comprising two AMSs and an Arbitrator, will undertake a preliminary review of the documents. The parties are not present for this preliminary review. The Appeal Panel decides on the appropriate action to take in the appeal including whether the worker should be examined and if new evidence should be allowed. The Appeal Panel may set a date for an assessment hearing or may decide the appeal on the papers without further involvement from the parties..

If the Appeal Panel decides that the worker should have a further medical examination, an appointment time will be arranged with one or both of the AMS members of the panel.

If an assessment hearing is scheduled, the parties will be invited to attend.

These procedures are detailed further below.

**What happens at a further medical examination?**

44. The Appeal Panel may require a further medical examination of the injured worker. The Registrar will inform the worker in writing of the time and place for the further medical examination.

One of the AMS members of the Appeal Panel may be asked to examine the worker in order to answer a particular question put by the panel or a party. The worker should not bring any additional medical or other reports to the examination, unless specifically asked to do so. If it is necessary to bring X-rays or similar documents the worker will be advised of this in the letter from the Registrar.

A parent, carer or other support person may accompany a worker to a further medical examination if it is reasonable in the circumstances and the AMS agrees. An agent or legal practitioner must not accompany a worker to a further medical examination.

**What happens at an assessment hearing?**

45. The appeal is to be by way of review of the original medical assessment. Any party may bring a legal practitioner or other person with them to the assessment hearing to act as advocate and to assist in the presentation of the case.

The assessment hearing is informal and non-legalistic and will afford the parties a full opportunity to present oral submissions in support of their claims. Submissions must be limited to topics that were in issue in the medical assessment being appealed against. Fresh evidence cannot be given either instead of or as well as evidence that was considered by the original AMS, unless the evidence was not available or could not reasonably have been obtained by the worker.

The assessment hearing is non-adversarial and in most cases no evidence will be taken or cross-examination permitted. The parties may seek clarification of matters raised through the assistance of panel members.

The assessment hearing will be sound recorded and a copy of the recording will be available to the parties on request.

**What orders may the Appeal Panel make?**

46. The Appeal Panel can:
- confirm the MAC given in connection with the medical assessment; or
  - revoke that MAC and issue a new MAC.

The decision of a majority of the members of an Appeal Panel is the decision of the Appeal Panel.

**What is the effect of a new Medical Assessment Certificate?**

47. If the Appeal Panel issues a new MAC it has the same effect as the earlier one. In any proceedings before the Commission it is conclusively presumed to be correct as to the following matters:
- the degree of permanent impairment of the worker as a result of an injury;
  - whether any proportion of permanent impairment is due to any previous injury or pre-existing condition or abnormality;
  - the nature and extent of loss of hearing suffered by a worker, and
  - whether impairment is permanent;
  - whether the degree of impairment is fully ascertainable.

**What happens after the Appeal Panel Decision is Provided?**

48. If the only issue in dispute concerns permanent impairment, the Commission will issue a Certificate of Determination to finalise the matter.

If the issues in dispute concern both a claim for permanent impairment and other claims, such as for medical expenses or weekly benefits, and the parties now reach agreement, they will be asked to:

- file an “Application for Registration of an Agreement under Section 66A’ on the Commission’s Claim Form 3 to cover the permanent impairment claim, and
- advise the Commission of the agreement which has been reached for the other claims by lodging an ‘Agreement to Discontinue Proceedings’ using Form 14a.

If no agreement is reached on the other issues in dispute, these will be referred to an Arbitrator to resolve. The Commission will then issue a Certificate of Determination at the conclusion of the matter.

**How are notices to be served?**

49. The Rules relating to service in the Commission apply to the service of documents under these Rules.

# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BAULKHAM HILLS SHIRE COUNCIL

Roads Act 1993, Section 39

Closure of Temporary Public Road Linking between  
Perseus Circuit and Fortunte Grove, Kellyville

THE Baulkham Hills Shire Council hereby advises that pursuant to section 39 of the Roads Act 1993, it intends to close to vehicular traffic the temporary public road between Perseus Circuit and Fortune Grove, Kellyville. The temporary public road is situated on Lot 20, DP 872047. On publication of this notice the temporary public road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. Dated at Castle Hill this 16th day of December, 2003. GENERAL MANAGER, Baulkham Hills Shire Council, 129 Showground Road (PO Box 75), Castle Hill, NSW 2154, tel.: (02) 9843 0555.

