



## *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

**Legislative Assembly Office, Sydney, 5 June 2003**

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

Act No. 9 2003 - An Act to amend the Crimes Act 1900 to provide for the equal treatment of sexual offences against males and females and to increase the penalties for sexual offences against children; and for other purposes. [**Crimes Amendment (Sexual Offences) Bill**]

Act No. 10 2003 - An Act to amend the Crimes (Sentencing Procedure) Act 1999 to enable victim impact statements to be read out in court by victims of serious offences or their representatives, to amend the Victims Rights Act 1996 to provide victims of crime with information about the prosecution of accused persons, and to amend the Victims Support and Rehabilitation Act 1996 to provide payment for counselling services for family members of certain persons killed by the use of motor vehicles. [**Victims Legislation Amendment Bill**]

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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# Proclamations

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## Proclamation

under the

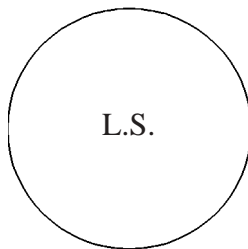
**Building Legislation Amendment (Quality of Construction) Act  
2002 No 134**

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Building Legislation Amendment (Quality of Construction) Act 2002*, do, by this my Proclamation, appoint 1 July 2003 as the day on which Schedule 2.1 [5]–[13] and [20] to that Act commence.

Signed and sealed at Sydney, this 11th day of June 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the provisions of the *Building Legislation Amendment (Quality of Construction) Act 2002* with respect to the investigation of building disputes under the *Home Building Act 1989*, the withdrawal of building claims under that Act and the review of that Act in relation to the recommendation of the Joint Select Committee on the Quality of Buildings for the establishment of a Home Building Compliance Commission.



## Proclamation

under the

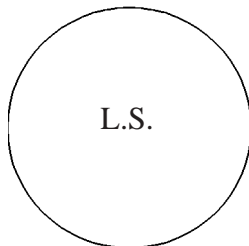
Coal Mine Health and Safety Act 2002 No 129

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 *Coal Mine Health and Safety Act 2002*, do, by this my Proclamation, appoint 13 June 2003 as the day on which Schedule 2.9 to the Act commences.

Signed and sealed at Sydney, this 4th day of June 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence amendments to the *Industrial Relations Act 1996* dealing with the application of a section of that Act that provides for appeals against acquittals in proceedings for offences against occupational health and safety legislation.



## Proclamation

under the

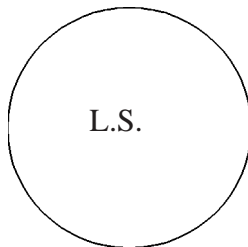
Crimes Amendment (Sexual Offences) Act 2003

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes Amendment (Sexual Offences) Act 2003*, do, by this my Proclamation, appoint 13 June 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 11th day of June 2003.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



## Proclamation

under the

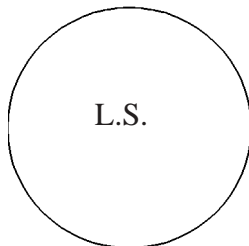
Public Sector Employment and Management Act 2002 No 43

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 *Public Sector Employment and Management Act 2002*, do, by this my Proclamation, appoint 16 June 2003 as the day on which Part 2.7 of that Act commences.

Signed and sealed at Sydney, this 11th day of June 2003.

By Her Excellency's Command,



BOB CARR, M.P.,  
Premier

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence those provisions of the *Public Sector Employment and Management Act 2002* that deal with the management of the conduct and performance of officers in the Public Service.

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## Regulations

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# Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

under the

Food Production (Safety) Act 1998

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

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

### Explanatory note

The objects of this Regulation are as follows:

- (a) to replace the existing right of appeal to the Minister under the *Food Production (Meat Food Safety Scheme) Regulation 2000* with a right to have certain decisions reviewed by the Administrative Decisions Tribunal, and
- (b) to provide that Safe Food Production NSW may reduce or waive certain licence and audit fees.

The Regulation also contains an amendment to maintain consistency with the *Food Production (Dairy Food Safety Scheme) Regulation 1999*.

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

Clause 1 Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

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## **Food Production (Meat Food Safety Scheme) Amendment Regulation 2003**

under the

Food Production (Safety) Act 1998

### **1 Name of Regulation**

This Regulation is the *Food Production (Meat Food Safety Scheme) Amendment Regulation 2003*.

### **2 Amendment of Food Production (Meat Food Safety Scheme) Regulation 2000**

The *Food Production (Meat Food Safety Scheme) Regulation 2000* is amended as set out in Schedule 1.

Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 2A

Insert after clause 2:

#### **2A Meat food safety scheme**

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

### [2] Clauses 8 (4), 9 (6), 12 (4) and 13 (5)

Omit “appeal” wherever occurring. Insert instead “review”.

### [3] Clause 15 Licence fees

Insert after clause 15 (2):

- (3) Safe Food may, at any time, waive the whole or part of a fee payable in respect of the issue or renewal of a licence.

### [4] Part 5

Omit the Part. Insert instead:

## **Part 5 Review of certain decisions**

### **81 Reviews**

- (1) A person may apply to the Administrative Decisions Tribunal for a review of the following decisions of Safe Food:
  - (a) a decision to refuse to issue a licence to the person or to refuse to renew the person’s licence,
  - (b) a decision to issue a licence to the person subject to conditions imposed by Safe Food,
  - (c) a decision to vary the conditions of the person’s licence or to impose a condition on the person’s licence,
  - (d) a decision to suspend or cancel the person’s licence,
  - (e) a decision as to the assessment of the applicable licence fee for a licence held by the person,
  - (f) a decision to revoke an approval as a meat safety officer.



## Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

## Schedule 1 Amendments

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- (2) Subclause (1) applies only to decisions made after the commencement of this clause.

**Note.** For decisions made before the commencement of the *Food Production (Meat Food Safety Scheme) Amendment Regulation 2003* see clause 7 of Schedule 10.

**[5] Clause 83 Audits of licensed premises**

Insert after clause 83 (5):

- (6) Safe Food may reduce, or waive payment of, a fee under this clause in a particular case or any class of cases.

**[6] Schedule 10 Savings and transitional provisions**

Insert after clause 6:

**7 Appeals to the Minister**

An appeal against a decision of Safe Food, being a decision:

- (a) referred to in clause 81, as in force immediately before the commencement of the *Food Production (Meat Food Safety Scheme) Amendment Regulation 2003*, and  
(b) made before that commencement,

is to be dealt with by the Minister in accordance with Part 5 as in force immediately before that commencement.



# Home Building Amendment (Application Fees) Regulation 2003

under the

Home Building Act 1989

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

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

## Explanatory note

The object of this Regulation is to increase the application fees for contractor licences, supervisor certificates, tradesperson certificates and owner-builder permits payable under the *Home Building Act 1989*. The increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Home Building Act 1989*, including section 140 (the general regulation-making power) and, in particular, section 140 (2) (j).

Clause 1 Home Building Amendment (Application Fees) Regulation 2003

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## **Home Building Amendment (Application Fees) Regulation 2003**

under the

Home Building Act 1989

### **1 Name of Regulation**

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

### **2 Commencement**

This Regulation commences on 1 July 2003.

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

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

Home Building Amendment (Application Fees) Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 2

Omit the Schedule. Insert instead:

## Schedule 2 Application fees

(Clause 34)

Type of application		Duration	Fee
<b>Contractor Licence</b>			
*Building contractor or supplier of kit homes	(Individual)	new application	1 year \$471
		renewal application	1 year \$315
		restoration application	1 year \$508
	(Partnership)	new application	1 year \$786
		renewal application	1 year \$357
		restoration application	1 year \$552
	(Corporation)	new application	1 year \$943
		renewal application	1 year \$471
		restoration application	1 year \$678
Other construction or specialist contractor	(Individual)	new application	1 year \$193
		renewal application	1 year \$157
		restoration application	1 year \$253

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## Home Building Amendment (Application Fees) Regulation 2003

Schedule 1 Amendment

Type of application	Duration	Fee
(Partnership) new application	1 year	\$278
renewal application	1 year	\$235
restoration application	1 year	\$342
(Corporation) new application	1 year	\$315
renewal application	1 year	\$278
restoration application	1 year	\$383
<b>Supervisor Certificate</b>		
*Building supervisor new application	1 year	\$169
Other construction or specialist work supervisor new application	3 years	\$153
<b>Tradesperson certificate</b> new application	3 years	\$101
<b>Owner-builder permit</b> new application		\$126
<b>Duplicate contractor licence, certificate or owner-builder permit</b> new application		\$35

\* *Building contractor* and *building supervisor* include a contractor or supervisor for swimming pools, garages, carports, screened enclosures, structural landscaping, kitchen renovations, bathroom renovations and laundry renovations.



# Public Authorities (Financial Arrangements) Amendment (Pacific Power) Regulation 2003

under the

Public Authorities (Financial Arrangements) Act 1987

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

MICHAEL EGAN, M.L.C.,  
Treasurer

## Explanatory note

The object of this Regulation is to prescribe Pacific Power (Subsidiary No.1) Pty Ltd as an authority for the purposes of the *Public Authorities (Financial Arrangements) Act 1987* but only for the purposes of sections 22AA, 22B, 22C, 22D, 22E, 22F, 22G, 22H and 22I of that Act.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including the definition of **authority** in section 3 (1) and section 43 (the general regulation-making power).

Clause 1            Public Authorities (Financial Arrangements) Amendment (Pacific Power)  
                         Regulation 2003

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## **Public Authorities (Financial Arrangements) Amendment (Pacific Power) Regulation 2003**

under the

Public Authorities (Financial Arrangements) Act 1987

### **1 Name of Regulation**

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Pacific Power) Regulation 2003*.

### **2 Amendment of Public Authorities (Financial Arrangements) Regulation 2000**

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

Public Authorities (Financial Arrangements) Amendment (Pacific Power)  
Regulation 2003

Amendment

Schedule 1

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## **Schedule 1 Amendment**

(Clause 2)

### **Schedule 4 Authorities specifically included**

Insert in alphabetical order:

Pacific Power (Subsidiary No.1) Pty Ltd but only for the  
purposes of sections 22AA, 22B, 22C, 22D, 22E, 22F, 22G,  
22H and 22I of the Act





## Motor Dealers Amendment (Forms) Regulation 2003

under the

Motor Dealers Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers Act 1974*.

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

### Explanatory note

The object of this Regulation is to amend the forms required to be given or displayed at the time of sale of a motor vehicle to include a statement about whether the motor vehicle is listed on REVS as being, or having been, a written off or wrecked motor vehicle, and to make other minor amendments to the forms.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 19, 21, 23B, 24, 25, 27, 28, 29, 29B, 31, 32, 33, 34, 37, 38, 39, 40, 41 and 57 (the general regulation-making power).

Clause 1          Motor Dealers Amendment (Forms) Regulation 2003

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## **Motor Dealers Amendment (Forms) Regulation 2003**

under the

Motor Dealers Act 1974

### **1 Name of Regulation**

This Regulation is the *Motor Dealers Amendment (Forms) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 July 2003.

### **3 Amendment of Motor Dealers Regulation 1999**

The *Motor Dealers Regulation 1999* is amended as set out in Schedule 1.

Motor Dealers Amendment (Forms) Regulation 2003

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

### [1] Schedule 3 Forms

Omit “**Dealers’ register for vehicles sold on consignment**” from Form 1.

Insert instead “**Register for consigned vehicles**”.

### [2] Schedule 3, Form 2B

Omit “**Auto dismantlers’ and motor parts reconstructors’ register for parts and accessories**”.

Insert instead “**Prescribed parts register**”.

### [3] Schedule 3, Form 3

Omit “**Sale notice for second-hand motor cycle not an exempted motor vehicle**”.

Insert instead “**Dealers notice (motor cycles)**”.

### [4] Schedule 3, Form 3

Insert “**OF DEALER WHERE MOTOR CYCLE SOLD**” after “**FULL BUSINESS ADDRESS**”.

### [5] Schedule 3, Form 3

Renumber Parts 3 and 4 as Parts 4 and 5, respectively.

### [6] Schedule 3, Form 3

Insert after Part 2:

**Part 3** (To be completed when motor cycle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**The motor cycle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

## Motor Dealers Amendment (Forms) Regulation 2003

## Schedule 1 Amendments

**[7] Schedule 3, Form 3**

Omit “one month”. Insert instead “90 days”.

**[8] Schedule 3, Forms 3 and 5**

Omit “second-hand trail bikes, and no warranty on second-hand motor cycles that do not comply with the relevant Australian Design Rules” wherever occurring.

Insert instead “a second-hand motor cycle of a design that is incapable of being registered in New South Wales”.

**[9] Schedule 3, Form 4**

Omit “Sale notice for second-hand motor vehicle with statutory warranty and without notice of excluded defects”.

Insert instead:

### **Warranty**

Warranty under *Motor Dealers Act 1974* applies to this vehicle

**[10] Schedule 3, Form 4**

Insert “OF DEALER WHERE VEHICLE SOLD” after “FULL BUSINESS ADDRESS”.

**[11] Schedule 3, Form 4**

Renumber Part 3 as Part 4.

**[12] Schedule 3, Form 4**

Insert after part 2:

**Part 3** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**The vehicle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

Motor Dealers Amendment (Forms) Regulation 2003

Amendments

Schedule 1

---

**[13] Schedule 3, Form 5**

Omit “Sale notice for second-hand motor cycle offered for sale with notice of excluded defects”.

Insert instead “Dealers notice (motor cycles)—(excluded defects)”.

**[14] Schedule 3, Form 5**

Insert “OF DEALER WHERE MOTOR CYCLE SOLD” after “FULL BUSINESS ADDRESS”.

**[15] Schedule 3, Form 5**

Omit “one month” where firstly occurring. Insert instead “90 days”.

**[16] Schedule 3, Form 5**

Renumber Part 3 as Part 4.

**[17] Schedule 3, Form 5**

Insert after Part 2:

**Part 3** (To be completed when motor cycle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**The motor cycle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

**[18] Schedule 3, Form 6**

Omit “Sale notice for second-hand motor vehicle with statutory warranty and notice of excluded defects”.

Insert instead “Dealers notice—excluded defects”.

**[19] Schedule 3, Form 6**

Insert “OF DEALER WHERE VEHICLE SOLD” after “FULL BUSINESS ADDRESS”.

## Motor Dealers Amendment (Forms) Regulation 2003

## Schedule 1 Amendments

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**[20] Schedule 3, Form 6**

Omit “one month” where firstly occurring. Insert instead “90 days”.

**[21] Schedule 3, Form 6**

Re-number Part 3 as Part 4.

**[22] Schedule 3, Form 6**

Insert after Part 2:

**Part 3** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**The vehicle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

**[23] Schedule 3, Form 7**

Omit “**Disposal notice for single second-hand motor vehicle sold to trade owner**”.

Insert instead “**Inter-trade owner disposal—single vehicle**”.

**[24] Schedule 3, Form 7A**

Omit “**Disposal notice for two or more motor vehicles sold to trade owner**”.

Insert instead “**Inter-trade owner disposal—two or more vehicles**”.

**[25] Schedule 3, Form 8**

Omit “**Sale notice for second-hand motor vehicle where sale does not attract statutory warranty**”.

Insert instead:

**No Warranty**

No warranty under *Motor Dealers Act 1974* applies to this vehicle

Motor Dealers Amendment (Forms) Regulation 2003

Amendments

Schedule 1

**[26] Schedule 3, Form 8**

Insert "OF DEALER WHERE VEHICLE SOLD" after "FULL BUSINESS ADDRESS".

**[27] Schedule 3, Form 8**

Insert "and date of notice" after "Date of expiry of registration".

**[28] Schedule 3, Form 8**

Renumber Part 3 as Part 4.

**[29] Schedule 3, Form 8**

Omit Part 2. Insert instead:

**Part 2** (To be completed at or before time of sale)

Cash price at which vehicle sold \$	Odometer reading at time of sale	km
Serial No of Inspection Report (RTA) (where applicable)	Date of issue of report	
Purchaser's full name		
Purchaser's address		
Trade-in (if any)	(Description)	(Registration No) Trade-in Allowance \$
Purchaser's signature	Date of sale	

Name (print) and signature of dealer, agent or employee effecting sale

The dealer must deliver to the purchaser an Inspection Report issued in accordance with the regulations under the *Road Transport (Vehicle Registration) Act 1997*, which has been issued not more than 90 days before the date of sale stating that the vehicle is roadworthy unless registration of the vehicle has been effected within one month before that date.

**Part 3** (To be completed when vehicle offered or displayed for sale)

## Motor Dealers Amendment (Forms) Regulation 2003

## Schedule 1 Amendments

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The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**The vehicle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

**[30] Schedule 3, Form 9**

Omit “**Sale notice for motor vehicle sold at auction without roadworthy certificate**”.

Insert instead “**Auction notice**”.

**[31] Schedule 3, Form 9**

Omit “1 month”. Insert instead “90 days”.

**[32] Schedule 3, Form 11**

Omit “**Sale notice for demonstrator motor vehicle without a notice of excluded defects**”.

Insert instead “**Demonstrator vehicle notice**”.

**[33] Schedule 3, Form 11**

Insert “OF DEALER WHERE VEHICLE SOLD” after “FULL BUSINESS ADDRESS”.

**[34] Schedule 3, Form 11**

Renumber Part 3 as Part 4.

**[35] Schedule 3, Form 11**

Insert after Part 2:

**Part 3** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.



Motor Dealers Amendment (Forms) Regulation 2003

Amendments

Schedule 1

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**The vehicle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

**[36] Schedule 3, Form 11A**

Omit “**Sale notice for demonstrator motor vehicle with notice of excluded defects**”.

Insert instead “**Demonstrator vehicle notice—excluded defects**”.

**[37] Schedule 3, Form 11A**

Insert “**OF DEALER WHERE VEHICLE SOLD**” after “**FULL BUSINESS ADDRESS**”.

**[38] Schedule 3, Form 11A**

Omit “one month” where firstly occurring. Insert instead “90 days”.

**[39] Schedule 3, Form 11A**

Renumber Part 3 as Part 4.

**[40] Schedule 3, Form 11A**

Insert after Part 2:

**Part 3** (To be completed when vehicle offered or displayed for sale)

The information below has been checked with the Register of Encumbered Vehicles (REVS).

**Note.** REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

**The vehicle is/is not listed on REVS as being, or having been, a written off or wrecked motor vehicle.**

*(delete inapplicable words)*

**[41] Schedule 3, Form 13**

Omit “**Sale notice for damaged new and demonstrator motor vehicles**”.

Insert instead “**Notice of damage—new and demonstrator motor vehicles**”.

## Motor Dealers Amendment (Forms) Regulation 2003

Schedule 1 Amendments

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**[42] Schedule 3, Form 13**

Insert “OF DEALER WHERE VEHICLE SOLD” after “FULL BUSINESS ADDRESS”.

**[43] Schedule 3, Form 18**

Omit “Car market operators’ register/sale notice for guaranteed vehicles”.

Insert instead “Car market register and notice—title guaranteed”.

**[44] Schedule 3, Form 19**

Omit “Car market operators’ register for unguaranteed vehicles”.

Insert instead “Car market register and notice—title not guaranteed”.



New South Wales

# State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

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

## Explanatory note

The objects of this Regulation are as follows:

- (a) to transfer pensioners from the Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund (the *former scheme*) to the State Authorities Superannuation Scheme (Part 2),
- (b) to transfer any assets, rights or liabilities of Pacific Power as trustee of the former scheme (Part 3),
- (c) to provide for the payment to transferred pensioners of the same pensions to which they were entitled under the former scheme, subject to increases adjusted in accordance with the Consumer Price Index (Parts 4 and 5),
- (d) to provide for the payment of pensions on the death of transferred pensioners to their spouses or de facto partners and the adjustment of those pensions in accordance with the Consumer Price Index (Parts 4 and 5).

This Regulation is made under the *State Authorities Superannuation Act 1987*, including sections 10 and 55 (the general-regulation making power) of, and Schedule 4 to, that Act.

This Regulation contains matters of a savings and transitional nature.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority  
Superannuation Fund Transfer) Regulation 2003

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State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Clause 1

Preliminary

Part 1

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## State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

under the

State Authorities Superannuation Act 1987

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003*.

#### 2 Commencement

This Regulation is taken to have commenced on 1 June 2003.

#### 3 Definitions

In this Regulation:

***de facto partner*** of a transferred pensioner or former member means a person with whom the transferred pensioner or former member was, at the time of the transferred pensioner's or former member's death, in a de facto relationship, within the meaning of the *Property (Relationships) Act 1984*.

***former governing rules*** means the rules contained in the trust deed applying to the former scheme, as in force immediately before 1 June 2003.

***former member*** means a person who was a member of the former scheme at any time before 1 June 2003.

***former scheme*** means the superannuation scheme established under regulations published in Government Gazette No 144 of 15 November 1957 at page 311, and by trust deed dated 10 November 1999, known as the Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund and in relation to which Pacific Power was a trustee immediately before 1 June 2003.

***spouse*** of a transferred pensioner or former member means the widow or widower of the transferred pensioner or former member.

