



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 198

Wednesday, 24 December 2003

Published under authority by cmSolutions

LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 8 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 Act passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 88, 2003 - An Act to permit the development of certain land at Clyde for the purposes of a waste transfer terminal; and for other purposes. [**Clyde Waste Transfer Terminal (Special Provisions) Act 2003**]

John Evans
Clerk of the Parliaments

Proclamations



Proclamation

under the

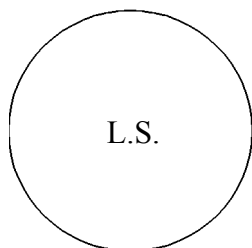
Transport Legislation Amendment (Safety and Reliability) Act
2003 No 65

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 Legislation Amendment (Safety and Reliability) Act 2003*, do, by this my Proclamation, appoint 1 January 2004 as the day on which the uncommenced provisions of that Act 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 Legislation Amendment (Safety and Reliability) Act 2003* on 1 January 2004.

Regulations



New South Wales

Passenger Transport (Bus Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

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

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Bus Services) Regulation 2000* to make an amendment in the nature of law revision, consequential on the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

Clause 1 Passenger Transport (Bus Services) Amendment (Safety and Reliability)
 Regulation 2003

Passenger Transport (Bus Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (Bus Services) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Passenger Transport (Bus Services) Regulation 2000

The *Passenger Transport (Bus Services) Regulation 2000* is amended as set out in Schedule 1.

Passenger Transport (Bus Services) Amendment (Safety and Reliability)
Regulation 2003

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 4 Definitions

Insert in alphabetical order:

bus service means a public passenger service provided by bus.



Passenger Transport (Ferry Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

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

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Ferry Services) Regulation 2000* to make amendments consequential on the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation also makes amendments in the nature of law revision and clarifies the application of the *Passenger Transport (Ferry Services) Regulation 2000* to public passenger services and to regular passenger services.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

Clause 1 Passenger Transport (Ferry Services) Amendment (Safety and Reliability)
 Regulation 2003

Passenger Transport (Ferry Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (Ferry Services) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Passenger Transport (Ferry Services) Regulation 2000

The *Passenger Transport (Ferry Services) Regulation 2000* is amended as set out in Schedule 1.

Passenger Transport (Ferry Services) Amendment (Safety and Reliability)
Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Definitions

Insert in alphabetical order:

ferry service means a public passenger service provided by ferry.

regular ferry service means a ferry service that is a regular passenger service.

[2] Clause 4

Omit the definition of *ferry wharf*. Insert instead:

ferry wharf means a public ferry wharf within the meaning of Division 5 of Part 8 of the *Marine Safety Act 1998*.

[3] Clause 4

Omit the definition of *operator*. Insert instead:

operator means:

- (a) in relation to a ferry service, the person who carries on the ferry service, and
- (b) in relation to a ferry, the person who carries on the ferry service for which the ferry is used.

[4] Clause 6 Condition of ferries

Omit “A ferry operator”.

Insert instead “The operator of a regular ferry service”.

[5] Clause 7 Records in relation to operation of ferry

Omit “a ferry operator” from clause 7 (1).

Insert instead “the operator of a regular ferry service”.

[6] Clause 11 Validity of tickets

Insert “issued for travel on a regular ferry service” after “ticket” in clause 11 (1).

Passenger Transport (Ferry Services) Amendment (Safety and Reliability)
Regulation 2003

Schedule 1 Amendments

[7] Clause 12 Tickets not transferable

Insert “for travel on a regular ferry service” after “ticket” where firstly occurring in clause 12 (1).

[8] Clause 13 Alteration or defacement of tickets prohibited

Omit “or make”.

Insert instead “issued for travel on a regular ferry service or make such”.

[9] Clause 14 Valid ticket required for travel

Omit “ferry” from clause 14 (1). Insert instead “regular ferry service”.

[10] Clause 15 Concession tickets

Omit “ferry” from clause 15 (1). Insert instead “regular ferry service”.

[11] Clause 15 (2)

Omit “ferry” from clause 15 (2) (a). Insert instead “regular ferry service”.

[12] Clause 16

Omit the clause. Insert instead:

16 Inspection of tickets

- (1) A person who:
 - (a) is on a ferry used for a regular ferry service, or
 - (b) is in the restricted area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, or
 - (c) has just left the restricted area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service,

must make his or her ticket available for inspection or processing by an authorised officer on that officer’s request.

Maximum penalty: 5 penalty units.

- (2) A person who has just left the restricted area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service does not commit an offence under subclause (1) if the person’s ticket has been:

Passenger Transport (Ferry Services) Amendment (Safety and Reliability)
Regulation 2003

Amendments

Schedule 1

-
- (a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or
 - (b) given to an authorised officer.

[13] Clause 17 Ticket to be offered for collection or processing on entry to restricted area of ferry wharf

Insert “used for the purposes of, or in connection with, a regular ferry service” after “wharf” in clause 17 (1).

[14] Clause 18 Ticket to be offered for collection or processing on leaving restricted area of ferry wharf

Insert “used for the purposes of, or in connection with, a regular ferry service” after “wharf” in clause 18 (1).

[15] Clause 25 Limited stop ferries

Insert “used for a regular ferry service or a long-distance ferry service” after “ferry” where firstly occurring in clauses 25 (1) and (2).

[16] Clause 40 Short descriptions

Omit the clause.

[17] Clause 41 Fees

Omit the clause.

[18] Schedule 1 Penalty notice offences

Omit Part 1 and Columns 2 and 3 of Part 2.

[19] Schedule 1

Omit “**Part 2**” from the heading to Part 2. Insert instead “**Part 1**”.



New South Wales

Passenger Transport (Private Hire Vehicle Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

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

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Private Hire Vehicle Services) Regulation 2001* to omit a penalty notice provision and to update a cross-reference as consequences of the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 59 and 63 (the general regulation-making power).

Clause 1 Passenger Transport (Private Hire Vehicle Services) Amendment (Safety and Reliability) Regulation 2003

Passenger Transport (Private Hire Vehicle Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (Private Hire Vehicle Services) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Passenger Transport (Private Hire Vehicle Services) Regulation 2001

The *Passenger Transport (Private Hire Vehicle Services) Regulation 2001* is amended as set out in Schedule 1.

Passenger Transport (Private Hire Vehicle Services) Amendment (Safety and Reliability) Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 37 Non-compliance notices

Omit “section 55A” from clause 37 (1).

Insert instead “Division 2 of Part 4C”.

[2] Schedule 1 Penalty notice offences

Omit the matter relating to section 56 from Part 1 of Schedule 1.



Passenger Transport (Taxi-cab Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

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

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Taxi-cab Services) Regulation 2001* to omit a penalty notice provision and update certain references as consequences of the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 59 and 63 (the general regulation-making power).

Clause 1 Passenger Transport (Taxi-cab Services) Amendment (Safety and Reliability) Regulation 2003

Passenger Transport (Taxi-cab Services) Amendment (Safety and Reliability) Regulation 2003

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Passenger Transport (Taxi-cab Services) Regulation 2001

The *Passenger Transport (Taxi-cab Services) Regulation 2001* is amended as set out in Schedule 1.

Passenger Transport (Taxi-cab Services) Amendment (Safety and Reliability) Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 25 Taxi-cabs to comply with on-road standards when inspected

Omit “section 55A” from clause 25. Insert instead “Division 2 of Part 4C”.

[2] Clause 81 Non-compliance notices

Omit “section 55A” from clause 81 (1).

Insert instead “Division 2 of Part 4C”.

[3] Schedule 1 Approved security camera systems

Omit “Department of Transport” from clause 5 (2) (b) and (3) of Schedule 1 wherever occurring.

Insert instead “Ministry of Transport”.

[4] Schedule 2 Penalty notice offences

Omit the matter relating to section 56 from Part 1 of Schedule 2.



New South Wales

Rail Safety (Drug and Alcohol Testing) Amendment (Safety and Reliability) Regulation 2003

under the

Rail Safety Act 2002

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

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

Explanatory note

The object of this Regulation is to amend the *Rail Safety (Drug and Alcohol Testing) Regulation 2003* to replace references to the Director-General with references to the Independent Transport Safety and Reliability Regulator (the **ITSRR**) as a consequence of the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation is made under the *Rail Safety Act 2002*, including section 117 (the general regulation-making power).

Clause 1 Rail Safety (Drug and Alcohol Testing) Amendment (Safety and Reliability) Regulation 2003

Rail Safety (Drug and Alcohol Testing) Amendment (Safety and Reliability) Regulation 2003

under the

Rail Safety Act 2002

1 Name of Regulation

This Regulation is the *Rail Safety (Drug and Alcohol Testing) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Rail Safety (Drug and Alcohol Testing) Regulation 2003

The *Rail Safety (Drug and Alcohol Testing) Regulation 2003* is amended as set out in Schedule 1.

Rail Safety (Drug and Alcohol Testing) Amendment (Safety and Reliability)
Regulation 2003

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clauses 3, 4, 18 and 27

Omit “Director-General” wherever occurring. Insert instead “ITSRR”.



Rail Safety (General) Amendment (Safety and Reliability) Regulation 2003

under the

Rail Safety Act 2002

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

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

Explanatory note

The object of this Regulation is to amend the *Rail Safety (General) Regulation 2003* to replace references to the Director-General with references to the Independent Transport Safety and Reliability Regulator (the *ITSRR*), and to omit a redundant provision, as consequences of the commencement of the *Transport Legislation Amendment (Safety and Reliability) Act 2003*.

This Regulation is made under the *Rail Safety Act 2002*, including section 117 (the general regulation-making power).

Clause 1 Rail Safety (General) Amendment (Safety and Reliability) Regulation 2003

Rail Safety (General) Amendment (Safety and Reliability) Regulation 2003

under the

Rail Safety Act 2002

1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Safety and Reliability) Regulation 2003*.

2 Commencement

This Regulation commences on 1 January 2004.

3 Amendment of Rail Safety (General) Regulation 2003

The *Rail Safety (General) Regulation 2003* is amended as set out in Schedule 1.

Rail Safety (General) Amendment (Safety and Reliability) Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clauses 50, 51, 52, 59 and 62B

Omit “Director-General” wherever occurring. Insert instead “ITSRR”.

[2] Clause 62 Delegation

Omit the clause.

Rules



New South Wales

Mines Inspection Amendment (Chrysotile Asbestos) General Rule 2003

under the

Mines Inspection Act 1901

Her Excellency the Governor, with the advice of the Executive Council, has made the following General Rule under the *Mines Inspection Act 1901*.

KERRY ARTHUR HICKEY, M.P.,
Minister for Mineral Resources

Explanatory note

The object of this General Rule is to amend the *Mines Inspection General Rule 2000* as a consequence of the application to mines, from 31 December 2003, of provisions under the *Occupational Health and Safety Regulation 2001* (to be made by the *Occupational Health and Safety Amendment (Chrysotile Asbestos) Regulation 2003*) that will phase in a prohibition on the use of chrysotile asbestos (otherwise known as white asbestos). The amendments repeal or amend provisions of the *Mines Inspection General Rule 2000* that are inconsistent with those other provisions.

This General Rule is made under the *Mines Inspection Act 1901*, including section 56 (the general power under that Act to make General Rules).

Clause 1 Mines Inspection Amendment (Chrysotile Asbestos) General Rule 2003

Mines Inspection Amendment (Chrysotile Asbestos) General Rule 2003

under the

Mines Inspection Act 1901

1 Name of General Rule

This General Rule is the *Mines Inspection Amendment (Chrysotile Asbestos) General Rule 2003*.

2 Commencement

This General Rule commences on 31 December 2003.

3 Amendment of Mines Inspection General Rule 2000

The *Mines Inspection General Rule 2000* is amended as set out in Schedule 1.

Mines Inspection Amendment (Chrysotile Asbestos) General Rule 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 48 Buildings and structures—safety and health

Omit clause 48 (3)–(5).

[2] Clause 51 Definitions

Omit the definition of *asbestos-containing material*.

[3] Clause 56 Asbestos

Omit the clause.

[4] Clause 57 Carcinogenic substances

Insert after clause 57 (1):

(1A) Subclause (1) does not apply to asbestos.

Note. The manufacture, use and supply of asbestos are dealt with by provisions of the *Occupational Health and Safety Regulation 2001* that apply to mines.

[5] Schedule 1 Carcinogenic substances

Omit the matter relating to Chrysotile. Insert instead:

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.

Orders



Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004

under the

Fisheries Management Act 1994

I, the Minister for Agriculture and Fisheries, in pursuance of section 221G of the *Fisheries Management Act 1994*, make the following interim Order.

Dated, this 17th day of December 2003.

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

Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (*the Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in the Lowland Darling River Catchment) Interim Order 2003* (which took effect on 4 July 2003 for a period of 6 months) to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the *Fisheries Management Act 1994*.

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004

Explanatory note

The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available for inspection at all NSW Fisheries Offices and on the Internet at www.fisheries.nsw.gov.au/fsc/recomend.htm.

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004

Clause 1

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004

under the

Fisheries Management Act 1994

1 Name of interim Order

This interim Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004*.

2 Commencement and duration

This interim Order:

- (a) takes effect on 4 January 2004, and
- (b) ceases to have effect 6 months after that day.

3 Continuation of existing activities

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
 - (a) *Paratya australiensis* (freshwater shrimp),
 - (b) *Macrobrachium australiense* (freshwater prawn),
 - (c) *Caridina mccullochi* (freshwater shrimp),
 - (d) *Cherax destructor* (yabby),
 - (e) *Tandanus tandanus* (freshwater catfish),
 - (f) *Gadopsis marmoratus* (river blackfish),
 - (g) *Maccullochella peelii peelii* (Murray cod),
 - (h) *Macquaria ambigua* (golden perch),
 - (i) *Bidyanus bidyanus* (silver perch),

Clause 3 Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2004

- (j) *Nematalosa erebi* (bony bream),
 - (k) *Lelopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
 - (b) possess or sell yabby taken from the Lowland Darling River Catchment, or
 - (c) carry out any routine activities in connection with any such taking, possession or sale.

- (4) In this clause:

applicable fishing regulatory controls means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.

inland restricted fishery has the same meaning as in the *Fisheries Management (General) Regulation 2002*.

Lowland Darling River Catchment means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).



State Authorities Non-contributory Superannuation Amendment (St Catherine's Aged Care) 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 permit certain employees who work at St Catherine's Villa, Eastwood, to retain membership of the superannuation scheme under the *State Authorities Non-contributory Superannuation Act 1987*. However, because their employer, St Catherine's Aged Care Services Ltd, is not a public health organisation, the employees are to be moved from Part 3 of Schedule 1 to that Act to Part 1 of that Schedule.

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 Aged Care) Order 2003

State Authorities Non-contributory Superannuation Amendment (St Catherine's Aged Care) 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 Aged Care) Order 2003*.

2 Commencement

This Order is taken to have commenced on 7 November 2003.

3 Amendment of State Authorities Non-contributory Superannuation Act 1987

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

State Authorities Non-contributory Superannuation Amendment (St Catherine's Aged Care) Order 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Employers

Insert at the end of Part 1:

St Catherine's Aged Care Services Ltd (limited to those employees who were employed at St Catherine's Villa, Eastwood, immediately before 7 November 2003)

[2] Schedule 1, Part 3

Omit "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 Amendment (St Catherine's Aged Care) 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 permit certain employees who work at St Catherine's Villa, Eastwood, to continue to contribute to the superannuation scheme under the *State Authorities Superannuation Act 1987*. However, because their employer, St Catherine's Aged Care Services Ltd, is not a public health organisation, the employees are to be moved from Part 3 of Schedule 1 to that Act to Part 1 of that Schedule.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1 State Authorities Superannuation Amendment (St Catherine's Aged Care)
 Order 2003

State Authorities Superannuation Amendment (St Catherine's Aged Care) Order 2003

under the

State Authorities Superannuation Act 1987

1 Name of Order

This Order is the *State Authorities Superannuation Amendment (St Catherine's Aged Care) Order 2003*.

2 Commencement

This Order is taken to have commenced on 7 November 2003.

3 Amendment of State Authorities Superannuation Act 1987

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

State Authorities Superannuation Amendment (St Catherine's Aged Care)
Order 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Employers

Insert at the end of Part 1:

St Catherine's Aged Care Services Ltd (limited to those employees who were employed at St Catherine's Villa, Eastwood, immediately before 7 November 2003)

[2] Schedule 1, Part 3

Omit "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)".

OFFICIAL NOTICES**Appointments****VALUATION OF LAND ACT 1916**

Appointment of Acting Valuer General
Office of the Valuer General

HER Excellency, the Governor, with the advice of the Executive Council has been pleased to appoint Mr Simon Gilkes, Chief Valuer, Land and Property Information Division, Department of Lands, to act as Valuer General for the period from Monday 29 December 2003 to Friday 16 January 2004, inclusive.

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

VALUATION OF LAND ACT 1916

Appointment of Acting Valuer General
Office of the Valuer General

HER Excellency, the Governor, with the advice of the Executive Council has been pleased to appoint Mr John Miller, Regional Valuer Quality and Policy, Land and Property Information Division, Department of Lands, to act as Valuer General for the period from Saturday 17 January 2004 to Friday 23 January 2004, inclusive.

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

INTERNAL AUDIT BUREAU ACT 1992

Appointment of Chief Executive
Internal Audit Bureau of New South Wales

HER Excellency, the Governor, with the advice of the Executive Council pursuant to the provisions of section 8 (1) of the Internal Audit Bureau Act 1992, has appointed Alfrd ZAWADZKI as Chief Executive of the Internal Audit Bureau of New South Wales commencing 23 December 2003.

INTERNAL AUDIT BUREAU ACT 1992

Appointment of Member and Deputy Chairperson
Internal Audit Bureau of New South Wales

HER Excellency, the Governor, with the advice of the Executive Council pursuant to section 6 (2) (c) of the Internal Audit Bureau Act 1992, has approved the re-appointment of James PRIDDICE as a member and Deputy Chairperson of the Board of Management of the Internal Audit Bureau, with the appointment expiring on 10 December 2005.

MICHAEL EGAN, M.L.C.,
Treasurer

NSW Fisheries

F97/35

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Sea Urchins – Lennox Head Reef Ballina Council Area

I, Steve Dunn, prohibit the taking of all species of sea urchin (of the class Echinoidea), by all methods in all waters seaward from the mean high water mark, commencing from the most easterly point of Lennox Headland (the southern headland near the township of Lennox Head), extending northerly along Seven Mile Beach to Ross Park (this includes the area known locally as “The Moat”).

This prohibition is effective for a period of up to five years from the date of publication, unless sooner varied or revoked by notification of Director-General of NSW Fisheries.

STEVE DUNN,
Director-General, NSW Fisheries

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Ashfield Local Environmental Plan 1985 (Amendment No 99)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/02339/S69)

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

Clause 1 Ashfield Local Environmental Plan 1985 (Amendment No 99)

Ashfield Local Environmental Plan 1985 (Amendment No 99)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ashfield Local Environmental Plan 1985 (Amendment No 99)*.

2 Aims of plan

This plan aims:

- (a) to identify additional heritage items and heritage conservation areas (Hampden Street and King Street Conservation Area, Miller Avenue Conservation Area, Park Avenue Conservation Area and Somerville Avenue Conservation Area) within the local government area of Ashfield, and
- (b) to include the additional heritage items and heritage conservation areas in Schedule 7 to *Ashfield Local Environmental Plan 1985*, and
- (c) to ensure that any development does not adversely affect the heritage significance of the heritage items and the heritage conservation areas.

3 Land to which plan applies

This plan applies to land within the local government area of Ashfield identified in Schedule 1 [3] to this plan and shown on the map marked “Ashfield Local Environmental Plan 1985 (Amendment No 99)—Heritage Conservation Map” deposited in the office of Ashfield Municipal Council.

4 Amendment of Ashfield Local Environmental Plan 1985

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

Ashfield Local Environmental Plan 1985 (Amendment No 99)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 17A Height of residential flat buildings

Omit “of” from clause 17A (1). Insert instead “or”.