[0969]

### BLACKTOWN CITY COUNCIL

Roads (General) Regulation 1994

Renaming of Public Road – Farmingdale Drive

NOTICE is hereby given that Blacktown City Council, in pursuance of Division 2 of the abovementioned Regulation, has changed the name of the part of Orwell Street between Farmingdale Drive and Clare Street, Blacktown, to Farmingdale Drive. IAN REYNOLDS, General Manager, Administrative Centre, 62 Flushcombe Road, Blacktown, NSW 2148.

[0971]

### DUNOGG SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

DUNOGG Shire Council declares, with the approval of Her Excellency the Governor, that the land described in Schedule 1 below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of industrial land development. Dated this 4th day of December, 2003. ANDREW EVANS, General Manager, Dungog Shire Council, PO Box 95, Dungog, NSW 2420, tel.: (02) 4992 1224.

Schedule 1

Lots 335 and 336, DP 729762.

[0951]

### FAIRFIELD CITY COUNCIL

Proposed Right Turn Bans

Polding Street and Granville Street Intersection,  
Smithfield

NOTICE is hereby given that Council proposes to ban right turn movements at the intersection of Polding Street and Granville Street. The proposal is to improve safety at

the intersection. Council is now seeking comments on the proposal from residents and interested organisations within the area. Submissions in writing, either by way of support or objection to the proposal, must reach Council by 4:00 p.m., Friday, 30th January, 2004 (please quote Council's Reference No.: G10-06-870 in reply). Further information can be obtained by contacting Council's Traffic and Road Safety Branch on 9725 0388 during business hours. ALAN YOUNG, City Manager, PO Box 21, Fairfield, NSW 1860.

[0948]

### FAIRFIELD CITY COUNCIL

Proposed Speed Humps  
Mitchell Street, Fairfield East

NOTICE is hereby given that Council proposes to install two speed humps in Mitchell Street, between Normanby Street and Hercules Street. Council is now seeking comments on the proposal from residents and interested organisations within the area. Submissions in writing, either by way of support or objection to the proposal, must reach Council by 4:00 p.m., Friday, 30th January, 2004 (please quote Council's Reference No.: G10-06-050 in reply). Further information can be obtained by contacting Council's Traffic and Road Safety Branch on 9725 0388 during business hours. ALAN YOUNG, City Manager, PO Box 21, Fairfield, NSW 1860.

[0949]

### GLOUCESTER SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication Of Land As Public Road

GLOUCESTER Shire Council hereby gives notice pursuant to section 10 of the Roads Act 1993, that the land detailed in the Schedule hereto is public road. N. S. McLEOD, General Manager, Gloucester Shire Council, PO Box 11, Gloucester, NSW 2422.

Schedule

All these pieces and parcels of land situated at Barrington West Road, Gloucester, in the Parish of Fitzroy, County of Gloucester, being Lots 1 to 31 inclusive, DP 1002072 and Lots 1 to 17 inclusive, DP 1002074.

[0972]

### KU-RING-GAI COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

Pursuant to section 10 of the Roads Act 1993, Ku-ring-gai Council hereby dedicates that part of DP 1061748 shown as road widening on the Plan as public road. Authorised by resolution of Council on 14th October, 2003, BRIAN BELL, General Manager, Ku-ring-gai Council, Locked Bag 1056, Pymble, NSW 2073.

[0970]

**LAKE MACQUARIE CITY COUNCIL**

## Naming of Road/s in Subdivisions

NOTICE is hereby given that in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the road/s shown hereunder:

Location	Name
Lot 119, DP 1016351, Stenhouse Drive, Cameron Park.	Kalinya Close.

No objections to the proposed name/s were received with the advertising period. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre, NSW 2310.