Clause 3 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Part 1 Preliminary

---

***State Authorities Superannuation Scheme*** means the superannuation scheme constituted by the Act.

***the Act*** means the *State Authorities Superannuation Act 1987*.

***transferred pensioner*** means a person who was, immediately before 1 June 2003, entitled to receive a pension under the former scheme and who is transferred to the State Authorities Superannuation Scheme by the operation of clause 4.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 4

Transfer of pensioners to State Authorities Superannuation Scheme

Part 2

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## **Part 2      Transfer of pensioners to State Authorities Superannuation Scheme**

### **4    Transfer of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund pensioners to State Authorities Superannuation Scheme**

A person who was, immediately before 1 June 2003, entitled to receive a pension under the former scheme is, on and from that date, transferred to the State Authorities Superannuation Scheme and entitled to receive from STC a pension in accordance with this Regulation.

Clause 5	State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003
Part 3	Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund

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### **Part 3      Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund**

#### **5    Definitions**

In this Part:

*assets* means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money) and includes securities, choses in action and documents.

*liabilities* means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

*rights* means any rights, powers, privileges or immunities (whether present or future and whether present or contingent).

#### **6    Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund**

- (1) On and from 1 June 2003:
  - (a) a transferred pensioner and any spouse or de facto partner of a transferred pensioner cease to have any entitlements, rights or obligations under the former scheme, and
  - (b) the former governing rules cease to have effect, and
  - (c) any assets, rights or liabilities of Pacific Power as trustee of the former scheme are transferred to STC.
- (2) On the transfer of assets, rights or liabilities referred to in subclause (1) (c), the following provisions have effect:
  - (a) the assets vest in STC by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
  - (b) the rights or liabilities become by virtue of this clause the rights or liabilities of STC,
  - (c) the assets, and assets derived from the investment of those assets, may be applied to meet any of the liabilities,
  - (d) all proceedings relating to the assets, rights or liabilities commenced by or against Pacific Power before 1 June 2003 and pending immediately before that date are taken to be proceedings pending by or against STC,



State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Clause 7

Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund

Part 3

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- (e) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before 1 June 2003 by, to or in respect of Pacific Power is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of STC,
  - (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to Pacific Power or the Electricity Commission of New South Wales, in the capacity of trustee of the former scheme or to the extent to which the reference relates to the assets, rights or liabilities, is taken to be, or include, a reference to STC.
- (3) The operation of this clause is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) as an event of default under any contract or other instrument.

## **7 Existing disputes other than where legal proceedings pending**

- (1) If Pacific Power is a party to a dispute relating to the assets, rights or liabilities of Pacific Power as trustee of the former scheme, and that dispute is referred to, but not finally determined by means of, arbitration before 1 June 2003, the following provisions apply:
  - (a) STC (rather than Pacific Power) is taken to be a party to the dispute,
  - (b) the dispute may continue to be determined by means of arbitration,
  - (c) any costs incurred by STC relating to the dispute may be paid out of the accounts or reserves of the Fund referred to in clause 8 (1) (a).
- (2) Any dispute relating to the former scheme (other than a dispute referred to in subclause (1) or clause 6 (2) (d)) is to be determined by STC as if it is a dispute to which section 67 of the *Superannuation Administration Act 1996* applies.

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Clause 8	State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003
Part 3	Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund

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**8 Transfer of money from former scheme to State Authorities Superannuation Fund**

- (1) The amount standing to the credit of any account established in respect of the former scheme is to be:
  - (a) credited to such accounts or reserves of the Fund as STC considers appropriate, and
  - (b) applied in paying pensions and other amounts which are payable, in accordance with this Regulation or the Act, to or in respect of transferred pensioners and their spouses or de facto partners.
- (2) Any amount credited to accounts or reserves under subclause (1) (a) that is not required to meet the purposes referred to in subclause (1) (b) may be applied for any other purposes for which those accounts or reserves may be debited under the Act.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 9

Benefits payable in respect of transferred pensioners and their spouses or  
de facto partners

Part 4

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## **Part 4 Benefits payable in respect of transferred pensioners and their spouses or de facto partners**

### **9 Benefit payable to transferred pensioner**

During his or her lifetime a transferred pensioner is entitled to receive the same pension as he or she was entitled to receive under the former scheme immediately before 1 June 2003, subject to any adjustment under Part 5.

### **10 Entitlement to spouse pension on death of transferred pensioner**

- (1) If a transferred pensioner dies on or after 1 June 2003 and is survived by a spouse or de facto partner, the spouse or de facto partner is entitled, during his or her lifetime, to a benefit comprising 67 per cent of the benefit that would have been payable to the transferred pensioner under this Regulation had the person not died.
- (2) This clause does not apply to the spouse or de facto partner of a transferred pensioner if the transferred pensioner was entitled to receive a pension under the former scheme only because the transferred pensioner was the spouse or de facto partner of a former member.

### **11 Pension to be calculated with effect from 1 June 2003**

A pension payable under this Regulation is to be calculated with effect from and including 1 June 2003.

Clause 12 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Part 5 Automatic adjustment of pensions

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## Part 5 Automatic adjustment of pensions

### 12 Definitions

(1) In this Part:

**adjustment date**, in relation to a year, means the first day of the pension pay period that ends on the first pension pay day in the October that next follows that year.

**adjustment percentage** in relation to a year, means, subject to clause 13 (2), the percentage for that year calculated in accordance with clause 13.

**Index number**, in relation to a June quarter, means the number for that June quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

**June quarter**, in relation to a year, means the period commencing on and including 1 April in that year and ending on and including 30 June in that year.

**quarter**, in relation to a year, means:

- (a) the period commencing on and including 1 July in that year and ending on and including 30 September in that year, or
- (b) the period commencing on and including 1 October in that year and ending on and including 31 December in that year, or
- (c) the period commencing on and including 1 January in that year and ending on and including 31 March in that year, or
- (d) the period commencing on and including 1 April in that year and ending on and including 30 June in that year.

**year** means the period of 12 months beginning on 1 July.

(2) If a pension is to be adjusted under this Part by reference to the adjustment percentage for a year, a reference (however expressed) in this Part to adjusting the pension is a reference:

- (a) if the adjustment percentage is calculated in accordance with the formula specified in clause 13 (1) (a)—to increasing the pension, or
- (b) if the adjustment percentage is calculated in accordance with the formula specified in clause 13 (1) (b)—to reducing the pension.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 13

Automatic adjustment of pensions

Part 5

### 13 Calculation of adjustment percentage

(1) For the purposes of the definition of *adjustment percentage* in clause 12 (1), the percentage for a year is to be calculated:

(a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula:

$$P = \frac{100(C - L)}{L}$$

(b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula:

$$P = \frac{100(L - C)}{L}$$

where, in the case of either formula:

*P* is the percentage to be calculated, and

*C* is the Index number for the June quarter in that year, and

*L* is the Index number for the immediately preceding June quarter.

(2) If:

(a) the percentage calculated for a year in accordance with subclause (1) (b) is less than 1 per cent, or

(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter,

there is taken to be no adjustment percentage for that year.

(3) If there is taken to be no adjustment percentage for a year (the *first-mentioned year*), then, for the purposes of calculating the percentage for the next year:

(a) the Index number for the June quarter in the first-mentioned year is taken not to have been published, and

(b) the Index number for that quarter is taken to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before, on or after 1 June 2003, the Australian Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number

Clause 14 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Part 5 Automatic adjustment of pensions

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previously published in respect of that quarter, then, for the purposes of this Part:

- (a) except as provided by paragraph (b)—the publication of the later Index number is to be disregarded, or
  - (b) if the Minister so directs—regard is, after the direction is given, to be had only to the later and not to the earlier Index number.
- (5) Despite subclause (4), if at any time on or after 1 June 2003, the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Part after the change takes place, regard is to be had only to Index numbers published in terms of the new reference base.

#### 14 Adjustment of pension

- (1) Subject to this Part, the following provisions apply if there is an adjustment percentage for a year:
- (a) the amount of the pension payable to a person after 1 July of that year (other than to a person who became a spouse pensioner after that date) is, on and from the adjustment date, adjusted by virtue of this clause by the adjustment percentage for that year,
  - (b) the amount of the pension payable to a person who became a spouse pensioner after 1 July and on or before 1 April of that year is, on and from the adjustment date, adjusted by virtue of this clause by the percentage calculated in accordance with the formula set out in subclause (2).
- (2) The formula referred to in subclause (1) (b) is:

$$A = P \times \frac{Q}{4}$$

where:

*A* is the percentage by which the pension is to be adjusted, and

*P* is the adjustment percentage for the year, and

*Q* is the number of whole quarters of the year, being the whole quarters after, and (if applicable) the whole quarter on the first day of which the person became a pensioner.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Clause 15

Automatic adjustment of pensions

Part 5

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(3) In this clause:

*spouse pensioner* means a person who is entitled to a pension under this Regulation by virtue of clause 10.

**15 Minimum amount to which pension may be reduced**

Despite anything in this Part, a pension payable under this Regulation must not be reduced below the amount that would have been payable but for this Part.

**16 Calculation of percentages**

If a percentage that is calculated under this Part is or includes a fraction of one-tenth of 1 per cent, then:

- (a) if the fraction is less than one-half of one-tenth—the fraction is to be disregarded, and
- (b) if the fraction is not less than one-half of one-tenth—the fraction is to be treated as one-tenth.

**17 Transitional arrangement**

- (1) Clauses 12 to 16 do not apply before the first day of the pension pay period that ends on the first pension pay day in October 2004.
- (2) Before that date, pensions payable under this Regulation are to be adjusted in accordance with such method as STC considers appropriate. However, any such pension must not be reduced below the amount that would have been payable under the former scheme had it remained in force and had this Regulation not been made.

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# Rules

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## District Court Amendment (Notice of Ceasing to Act) Rule 2003

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 8 May 2003.

A Liounis

Acting Secretary of the Rule Committee

### Explanatory note

The object of this Rule is to amend Part 48 rule 4 of the *District Court Rules 1973* to provide that if a date has been fixed for the hearing of proceedings, a solicitor may not file or serve a notice of ceasing to act for his or her client unless the solicitor has, not less than 28 days before doing so, served on each party to the proceedings and the registrar notice of the solicitor's intention to file and serve such a notice.



Clause 1 District Court Amendment (Notice of Ceasing to Act) Rule 2003

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## **District Court Amendment (Notice of Ceasing to Act) Rule 2003**

under the

District Court Act 1973

### **1 Name of Rule**

This Rule is the *District Court Amendment (Notice of Ceasing to Act) Rule 2003*.

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

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

District Court Amendment (Notice of Ceasing to Act) Rule 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Part 48 rule 4

Omit rule 4 (6). Insert instead:

- (6) A solicitor may not file or serve a notice of change under subrule (5) without leave of the Court unless:
  - (a) if a date has been fixed for the hearing of the proceedings—the solicitor has, not less than 28 days before doing so, served on each party to the proceedings and the registrar notice of the solicitor's intention to file and serve the notice of change, or
  - (b) if a date has not been fixed for the hearing of the proceedings—the solicitor has, not less than 7 days before doing so, served on the solicitor's former client notice of the solicitor's intention to file and serve the notice of change.



New South Wales

# Local Courts (Criminal and Applications Procedure) Rule 2003

under the

Local Courts Act 1982

The Local Court Rule Committee made the following rules of court under the *Local Courts Act 1982* on 4 June 2003.

Stephen Olischlager

Secretary of the Rule Committee

## Explanatory note

The object of this Rule is to prescribe matters relating to committal proceedings, summary proceedings and application proceedings in Local Courts, as a consequence of the commencement of the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001* and the *Justices Legislation Repeal and Amendment Act 2001* and the consequential repeal of the *Justices Act 1902*.

The Rule contains the following matters:

- (a) a prohibition on robing in summary proceedings, committal proceedings or application proceedings in a Local Court,
- (b) requirements relating to court attendance notices in committal proceedings and summary proceedings, as well as application notices in application proceedings,
- (c) requirements for the service of various documents in committal proceedings, summary proceedings and application proceedings,
- (d) the form of warnings and notices of rights required to be given in committal proceedings,
- (e) requirements relating to written statements and copies of exhibits by witnesses in committal proceedings,
- (f) requirements relating to briefs of evidence and written statements in summary proceedings,
- (g) powers of a Local Court to manage application proceedings, including power to fix a timetable for steps to prepare a matter for hearing,

Local Courts (Criminal and Applications Procedure) Rule 2003

Explanatory note

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- (h) other requirements relating to application proceedings,
- (i) requirements relating to subpoenas and warrants in summary proceedings, application proceedings and other proceedings,
- (j) procedures for applications in committal proceedings, summary proceedings and application proceedings,
- (k) other provisions relating to the approval of forms by the Chief Magistrate, filing documents, powers of registrars and copies of court records.

This Rule is made under the *Local Courts Act 1982*, in particular under sections 40, 42, 53, 63 and 28A (the general rule-making power). Section 28A of that Act enables this Rule to be made for the purposes of provisions of the *Criminal Procedure Act 1986*, in particular sections 4, 39, 49, 50, 52, 54, 63, 68, 75, 79, 80, 87, 89, 111, 114, 174, 175, 177, 181, 186, 219, 222, 223, 224, 226, 227, 228, 232 and 242.

Local Courts (Criminal and Applications Procedure) Rule 2003

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## Local Courts (Criminal and Applications Procedure) Rule 2003

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Clause 1 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 1 Preliminary

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## Local Courts (Criminal and Applications Procedure) Rule 2003

under the

Local Courts Act 1982

### Part 1 Preliminary

#### 1 Name of Rule

This Rule is the *Local Courts (Criminal and Applications Procedure) Rule 2003*.

#### 2 Commencement

This Rule commences on the commencement of Schedule 1 [43] to the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001*.

#### 3 Definitions

(1) In this Rule:

***accused person*** includes, in relation to a summary offence, a defendant.

***approved form***, in relation to a document, means the form approved for that document by the Chief Magistrate under clause 59 from time to time.

***committal proceedings*** has the same meaning as it has in the *Criminal Procedure Act 1986*.

***correctional centre*** has the same meaning as it has in the *Crimes (Administration of Sentences) Act 1999*.

***Court*** (other than in Part 7 or 8) means a Local Court.

***information system*** has the same meaning as it has in the *Electronic Transactions Act 2000*.

***person named***, in relation to a subpoena, means the person to whom the subpoena is addressed.



Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 3

Preliminary

Part 1

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**principal officer** of a corporation means the chairperson, president, chief executive officer, general manager, clerk, secretary, treasurer or other similar officer of the corporation.

**prosecutor** has the same meaning as it has in the *Criminal Procedure Act 1986*.

**registrar** of a Court (other than in Part 7) means the registrar of that Court appointed under the *Local Courts Act 1982*.

**relevant legal practitioner** for a person means:

- (a) if the person is represented only by a solicitor—the solicitor, or
- (b) if the person is represented only by a barrister under a direct access arrangement—the barrister, or
- (c) if the person is represented by both a solicitor and a barrister—the solicitor.

**summary proceedings** means proceedings for summary offences, including proceedings for indictable offences that are being dealt with summarily.

**subpoena** has the same meaning as it has in Part 3 of Chapter 4 of the *Criminal Procedure Act 1986*.

**the Act** means:

- (a) in Parts 3, 4, 7 and 8, the *Criminal Procedure Act 1986*, and
  - (b) in Part 5, the *Local Courts Act 1982*, and
  - (c) in Part 6, the *Criminal Procedure Act 1986* and the *Local Courts Act 1982*.
- (2) Notes in the text of this Rule do not form part of this Rule.

Clause 4            Local Courts (Criminal and Applications Procedure) Rule 2003

Part 2             Court dress

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## **Part 2        Court dress**

### **4    Court dress**

In summary proceedings, committal proceedings and application proceedings in a Court or before a Magistrate, no legal practitioner may robe.

**Note.** Section 19A of the *Local Courts Act 1982* provides that no Magistrate may robe at any sitting of a Local Court.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 5

Committal proceedings

Part 3

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## **Part 3 Committal proceedings**

### **5 Commencement of proceedings**

- (1) For the purposes of section 50 (1) of the Act, a court attendance notice commencing proceedings for an indictable offence is to be in the approved form.
- (2) For the purposes of section 50 (4) of the Act, the court attendance notice must include the following matters:
  - (a) the time and date of the alleged offence or, if the exact time and date are not known, the period of time in which the offence is alleged to have occurred,
  - (b) the place where the offence is alleged to have occurred.

### **6 Service of court attendance notices in committal proceedings**

- (1) A court attendance notice commencing proceedings for an indictable offence is to be served on the accused person in accordance with this clause.
- (2) Service of a court attendance notice may be effected by:
  - (a) handing it to the accused person, or
  - (b) handing it to a person at the accused person's usual place of residence or business who is apparently of or above the age of 16 years, or
  - (c) if the accused person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic communication to the officer in charge of the correctional centre.
- (3) Service of a court attendance notice on a corporation may be effected by serving the notice in accordance with subclause (2) on a principal officer of the corporation or, if provision is made by or under any other Act for service of a document on the corporation, by serving the notice in accordance with that provision.
- (4) If, on tender of a court attendance notice to a person, the person refuses to accept it, the notice may be served by putting it down in the person's presence after the person has been told of the nature of the notice.

Clause 7 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 3 Committal proceedings

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### **7 Persons who may serve court attendance notices in committal proceedings**

- (1) A court attendance notice commencing proceedings for an indictable offence issued by a public officer may be served by a relevant legal practitioner or an employee of any such legal practitioner.
- (2) A court attendance notice commencing proceedings for an indictable offence commenced by a person other than a police officer or a public officer may be served by any of the following persons:
  - (a) the prosecutor,
  - (b) a relevant legal practitioner acting for the prosecutor or an employee of any such legal practitioner.

### **8 Warning where prosecution evidence sufficient to satisfy jury**

For the purposes of section 63 (1) of the Act, the warning given by a Magistrate is to be in the following form:

Before you say anything in answer to the charge, you should know that you do not have to say anything unless you want to. However, if you do say something, it may be recorded and used against you at your trial.

You should understand that, if a promise of favourable treatment has been made to you if you make admissions as to your guilt, that promise cannot be relied on. Similarly, you have nothing to fear from any threat that may have been made to you to persuade you to make any admission as to your guilt. However, even if you have received any such threat or promise, anything you say now may still be used against you at your trial.

Do you want to say anything in answer to the charge? Do you want to give any evidence in relation to the charge? Do you want to call any witnesses on your behalf?

### **9 Application to waive committal hearing**

- (1) For the purposes of section 68 of the Act, an application by the accused person to be committed for trial is to be in the approved form.
- (2) The application must be signed by the prosecutor as evidence of consent to the application.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 10

Committal proceedings

Part 3

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## 10 Notice of rights relating to use of written statements as prosecution evidence

- (1) For the purposes of section 75 (4) of the Act, the notice explaining the effect of Division 3 of Part 2 of Chapter 3 of the Act is to be in the following form:

This form has been given to you because you are facing criminal charges at a committal hearing. The purpose of the committal hearing is to allow a Magistrate to decide whether or not you should be committed for trial or sentence in a higher court or whether you should be discharged. The Magistrate will make that decision after considering all the evidence at the committal hearing.

The written statements and other documents attached to this form contain material that the prosecution will try to put in evidence against you at the committal hearing.

You may apply to the Magistrate for a direction that one or more of the witnesses who have made written statements should attend court to give oral evidence at the hearing.

- (a) If you do not apply for such a direction regarding a particular witness, that witness's evidence will be given at the hearing by the tendering of the written statement of that witness which is attached to this form. The witness will not be present.
- (b) If you do apply to the Magistrate for such a direction, the Magistrate must consider your application. If the Magistrate directs a witness to attend to give oral evidence, you will be able to question that witness about what he or she says.

If the witness is the alleged victim of an offence involving violence, the Magistrate may give the direction only if he or she believes that there are special reasons why, in the interests of justice, the witness should attend. The term *offences involving violence* is defined in section 94 of the *Criminal Procedure Act 1986*.

In the case of any other witness, the Magistrate may give the direction only if he or she believes that there are substantial reasons why, in the interests of justice, the witness should attend.

If the Magistrate refuses to give the direction, the Magistrate must give reasons for the refusal.

If you do decide to apply for a direction for a witness or witnesses to attend, you must first deliver a notice to that effect to the prosecution. You may deliver the notice either in person or by

Clause 11 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 3 Committal proceedings

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post. The Magistrate will tell you the date by which the notice must be delivered. After the notice has been delivered, the Magistrate will decide whether your application should be granted.

- (2) The form of words set out in subclause (1) may be included in an approved form relating to written statements.

#### **11 Endorsement of written statements**

For the purposes of section 79 (3) of the Act, an endorsement is to be in the following form:

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

#### **12 Addresses and phone numbers not to be disclosed on written statements**

- (1) A copy of a written statement served on an accused person in committal proceedings must not disclose the address or telephone number of the person who made the statement or of any other living person, unless:
  - (a) the address or telephone number is a materially relevant part of the evidence, or
  - (b) a Magistrate makes an order permitting the disclosure in the statement.
- (2) An application for such an order may be made by the accused person or the prosecutor.
- (3) The Magistrate must not make any such order unless satisfied that the disclosure is not likely to present a reasonably ascertainable risk to the welfare or protection of any person or that the interests of justice (including the accused person's right to prepare properly for the hearing of the evidence for the prosecution) outweigh any such risk.
- (4) This clause does not prevent the disclosure of an address in a written statement if the statement does not identify it as a particular person's address, or it could not reasonably be inferred from the statement that it is a particular person's address.

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Clause 13

Committal proceedings

Part 3

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- (5) An address or telephone number that must not be disclosed may, without reference to the person who made the written statement, be deleted from the statement, or rendered illegible, before the statement is served on the accused person.