[2] Clause 31 Interpretation

Insert in appropriate order in the definition of *Heritage Conservation Map*:

Ashfield Local Environmental Plan 1985 (Amendment
No 99)—Heritage Conservation Map

[3] Schedule 7 Heritage items and heritage conservation areas

Insert in numerical and alphabetical order of street number and street name, respectively, under the headings “**Address**”, “**Whether listed as a heritage item or as deferred**” and “**Whether listed as part of a heritage conservation area (CA)**”, respectively:

3 A’Beckett Avenue	House
2 Alma Street	House
5 Alma Street	House
27 Arthur Street	House
32 Arthur Street	Semi-detached house
34 Arthur Street	Semi-detached house
Brunswick Reserve and part of Brunswick Parade	Reserve and part of street
3 Carlisle Street	House
21 Carlisle Street	House
23 Clissold Street	House

Ashfield Local Environmental Plan 1985 (Amendment No 99)

Schedule 1 Amendments

1–29 Hampden Street		Hampden Street and King Street CA
12 Hampden Street	House	Hampden Street and King Street CA
15 Hampden Street	House	Hampden Street and King Street CA
17 Hampden Street	Semi-detached house	Hampden Street and King Street CA
19 Hampden Street	Semi-detached house	Hampden Street and King Street CA
28 Holden Street	House	
68 Holden Street	House	
70 Holden Street	House	
72 Holden Street	House	
74 Holden Street	House	
75 Holden Street	Semi-detached house	
76 Holden Street	House	
77 Holden Street	Semi-detached house	
78 Holden Street	House	
85 Holden Street	House	
29 Hugh Street	House	
3 Joseph Street	Semi-detached house	
5 Joseph Street	Semi-detached house	
54 Joseph Street	Semi-detached house	

Ashfield Local Environmental Plan 1985 (Amendment No 99)

Amendments

Schedule 1

1–35 King Street		Hampden Street and King Street CA
2A King Street	House	Hampden Street and King Street CA
4 King Street	House	Hampden Street and King Street CA
10 King Street	House	Hampden Street and King Street CA
11 King Street	Flats	Hampden Street and King Street CA
15 King Street	Flats	Hampden Street and King Street CA
2 Lapish Avenue	Semi-detached house	
4 Lapish Avenue	Semi-detached house	
6 Lapish Avenue	Semi-detached house	
8 Lapish Avenue	Semi-detached house	
10 Lapish Avenue	Semi-detached house	
12 Lapish Avenue	Semi-detached house	
14 Lapish Avenue	Semi-detached house	
16 Lapish Avenue	Semi-detached house	
18 Lapish Avenue	Semi-detached house	
20 Lapish Avenue	Semi-detached house	
338 Liverpool Road	Flats	
1–24 Miller Avenue		Miller Avenue CA
107 Milton Street	House	

Ashfield Local Environmental Plan 1985 (Amendment No 99)

Schedule 1 Amendments

109 Milton Street	House	
112 Norton Street	Semi-detached house	
14 Palace Street	House	
28 Palace Street	House	
54 Palace Street	House	
1-149 Park Avenue		Park Avenue CA
43 Park Avenue	House	Park Avenue CA
61 Park Avenue	House	Park Avenue CA
73 Park Avenue	Semi-detached house	Park Avenue CA
75 Park Avenue	Semi-detached house	Park Avenue CA
87 Park Avenue	Semi-detached house	Park Avenue CA
89 Park Avenue	Semi-detached house	Park Avenue CA
103 Park Avenue	House	Park Avenue CA
104 Park Avenue	House	Park Avenue CA
115 Park Avenue	House	Park Avenue CA
117 Park Avenue	House	Park Avenue CA
119 Park Avenue	House	Park Avenue CA
7 Queen Street	House	
15 Rose Street	House	
1 Shepherd Street	House	

Ashfield Local Environmental Plan 1985 (Amendment No 99)

Amendments

Schedule 1

27 Shepherd Street	House	
28 Shepherd Street	House	
1-10 Somerville Avenue		Somerville Avenue CA



Baulkham Hills Local Environmental Plan 1991 (Amendment No 104)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00222/S69)

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

Clause 1 Baulkham Hills Local Environmental Plan 1991 (Amendment No 104)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 104)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 1991 (Amendment No 104)*.

2 Aims of plan

The aims of this plan is to rezone the land to which this plan applies from the Special Uses 5 (a) (Existing and Proposed) Zone (Private Educational Establishment) to the Residential 2 (a2) Zone under the *Baulkham Hills Local Environmental Plan 1991* to enable the land to be developed for residential purposes.

3 Land to which plan applies

This plan applies to part of Lot 1, DP 850203, as shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 1991 (Amendment No 104)" deposited in the office of the Council of the Shire of Baulkham Hills.

4 Amendment of Baulkham Hills Local Environmental Plan 1991

Baulkham Hills Local Environmental Plan 1991 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1):

Baulkham Hills Local Environmental Plan 1991
(Amendment No 104),



Byron Local Environmental Plan 1988 (Amendment No 111)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00048/PC)

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

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 111)

Byron Local Environmental Plan 1988 (Amendment No 111)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 111)*.

2 Aims of plan

- (1) This plan aims to rezone the land to which this plan applies to Zone No 8 (a) (the National Parks and Nature Reserve Zone) under *Byron Local Environmental Plan 1988 (the 1988 plan)*.
- (2) The land is currently partly within Zone No 1 (d) (the Investigation Zone), Zone No 2 (a) (the Residential Zone), Zone No 6 (a) (the Open Space Zone), Zone No 7 (a) (the Wetlands Zone), Zone No 7 (b) (the Coastal Habitat Zone), Zone No 7 (d) (the Scenic/Escarpment Zone) and Zone No 7 (f1) (the Coastal Lands (f1) Zone) under the 1988 plan.

3 Land to which plan applies

This plan applies to land within the local government area of Byron, located within Arakwal National Park and Cape Byron Headland Reserve, Byron, as shown edged heavy green on the map marked “Byron Local Environmental Plan 1988 (Amendment No 111)” deposited in the office of Byron Council.

4 Amendment of Byron Local Environmental Plan 1988

Byron Local Environmental Plan 1988 is amended by inserting in appropriate order in the definition of *the map* in the Dictionary the following words:

Byron Local Environmental Plan 1988 (Amendment No 111)



Cessnock Local Environmental Plan 1989 (Amendment No 93)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00010/PC)

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

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 93)

Cessnock Local Environmental Plan 1989 (Amendment No 93)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 93)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies to partly Zone No 1 (a) (the Rural “A” Zone) and partly Zone No 1 (c) (the Rural—Residential/Rural (Small Holdings) Zone) under *Cessnock Local Environmental Plan 1989*.

3 Land to which plan applies

This plan applies to land situated in the City of Cessnock, being part of Lot 2, DP 132841, Millfield Road, Millfield and part of Lot 10, DP 1005267, Hayes Road, Millfield, as shown edged heavy black and lettered “1 (a)” or “1 (c)” on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 93)” deposited in the office of the Cessnock City Council.

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Cessnock Local Environmental Plan 1989 (Amendment No 93)



Cessnock Local Environmental Plan 1989 (Amendment No 101)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00261/S69)

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

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 101)

Cessnock Local Environmental Plan 1989 (Amendment No 101)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 101)*.

2 Aims of plan

This plan aims to extend the application of clause 17 of *Cessnock Local Environmental Plan 1989* to the land to which this plan applies to allow for the subdivision of the land where the subdivision is, in the opinion of Cessnock City Council, required as an integral part of a major tourist recreation facility.

This plan also aims to amend the 1989 plan to correct a typographical and a grammatical error and to remove a spent provision.

3 Land to which plan applies

This plan applies to land situated in the City of Cessnock, being Lot 1, DP 70350 and part of Lot 24, DP 104459, Main Road 220, Rothbury, as shown edged heavy black and cross-hatched on the map marked "Cessnock Local Environmental Plan 1989 (Amendment No 101)" deposited in the office of Cessnock City Council.

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended as set out in Schedule 1.

Cessnock Local Environmental Plan 1989 (Amendment No 101)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

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

Cessnock Local Environmental Plan 1989 (Amendment
No 101)

[2] Clause 17 Subdivision of land within Zone No 1 (v) in conjunction with major tourism development

Omit “my” from clause 17 (2). Insert instead “may”.

[3] Clause 17 (2)

Omit “of Council”. Insert instead “of the Council”.

[4] Clause 17 (4)

Omit the subclause.



Greater Taree Local Environmental Plan 1995 (Amendment No 46)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00041/S69)

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

Clause 1 Greater Taree Local Environmental Plan 1995 (Amendment No 46)

Greater Taree Local Environmental Plan 1995 (Amendment No 46)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Greater Taree Local Environmental Plan 1995 (Amendment No 46)*.

2 Aims of plan

This plan aims:

- (a) to allow rural residential development on part of the land to which this plan applies, and
- (b) to protect significant flora and fauna, and
- (c) to allow, with the consent of the Greater Taree City Council, the carrying out of development on part of the land for the purpose of a manager's residence, in conjunction with an existing landscaped garden.

3 Land to which plan applies

This plan applies to land adjoining The Bucketts Way, Taree South, as shown edged heavy black and variously lettered on the map marked "Greater Taree Local Environmental Plan 1995 (Amendment No 46)" deposited in the office of the Greater Taree City Council.

4 Amendment of Greater Taree Local Environmental Plan 1995

Greater Taree Local Environmental Plan 1995 is amended as set out in Schedule 1.

Greater Taree Local Environmental Plan 1995 (Amendment No 46)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Definitions

Insert in appropriate order in the definition of *the map* in clause 4 (1):

Greater Taree Local Environmental Plan 1995 (Amendment No 46)

[2] Schedule 5 Development for certain additional purposes

Insert at the end of the Schedule in Columns 1 and 2, respectively:

So much of Lot 53, DP 836998, The Bucketts Way, Taree South, as is within Zone No 6 (b) and shown edged heavy black and lettered "6 (b)" on the map marked "Greater Taree Local Environmental Plan 1995 (Amendment No 46)"

Development for the purpose of a manager's residence, in conjunction with an existing landscaped garden.



Kogarah Local Environmental Plan 1998 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00763/S69)

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

Clause 1 Kogarah Local Environmental Plan 1998 (Amendment No 32)

Kogarah Local Environmental Plan 1998 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kogarah Local Environmental Plan 1998 (Amendment No 32)*.

2 Aims of plan

The aim of this plan is to ensure that the heritage provisions contained in *Kogarah Local Environmental Plan 1998* are generally consistent with the *Heritage Model Provisions* for local environmental plans prepared by the NSW Heritage Office.

3 Land to which plan applies

This plan applies to all land within the Kogarah local government area.

4 Amendment of Kogarah Local Environmental Plan 1998

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

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Savings

Omit "clause 17". Insert instead "clauses 17–17H".

[2] Clauses 17–17H

Omit clause 17. Insert instead:

17 Objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of Kogarah local government area, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
- (e) to ensure that the heritage conservation areas throughout Kogarah local government area retain their heritage significance.

17A Protection of heritage items and heritage conservation areas

(1) When is consent required?

The following development may be carried out only with development consent:

- (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Schedule 1 Amendments

-
- (c) altering a heritage item by making structural changes to its interior,
 - (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (e) moving the whole or a part of a heritage item,
 - (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) **What exceptions are there?**
- Development consent is not required by this clause if:
- (a) in the opinion of the Council:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
 - (b) the proponent has notified the Council in writing of the proposed development and the Council has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument, or
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Amendments

Schedule 1

(4) **What must be included in assessing a development application?**

Before granting a consent required by this clause, the Council must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **What extra documentation is needed?**

The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The Council may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

(6) The minimum number of issues that must be addressed by the heritage impact statement are:

- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of Kogarah local government area, and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
- (b) for development that would be carried out in a heritage conservation area:

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Schedule 1 Amendments

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- (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application, and
 - (ix) if the Council has adopted any design guidelines that apply to the heritage conservation area, whether the proposed development satisfies those guidelines.

17B Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Amendments

Schedule 1

-
- (b) the carrying out of any development allowed by clause 17G.

17C Notice of demolition to Heritage Council

Before granting consent for the demolition of a heritage item identified in Part 1 of Schedule 3 as being of State significance, the Council must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

17D Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the Council must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

17E Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the Council must:

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Schedule 1 Amendments

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- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
- (a) does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

17F Development on site adjacent to site of heritage item

- (1) Before granting consent to the carrying out of development on a site adjacent to the site of a heritage item, the Council must assess the impact of the proposed development on the heritage significance of the heritage item.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item.
- (3) The Council may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Amendments

Schedule 1

17G Conservation incentives

The Council may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, regardless of any other provision of this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the Council, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

17H Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the Council must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the Council must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any), and
 - (b) the style, size, proportion and position of the openings for windows or doors (if any), and
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

Kogarah Local Environmental Plan 1998 (Amendment No 32)

Schedule 1 Amendments

[3] Clause 25 Dictionary

Omit the definitions of *conservation plan*, *demolish*, *heritage item*, *maintenance*, *potential archaeological site* and *relic* from clause 25 (1).

[4] Clause 25 (1)

Insert in alphabetical order:

archaeological site means the site of one or more relics.

conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

demolish a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, relic, tree, archaeological site or place (which may or may not be situated on or within land that is a heritage conservation area) described in Part 1 of Schedule 3.

maintenance means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

Kogarah Local Environmental Plan 1998 (Amendment No 32)

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place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site that, in the opinion of the Council, has the potential to be an archaeological site.

potential place of Aboriginal heritage significance means a place that, in the opinion of the Council, has the potential to have Aboriginal heritage significance.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of Kogarah local government area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of Kogarah local government area.

[5] Schedule 3 Heritage items

Omit "(Clause 17)".

Insert instead "Clause 25 (1) definitions of 'heritage item' and 'heritage conservation area'".



Muswellbrook Local Environmental Plan 1985 (Amendment No 97)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00234/S69)

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

Clause 1 Muswellbrook Local Environmental Plan 1985 (Amendment No 97)

Muswellbrook Local Environmental Plan 1985 (Amendment No 97)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Muswellbrook Local Environmental Plan 1985 (Amendment No 97)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 5 (b) (the Special Uses “B” (Railways) Zone) to Zone No 3 (b) (the Special Business Zone) under *Muswellbrook Local Environmental Plan 1985*.

3 Land to which plan applies

This plan applies to Lot 2, DP 1006382, Victoria Street, Muswellbrook, as shown edged heavy black and coloured royal blue on the map marked “Muswellbrook Local Environmental Plan 1985 (Amendment No 97)” deposited in the office of Muswellbrook Shire Council.

4 Amendment of Muswellbrook Local Environmental Plan 1985

Muswellbrook Local Environmental Plan 1985 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Muswellbrook Local Environmental Plan 1985 (Amendment No 97)



Snowy River Local Environmental Plan 1997 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q03/00066/S69)

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

Clause 1 Snowy River Local Environmental Plan 1997 (Amendment No 10)

Snowy River Local Environmental Plan 1997 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Snowy River Local Environmental Plan 1997 (Amendment No 10)*.

2 Aims of plan

This plan aims:

- (a) to allow, with the consent of Snowy River Shire Council, the carrying out of development on part of the land to which this plan applies for the purpose of private cemeteries, and
- (b) to allow, with the Council's consent, the carrying out of development on part of the land for the purpose of educational establishments, and
- (c) to allow, with the Council's consent, the carrying out of development on part of the land for the purpose of detached (as well as attached) dual occupancy, and
- (d) to add, remove and further describe heritage items listed in Schedule 7 to *Snowy River Local Environmental Plan 1997 (the 1997 plan)*.

3 Land to which plan applies

- (1) To the extent that this plan allows private cemeteries, it applies to land within Zone 1 (a)—General Rural and Zone 7—Environmental Protection under the 1997 plan.
- (2) To the extent that this plan allows educational establishments, it applies to land within Zone 1 (d)—Rural Tourist Accommodation under the 1997 plan.
- (3) To the extent that this plan provides for detached (as well as attached) dual occupancy, it applies (subject to certain requirements) to land within Zone 1 (c)—Rural Residential under the 1997 plan.

Snowy River Local Environmental Plan 1997 (Amendment No 10)

Clause 4

-
- (4) To the extent that this plan amends the schedule of heritage items, it applies to the following land known as:
- (a) Mt Gilead, Lot 21, DP 809367, Parish of Abington,
 - (b) The Park Homestead, Lot A, DP 374698, Parish of Abington,
 - (c) Cobbin Farm, Lot 2, DP 882864, Parish of Clyde,
 - (d) Old Glenmore, Lot 2, DP 354168, Parish of Abington,
 - (e) Briardale, Lot 1, DP 577655, Parish of Caddigat,
 - (f) Bushy Park, Lot 2, DP 1033120, Parish of Jinderboine,
 - (g) Jindabyne Winter Academy of Sport and Recreation, Lot 101, DP 1019527, Parish of Clyde,
 - (h) Carinya, Lot 10, DP 861805, Parish of Abington.

4 Amendment of Snowy River Local Environmental Plan 1997

Snowy River Local Environmental Plan 1997 is amended as set out in Schedule 1.

Snowy River Local Environmental Plan 1997 (Amendment No 10)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Zone 1 (a)—General Rural

Insert “private cemeteries;” in alphabetical order in clause 8 (3).

[2] Clause 10 Zone 1 (d)—Rural Tourist Accommodation

Insert “educational establishments;” in alphabetical order in clause 10 (3).

[3] Clause 19 Zone 7—Environmental Protection

Insert “private cemeteries;” in alphabetical order in clause 19 (3).

[4] Clause 30

Omit the clause. Insert instead:

30 Can the Council consent to dual occupancy within Zone 1 (c)?

- (1) The Council may consent to a dual occupancy on an allotment in Zone 1 (c) on which a dwelling may be erected in accordance with clause 28, but only where the land has been connected to the Council’s reticulated sewerage system, and only if one of the 2 dwellings does not exceed 100 square metres in gross floor area.
- (2) The Council must not consent to a detached dual occupancy on an allotment in Zone 1 (c) unless the allotment has an area of not less than 1.35 hectares.
- (3) The Council must not consent to the subdivision of an allotment in Zone 1 (c) on which a dual occupancy is located if:
 - (a) the subdivision will create a separate allotment for each dwelling, or
 - (b) in the case of a detached dual occupancy, the allotment in which the dual occupancy is situated would be less than 1.35 hectares.

[5] Schedule 1 Definitions

Insert in alphabetical order:

private cemetery means a burial location containing one or more grave sites on an allotment of private land with a minimum area of 5 hectares.

Snowy River Local Environmental Plan 1997 (Amendment No 10)

Amendments

Schedule 1

[6] Schedule 7 Heritage items

Omit the matter relating to the Selectors Hut (Ref No 1.27).

[7] Schedule 7

Omit the matter relating to The Park (Ref No 1.31).

Insert instead under the respective headings “**Ref No**”, “**Item Description**”, “**Property Name**” and “**Property Location/Description**”:

1.31	Rural Buildings	The Park Homestead	Lot A DP 374698, Parish of Abington
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[8] Schedule 7

Insert in numerical order of reference number under the respective headings “**Ref No**”, “**Item Description**”, “**Property Name**” and “**Property Location/Description**”:

1.15	House, Rural Buildings, Orchard and Pine Trees	Cobbin Farm	Lot 2 DP 882864, Parish of Clyde
5.03	Ruins	Old Glenmore	Lot 2 DP 354168, Parish of Abington
5.04	House and Exotic Plantings	Briardale	Lot 1 DP 577655, Parish of Caddigat
5.05	Rural Buildings and Ruins	Bushy Park	Lot 2 DP 1033120, Parish of Jinderboine
5.06	2 Lodges, Commissioner’s house and Sports Stadium	Jindabyne Winter Academy of Sport and Recreation	Lot 101 DP 1019527, Parish of Clyde
5.07	Recreation Hall (former Cooma North Primary School Building)	Carinya	Lot 10 DP 861805, Parish of Abington

Natural Resources

WATER ACT 1912

Section 20Z Volumetric Water Allocation Scheme

THE Department of Infrastructure, Planning and Natural Resources is satisfied that during the 2003/2004 water year, the water sources of the Peel River catchment below Chaffey Dam which are subject to a scheme pursuant to section 20X of the Water Act 1912, are unlikely to have sufficient water available to meet the requirements of persons authorised by law to take water from the water sources or to meet other requirements for water previously determined by the Department.

Consequently, for that year, except as provided hereunder, all allocations under the PEEL WATER ALLOCATION are reduced to 8% of their basic allocations.

This reduction shall take effect on and from 22 December 2003.

This reduction does not apply to the allocations under entitlements for town water supply, stock, domestic, industrial or recreation (other than recreation involving maintenance of golf fairways).

Signed for the Department of Infrastructure, Planning and natural Resource.

RANDALL HART,
Regional Director,
Barwon Region.

Dated: 22 December 2003.

WATER ACT 1912

AN application for 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 an authority under section 20 of Part 2 of the Water Act 1912, has been received as follows:

Lachlan River Valley

PARKES SHIRE COUNCIL and NORTH MINING LTD, for a pump on the Lachlan River, on Lot 81, DP 750183, Parish of Troubalgie, County of Ashburnham, for water supply for town water supply and for mining purposes (general security) (amended authority — existing entitlement and entitlement obtained by way of permanent transfer scheme) (Reference: 70SA009605) (GA2:512527).

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.

Department of Infrastructure, Planning and Natural Resources,
Central Western Region, PO Box 136,
Forbes, NSW 2871.
Telephone: (02) 6852 1222.

WATER ACT 1912

APPLICATIONS under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

Applications for a licence within a proclaimed local area as generally described hereunder has been received as follows:

Barwon River Valley

Maurice Killen HICKSON for a pump on the Barwon River on Lot 55, DP 750518, Parish of Yarouah, County of Benarba for water supply for stock and domestic purposes and irrigation of 81 hectares (permanent transfer of an existing entitlement) (L.O. Papers: 90SL100718) (GA2:472129).

Namoi River Valley

Elizabeth BAILEY for a pump on the McDonald River on Lots 4 and 5, DP 93186, Parish of Bendemeer, County of Inglis for irrigation of 1 hectare (new licence — permanent transfer of an existing entitlement) (L.O. Papers: 90SL100734) (GA2:472130).

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

GEOFF CAMERON,
Manager,
Resource Access.

Department of Infrastructure, Planning and Natural Resources,
PO Box 550, Tamworth, NSW 2340.