[0963]

**PARKES SHIRE COUNCIL**

## Roads Act 1993, Section 162.1

## Naming of Public Roads

Foster Lane, Hollywood Lane, Sunnyside Lane, Attenborough Road, Houplines Road, Egans Lane, Overlander Road, Railway Parade and Wombin Lane

NOTICE is hereby given that in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

Location	Name
Road between Avondale Road and Newell Highway, adjacent to Lot 123, DP 753996.	Foster Lane.
Road off Blackstock Hill Road, adjacent to Lot 11, DP 754004.	Hollywood Lane.
Road off Newell Highway, adjacent to Lot 11, DP 755113.	Sunnyside Lane.
Road from Bogan Street, Peak Hill, adjacent to Lot 21, DP 755111.	Attenborough Road.
Road off Attenborough Road, adjacent to Lot 39, DP 755111.	Houplines Road.
Road off Freebairn Road, adjacent to Lot 9, DP 750163.	Egans Lane.
Road off Condobolin Road, adjacent to Lot 127, DP 752105.	Overlander Road.
Road from Whitton Park Road, Peak Hill to Ten Mile Creek, adjacent to Lot 483, DP 755113.	Railway Parade.
Road between Bogan Road and Alectown West Road, adjacent to Lot 19, DP 754026.	Wombin Lane.

No objections to the proposed names were received within the prescribed period of time. A. McCORMACK, General Manager, Parkes Shire Council, PO Box 337, Parkes, NSW 2870.

[0952]

**PORT STEPHENS COUNCIL**

## Local Government Act 1993

## Vesting of Drainage Reserves

IN the subdivision of land within the Port Stephens Council area, the lands described in the Schedule hereunder were marked "Drainage Reserve" and Port Stephens Council is

entitled under section 50 of the Local Government Act 1993, to require the transfer of subject lands, now it is hereby notified under the provisions of section 50(4) of the Local Government Act 1993, that such land is vested in Port Stephens Council. P. GESLING, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace, NSW 2324. Council File: 5120-021.

## Schedule

Lots 118, 119 and 120, DP 17187 being land in Certificate of Title Volume 3388, Folio 13.

[0961]

**SHOALHAVEN CITY COUNCIL**

## Roads Act 1993

## Land Acquisition (Just Terms Compensation) Act 1991

## Notice of Compulsory Acquisition of Land

THE Shoalhaven City Council declares with the approval of her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in that land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Roads Act 1993. Dated at Nowra this 16th day of December, 2003. RUSSELL DESMOND PIGG, General Manager, PO Box 42, Nowra, NSW 2541.

## Schedule

Lot 1, DP 1040510, Tomerong.

[0964]

**SHOALHAVEN CITY COUNCIL**

## Roads Act 1993, Section 10

## Dedication of Land as Public Road

NOTICE is hereby given that the Council of the City of Shoalhaven at its meeting of 25th June, 2002, Minute No. 02.717, resolved to acquire land for public road being part Yerriyong State Forest No. 920, Extension No. 8. The land as described in the Schedule below has been acquired and is hereby dedicated as Council public road pursuant to section 10 of the Roads Act 1993. RUSSELL DESMOND PIGG, General Manager, Shoalhaven City Council, Bridge Road (PO Box 42), Nowra, NSW 2541. File SF7615 and SF8366.

## Schedule

Lot 1, DP 1040510, Parish of Wandrawandian, County of St Vincent.

[0965]

**SINGLETON COUNCIL**

## Roads Act 1993

## Land Acquisition (Just Terms Compensation) Act 1991

## Notice of Compulsory Acquisition of Land

THE Singleton 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. The land described in the Schedule is dedicated as public road. STEVE McGRATH, General Manager, Singleton Council, PO Box 314, Singleton, NSW 2330.

Schedule

Lot 8, Deposited Plan 879851.

[0962]

### TWEED SHIRE COUNCIL

#### Proposed Naming of Road in Subdivisions

In pursuance of section 162(1) of the Roads Act 1993, as amended, Council proposes to name the road/s dedicated in a plan of subdivision of Lot 3 in DP 1045973 at Stokers Siding in the Shire of Tweed as shown below:

“Forest Way”.

A period of fourteen days from the date of this notice is allowed for any person to lodge a written objection to the proposed naming. Any objections should state clearly the reasons for such objections. GENERAL MANAGER, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

[0968]

### ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LEONARD ARTHUR CLINCH, late of Flat 1, 269 Balmain Road, Leichhart, in the State of New South Wales, retired, who died on 19th October, 2003, must send particulars of his/her claim to the executors, Cecil Clinch and Florence Myee Watts, c.o. Colquhoun & Colquhoun, Solicitors, 588 Darling Street, Rozelle, NSW 2039, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 12th February, 2003. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street (PO Box 182), Rozelle, NSW 2039, tel.: (02) 9818 2666.