**13 Service of written statements and copies of proposed exhibits**

- (1) A written statement or a copy of a proposed exhibit in committal proceedings is to be served on the accused person in accordance with this clause.
- (2) Service of a written statement or a copy of a proposed exhibit may be effected:
- (a) by handing it to the accused person, or
  - (b) if the accused person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic communication to the officer in charge of the correctional centre, or
  - (c) by sending it by post or facsimile to the accused person's residential address, or
  - (d) by sending it by electronic communication to the accused person's email address, or
  - (e) with the consent of the relevant legal practitioner, by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post or facsimile or by sending it to the legal practitioner's email address for service by electronic communication.
- (3) Service of a written statement or a copy of a proposed exhibit on a corporation may be effected by serving it in accordance with subclause (2) on a principal officer of the corporation or, if provision is made by or under any other Act for service of a document on the corporation, by serving the document in accordance with that provision.
- (4) If, on tender of a written statement to a person, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the document.

Clause 14 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 3 Committal proceedings

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#### **14 Manner of identifying inadmissible statements**

- (1) In identifying or indicating any part of a written statement that has been rejected pursuant to section 87 of the Act, the Magistrate must not mark the original statement, but must indicate on a copy the particular part of the statement that has been rejected.
- (2) The copy of the statement containing the rejected material is to be annexed to the transcript of evidence.

#### **15 Notice of rights to unrepresented persons**

- (1) For the purposes of section 89 (2) of the Act, the prescribed form of words is as follows (omitting the words marked \* that do not apply):

The informant has served you with copies of one or more written statements of witnesses. You have also been given a notice outlining your rights regarding those statements.

You \*have/\*have not applied to me for a direction requiring \*one/\*some/\*all/\*any of the persons who made statements to appear in person to give evidence.

I have to decide whether to commit you for trial or sentence in a higher court or to discharge you. I will make that decision on the basis of all the evidence, whether contained in written statements or given from the witness box in person.

I will now consider any application you may wish to make for an adjournment to obtain legal advice. Do you wish to apply for an adjournment?

- (2) If the proceedings are to continue, the prescribed form of words is to include also the following words:

Do you consent to the written statements of witnesses being tendered as evidence or do you wish to apply for a direction requiring one or more witnesses to be called to give evidence in person?

- (3) After the accused person has been given an opportunity to respond to the words in subclause (2), the prescribed form of words is to include the following words:

Do you wish to ask me any questions about this procedure?



Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 16

Committal proceedings

Part 3

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## **16 Papers to be sent to officer of higher court**

For the purposes of section 111 (1) of the Act, the following documents are required to be given to the appropriate officer of the court to which an accused person is committed for trial or sentence:

- (a) the court attendance notice,
- (b) the certificate referred to in section 166 of the Act,
- (c) any written statements tendered in evidence by the prosecution,
- (d) a transcript of any oral evidence of witnesses and the accused person taken at the committal hearing,
- (e) any written statement tendered in evidence by the accused person,
- (f) if the accused person is released on bail on committal, a copy of the grant of bail and any agreement or acknowledgement entered into or made pursuant to a bail condition.

Clause 17 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 4 Summary proceedings

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## Part 4 Summary proceedings

### 17 Commencement of proceedings

- (1) For the purposes of section 175 (1) of the Act, a court attendance notice commencing proceedings for a summary offence is to be in the approved form.
- (2) For the purposes of section 175 (4) of the Act, the court attendance notice must include the following matters:
  - (a) the time and date of the alleged offence or, if the exact time and date are not known, the period of time in which the offence is alleged to have occurred,
  - (b) the place where the offence is alleged to have occurred.

### 18 Service of court attendance notices in summary proceedings

- (1) A court attendance notice commencing proceedings for a summary offence is to be served on a person (the *accused person*) against whom the proceedings are commenced in accordance with this clause.
- (2) Service of a court attendance notice may be effected:
  - (a) by handing it to the accused person, or
  - (b) by handing it to a person at the accused person's usual place of residence or business who is apparently of or above the age of 16 years, or
  - (c) if the accused person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic communication to the officer in charge of the correctional centre, or
  - (d) by sending it by post or facsimile to the person's residential address not less than 21 days before the first listing date for the offence, or
  - (e) by sending it by electronic communication to the person's email address.
- (3) Service of a court attendance notice on a corporation may be effected by serving the notice in accordance with subclause (2) on a principal officer of the corporation or, if provision is made by or under any other Act for service of a document on the corporation, by serving the notice in accordance with that provision.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 19

Summary proceedings

Part 4

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- (4) If, on tender of a court attendance notice to a person, the person refuses to accept it, the notice may be served by putting it down in the person's presence after the person has been told of the nature of the notice.
- (5) Subclause (2) (d) and (e) do not apply to service of a court attendance notice relating to an indictable offence that is dealt with summarily.

**19 Persons who may serve court attendance notices in summary proceedings**

- (1) A court attendance notice commencing proceedings for a summary offence issued by a public officer may be served by any of the following persons:
- (a) a licensed commercial agent engaged by the public officer,
  - (b) a sheriff's officer,
  - (c) a relevant legal practitioner acting for the public officer or an employee of any such legal practitioner.
- (2) A court attendance notice commencing proceedings for a summary offence issued by a person other than a police officer or a public officer may be served by any of the following persons:
- (a) the person who issued the notice,
  - (b) a licensed commercial agent engaged by the person,
  - (c) a sheriff's officer,
  - (d) a relevant legal practitioner acting for the person or an employee of any such legal practitioner.

**20 Addresses and phone numbers not to be disclosed**

- (1) A copy of a brief of evidence served on an accused person under the Act must not include any written statement that discloses the address or telephone number of the person who made the statement or of any other living person, unless:
- (a) the address or telephone number is a materially relevant part of the evidence, or
  - (b) a Magistrate makes an order permitting the disclosure in the statement.
- (2) An application for such an order may be made by the accused person or the prosecutor.

Clause 21 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 4 Summary proceedings

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- (3) The Magistrate must not make any such order unless satisfied that the disclosure is not likely to present a reasonably ascertainable risk to the welfare or protection of any person or that the interests of justice (including the accused person's right to prepare properly for the hearing of the evidence for the prosecution) outweigh any such risk.
- (4) This clause does not prevent the disclosure of an address in a written statement if the statement does not identify it as a particular person's address, or it could not reasonably be inferred from the statement that it is a particular person's address.
- (5) An address or telephone number that must not be disclosed may, without reference to the person who made the written statement, be deleted from the statement, or rendered illegible, before the statement is served on the accused person.

## **21 Service of briefs of evidence**

- (1) A brief of evidence in summary proceedings is to be served on the accused person in accordance with this clause.
- (2) Service of a brief of evidence may be effected:
  - (a) by handing it to the accused person, or
  - (b) if the accused person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic communication to the officer in charge of the correctional centre, or
  - (c) by sending it by post or facsimile to the accused person's residential address, or
  - (d) by sending it by electronic communication to the accused person's email address, or
  - (e) with the consent of the relevant legal practitioner, by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post or facsimile or by sending it to the legal practitioner's email address for service by electronic communication.
- (3) Service of a brief of evidence on a corporation may be effected by serving it in accordance with subclause (2) on a principal officer of the corporation or, if provision is made by or under any other Act for service of a document on the corporation, by serving the notice in accordance with that provision.

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- (4) If, on tender of a brief of evidence to a person, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the document.

## **22 Written statements in briefs of evidence**

- (1) A written statement that is included in a copy of a brief of evidence may be in the form of questions and answers.
- (2) A written statement that is included in a copy of a brief of evidence must:
- (a) specify the age of the person who made the statement, and
  - (b) be endorsed in accordance with clause 11 by the maker of the statement, and
  - (c) be written in a language of which the person who made the statement has a reasonable understanding, and
  - (d) be signed by the person who made the statement.
- (3) If the person is unable to sign the written statement, the statement may be signed by another person with the consent of and in the presence of the person who made the statement.
- (4) The other person must sign an endorsement on the statement to the effect that the person signed the statement on behalf of, with the consent of and in the presence of the person who made the statement.
- (5) A written statement must be signed by another person as a witness to the signing of the statement by the person who made it or as a witness to the signing by another person on the maker's behalf (if applicable).
- (6) If a copy of the brief of evidence includes any written statement that is, wholly or in part, in a language other than English, there must be annexed to it a document purporting to contain a translation of the statement, or so much of it as is not in the English language, into the English language.

Clause 23 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 5 Application proceedings

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## **Part 5 Application proceedings**

### **Division 1 Commencement of proceedings**

#### **23 Commencement of proceedings**

For the purposes of section 40 (1) of the Act, an application notice commencing application proceedings is to be in the approved form.

#### **24 Service of application notices**

- (1) An application notice commencing application proceedings is to be served on the respondent in accordance with this clause.
- (2) Service of an application notice may be effected:
  - (a) by handing it to the respondent, or
  - (b) by handing it to a person at the respondent's usual place of residence or business who is apparently of or above the age of 16 years, or
  - (c) if the respondent is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic transmission to the officer in charge of the correctional centre.
- (3) Service of an application notice on a corporation may be effected by serving the notice in accordance with subclause (2) on a principal officer of the corporation or, if provision is made by or under any other Act for service of a document on the corporation, by serving the notice in accordance with that provision.
- (4) If, on tender of an application notice, the person refuses to accept it, the notice may be served by putting it down in the person's presence after the person has been told of the nature of the notice.
- (5) An application notice must be served not less than 21 days before the first listing date for the notice, unless the Court or registrar grants leave to serve the notice at a later time.

#### **25 Persons who may serve application notices**

- (1) An application notice issued by a public officer may be served by any of the following persons:
  - (a) a licensed commercial agent engaged by the public officer,
  - (b) a sheriff's officer,

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- (c) a relevant legal practitioner acting for the public officer or an employee of any such legal practitioner.
  - (2) An application notice issued by a person other than a police officer or a public officer may be served by any of the following persons:
    - (a) the person who issued the notice,
    - (b) a licensed commercial agent engaged by the person,
    - (c) a sheriff's officer,
    - (d) a relevant legal practitioner acting for the person or an employee of any such legal practitioner,
    - (e) if the respondent is a public officer or a police officer, the registrar.

**26 Registrar may serve documents by facsimile or other electronic communication**

If application proceedings are commenced by a person other than a police officer or a public officer and the respondent is a police officer or a public officer, the registrar may serve the application notice by sending it by post or facsimile to the person's business address or by electronic communication to the person's email address.

**Division 2 Hearing of application proceedings**

**27 Particulars**

- (1) The Court or registrar may in application proceedings, on terms, order a party to file and serve on the other party any of the following:
  - (a) a statement of particulars of any claim or other matter relevant to the proceedings,
  - (b) a statement of the nature of the case on which the party relies.
- (2) Without limiting subclause (1), if a party alleges as a fact that a person had knowledge or notice of some fact, matter or thing, the Court or registrar may order that party to file and serve on the other party any of the following:
  - (a) if the party alleges knowledge, particulars of the facts on which the party relies,
  - (b) if the party alleges notice, particulars of the notice.

Clause 28 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 5 Application proceedings

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- (3) A Court or registrar that makes an order under subclause (1) may, if the Court or registrar thinks fit, at the same time or subsequently make an order that, if the order is not complied with within a period of time directed by the Court or registrar:
- (a) any proceedings brought by the party in default may be dismissed, or any relevant document filed by the party in default may be struck out, or
  - (b) any proceedings brought by the party in default are to be stayed until the order is complied with.

## 28 Management powers

- (1) In application proceedings, the Court or registrar may make any orders the Court or registrar thinks fit for the just, efficient, effective and timely management of proceedings before the Court.
- (2) Without limiting subclause (1), the Court or registrar may make any of the following orders:
  - (a) an order fixing a timetable for the taking of steps to prepare a matter for hearing,
  - (b) an order adjourning the proceedings to enable the matter of the application to be the subject of a mediation session under the *Community Justice Centres Act 1983*,
  - (c) an order that a document may be filed with the Court in electronic form,
  - (d) an order that there be an exchange of written statements of the intended evidence of each witness,
  - (e) an order as to the use of statements referred to in paragraph (d),
  - (f) an order for the preparation and filing of a statement of agreed facts and agreed issues,
  - (g) an order for the preparation and filing of an agreed list of exhibits that are page numbered and indexed (in appropriate order),
  - (h) an order for the preparation of a question of law raised in the proceedings.



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**29 Summary stay or dismissal**

The Court may order that an action commenced by application proceedings, or any application in any such proceedings, be stayed or dismissed generally or in relation to any claim for relief in the action if of the opinion that:

- (a) no reasonable cause of action is disclosed, or
- (b) the action is frivolous or vexatious, or
- (c) the action is an abuse of the process of the Court.

Clause 30 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 6 Service of documents

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## **Part 6 Service of documents**

### **30 Application of Part**

This Part applies to committal proceedings, summary proceedings and application proceedings.

### **31 Service of Court documents**

- (1) This clause applies to the service of documents (other than court attendance notices, application notices, written statements, briefs of evidence and subpoenas) issued in proceedings on a person named in the document concerned.
- (2) A document must be served on the person named in accordance with this clause.
- (3) Service of a document may be effected:
  - (a) by handing it to the person, or
  - (b) if the person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic communication to the officer in charge at the correctional centre, or
  - (c) if the person is a police officer or a public officer, by sending it by post or facsimile to the person's business address or by electronic communication to the person's business email address, or
  - (d) if the person is not a police officer or a public officer, by sending it by post or facsimile to the person's residential address, or
  - (e) if the person is not a public officer or a police officer, by sending it by electronic communication to the person's email address, or
  - (f) by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post or facsimile or to the legal practitioner's email address for service by electronic communication.
- (4) If, on tender of a document to a person, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the document.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 32

Service of documents

Part 6

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**32 Service by facsimile or other electronic communication only with consent**

- (1) This clause applies to the service of documents issued in proceedings.
- (2) Despite any other provision of this Rule, a document may be served on a person by facsimile or other electronic communication only if the person consents to service (either generally or in the particular case) by this means.

**33 Service of documents on medical practitioners**

- (1) Service of a document issued in proceedings on a person who is a practising medical practitioner may be effected, at a place where the practice is carried on, by handing it to some person apparently engaged (whether as an employee or otherwise) in the practice and apparently of or above the age of 16 years.
- (2) If, on tender of a document to a person, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the notice.
- (3) This clause is in addition to any other means by which service of a document may be effected under this Rule.

**34 Persons who may serve documents**

Except as provided by the Act, this Rule or by or under any other Act, a document issued in proceedings may be served by any person who is aged 16 years or more.

**35 Substituted service of documents**

- (1) On the application of a party, a Court or the registrar may, by order in or to the effect of the approved form, direct that service of a document issued in proceedings be effected otherwise than in a manner specified by this Rule.
- (2) An application for an order for substituted service may be made:
  - (a) orally, or
  - (b) in the approved form.
- (3) An application for an order for substituted service may be dealt with by the Court or the registrar, unless the Court or registrar otherwise directs.

Clause 36 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 6 Service of documents

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### **36 When service taken to be effected**

- (1) If a document issued in proceedings is served by post, service is taken, in the absence of evidence to the contrary, to have been effected on the fourth working day after the document was posted.
- (2) If a document issued in proceedings is served by facsimile, service is taken, in the absence of evidence to the contrary, to have been effected on completion of the transmission of the document.
- (3) If a document issued in proceedings is served by electronic communication (other than facsimile), service is taken, in the absence of evidence to the contrary, to have been effected at the time of receipt of the electronic communication as determined under section 13 of the *Electronic Transactions Act 2000*.

### **37 Proof of service**

- (1) A person who serves a document issued in proceedings must complete an endorsement as to service on a copy of the document served.
- (2) The endorsement must include the following matters:
  - (a) the date service was effected,
  - (b) the method of service,
  - (c) the name, address and occupation of the person serving the document,
  - (d) if the document was served personally, the person to whom it was delivered,
  - (e) if the document was served by post, the manner in which the person was informed of the address to which it was posted and the time and place of posting,
  - (f) if the document was served by facsimile, the manner in which the person was informed of the address to which it was sent and the date on which advice confirming successful transmission of the document was received,
  - (g) if the document was served by electronic communication (other than facsimile), the manner in which the person was informed of the email address to which it was sent and the date it entered the information system addressed to the person's email address.
- (3) The endorsement must be signed by the person serving the document and a witness to the signature.

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Clause 37

Service of documents

Part 6

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- (4) In the case of a document served by a police officer, the endorsement:
- (a) may be incorporated on an electronic copy of the document produced from the Police COPS system, and
  - (b) is not required to be signed by the police officer who serves the document.
- (5) If service is effected by facsimile, the party relying on service must produce to the Court, if requested to do so by the Court, a copy of the advice confirming successful transmission of the document.
- (6) If service is effected by electronic communication (other than facsimile), the party relying on service must produce to the Court, if requested to do so by the Court, evidence of the date that the document was dispatched.
- (7) If service is effected by post by a person other than a registrar, the party relying on service is, in the absence of evidence to the contrary, taken to have effected service if the person produces evidence of any of the following:
- (a) an acknowledgement of receipt of the document by the person to whom it was directed,
  - (b) that the address appearing on the document is the address provided by the person served for service of documents in the proceedings,
  - (c) that the address appearing on the document is the address of the person served on a driver licence within the meaning of the *Road Transport (Driver Licensing) Act 1998*, or within the meaning of any corresponding law of another State or a Territory of the Commonwealth,
  - (d) that the address appearing on the document is the address of the person served as shown on records kept by the Roads and Traffic Authority under the *Road Transport (Vehicle Registration) Act 1997* in respect of the registration of motor vehicles or trailers, or as shown under records kept by an authority under a corresponding law of another State or a Territory of the Commonwealth.

Clause 38            Local Courts (Criminal and Applications Procedure) Rule 2003

Part 6                Service of documents

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**38    Doubtful service**

If a document issued in proceedings is not served personally, the Court or registrar may, on the application of a party or on the motion of the Court or registrar, make any of the following orders if satisfied that the document did not come to the party's notice within a reasonable time or is in doubt:

- (a) stay the proceedings,
- (b) adjourn the proceedings,
- (c) set aside any order made in the proceedings.

**39    Service of summons in proceedings under Part 15A of the Crimes Act 1900**

- (1) A summons under Part 15A of the *Crimes Act 1900* may be served only by a police officer or another person nominated by the Court or a registrar.
- (2) Except as provided by subclause (1), this Rule applies, with any necessary modifications, to and in respect of the service of a summons under Part 15A of the *Crimes Act 1900* in the same way as it applies to and in respect of the service of a court attendance notice commencing proceedings for an indictable offence.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 40

Subpoenas

Part 7

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## Part 7 Subpoenas

### 40 Application of Part

This Part applies to:

- (a) summary proceedings before a Court, and
- (b) application proceedings before a Court, and
- (c) any other proceedings to which Part 3 (Attendance of witnesses and production of evidence in lower courts) of Chapter 4 of the Act applies.

**Note.** Regulations may be made under section 220 of the Act prescribing additional proceedings to which that Part applies.

### 41 Definitions

In this Part:

**Court** means a court in which proceedings to which this Part applies are taken.

**registrar** means a registrar of a court in which proceedings to which this Part applies are taken.

### 42 Issue of subpoenas

- (1) A registrar who issues a subpoena in proceedings is to issue it by signing and dating it.
- (2) A registrar may refuse to issue a subpoena if satisfied that:
  - (a) the issue of the subpoena would be an abuse of process, or
  - (b) the issue of the subpoena would be oppressive on the person named, or
  - (c) if the subpoena is a subpoena to give evidence, the subpoena is returnable on a date on which the Court has not directed the hearing of oral evidence in the proceedings.
- (3) The registrar is not required to retain a copy of a subpoena issued by the registrar.

### 43 Filing of subpoenas by issuing parties

A party that issues a subpoena must, if required to do so by the Court, make a copy available for filing on the return date for the subpoena.

Clause 44 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 7 Subpoenas

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#### **44 Service of subpoenas**

- (1) This clause applies to the service of subpoenas in proceedings to which this Part applies.
- (2) A subpoena must be served on the person named in accordance with this clause.
- (3) Service of a subpoena may be effected:
  - (a) by handing it to the person, or
  - (b) if the person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre or by sending it by post or facsimile or other electronic transmission to the officer in charge at the correctional centre, or
  - (c) if the person is a police officer or a public officer, by sending it by post or facsimile to the person's business address, or
  - (d) if the person is a police officer or a public officer, by sending it by electronic communication to the person's business email address, or
  - (e) if the person is not a police officer or a public officer, by sending it by post or facsimile to the person's residential address, or
  - (f) if the person is not a police officer or a public officer, by sending it by electronic communication to the person's email address, or
  - (g) with the consent of the relevant legal practitioner, by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post or facsimile or by sending it to the legal practitioner's email address for service by electronic communication.
- (4) If, on tender of a subpoena, the person refuses to accept it, it may be served by putting it down in the person's presence after the person has been told of the nature of the notice.

#### **45 Conduct money**

The amounts prescribed for the expenses of complying with a subpoena in relation to a day are:

- (a) an amount equivalent to the amount that would be payable for that day, in accordance with the Scale of Allowances Paid to Witnesses published in Government Gazette No 106 of 28 June 2002, at pages 4995 and 4996, in respect of the person



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named if the party issuing the subpoena were entitled to claim witnesses expenses in respect of that person as costs in the proceedings, and

- (b) in relation to the production of a document, the reasonable expenses of the person named of complying with the requirement to produce the document.