WATER ACT 1912

Notice of Restrictions Under Section 22(B)

THE Water Administration Ministerial Corporation notifies licence and authority holders of the restrictions on the taking and using of water from the Lower Darling Regulated River as follows:

1. Irrigation licences and authorities used to irrigate permanent plantings (viticulture and horticulture) established before 30th June 2003, may only pump that quantity of water as set out in Attachment A.
2. Non-permanent plantings will not be permitted to be irrigated during the period of the restriction.
3. Water diverted for licensed stock and domestic purposes, or under Basic Rights, must not be used for commercial irrigation purposes.
4. The restriction imposed by this Notice operates from the 1st of January 2004 and remains in force until the 31st of March 2004.
5. The restriction applies to all licences and authorities referred to in 1 above held on properties on the Darling River, from adjacent to "Billilla" homestead

on Lot 3671, DP 766053, County of Livingstone, downstream to the north east corner of Lot 11, DP 756952, Parish of Menindee, County of Wentworth. The restriction also applies to Copi Hollow.

This notice replaces the previous notice published in the *Government Gazette* on Friday, 19 September 2003.

Dated this day 19th 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).

Attachment A

Permanent Plantings	Total Water Available from January 1st 2004 to March 31st 2004
Vines	6.1 ML/ha *
Citrus	7.8 ML/ha *
Other Orchard	8.0 ML/ha *
All Other	0.0 ML/ha

* ha means the area of land under that crop as at 30 June 2003

WATER ACT 1912

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

Emmanuel Victor XERRI and Pauline June XERRI for a pump on the Hawkesbury River, Part Lot 2//212263, being Streeton Lookout, Parish of Currency, County of Cook, for the irrigation of 8.0 hectares (vegetables) (part replacement application — permanent transfer of 20.0 megalitres from 10SL15600 — not subject to the 1995 Hawkesbury/Nepean embargo) (Reference: 10SL565360) (GA2:493304).

MELANIE PTY LTD for a pump on the Hawkesbury River, Part Lot 2//212263, being Streeton Lookout, Parish of Currency, County of Cook, for the irrigation of 10.0 hectares (turf and lucerne) (part replacement application — permanent transfer of 10.0 megalitres from 10SL51119 — not subject to the 1995 Hawkesbury/Nepean embargo) (Reference: 10SL56537) (GA2:493304).

Any inquiries regarding the above should be directed to the undersigned (tel.: 9895 7194).

Written objections specifying grounds thereof must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,
A/Natural Resource Project Officer,
Sydney/South Coast Region.

Department of Infrastructure, Planning
and Natural Resources,
PO Box 3720, Parramatta, NSW 2124.

WATER ACT 1912

Notice Under Section 22B — Pumping Restrictions

Wollondilly River and Tributaries downstream to
Rossi Weir

THE Water Administration Corporation, pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available or likely to be available in the Wollondilly River and its tributaries downstream to Rossi Weir is insufficient to meet all requirements with respect to the taking of water from that section of the river, hereby gives notice to all holders of permits, authorities and licences for irrigation purposes under Part 2 of the Water Act 1912, that from Wednesday, 24 December 2003 and until further notice, the right to pump from the Wollondilly River and its tributaries downstream to Rossi Weir is RESTRICTED to a maximum of two (2) hours per day outside the hours of 8:00 a.m. to 6:00 p.m.:

This restriction excludes water supply for stock, domestic, and farming purposes.

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

- (a) where the offence was committed by a Corporation — \$22,000: or in the case of a continuing offence to a further penalty not exceeding \$2,200 per day.
- (b) where the offence was committed by any other person \$11,000: or in the case of a continuing offence to a further penalty not exceeding \$1,100 per day.

Dated, this 22nd day of December 2003.

S. PAYNE,
A/Resource Access Manager,
Sydney/south Coast Region.

Department of Lands

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 Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Gordon Maxwell BILL (re-appointment) Peter FREEBODY (re-appointment) Ian James ISON (re-appointment) Gordon John HOPE (re-appointment) David Geoffrey KING (re-appointment) Carol Vincent SCOTT (re-appointment) Kevin Stanley GANN (re-appointment)	Tully Park Golf Course Trust	Reserve No. 83674 Public Purpose: Public Recreation Notified: 5 January 1962 File Reference: GB80R99

For a term commencing the date of this notice and expiring
8 January 2009.

ROADS ACT 1993

Order

Correction of Defective Instrument

IN pursuance of the provisions of the Roads Act 1993, section 257, the Instrument contained within *Government Gazette* of 7 November 2003, Folio 10452 of Notification of Closing of Roads in the Parish of Mowamba, County of Wallace, Lots 4, 5 and 6, DP 1053512 has been rescinded as of the date of the original gazette: GB03 H 122.TC.

MOREE OFFICE
Department of Lands
Frome Street (PO Box 388), Moree, NSW 2400
Phone: (02) 6752 5055 Fax: (02) 6752 1707

**NOTIFICATION OF CLOSING OF
PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands 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 – Moree
Local Government Area – Moree Plains

Road Closed: Lot 1, DP 1058100 in the Town of Moree,
County of Courallie. File Reference: ME01 H 313.

Note: On closing, the land within Lot 1, DP 1058100,
remains vested in Moree Plains Shire Council as
operational land.

ERRATUM

IN the notification appearing in the *Government Gazette* of 21 November 2003, Folio 10721, under the heading Crown Lands Act 1989, Column 2 of the Schedule should read “The whole being Lot 527, DP 705437 of 865m².”

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands).

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 Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Raymond Kenneth GOULD (new member)	Wamboyne Racecourse and Recreation	Reserve No. 58097 Public Purpose: Public Recreation Racecourse
Belinda GOULD (new member)	Reserve Trust	Notified: 19 June 1925 File Reference: OE80 R 189/5
John Reeves WOODS (re-appointment)		

For a term commencing this day and expiring 18 December 2008.

**APPOINTMENT OF TRUST BOARD
MEMBERS**

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

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
David Huon HORE (new member)	Grenfell Showground Trust	Reserve No. 47889 Public Purpose: Agricultural Hall Notified: 19 June 1912
Donald James FORSYTH (new member)		Reserve No. 57168 Public Purpose: Public Recreation Showground Notified: 27 June 1924 File Reference: OE80 R 192/4
Maxwell Leo BAKER (re-appointment)		
Dennis John SIMPSON (re-appointment)		
Thomas John LAVERS (re-appointment)		
Maurice Anderson SIMPSON (re-appointment)		
Elaine Joan NEEDHAM (re-appointment)		

For a term commencing this day and expiring 18 December 2008.

WAGGA WAGGA REGIONAL OFFICE
Department of Lands
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650
Phone: (02) 6937 2709 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 in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister Assisting the Minister
for Natural Resources (Lands)

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Neil Stuart WILSON (re-appointment) Andrew MITCHELL (new member)	Balldale Recreation Reserve Trust	Dedication No. 620011 Public Purpose: Public Recreation Notified: 21 September 1917 File Ref: WA80 R 158

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Eric Robert LAVIS (new member) Andrew Phillip Bryce DUNN (re-appointment) Alan David CRAWFORD (re-appointment) Olive Mary SHEARER (re-appointment) Malcolm Ramsay JERVOIS (re-appointment) Stephen OATES (re-appointment)	Bungowannah Public Hall Trust	Reserve No. 47781 Public Purpose: Public Hall Notified: 8 May 1912 File Ref: WA80 R 28

For a term commencing the date of this notice and expiring 3 November 2007.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Julianne Mary WHYTE (new member) Brendon WOOD (new member) George Osborne	Buraja Recreation Reserve Trust	Reserve No. 85438 Public Purpose: Public Recreation Notified: 3 September 1965 File Ref: WA82 R 6

HOCKING
(re-appointment)
Keith Hamilton
BARBER
(re-appointment)

Owen CONROY
(re-appointment)
Merrick James
KINGSTON
(new member)
Graeme Arthur HICKS
(re-appointment)

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Mark Anthony RHODES (re-appointment) Genevieve MUNRO (re-appointment) Gladys HEWSON (re-appointment) Desmond Philip HANRAHAN (re-appointment)	Daysdale Memorial Hall Trust	Reserve No. 76887 Public Purpose: Public Hall Site Notified: 9 July 1954

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Trevor Hilton HOWELL (re-appointment) Ross Edward SMITH (re-appointment) Debbie Marie FERGUSON (new member) Heli Marjukka ALKUMAA (re-appointment) Andrew John REYNOLDS (re-appointment)	Ellerslie Recreation Reserve Trust	Reserve No. 81411 Public Purpose: Public Recreation Notified: 20 February 1959 File Ref: WA81 R 63

For a term commencing 01 March 2004 and expiring 28 February 2009.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Norman Edward JONES (re-appointment)	Greenvale Recreation Reserve and Public Hall Trust	Reserve No. 46976 Public Purpose: Public Hall Notified: 6 September 1911
John William MARSH (re-appointment)		Reserve No. 47033 Public Purpose: Public Recreation Notified: 20 September 1911 File Ref: WA79 R 114
Ormond Grant SLOCUM (re-appointment)		
Bryan John McLEAN (re-appointment)		
Jason MARSH (new member)		
Matthew Leo McLEAN (new member)		

For a term commencing 1 January 2004 and expiring 31 December 2008.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Bryan James BUCHANAN (new member)	Kindra Park Trust	Dedication No. 620051 Public Purpose: Public Recreation Notified: 5 June 1894 File Ref: WA82 R 83
William James THOMPSON (re-appointment)		
Harvey Vaughan HIGGINS (re-appointment)		

For a term commencing 1 February 2004 and expiring 31 January 2009.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Phillip Ernest STURT (re-appointment)	Lacmalac Public Hall Trust	Dedication No. 620042 Public Purpose: Public Hall Site Notified: 7 April 1922 File Ref: WA80 R 151
Henry William FOLEY (re-appointment)		
Francis John PIPER (re-appointment)		
Colin Campbell KELL (re-appointment)		

For a term commencing 1 January 2004 and expiring 31 December 2008.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Phillip Malcolm MAKEHAM (re-appointment)	Nangus Fire Brigade Station Trust	Reserve No. 75530 Public Purpose: Fire Brigade Station Notified: 2 January 1953 File Ref: WA81 R 68
Peter DALEY (re-appointment)		
James Frederick WARREN (re-appointment)		

For a term commencing the date of this notice and expiring 31 January 2008.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Stanley George WILSON (re-appointment)	Ladysmith Memorial Hall Trust	Dedication No. 620061 Public Purpose: Public Hall Site Notified: 18 September 1925 File Ref: WA79 R 56
Annette Elizabeth WHITE (new member)		
Andrea Michelle McGILL (new member)		
Therese Catherine McNUFF (new member)		
Sarah Ann WAKEM (re-appointment)		
Philip John WILSON (re-appointment)		
Robert Henry CLARKE (re-appointment)		

For a term commencing 1 April 2004 and expiring 31 March 2009.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Robert Stanley ELLIS (new member)	Oberne Recreation Reserve Trust	Reserve No. 87200 Public Purpose: Public Recreation Notified: 30 May 1969 File Ref: WA81 R 9
Richard Lewis EGGINS (re-appointment)		
Kathleen Anne CAMPBELL (new member)		
Julia HAM (new member)		
Annette Ethel BURBIDGE (re-appointment)		

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Grant William DUNKERTON (re-appointment)	Tumorrara Recreation Reserve and Public Hall Trust	Reserve No. 86686 Public Purpose: Public Recreation Public Hall Notified: 11 April 1968 File Ref: WA81 R 16
Raymond Gerald BOCQUET (re-appointment)		
Warwick George GARNER (re-appointment)		
Alison Helen FAULDER (re-appointment)		
Brett FAULDER (re-appointment)		

For a term commencing 1 January 2004 and expiring 31 December 2008.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Donald James VICKERY (re-appointment) Geoffrey Gordon STACY (re-appointment) Stephen Gordon WOOD (new member)	Tumut Plains Recreation Reserve Trust	Reserve No. 51703 Public Purpose: Public Recreation Notified: 15 September 1916 File Ref: WA79 R 121

For a term commencing 1 January 2004 and expiring 31 December 2008.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Neville Andrew STENHOUSE (new member)	United Friendly Societies Reserve Trust	Dedication No. 620007 Public Purpose: Public Recreation Notified: 12 August 1887 File Ref: WA79 R 116

For a term commencing the date of this notice and expiring 18 July 2004.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
John Brendan PATTISON (new member) Geoffrey Charles GLASS (new member) Mark Desmond LANGTRY (new member) Brian Thomas McKELVIE (new member) Brett William MOHR (new member) Alan John WHITE (new member)	Marrar Gymkhana Reserve Trust	Reserve No. 88970 Public Purpose: Public Recreation Notified: 27 July 1973 File Ref: WA03 R 10

For a term commencing the date of this notice and expiring 24 December 2008.

Department of Mineral Resources

COAL MINES REGULATION ACT 1982

REVOCATION OF APPROVAL

Revoked Approval No.: MDA Ex ia 11226.

File No.: C93/0146.

Date: 19 November 2003.

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

Description: Pressure Transmitter.

Identification: TransInstruments, series 6200BXXXX00XB2B.

This approval was issued to,

Name: Trimec Industries Pty Limited.

Address: 7/55 Willarong Road, Caringbah, NSW 2229.

The approval was notified in the *Government Gazette* No. 100, dated 10 September 1993.

J. F. WAUDBY,
Senior Inspector of Electrical Engineering,
for Chief Inspector of Coal Mines.

Document No.: Rev031119.	Page 1 of 1.
Prepared by: P. de Gruchy.	

COAL MINES REGULATION ACT 1982

Approval No.: MDA TBS 030667.

File: C03/0667.

Date: 3 November 2003.

Notice of Type Approval (Transport Braking System)

IT is hereby notified that the Approved System listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements and is hereby APPROVED in accordance with the requirements of the Coal Mines Regulation Act 1982. This approval is issued pursuant to the provisions of Clause 70, Part 8 of Approval of Items of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Waratah Engineering Pty Ltd, ABN 43 001 891 729.
 Address of Approval Holder: 13 Nelson Road (PO Box 366), Cardiff, NSW 2285.
 Description of Item: Type approval for the Transport Braking System (TBS) on a Waratah Engineering Pty Ltd WARACAR 15SC32 shuttle car as per the listed documents.
 CMRA Approval Clause : 61(1)(b) of the Coal Mines (Underground) Regulation 1999.
 Specific Approval Category : TBS (Transport Braking System).

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing the Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.), that are applicable to this approved system, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved System, and any deviation from the list of conditions, in reference to that system is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the Approved System.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved system, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the Approved System and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, ALL drawings as listed in the Schedule and those drawings specifically nominated for the purposes of repair and maintenance.

Any maintenance, repair or overhaul of approved systems shall be carried out in accordance with the requirements of the Coal Mines Regulations Act 1982.

G. D. JERVIS,
 Acting Senior Inspector of Mechanical Engineering,
 under the delegated authority of the Chief Inspector of Coal Mines

Issue No.: M5005.	52minerals02	Page 1 of 1.
Event No.: 286560000.	Prepared by: P. Sunol.	Approved by: G. D. Jervis.

File No: C03/0521.

COAL MINES REGULATION ACT 1982

Section 145(1), as amended

Order of Declaration of Coal Preparation Plant

I, ROBERT REGAN, Chief Inspector of Coal Mines, by virtue of delegated authority from the Minister and pursuant to the provisions of section 145B(1) of the Coal Mines Regulation Act 1982, as amended, DECLARE the Whitehaven Coal Handling and Preparation Plant, described in the Schedule hereunder, to be suitable for management separately from a mine.

SCHEDULE: Mine Plan WCM CHPP-1(Rev. 0), dated 26 October 2003, detailing the location, plant layout and boundaries of the subject area.

The Declaration is subject to compliance with the Coal Mines Regulation Act 1982, as amended, and any associated Regulations relevant to Declared Coal Preparation Plants.

A copy of this Order and the plans shall be displayed on the declared plant notice board for a period of not less than 28 days and thereafter shall be retained for perusal by employees as required.

Dated: 3 December 2003.

ROBERT REGAN,
Assistant Director,
Safety Operations and Chief Inspector of Coal Mines.

WHITEH~1.DOC.	Approved by: Robert Regan, CICM.	Page No.: 1 of 1.
Prepared by: Ray Leggett.	Date: Monday, 22 December 2003.	Revision: 0.

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATION

(T03-1003)

No. 2259, AJAX JOINERY PTY LIMITED (ACN 000 195 228), area of 4 units, for Group 1, dated 18 December 2003. (Orange Mining Division).

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATION

(T03-0112)

No. 2150, now Exploration Licence No. 6168, CULLEN EXPLORATION PTY LIMITED (ACN 077 371 165), Counties of Blaxland and Cunningham, Map Sheet (8231, 8232), area of 66 units, for Group 1, dated 5 December 2003, for a term until 4 December 2005.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

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

(C98-0281)

Exploration Licence No. 5552, CENTENNIAL HUNTER PTY LIMITED (ACN 101 509 111), area of 79 square kilometres. Application for renewal received 19 December 2003.

(T99-0170)

Exploration Licence No. 5679, WESTERN METALS COPPER LIMITED (ACN 004 664 108), area of 3 units. Application for renewal received 19 January 2003.

(T01-0155)

Exploration Licence No. 5917, SAMURAI MINING PTY LTD (ACN 099 829 286), area of 42 units. Application for renewal received 16 December 2003.

(T86-0335)

Exploration (Prospecting) Licence No. 1103, ROBERT PATRICK HEWETT, area of 4 units. Application for renewal received 15 December 2003.

(T03-0139)

Mining Purposes Lease No. 221 (Act 1973), EROLPO PTY LIMITED (ACN 003 774 365), area of 7.752 hectares. Application for renewal received 17 December 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C96-2388)

Exploration Licence No. 5306, BICKHAM COAL COMPANY PTY LIMITED (ACN 087 270 899), County of Brisbane, Map Sheet (9034), area of 3040 hectares, for a further term until 27 May 2006. Renewal effective on and from 19 November 2003.

(T97-1254)

Exploration Licence No. 5368, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), County of Tara, Map Sheet (7131), area of 15 units, for a further term until 20 October 2005. Renewal effective on and from 17 December 2003.

(T99-0075)

Exploration Licence No. 5593, PHILLIP DENNIS HOTHAM, County of Bathurst, Map Sheet (8730), area of 1 unit, for a further term until 19 July 2005. Renewal effective on and from 11 December 2003.

(T98-1244)

Exploration Licence No. 5629, RICHARD HINE, County of Bland, Map Sheet (8429), area of 4 units, for a further term until 30 September 2005. Renewal effective on and from 12 December 2003.

(T99-0201)

Exploration Licence No. 5845, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), County of Bland, Map Sheet (8329), area of 6 units, for a further term until 1 May 2005. Renewal effective on and from 12 December 2003.

(T01-0097)

Exploration Licence No. 5874, ENDEAVOUR MINERALS PTY LTD (ACN 063 725 708), Counties of Bligh and Wellington, Map Sheet (8732), area of 3 units, for a further term until 2 July 2005. Renewal effective on and from 15 December 2003.

(C00-1585)

Exploration Licence No. 5888, BICKHAM COAL COMPANY PTY LIMITED (ACN 087 270 899), County of Brisbane, Map Sheet (9034), area of 2040 hectares, for a further term until 27 May 2006. Renewal effective on and from 19 November 2003.

(T02-0353)

Mining Purposes Lease No. 107 (Act 1973), MOLYNEUX RUSH PTY LTD (ACN 003 707 846), Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 6872 square metres, for a further term until 21 June 2009. Renewal effective on and from 22 June 2004.

(T96-0260)

Mining Purposes Lease No. 286 (Act 1973), EDWARD VINCENT COUNSELL, Parish of Mebea, County of Finch, Map Sheet (8439-2-S), area of 5562 square metres, for a further term until 26 September 2008. Renewal effective on and from 12 December 2003.

(T02-0355)

Mining Purposes Lease No. 312 (Act 1973), B.C. OPALS PTY LTD (ACN 050 046 994), Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 1.197 hectares, for a further term until 27 June 2009. Renewal effective on and from 28 June 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(T95-0160)

Mining Purposes Lease No. 283 (Act 1973), DESMOND BROOM, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 2.56 hectares. The authority ceased to have effect on 12 December 2003.

(T01-0413)

Mining Purposes Lease No. 310 (Act 1973), DOUGLAS LEHMAN, Parish of Wammell, County of Finch, Map Sheet (8439-2-S), area of 1.67 hectares. The authority ceased to have effect on 12 December 2003.

(T00-0535)

Mining Purposes Lease No. 326 (Act 1973), DOUGLAS LEHMAN, Parish of Wammell, County of Finch, Map Sheet (8439-2-S), area of 1.998 hectares. The authority ceased to have effect on 12 December 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

TRANSFERS

(C03-0488)

Exploration Licence No. 5824, formerly held by CONSOL ENERGY AUSTRALIA PTY LTD (ACN 097 238 349) has been transferred to CONSOL ENERGY AUSTRALIA PTY LTD (ACN 097 238 349) and MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652). The transfer was registered on 10 December 2003.

(C03-0695)

Mining Lease No. 1484 (Act 1992), formerly held by MACQUARIE GENERATION AND NARDELL COAL CORPORATION PTY LIMITED (ACN 067 791 646) has been transferred to MACQUARIE GENERATION AND NEWPAC PTY LIMITED (ACN 106 177 708). The transfer was registered on 17 December 2003.