[0947]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NANCY PATRICIA MOXON, late of 139 Hastings Parade, Bondi, in the State of New South Wales, home duties, who died on 25th September, 2003, must send particulars of the claim to the executors, Anthony James Moxon and Peter David Moxon, c.o. Djekovic, Hearne & Walker, Solicitors, 266A Oxford Street, Paddington, NSW 2021, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors have notice. Probate was granted in New South Wales on 29th October, 2003. DJEKOVIC, HEARNE & WALKER, Solicitors, 266A Oxford Street, Paddington, NSW 2021 (DX 225, Sydney), tel.: (02) 9331 1933. (Reference: Stephen Hearne).

[0950]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of IRWIN ALBERT JAEGER, late of 8 West Crescent, Hurstville Grove, in the State of New South Wales, retired owner-driver, who died on 1st July, 2003, must send particulars of his claim to the executors, Robert Irwin Jaeger and Patricia Gwendoline Ross, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South 1235, 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 24th November, 2003, as number 117820/03. STEVE MASSELOS & CO., A Solicitor Corporation, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South 1235), (DX305 Sydney), tel.: (02) 9264 7022.

[0958]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CHARLES GEORGE McLOUGHLIN, late of 7/267 Maroubra Road, Maroubra and formerly of Darling Point, in the State of New South Wales, medical practitioner, who died between 26th and 29th May, 2002, must send particulars of the claim to the executor, c.o. Deacons, Lawyers, 1 Alfred Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution he had notice. Probate was granted in New South Wales on 5th December, 2003. DEACONS, Lawyers, 1 Alfred Street, Circular Quay, Sydney, NSW 2000 (GPO Box 3872, Sydney 2001), (DX368, Sydney), tel.: (02) 9330 8184. Reference: 2252267.

[0959]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KENNETH GORDON McLEAN, late of Griffith, in the State of New South Wales, retired, who died between 16th August, 2003, must send particulars of his claim to the executor, John Carlyle Campbell, c.o. Messrs Olliffe & McRae, Solicitors, PO Box 874, Griffith, NSW 2680, 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 1st December, 2003. MESSRS OLLIFFE & MCRAE, Solicitors, 381 Banna Avenue (PO Box 874), Griffith, NSW 2680, (DX5901, Griffith), tel.: (02) 6962 1744. Reference: JFM:CP/N102.

[0960]

### COMPANY NOTICES

NOTICE of final meeting.—WAINONA PROPRIETARY LIMITED, ACN 004 534 721 (in voluntary liquidation).—Notice of final meeting pursuant to subsections 509(3) and (4) of the Corporations Law is hereby given that a final meeting of members of the above company will be held at 10:00 a.m. on Friday, 30th January, 2004, at 1st Floor, 20 Wallis Street, Forster NSW, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that

may be given by the liquidator. Dated 15th December, 2003. ROGER IRWIN LYNCH and STUART WILLIAM HORSBURGH, Liquidators, c.o. Walker Lynch Petersen, Chartered Accountants, 1st Floor, 20 Wallis Street, Forster, NSW 2428, tel.: (02) 6554 7566.

[0945]

NOTICE of voluntary winding up.—COLONIAL SURFSIDE INVESTMENTS PTY LIMITED, ACN 063 612 975.—Notice is hereby given pursuant to the Corporations Law that at a general meeting of Colonial Surfside Investments Pty Limited convened and held at 50 Madsen Road, Uraveen Queensland, on 29th November, 2003, the following was duly passed as a special resolution in accordance with a recommendation by the Directors: “That the company be wound up voluntarily and that Brett Burley of 107 West High Street, Coffs Harbour NSW, be appointed liquidator”. BRETT BURLEY, Liquidator, c.o. Lindsay Nevell & Duly, PO Box 8, Coffs Harbour, NSW 2450.

[0946]

NOTICE of voluntary liquidation.—JIMNIELD PTY LIMITED, ACN 008 482 853.—Notice is hereby given pursuant to the Corporations Law that at an extraordinary general meeting of the members of the above company duly convened and held on the 28th day of November, 2003, a special resolution was passed that the company be placed into voluntary liquidation and that Dr James M. Nield be appointed liquidator. Dated this 1st December, 2003. J. M. NIELD, Liquidator, K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000, tel.: (02) 9299 6521.