#### **46 Production by non-party**

- (1) This clause applies to a subpoena issued to a person who is not a party to the proceedings.
- (2) A document or thing that may be produced to a Court under section 226 (1) of the Act may be produced to the registrar of the Court.
- (3) If a subpoena for production requires the production of a document, but does not require the production of the original document, the person named may produce a copy of the original document.
- (4) The person who produces a document pursuant to a subpoena must advise the registrar as to whether the document is an original document or a copy and must elect whether the document is to be disposed of by the registrar or returned to the person.
- (5) If a document or thing is produced to a registrar, the registrar must:
  - (a) give a receipt to the person who produced the document or thing, and
  - (b) produce the document or thing as the nature of the case requires, or as directed by the Court.
- (6) If a subpoena requires production of a document or thing on a date other than the date for hearing the proceedings, the registrar may, at any time after the hearing date, order that the subpoena has ceased to have effect and:
  - (a) in the case of an original document, or a thing, return it to the person who produced it, or
  - (b) in the case of a document that is a copy, return the document, or dispose of it, in accordance with the election of the person who produced the document.

#### **47 Subpoena may be set aside**

- (1) A notice of application to set aside a subpoena (either wholly or in part) is to be in the approved form.

Clause 48 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 7 Subpoenas

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- (2) A copy of the notice of application must be served by the applicant on the party on whose request the subpoena issued, either personally or by forwarding a copy by post to the address of the party as shown on the subpoena.
- (3) A copy of the notice of application must also be filed by the applicant with the Court before which the subpoena is returnable.
- (4) Unless leave is granted by the Court, the time for filing and serving the notice of application by the applicant in accordance with this clause is not less than 3 days before the date that the subpoena is returnable.
- (5) An applicant seeking to set aside a subpoena must appear before the Court on the date that the subpoena is returnable to allow the Court to deal with the application.

#### **48 Inspection of subpoenaed documents or things**

For the purposes of section 228 (3) of the Act, notification of an objection to the inspection of subpoenaed documents or things may be raised orally before the Court on the return date of the subpoena.

#### **49 Return of documents and things produced under subpoena**

If a subpoena requires production of a document or thing on the date for hearing the proceedings and the proceedings are adjourned, other than to a further date for hearing the proceedings, before the document or thing is produced to the Court, the registrar may, at any time after the hearing date, order that the subpoena has ceased to have effect and:

- (a) in the case of an original document, or a thing, return it to the person who produced it, or
- (b) in the case of a document that is a copy, return the document, or dispose of it, in accordance with the election of the person who produced the document.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 50

Warrants

Part 8

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## Part 8 Warrants

### 50 Application of Part

This Part applies to:

- (a) summary proceedings, and
- (b) application proceedings, and
- (c) any other proceedings to which Part 4 (Warrants) of Chapter 4 of the Act applies.

**Note.** Regulations may be made under section 233 of the Act prescribing additional proceedings to which that Part applies.

### 51 Definition of “Court”

In this Part:

**Court** means a court in which proceedings to which this Part applies are taken.

### 52 Matters to be considered in determining whether to issue arrest warrant

- (1) An application for the issue of a warrant to arrest an accused person before the date the person is first required to attend at court for the hearing of proceedings is to be made in the approved form.
- (2) For the purposes of determining whether to issue any such warrant to arrest, an authorised officer may take into account the following matters:
  - (a) whether the offence the subject of the proceedings is serious enough to justify the issue of a warrant, having regard to whether the offence is punishable by imprisonment and, in the case of proceedings taken by a person other than a police officer or a public officer, the nature of the case against the accused person,
  - (b) whether the prosecutor has made reasonable attempts to serve the court attendance notice,
  - (c) whether an order for substituted service should be made rather than the issue of the warrant,
  - (d) whether there is, and the nature of, any risk to the safety of an alleged victim, witness or other person if the accused person is not arrested and brought before the court,

Clause 53 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 8 Warrants

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(e) whether the accused person is the subject of any other warrant to arrest in respect of any other offences.

(3) If an application for a warrant to arrest an accused person is refused by an authorised officer, the court attendance notice must be listed before the Court.

### **53 Forms of warrants**

- (1) A warrant to arrest a person is to be in the approved form.
- (2) A warrant to commit a person is to be in the approved form.

### **54 Procedure after arrest**

- (1) A person who executes a warrant to arrest a person issued in proceedings to which this Part applies must, when the person is brought before a Magistrate or an authorised officer, produce the following:
  - (a) a copy of the warrant,
  - (b) a court cover sheet,
  - (c) a summary of the relevant facts,
  - (d) details of the antecedents of the accused person.
- (2) The court attendance notice on which a warrant is issued is to be filed with the Court of the Magistrate or authorised officer before whom the person is brought and is to be dealt with by that Court.

### **55 Warrants to commit**

The following persons may execute a warrant to commit a person:

- (a) a police officer,
- (b) a governor of a correctional centre,
- (c) a correctional officer.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 56

Miscellaneous

Part 9

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## **Part 9      Miscellaneous**

### **56 Applications generally**

- (1) This clause applies to committal proceedings, summary proceedings and application proceedings.
- (2) An application in proceedings is to be made by filing an application, in the approved form for application hearings, except where a form relating to the particular application is separately approved.
- (3) An application must state the nature of the order sought.
- (4) An application must be served on the other party before the date on which it is listed, unless leave not to do so is granted by the Court or the registrar.
- (5) An application may be made for orders relating to the following matters:
  - (a) substituted service of documents,
  - (b) setting aside a subpoena,
  - (c) review of a decision by a registrar,
  - (d) issuing a warrant,
  - (e) any form of interlocutory application for which no other form is approved.
- (6) A Court may make orders sought in an application.
- (7) An application may be held in open court or in the absence of the public.
- (8) The registrar may list an application on the next day on which the proceedings are listed or on an earlier date by arrangement with the Court.

### **57 Grounds of refusal of private prosecutions or application notices**

A registrar must not sign a court attendance notice, or an application notice, in proceedings commenced by a person other than a police officer or a public officer if of the opinion that the proceedings are frivolous, vexatious, without substance or have no reasonable prospect of success.

Clause 58 Local Courts (Criminal and Applications Procedure) Rule 2003

Part 9 Miscellaneous

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### **58 Recording of evidence**

The evidence of a witness in committal proceedings, summary proceedings or application proceedings may be recorded by any of the following methods:

- (a) shorthand,
- (b) stenotype machine,
- (c) sound recording apparatus,
- (d) audio visual apparatus,
- (e) any other manner directed by the Court.

### **59 Forms**

- (1) The Chief Magistrate may from time to time cause to be published in the Gazette approved forms for the purposes of this Rule.
- (2) If there is no approved form for a document required to be filed in any proceedings in a Court, the registrar of the Court may approve the form of the document.
- (3) Strict compliance with an approved form is not necessary but substantial compliance is sufficient.

### **60 Filing of documents**

- (1) A document that is required by the *Criminal Procedure Act 1986* or the *Local Courts Act 1982* or this Rule to be filed in the registry of a Court or with the registrar by a police officer or public officer is taken to be filed if dealt with as follows:
  - (a) the document is delivered by hand to the registry of the Court,
  - (b) the document is sent by post to the registry of the Court,
  - (c) the document is sent by facsimile or other electronic communication to the registry of the Court and any other requirements of this clause are complied with.
- (2) A document that is required by the *Criminal Procedure Act 1986* or the *Local Courts Act 1982* or this Rule to be filed in the registry of a Court or with the registrar by a person other than a police officer or public officer is taken to be filed if it is dealt with as follows:
  - (a) the document is delivered by hand to the registry of the Court,
  - (b) the document is sent by post to the registry of the Court,
  - (c) the document is sent, with the consent of the registrar, by facsimile to the registry of the Court or by electronic

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 61

Miscellaneous

Part 9

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communication to the email address of the registry of the Court, is legible and any other requirements of this clause are complied with.

- (3) A document sent by facsimile or other electronic communication to the registry of a Court must, if a fee is required to be paid on the filing of the document, be accompanied by an undertaking to pay the fee within 28 days of the filing or before the next date the proceedings are before the Court, whichever is the earlier.
- (4) A document that is required by the *Criminal Procedure Act 1986* or the *Local Courts Act 1982* or this Rule to be filed in the registry of a Court is, except with the leave of the registrar, to be filed in the registry of the Court before which the relevant proceedings are, or are to be, listed.
- (5) A document sent by facsimile is taken to have been filed on completion of the transmission of the document.
- (6) A document sent by electronic communication (other than facsimile) to the registry of a Court is taken to be filed on the date of receipt of the document as determined under section 13 of the *Electronic Transactions Act 2000*.

#### **61 Review of powers exercised by registrars**

If a registrar of a Court gives a direction, makes an order or does any other thing in committal proceedings, summary proceedings or application proceedings, the Court may, on application by the prosecutor or the accused person:

- (a) review the direction, order or action, and
- (b) by order confirm, vary or discharge the order or direction or take such other action as it thinks fit.

#### **62 Copies of court records**

- (1) A party to committal proceedings, summary proceedings or application proceedings is entitled to:
  - (a) access to a copy of the court record or transcript of evidence taken at the proceedings, or
  - (b) on payment of any fee prescribed by regulations made under the *Criminal Procedure Act 1986* or the *Local Courts Act 1982*, obtain a copy of the court record or transcript of evidence taken at the proceedings.

Local Courts (Criminal and Applications Procedure) Rule 2003

Clause 62

Miscellaneous

Part 9

- 
- (2) A person who is not a party to committal proceedings, summary proceedings or application proceedings may, with the leave of the Magistrate or registrar:
- (a) have access to a copy of the court record or transcript of evidence taken at the proceedings, or
  - (b) on payment of the prescribed fee, obtain a copy of the court record or transcript of evidence taken at the proceedings.
- (3) The Magistrate or registrar may grant leave for the purposes of subclause (2) if of the opinion that the person seeking leave to access or obtain a copy of the record or transcript has a proper interest for doing so.





# Supreme Court Rules (Amendment No 376) 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 May 2003.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to amend the *Supreme Court Rules 1970* so that proceedings that are commenced by summons are generally to be commenced by a summons that specifies a return day, rather than a summons under which an appointment for hearing is to be specified at a later time. There will be some exceptions to this general rule.

These Rules also make a minor amendment to the *Supreme Court Rules 1970* by way of statute law revision.

Rule 1 Supreme Court Rules (Amendment No 376) 2003

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## **Supreme Court Rules (Amendment No 376) 2003**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 376) 2003*.

### **2 Commencement**

These Rules commence on 16 June 2003.

### **3 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 376) 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Rule 3)

### [1] Part 3, rule 2

Omit “Part 5 rule 4A” from rule 2 (1).

Insert instead “Part 5 rule 3”.

### [2] Part 5, rule 1

Omit the rule. Insert instead:

#### 1 Application of Part

- (1) This Part applies only to proceedings commenced by summons on or after 16 June 2003.
- (2) The provisions of this Part (as in force immediately before 16 June 2003) continue to apply to proceedings commenced by summons before that date in the same way as they would have applied had the *Supreme Court Rules (Amendment No 376) 2003* not been made.
- (3) This Part has effect subject to any contrary provisions of these rules.

### [3] Part 5, rules 4–5

Omit the rules. Insert instead:

#### 3 Form of summons

- (1) A summons commencing proceedings must be in Form 6 and state a return day.
- (2) The return day to be stated in a summons under this rule may be fixed by the Court or, if not fixed by the Court, is to be obtained from the appropriate registry.
- (3) If there is a defendant, the summons is to be served not less than 5 days before the return day unless the Court orders otherwise. A summons is to bear a note of any order made under this subrule.
- (4) If the return day is obtained from the appropriate registry and the summons is to be served outside the State, the return day is to be not less than one month after the date of filing of the summons.

## Supreme Court Rules (Amendment No 376) 2003

## Schedule 1 Amendments

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**[4] Part 5, rule 6**

Omit rule 6 (2). Insert instead:

- (2) If a summons names a place outside Sydney as the place for attendance, that place is to be the place for hearing unless the Court otherwise orders.

**[5] Part 7, rule 3**

Omit "Part 5 rule 4A" wherever occurring in rule 3 (1) and (3).

Insert instead "Part 5 rule 3".

**[6] Part 7, rule 5**

Omit "Part 5 rule 4A" from rule 5 (1) (a).

Insert instead "Part 5 rule 3".

**[7] Part 7, rule 5 (1) (a)**

Omit "date for hearing". Insert instead "return day".

**[8] Part 14, rule 2**

Omit "forms 6 and 7 (summons)".

Insert instead "Form 6 (summons)".

**[9] Part 14A, rule 3**

Omit "Forms 6 and 7 (summons)".

Insert instead "Form 6 (summons)".

**[10] Part 51, rule 50**

Omit rule 50 (1). Insert instead:

- (1) Subject to the rules and in particular rule 4 (1) (b) and (2) (b) and rule 57, proceedings (except appeals) in the Court of Appeal are to be commenced by summons under Part 5 rule 3.

**[11] Part 51, rule 50 (3) (a)**

Omit the paragraph.

Supreme Court Rules (Amendment No 376) 2003

Amendments

Schedule 1

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**[12] Part 51AA, rule 32**

Insert “(as in force at the relevant time before 1 September 1997)” after “Part 5 rule 4A” in rule 50 (1).

**[13] Part 51AA, rule 32 (3) (a)**

Insert “(as in force at the relevant time before 1 September 1997)” after “Part 5 rules 4, 4C and 5”.

**[14] Part 51B, rule 5**

Omit rule 5 (1). Insert instead:

- (1) An application for leave to appeal and, subject to subrule (2), to cross-appeal must be made by summons under Part 5 rule 3.

**[15] Part 51B, rule 7**

Omit rule 7. Insert instead:

**7 Institution of appeal**

Subject to rule 5, an appeal to the Court is to be instituted by filing a summons under Part 5 rule 3 that claims the decision that the party instituting the appeal seeks in place of the decision of the tribunal below.

**[16] Part 52, rule 48**

Omit “Part 5 rule 4B and in Form 7” from rule 48 (2).

Insert instead “Part 5 rule 3”.

**[17] Part 73, rule 4**

Insert after rule 4 (5):

- (6) Despite Part 5, a summons commencing proceedings under the Adoption Act is not to state a return day for the proceedings. However, nothing in this subrule affects any requirement under rule 8 to state an appointment for a preliminary hearing in the summons.
- (7) The Court may, of its own motion, appoint a date for the hearing of proceedings under the Adoption Act commenced by summons.

## Supreme Court Rules (Amendment No 376) 2003

## Schedule 1 Amendments

- 
- (8) If the Court appoints a date for hearing of proceedings commenced by summons, the Court must give the parties, or ensure that the parties are given, notice of the appointment at least 5 days before the date appointed. Any such notice must be in writing or by email or facsimile transmission.
- (9) If the Court makes an appointment for hearing under this rule, the Court may give directions for service of notice of the appointment or for otherwise notifying the parties of the appointment.

**[18] Part 73, rule 5**

Insert at the end of rule 5:

- (2) A summons commencing proceedings under the Adoption Act is to contain the following statement:
- “The proceedings commenced by this summons will be dealt with by a Judge out of court unless the Court directs otherwise.”

**[19] Part 75, rule 6**

Omit rule 6 (a). Insert instead:

- (a) Part 5 rules 1, 3 (2) and (3) and 5A and Form 74A of Schedule F,

**[20] Part 77, rule 24**

Omit “Part 5 rule 4A” from rule 24 (1).

Insert instead “Part 5 rule 3”.

**[21] Part 78, rule 4C**

Insert after rule 4B:

**4C Appointments for hearing for proceedings commenced by summons with no return day**

- (1) Despite Part 5, a summons commencing proceedings under this Part (other than under rule 69 (2) (b) or 75A) is not to state a return day.

## Supreme Court Rules (Amendment No 376) 2003

## Amendments

## Schedule 1

- 
- (2) A summons commencing proceedings under this Part (other than under rule 69 (2) (b) or 75A) is to contain the following statement:

“The proceedings commenced by this summons will be dealt with by a Judge or a registrar out of court. However, the Court may, of its own motion, appoint a date for the hearing in Court of the proceedings.”

- (3) The Court may, of its own motion, appoint a date for the hearing of proceedings commenced by summons under this Part where a return day has not been appointed.
- (4) If the Court appoints a date for the hearing of proceedings commenced by summons, the Court must give the parties, or ensure that the parties are given, notice of the appointment at least 5 days before the date appointed. Any such notice must be in writing or by email or facsimile transmission.

**[22] Part 78, rule 5**

Insert after rule 5 (1) (s):

- (t) making an appointment for hearing for a summons under rule 4C (3).

**[23] Part 78, rule 8 (1)**

Omit “the form prescribed”. Insert instead “Form 90”.

**[24] Part 78, rule 40**

Omit “in the form prescribed”.

**[25] Part 80, rule 2**

Omit “Part 5 rule 4A” from rule 2 (1). Insert instead “Part 5 rule 3”.

**[26] Part 80A, rule 3**

Insert “(as in force at the relevant time before the commencement of the *Corporations Law Rules*)” after “Part 5 rule 4B” in rule 3 (1).

**[27] Part 80A, rule 3 (2)**

Insert “(as in force at the relevant time before the commencement of the *Corporations Law Rules*)” after “Part 5 rule 4A” wherever occurring.

## Supreme Court Rules (Amendment No 376) 2003

## Schedule 1 Amendments

**[28] Part 81, rule 9**

Omit “Part 5 rule 4A” from rule 9 (2) (b). Insert instead “Part 5 rule 3”.

**[29] Schedule F**

Omit “P 5, r 4A” from Form 6. Insert instead “P 5, r 3”.

**[30] Schedule F, Form 6**

Omit “To the defendant (*address*):”.

Insert instead:

To the defendant (*address*):

The return day of this summons is:

Date:        Time:        Place:

**[31] Schedule F, Form 6**

Omit “time and place specified below”.

Insert instead “date, time and place specified above”.

**[32] Schedule F, Form 6**

Omit (where firstly occurring):

Time: 7 May, 19    , at 10 a.m.

Place: (*address of court*)

**[33] Schedule F, Form 6**

Omit “Part 5 rule 4A (3)”. Insert instead “Part 5 rule 3 (3)”.

**[34] Schedule F, Form 6**

Omit:

(Where there is no defendant, add the following:

Time and place for attendance

Time: 7 May, 19    , at 10 a.m.

Place: (*address of Court*) continue—

**[35] Schedule F, Form 7**

Omit the Form.



Supreme Court Rules (Amendment No 376) 2003

Amendments

Schedule 1

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**[36] Schedule F, Form 11B**

Omit the Form.

**[37] Schedule F, Form 59**

Omit “*Part 5*”. Insert instead “*Part 51*”.

**[38] Schedule F, Form 62**

Omit “*Part 5 rule 4A (3)*”. Insert instead “*Part 5 rule 3 (3)*”.

**[39] Schedule F, Form 72**

Omit “Appointment for preliminary hearing”.

Insert instead:

The proceedings commenced by this summons will be dealt with by a Judge out of court. However, the Court may, of its own motion, appoint a date for the hearing in Court of the proceedings.

Appointment for preliminary hearing

**[40] Schedule F, Form 90**

Omit “Plaintiff: (*name, address and occupation*)”.

Insert instead:

The proceedings commenced by this summons will be dealt with by a Judge or a registrar out of court. However, the Court may, of its own motion, appoint a date for the hearing in Court of the proceedings.

Plaintiff: (*name, address and occupation*)

**[41] Schedule F, Form 107**

Omit the Form.

**[42] Schedule F**

Omit the matter relating to Forms 7, 11B and 107 from the Index of Forms at the end of the Schedule.



COLUMN 1	COLUMN 2	COLUMN 1	COLUMN 2
Warren ISAAC	New England Area Health Service	Raymond ROBINSON	Hunter Area Mental Health Service
Roderick KEITH	New England Area Health Service	Teresa STONE	Hunter Area Mental Health Service
Fiona LITTLE	New England Area Health Service	Mark COLEMAN	Illawarra Area Health Service
Belinda RULE	New England Area Health Service	Sylvia FITZGERALD	Southern Area Health Service
Linda ADAMS	New England Area Health Service	Celeste MAYERS	Southern Area Health Service
Jeffrey HARDCASTLE	New England Area Health Service	Dennis CHURCHILL	Southern Area Health Service
Barry TOOHEY	Mid North Coast Area Health Service	Bronwyn McELVENNEY	Southern Area Health Service
Elizabeth KNIGHT	Mid North Coast Area Health Service	Samantha PEARCE	Southern Area Health Service
John ATKINSON	Mid North Coast Area Health Service	Katherine PARSONS	Southern Area Health Service
David LIVINGSTON	Mid North Coast Area Health Service	Noel TIMBS	Greater Murray Area Health Service
Wayne John HOLLAND	Mid North Coast Area Health Service	Carolyn LESLIE	Greater Murray Area Health Service
Jacqueline TOWNSEND	Mid North Coast Area Health Service	Jayne ROSS	Greater Murray Area Health Service
John GRAHAM	Mid North Coast Area Health Service	Janet JAMIESON	Greater Murray Area Health Service
Alison BOEHME	Mid North Coast Area Health Service	Samantha JOHNSON	Greater Murray Area Health Service
Janice WOOD	Mid North Coast Area Health Service	Eilene MASON	Greater Murray Area Health Service
Donna WIDDISON	Mid North Coast Area Health Service	Sonia REILLY	Northern Sydney Area Health Service
Susan NEWBOWN	Mid North Coast Area Health Service	Martin COLLIS	Northern Sydney Area Health Service
Terrance GOLLEDGE	Mid North Coast Area Health Service	Stephen PERRY	Northern Sydney Area Health Service
John WILLS	Hunter Area Mental Health Service	Jessica LOGAN	Northern Sydney Area Health Service
Kerri BARRACK	Hunter Area Mental Health Service	Sheila NICOLSON	Northern Sydney Area Health Service
Jennifer BRYANT	Hunter Area Mental Health Service	Michael GILLEN	Northern Sydney Area Health Service
Jenny AUBREY	Hunter Area Mental Health Service	Margaret ENGLISH	The Children's Hospital (Westmead)
Ann RELF	Hunter Area Mental Health Service	Jack MULLER	South Western Sydney Area Health Service
Karen HARMON	Hunter Area Mental Health Service	Michael GUYMER	South Western Sydney Area Health Service
Donald STEWART	Hunter Area Mental Health Service	Joseph CHUONG	South Western Sydney Area Health Service
Peter TREACY	Hunter Area Mental Health Service	Dorota WACHALA	South Western Sydney Area Health Service
Bronwyn HAMILTON	Hunter Area Mental Health Service	Pam ALLEN	Corrections Health Service
		Lesley DOUGLAS	Corrections Health Service
		Sandra GILLETT	Western Sydney Area Health Service
		Signed this 5th day of June 2003.	
			ROBYN KRUK, Director-General.