(C03-0695)

Mining Lease No. 1485 (Act 1992), formerly held by MACQUARIE GENERATION AND NARDELL COAL CORPORATION PTY LIMITED (ACN 067 791 646) has been transferred to MACQUARIE GENERATION AND NEWPAC PTY LIMITED (ACN 106 177 708). The transfer was registered on 17 December 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

EXPIRIES

Mining Purposes Lease No. 321 (Act 1973), B.C. OPALS PTY LTD (ACN 050 046 994) and PAUL WILLIAM POWELL, Parish of Finley, County of Finch. This title expired on 15 December 2003.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

Roads and Traffic Authority

ROADS ACT 1993

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

Murrumbidgee 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.

Paul Goodsall
General Manager
Murrumbidgee Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Murrumbidgee Shire Road Trains Notice No 1 / 2003.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice mains in force unless it is amended or repealed earlier.

4. Application

This Notice applies to Road Trains 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

Road Train routes within the Murrumbidgee Shire Council

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	000	Jim Cattnach Road	Kidman Way	End	From 1 st December to 30 th April annually. Daylight hours only.
RT	000	Boondilla Road	Kidman Way	End	From 1 st December to 30 th April annually. Daylight hours only.
RT	000	Macleay Road	Ercildoune Road	End	From 1 st December to 30 th April annually. Daylight hours only except between 8am and 9am and 3pm to 4pm on school days.
RT	000	Ercildoune Road	Kidman Way	Martin Bell Road	From 1 st December to 30 th April annually. Daylight hours only except between 8am and 9am and 3pm to 4pm on school days.

RT	000	Harvey's Well Road	Ercildoune Road	Ryan Road	From 1 st December to 30 th April annually. Daylight hours only except between 8am and 9am and 3pm to 4pm on school days.
RT	000	Ryan Road	End	End	From 1 st December to 30 th April annually. Daylight hours only except between 8am and 9am and 3pm to 4pm on school days.
RT	000	Bull Road	Kidman Way	Irrigation Bridge	From 1 st December to 30 th April annually. Daylight hours only.
RT	000	Steele Road	Bull Road	End	From 1 st December to 30 th April annually. Daylight hours only.

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at
Blandford in the Murrurundi Shire 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 those pieces or parcels of land situated in the Murrurundi Shire Council area, Parish of Murulla and County of Brisbane, shown as Lots 14 and 22 Deposited Plan 1060575, being parts of the railway from Singleton towards Armidale confirmed by notification in the Government Gazette of 31 December 1868 on page 4661.

The land is said to be in the possession of the State Rail Authority of New South Wales (registered proprietor) and Traci Ann Gimbert (occupant).

(RTA Papers 3M5386; RO 9/303.11076)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Myall
Plains Creek in the Coonabarabran 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 that piece or parcel of land situated in the Coonabarabran Shire Council area, Parish of Orandelbinia and County of Gowen, shown as Lot 3 Deposited Plan 1048695.

(RTA Papers: FPP 2M5008; RO 98.169)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Darling
Harbour in the Sydney City 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 Sydney City Council area, Parish of St Andrew, County of Cumberland, shown as Lot 1 Deposited Plan 1057734, being part of Day Street vested in the Darling Harbour Authority by notification in Government Gazette No. 81 on 16 May 1986 on pages 2128 and 2129.

The land is said to be in the possession of the Sydney Harbour Foreshore Authority.

(RTA Papers FPP 2M3188)

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Australian Bureau of Statistics New South Wales Office
Social Club Incorporated

Ballina Community Network Incorporated
Federation of Australian Speedway NSW & ACT Branch
Incorporated

Greta Courthouse, Restoration and Management
Incorporated

Hunter Valley & Northern Rivers Leyland P76 Owners
Car Club Incorporated

North Richmond Chamber of Commerce Incorporated
The Women's Apex Club of Griffith Incorporated
Ettinger House Incorporated

Friends of Tamworth Libraries Incorporated
Heated Pool and Leisure Centre Incorporated
Monaro Radio Control Car Club Incorporated
SAAA Chapter Nine Hunter Valley NSW Incorporated
Appropriate Technology for Community and Environment
Incorporated

Colo River Catchment Action Group Incorporated
Contemporary Australian Turkish Music Organisation
Incorporated

Hawkesbury Progress Association Incorporated
Manly Victory Church Management Incorporated
Menai Youth Project Incorporated

Ooma Creek Landcare Group Incorporated
Sports Council of Maitland Incorporated
The Outdoor Recreation Council of Australia
Incorporated

Probus Club of Byron Bay Ladies Incorporated
Singleton Touch Football Association Incorporated

COLIN CROSSLAND
General Manager

Registry of Co-operatives & Associations

Office of Fair Trading
Department of Commerce
18 December 2003

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to section 55A

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

Cancellation is effective as at the date of gazettal.

Save our State (SOS) Incorporated
Sydney Process Work Incorporated
Australian Wearable Art Association Incorporated
Cross Park Road Rivercare Group Incorporated
The Zaiter Family Association Incorporated

Byron Bay Gay Incorporated
Morisset Pistol Club Incorporated

CHRISTINE GOWLAND

Delegate of the Commissioner
Registry of Co-operatives & Associations

Office of Fair Trading
Department of Commerce
22 December 2003

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Safer Community Compact – Order

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

This Order takes effect on 16 December 2003 and remains in force until 15 December 2004.

Signed at Sydney, this 16th day of December, 2003.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Order

I, the Honourable Bob Debus, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The part of the local government area of Ballina that is bounded by North Creek, North Creek Canal and the Richmond River.

This Order takes effect on 1 January 2004 and the declaration of the operational area remains in force until 31 March 2004.

Signed at Sydney, this 19th day of December 2003.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Order

I, the Honourable Bob Debus, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The part of the local government area of Coonamble that is shown on Sheet 2 of the map marked "Shire of Coonamble Local Environmental Plan 1997" deposited in the office of the Coonamble Shire Council.

This Order takes effect on 1 January 2004 and the declaration of the operational area remains in force until 31 March 2004.

Signed at Sydney, this 19th day of December 2003.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Order

I, the Honourable Bob Debus, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The part of the local government area of Moree Plains that is shown on Sheet 1 of the map marked "Shire of Moree Plains Local Environmental Plan 1995" deposited in the office of the Moree Plains Shire Council.

This Order takes effect on 1 January 2004 and the declaration of the operational area remains in force until 31 March 2004.

Signed at Sydney, this 19th day of December 2003.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Order

I, the Honourable Bob Debus, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The Local Government Area of Orange.

This Order takes effect on 1 January 2004 and the declaration of the operational area remains in force until 31 January 2005.

Signed at Sydney, this 19th day of December 2003.

BOB DEBUS,
Attorney General

FORESTRY ACT 1916

Declaration of Special Management Zones

I, Craig John Knowles, Minister for Natural Resources, being the Minister of the Crown charged with the administration of the Forestry Act 1916, having considered a report from

the Forestry Commission of New South Wales and being satisfied that the areas of State forest described in the schedule below, have special conservation value, approve that the forest management zoning of those areas be classified as Zone 2 Special Management in accordance with the Forestry Commission of New South Wales' Operational Circular 99/10, and, in pursuance of Section 21A(1) of the Forestry Act 1916, do hereby declare such State forest areas to be special management zones.

CRAIG JOHN KNOWLES, M.P.,
Minister for Natural Resources

SCHEDULE

UNE SPECIAL MANAGEMENT ZONE -NP- No 2, and LNE SPECIAL MANAGEMENT ZONE -NP- No 2, being the State forest areas shown by red tint on the diagrams catalogued Misc. F 1399 and Misc. F 1400 respectively, in the Forestry Commission of New South Wales. (56189)

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Exemption Order Number 2

I, Ian Macdonald, Minister for Agriculture and Fisheries –

- repeal Exemption Number 2 in Exemption Order Number 1 made on 22 July 2003 and published in the *Government Gazette* on 25 July 2003; and
- pursuant to Section 8 of the Gene Technology (GM Crop Moratorium) Act 2003 confer the exemption specified in Schedule 2 from the operation of the moratorium order specified in Schedule 1.

Schedule 1

Moratorium order in respect of which these exemptions are conferred

Moratorium Order Number 1 made on 22 July 2003 (the moratorium order) in respect of GM food plants of the species *Brassica napus*, common name canola, tolerant to the herbicide glufosinate ammonium due to genetic modification which are derived from the lines defined in the applications under Section 40 of the Commonwealth Act designated DIR010/2001 and DIR021/2002 made to the Gene Technology Regulator and further particularised in the moratorium order.

Schedule 2

Exemption conferred

Exempt person: Bayer CropScience Pty Limited

Exempt cultivation.

The cultivation of research trials in accordance with the following conditions.

Note: This Exemption Order only authorises from the date of the order the cultivation of plants the subject of Moratorium Order Number 1 by Bayer CropScience Pty Limited for the purpose of field trials planted before 22 July 2003 at the locations specified in condition 3. Cultivation of these plants prior to the date of this Exemption Order may be authorised by Exemption Number 2 in Exemption Order Number 1 made on 22 July 2003.

Conditions subject to which the cultivation may take place.

1. The cultivation must be under the direct supervision of the exempt person.
2. The exempt GM food plants must have been planted before 22 July 2003.
3. The exempt GM food plants must have been planted only within the areas described in the following table.

Site One

Area (hectares): 6.5

Local Government Area(s): Wagga Wagga NSW

Street Address / Directions: Cobden's Rd

The area bounded by a line joining the points defined by the following GPS Coordinates:

	<i>Northing</i>	<i>Easting</i>
North Western	6122820	523384
North Eastern	6122805	523583
South Eastern	6122805	523609
South Western	6121990	523422

Site Two

Area (hectares): 1.8

Local Government Area(s): Wagga Wagga NSW

Street Address / Directions: Stoll's Lane

The area bounded by a line joining the points defined by the following GPS Coordinates:

	<i>Northing</i>	<i>Easting</i>
North Western	6079179	520192
North Eastern	6079151	520423
South Eastern	6078905	520393
South Western	6078932	520168

Site Three

Area (hectares): 5.4

Local Government Area(s): Coolamon NSW

Street Address / Directions: Ashbridge Rd

The area bounded by a line joining the points defined by the following GPS Coordinates:

	<i>Northing</i>	<i>Easting</i>
North Western	6155108	501193
North Eastern	6155079	501396
South Eastern	6154680	501612
South Western	6154650	501183

Application of conditions of licence DIR 010/2001

Note: The purpose of this clause is to ensure that the cultivation of the exempt plants pursuant to this Exemption Order continues to be subject, so far as this is appropriate, to the conditions to which the growth of the plants would have been subject if the cultivation had continued pursuant to licence DIR 010/2001 (the version as posted on the NSW Agriculture Website) under the Commonwealth Act. Cultivation in accordance with this exemption will also be subject to the conditions, if any, of licence DIR 021/2002.

- a. Subject to the modifications that follow, the conditions of licence DIR 010/2001 issued by the Gene Technology Regulator will apply to any cultivation pursuant to this Exemption Order whether or not the licence otherwise applies to the cultivation.
- b. The following conditions of licence DIR 010/2001 do not apply to any cultivation pursuant to this Exemption Order:
 - i) Part 1,
 - ii) Conditions 1.1 and 1.2 of Part 3 Section 1,
 - iii) Conditions 1.1 to 2.6, including the tables following condition 2.6, 3, 5.1 and 5.2, of Part 3 Section 2, and
 - iv) Condition 22.
- c. In applying the conditions of licence DIR 010/2001 to any cultivation pursuant to this Exemption Order the conditions shall apply subject to the modifications set out below:
 - i) GMO is to be read as a reference to the exempt GM food plants,
 - ii) OGTR is to be read as a reference to the Director-General of NSW Agriculture,
 - iii) Regulator is to be read as a reference to the Director-General of NSW Agriculture,
 - iv) Licence holder is to be read as a reference to the exempt person,
 - v) Licence is to be read as a reference to this Exemption Order,
 - vi) Conditions 6 and 7 are to be read so as to require the notices in writing to be given to each of the following persons:
 - (1) The Director-General, and
 - (2) Neighbours.

Neighbours means –

 - If the area described in Condition 3 on which the GM food plant is growing comprises part of a holding, all occupiers of holdings that are adjacent to that holding; or
 - If the area described in Condition 3 on which the GM food plant is growing comprises the whole of a holding (the first holding), all occupiers of holdings (the second holdings) adjacent to the first holding, and all occupiers of holdings that are adjacent to the second holdings.

The terms holding and occupier have the same meaning as in the Rural Lands Protection Act 1998.

Note: The purpose of this clause is to ensure that persons who may have a legitimate interest in the growth stage of the exempt plants receive notice of flowering and harvesting events.

- vii) So far as they relate to site three only –
 - (1) Condition 19.5 is to be amended by deleting all matter after the words “must be monitored” and by inserting instead the matter “at least once every 14 days until 3 March 2006.”;
 - (2) Condition 19.6 is to be deleted; and

- (3) Condition 19.7 is to be amended by deleting the matter "35" and by inserting instead the matter "14".

Note: The effect of this clause is to require that monitoring in relation to site three must be carried out, without exception, at 14 day intervals from the date of this Exemption Order until the expiry of the Gene Technology (GM Crop Moratorium) Act 2003. The results of the monitoring activities is to be reported in writing to the Director-General within 14 days of the day on which monitoring activity occurs.

In this Exemption Order,

- Commonwealth Act means the Gene Technology Act 2000 of the Commonwealth, and
- Gene Technology Regulator means the Gene Technology Regulator constituted pursuant to Section 26 of the Commonwealth Act
- DIR 010/2001 means the version of DIR 010/2001 posted on the NSW Agriculture website.

Date: 18 December 2003

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

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Moratorium Order Number 2

I, Ian Macdonald, Minister for Agriculture and Fisheries, pursuant to section 6 of the Gene Technology (GM Crop Moratorium) Act 2003, prohibit the cultivation in New South Wales of the class of GM food plants specified in the Schedule.

Schedule

Class of GM food plants to which this Moratorium Order applies

GM food plants of the species *Brassica napus*, common name canola, tolerant to the herbicide glyphosate due to genetic modification and derived from transformation event GT73. The genetic modification introduces two genes, *CP4 EPSPS* from the bacterium *Agrobacterium* sp. strain CP4 encoding the enzyme 5-enolpyruvylshikimate-3-phosphate synthase, and the *goxv247* gene from the bacterium *Ochrobactrum anthropi* encoding the enzyme glyphosate oxidoreductase. The modification is further defined in the application under Section 40 of the Gene Technology Act 2000 of the Commonwealth (the Commonwealth Act) designated DIR 020/2002 made to the Gene Technology Regulator constituted pursuant to Section 26 of the Commonwealth Act.

Note This order applies only to canola plants (known as *Roundup Ready® Canola*) which have been genetically modified and have been licensed under the Gene Technology Act 2000 of the Commonwealth for intentional release into the environment. The order applies to any canola plant which derives its glyphosate tolerance from the specified genetic modification whether that modification was to that

plant or to any other plant from which that plant is derived (see definition of GM food plant in Gene Technology (GM Crop Moratorium) Act 2003).

Date: 19 December 2003

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

LAND TAX MANAGEMENT ACT 1956

Land Tax Returns for 2004 Tax Year

1. This Order is made under section 12(1) of the Land Tax Management Act 1956. The purpose of this Order is to advise persons who own land in NSW if and when they are required to lodge an initial return or a variation return in relation to the 2004 land tax year or an earlier tax year. General background information about land tax and administrative matters is contained in Annexure "A".
2. In addition to the requirements to lodge a return in accordance with this Order, the Chief Commissioner may require any person to lodge a return or a further return under section 12(2) of the Land Tax Management Act 1956.

Requirement to Lodge an "Initial Return"

3. The requirement to lodge an initial land tax return in 2004, as specified in this Order, applies to certain "persons" who are "owners" of land in NSW at midnight on 31 December 2003. The reference to an "owner" includes a reference to a person who is an owner of land or is deemed to be an owner for land tax purposes by the Land Tax Management Act 1956. A "person" includes a company, a trustee, a beneficiary of a trust and a natural person.
4. Persons who own land in NSW at midnight on 31 December 2003 and who were not liable for land tax for the 2003 tax year but who are liable for land tax for the 2004 tax year, must lodge an Initial Return by 30 April 2004.
5. Where land is subject to a trust, and the trustee has not previously lodged a land tax return, the trustee must lodge an initial return on behalf of the trust even if the taxable land value for 2004 land tax purposes is less than the threshold value of \$317,000. If the trustee fails to lodge a return, or fails to provide the information specified on the form about the beneficiaries of the trust, the trust may be assessed as if it were a special trust.
6. Those persons who are required by this Order to lodge an Initial Return may instead provide the information specified on the Initial Return form by telephoning the Office of State Revenue's telephone inquiry service on 02 9685 2124 or 1300 139 816, or via OSR's website at www.osr.nsw.gov.au. In some cases, however, a return form may still be required to be lodged.

Due date for lodgement of Initial Returns

7. Any person who is required by this Order to lodge a 2004 Initial Return, must do so by 30 April 2004. Penalty tax and interest for late lodgement may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by 30 April 2004. A summary of the current penalty tax and late lodgement interest rates for 2004 is contained in Appendix "A".

Requirement to Lodge a Variation Return

8. A Variation Return is required to be lodged by a person who receives an incorrect notice of assessment of land tax. Errors on the notice which may result in an incorrect notice of assessment of land tax may include:
 - (a) details of land owned by the person as shown on the notice are incorrect;
 - (b) exempt land has been incorrectly assessed as liable for land tax;
 - (c) liable land has been incorrectly classified as exempt;
 - (d) the calculation of tax contains errors;
 - (e) a special trust has not been assessed at the flat rate applying to special trust;
 - (f) A trust has been incorrectly assessed as if it were a special trust;
 - (g) The beneficial owners of land owned by the trust have changed since 31 December 2003.
9. A variation return must be lodged by a trustee of a trust, other than a special trust, if the trustee has not previously advised the Chief Commissioner of the beneficiaries of the trust or the beneficial owners of land owned by the trust. The return must disclose details of the beneficiaries as required by the return form. If a trustee fails to comply with this requirement, the Chief Commissioner may assess the trust as if it were a special trust.
10. Those persons who must lodge a Variation Return form, may instead provide the relevant information by telephone to the Office of State Revenue's telephone inquiry service on (02) 9685 2155 or 1300 139 816 or via OSR's website at www.osr.nsw.gov.au. In some cases, however, a variation return form may still be required to be lodged.
11. Penalty tax and interest for late lodgement of a return may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by the due date. A summary of the current penalty tax and late lodgement interest rates for 2004 is contained in Appendix "A".

Due Date for Lodgement of Variation Returns

12. "Variation Returns" are required to be lodged by the first instalment date shown on the notice of assessment. If the notice of assessment incorrectly shows that no tax is payable, the due date for lodgment of a variation return is 40 days after the "Issue Date" shown on the notice.
13. Returns are to be lodged with the Chief Commissioner of State Revenue, Office of State Revenue, Lang Centre, Cnr Hunter and Marsden Streets, Parramatta, NSW 2150 or at any of the Office of State Revenue's Regional Offices.

P. ACHTERSTRAAT
Chief Commissioner of State Revenue

15 December 2003

ANNEXURE "A"

INFORMATION ABOUT LAND TAX FOR
LANDOWNERS

Landowners who are liable for land tax

14. The following summary explaining liability for land tax is provided to assist owners in determining whether or not they are required to lodge a return for the 2004 tax year. A brochure explaining land tax liabilities in greater detail may be obtained from the Office of State Revenue's website at www.osr.nsw.gov.au.
15. A person who owned land or holds a legal or beneficial interest in land at midnight on 31 December 2003 is liable for land tax in respect of the 2004 tax year if that person is:
 - (i) an owner of taxable land which has a total land value, as determined by the Valuer-General for the 2004 land tax year, of \$317,000 or more; or
 - (ii) an owner of taxable land, being land which is the owner's principal place of residence, where the land value as determined by the Valuer-General for the purposes of the 2004 land tax year is \$1.970 million or more; or
 - (iii) a company which owns taxable land, where the total value as determined by the Valuer-General, when aggregated with land owned by a related company or companies, is \$317,000 or more;
 - (iv) a trustee who owns land where the trust is a special or discretionary trust and the land value of taxable land is \$5,883 or more;
 - (v) A trustee other than a trustee of a special or discretionary trust, and the land value of taxable land is \$317,000 or more;
 - (vi) A beneficiary of a trust which owns taxable land, including an owner of a unit or units in a unit trust, where the beneficiary owns other interests in taxable land, and the aggregate value of all of the beneficiary's interests in taxable land total \$317,000 or more.
 - (vii) A beneficiary of a trust which owns taxable land, where the beneficiary is a special trust and the aggregate value of all of the beneficiary's interests in taxable land total \$5,883 or more.

Address for lodging returns

16. Returns may be mailed to the Office of State Revenue, GPO Box 4042 Sydney NSW 2001, and must be mailed in time to reach the Office of State Revenue by the due date. That is, sufficient time should be allowed for delivery of the mail from the particular location from which the return is posted, having regard to the normal delivery times advised by Australia Post for that location. You can also lodge returns via the OSR website at www.osr.nsw.gov.au.

How to obtain a blank return form

17. Copies of the blank Initial and Variation Return forms are available from the Office of State Revenue at Parramatta or its Regional Offices located in Sydney, Newcastle and Wollongong or by telephoning the Office of State Revenue on 9689 2124 (local) or 1300 139 816 (NSW), or on OSR's website at www.osr.nsw.gov.au. A blank Variation Return is attached to each notice of assessment.