[0953]

NOTICE of voluntary liquidation.—LONITRO PTY LIMITED, ACN 002 569 520.—Notice is hereby given pursuant to the Corporations Law that at an extraordinary general meeting of the members of the above company duly convened and held on the 10th day of December, 2003, a special resolution was passed that the company be placed into voluntary liquidation and that Maurice C. Grace be appointed liquidator. Dated this 11th December, 2003. M. C. GRACE, Liquidator, K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000, tel.: (02) 9299 6521.

[0954]

NOTICE of final meeting.—INFRASTRUCTURE COMPANY OF AUSTRALIA LIMITED, ACN 073 222 554 (in voluntary liquidation).—Notice is hereby given that a general meeting of members of the company will be held at 9:00 a.m., on Thursday, 15th January, 2004, at Level 5, 14 Martin Place, Sydney, NSW 2000. Agenda: To hold the final meeting of the company and receive an account of how the winding up has been conducted. Dated this 15th day of December, 2003. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens Wi, Chartered Accountants, CML Building, Level 5, 14 Martin Place, Sydney, NSW 2000, tel.: (02) 9229 7999.

[0967]

## OTHER NOTICES

### COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the interest in land described in Schedule 1 below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of an easement for electricity under the Electricity Supply Act 1995, the terms of which easement are set out in Schedule 2 to this notice. Dated at Port Macquarie this 11th day of December, 2003. CRAIG MURRAY, Chief Executive Officer, Country Energy, PO Box 786, Port Macquarie, NSW 2444.

#### Schedule 1

Crown Land Reserve for classification, notified 8th February, 1935, in the Local Government Area of Maclean at Woodford Island, Parish of Woodford, County of Clarence, being an easement over that part of the Crown reserve as identified in Deposited Plan 267968 and registered as a plan of proposed easement for power supply line 1 wide.

#### Schedule 2

The terms of easement are set out in Parts A and H in Memorandum No. 3820073 filed at the Land Titles Office, Sydney.

[0956]

### COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the interest in land described in Schedule 1 below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of an easement for electricity under the Electricity Supply Act 1995, the terms of which easement are set out in Schedule 2 to this notice. Dated at Port Macquarie this 11th day of December, 2003. CRAIG MURRAY, Chief Executive Officer, Country Energy, PO Box 786, Port Macquarie, NSW 2444.

#### Schedule 1

An easement over that part of the bed of the Clarence River and Carrs Creek shown in DP 269733 as “proposed easement for transmission line 15 wide over Carrs Creek and proposed easement for transmission line 5 wide over Clarence River” but not the easements over Lots 164, DP 751371 and not over Lots 150, 151 and 165, DP 751371 also identified in DP 269733.

#### Schedule 2

The terms of easement are set out in Parts A and I in Memorandum No. 3820073 filed at the Land Titles Office, Sydney.

[0957]



**INTEGRAL ENERGY AUSTRALIA**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement -  
BamarangBamarang

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 3rd day of December 2003.

JOHN WALLACE

General Manager Engineering Performance

Integral Energy Australia  
51 Huntingwood Drive  
Huntingwood NSW 2148

**SCHEDULE 1**

Easement for underground cables as set out in Memorandum No 3021851 filed at Land & Property Information NSW. For the purposes of this notice, **“lot burdened”** means Portion 387 Portion 387 parish Nowra county St Vincent.

**SCHEDULE 2**

All that piece or parcel of land at Bamarang, in the local government area of Shoalhaven, Parish of Nowra, and County of St Vincent, being the site of the proposed easement for underground cables 3.5 wide affecting that part of Portion 387 shown so burdened on DP1035626.

[0973]

**INTEGRAL ENERGY AUSTRALIA**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement -  
DaptoDapto

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 4<sup>th</sup> day of August 2003.

JOHN WALLACE,

General Manager Engineering Performance

Integral Energy Australia  
51 Huntingwood Drive  
Huntingwood NSW 2148

**SCHEDULE 1**

Easement for underground cables as set out in Memorandum No 3021851 filed at Land & Property Information NSW and easement for substation as set out in Memorandum No 3021852 filed at Land & Property Information NSW. For the purposes of this notice, **“lot burdened”** means Lot 127 DP242665 Lot 127 DP242665.

**SCHEDULE 2**

All that piece or parcel of land at Dapto, in the local government area of Wollongong, Parish of Calderwood, and County of Camden, being the site of the proposed easement for underground cables 1 wide and the site of the proposed easement for substation 2.8 wide affecting those parts of Lot 127 DP242665 designated (A) and (B) in DP1040534.