## NSW Fisheries

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

##### Clause 48 (1) — Notice of Aquaculture Lease Consolidation

THE Minister has consolidated the following Aquaculture leases:

OL76/086 and OL76/087 to create AL03/002 within the estuary of Crookhaven River, having an area of 4.2631 hectares to Mr Edward W. ALLEN of Greenwell Point, NSW, expiring on 16 January 2007.

OL76/092 and OL76/093 to create AL03/003 within the estuary of Crookhaven River, having an area of 7.6373 hectares to Mr Edward W. ALLEN, Mr Barry W. ALLEN and Mr Brian E. ALLEN of Greenwell Point, NSW, expiring on 5 December 2006.

##### Clause 37 (3) — Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 aquaculture lease:

AL02/026 within the estuary of the Wonboyn River, having an area of 1.6559 hectares to Kelvin HENRY and Caroline HENRY of Wonboyn Lake, NSW, for a term of 15 years expiring on 9 April 2018.

AL01/020 within the estuary of the Manning River, having an area of 1.4919 hectares to Gary Clyde RUPRECHT and Errol Keith RUPRECHT of Mitchells Island, NSW, for a term of 15 years expiring on 17 February 2018.

OL97/027 within the estuary of Port Stephens, having an area of 0.9178 hectares to Gordon LATIMORE and Robyn LATIMORE of Karuah, NSW, for a term of 15 years expiring on 1 May 2018.

##### Clause 39 (4) — Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture Lease:

OL88/100 within the estuary of Port Stephens, having an area of 0.3655 hectares to Mr Cyril EDWARDS and Ms Jeanette EDWARDS of Pindimar, NSW, for a term of 15 years expiring on 9 September 2018.

OL58/018 within the estuary of Port Stephens, having an area of 1.3446 hectares to Mr Kenneth Brian LILLEY and Mr Leonard Allan LILLEY of Swan Bay, NSW, for a term of 15 years expiring on 27 January 2018.

STEVE DUNN,  
Director,  
NSW Fisheries.

F01/196

### FISHERIES MANAGEMENT ACT 1994

#### Section 8 Notification — Fishing Closure Caulerpa

I, IAN MACDONALD, prohibit the taking of fish by the methods of fishing specified in Column 1 of Schedules 1 to 5 of this notification, from the waters shown opposite in Column 2, respectively of those Schedules.

This closure is effective for a period of two (2) years from the date of publication unless sooner revoked.

All references to the Regulation in this notice relate to the Fisheries Management General Regulation 2002.

All references to a map prepared by the Director, NSW Fisheries in this closure relate to a map prepared from time to time and notified to local angling clubs and affected commercial fishers, and displayed at the nearest office of NSW Fisheries, on the NSW Fisheries website at [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au), and displayed at the nearest local council office.

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

#### SCHEDULE 1

##### Narrawallee Inlet and its tributaries

<b>Column 1</b> <i>Methods</i>	<b>Column 2</b> <i>Waters</i>
By means of nets of every description other than a landing net as prescribed by the Regulation.	In areas identified as <b>Caulerpa Infestation Areas</b> described on a map produced by the Director, NSW Fisheries.

## SCHEDULE 2

## Burrill Lake and its tributaries

<b>Column 1</b> <i>Methods</i>	<b>Column 2</b> <i>Waters</i>
By means of nets of every description other than a landing net as prescribed by the Regulation.	The whole of the waters of Burrill Lake and its creeks, tributaries and inlets.

## SCHEDULE 3

## Lake Conjola and Berringer Lake and their tributaries

<b>Column 1</b> <i>Methods</i>	<b>Column 2</b> <i>Waters</i>
By means of nets of every description other than a landing net as prescribed by the Regulation.	The whole of the waters of Lake Conjola and Berringer Lake, their creeks, tributaries and inlets.

## SCHEDULE 4

## Careel Bay, Pittwater and its tributaries

<b>Column 1</b> <i>Methods</i>	<b>Column 2</b> <i>Waters</i>
By means of nets of every description other than a landing net as prescribed by the Regulation.	In areas identified as <b>Caulerpa Infestation Areas</b> described on a map produced by the Director, NSW Fisheries.

## SCHEDULE 5

Pulbah Island, Chain Valley Bay and Surrounding Waters  
(Lake Macquarie)

<b>Column 1</b> <i>Methods</i>	<b>Column 2</b> <i>Waters</i>
By means of nets of every description other than a landing net as prescribed by the Regulation.	In areas identified as <b>Caulerpa Infestation Areas</b> described on a map produced by the Director, NSW Fisheries.

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## Department of Lands

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### FAR WEST REGIONAL OFFICE

#### Department of Lands

45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830

Phone: (02) 6883 3000 Fax: (02) 6883 3099

#### ALTERATION OF PURPOSE OF A WESTERN LANDS LEASE

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

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

—  
*Administrative District – Wilcannia;  
Shire – Central Darling;  
Parish – Arabi and Others; County – Killara.*

The purpose of Western Lands Leases 7844 and 7845, being the land contained within Folio Identifiers 4005/766478 and 6747/822066 have been altered from “Grazing” to “Grazing, Farm Tourism, Film Making and Recreational Hunting” effective from 16 May 2003.

Annual rental and lease conditions remain unaltered as a consequence of the change of purpose except for the addition of those special conditions published in the *Government Gazette* of 8 March 2002, Folios 1478-1482.

**GOULBURN OFFICE**  
**Department of Lands**  
**159 Auburn Street (PO Box 748), Goulburn, NSW 2580**  
**Phone: (02) 4828 6725 Fax: (02) 4828 6730**

**APPOINTMENT OF ADMINISTRATOR TO  
 MANAGE A RESERVE TRUST**

**COLUMN 1**

**COLUMN 2**

**COLUMN 3**

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

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

—————  
 SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Anthony NEWLAND.	Queanbeyan Seiffert Sportsground (R85019) Reserve Trust.	Reserve No.: 85019. Public Purpose: Public recreation. Notified: 25 September 1964. File No.: GB89 R 23.

For a term from 16 May 2003 and expiring 16 August 2003.

—————  
 SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Ray MOONEY.	Wee Jasper Reserves Trust.	Reserve No.: 87128. Public Purpose: Preservation of caves. Notified: 3 April 1969. Reserve No.: 90969. Public Purpose: Preservation of caves. Notified: 18 November 1977. Reserve No.: 60618. Public Purpose: Public recreation. Notified: 27 July 1928.

For a term from 30 April 2003 and expiring 30 June 2003.

Reserve No.: 130005.  
Public Purpose: Public  
recreation.  
Notified: 12 December  
1986.  
Reserve No.: 130006.  
Public Purpose: Public  
recreation.  
Notified: 12 December  
1986.  
Reserve No.: 130007.  
Public Purpose: Public  
recreation.  
Notified: 12 December  
1986.  
Reserve No.: 130008.  
Public Purpose: Public  
recreation.  
Notified: 12 December  
1986.  
Reserve No.: 130009.  
Public Purpose: Public  
recreation.  
Notified: 12 December  
1986.  
Reserve No.: 130010.  
Public Purpose: Public  
recreation.  
Notified: 12 December  
1986.  
Reserve No.: 130064.  
Public Purpose: Public  
recreation.  
Notified: 14 May 1993.  
File No.: GB90 R 31.

**GRAFTON OFFICE**  
**Department of Lands**  
**76 Victoria Street (Locked Bag 10), Grafton, NSW 2460**  
**Phone: (02) 6640 2000 Fax: (02) 6640 2035**

**REVOCATION OF RESERVATION OF  
CROWN LAND**

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

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

**SCHEDULE**

**COLUMN 1**

Land District: Grafton.  
 Local Government Area:  
 Pristine Waters Council.  
 Locality: Wooli.  
 Reserve No.: 3560.  
 Public Purpose: Water  
 supply access.  
 Notified: 4 June 1887.  
 File No.: GF81 R 253/1.

**COLUMN 2**

The whole being Lot 7002,  
 DP No. 751393#, Parish Wooli  
 Wooli, County Clarence, of an  
 area of 26.75 hectares.

Disclaimer: # Please note that the above Lot numbers  
 marked # are for Departmental use only.

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

**REVOCATION OF RESERVATION OF CROWN  
LAND**

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

Tony Kelly, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

**SCHEDULE**

**COLUMN 1**

Land District: Wyalong.  
 Local Government Area:  
 Bland Shire Council.  
 Locality: West Wyalong.  
 Reserve No.: 90229.  
 Public Purpose: Police.  
 Notified: 23 March 1973.  
 File No.: GH98 H 129/1.

**COLUMN 2**

The whole being Lot 1103,  
 DP No. 753135, Parish Wyalong,  
 County Gipps, of an area of 1200  
 square metres.

Note: Sale by way of auction.



**MAITLAND OFFICE**  
**Department of Lands**  
**Newcastle Road (PO Box 6), East Maitland, NSW 2323**  
**Phone: (02) 4937 9300 Fax: (02) 4934 2252**

**REVOCATION FOR RESERVATION OF  
CROWN LAND**

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

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

SCHEDULE

**COLUMN 1**

Lot/DP: 268 and 269/  
750926.  
Parish: Ellis.  
County: Brisbane.  
Land District:  
Muswellbrook.  
Local Government Area:  
Muswellbrook.  
Locality: South west of the  
town of Aberdeen.  
Reserve No.: 93907.  
Public Purpose: Future  
public requirements.  
Notification: 24 October 1980.  
File Nos: MD02 H 302 and  
MD03 H 9.

Note: Conversions.

**COLUMN 2**

The remainder being within Lots  
268 and 269, DP 750926 of an  
area of 90.45 hectares.

**SYDNEY METROPOLITAN OFFICE**

**Department of Lands**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935), Parramatta, NSW 2124**  
**Phone: (02) 9895 7657 Fax: (02) 9895 6227**

**ROADS ACT 1993**

ORDER

Transfer of a Crown Road to Council

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

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

SCHEDULE 1

*Land District – Penrith;*  
*Local Government Area – Penrith; Parish – Claremont;*  
*County – Cumberland.*

A triangular shaped parcel of Crown public road at Luddenham adjoining the northern side of Patons Lane and extending 80 metres westerly and 53 metres northerly from the intersection of Luddenham Road and Patons Lane.

SCHEDULE 2

Roads Authority: Penrith City Council.  
File No.: MN03 H 118.

SCHEDULE 1

*Land District – Metropolitan;*  
*Local Government Area – Pittwater;*  
*Village of Turimetta; Parish – Narrabeen;*  
*County – Cumberland.*

The Crown public roads known as Sawmill Lane, Scribbly Gum Lane and Triglone Lane at Mona Vale.

SCHEDULE 2

Roads Authority: Pittwater Council.  
File No.: MN03 H 95.

SCHEDULE 1

*Land District – Penrith;*  
*Local Government Area – City of Penrith;*  
*Parish – Melville; County – Cumberland.*

The Crown public road 60 metres wide situated on the northern boundary of Lot 41, DP 843899 at Erskine Park, extending 220 metres easterly of its intersection with Mamre Road.

SCHEDULE 2

Roads Authority: Penrith City Council.  
File No.: MN03 H 52.

**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 RESERVE TRUST AS  
 TRUSTEE OF A RESERVE**

PURSUANT to section 92 (1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

Tony Kelly, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

**COLUMN 1**

Goobarragandra Valley  
 Reserves Trust.

**COLUMN 2**

Reserve No.: 1004328.  
 Public Purpose: Public recreation  
 and access.  
 Notified: 14 February 2003.  
 File No.: WA03 R 3.

**RESERVATION OF CROWN LAND**

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

Tony Kelly, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

**COLUMN 1**

Land District: Wagga Wagga.  
 Local Government Area:  
 Wagga Wagga City  
 Council.  
 Locality: Yarragundry.  
 Lot 174, DP No. 823308,  
 Parish Yarragundry,  
 County Mitchell.  
 Area: 3.177 hectares.

**COLUMN 2**

Reserve No.: 1004648.  
 Public Purpose: Environmental  
 protection.  
 File No.: WA92 H 132.

## Department of Mineral Resources

NOTICE is given that the following application has been received:

### EXPLORATION LICENCE APPLICATION

(T03-0068)

No. 2113, BALRANALD GYPSUM PTY LTD (ACN 081 196 947), area of 2 units, for Group 2, dated 30 May, 2003. (Broken Hill Mining Division).

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

NOTICE is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATIONS

(T02-0469)

No. 2038, now Exploration Licence No. 6086, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), County of Yancowinna, Map Sheet (7133, 7233), area of 23 units, for Group 1, dated 29 May, 2003, for a term until 28 May, 2005.

(T03-0013)

No. 2060, now Exploration Licence No. 6087, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), Counties of Ashburnham, Forbes and Kennedy, Map Sheet (8431, 8531, 8532), area of 91 units, for Group 1, dated 3 June, 2003, for a term until 2 June, 2005. As a result of the grant of this title, Exploration Licence No. 6006 has ceased to have effect.

(T03-0026)

No. 2071, now Exploration Licence No. 6088, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Forbes, Map Sheet (8530), area of 36 units, for Group 1, dated 3 June, 2003, for a term until 2 June, 2005.

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

NOTICE is given that the following application has been withdrawn:

### EXPLORATION LICENCE APPLICATION

(T01-0130)

No. 1769, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Menindee and County of Windeyer, Map Sheet (7132, 7133, 7232, 7233). Withdrawal took effect on 6 June, 2003.

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

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

(T98-1200)

Exploration Licence No. 5586, BLACK RANGE METALS (SYERSTON) PTY LTD (ACN 008 755 155), area of 4 units. Application for renewal received 2 June, 2003.

(T99-0053)

Exploration Licence No. 5591, PASMINGO AUSTRALIA LIMITED (ACN 004 074 962), area of 49 units. Application for renewal received 5 June, 2003.

(T01-0097)

Exploration Licence No. 5874, ENDEAVOUR MINERALS PTY LTD (ACN 063 725 708), area of 3 units. Application for renewal received 2 June, 2003.

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

### RENEWAL OF CERTAIN AUTHORITY

NOTICE is given that the following authority has been renewed:

(C00-1107)

Mineral Lease No. 1283 (Act 1906), SOUTHLAND COAL PTY LTD (ACN 000 077 225), Parish of Cessnock, County of Northumberland, Map Sheet (9132-2-N), area of 1.973 hectares, for a further term until 13 July, 2022. Renewal effective on and from 14 May, 2003.

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

### PART CANCELLATION

NOTICE is given that the following authority has been cancelled in part:

(C00-0001)

Petroleum Exploration Licence No. 432 (Act 1991), ARROW ENERGY NL (ACN 078 521 936).

Description of area cancelled:

An area of 26 blocks. For further information contact Titles Branch.

Part cancellation took effect on 2 May, 2003.

The authority now embraces an area of 6 blocks.

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

## Department of Sustainable Natural Resources

### WATER ACT 1912

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

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

*Murray River Valley*

Graeme John BEEVERS for 5 pumps on the Murray River, Lot 9/756971, Parish of Paringi, County of Wentworth, for domestic purposes and water supply for irrigation of 85 hectares (replace an authority with a licence due to a change of ownership of lands and addition of domestic purpose — no additional irrigation) (Reference: 60SL085422) (GA2:512567).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P. WINTON,  
Natural Resource Project Officer,  
Murray Region.

Department of Infrastructure, Planning and  
Natural Resources,  
32 Enterprise Way (PO Box 363), Buronga, NSW 2739.  
Telephone: (03) 5021 9400.

### WATER ACT 1912

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

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

*Murray River Valley*

Evangelos TEPELIS and Dafny TEPELIS for a pump on the Murray River on Lots 16 and 17, DP 11618, Parish of Puah, County of Wakool, for water supply for stock and domestic purposes and irrigation (replacement licence due to permanent transfers) (Reference: 50SL75564) (GA2:477270).

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

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

L. J. HOLDEN,  
A/Senior Natural Resource Officer,  
Murray Region.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 205, Deniliquin, NSW 2710.

### WATER ACT 1912

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

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

*Gwydir River Valley*

Bruce Wallace PICONE and Thelma Mary PICONE for a diversion channel and three (3) pumps on Carole Creek on Lot 15, DP 44074, Parish of Gocalla, County of Benarba, for stock and domestic purposes and irrigation of 648 hectares (cotton) (this application seeks to convert applicants' interest in existing Authority No. 90SA11610 to a licence — works are existing) (Reference: 90SL100689) (GA2:368372).

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

GEOFF CAMERON,  
Manager,  
Resource Access.

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

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## Department of Urban and Transport Planning

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### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### REVOCATION OF A DECLARATION UNDER SECTION 76A(7) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, AND MAKING OF A FURTHER DECLARATION UNDER THAT SECTION

I, the Minister for Infrastructure and Planning:

- (1) Pursuant to Sections 76A(7) and 4(7A) of the *Environmental Planning and Assessment Act 1979*, revoke the Declaration made by the former Minister for Planning on 19 December 2001 in respect of all development associated with the Sydney Gas Camden Coalbed Methane Project; and
- (2) Pursuant to Section 76A(7) of the *Environmental Planning and Assessment Act 1979*, having formed the opinion that the development set out in Schedule 1 to this Declaration is of State environmental planning significance, declare such development to be State significant development.

CRAIG KNOWLES, MP  
Minister for Infrastructure and Planning

Sydney, 4 June 2003

#### SCHEDULE 1

Those parts of Stages 1 and 2 of the Sydney Gas Coalbed Methane Project that are permissible with consent under relevant environmental planning instruments in the Camden, Campbelltown and Wollondilly local government areas.

## **Liverpool Local Environmental Plan 1997 (Amendment No 57)**

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*. (P00/00513/S69)

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

\_\_\_\_\_

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 57)

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## **Liverpool Local Environmental Plan 1997 (Amendment No 57)**

### **1 Name of plan**

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 57)*.

### **2 Objectives of plan**

The objective of this plan is to zone the land to which this plan applies as 4 (d) Industrial—Business Enterprise and 7 (b) Environment Protection—Bushland under *Liverpool Local Environmental Plan 1997*.

### **3 Land to which plan applies**

This plan applies to Lot 12, DP 264622, part of Lot 1403, DP 848565 and part of Lots 2 and 3, DP 832269, as shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 57)” deposited in the office of Liverpool City Council.

### **4 Amendment of Liverpool Local Environmental Plan 1997**

*Liverpool Local Environmental Plan 1997* is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 57)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Definitions

Insert in appropriate order in the definition of “*The Map*” in clause 6 (1):  
Liverpool Local Environmental Plan 1997 (Amendment No 57)

### [2] Clause 53C

Insert after clause 53B:

#### 53C Development of Yulong Site

- (1) This clause applies to Lot 12, DP 264622, part of Lot 1403, DP 848565 and part of Lots 2 and 3, DP 832269, as shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 57)”.
- (2) The Council must not grant consent to the carrying out of development on land to which this clause applies unless:
  - (a) the Council is satisfied that any contamination of the land has been remediated to a standard considered suitable by a site auditor for the proposed use of the land (having regard to the *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites* developed by the Australian and New Zealand Environment Conservation Council and the National Health and Medical Research Council, or to such other guidelines and standards as are relevant), and
  - (b) the Council has been provided with a site audit statement prepared by a site auditor which verifies that the land has been remediated to such a suitable standard.



Liverpool Local Environmental Plan 1997 (Amendment No 57)

Schedule 1      Amendments

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(3) In this clause:

*contamination* has the same meaning as in the *Contaminated Land Management Act 1997*.

*site audit statement* and *site auditor* have the same meanings as in Part 4 of the *Contaminated Land Management Act 1997*.

## **Liverpool Local Environmental Plan 1997 (Amendment No 58)**

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*. (P00/00508/S69)

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

—————

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 58)

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## **Liverpool Local Environmental Plan 1997 (Amendment No 58)**

### **1 Name of plan**

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 58)*.