Penalty tax and interest may be charged for failure to lodge a return

18. Failure to lodge an Initial Return or a Variation Return, and a failure to include all taxable interests in land in such a return, is classed as a tax default under the Taxation Administration Act. Late lodgement interest may be imposed at the rate applying from time to time under the Taxation Administration Act. The current rate is 12.84% per annum.
19. In addition, penalty tax may be imposed. The rate of the penalty imposed depends on whether the failure was due to failure to take reasonable care, or intentional disregard of the land tax legislation. The penalty rate also depends on whether the default was discovered by OSR during an audit, and whether the landowner makes a voluntary disclosure. The rate of penalty tax may vary from 90% of the primary tax for the most serious default to 5% for a voluntary disclosure before an audit commences.

What to do if you do not know your taxable land value

20. Land is revalued for land tax purposes every year. However, notices of land values are only issued to owners by the Valuer-General when a general revaluation of a local government area is made for local council rating purposes. These general valuations are usually conducted at intervals of 3 years. Therefore land values used for land tax may be more recent than the values used for council rates.
21. Owners who do not receive a general valuation notice from the Valuer-General by 31 January 2004 showing their land value as at 1 July 2003, may contact OSR to obtain the land value applicable for land tax for the 2004 land tax year.
22. Alternatively, certificates showing the land value of a specified parcel of land may be obtained by lodging an application electronically through a Client Service Provider authorised by OSR. Details of how clients may obtain access to an authorised Client Service Provider are available from OSR's Website at www.osr.nsw.gov.au.

PESTICIDES ACT 1999

Notice under Section 48 (4)

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

ALAN RITCHIE,
Manager Dangerous Goods
Environment Protection Authority
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr ALLAN MERVYN MCKAY 4A NARANI CLOSE COFFS HARBOUR NSW 2450	19 December 2003

PESTICIDES ACT 1999

Notice under Section 48 (4)

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

ALAN RITCHIE,
Manager Dangerous Goods
Environment Protection Authority
by delegation

SCHEDULE

Aircraft (Pesticide Applicator) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
T.C. DEVELOPMENTS PTY LTD C/- "MACINTYRE DOWNS" GOONDIWINDI QLD 4390	5 December 2003

POULTRY MEAT INDUSTRY ACT 1986

Price Order No. 34

THE Poultry Meat Industry Committee, pursuant to Sections 6 (c) and 10 of the Poultry Meat Industry Act 1986, has determined on 19 November 2003, the base rates for the following classes of batch poultry to be paid by processors to growers for designated poultry, namely chickens of the species *Gallus gallus* which are not more than 18 weeks old, and turkeys of the species *Meleagris gallopavo* from 1 July 2003, being the base rate adjustment date from which this order has effect, being base rates as follows, based on the requirements of Section 10 (4) of the Act. Base rates for Bartter, Inghams, Cordina/Summertime and Sunnybrand were included in Price Order No. 33.

Baiada Poultry Pty Limited:

Baiada Sydney conventional shed class of batch poultry: 51.75 cents per bird plus 3 cents per bird cleanout fee.

Baiada Sydney tunnel shed class of batch poultry: 52.75 cents per bird plus 3 cents per bird cleanout fee.

Baiada Tamworth conventional shed class of batch poultry: 48.25 cents per bird plus 48.44 cents per square metre cleanout fee.

Baiada Tamworth tunnel shed class of batch poultry: 48.25 cents per bird plus a cleanout fee of 48.44 cents per square metre.

Red Lea Poultry Pty Limited:

Conventional shed class of batch poultry: 53.0 cents per bird.

Tunnel shed class of batch poultry: 53.5 cents per bird.

B. BUFFIER,
Chairman, PMIC

20 November 2003

RURAL LANDS PROTECTION ACT 1998

Section 140J

Approval of Transported Stock Statements

I, RICHARD FREDERICK SHELDRAKE, Director-General of the New South Wales Department of Agriculture, hereby approve, for the purposes of Section 140J (2) of the Rural Lands Protection Act 1998, the attached form marked "Permit to Travel Stock" as a transported stock statement.

Signed this 16th day of December 2003.

R. F. SHELDRAKE
Director-General



PERMIT TO TRAVEL STOCK
STOCK ACT 1991 Section 33

PERMIT NO:

Owner of Stock: _____ Owner's Phone No: _____
Address: _____
Name of Person in Charge: _____ Phone No: _____
Address: _____
Place of Loading Stock: _____ Date of Loading Stock: ____/____/____
Destination Address of Stock: _____
Consigned to (Name): _____ Phone No: _____
Address: _____ Delivery Date: ____/____/____

DESCRIPTION OF STOCK							
Type (Tick)	Number	Sex	Breed	Brand	Tail Tag No.	Eartag	Microchip
Cattle							
Sheep							
Horses							
Deer							
Goats							
Other							

Earmarks: Owner: _____ Agent: _____ Carrier: _____
Signature: _____
Date: ____/____/____

Issuing Officer (Print): _____
Address: _____

FEE DUE \$
Permit Conditions
.....
.....

Signature: _____
Date: ____/____/____
Received the sum of: _____
Signature: _____
Agent for/Receiver/Collector of Public Monies



Environment ACT • Parks and Conservation • PO Box 1065, Tuggerahong ACT 2901
Telephone: (02) 6207 2262 • Fax: (02) 6207 2107
Environment ACT Helpline: (02) 6207 9777 • Environment ACT Website: www.environment.act.gov.au

WHITE COPY: To driver or person in charge • BLUE COPY: Must be forwarded to the Controller of Stock • PINK COPY: To remain in book

F004 (5/01/03) EOR 63/1148

STOCK DISEASES ACT 1923

Notification No. 1782

Footrot Protected and Protected (Control) Areas

I, IAN MACDONALD, M.L.C., Minister for Agriculture and Fisheries, pursuant to Section 11A of the Stock Diseases Act 1923 (“the Act”):

- (a) revoke Stock Diseases Notification No. 1770 published in Government Gazette No. 109 of 4 July 2003 at pages 6921-6922, and any other previous Notifications declaring lands as footrot protected areas or protected (control) areas.
- (b) declare the lands described in Schedule A to be protected areas as regards the disease footrot in sheep and goats. (Those lands are referred to as “Footrot Protected Areas”, and are represented generally on the map titled “NSW Footrot Areas December 2003”).
- (c) declare the lands in Schedule B to be protected (control) areas as regards the disease footrot in sheep and goats. (Those lands are referred to as “Footrot Protected (Control) Areas”, and are represented generally on the map titled “NSW Footrot Areas December 2003”).
- (d) prohibit a person from moving sheep or goats into any protected area or protected (control) area referred to in paragraphs (b) and (c), unless:
 - (i) the sheep or goats are moved in accordance with a permit under section 7(6) of the Act; or
 - (ii) the sheep or goats are moved in accordance with an order under section 8(1)(b) of the Act; or
 - (iii) all the requirements of section 20C(3) of the Act have been satisfied; or
 - (iv) the sheep or goats are not infected with footrot and one or more of the following conditions are satisfied:
 - the sheep or goats are transported in a vehicle from any protected area referred to in paragraph (b) directly to any other protected area referred to in paragraph (b);
 - the sheep or goats are transported in a vehicle from any protected (control) area referred to in paragraph (c) directly to any other protected (control) area referred to in paragraph (c); and
 - the sheep or goats are accompanied by a completed Owner/Vendor Declaration of Footrot Freedom form, as approved by the Chief, Division of Animal Industries (“the declaration”), and that declaration is given to the person to whom the sheep or goats are delivered.
- (e) Unless otherwise specified, in this Notification a reference to a Rural Lands Protection District includes all land in that district, and a reference to a Division or part of a Division of a Rural Lands Protection District includes all land in that Division or part of a Division. Rural Lands Protection Districts are established under the Rural Lands Protection Act 1998.

SCHEDULE A**NSW FOOTROT PROTECTED AREAS**

North East Footrot Protected Area

The Rural Lands Protection Districts of Casino, Grafton,

Kempsey and Tweed/Lismore.

New England Footrot Protected Area

Divisions A, B, C, D, I, and J of the Northern New England Rural Lands Protection District.

North West Footrot Protected Area

The Rural Lands Protection Districts of Moree, Narrabri, Northern Slopes, and Tamworth.

Orana Footrot Protected Area

The Rural Lands Protection Districts of Coonabarabran, Coonamble, Dubbo, Mudgee/Merriwa, Nyngan and Walgett.

Central West Footrot Protected Area

The Rural Lands Protection Districts of Condobolin, Forbes, Molong, Division A of the Central Tablelands Rural Lands Protection District, and

Division A, and the parts of Divisions B and C of the Young Rural Lands Protection District west of a line commencing at the point on the boundary between the Young and the Forbes Rural Lands Protection Districts being the western boundary of the Henry Lawson Way, thence by the western boundary of the Henry Lawson Way south to the town of Young to the point where it meets the western boundary of the Olympic Way, thence south along the western boundary of the Olympic Way to the point where it meets the boundary of the Young and Gundagai Rural Lands Protection Districts.

Hunter Footrot Protected Area

The Rural Lands Protection Districts of Gloucester, Hunter, and Maitland.

South East Footrot Protected Area

The Rural Lands Protection Districts of Bombala, Cooma, Moss Vale, South Coast, and Division D of the Goulburn Rural Lands Protection District.

Riverina Footrot Protected Area

The Rural Lands Protection Districts of Hay, Riverina, and Narrandera, and Divisions A, B and C of the Murray Rural Lands Protection District, and Divisions A and B of the Wagga Wagga Rural Lands Protection District, and Division A, and the parts of Divisions C and D that are within the Kosciuszko National Park, of the Gundagai Rural Lands Protection District, and the part of Division F that is within the Kosciuszko National Park, of the Hume Rural Lands Protection Board.

Western Division Footrot Protected Area

The Rural Lands Protection Districts of Balranald, Bourke, Brewarrina, Broken Hill, Cobar, Hillston, Milparinka, Wanaaring, Wentworth and Wilcannia.

SCHEDULE B**NSW FOOTROT PROTECTED (CONTROL) AREAS**

New England Footrot Protected (Control) Area

The Armidale Rural Lands Protection District, and Divisions E, F, G, and H of the Northern New England Rural Lands Protection District.

Central West Footrot Protected (Control) Area

Divisions B, C, D, E, F, G and H of Central Tablelands Rural

Lands Protection District, and Division D, and the parts of Divisions B and C of the Young Rural Lands Protection District east of a line commencing at the point on the boundary between the Young and the Forbes Rural Lands Protection Districts being the western boundary of the Henry Lawson Way, thence by the western boundary of the Henry Lawson Way south to the town of Young to the point where it meets the western boundary of the Olympic Way, thence south along the western boundary of the Olympic Way to the point where it meets the boundary of the Young and Gundagai Rural Lands Protection Districts.

South East Footrot Protected (Control) Area

The Rural Lands Protection Districts of Braidwood, Yass, and Divisions A, B and C of the Goulburn Rural Lands Protection District.

Riverina Footrot Protected (Control) Area

Division D of the Murray Rural Lands Protection District, Divisions C and D of the Wagga Wagga Rural Lands Protection District,

Division B, and the parts of Divisions C and D that are not within the Kosciuszko National Park, of the Gundagai Rural Lands Protection District, and

Divisions A, B, C, D, E, G and H, and the part of Division F that is not within the Kosciuszko National Park, of the Hume Rural Lands Protection District.

Notes: It is an offence under section 20H(1)(a) to contravene a provision of this Notification.

Maximum penalty for such an offence is \$11,000.

A Protected (Control) Area is an area with a moderate prevalence of a disease (section 11A(1) of the Act). This is different to a Protected Area, where there is a lower prevalence of a disease (section 11A(1B) of the Act).

A map of the Protected Area and the Protected (Control) Area with respect to Footrot in Sheep and Goats is published on the NSW Department of Agriculture internet web site at <http://www.agric.nsw.gov.au/reader/12105>

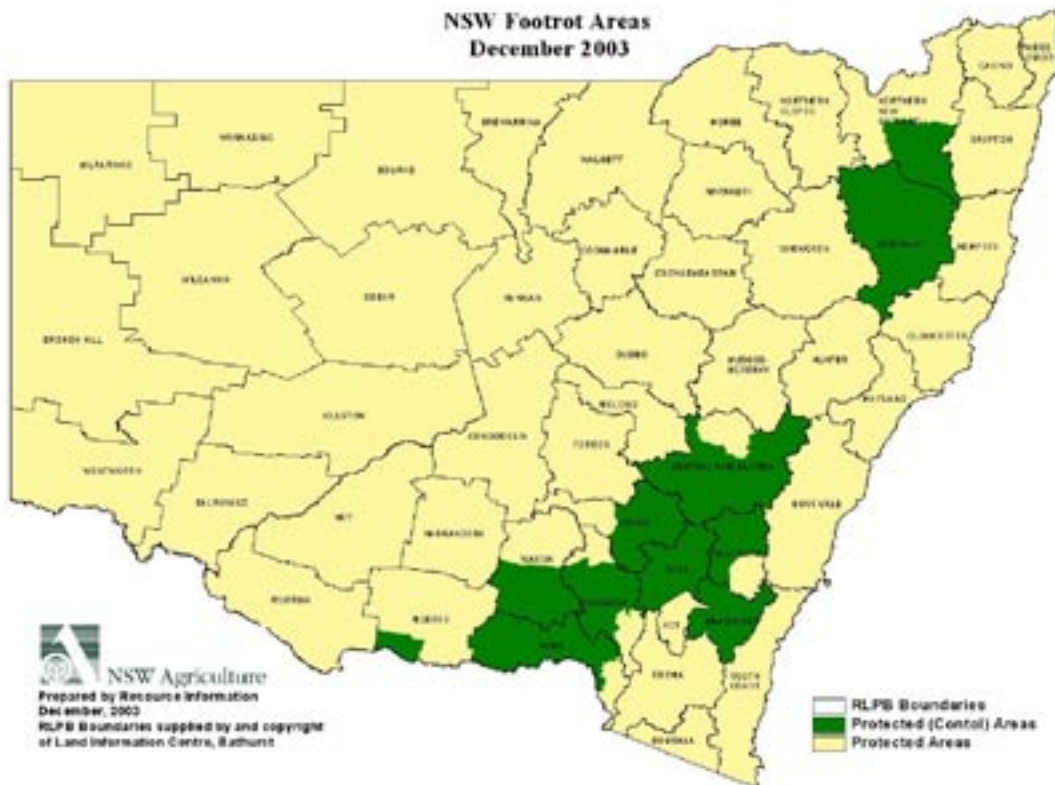
A person who receives a completed Declaration form is advised to retain it as evidence of compliance with this Notification.

Notification No. 1782 is the NSW Department of Agriculture's reference.

For further information, contact the NSW Department of Agriculture on (02) 63913248.

Dated this 22nd day of December 2003.

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



**SUBORDINATE LEGISLATION ACT 1989
STOCK DISEASES ACT 1923**

Public Notice

NOTICE is given, in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a statutory rule under the Stock Diseases Act 1923.

A new statutory rule, the Stock Diseases (General) Regulation 2004, has been drafted to replace the Stock Diseases (General) Regulation 1997 which will be automatically repealed on 1 September 2004.

The aim of the new regulation is to assist with the control of diseases and pests of livestock. The regulation prescribes schemes for identification of stock and implements the National Livestock Identification System (NLIS) for cattle and sheep, which is proposed to commence on 1 July 2004. The regulation deals with vaccination, movement, disposal, testing and/or notification requirements in relation to anthrax, brucellosis, tuberculosis, rabies and footrot. The regulation prescribes prohibited substances that must not be fed to ruminants ('restricted animal material') or to pigs ('swill'), and circumstances in which diseases may be communicated to stock, including tick fever vaccination. It also deals with permits and other administrative matters.

Copies of the regulatory impact statement and draft statutory rule relating to the proposed regulation may be inspected or obtained on the internet at www.agric.nsw.gov.au or by contacting the:

NLIS Administrative Officer
NSW Agriculture
Locked Bag 21, Orange NSW 2800
Telephone 02 6391 3776
Facsimile 02 6391 3551
Email enquiries.nlis@agric.nsw.gov.au

Comments or submissions on the proposed statutory rule are invited and should be received at the above address no later than 8 March 2004.

**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.

—————
SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Wollongong, Parish of Kembla County of Cumberland, and State of New South Wales, being Lot 500 Deposited Plan 1043323, containing 1232 m² said to be owned by Incorporated Nominees Pty Limited.

[Sydney Water reference: 366259F5]

STOCK MEDICINES ACT 1989**ORDER No. 2003/2 – GUDAIR VACCINE****Order under Section 46**

I, RICHARD FREDERICK SHELDRAKE, Director-General of the Department of Agriculture, pursuant to section 46 of the *Stock Medicines Act 1989*:

- I. revoke Order No 2003/1 – Gudair Vaccine published in the Government Gazette No 124 of 8 August 2003 at pages 7665-7667, and
- II. being of the opinion that the supply and use of Gudair Vaccine is likely to have an adverse effect on trade in stock, make this Order to regulate the supply and use of Gudair Vaccine which includes:
 1. the requirements for the supply of Gudair Vaccine, including records of supply – as specified in clause 1 of the Schedule;
 2. the requirements for the use of Gudair Vaccine – as specified in clause 2 of the Schedule;
 3. the manner in which persons must vaccinate stock with Gudair Vaccine and restrictions on treatment of others species of stock – as specified in clause 3 of the Schedule;
 4. the manner in which persons who vaccinate stock with Gudair Vaccine must identify the vaccinated stock – as specified in clause 4 of the Schedule; and
 5. the requirements for application and issue of an authority to use Gudair Vaccine, as specified in clause 5 of the Schedule.

1 Requirements for the supply of Gudair Vaccine, including records of supply

- A. Gudair Vaccine may be supplied to any person.
- B. A person, including a veterinary surgeon, who supplies Gudair Vaccine must make a record in writing showing the name and address of the person to whom it is supplied, the date of the supply and the number of doses supplied, and must retain that record for 5 years from the date of the supply.
- C. A person who supplies Gudair Vaccine must, at the time of the supply of the Gudair Vaccine, also supply a copy of any document approved by the Chief, Division of Animal Industries for that purpose.

2 Requirements for the use of Gudair Vaccine

- A. A person must not vaccinate any sheep located in the Protected Area with Gudair Vaccine unless the person has an authority to vaccinate the sheep.
- B. A person, including a veterinary surgeon, must not vaccinate any stock other than sheep with Gudair Vaccine unless the person has an authority to vaccinate the stock other than sheep.

3 The manner in which persons must vaccinate sheep with Gudair Vaccine, and restrictions on the treatment of other species of stock

A person, including a veterinary surgeon, must use Gudair Vaccine in compliance with the directions for use on the registered label of the product, except that:

- (i) sheep less than 1 month of age may be vaccinated at marking time; and
- (ii) goats must not be vaccinated unless in compliance with an authority.

INT03/19390

Note: Clause 3 excludes off label use by or under the prescription of a veterinary surgeon.

4 The manner in which persons who vaccinate stock with Gudair Vaccine must identify the vaccinated stock including identification for the purpose of movement from the property

- A.** A person who vaccinates stock with Gudair Vaccine must identify the vaccinated stock at the time the stock are vaccinated, by an ear tag which bears a 'V' symbol and which also shows the property identification code (PIC) allotted to the property under Part 3 of the Stock Diseases (General) Regulation 1997.
- B.** As an alternative to clause 4A, until 30 June 2004, a person who vaccinates stock with Gudair Vaccine may identify the vaccinated stock at the time the stock are vaccinated, by a three hole ear punch mark in the left ear of a female sheep or goat, and the right ear of a male sheep or goat, each hole being an equal distance from the other and located wholly within the ear.
- C.** A person who moves vaccinated stock identified in accordance with clause 4B from the property on which the stock were vaccinated must attach or cause to be attached to the stock an ear tag showing the property identification code (PIC) allotted to the property under Part 3 of the Stock Diseases (General) Regulation 1997. A tag used under this sub-part may bear a 'V' symbol but is not required to do so.
- D.** An owner or person in charge of stock must present vaccinated stock to an inspector for inspection or examination as required by an inspector.

Note: Ear tags complying with the requirements of the National Livestock Identification Scheme - Sheep (NLIS - Sheep) are recommended. The NLIS requires breeder tags for lambs to be coloured as follows: 2000/Black, 2001/White, 2002/Orange, 2003/Light Green, 2004/Purple, 2005/Yellow and 2006/Red. If as an alternative post-breeder tags are used for movement identification the NLIS requires them to be Pink.

5 Requirements for application and issue of an authority to use Gudair Vaccine

- A.** An application for an authority to use Gudair Vaccine shall be made on a form approved by the Chief, Division of Animal Industries.
- B.** The Program Manager (Quality Assurance), a District Veterinarian, an Ovine Johne's Disease Officer, or a Ranger who is an inspector under the *Stock Diseases Act 1923* may issue an authority with or without conditions.
- C.** An authority remains in effect unless and until cancelled in writing by the Program Manager (Quality Assurance), a District Veterinarian, an Ovine Johne's Disease Officer, or a Ranger who is an inspector under the *Stock Diseases Act 1923*, such cancellation being addressed to the holder of the authority at the address shown in the authority.
- D.** Where an authority has been cancelled by the Program Manager (Quality Assurance), a District Veterinarian, an Ovine Johne's Disease Officer, or a Ranger who is an inspector under the *Stock Diseases Act 1923* the person to whom the authority was issued must return the authority to the Director-General within 14 days of the cancellation.
- E.** The holder of an authority must notify the Director-General if any of the information provided in the application for an authority, such as the property identification code (PIC), stock details or name of the person in charge of the stock, changes.