[0974]

**INTEGRAL ENERGY AUSTRALIA**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement - Port  
KemblaPort Kembla

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 eleventh day of November 2003.

JOHN WALLACE,

General Manager Engineering Performance

Integral Energy Australia  
51 Huntingwood Drive  
Huntingwood NSW 2148

**SCHEDULE 1**

Easement for electricity equipment as set out in Memorandum No 3021850 filed at Land & Property Information NSW. For the purposes of this notice, **“lot burdened”** means Lot 2 DP345786 Lot 2 DP345786.

**SCHEDULE 2**

All that piece or parcel of land at Port Kembla, in the local government area of Wollongong, Parish of Wollongong, and County of Camden, being the site of the proposed easement for electricity equipment (1.5, 6.0 & variable) affecting that part of Lot 2 DP345786 designated (A) in DP1047341.

[0975]

**TEMORA SHIRE COUNCIL**

Local Government Act 1993, Section 713

**Sale Of Land For Overdue Rates**

NOTICE is hereby given to the persons hereunder that Temora Shire Council has resolved in pursuance of section 715(1)(b) of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest and on which the amount of rates stated in each case, as at 30th November, 2003, is due:

Owners or persons having an interest in the land	Description of Land	Amount of Rates (including extra charges) overdue for more than five (5) years (c)	Amount of all other rates (including extra charges) due in arrears (d)	Total (e)
(a)	(b)	(c)	(d)	(e)
J. H. BAALMAN	Lot 105, DP 750591; Lot 1, DP 34671, 1950 Morangarell Road, Grogan, NSW 2666	\$1316.77	\$4227.77	\$5544.54
FADEWILL PTY LTD	Lot 8, DP 758030, section 6, 15 Harrison Street, Ariah Park, 2665	\$718.30	\$1243.49	\$1961.79
D. C., S. L. and A. W. FOSTER	Lot 5, DP 758923, section 3, Village Springdale NSW	\$137.77	\$451.68	\$589.45

In default of payment to the Council of the amount stated in Column (e) above and any other rates (including extra charges), becoming due and payable after publication of this Notice, or an arrangement satisfactory to Council for payment of all such rates being entered into by the rateable person, before the fixed time of sale, the said land will be offered for sale by Public Auction. The Auction will be held at the Temora Shire Council Chambers on Friday, 12th March, 2004, at 10:00 a.m., for all properties. G. C. LAVELLE, General Manager, 105 Loftus Street (PO Box 262), Temora, NSW 2666, tel.: (02) 6977 1099.

[0955]

**WOLLONDILLY SHIRE COUNCIL**

Local Government Act 1993, Section 713

## Sale of Land for Overdue Rates and Charges

NOTICE is hereby given to the person(s) named hereunder that Wollondilly Shire Council has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person(s) named are known to the Council to be the owner(s) or to have interest in the land on which the amount of rates and charges stated in each case, as at 20th October, 2003, is due:

Owners or persons having an interest in the land (a)	Description of Land (b)	Amount of rates and charges (including extra charges) overdue for more than five (5) years (c)	Amount of all other rates and charges (including extra charges) payable and unpaid (d)	Total (e)
Annie Louisa WILLIS	Lot B, DP 435268, 80 Steveys Forest Road, Oakdale, Parish Burraborang, County Camden	\$3111.38	\$4563.86	\$7675.24
Symon Anthony GRYG or Anthony GRYG	Lot 18, section 7, DP 2444, 36 Norwood Road, Buxton, Parish Couridjah, County Camden	\$438.90	\$3420.47	\$3859.37

In default of payment to the Council of the amount stated in column (e) above and any other rates (including extra charges), becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale by public auction by Mr S. C. Gurner, Licensed Auctioneer, at the Wollondilly Shire Council's Administration Centre, 62-64 Menangle Street, Picton, on Saturday, 6th March, 2004, at 10:00 a.m.

In accordance with the new auction laws, prospective bidders are required to register prior to the commencement of the auction. You will need one of the following forms of identification to register:

- Passport
- Drivers Licence
- Vehicle Registration Papers
- Council Rate Notice

For further information please contact Council on 4677 1117. GENERAL MANAGER, Wollondilly Shire Council, 62-64 Menangle Street (PO Box 21), Picton, NSW 2571, tel.: (02) 4677 1326.

[066]

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