### **2 Aims of plan**

This plan aims:

- (a) to provide for a new Industrial 4 (d) zone under *Liverpool Local Environmental Plan 1997*, and
- (b) to rezone the land referred to in clause 3 (b) to allow for the more efficient development of the land.

### **3 Land to which plan applies**

This plan applies:

- (a) in respect of the amendments made by Schedule 1 [1] and [3]–[11]—to all land within the City of Liverpool, and
- (b) in respect of the amendment made by Schedule 1 [2]—to part of Lot 1403, DP 848565, corner of Moorebank Avenue and Anzac Road, Moorebank, as shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 58)” deposited in the office of Liverpool City Council.

### **4 Amendment of Liverpool Local Environmental Plan 1997**

*Liverpool Local Environmental Plan 1997* is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 58)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Definitions

Omit the definition of *Road transport terminal* from clause 6 (1).

Insert instead:

*Road transport terminal* means a building or place used for the bulk handling of goods for transport by road, and includes:

- (a) the facilities for the loading and unloading of the vehicles that transport those goods and for the parking, servicing and repair of those vehicles, and
- (b) a building or place used for the loading and unloading of containers,

but, in the Table to clause 9, does not include a building or place elsewhere defined in this clause.

### [2] Clause 6 (1), definition of “The Map”

Insert in appropriate order in the definition:

Liverpool Local Environmental Plan 1997 (Amendment No 58)

### [3] Clause 8 Zones in this plan

Insert after the matter relating to Zone 4 (c):

4 (d) Industrial—Business Enterprise

### [4] Clause 9 Development which is allowed or prohibited within a zone

Insert “4 (d)” in appropriate order under the heading “Industrial” in the Table to the clause.

### [5] Clause 9, Table

Insert “✓” under the heading “Industrial 4 (d)” to correspond with the following types of development:

advertisements, car parks, child care centres, communications facilities, community facilities, convenience stores, dams,

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Page 3

## Liverpool Local Environmental Plan 1997 (Amendment No 58)

## Schedule 1 Amendments

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educational establishments, family day care centres, helicopter landing sites, heliports, industries, landfill, light industries, maintenance dredging, motels, office premises, public buildings, recreation areas, recreation facilities, research establishments, research facilities, roads, serviced apartments, utility installations, utility undertakings, warehouse or distribution centres.

**[6] Clause 10 Development which also needs consent**

Insert “4 (d),” after “4 (c),” in clause 10 (5).

**[7] Clause 10 (6) and (22)**

Omit “or 4 (c)” wherever occurring. Insert instead “, 4 (c) or 4 (d)”.

**[8] Clause 10 (10)**

Omit the subclause. Insert instead:

**(10) Shops in the 4 (a), 4 (b), 4 (c) and 4 (d) zones**

Development for the purposes of a shop may be carried out only with consent on land within the 4 (a), 4 (b), 4 (c) or 4 (d) zone if the shop serves the daily convenience needs of the local workforce.

**[9] Clause 11 Development which does not require consent**

Omit “or 4 (c)” wherever occurring in clause 11 (2), (5) (a), (8) (d) and (9) (b) (ii).

Insert instead “, 4 (c) or 4 (d)”.

**[10] Clause 50 Objectives of the Industrial zones**

Insert after clause 50 (3):

(4) The objectives of the 4 (d) zone are:

- (a) to provide for industrial and business development that:
  - (i) contributes to the economic, employment and social growth of the Liverpool local government area, and
  - (ii) complements the employment role of the Liverpool CBD, and

Liverpool Local Environmental Plan 1997 (Amendment No 58)

Amendments

Schedule 1

- 
- (iii) will not have an adverse impact on the Liverpool CBD, and
  - (iv) due to its nature is not considered suitable for the Liverpool CBD, and
  - (b) to provide for the special requirements of industry and business, particularly in the areas of advanced technology and communications, and to cater for the varying needs of employment activities, and
  - (c) to encourage the development of an industrial and business employment area in a location highly accessible to employees, and
  - (d) to maximise the opportunities for increased use of public transport, bicycles and walking and for a reduction in the use of private cars, and
  - (e) to discourage industrial development that is likely to detract from the amenity of the zone by reason of its appearance, noise, emissions and the like, and
  - (f) to prohibit hazardous and offensive industries and industries where substantial measures are necessary to mitigate the risks or impacts of environmental damage, and
  - (g) to make special provision for industries using and developing advanced technology products and processes, and
  - (h) to provide facilities for business and industry by allowing development for the purposes of a range of ancillary commercial, retail, educational, recreational and community facilities and other development and activities only where it is associated with, and ancillary to, activities carried out on the same land, or where it serves the daily convenience needs of the local workforce, and
  - (i) to make adequate provision for infrastructure and facilities to service the development of the area, and
  - (j) to provide for the use and development of the area in an orderly, efficient and economic manner, and
  - (k) to promote a high standard of urban design.

## Liverpool Local Environmental Plan 1997 (Amendment No 58)

Schedule 1 Amendments

**[11] Clauses 53AA, 53AB and 53B**

Insert after clause 53A:

**53AA Development in Zone 4 (d)**

- (1) Consent may be granted for office premises in the 4 (d) zone only if:
  - (a) the premises are ancillary to a permissible use of land in the zone, or
  - (b) the premises:
    - (i) are to be utilised by an organisation that is involved in activities in the Moorebank Precinct that are consistent with the objectives of the zone, and
    - (ii) are not, because of the design, operation or construction of the premises, suitable for other business areas in Liverpool.
- (2) Consent for development to be carried out in the 4 (d) zone may be granted only if the Council has taken into consideration any master plan or development control plan applying to the zone that has been made or adopted by the Council.

**53AB Development of certain land at Moorebank (Yulong, DNSDC and Amiens sites)**

- (1) This clause applies to the following land:
  - (a) the Amiens site (being Lots 1 and 5, DP 832269),
  - (b) the Defence National Storage and Distribution Centre site (being part of Lot 1403, DP 848565, corner of Moorebank Avenue and Anzac Road, Moorebank, as shown edged heavy black on the map marked "Liverpool Local Environmental 1997 (Amendment No 58)",
  - (c) the Yulong site (being Lot 12, DP 264622, part of Lot 1403, DP 848565 and part of Lots 2 and 3, DP 832269, as shown edged heavy black on the map marked "Liverpool Local Environmental 1997 (Amendment No 57)".

Liverpool Local Environmental Plan 1997 (Amendment No 58)

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- 
- (2) Consent for development on land to which this clause applies may be granted only if the development is, in the opinion of the Council, consistent with a Transport Management and Accessibility Plan approved by the Director-General.
  - (3) Despite clause 9, development for the purposes of industry, light industry, motels, office premises, public buildings, research establishments, research facilities, serviced apartments, warehouses or distribution centres may be carried out with consent, but only if the Director-General has first certified, in writing, to the Council that satisfactory arrangements have been made for the provision of appropriate regional transport infrastructure as identified in such a Transport Management and Accessibility Plan.

**53B Provision of services on DNSDC site at Moorebank**

- (1) This clause applies to the Defence National Storage and Distribution Centre site (being part of Lot 1403, DP 848565, corner of Moorebank Avenue and Anzac Road, Moorebank, as shown edged heavy black on the map marked "Liverpool Local Environmental 1997 (Amendment No 58)").
- (2) Before determining an application for consent to carry out development on land to which this clause applies, the Council must consider:
  - (a) an integrated approach to the management of water, wastewater and stormwater (including the impact of the proposed development on the supply of water and the disposal of sewage and stormwater), and
  - (b) whether sustainable water cycle management, water use efficiency and opportunities for water reuse can be provided, and
  - (c) whether the existing infrastructure of the site has the capacity to satisfy such design standards as may be specified by Sydney Water in relation to the site, and
  - (d) whether any amplification works are required to be undertaken by the applicant as a consequence of the proposed development.



Liverpool Local Environmental Plan 1997 (Amendment No 58)

Schedule 1      Amendments

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- (3) If the applicant is required to undertake any such amplification works, the works must satisfy such design standards as may be specified by Sydney Water in relation to those works.

## **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)**

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*. (W94/00155/PC)

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

\_\_\_\_\_

Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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## City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

### 1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)*.

### 2 Aims of plan

This plan aims:

- (a) to rezone certain land so as to provide for the orderly and efficient residential expansion of the Milton and Ulladulla areas, and
- (b) to provide for a variety of uses to efficiently service that residential expansion, and
- (c) to maintain or improve the water quality of water bodies, including wetlands and water courses, by regulating development near foreshore building lines, and
- (d) to provide for safe and efficient access to commercial areas, and
- (e) to provide for the social, cultural and recreational needs of the community, and
- (f) to protect significant items of Aboriginal heritage, and
- (g) to omit references to Zone No 3 (e) from *City of Shoalhaven Local Environmental Plan 1985*, and
- (h) to provide for the development of certain land for the purpose of tourist facilities, and
- (i) to make minor amendments to *City of Shoalhaven Local Environmental Plan 1985* of a law revision nature.

### 3 Land to which plan applies

This plan applies to all land to which *City of Shoalhaven Local Environmental Plan 1985* applies. To the extent that this plan rezones land, it applies to the land shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)" deposited in the office of the Council of the City of Shoalhaven.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)      Clause 4

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**4 Amendment of City of Shoalhaven Local Environmental Plan 1985**

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

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 6 Interpretation**

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

City of Shoalhaven Local Environmental Plan 1985  
(Amendment No 195)

**[2] Clause 6 (1), definition of “1964 holding”**

Omit “, 7 (f2)”.

**[3] Clause 8 Zones indicated on the map**

Omit the matter relating to Zone No 3 (e).

**[4] Clause 9 Zone objectives and development control table**

Insert “existing or proposed” before “main” wherever occurring in items 1 (a) and 1 (b) of the matter relating to Zone No 1 (b) in the Table to the clause.

**[5] Clause 9, Table**

Omit “a” from item 1 (c) of the matter relating to Zone No 1 (b).  
Insert instead “an existing or proposed”.

**[6] Clause 9, Table**

Omit the matter relating to Zone No 3 (e).

**[7] Clause 9, Table**

Omit “or generating works” from item 3 of the matter relating to Zone No 7 (d1).

**[8] Clause 11B Subdivision of certain land at Milton**

Omit “within the meaning of clause 11,” from clause 11B (4) (a).

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

Amendments

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**[9] Clause 13B**

Insert after clause 13A:

**13B Subdivision for a public utility undertaking**

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 1 (g), 2 (a2), 2 (a3), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3).
- (2) Despite the provisions of Division 1, the Council may consent to the subdivision of land to which this clause applies if the purpose of the subdivision is:
  - (a) to open or widen a public road, or
  - (b) to provide an allotment for a public utility undertaking.
- (3) The residue of land remaining after the creation of an allotment under subclause (2) may be less than 40 hectares.

**[10] Clause 14 Dwelling-houses—Zones Nos 1 (a), 1 (b), 1 (d) and 1 (g)**

Omit “clause 11 (3)” from clause 14 (2) (g).

Insert instead “clauses 11 (3) and 13B (2)”.

**[11] Clause 14 (2) (g)**

Omit “either” from clause 14 (2) (g). Insert instead “any”.

**[12] Clause 14 (3) (e)**

Insert after clause 14 (3) (d):

, or

- (e) is the residue of land remaining after the creation of an allotment under clause 13B (2) and on which a dwelling-house could have been approved by the Council immediately before the subdivision under that subclause.

**[13] Clause 15 Dwelling-houses etc—Zone Nos 7 (a), 7 (c), 7 (d1), 7 (e), 7 (f1) and 7 (f3)**

Omit “clause 11 (3)” from clause 15 (1) (g).

Insert instead “clauses 11 (3) and 13B (2)”.

## City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

## Schedule 1 Amendments

**[14] Clause 15 (1) (g)**

Omit “either” from clause 15 (1) (g). Insert instead “any”.

**[15] Clause 15B**

Insert after clause 15A:

**15B Dwelling-houses within Zone No 7 (d2)**

Despite any other provision of this plan, a dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (d2) on which another lawfully erected dwelling-house is or has been erected if the first-mentioned dwelling-house is to wholly replace the second-mentioned dwelling-house.

**[16] Clause 20B**

Insert after clause 20A:

**20B Permanent occupation of tourist facilities**

- (1) Despite any other provision of this plan, the Council may consent to development of land described in Schedule 14 only for the purpose of:
  - (a) a tourist facility, or
  - (b) a use or activity that is an integral part of a tourist facility.
- (2) Despite any other provision of this plan (including subclause (1)), the Council may grant consent to development of land described in Schedule 14 for the purposes of permanent residential occupation if:
  - (a) the development is part of development referred to in subclause (1), and
  - (b) no more than 25% of units within the development referred to in subclause (1) are to be used for the purposes of permanent residential occupation.
- (3) The Council may grant consent for the purposes of permanent residential occupation of a maximum of one unit under subclause (2), where the development involves less than four units.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

Amendments

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**[17] Clause 21A**

Insert after clause 21:

**21A Vegetation linkage**

- (1) This clause applies to land bounded by a broken black line on the map and lettered “Vegetation Linkage” but does not apply to land within a Residential 2 zone, a Business 3 zone, an Industrial 4 zone or a Special Uses 5 zone.
- (2) Development of land to which this clause applies must be designed to enhance the retention and augmentation of vegetation native to the area.

**[18] Clause 23 Protection of streams**

Insert “1 (c),” after “1 (b),” in clause 23 (1).

**[19] Clause 27 Development on acid sulfate soils**

Omit “June 1995” from clause 27 (1). Insert instead “December 1997”.

**[20] Clause 28 Danger of bush fire**

Insert after clause 28 (1):

- (1A) In deciding whether to grant consent to any development on land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 1 (g), 2 (c), 7 (a), 7 (c), 7 (d1), 7 (d2), 7 (e), 7 (f1), 7 (f2) or 7 (f3) that in its opinion is likely to be affected by bush fire, the Council must have regard to the publication *Planning for Bushfire Protection 2001*, published by the NSW Rural Fire Service, and must be satisfied that the requirements of that publication have been met, as far as possible.

**[21] Clause 32A**

Insert after clause 32:

**32A Milton streetscape**

- (1) This clause applies to land at Milton, being Lot 5, DP 78484, Lot 1, DP 112309, Lot 2, DP 153993, Lots C and D, DP 160290, Lot 5, DP 160292, Lots 2, 4, 6, 7, 8, 9 and 10, Section B, DP 975074 and Lot 7, DP 556082, Princes Highway.



City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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- (2) The objective of this clause is to maintain and enhance the heritage character of the streetscape and to ensure that any development is compatible with the heritage significance of the items of the environmental heritage or potential heritage items.
- (3) In deciding whether to grant consent to development of land to which this clause applies, the Council must take into account the adequacy of the measures proposed by the applicant to ensure the proposed development will meet the objectives of this clause.

**[22] Clause 33B**

Insert after clause 33A:

**33B Vehicular access to the Princes Highway (Murramerang Street), Ulladulla**

- (1) This clause applies to Portion 213, Parish of Ulladulla, County of St Vincent and Lots 1, 2, 3, 4 and 5, DP 21356, Princes Highway (Murramerang Street), Ulladulla.
- (2) The Council must not consent to the development of land to which this clause applies that involves vehicular access to the Princes Highway unless the Council is satisfied:
  - (a) that, having regard to the nature and scale of the proposed development, likely traffic generation will not be excessive, and
  - (b) that there is no feasible alternative access way for vehicles, and
  - (c) that there will be no significant adverse impact to public safety or the efficiency of the Princes Highway in the area.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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**[23] Clause 34A**

Insert after clause 34:

**34A Foreshore building lines**

- (1) The objectives of this clause are:
  - (a) the preservation and enhancement of the natural features and vegetation of the area near where land meets water, and
  - (b) the restoration of the land below the foreshore building line, so far as practicable, to a natural state, with a minimum intrusion of artificial structures, and
  - (c) the restriction of development below the foreshore building line to development specified in this clause, and
  - (d) the significant reduction in the number of structures below the foreshore building line, particularly on redevelopment of foreshore land, and
  - (e) the conservation and enhancement of waterfront development of heritage value, and
  - (f) the avoidance of pollution of, or adverse ecological effects on, waterways.
- (2) A person must not erect a building or carry out a work on land between a foreshore building line and the tidal water in respect of which the foreshore building line is fixed.
- (3) The Council must not consent to development on an allotment of land having a foreshore building line, unless it is satisfied that:
  - (a) any building or works on the allotment between the foreshore building line and the mean high water mark at the date of commencement of this clause will be removed before, or within a reasonable time after, the development is carried out, or
  - (b) it would be inconsistent with any of the objectives of this clause to require the removal of any building or works on the allotment between the foreshore building line and the mean high water mark.

## City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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- 
- (4) Subclauses (2) and (3) do not apply to:
- (a) single storey boat sheds, or
  - (b) boat launching and slipping facilities, or
  - (c) below-ground swimming pools, or
  - (d) works, including mechanical works, to enable pedestrian access, or
  - (e) landscaping, or
  - (f) barbeque facilities, or
  - (g) jetties, or
  - (h) swimming enclosures.
- (5) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to subclause (2) in the same way as it applies to a development standard.
- (6) In this clause:
- foreshore building line* means the line shown on the map by a broken black line on an allotment of land, that is parallel to (and at the distance specified in the map from) the mean high water mark of tidal water as at the date of commencement of this clause, regardless of any reclamation, other works or changes occurring since that date.

**[24] Clause 35 Home activity**

Omit “3 (e),” from clause 35 (1) (a).

**[25] Clause 35A Buffers to extractive industry**

Omit “to extractive industry” from the heading.

**[26] Clause 35A (1)**

Omit “in relation to a quarry”.

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**[27] Clause 35A (2)**

Omit “lead to the sterilisation of the resource that is extracted at the quarry”.

Insert instead:

lead:

- (a) in relation to a quarry—to the sterilisation of the resource that is extracted at the quarry, or
- (b) in relation to any other matter—to an impediment to the particular purpose indicated by scarlet lettering on the map.

**[28] Clause 40 Restriction on development in respect of certain road proposals**

Omit “a subdivision”. Insert instead “the development”.

**[29] Clause 40**

Omit “the subdivision”. Insert instead “the proposed development”.

**[30] Clauses 40I and 40J**

Insert after clause 40H:

**40I Development of certain land at Mollymook**

- (1) This clause applies to that part of Lot 621, DP 804355, Maisie Williams Drive, Mollymook within Zone No 3 (g).
- (2) Despite clause 9 (3) and the objectives stated in the Table to clause 9 in Item 1 of the matter relating to Zone No 3 (g), the Council must not grant consent to the carrying out of development on land to which this clause applies unless it is satisfied the development is compatible with a higher density residential or tourist facility or both.

**40J Development of certain land at Mollymook Beach**

- (1) This clause applies to Lot 27, DP 224117, Mitchell Parade, Mollymook Beach.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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- (2) Despite clause 9 (3) and the objectives stated in the Table to clause 9 in Item 1 of the matter relating to Zone No 3 (g), the Council must not grant consent to the carrying out of development on land to which this clause applies unless it is satisfied the development is for a tourist facility.
- (3) Despite subclause (2), in any development consent under this clause the Council may grant consent for up to a maximum of 25% of units within the development for the purpose of permanent residential occupation.

**[31] Schedule 8**

Insert at the end of the Schedule:

Milton—Matron Porter Drive, Lot 2, DP 1009573—subdivision into a maximum of three lots (comprising two lots each having an area of approximately 1.1 hectares and one lot having an area of approximately 13 hectares) and the erection of one dwelling-house on each of the lots having an area of approximately 1.1 hectares, provided that:

- (a) development consent for the subdivision must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 13 hectares to the Council, at no cost to the Council, as public open space, and
- (b) each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is created, and
- (c) the area used to create the lots of approximately 1.1 hectares shall generally not project north of an easterly extension of the northern boundary of Lot 1, DP 1009573.

Milton—Garrads Lane, Part Portion 4, Parish of Ulladulla and Lot 4, DP 1015161:

- (a) subdivision of the land into three lots, comprising one lot of approximately 41 hectares, one lot of approximately 6 hectares and one lot of approximately 57 hectares generally in accordance with plan marked with the reference number 11540, dated 20 September 2002, prepared by PW Rygate & West, and

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- (b) development consent for any subdivision referred to in paragraph (a) or (c) must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 41 hectares to the Council, at no cost to the Council, as public open space, and
  - (c) subdivision of the lot of approximately 57 hectares into three lots comprising one lot of approximately 53 hectares and two lots of approximately 2 hectares each, and
  - (d) the erection of one dwelling-house on each lot referred to in paragraph (c), but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Milton—Garrads Lane, Lot 4, DP 771597:

- (a) subdivision of the land into three lots, comprising one lot of approximately 22 hectares, one lot of approximately 16 hectares and one lot of approximately 25 hectares generally in accordance with plan marked with the reference number 11540, dated 20 September 2002, prepared by PW Rygate & West, and
- (b) development consent for any subdivision referred to in paragraph (a) or (c) must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 22 hectares to the Council, at no cost to the Council, as public open space, and
- (c) subdivision of the lot of approximately 25 hectares into two lots comprising one lot of approximately 23 hectares and one lot of approximately 2 hectares, and
- (d) the erection of one dwelling-house on each lot referred to in paragraph (c), but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Milton—Garrads Lane, Lot 9, DP 250361 and Lot 33, DP 794398:

- (a) subdivision of the land into two lots comprising one lot of approximately 19.4 hectares and one lot of approximately 39.6 hectares generally in accordance

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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with plan marked with the reference number 11540, dated 20 September 2002, prepared by PW Rygate & West, and

- (b) development consent for any subdivision referred to in paragraph (a) or (c) must not be granted unless the subdivision makes provision for the dedication of the lot of approximately 19.4 hectares to the Council, at no cost to the Council, as public open space, and
- (c) subdivision of the lot of approximately 39.6 hectares into five lots, and
- (d) the erection of one dwelling-house on each lot referred to in paragraph (c), but only if each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

**[32] Schedule 9**

Insert at the end of the Schedule:

Lot 360, DP 723099, Camden Street, Ulladulla, and identified on the map by a distinct edge and marked “Technology Park”—identified land use.