Definitions

In this Order:

“**AgVet Code**” means the Agricultural and Veterinary Chemicals Code Act 1994.

“**APVMA**” means the Australian Pesticides and Veterinary Medicines Authority established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992*.

“**authority**” means an authority to use Gudair Vaccine issued under clause 5B of this Order.

“**Chief, Division of Animal Industries**” means the Chief, Division of Animal Industries of the NSW Department of Agriculture.

“**Director-General**” means the Director-General of the NSW Department of Agriculture or his or her delegate.

“**District Veterinarian**” means a person holding office as a district veterinarian under section 43 of the *Rural Lands Protection Act 1998*.

“**Gudair Vaccine**” means the stock medicine containing inactivated *Mycobacterium paratuberculosis* micro-organisms and registered by the APVMA with the following particulars:

APVMA Code	Brand	Full Product Name
53839	CSL Limited	Gudair [®] Vaccine

“**identify**” includes cause or permit to be identified.

“**inspector**” means an inspector appointed under the *Stock Medicines Act 1989*.

“**move**” includes cause or permit to be moved.

“**Ovine Johne’s Disease Officer**” means an Ovine Johne’s Disease Officer employed by a Rural Lands Protection Board.

“**Program Manager (Quality Assurance)**” means the Program Manager (Quality Assurance) of the NSW Department of Agriculture.

“**Protected Area**” means the lands described as a "Protected Area" as regards Johne's disease in sheep in Notification No. 1775-OJD under the Stock Diseases Act 1923 published in Government Gazette No. 113 of 15 July 2003 at pages 7249-7255, and any lands described as a "Protected Area" as regards Johne's disease in sheep in any Notification subsequently made as regards Johne's disease in sheep.

“**Ranger appointed as an inspector under the Stock Diseases Act 1923**” means a Ranger employed by a Rural Lands Protection Board who is appointed as an inspector under the *Stock Diseases Act 1923*.

“**vaccinate**” includes cause or permit to be vaccinated.

“**veterinary surgeon**” means a registered veterinary surgeon as defined in the *Veterinary Surgeons Act 1986*.

Signed this 19th day of December 2003.

RICHARD FREDERICK SHELDRAKE
DIRECTOR-GENERAL

Pesticides Regulation 1995**CLAUSE 8 - NOTICE OF APPROVED UNITS OF COMPETENCY****Background**

The Pesticides Regulation 1995 (the Regulation) provides that, from 1 September 2005, certain users of pesticides must hold a prescribed qualification, and be re-assessed every five years. To identify a prescribed qualification, the Environment Protection Authority (now part of the Department of Environment and Conservation) must approve units of competency that are specified in a current training package endorsed by the National Training Framework Committee of the Australian National Training Authority.

Before granting this approval the Department of Environment and Conservation –

- (a) has consulted relevant groups, including registered training providers and environmental and industry representatives; and
- (b) is satisfied that the proposed units of competency are relevant to the objects of the Act.

Units of competency approved

The unit of competency required to be achieved for the purposes of the definition of prescribed qualification in clause 7 is that known as unit code RTC2706A within the Conservation and Land Management, Amenity Horticulture, and Rural Production Training Packages endorsed by the Australian National Training Authority. The Unit is at Australian Qualifications Framework Level 2 (AQF2) and is summarised in Schedule 1 to the approval.

Commencement

This approval takes effect on 24 December 2003.

Tony Fleming.

Signed

TONY FLEMING

A/Director General

Department of Environment and Conservation

NOTES**1. Minimum standard**

RTC2706A is the minimum level of competency required under the Regulation. However, the Department strongly encourages all pesticide users who are required to be trained under the regulation, where possible, to attain the units of competency known as RTC3704A (Prepare and Apply Chemicals) and RTC3705A (Transport, Handle and Store Chemicals), which are part of the National Amenity Horticulture, Rural Production and Conservation & Land Management Training Packages and at competency level AQF3.

While the minimum level of competency is at AQF2 level, participants should seek training from Registered Training Providers (RTOs) that is appropriate for their level of work and responsibility. If participants are working as unsupervised operators/farmers they should seek chemical training at AQF3. Participants who have language or literacy difficulties and are unable to fulfill the requirements of the AQF3 chemical competencies

can be deemed competent at AQF2 if they have successfully demonstrated competence at that level. Major providers of chemical training have agreed to provide training on this basis.

2. Review of approved unit of competency

This approval will be reviewed after 1 September 2005 in consultation with relevant groups, including registered training providers and environmental and industry representatives. The object of the review will be to ensure that, in the longer term, the majority of pesticide users who are required to be trained under the Regulation are competent at AQF3 level. The review will take into account:

- the degree to which an AQF2 competency requirement achieves the objective of protecting the community, trade and the environment;
- the uptake of pesticides training in NSW, including training of pesticide users from a non-English speaking background;
- any developments in the National Agriculture and Horticulture Training Packages and/or the Australian Qualifications Framework relating to pesticides;
- any developments at national level regarding pesticide user training requirements.

3. Existing qualifications and exemptions

If, as at 1 September 2003, pesticide users already have:

- a certificate of completion under the ChemCert (NSW) Ltd Farm Chemical User Training Program (also known as Farmcare Australia Farm Chemical User Program); or
- a statement of attainment on completion of the SMARTtrain Chemical Application Course, the SMARTtrain Managing Chemical Use Course or the SMARTtrain Chemical Risk Management Course;

then users will not need to be trained until 5 years after the date on which they were issued with the Certificate of Completion or Statement of Attainment.

Exemptions may apply in limited circumstances to users who hold specified qualifications, work under supervision, or use small quantities of household pesticides.

4. Copies of approval

Copies of this approval are available for public inspection without charge and during ordinary business hours at each of the offices of the Department of Environment and Conservation.

5. Further information

Further information is available at www.environment.gov.au/pesticides, or contact Pollution Line on 131555 or Department of Environment and Conservation pesticides staff on (02) 9995 5799.

SCHEDULE

Note: Information in this Schedule is taken from the website of the National Training Information Service and is current at 31 October 2003. Further information on the competency, training packages, training courses and providers is available on the National Training Information Service website at www.ntis.gov.au.

(RTC2706A) Apply chemicals under supervision

Description

This competency standard covers the process of applying chemicals and biological agents for the control of weeds, pests and diseases using workplace specific application equipment. The work functions in this standard will be carried out under supervision. A thorough knowledge and the application of safety procedures and regulations when using chemicals is required.

Note: This competency standard may be deemed to have a time limit when used as part of an accreditation or licence to purchase or use chemicals.

Elements of Competency and Performance Criteria

National Code	Element Name
RTC2706A/01	<p>Follow instructions to check and maintain application and personal protective equipment</p> <p>1.1 Pre and post operational checks and maintenance on application equipment are carried out according to manufacturers specifications and enterprise procedures.</p> <p>1.2 Application and personal protective equipment are prepared and adjusted for use appropriate to the situation and in accordance with OHS requirements.</p> <p>1.3 Instructions are followed to identify and maintain damaged, non-functioning or worn equipment.</p> <p>1.4 OHS hazards are identified and reported to the supervisor.</p>
RTC2706A/02	<p>Use application and personal protective equipment</p> <p>2.1 Chemical label is interpreted.</p> <p>2.2 Application and personal protective equipment appropriate to the task are recognised and used, maintained and stored according to enterprise procedure and OHS requirements.</p> <p>2.3 Measurement and decanting of substances comply with directions.</p> <p>2.4 Safe working practices relevant to the situation are followed.</p> <p>2.5 Procedures in the event of a chemical spill are identified and followed.</p>

RTC2706A/03	Apply chemicals
	<p>3.1 Hazards are identified and associated risks recognised.</p> <p>3.2 Requirements for application equipment to accurately and effectively apply the required dose of the chemical to the target are followed.</p> <p>3.3 Safe working practices relevant to the situation are followed.</p>
RTC2706A/04	Follow instructions to empty and clean equipment and containers according to directions
	<p>4.1 Instructions for clean-up are identified.</p> <p>4.2 Equipment and clean up methods using appropriate tools are followed.</p> <p>4.3 Instructions for disposal of containers and unused chemical or biological agents are identified.</p>
RTC2706A/05	Complete chemical records
	<p>5.1 Chemical inventory is recorded as instructed and as required by regulations.</p> <p>5.2 Chemical application details are reported as instructed and as required by regulations.</p>
RTC2706A/06	Transport, handle and store chemicals according to instructions and legislative requirements
	<p>6.1 Transport, handling and storage requirements for chemicals used are recognised and followed.</p> <p>6.2 Requirements for storage of chemicals at the workplace are recognised and followed.</p>

Range of Variables

The Range of Variables explains the contexts within which the performance and knowledge requirements of this standard may be assessed. The scope of variables chosen in training and assessment requirements may depend on the work situations available.

- What **pre and post operational checks** might be relevant to this standard? Checks may be made to weather conditions (e.g. wind), nozzles, hoses, regulators/gauges, respirator cartridges, drench, and protective clothing and equipment.
- What types of **application equipment** are relevant to this standard? Knapsacks or hand held pneumatic sprayers, drench guns, spot on applicators, syringes, or other equipment relevant to the workplace.
- What **personal protective equipment** might be relevant to this standard? Personal equipment may include boots, overalls, chemical resistant gloves, aprons, face shields, respirators or hats.

- Which **chemicals** may be relevant to this standard?
Chemicals may include herbicides, insecticides, fungicides, algacides, growth regulators, growth promotants, bio-agents or vaccines. Excludes application of S6 and S7 chemicals.
- What **safe working practices** may be relevant to this standard?
Safe working practices may include procedures for handling, transporting and storing chemicals, selecting and using personal protective clothing and equipment, safe operation of machinery and equipment, safe procedures for applying chemicals and following manufacturers instructions.
- What **legislation or regulations** may be relevant to this standard?
Legislation may include Pesticides Acts, Occupational Health and Safety Acts and associated Hazardous Substances Regulations/Codes of Practice, Dangerous Goods Acts, Poisons Schedule or Protection of the Environment Acts.
- What **procedures** may be followed in the event of a spill?
May include procedures according to the label, Material Safety Data Sheets (MSDSs) or legislation.
- What **hazards** may be relevant to this standard?
Hazards will be listed on labels and the MSDSs for the chemical concerned and may include flammability, toxicity, health hazards, damage to non-target organisms, environmental damage or residues in food or feedstuffs.
- What **tools** may be relevant to this standard?
Tools may include hand tools, measuring jugs and cylinders, scales, syphoning equipment, drum rinse, and batching tank.
- What **application details** may be recorded as part of this standard?
Details such as time, date, quantity and type of chemical, weather, application equipment, host and pest, accidents or dangerous occurrences may be recorded or must be recorded where required by legislation.

What evidence is required to demonstrate competence for this standard as a whole?

Overall competence in this standard requires evidence that a person using chemicals in the workplace can use the correct equipment, apply the chemical correctly, record application, identify safety hazards and how to avoid them, and interpret and follow directions. The ability to use chemicals in one workplace should be **transferable** to another workplace. For example, if a chemical is applied under close supervision on a property growing grain crops, it should be evident that a chemical could be applied on a property where fruit is grown following induction to the new workplace.

What specific knowledge is needed to achieve the performance criteria?

Knowledge and understanding are essential to apply this standard in the workplace, to transfer the skills to other contexts and to deal with unplanned events. The knowledge requirements for this competency standard are listed below:

- Environmental effects of selected chemicals and how to minimise damaging effects of chemicals.

- Different broad chemical types, e.g. insecticides, herbicides and fungicides and their mode of action symbols on the label.
- Principles of Integrated Pest Management.
- Paths of entry of poisons into the body and methods of limiting exposure.
- Methods of minimising risk during application.
- Personal protective equipment and how, when and why it should be used and stored.
- Maintenance of personal protective equipment.
- Relevant State or territory legislation, regulations and Codes of Practices with regard to hazardous substances or the use of chemicals.
- Occupational Health and Safety concerning personal safety and safety of others in the workplace.
- Use of chemicals as one tool of pest management.
- Possible effects on health of bystanders/public in addition to applicators.
- Weather conditions and means of assessing them in line with risks, and recognising when they become unsuitable for application to continue.
- Correct wearing/fit of personal protective equipment.

What specific skills are needed to achieve the performance criteria?

To achieve the performance criteria, appropriate literacy and numeracy levels as well as some complementary skills are required. These include the ability to:

- Work using a variety of chemical application tools and pieces of equipment that are suitable for the particular application task using safe and environmentally responsible work practices.
- Accurately interpret labels, record relevant information and measure application amounts
- Respond to emergencies and apply first aid in the event of pesticide poisoning.

What processes should be applied to this competency standard?

There are a number of processes that are learnt throughout work and life, which are required in all jobs. They are fundamental processes and generally transferable to other work functions. Some of these are covered by the key competencies, although others may be added. The questions below highlight how these processes are applied in this competency standard. Following each question a number in brackets indicates the level to which the key competency needs to be demonstrated where 0 = not required, 1 = perform the process, 2 = perform and administer the process and 3 = perform, administer and design the process.

How can communication of ideas and information (1) be applied?

- Information about chemicals and how they will be applied and recorded may be communicated to work colleagues or the supervisor.

How can information be collected, analysed and organised (1)?

- Information may be collected and analysed from chemical labels, MSDSs, operators manuals or from Codes of Practice and advisory materials outlining regulations relevant to chemical use.

How are activities planned and organised (1)?

- Recognising and using equipment, application and cleaning up of chemicals will require coordination of activities.

How can team work (1) be applied?

- Applying chemicals with others in the workplace or in conjunction with other team functions.

How can the use of mathematical ideas and techniques (1) be applied?

- Correctly measuring volume of chemical to apply, recording information and working out time periods before work can continue in the area.

How can problem-solving skills (1) be applied?

- Taking action concerning faulty equipment may require problem solving.

How can the use of technology (1) be applied?

- Recording information may require technology to be used.

What are the special assessment conditions for this competency standard?

- Where this competency standard is being used as part of an accreditation or licence for purchase or use of chemicals the assessor must meet the requirements of the issuing body. This may include:
 - Accreditation with that issuing body
 - Maintenance of current competency in this and the following standards:
 - RTC3704A Prepare and apply chemicals
 - RTC3705A Transport, handle and store chemicals
 - RTC4702A Minimise risks in the use of chemicals
 - RTC4703A Plan and implement a chemical use program
 - Involvement in professional development programs comprising technical and legislative updates on an annual basis.

Are there other competency standards that could be assessed with this one?

- This competency standard could be assessed on its own or in combination with other competencies relevant to the job function.
- There is essential information about assessing this competency standard for consistent performance and where and how it may be assessed, in the Assessment Guidelines for this Training Package. All users of these competency standards must have access to both the Assessment Guidelines and the relevant Sector Booklet.

GUIDELINES FOR CERTIFICATION OF COMPETENCY

1.0 INTRODUCTION

Overview

1.1 The safety of rail operations depends on their being carried out by competent and healthy individuals who are accountable for the way they perform their tasks. Operators are accordingly required under their accreditation to ensure that no person may engage in railway safety work unless he or she holds a current Certificate of Competency. A Certificate of Competency issued under the Rail Safety Act 2002 ('the Act') attests that the holder:

- Has the good health and fitness required to perform railway safety work,
- Is in all other respects a fit and proper person to perform railway safety work,
- Has sufficient knowledge, skills, responsibility and aptitude to perform the railway safety work covered by the certification.

The Guidelines have been drafted to inform operators, railway employees and others how they might discharge their obligations under the Act. Under the Guidelines, operators are required to implement a competency-based approach that will complement that already required under the Occupational Health and Safety legislation.

1.2 The Guidelines have been drafted to promote:

- A rigorous approach to competency management,
- An approach to competency that takes into account a person's health and fitness as well as their capability to effectively exercise competency,
- Continuous monitoring of current competency, including that of persons who hold nationally endorsed qualifications and transfer their employment from one operator to another.

Persons requiring certification of competency

1.3 Persons requiring Certificates of Competency shall include all railway employees within the meaning of section 4 of the Act, including operators, paid employees, contractors and volunteers engaged in:

- (a) work involving the operation or movement of a train or trains,

- (b) work on or about railway infrastructure relating to the repair, maintenance, cleaning or upgrading of railway tracks or any rolling stock or associated works or equipment,
- (c) work involving the certification as to safety of any item of infrastructure or rolling stock,
- (d) work involving the development, management or monitoring of safeworking systems for railways,

within the State of New South Wales.

- 1.4 Two levels of identification of competency are required under Guideline 5.5. The two levels of identification are determined according to the safety critical nature of the railway safety work being performed.

Penalties

- 1.5 Operators permitting uncertified persons to undertake railway safety work risk being penalised under their accreditation. Individuals can also incur fines up to \$2,750 for each offence. Persons who by false statement or misrepresentation obtain or attempt to obtain certification of competency are liable to penalties up to \$82,500 and two years' imprisonment, or both. The same penalty applies for persons who fraudulently alter, forge, or improperly allow others to use their certification. Much higher penalties apply to corporations.

2.0 STATEMENTS OF PRINCIPLE

- 2.1 Passengers using the rail system, members of the public, railway employees and accredited rail operators need to have confidence in the competency of the individuals on whom their common safety depends.
- 2.2 Certification of competency is a means whereby the public and all persons sharing the rail infrastructure can have confidence in the competency of persons performing railway safety work.
- 2.3 To promote consistent safety outcomes across all rail operations in New South Wales especially on the shared rail infrastructure, operators need to adopt a systematic approach to certifying competency.
- 2.4 The systems used to certify competency shall take account of the principles contained in:
- AS/NZS4804: 2001, Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques, as amended from time to time,

- AS/NZS4801: 2001, Occupational health and safety management systems – Specification with guidance for use, as amended from time to time,
- AS/NZS4360: 1999, the Australian Risk Management Standard, as amended from time to time,
- Another equivalent Standard, as amended from time to time.

2.5 So far as reasonably possible, the ITSRR and operators shall aim for competency outcomes consistent with the needs of the national transportation industry.

2.6 Systems for certifying competency should be cost effective, flexible and be sensitive to the needs of Certificate of Competency holders.

3.0 SCOPE

3.1 The Guidelines have force subject to Parts 2 and 5 of the Act.

3.2 Penalties under sections 36, 37, 39 and 91 of the Act apply to breaches of its provisions relating to the certification of competency.

3.3 The term ITSRR refers to the Independent Transport Safety and Reliability Regulator.

4.0 APPLICATION

4.1 The Guidelines shall apply to all operators accredited under the Act, all authorised third parties issuing Certificates of Competency, the registers under their control and the owners of private sidings.

4.2 References in these Guidelines to registers relate to registers containing particulars of Certificates of Competency as required under section 39 of the Act.

4.3 References in these Guidelines to authorised third parties relate to persons or organisations that the ITSRR authorises under section 36 of the Act to issue Certificates of Competency.

4.4 For an application for accreditation to satisfy the requirements of sections 10 and 39 of the Act it must, among other things, meet the criteria contained in Guideline 5.2.

4.5 In order to satisfy the requirements of sections 36 and 39 of the Act, an application from a person other than an operator for authorisation to issue Certificates of Competency must, among other things, meet the criteria contained in Guideline 5.2.

- 4.6 With reference to section 11(4)(d) of the Act, an operator must, in its annual safety report to the ITSRR, detail its compliance with the terms, conditions and performance milestones agreed with the ITSRR relating to the competency of its railway employees.
- 4.7 The terms used in the Guidelines have the same meaning as they have in the Act and any regulation made thereunder.

5.0 ISSUE OF CERTIFICATES OF COMPETENCY

Who may issue Certificates of Competency?

- 5.1 Section 36 of the Act allows Certificates of Competency to be issued or renewed by:
- (a) Accredited operators; or
 - (b) Third parties authorised by the ITSRR.