Lots 25 and 26, DP 224117, Mitchell Parade, Mollymook Beach—tourist facility or a use or activity that is an integral part of a tourist facility, provided that the land is consolidated with Lot 27, DP 224117, Mitchell Parade, Mollymook Beach.

Lots 3, 4 and 5, DP 199802, Garrads Lane, Milton—erection of a dwelling-house on each of the allotments created pursuant to Development (Subdivision) Approval Number SF7656 issued to PW Rygate & West of Ulladulla.

That part of Lot 5, DP 1027623, Royal Mantle Drive, Ulladulla, zoned Rural “B” by *City of Shoalhaven Local Environmental Plan (Amendment No 195)*—subdivision into not more than two allotments each having an area of not less than 1 hectare and the erection of a dwelling-house on each allotment, provided that each dwelling-house and its associated effluent disposal area is located entirely within the lot on which it is erected.

Lot 11, DP 812133, Green Street, Ulladulla—dwelling-house.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)

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**[33] Schedule 14**

Insert after Schedule 13:

**Schedule 14 Permanent occupation of tourist facilities**

(Clause 20B)

**Burrill Lake**

Princes Highway—Lot 2, DP 811329, Lot 5, DP 863940, and those parts of Lots 20, 21 and 22, DP 867221 zoned 3 (g) (Business “G” (Development Area)) as at the commencement of *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 195)*.

**Mollymook**

Golf Avenue—Lot 101, DP 773949, Lots 9 and 10, DP 19057, Lots B and C, DP 22562, Lot 11, DP 507219 and Lot 1, DP 849431.

Ocean Street—Lots 13, 14, 15, 16, 17 and 19, DP 19057, Lot 39, DP 777766 and Lot 2, DP 805250.

Shepherd Street—Lot 22, DP 19057.

**Ulladulla**

Burrill Street South—Lot 7, DP 790985.

North Street—Lot 384, DP 823202.

Princes Highway—Portions 203, 211, 231, 232, 236, 237, 238, 240, 242, 243, 284, 291, 292, 293, 294, 295 and 296, Parish of Ulladulla, Lots 1 and 2, DP 532971, Lot 1, DP 739007, Lot 385, DP 823217, Lot 1, DP 784732, Lot 18, DP 805460 and Lots 1, 2, 3, 4 and 5, DP 22537.



## Roads and Traffic Authority

### Roads Act 1993

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

Blayney 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 B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**R.B. Hornery**  
**General Manager**  
**Blayney Shire Council**  
**(by delegation from the Minister for Roads)**

### Schedule

#### 1. *Citation*

This Notice may be cited as the Blayney Shire Council B-Doubles Notice No 1/2003.

#### 2. *Commencement*

This Notice takes effect on the date of Gazettal.

#### 3. *Effect*

This Notice remains in force until five (5) years from date of approval unless it is amended or repealed earlier.

#### 4. *Application*

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

#### 5. *Routes*

##### B-Double routes within the Blayney Shire Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	173	Burns St	Mid Western Hwy	Henry St	
25	22	Newbridge Rd	Henry St	Blayney Sea-Link, 1.35km	

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at Five Dock in the Canada Bay City Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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**SCHEDULE**

All those pieces or parcels of land situated in the Canada Bay City Council area, Parish of Concord and County of Cumberland, shown as Lots 18 to 25 inclusive Deposited Plan 718237.

(RTA Papers: 5/93.1230)

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at Terrigal in the Gosford City Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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**SCHEDULE**

All those pieces or parcels of land situated in the Gosford City Council area, Parish of Kincumber and County of Northumberland, shown as Lots 13 and 14 Deposited Plan 1045098.

(RTA Papers: 184.1378)

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at Coramba in the Coffs Harbour City Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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**SCHEDULE**

All those pieces or parcels of land situated in the Coffs Harbour City Council area, Parishes of Comlaroi and Moonee and County of Fitzroy, shown as:

Lots 28 and 29 Deposited Plan 1033027; and

Lot 31 Deposited Plan 1038443.

(RTA Papers: FPP 1M1508; RO 110.1261)

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at Gunnedah in the Gunnedah Shire Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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**SCHEDULE**

All those pieces or parcels of land situated in the Gunnedah Shire Council area, Parishes of Gunnedah and Cooridoon and Counties of Pottinger and Buckland, shown as Lots 9 to 14 inclusive, Deposited Plan 841781.

(RTA Papers: 11/180.136)

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at Gravesend  
in the Yallaroi Shire Council area

THE Roads and Traffic Authority of New South Wales  
dedicates the land described in the schedule below as public  
road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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**SCHEDULE**

All those pieces or parcels of land situated in the Yallaroi  
Shire Council area, Parish of Gravesend and County of  
Burnett, shown as Lots 10 and 11 Deposited Plan 1050012.

(RTA Papers: 12/512.1162)

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at South  
Bowenfels in the Lithgow City Council area

THE Roads and Traffic Authority of New South Wales  
dedicates the land described in the schedule below as public  
road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager Statutory Processes,  
Roads and Traffic Authority of New South Wales

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**SCHEDULE**

All that piece or parcel of land situated in the Lithgow City  
Council area, Parish of Lett and County of Cook, shown as  
Lot 3 Deposited Plan 1044978.

(RTA Papers 5/258.1140)

**ROADS ACT 1993**

## Section 10

Notice of Dedication of Land as Public Road at Bega in the  
Bega Valley Shire Council area

THE Roads and Traffic Authority of New South Wales  
dedicates the land described in the schedule below as public  
road under section 10 of the Roads Act 1993.

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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**SCHEDULE**

All those pieces or parcels of land situated in the Bega  
Valley Shire Council area, Parish of Bega and County of  
Auckland, shown as:

Lot 4 Deposited Plan 580713; and

Lot 2 Deposited Plan 84707.

(RTA Papers: 4/32.120).

## Other Notices

### 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.

Many River's CDEP Forum Aboriginal Corporation  
Incorporated

Sydney's Northern Beaches Bed & Breakfast Group  
Incorporated

Bundarra Neighbour Aid Incorporated

Unicef Committee of N.S.W. Incorporated

CHRISTINE GOWLAND,  
Delegate of the Commissioner  
Registry of Co-operatives & Associations  
Office of Fair Trading  
Department of Commerce

16 April 2003

### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to  
section 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Australian Community Baptist Mission Incorporated

Electric Vehicle Club of Sydney Incorporated

New South Wales Shellfish Quality Assurance Program  
Incorporated

Mullumbimby Landcare Incorporated

People With Disabilities and Supporters Incorporated

Sutherland Shire Churches Netball Association  
Incorporated

Tarriaro Landcare Group Incorporated

North F.M. – Hornsby/Ku-Ring-Gai Community Radio  
Incorporated

Shoalhaven Jazz Incorporated

Youth Cultural Renaissance Centre Incorporated

COLIN CROSSLAND,  
General Manager  
Registry of Co-operatives & Associations  
Office of Fair Trading  
Department of Commerce

6 June 2003

### DISTRICT COURT RULES 1973

#### DIRECTION

BY this Direction made under Part 51A, Rule 1 (2) of the District Court Rules 1973, I specify Orange to be a prescribed place for the purpose of section 63A of the District Court Act 1973, for the week commencing 7 July 2003.

Dated this 6th day of June 2003.

R. O. BLANCH,  
Chief Judge.

### DISTRICT COURT RULES 1973

#### DIRECTION

BY this Direction made under Part 51A, Rule 1 (2) of the District Court Rules 1973, I specify Orange to be a prescribed place for the purpose of section 63A of the District Court Act 1973, for the week commencing 1 December 2003.

Dated this 6th day of June 2003.

R. O. BLANCH,  
Chief Judge.

### FORESTRY ACT 1916

#### PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

Signed and sealed at Sydney, this fourth day of June 2003.

By Her Excellency's Command,

MICHAEL COSTA, M.L.C.,  
Minister Assisting the Minister  
for Natural Resources (Forests)

GODSAVE THE QUEEN!

#### SCHEDULE

Eastern Division

*Land District of Bombala;  
Bombala Council Area;  
Monaro Forestry Region*

Bondi State Forest No. 128, No. 46 Extension. An area of about 400.6 hectares in the Parishes of Mila and Lawson, County of Wellesley, being FIRSTLY, in the Parish of Mila,

the land within Portions 42, 73, 74, 109, 194, 200 and 210 delineated on plans catalogued 4416, 3999, 4000, 4138, 3521, 3706 and 4139 – 1584, respectively, in the Department of Lands, Sydney; SECONDLY, in the Parish of Lawson, the land within Lot 2 in Deposited Plan 534466 and Portions 94 and 111 delineated on plans catalogued 4147 and 3371 - 1584, respectively, in the Department of Lands. (52239)

### GEOGRAPHICAL NAMES ACT 1966

#### Notice of Discontinuance of Geographical Names

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the names “Mootwingee National Park” which was assigned with the designation of Reserve, Folio 6405, 29 June 1984 and “Mootwingee Historic Site” which was assigned with the designation of Reserve, Folio 5066, 10 October 1980.

WARWICK WATKINS,  
Chairperson.

Geographical Names Board,  
PO Box 143, Bathurst, NSW 2795.

### HOUSING ACT 2001

#### Notification of Compulsory Acquisition of Land

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

Dated at Ashfield this 24th day of April 2003.

ANDREW CAPPIE-WOOD,  
Director-General.

#### SCHEDULE

The land shown as Lots 204 and 207 on the plan of land at Airs, in the Local Government Area of Campbelltown, Parish of St Peter, County of Cumberland, registered at Land and Property Information NSW as Deposited Plan No. 1043192.

### HOUSING ACT 2001

#### Notification of Compulsory Acquisition of Land

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

Dated at Ashfield this 24th day of April 2003.

ANDREW CAPPIE-WOOD,  
Director-General.

### SCHEDULE

The land shown as Lot 1 on the plan of land at Macquarie Fields, in the Local Government Area of Campbelltown, Parish of Minto, County of Cumberland, registered at Land and Property Information NSW as Deposited Plan No. 1049298.

### LOCAL GOVERNMENT ACT 1993

#### Erratum

(L.S.) MBASHIR, Governor.

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, do amend the proclamation published in Government Gazette No. 237 of 29 November 2002, altering the boundaries of the Areas of Woollahra and Waverley in the manner outlined in the schedule below.

Signed and sealed at Sydney, this 21st day of May 2003.

By Her Excellency's Command,

Hon TONY KELLY, M.L.C.,  
Minister for Local Government

GODSAVE THE QUEEN!

### SCHEDULE

- Omitting from Line 6, Schedule A; Line 11, Schedule B and Line 26, Schedule C the proclaimed word “Osmond” and insert the word “Osmund”.
- Omitting from Lines 18 to 22, Schedule A; Lines 23 to 28, Schedule B and Lines 38 to 42, Schedule C the proclaimed words

“the generally northern boundary of Lot 1, DP 262917 generally easterly, a line south-easterly across Grosvenor Street, the generally north-western boundary of Lot 2, DP 262917 generally north-easterly, a line north-easterly across Junction Street”

and insert the words

“the generally northern and part of the north-eastern boundaries of Lot 1, DP 262917 generally easterly and south-easterly to the south-western prolongation of the generally north-western boundary of Lot 2, DP 61252; by that prolongation and boundary generally north-easterly, the north-eastern boundaries of Lots C, B and A, DP 443233 north-westerly, a line north-easterly across Junction Street to the north-western corner of Lot 68, Section E, DP 80034, the south-western boundary of that lot south-easterly, a line south-easterly across Carroll Lane,”

- Omitting from Lines 28 to 34, Schedule A; Lines 34 to 39, Schedule B and Lines 48 to 53, Schedule C the proclaimed words

“north-easterly, south-easterly and south-westerly, the generally north-eastern boundaries of Lots 11 and 12, DP 262918 generally south-easterly, a line south-easterly, the generally north-eastern boundaries of Lots 13, 14 and 15, DP 262918 generally South-easterly, a line south-easterly to Old South Head Road”

and insert the words

“north-easterly, south-easterly and south-westerly, the generally north-eastern boundaries of Lots 19, 12 and 20, DP 262918 generally south-easterly, the generally north-eastern boundaries of Lots 13 and 14, DP 262918 generally south-easterly, the northern and north-eastern boundaries of Lot 15, DP 262918 and its prolongation easterly and south-easterly to Old South Head Road”

4. Omitting from Line 55, Schedule C the proclaimed word “Christenson” and insert the word “Christison”.

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#### NSW SCIENTIFIC COMMITTEE

These Determinations are being placed on Public Exhibition for a further period

##### Notice of Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to reject a proposal to list the Marble-faced Delma, *Delma australis* Luge (1974), as a VULNERABLE SPECIES on Schedule 2 of that Act.

##### Notice of Preliminary Determination

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Marble-faced Delma, *Delma australis* Luge (1974), as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act.

Copies of these Determinations, which contain the reasons for the determinations may be obtained free of charge:

On the NPWS web site [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),  
By contacting the Scientific Committee Support Unit,  
C/- National Parks and Wildlife Service PO Box 1967  
Hurstville 2220.  
Tel: (02) 9585 6940 or Fax (02) 9585 6606,  
In person at The National Parks Centre 102 George St,  
The Rocks, Sydney.

Copies of these determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding the Preliminary Determination, which should be forwarded to:

Scientific Committee  
PO Box 1967  
HURSTVILLE NSW 2220  
Attention: Suzanne Chate  
Executive Officer

Submissions must be received by 25th July, 2003.

Associate Professor PAUL ADAM,  
Chairperson  
Scientific Committee

#### NSW SCIENTIFIC COMMITTEE

These Determinations are being placed on Public Exhibition for a further period

##### Notice of Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to reject a proposal to list the Mallee Slender Blue-tongue Lizard, *Cyclodomorphus melanops elongatus* (Werner 1910) as a VULNERABLE SPECIES on Schedule 2 of that Act.

##### Notice of Preliminary Determination

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Mallee Slender Blue-tongue Lizard, *Cyclodomorphus melanops elongatus* (Werner, 1910) as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, omit reference to Günther's Skink, *Cyclodomorphus branchialis* (Günther 1867) from Schedule 2 (Vulnerable species) of the Act.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge:

On the NPWS web site  
[www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),  
By contacting the Scientific Committee Support Unit,  
C/- National Parks and Wildlife Service PO Box 1967  
Hurstville 2220.  
Tel: (02) 9585 6940 or Fax (02) 9585 6606,  
In person at The National Parks Centre 102 George St,  
The Rocks, Sydney.

Copies of these determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding the Preliminary Determination, which should be forwarded to:

Scientific Committee  
PO Box 1967  
Hurstville NSW 2220  
Attention: Suzanne Chate  
Executive Officer

Submissions must be received by 25th July, 2003.

Associate Professor PAUL ADAM,  
Chairperson  
Scientific Committee

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#### NSW SCIENTIFIC COMMITTEE

These Determinations are being placed on Public Exhibition for a further period

##### Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedule of the Act.



**Endangered Species (Part 1 of Schedule 1)**

*Centranthera cochinchinensis* (Lour.) Merr., a herb  
*Cupaniopsis serrata* (F. Muell.) Radlk., a small tree  
*Elyonurus citreus* (R. Br.) Munro ex Benth., a perennial grass  
*Hibbertia puberula* Toelken, a shrub

A copy of these Determinations, which contain the reasons for the determinations, may be obtained free of charge:

On the NPWS web site

[www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),

By contacting the Scientific Committee Support Unit,  
 C/- National Parks and Wildlife Service PO Box 1967  
 Hurstville 2220.

Tel: (02) 9585 6940 or Fax (02) 9585 6606,

In person at The National Parks Centre 102 George St,  
 The Rocks, Sydney.

Copies of the determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding these Preliminary Determinations, which should be forwarded to:

Scientific Committee

PO Box 1967

Hurstville NSW 2220

Attention: Suzanne Chate

Executive Officer

Submissions must be received by 25th July, 2003.

Associate Professor PAUL ADAM,  
 Chairperson  
 Scientific Committee

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**PARENTS AND CITIZENS ASSOCIATIONS  
 INCORPORATION ACT 1976**

Incorporation of Parents and Citizens Associations

THE following associations are hereby incorporated under the Parents and Citizens Associations Incorporation Act 1976.

1. Albury High School
2. Bowral Public School
3. Burrawang Public School
4. Cobbitty Public School
5. Double Bay Public School
6. Edgeworth Public School
7. Eureka Public School
8. Glenquarry Public School
9. Hunter Sports High School
10. Jilliby Public School
11. Lake Munmorah Public School
12. Lake Munmorah High School
13. Lapstone Public School
14. Marra Creek Public School
15. Newtown North Public School

16. Northern Beaches Secondary College,  
 Manly Campus
17. Oberon Public School
18. Oxley Island Public School
19. Parramatta West Public School
20. Picnic Point High School
21. Quakers Hill Public School
22. Table Top Public School
23. The Rock Central School
24. Turramurra North Public School
25. Wahroonga Public School
26. Whitebridge High School
27. Windsor Public School
28. Wyndham Public School
29. Yates Avenue Public School

The Hon. ANDREW REFSHAUGE, M.P.,  
 Deputy Premier,  
 Minister for Education and Training  
 and Minister for Aboriginal Affairs

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**POISONS AND THERAPEUTIC GOODS ACT 1966**

ORDER UNDER CLAUSE 171(1),  
 POISONS AND THERAPEUTIC GOODS REGULATION  
 2002.

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Dr Imad Mahmoud of 49 Cherokee Avenue, Greenfield Park 2176 prohibiting him, until further notice, as a medical practitioner from having possession of and supplying drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This order is to take effect on and from Tuesday 10 June 2003.

ROBYN KRUK,  
 Director-General

Department of Health, New South Wales  
 Sydney, Thursday 5 June 2003.

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**SPORTING INJURIES INSURANCE ACT 1978**

Order of Declaration Under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the NEWCASTLE/HUNTER REGION – ADMINISTRATION COMMITTEE OF ATHLETIC NSW INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Athletics (Track and Field).

IAN EATHER,  
 Chairperson.

Sporting Injuries Committee,  
 Sydney, 27th May 2003.

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration Under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the NOWRA HASH HOUSE HARRIERS INC. to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Track and Field.

IAN EATHER,  
Chairperson.

Sporting Injuries Committee,  
Sydney, 22nd April 2003.

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration Under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the NEWCASTLE/HUNTER REGION – ADMINISTRATION COMMITTEE OF ATHLETIC NSW INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Athletics (Track and Field).

ROB SELJAK,  
Chairperson.

Sporting Injuries Committee,  
Sydney, 27th May 2003.

**SUBORDINATE LEGISLATION ACT 1989**

## Civil Liability Regulation 2003

NOTICE is given in accordance with section 6(2) of the Subordinate Legislation Act 1989 of the making of a principal statutory rule under the Civil Liability Act 2002.

The Civil Liability Regulation 2003 prescribes the authority responsible for conducting a non-government school to be a “public or other authority” for the purposes of Part 5 of the Civil Liability Act 2002.

The Civil Liability Regulation 2003 was published in the Government Gazette as a matter of urgency (and came into effect) on 21 February 2003. This was done prior to the release and exposure of a Regulatory Impact Statement regarding the Regulation, under the authority of a certificate issued by the Premier, the Hon Bob Carr MP, in accordance with section 6(1)(b) of the Subordinate Legislation Act 1989.

A Regulatory Impact Statement regarding the Civil Liability Regulation 2003 has now been prepared.

A copy of the Regulatory Impact Statement can be obtained by contacting Ms Vyvyan Nguyen, Attorney General’s Department, Goodsell Building, 8-12 Chifley Square, Sydney NSW 2000, by emailing [vyvyan\\_nguyen@agd.nsw.gov.au](mailto:vyvyan_nguyen@agd.nsw.gov.au), by telephoning (02) 9228-8103, or by accessing the Department’s internet site at [www.lawlink.nsw.gov.au/lpd](http://www.lawlink.nsw.gov.au/lpd). Alternatively, a copy of the Regulatory Impact Statement may be inspected at the Legislation and Policy Division, Level 20, Goodsell Building, 8-12 Chifley Square, Sydney.

Comments and submissions on the Regulation and the Regulatory Impact Statement should be directed to the above address and be received by 30 June 2003.

**UPPER PARRAMATTA RIVER CATCHMENT TRUST**RIVER MANAGEMENT SERVICE CHARGES  
(AS DEFINED IN SECTION 310(1)(g) of the  
Water Management Act 2000)

The Upper Parramatta River Catchment Trust, in pursuance of Section 315 of the Water Management Act 2000, and in accordance with the Water Supply Authorities (Upper Parramatta River Catchment Trust) Regulation 2000, do hereby make the following determination in respect of the Trust’s charging year commencing 1 July 2003.

- A. It proposes to raise an amount of \$2,498,000 by way of river management service charges levied on land within its area of operations.
- B. It classifies land for the purposes of levying service charges according to the same factors on which current classifications of each parcel of land are made by, and appear in records of, the Sydney Water Corporation.
- C. It levies river management service charges on the basis of a flat rate for all land of a particular classification except that, in respect of industrial and commercial land larger than 1.000 hectare in area, the river management service charges relate to the area of the land.
- D. It levies service charges at rates set out in the following schedule:
  1. Industrial and Commercial Land; being all parcels of land with an industrial, commercial or residential/commercial mixed development superior property type classification in records held by Sydney Water:
 

The amount in respect of any such land shall be \$76.20 provided that in respect of any land:

    - (a) used as the site of two or more strata units, the amount shall be \$38.10 in respect of each strata unit;
    - (b) between 1.000 hectares and 10.000 hectares in area, the amount shall be \$382.30;
    - (c) between 10.001 hectares and 50.000 hectares in area, the amount shall be \$2,293.30;
    - (d) between 50.001 hectares and 100.000 hectares in area, the amount shall be \$5,266.10;
    - (e) over 100.000 hectares in area, the amount shall be \$7,643.60.
  2. Residential Land; being all parcels of land with the residential superior property type classification in records held by the Sydney Water Corporation:
 

The amount in respect of any such land shall be \$30.70 provided that in respect of any land used as the site of two or more strata units or flats, the amount shall be \$15.35 in respect of each strata unit or flat.
  3. Vacant Land; being all parcels of land with a vacant land or occupied land superior property type classification in records held by Sydney Water:
 

The amount in respect of any such land shall be \$15.35.



PLEASE NOTE that river management service charges will not apply to any land described in Schedule 4 to the Water Management Act 2000.

Dated at Parramatta on this 21 day of May 2003.

The Seal of the Upper Parramatta )	
River Catchment Trust was affixed )	R. JUNOR
on the above date pursuant )	Member
to a resolution of the Trust in the )	
presence of 2 Members whose )	A. TENNIE
signatures are opposite hereto. )	Member

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

MARIE BASHIR, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to sections 225(4) and 226(4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamation published in the Government Gazette of 19 October 2001 which declared the Metropolitan Periodic Detention Centre to be a correctional centre, to the extent that the aforesaid proclamation concerned the Metropolitan Periodic Detention Centre.

This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 14th day of May 2003.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice  
Minister Assisting the Premier on Citizenship

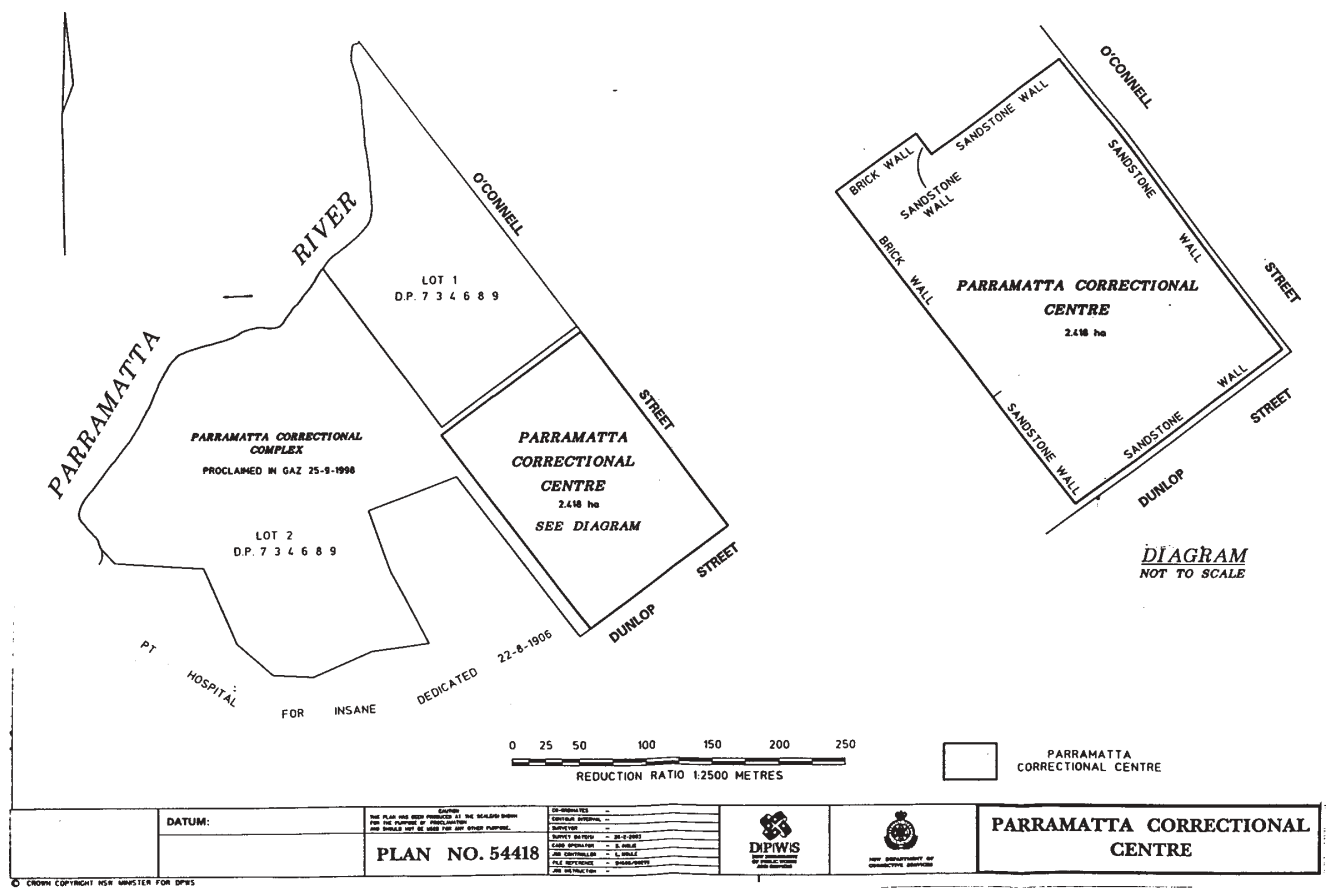
GODSAVE THE QUEEN!

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

MARIE BASHIR, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the *Crimes (Administration of Sentences) Act 1999*, do, by this proclamation, vary the proclamation published in the Government Gazette of 19 October 2001 (which incorporated the description published in the Government Gazette of 17 December 1999) and which declared Parramatta Correctional Centre to be a correctional centre, and in variation thereof I declare that Parramatta Correctional Centre is to be the area described hereunder (together with all buildings or premises which are now or may hereafter be erected thereon):

All that piece or parcel of land situate in the Local Government Area of City of Parramatta, Parish of Field of Mars and County of Cumberland, being part of lot 2, Deposited Plan 734689, shown on Plan Catalogue Number 54418 in the Department of Commerce Plan Room and having an area of 2.418 hectares or thereabouts.



This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 14th day of May 2003.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,  
 Minister for Justice  
 Minister Assisting the Premier on Citizenship

GOD SAVE THE QUEEN!

# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Commerce, Level 3, McKell Building, 2-24 Rawson Place, Sydney NSW 2000, until 9.30 am on the dates shown below:

#### 18 June 2003

- 0300428** FOOTWEAR AND GLOVES. DOCUMENTS: \$110.00 PER SET
- S03/00064 (6047)** CLEANING CONTRACT BLIGH HOUSE. CATEGORY A. INSPECTION DATE AND TIME: 2 JUNE 2003 AT 10:00 AM SHARP. AREA: APPROXIMATELY 10,852 SQUARE METRES. DOCUMENTS: \$55.00 PER SET
- 036/604** DISPOSAL OF MOTOR VEHICLES IN REGIONAL AREAS AND HEAVY VEHICLES. DOCUMENTS: NO CHARGE

#### 25 June 2003

- 034/904** INTRAVENOUS & IRRIGATING SOLUTIONS. DOCUMENTS: \$110.00 PER SET

#### 1 July 2003

- 0300569** PAFARISK MANAGEMENT CONSULTANT. DOCUMENTS: \$110.00 PER SET

#### 2 July 2003

- 0203043** SUPPLY, INSTALL, MAINTAIN & SERVICE CONDOM VENDING MACHINES. DOCUMENTS: \$110.00 PER SET
- 0300570** AIRCRAFT CHARTER SERVICE FOR THE DEPARTMENT OF JUVENILE JUSTICE. DOCUMENTS: \$110.00 PER SET

#### 9 July 2003

- 0202383** PROVISION OF TOWING SERVICES. DOCUMENTS: \$110.00 PER SET

#### 16 July 2003

- 0301029** HAZMAT SUPPORT VEHICLES. DOCUMENTS: \$110.00 PER SET

#### 7 August 2003

- IT 03/2961** PROVISION OF A HUMAN RESOURCE INFORMATION SYSTEM (HRIS). DOCUMENTS: \$110.00 PER SET

#### TENDER DOCUMENT FEE

Tender documents for inspection and purchase and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Commerce. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further information is available on the internet (<http://www.dpws.nsw.gov.au/tenders>).

**cmSolutions****TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer, Unit 5, Block V, 391 Park Road, Regents Park NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

**Tender closes Monday 30 June 2003****Tender Number: 34310 – Public Sector Tender**

The Public Sector Publication is a booklet ranging from 16pps to 60pps per week for 52 issues per year. It is printed 1 pms colour throughout on 70gsm white offset and the colour must be kept consistent throughout the 52 issues. Each issue's print run will be 8,150 copies with more or less quantities needed on a weekly basis.

Any enquiries please contact Gavin Potter, cmSolutions on 9743 8777 or you can pick up the tender at Unit 5 Block V 391 Park Road Regents Park NSW.

**Tender number 37682**

Tenders are invited for the provision of envelopes for cmSolutions for the period of 12months. The tender covers a large variety of envelopes with a range of quantities. Both plain envelopes and printed envelopes are required. Printed in one and two colours.

The tender is open for 3 weeks. The issue date is 2pm Friday 6 June 2003 and the closing date is 9.30am Monday 30 June 2003

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# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BLAND SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Bland Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of residential development and resale. Dated at West Wyalong this tenth day of June 2003. F. ZAKNICH, General Manager, Bland Shire Council, PO Box 21, West Wyalong, NSW 2671.

#### SCHEDULE

Lot 1383, DP 705301. [0435]

### BOURKE SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Bourke Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of flood mitigation.

Dated at Bourke this 5th day of June 2003. GENERAL MANAGER, Bourke Shire Council.

#### Schedule

Lots 2 and 3, Section 2 of DP 758781. [0425]

### RIVERINA WATER COUNTY COUNCIL

Local Government Act 1993, Section 553

Extension of Water Mains

NOTICE is hereby given pursuant to section 553 of the Local Government Act 1993, that Riverina Water County Council's water mains have been extended to service the lands described hereunder:

#### City of Wagga Wagga

Jubilee Heights Stages 1 and 2 – Hargrave Avenue and Cowan Place: From the existing main along Hargrave Avenue located at the north-western corner of Lot 1, southwards along Hargrave Avenue to the south-western corner of Lot 3. In addition, westward along Cowan Place from south-eastern corner of Lot 6 to the north-eastern corner of Lot 28. Drawing No. 1-2658.

Springvale Stage 2 – Featherwood Drive and Mulga Place: From the existing main along Featherwood Drive located at the north-eastern corner of Lot 10, westwards along Featherwood Road to north-western corner of Lot 14. In addition, eastwards along the cul-de-sac head of Mulga Place from the south-eastern corner of Lot 6 to the south-western corner of Lot 9. Drawing No.1-2810.

Glen Oak Stage1 (Rederin Pty Limited) – Indigo Drive, Glenoak Drive and Hickory Place: From the existing main along Indigo Drive located at the south-western corner of Lot 6, eastwards along Indigo Drive to south-eastern corner of Lot 1 (intersection of Indigo Drive and Holbrook Road).

From the new main located along Indigo Drive, southwards along Glenoak Drive from the north-western corner of Lot 13 to the south-western corner of Lot 16.

From the new main located along Indigo Drive, southwards along Hickory Place from the north-eastern corner of Lot 12 to the north-western corner of Lot 9. Drawing No. 1-2960.

Taylor's Subdivision Stage 1 – off Bakers Lane: From the existing main along Bakers Lane, westwards along new roadway No. 1 from north-eastern corner of Lot 40 (corner of the new roadway and Bakers Lane) to the north-western corner of Lot 38. In addition, from the new main along the new roadway No.1, northwards along the new roadway No.2 from the north-western corner of Lot 38 to north-western corner of Lot 36. Drawing No. 1-2961.

Brookdale Road Rural Extension: From the existing main through Lot 16, DP 6136 on The Rock – Narrandera Road, north-westwards along The Rock – Narrandera Road to the southern corner of Lot 11, DP 754535 (past the intersection of Kings Road and The Rock – Narrandera Road). Drawing No. 3-2962.

Glenoak Stage 1 (Maxiona) – Dunns Road: From the existing main along Dunns Road, westwards along Dunns Road from the south-eastern corner of Lot 8 to the south-western corner of Lot 1.

From the existing main along new Dunns Road, northwards along roadway No.1 from the south-eastern corner of Lot 11 to the south-eastern corner of Lot 16.

From the existing main along new Dunns Road, northwards along the proposed right of way from the south-eastern corner of Lot 6 to north-eastern corner of Lot 17. Drawing No. 1-2963.

Glenfield Garden Park Stage 25 – Yirribin Place: From the existing main along Dalman Parkway, northwards and westwards along Yirribin Place from south-eastern corner of Lot 1 to north-eastern corner of Lot 7.

Drawing No. 1-2599.

Proposed High School Development – Off Gregadoo Road: From the existing main along Gregadoo Road, northwards along the new roadway to the new high school site. Drawing No. 1-2959.

Bourkelands Stage 12C – Netherby Place: From the existing main along Illeura Road, south-westward along Illeura Road from the south-eastern corner of Lot 10 (Auderdale Place) to the south-eastern corner of Lot 10 (Netherby Place).

From the new main along Illeura Road, north-westward along Netherby Place from the north-eastern corner of Lot 10 to the south-western corner of Lot 4.

Drawing No. 1-2692.

Walla Walla, Queen Street: From the existing main along Queens Street, westwards along Walla - Burrumbuttock Road from the north-western corner of Lot 1, DP 122057 to the north-eastern corner of Lot 431, DP 706186. Drawing No. 3-2955.

Yerong Creek East, Yerong Creek - Mangoplah Road: From the existing main along Olympic Highway eastwards along the Yerong Creek - Mangoplah Road, from the intersection of Olympic Highway and the Yerong Creek - Mangoplah Road to the south-western corner of Lot 90, DP 754574. Drawing No. 3-2954.

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of twenty-one (21) days after the publication of this notice, or the date of connection of the properties to the water main, whichever is the earlier date. G. W. PIEPER, General Manager, Riverina Water County Council, PO Box 456, Wagga Wagga, NSW 2650. [0434]

#### TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication Of Land As Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 4 December, 2002, has resolved to dedicate the land described hereunder as Public Road pursuant to Section 10 of the Roads Act, 1993. J.GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

Schedule

Lot 1 in Deposited Plan 1052036. [0426]

#### ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of HAZEL FRANCES POLLARD, late of 56 Merrylands Road, Merrylands, in the State of New South Wales, single woman, who died on 26th March 2003, must send particulars of his/her claim to the Executrix, Robin Hazel Lawrence, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 3rd June 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [0428]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PIERA BONACCORSI, late of Biancavilla in Italy, who died on 14th June 2002, must send particulars of his/her claim to the Executor, Franco Bonaccorsi, c.o. Kencalo & Ritchie, Solicitors, 96 Moore Street, Liverpool, within one (1)

calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 23rd May 2003. KENCALO & RITCHIE, Solicitors, 96 Moore Street, Liverpool NSW 2170 (DX 5003, Liverpool), tel.: (02) 9602 8333. [0423]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of THOMAS ARTHUR GUY, late of Unit 24, Hawkesbury Village, 23 Chapel Street, Richmond, in the State of New South Wales, retired Tool Maker, who died on 28th March 2003, must send particulars of his/her claim to the Executrix, Edith Amelia Guy, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 30th May 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [0424]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KATHLEEN MARY SARICH, late of Goondee Nursing Home, Strathfield, in the State of New South Wales, who died on 30th March 2003, must send particulars of his/her claim to the Executors, John Matthew Sarich and Norman Michael Sarich, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 27th May 2003. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170 (DX 5034, Liverpool), tel.: (02) 9601 7300. [0430]

#### COMPANY NOTICES

NOTICE of voluntary liquidation pursuant to section 491 (2) of the Corporations Law.—BROWLEA PARK PTY LIMITED A.C.N. 000 924 014.—At a general meeting of the abovenamed company duly convened and held at 179 George Street, Quirindi on 6th June 2003 the following special resolution was passed: "That the company be wound up as a members' voluntary liquidation and that Colin William Stewart of C. W. STEWART & ASSOCIATES, 179 George Street, Quirindi NSW 2343, be appointed liquidator with power to distribute the assets of the company in specie for the purposes of winding up the company and also be empowered to destroy all books and papers of the company after five (5) years of the date of dissolution of the company". Dated 6th June 2003. C. W. STEWART & ASSOCIATES, 179 George Street, Quirindi NSW 2343, tel.: (02) 6746 3100. [0427]

NOTICE of voluntary winding up pursuant to the Corporations Law.—WAINONA PROPRIETARY LIMITED A.C.N. 004 534 721.—Notice is hereby given that by a Special Resolution passed at a meeting of shareholders



of Wainona Proprietary Limited A.C.N. 004 534 721, duly convened and held on the 2nd June 2003, it was resolved that the company be wound up voluntarily and that Roger Lynch and Stuart Horsburgh of WALKER LYNCH PETERSEN, PO Box 124, Forster NSW, be appointed as joint and several liquidators. Notice is also hereby given that creditors having a claim against the company should furnish the particulars to the Liquidators within 21 days of this date, otherwise distribution of the assets will take place without regard to such claims. Dated 4th June 2003. ROGER IRWIN LYNCH and STUART WILLIAM HORSBURGH, Joint and Several Liquidators, c.o. WALKER LYNCH PETERSEN, Chartered Accountants, 20 Wallis Street, Forster NSW 2428, tel.: (02) 6554 7566.

[0421]

NOTICE of voluntary liquidation pursuant to section 491 (2) of the Corporations Law.—ANSUFEL HOLDINGS PTY LIMITED (In liquidation), ACN 000 722 583.—At an extraordinary general meeting of the abovenamed company, duly convened and held at 379 Princes Highway, Bomaderry, New South Wales on 4th June, 2003 the following special resolution was passed: “That the company be wound up as a members’ voluntary liquidation and that the assets of the company be distributed in whole or in part to the members in specie should the liquidator so desire”. Dated this 13th day of June 2003. A. W. BARNES, Liquidator, c.o. Booth Partners, Certified Practising Accountants, 52 Osborne Street, Nowra, NSW 2541, tel.: (02) 4421 4344. [0431]

NOTICE of voluntary winding up.—UPSTAIRS/ DOWNSTAIRS PROPERTIES PTY LIMITED, ACN 001 755 451.—Notice is hereby given that at an extraordinary general meeting of the abovenamed company duly convened and held at 87 Kyle Parade, Kyle Bay, NSW 2221 on 6th June, 2003 at 9.00 a.m., the following special resolution was duly passed: “That the company be wound up voluntarily and that Garry Sullivan of 387 Port Hacking Road South, Caringbah be appointed liquidator”. Dated at 387 Port Hacking Road South, Caringbah, NSW 2229 this 6th June 2003. A. M. DOBROHOTOFF, Director and Chairman of Meeting. SULLIVAN DEWING, Chartered Accountants, 387 Port Hacking Road South, Caringbah, tel.: (02) 9526 1211. [0436]

NOTICE of final meeting.—NSW PROCESS MANUFACTURING INDUSTRY TRAINING BODY LIMITED (In voluntary liquidation), ACN 073 641 166.—Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, the final meeting of members of the above company will be held at the office of Pringle Moriarty & Co., Suite 12C, 44 Oxford Road, Ingleburn on 11th July, 2003 at 10.30 a.m., for the purpose of laying before the meeting the liquidator’s final account and report and giving any explanation thereof. Dated 4th June, 2003. STANLEY MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road, Ingleburn, NSW 2565, tel.: (02) 9605 1344. [0432]

## OTHER NOTICES

NOTICE of change in partnership.—LUCIEN DARGHAM, BRUNA DARGHAM, AMALE RAAD and ELIAS RAAD have formerly carried on a partnership investing in real estate. Effective 31st December, 2002 Amale Raad acquired the whole of the interest of Lucien Dargham and Bruna Dargham in the subject partnership. All debts of the partnership incurred on or after 1 January, 2003 shall be borne by Elias Raad and Amale Raad and from that date Lucien Dargham and Bruna Dargham shall have no power or entitlement to bind the partnership to any debt. All enquiries referable to the partnership should be made in writing addressed to Elias Raad and Amale Raad at Lot 14 Thomas Mitchell Drive, Muswellbrook, NSW 2333. Dated 12th day of June 2003. VEREKERS, Lawyers, Level 2, 75 King Street, Sydney, NSW 2000. [0422]