Criteria for becoming an issuer of Certificates of Competency

- 5.2 An organisation seeking to be an operator or an authorised third party issuing Certificates of Competency must meet the following criteria to the satisfaction of the ITSRR:
- (a) Be an organisation that:
 - (i) Is a Registered Training Organisation meeting the requirements of the New South Wales Vocational Education Training Accreditation Board or an equivalent registering body in another State or Territory and registered to deliver the Units of Competency appropriate to the tasks performed by railway employees performing railway safety work,
- Or
- (ii) Has contracted with a Registered Training Organisation capable of exercising, and registered to exercise, this function on its behalf,
- Or
- (iii) Has implemented a training system prescribed by a manufacturer of rolling stock, plant or equipment where the certification being sought relates to the operation of the same and the system is founded on risk management principles,

Or

- (iv) Has implemented a training system accepted by the ITSRR where no Registered Training Organisation provides, or is likely to provide, training in the area of competency being sought. Authorisation under this subclause shall only be available to non-commercial operators,
- (b) For the purposes of the practical assessment of the competencies of railway employees, employs or engages persons who each:
- (i) Possess current qualifications in the competency or competencies being assessed, and
 - (ii) Possess a minimum of two years' practical experience in each competency being assessed, and
 - (iii) As a minimum, be a Category Two Workplace Assessor endorsed by the New South Wales Vocational Education Training Accreditation Board or an equivalent registering body in another State or Territory. Where the person is responsible for devising an assessment curriculum, he or she shall be a Category Four Workplace Assessor,

Characteristics of certification

- 5.3 The only form of competency certification acceptable under the Act for railway safety work is a Certificate of Competency issued in accordance with the Guidelines.
- 5.4 Issuers of Certificates of Competency must comply with the following requirements:
- (a) A Certificate may be issued for any period up to, but not exceeding, five years,
 - (b) The issuer may only issue a Certificate to an applicant if the issuer has satisfied itself that the applicant:
 - (i) Has supplied current and accurate information relating to his or her competency to perform railway safety work,
 - (ii) Has undertaken in writing to comply with any term or condition required by the issuer in respect of the Certificate.
 - (c) A Certificate of Competency must be issued only to a person who fully complies with the medical standards required under any health and fitness Guidelines issued by the ITSRR,

- (d) A Certificate of Competency is issued only to a railway employee who is, in all respects, a fit and proper person. For the purposes of these Guidelines, what constitutes fit and proper is to include (but is not limited to):
 - (i) Compliance with the requirements of an operator's policies and programs in respect of fatigue, drug and alcohol, including any rehabilitation action required of the person in respect of drug or alcohol,
 - (ii) Criteria specified in Guideline 6.1(h),
- (e) A Certificate of Competency remains valid for the lesser of the following periods, either:
 - (i) The full period it is issued for,Or
 - (ii) The period in which the holder possesses the competency required by the issuer,
- (f) As a condition of issue, the issuer of a Certificate of Competency must require the recipient to produce it upon the request of an authorised officer, supervisor or responsible manager, whenever the Certificate holder is on duty for the purpose of carrying out railway safety work.

5.5 Two levels of identification of certification shall apply under the Guidelines.

A higher level of competency identification is required of railway employees performing railway safety work in respect of:

- (a) Work involving the operation or movement of a train or trains, or
- (b) Work on or about railway infrastructure relating to the repair, maintenance or upgrading of railway tracks or any rolling stock or associated works or equipment,

When permitted by a regulation issued under section 117(4) of the Act, a lower level of competency identification shall be required of railway employees performing railway safety work in respect of:

- (c) Work involving certification as to the safety of infrastructure or rolling stock (or any item of infrastructure or rolling stock), or
- (d) Work involving the development, management or monitoring of safe working systems for railways, or

- (e) Work on or about railway infrastructure relating to the cleaning of railway tracks or any rolling stock or associated works or equipment.
- 5.6 An exception exists in respect of railway safety work within paragraphs (c) or (d) of Guideline 5.5 where the railway safety work is on or about a running line. In such cases, and where it is permitted by a regulation issued under section 117(4) of the Act, the higher level of competency identification will be required. The level of identification required of persons performing work under these conditions is a matter for the operator to determine.
- 5.7 Granting of certification to a person performing railway safety work within paragraph (a) or (b) of Guideline 5.5 or the exception category of Guideline 5.6 is to be contingent on the person:
- (a) In respect of training:
 - (i) Satisfying the relevant competency standards contained in the existing Unit or Units of Competency of a national Training Package endorsed by the Australian National Training Authority (ANTA),
 - Or
 - (ii) Satisfying the minimum competency requirements set by an operator in a new competency standard for its own operations,
- (b) In respect of practical assessment (on-the-job or otherwise), satisfying the practical assessment criteria set by the operator.
- 5.8 Where an operator intends to develop a new competency standard governing its operations where no applicable nationally endorsed Units of Competency exist and the new competency standard could have an industry wide application, the operator may:
- (a) Advise the ITSRR in writing of the desirability of developing such a standard in accordance with the Australian National Training Authority (ANTA) requirements in consultation with, and validated by, appropriate Industry and or professional groups and endorsed by ANTA for inclusion in the relevant national Training Package, and
 - (b) Consult with operators and other interested parties on the desirability of developing such a standard.

6.0 OBLIGATIONS

Obligations of an operator certifying the competency of its own railway employees

- 6.1 Each operator issuing Certificates of Competency to its own railway employees shall satisfy itself that:
- (a) It has adequate systems in place to certify that a railway employee carrying out railway safety work:
 - (i) Possesses the good health and fitness required to perform railway safety work,
 - (ii) Is in all other respects a fit and proper person to perform railway safety work,
 - (iii) Has sufficient knowledge, skills, responsibility and aptitude to perform the railway safety work to which the certification relates,
 - (b) It is able to comply with information sharing arrangements made by the ITSRR in respect of other operators and authorised third parties involved in the issuing or monitoring of Certificates of Competency, where permitted by section 39 of the Act. [It is proposed that legislation amending the section be submitted to the Parliament in the Spring Session],
 - (c) Effective internal procedures exist for identifying and rectifying identified deficiencies in any individual's competency or systems relating to competency,
 - (d) The quality of training and assessment provided by internal and external training and assessment providers is appropriate for the competency being certified,
 - (e) In issuing a Certificate of Competency, an operator shall consider relevant communication skills such as competency in spoken and written English language where appropriate to the competencies sought,
 - (f) In issuing a Certificate of Competency, an operator shall consider relevant numeracy skills where appropriate to the competencies sought,
 - (g) A Certificate of Competency reported as lost, inaccurate or fraudulently obtained is no longer able to certify the competency of the person in whose name it was issued. Upon receiving such a report, the operator should take immediate steps to amend the relevant register record to reflect this,
 - (h) Where the issuer has formed a reasonable belief that a person to whom it has issued a Certificate of Competency no longer

possesses the competency it requires, it must give written notification of this to the holder of the Certificate and the register where the holder's record is located. In forming a reasonable belief about a person, the operator shall consider any:

- (i) Failure by the person to maintain current competency,
 - (ii) Breach by the person of current work procedures set by the operator,
 - (iii) Failure by the person to comply with the operator's instructions after a breach,
 - (iv) Breach by the person of the operator's drug and alcohol policy and program,
 - (v) Change in the person's health and fitness status,
 - (vi) Relevant details from the person's work history with the operator on whose behalf he or she is undertaking railway safety work,
- (i) Where the issuer is not satisfied that the competencies a Certificate of Competency attests to are current or relevant in respect of railway safety work, it may:
- (i) Identify the new relevant competencies,
 - (ii) Review the training content and delivery, as well as the relevant assessment strategies and tasks,
 - (iii) Develop new training and assessment strategies that meet the needs of its operations, or engage an authorised third party to undertake this.

Obligations of authorised third parties

6.2 An authorised third party issuing any Certificate of Competency shall satisfy itself that:

- (a) It has adequate systems in place to certify that a railway employee:
 - (i) Possesses the good health and fitness required to perform railway safety work,
 - (ii) Is in all other respects a fit and proper person to perform railway safety work,
 - (iii) Has sufficient knowledge, skills, responsibility and aptitude to perform the railway safety work to which the certification relates,
- (b) A Certificate of Competency is only issued when the person seeking certification has:
 - (i) Provided a current and accurate record of work experience, and

- (ii) Successfully completed the training relevant to the competency being certified, and
 - (iii) Been assessed as competent to the required standard, and
 - (iv) Provided any other information required under these Guidelines,
- (c) The competencies the Certificate of Competency attests to are current in respect of railway safety work,
- (d) Throughout the period that a Certificate of Competency is issued, adequate arrangements are made with the operator in receipt of the person's services to notify the issuer of any change in the holder's competency or other information required under these Guidelines,
- (e) Documentation and data relevant to all persons the issuer certifies as competent are maintained and readily accessible and include, without being limited to, documentation and data on their identity, experience, training, aptitude, medical fitness and competency in assigned duties,
- (f) The authorised third party complies with information sharing arrangements made by the ITSRR in respect of other operators and other authorised third parties involved in the certification of competency, where permitted by section 39 of the Act [Amendment of the Act along these lines is proposed],
- (g) An authorised third party that issues Certificates of Competency attesting to the quality of the training and assessment it provides to railway employees must undertake effectual monitoring of any internal or external training providers of this training and assessment,
- (h) In issuing a Certificate of Competency, an issuer shall consider relevant communication skills such as competency in spoken and written English language where appropriate to the competencies sought,
- (i) In issuing a Certificate of Competency, an issuer shall consider relevant numeracy skills where appropriate to the competencies sought,
- (j) A Certificate of Competency reported as lost, inaccurate or fraudulently obtained is no longer able to certify the competency of the person in whose name it was issued. Upon receiving such a report, the issuer should take immediate steps to amend the relevant register record to reflect this,

- (k) Where the issuer has formed a reasonable belief that a person to whom it has issued a Certificate of Competency no longer possesses the competency it requires, it must give written notification of this to the holder of the Certificate and the register where the holder's record is located. In forming a reasonable belief about a person, the issuer shall consider any:
- (i) Failure by the person to maintain current competency,
 - (ii) Breach by the person of current work procedures set by the operator,
 - (iii) Failure by the person to comply with the operator's instructions after a breach,
 - (iv) Breach by the person of the operator's drug and alcohol policy and program,
 - (v) Change in the person's health and fitness status,
 - (vi) Relevant details from the person's work history with the operator on whose behalf he or she is undertaking railway safety work,

7.0 APPROVED FORM OF A REGISTER FOR THE PURPOSES OF SECTIONS 36(6), 39 AND 112(2) OF THE ACT

Preamble

- 7.1 Any instrument issued under sections 36(6) and 112 of the Act for the purpose of section 39 must comply, apart from any other term or condition the ITSRR may prescribe, with the requirements of this Part (Guidelines 7.1 to 7.13). The Guidelines set out the form approved by the ITSRR, for the keeping in a register by an approved person, of particulars of Certificates issued by an operator or other person.
- 7.2 Further terms or conditions on the keeping of a register may be included in an accreditation issued to an operator under section 18 or 19 of the Act or a specific approval for the purposes of section 39 of the Act.

General requirements

- 7.3 The person approved by the ITSRR to operate the register shall comply with any Guideline, or protocol agreed with the ITSRR, on the sharing of information with accredited operators and other authorised third parties where this is permitted by section 39 of the Act. [It is proposed that the Act be amended to authorise this.]
- 7.4 The person approved by the ITSRR to operate the register shall make information from personal records (or a specified class of records) contained in the register available to the ITSRR upon request or within a period nominated by the ITSRR.

- 7.5 The person approved by the ITSRR to operate the register shall satisfy him or herself of the adequacy of the register's processes for handling complaints relating to the particulars of the Certificates of Competency that it holds.
- 7.6 The person approved by the ITSRR to operate the register shall satisfy itself of its ability to promptly amend the active record of any Certificate of Competency holder when it receives advice that the person's competency is no longer current for any reason. Each issuing organisation should ordinarily have only one register and each person within that organisation only one active record.
- 7.7 In respect of persons undertaking railway safety work within paragraph (a) or (b) of Guideline 5.5, or the exception category contained in Guideline 5.6, each register record shall contain, as a minimum, the following information:
- (a) Unique alphanumeric identifier for the specific Certificate of Competency, allocated according to parameters set by the ITSRR,
 - (b) Unique alphanumeric identifiers for the operators whose operations it is valid for, according to parameters set by the ITSRR,
 - (c) Photograph of the Certificate holder's face unobscured by sunglasses or headwear. A new photograph is to be scanned into the register record whenever the Certificate is renewed,
 - (d) Sample of the person's usual signature,
 - (e) Name of the person who is the holder of the Certificate of Competency or Certificates of Competency issued in his or her name,
 - (f) Present residential and postal address,
 - (g) An immediate contact telephone number or e-mail address, including an after hours telephone number if applicable,
 - (h) Dates of issue and expiry of any Certificate or Certificates issued to the person,
 - (i) Current competencies of the holder of the Certificate of Competency. Wherever possible, competencies must be referenced using the unique identifier codes allocated by the Australian National Training Authority (ANTA) to Units of Competency from nationally endorsed Training Packages,

- (j) Original certifying documentation (or copies certified by a Justice of the Peace) of the person's qualifications and competencies in respect of which the Certificate is issued, including details of the certifying institutions,
- (k) A current and accurate record of the person's work experience. The issuer of the Certificate of Competency may need to give consideration to higher requirements including references from previous supervisors,
- (l) A record indicating that a current medical certificate is on file that includes any medical condition relevant to the work being carried out under the Certificate of Competency,
- (m) Date of birth of the Certificate holder,
- (n) Fit and Proper data of the holder of the Certificate, including:
 - (i) Details of any occurrence notifiable under the Act which the Certificate holder was involved in. A record must include occurrences notifiable under the rail safety statutes of the other States and Territories,
 - (ii) Any breach of an operator's policies and programs in respect of drugs and alcohol and fatigue, including information on any rehabilitation or disciplinary action taken by operators in respect of drugs and alcohol,
 - (iii) Relevant details from the person's work history, including any commendable conduct.

Conditions applying to the particulars of Certificates of Competency contained in a register record

- 7.8 The person approved by the ITSRR to operate the register shall make available information to operators and authorised third parties that request information on a Certificate holder's competency, where permitted by section 39. Information shall be supplied to operators and authorised third parties subject to:
- (a) Any condition or restriction specified by the ITSRR in respect of an operator's accreditation under sections 18 and 19 of the Act, or
 - (b) The terms of an approval given by the ITSRR in an instrument issued under sections 36(6) and 112 of the Act for the purpose of section 39 of the same.

Nature of identification required of persons undertaking railway safety work within paragraphs (a) or (b) of Guideline 5.5 or the exception category of Guideline 5.6

- 7.9 The Certificate of Competency shall be easy to carry and durable (equivalent, say, to a plastic driver's licence or a plastic credit card).
- 7.10 The information contained in the Certificate shall be consistent in every respect with the information contained in the person's active register record.
- 7.11 The information contained in the Certificate shall include the following:
- (a) Unique alphanumeric identifier for the Certificate, allocated according to parameters set by the ITSRR,
 - (b) Unique alphanumeric identifiers for the operators whose operations it is valid for, allocated according to parameters set by the ITSRR,
 - (c) Photograph of the Certificate holder identical to that contained in the person's active register record,
 - (d) Sample of the person's usual signature,
 - (e) Dates of issue and expiry of the card,
 - (f) Text to the effect that the Certificate is issued under the NSW Rail Safety Act and regulations,
 - (g) The person's highest level of current competency qualifications, be they nationally recognised or specific to operators or both. Alphanumeric coding or words may be used. Units of Competency from nationally endorsed Training Packages should be identified using the unique identifier codes allocated by the Australian National Training Authority (ANTA). Operator specific competencies should be identified using the coding or words specified by the operator,
 - (h) Name of the person holding the identification.
- 7.12 The Certificate of Competency always remains the property of the issuer. The issuer must:
- (a) Require the holder of a superseded Certificate to render it unusable once a new Certificate is issued,
 - (b) Require the holder to render his or her Certificate unusable or to return it to the issuer when it is aware that the holder no longer

possesses the competency to which his or her Certificate attests and is not issuing a new Certificate,.

- 7.13 The issuer shall issue Certificates of Competency to persons undertaking railway safety work within paragraph (a) or (b) of Guideline 5.5 or the exception category of Guideline 5.6 to someone who already holds a Certificate of Competency subject to:
- (a) All the Certificates held by the person undertaking railway safety work being linked to a single active register record in the individual's name,
 - (b) The Certificate holder formally undertaking to comply with any request made by the issuer in respect of the linking of the data.

8.0 REPORTING

Overview

- 8.1 Any instrument issued under sections 36(6) and 112 of the Act for the purpose of section 39 must comply, apart from any other term or condition the ITSRR may prescribe, with the requirements of this Part in respect of annual reporting requirements (Guidelines 8.1 to 8.6).
- 8.2 A person approved by the ITSRR for the purposes of section 39 of the Act must report annually to the ITSRR on the operation of its systems for the issuing of Certificates of Competency.
- 8.3 An operator that issues Certificates of Competency must, under section 11 of the Act, include in its annual safety report information on the operation of its systems for the issuing of Certificates of Competency.

Obligations of issuers

- 8.4 In respect of Guidelines 8.2 and 8.3, the ITSRR may require independent verification of this information by a member of the Joint Accreditation System of Australia & New Zealand or by a person registered with the Quality Council.
- 8.5 An operator responsible for work undertaken by a railway employee must notify the issuer of the Certificate of Competency, no later than twenty-four hours after it comes to its notice, of when a Certificate ceases to be current in respect of a person's competency.
- 8.6 An operator should give timely notice to the ITSRR of any difficulty or delay it has in concluding and implementing arrangements required by the Guidelines with other operators, contractors or parties.

9.0 TRANSITIONAL ARRANGEMENTS

- 9.1 Where full and immediate compliance with the duty imposed by these Guidelines by 29 August 2003 is impossible because of real resource constraints, an operator may nominate performance milestones it must achieve over time and request the ITSRR's endorsement of such an arrangement. The operator is taken to have complied with the duty imposed by these Guidelines if it complies with the endorsed performance milestones.

10.0 HISTORICAL NOTE

The Guidelines were first gazetted on 29 August 2003. Passage of the Transport Legislation Amendment (Safety and Reliability) Bill later that year made re-gazettal of the Guidelines necessary to reflect the new designation of the safety regulator, ITSRR.

GUIDELINES RELATING TO DRUG & ALCOHOL PROGRAMS

1.0 INTRODUCTION

Individual employees are under an obligation to take reasonable care for the health, safety and welfare of others and to cooperate with employers in their efforts to comply with the requirements of the Rail Safety Act 2002 and the relevant occupational health and safety requirements.

Accredited operators are responsible for ensuring that risks to health and safety in the workplace are identified and assessed, then eliminated or controlled. These risks include those posed by the use of alcohol or other drugs.

The Guidelines promote a consistent approach across the rail sector to managing the risks posed by drug and alcohol use.

The Guidelines set out the principles governing operator policies and the approaches needed to manage this lifestyle-related problem. The Guidelines state the context in which drug & alcohol testing will take place but do not prescribe the basis of that testing or how it is to be administered.

The systems an operator needs to implement the Guidelines should correlate to its size and resources.

2.0 SCOPE

2.1 The Guidelines shall have force subject to Divisions 1 and 3 of Part 2 of the Rail Safety Act 2002 ('the Act').

3.0 APPLICATION

3.1 The Guidelines shall apply to all operators accredited under the Act in respect of railway employees engaged in railway safety work.

3.2 For an application for accreditation to satisfy the requirement of section 10 of the Act it must, among other things, include information on the applicant's proposed drug and alcohol program.

3.3 With reference to section 11(4)(d) of the Act, an operator must, in its annual safety report to the ITSRR, detail the operation of the drug and alcohol program submitted to the ITSRR under its accreditation.

3.4 The terms used in the Guidelines have the same meaning as they have in the Act and any regulation made thereunder. The term ITSRR refers to the Independent Transport Safety and Reliability Regulator.

4.0 ELEMENTS OF A DRUG AND ALCOHOL PROGRAM

- 4.1 Operators, members of the public and railway employees need to have confidence that the safety hazards posed by alcohol and other drugs are being monitored and controlled in an ongoing and rigorous fashion.
- 4.2 The systems used to implement an operator's drug and alcohol program must embody risk management principles and may take account of the principles contained in:
- AS/NZS4804: 2001, Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques, as amended from time to time,
 - AS/NZS4801: 2001, Occupational health and safety management systems – Specification with guidance for use, as amended from time to time,
 - AS/NZS4360: 1999, the Australian Risk Management Standard, as amended from time to time,
 - Another equivalent Standard, as amended from time to time.
- 4.3 Programs developed by operators to manage alcohol and other drugs are to be based on the following principles:
- (a) Alcohol and other drug problems are to be dealt with as health and lifestyle problems, with an emphasis on education and rehabilitation in so far as it is consistent with the requirements of safety,
 - (b) Railway employees and their representatives are to be consulted at all stages of program development and implementation,
 - (c) Operators must inform all railway employees of their responsibilities in relation to the consumption or use of alcohol or other drugs which may adversely affect work performance or conduct,
 - (d) Operators must provide practical guidelines and training to managers and supervisors for dealing with railway employees whose work performance or conduct is adversely affected by alcohol or other drugs, including the application of disciplinary sanctions,
 - (e) Railway employees and their representatives must comply with all employer directives applicable to alcohol and other drugs in the workplace and cooperate fully with employers to prevent incidents arising from the consumption or use of alcohol or other drugs,

- (f) Railway employees who attend treatment or rehabilitation may have access to accrued annual leave, sick leave or leave without pay,
- (g) Personal information received from railway employees during counselling treatment or rehabilitation is to be treated in strict confidence,
- (h) Policies and programs developed by operators should be tailored to address their operational circumstances. The level of detail in a policy and program will reflect the size of the employer's operations, the extent of the risk and any applicable statutory requirement.

5.0 OPERATOR PROGRAMS

5.1 Operators must take the following matters into account when preparing and implementing an alcohol and other drug program:

- (a) Taking measures to achieve a workplace culture that supports fitness for work,
- (b) Reducing the effects in the workplace of the consumption or use of alcohol and other drugs including risks to safety and absenteeism,
- (c) Informing railway employees of the potential work related problems that may arise from the consumption or use of alcohol and other drugs and of their responsibilities in relation to safety, conduct and performance,
- (d) Establishing a system to maintain the confidentiality of all information communicated to them concerning alcohol and drug related problems,
- (e) Providing information to railway employees about referral to counselling, treatment and rehabilitation services where this is appropriate.

6.0 RESPONSIBILITIES TO BE REQUIRED OF RAILWAY EMPLOYEES BY OPERATORS

6.1 The training and assessment component of an operator's program shall involve the operator making railway employees aware of their responsibility for:

- (a) Ensuring that they do not, by the consumption of alcohol and other drugs, endanger their own safety or the safety of any other person in the workplace or a member of the public,
- (b) Attending and resuming work not under the influence of alcohol or other drugs,
- (c) Notifying their manager or supervisor if they are aware that their work performance or conduct could be adversely affected or if there is a risk to the safety of themselves or other persons as a result of a prescribed or non-prescribed drug,
- (d) Consulting with their manager, supervisor, union or occupational health and safety representative if they are concerned about other railway employees because of a perceived safety risk,
- (e) Following the operator's directives and rules applicable to alcohol and drugs in the workplace and also in respect of rehabilitation programs endorsed by the operator.

7.0 ELEMENTS OF AN ALCOHOL AND OTHER DRUG PROGRAM

As a minimum, the program shall consist of the following elements:

An alcohol and other drug policy

- 7.1 A policy that outlines the operator's aims in relation to alcohol and other drug use with the objectives linked to the reduction of hazards and risks associated with alcohol and other drug use. The policy may also detail the 'supporting measures' including strategies and action plans to meet the objectives.

'Supporting measures'

- 7.2 The 'supporting measures' for an alcohol and other drugs program shall include information and procedures on the:
- (a) Measures to reduce alcohol and other drug related problems in the workplace through proper personnel management, good employment practices, improved working conditions and the proper arrangement of work,
 - (b) Measures to prohibit or restrict the availability of alcohol and other drugs in the workplace,
 - (c) Prevention of alcohol and other drug related problems in the workplace through information, education, training and other means. Guideline 6.1 contains some matters that the program should include,

- (d) Identification, assessment and referral of those who have alcohol or other drug related problems,
- (e) Measures relating to intervention and the treatment and rehabilitation of individuals with alcohol or other drug related problems,
- (f) Rules governing conduct in the workplace relating to alcohol and other drugs, the violation of which could result in the invoking of disciplinary and or criminal proceedings.

Alcohol and other drug testing

- 7.3 An operator shall satisfy itself that it has adequate arrangements in place for the testing of the railway employees under its control.
- 7.4 The pro-active management of risk may involve the targeted or random testing of railway employees. Whenever targeted or random testing is implemented, the operator's program shall require that:
- (a) Targeted testing be conducted in a manner that maximises its effectiveness as a control for the risks posed by the consumption of alcohol or drugs,
 - (b) Random testing be conducted in a manner that maximises its effectiveness as a control for the risks posed by the consumption of alcohol or drugs. Measures to achieve this end may include,
 - (i) The conduct of random tests on a pre and post sign-on basis for all persons engaged in railway safety work without the giving of prior notification for such testing,
 - (ii) The conduct of random tests according to the provisions of the Rail Safety (Drug and Alcohol Testing) Regulation 2003 or the provisions of a registered industrial agreement,
 - (iii) Administering of random urine tests according to AS/NZS4308:2001: Procedures for the collection, detection and quantitation of drugs of abuse in urine. The Australian Standard sets out the procedures for the sample collection and detection and quantitation of drugs of abuse in human urine. The method may be used for workplace detection of any or all of the following classes of drugs: opiates, sympathomimetic amines, cannabis metabolites, cocaine metabolites or benzodiazepines,

- (c) Periodic assessments by an operator of the effectiveness of its drug and alcohol testing according to accepted risk management principles.

Disciplinary action, fair procedures, education and assistance

7.5 An alcohol and other drug program must clearly set out the:

- (a) Sanctions applicable in the event of breaches of its requirements. This would include sanctions consequent upon a first breach of the program or where a railway employee refuses or fails to fully comply with the terms of a rehabilitation program agreed with the operator,
- (b) Rules governing the application of the sanctions, including grievance resolution and appeal mechanisms,
- (c) Protocols for fair procedures agreed with railway employees and their representatives,
- (d) Education and assistance available to a railway employee who self identifies as someone whose consumption of alcohol or other drugs could impair his or her ability to safely undertake railway safety work,
- (e) Protocols for fair procedures, education and assistance available to a railway employee who tests positive for the presence of a drug where:
 - (i) The drug has been prescribed by a medical practitioner for the person or purchased by the person in respect of an identified medical condition, and
 - (ii) The person has taken the medication according to the instructions of the medical practitioner or the instructions given on the label of the medication, and
 - (iii) The person taking the medication gave full and timely warning to his or her supervisor of this, and
 - (iv) The person was rostered for duty when testing took place.

8.0 TRANSITIONAL ARRANGEMENTS

- 8.1 Where full and immediate compliance with the duty imposed by these Guidelines by 29 August 2003 is impossible because of real resource constraints, an operator may nominate performance milestones it must achieve over time and request

the ITSRR's endorsement of such an arrangement. The operator is taken to have complied with the duty imposed by these Guidelines if it complies with the endorsed performance milestones.

9.0 SOURCES OF INFORMATION ON DRUG AND ALCOHOL MANAGEMENT

9.1 There are a number of sources from which information on managing drug and alcohol related problems and risks can be obtained. These include:

United Nations

- The International Labour Organisation offers extensive resources designed to assist governments, employers and employees in the management of workplace-related risks. Reference should be made to the 1995 Code of Practice entitled, 'Management of Alcohol and Drug Related Issues in the Workplace':

www.ilo.org

National Governments

The following publish a wide range of investigation, policy and research papers on human factor related risks like drug and alcohol:

- Australian Transport Safety Bureau:

www.atsb.gov.au

- National Transport Commission (formerly the National Road Transport Commission):

www.ntc.gov.au

- National Transportation Safety Board of the United States:

www.ntsb.gov

- National Aeronautics and Space Administration of the United States:

www.nasa.gov

- Transport Canada:

www.tc.gc.ca

State Governments

- New South Wales Independent Transport Safety and Reliability Regulator:

www.transportregulator.nsw.gov.au

Peak union organisations

- The New South Wales Labor Council publishes detailed fact sheets and policies to assist employers and employees in the workplace. These have been developed with the assistance of various NSW Government agencies.

The Labor Council *Policy on Managing Alcohol, Other Drugs and Fatigue in the Workplace for Employees covered by the Rail Safety and Passenger Transport Acts* has been endorsed by the ITSRR as a compliant policy for the purposes of these Guidelines.

For fact sheets: www.unionsafe.labor.net.au/safety_reps/

For policies: www.unionsafe.labor.net.au/officials/index

Peak industry associations

- New South Wales Minerals Council:

www.nswmin.com.au

- Bus & Coach Association:

www.bcansw.com.au

- Charter Vessels Association:

www.chartervessels.com.au Telephone (02) 9 968 1184

Research bodies

- Centre for Sleep Research, University of South Australia:

www.unisa.edu.au/sleep/

- Injury Risk Management Research Centre, University of New South Wales:

www.irmrc.unsw.edu.au

- Minerals Industry Safety & Health Centre, University of Queensland:

www.mishc.uq.edu.au

- Sleep Health & Respiratory Support Clinic, Royal Prince Alfred Hospital:

www.rpasleep.org.au or www.sleepsydney.org

- Karolinska Institutet in Sweden:

www.info.ki.se

- Institut National de Recherche et de Securite (INRS) in France:

www.inrs.fr

- Division of Sleep Medicine, University of Pennsylvania:

www.uphs.upenn.edu/sleepctr/divisionofsleep

- American Academy of Sleep Medicine:

www.aasmnet.org/

- Human Psychopharmacology Research Unit, University of Surrey, UK:

www.surrey.ac.uk/departments/

10.0 HISTORICAL NOTE

The Guidelines were first gazetted on 29 August 2003. Passage of the Transport Legislation Amendment (Safety and Reliability) Bill later that year made re-gazettal of the Guidelines necessary to reflect the new designation of the safety regulator, ITSRR.

GUIDELINES RELATING TO THE MANAGEMENT OF FATIGUE

1.0 INTRODUCTION

Overview

Fatigue has been recognised as a hazard in the transportation industry for many years.

Much research has gone into examining how operators can manage fatigue. A number of factors have been identified as contributors to the condition. But the management of fatigue is not an exact science and the impact of fatigue factors will vary from person to person. The Guidelines have been drafted with this in mind.

Operators fully complying with the OH&S legislation would already be taking steps to manage workplace fatigue, but the Rail Safety Act 2002 ('the Act') imposes additional requirements because of the potential impacts fatigue could have on passengers and members of the public.

Penalties

Section 43 and Schedule 2 of the Act accordingly impose a substantial duty on operators to manage workplace fatigue. Substantial penalties apply for those not complying with the provisions of the Act or the Guidelines, up to \$28,000 for a corporation and \$5,500 for individuals, as well as penalties under an operator's accreditation.

2.0 STATEMENTS OF PRINCIPLE

- 2.1 Operators and railway employees must have a flexible approach in developing and managing programs that will:
- (a) Take ongoing advantage of new developments in research and technology,
 - (b) Consider the needs of railway employees,
 - (c) Consider the needs of operators,
 - (d) Be implemented over a wide range of operating conditions.
- 2.2 Operators have a responsibility to establish and maintain working conditions that allow:
- (a) Railway employees sufficient opportunity to obtain adequate rest between shifts, and
 - (b) Alertness to be sustained throughout their period of duty.
- 2.3 Operators must place a duty on railway employees to report for work rested and fit for duty.

3.0 SCOPE

- 3.1 The Guidelines have force subject to Sections 10, 11 and 43 of the Act and Clause 52 of the Rail Safety (General) Regulation 2003 ('the Regulation').

4.0 APPLICATION

- 4.1 The Guidelines shall apply to all operators accredited under the Act.
- 4.2 For an application for accreditation to satisfy the requirement of section 10 of the Act it must, among other things, include information on the applicant's proposed fatigue management program.
- 4.3 With reference to section 11(4)(d) of the Act, an operator must, in its annual safety report to the ITSRR, detail its compliance with the requirements of the Act and the Regulation relating to fatigue and the fatigue management program detailed in its accreditation.
- 4.4 The terms used in the Guidelines shall have the same meaning as they have in the Act and any regulation made thereunder. The term ITSRR refers to the Independent Transport Safety and Reliability Regulator.

5.0 FATIGUE MANAGEMENT PROGRAMS

- 5.1 Fatigue management programs should aim to achieve the following:
- (a) Reduce fatigue and improve the on-duty alertness of railway employees, and
 - (b) Reflect the nature of the operations conducted by the operator including operating conditions.
- 5.2 Operators shall ensure that railway employees and their designated representatives are consulted in the development and implementation of fatigue management programs, including the making of changes to such programs.
- 5.3 Fatigue management programs shall consider, but not be limited to, the following:
- (a) The risks associated with the particular form of railway safety work,
 - (b) Railway employee work scheduling practices, including relief arrangements to cover absences,
 - (c) Physiological factors of railway employees,

- (d) Education and training,
- (e) On-the-job alertness strategies,
- (f) Rest environments provided by the employer (eg. sleeping facilities located aboard a locomotive or in a depot),
- (g) Work environments,
- (h) Working under unusual, unpredictable or emergency operating conditions,
- (i) Variations in shift and rest scheduling required by different routes,
- (j) Scheduling of shift and rest periods.

5.4 The systems used to implement an operator's fatigue management program may take account of the principles contained in:

- AS/NZS4804: 2001, Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques, as amended from time to time,
- AS/NZS4801: 2001, Occupational health and safety management systems – Specification with guidance for use, as amended from time to time,
- AS/NZS4360: 1999, the Australian Risk Management Standard, as amended from time to time,
- Another equivalent Standard, as amended from time to time.

6.0 REPORTING REQUIREMENTS

- 6.1 An operator shall satisfy itself that employee hours of work are monitored for fatigue on an ongoing basis.
- 6.2 In its internal auditing, an operator shall monitor the implementation of its fatigue management plan using quantitative measures.

7.0 TRANSITIONAL ARRANGEMENTS

- 7.1 Where full and immediate compliance with the duty imposed by these Guidelines by 29 August 2003 is impossible because of real resource constraints, an operator may nominate performance milestones it must achieve over time and request the ITSRR's endorsement of such an arrangement. The operator is taken to have complied with the duty imposed by these Guidelines if it complies with the endorsed performance milestones.

8.0 SOURCES OF INFORMATION ON FATIGUE MANAGEMENT

- 8.1 There are a number of sources (and Internet sites) from which information on fatigue management practice and research can be obtained. These include:

United Nations

- The International Labour Organisation offers extensive resources designed to assist governments, employers and employees in the management of workplace fatigue:

www.ilo.org

National Governments

The following publish a wide range of investigation, policy and research papers in the area of fatigue management:

- Australian Transport Safety Bureau:

www.atsb.gov.au

- National Transport Commission (formerly the National Road Transport Commission):

www.ntc.gov.au

- National Transportation Safety Board of the United States:

www.nts.gov

- National Aeronautics and Space Administration of the United States:

www.nasa.gov

- Transport Canada:

www.tc.gc.ca

State Governments

- New South Wales Independent Transport Safety and Reliability Regulator:

www.transportregulator.nsw.gov.au

Peak union organisations

The New South Wales Labor Council publishes detailed fact sheets and policies to assist employers and employees in the workplace. These have been developed with the assistance of various NSW Government agencies.

The Labor Council *Policy on Managing Alcohol, Other Drugs and Fatigue in the Workplace for Employees covered by the Rail Safety and Passenger Transport Acts* has been endorsed by the ITSRR as a compliant policy for the purposes of these Guidelines.

For fact sheets: www.unionsafe.labor.net.au/safety_reps/

For policies: www.unionsafe.labor.net.au/officials/index

Peak industry associations

- New South Wales Minerals Council:

www.nswmin.com.au

Research bodies

- Centre for Sleep Research, University of South Australia:

www.unisa.edu.au/sleep/

- Injury Risk Management Research Centre, University of New South Wales:

www.irmrc.unsw.edu.au

- Minerals Industry Safety & Health Centre, University of Queensland:

www.mishc.uq.edu.au

- Sleep Health & Respiratory Support Clinic, Royal Prince Alfred Hospital:

www.rpasleep.org.au

www.sleepsydney.org

- Karolinska Institutet in Sweden:

www.info.ki.se

- Institut National de Recherche et de Securite (INRS) in France:

www.inrs.fr

- Division of Sleep Medicine, University of Pennsylvania:

www.uphs.upenn.edu/sleepctr/divisionofsleep

- American Academy of Sleep Medicine:

www.aasmnet.org/

9.0 HISTORICAL NOTE

The Guidelines were first gazetted on 29 August 2003. Passage of the Transport Legislation Amendment (Safety and Reliability) Bill later that year made re-gazettal of the Guidelines necessary to reflect the new designation of the safety regulator, ITSRR.

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

THE OBERON COUNCIL

ERRATUM

THE notice which appeared in the *Government Gazette* No. 163 of 10th October, 2003, under the heading of Dedication of Lands as Public Road under the Roads Act 1993, section 10, as per the Schedule below, is incorrect and hereby reversed. BRUCE FITZPATRICK, General Manager, Council Chambers, 137-139 Oberon Street (PO Box 84), Oberon, NSW 2787, tel.: (02) 6336 1100.

Schedule

Roadway east of Lot 101, DP 103282. [0977]

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 538 in DP 1059141 at Pottsville in the Shire of Tweed as shown below:

Evans Street, Wooli Street.

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. [0978]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ALLAN JAMES WHITE, late of 472 Darling Street, Rozelle, in the State of New South Wales, purchasing officer, who died on 26th October, 2003, must send particulars of his/her claim to the executrix, Brooke Laura Lee White, 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 executrix has notice. Probate was granted in New South Wales on 12th December, 2003. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street, Rozelle, NSW 2039.

[0979]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ERIC HENRY GROEGER, late of Woy Woy, in the State of New South Wales, retired, who died on 12th September, 2003, must send particulars of his claim to the executor, Robyn Helen Fisk, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy, NSW 2256, or their agents Turner Whelan, Solicitors, Level 2, 162 Goulburn Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets may be conveyed and distributed having regard only to the claims of which at the time of distribution she has

notice. Probate was granted in New South Wales on 9th December, 2003. PENINSULA LAW, Solicitors, 103-105 Blackwall Road (PO Box 162), Woy Woy, NSW 2256 (DX8806, Woy Woy), tel.: (02) 4342 1277. [0981]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ERNEST ELDEN HEAD, late of Elizabeth Bay, in the State of New South Wales, retired, who died on 27th September, 2003, must send particulars of their claim to the executors, Peter Martin Head and Bruce Curtis Head, c.o. Stephen R W Reed, Solicitor, Level 18, 68 Pitt Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance and distribution the executors have notice. Probate was granted in New South Wales on 19th November, 2003. STEPHEN R W REED, Solicitor, Level 18, 68 Pitt Street, Sydney, NSW 2000 (DX263, Sydney), tel.: (02) 9221 6700.

[0982]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NELLIE MAY HOE, late of 65 Reynolds Road, Londonderry, in the State of New South Wales, home duties, who died on 22nd October, 2003, must send particulars of his/her claim to the executor, Desmond John Norman Hughes, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, NSW 2148, 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 executor has notice. Probate was granted in New South Wales on 11th December, 2003. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street (PO Box 147), Blacktown, NSW 2148 (DX8109, Blacktown), tel.: (02) 9622 4644.

[0986]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JANET EILEEN SMITH, late of 235 Macquarie Street, South Windsor, in the State of New South Wales, retired quality controller, who died on 21st October, 2003, must send particulars of his/her claim to the executors, John William Smith and Georgina Eileen Andrews, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, NSW 2148, 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 10th December, 2003. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street (PO Box 147), Blacktown, NSW 2148 (DX8109, Blacktown), tel.: (02) 9622 4644.

[0987]

COMPANY NOTICES

NOTICE of voluntary winding up.—GLENN YORK TRANSPORT PTY LTD, ACN 003 531 119 (in voluntary liquidation).—Notice is hereby given that at

an extraordinary general meeting of members of the abovenamed company, duly convened and held at 6 Barcoo Island, Sylvania Waters, NSW, on 18th December 2003, the following special resolution was duly passed: "That the company be wound up voluntarily". It was further resolved that Arthur Duffield be appointed liquidator of the company for the purposes of winding up the affairs and distributing the assets of the company. Dated 18th December, 2003. ARTHUR DUFFIELD, Liquidator, c.o. Brooks, Deane & Powne, Chartered Accountants, 6th Floor, 72 Pitt Street, Sydney, NSW 2000, tel.: (02) 9233 6111. [0976]

IN the matter of TOOLSHED SYDNEY SOUTH PTY LIMITED, ACN 000 633 607 (in liquidation), and in the matter of the Corporations Law, the creditors of the abovenamed company are required on or before 19th January, 2004, to prove their debts or any claims and to establish any title they may have to priority by delivering or sending through the post to the liquidator at the undermentioned address an affidavit verifying their respective debts or claims. In default they will be excluded from the benefit of any distribution made before such debts or claims are proved or such priority is established and from objecting to any such distribution. Form of proof may be obtained from the liquidator at the address shown below. Dated this 16th December, 2003. E. M. COWLEY, Liquidator, c.o. E. M. Cowley & Co., Chartered Accountant, 3/11 West Street, North Sydney, NSW 2060, tel.: (02) 9955 6488. [0980]

NOTICE of voluntary liquidation.—GL BRIGGS & SONS PTY LIMITED, ACN 000 012 751 (in voluntary liquidation).—Notice is hereby given pursuant to the Corporations Law that at a general meeting of members, duly convened and held at Unit 4, 17 Stanton Road,

Seven Hills, on Friday, 19th December, 2003, at 11:00 a.m., the following resolution was passed as a special resolution: "That the company be wound up voluntarily and that Stanley Moriarty be appointed liquidator for the purposes of the winding up". S. MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road (PO Box 818), Ingleburn, NSW 2565, tel.: (02) 9605 1344. [0983]

NOTICE of voluntary liquidation.—BELLINGEN TIMBER CO PTY LIMITED, ACN 000 030 722 (in voluntary liquidation).—Notice is hereby given pursuant to the Corporations Law that at a general meeting of members, duly convened and held at Unit 4, 17 Stanton Road, Seven Hills, on Friday, 19th December, 2003, at 11:05 a.m., the following resolution was passed as a special resolution: "That the company be wound up voluntarily and that Stanley Moriarty be appointed liquidator for the purposes of the winding up". S. MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road (PO Box 818), Ingleburn, NSW 2565, tel.: (02) 9605 1344. [0984]

NOTICE of voluntary liquidation.—FIE PTY LIMITED, ACN 000 205 925 (in voluntary liquidation).—Notice is hereby given pursuant to the Corporations Law that at a general meeting of members, duly convened and held at Unit 4, 17 Stanton Road, Seven Hills, on Friday, 19th December, 2003, at 11:10 a.m., the following resolution was passed as a special resolution: "That the company be wound up voluntarily and that Stanley Moriarty be appointed liquidator for the purposes of the winding up". S. MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road (PO Box 818), Ingleburn, NSW 2565, tel.: (02) 9605 1344. [0985]

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R. J. MILLIGAN, Government Printer.

ISSN 0155-6320