



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 111**  
**Friday, 11 July 2003**

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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

**Legislative Council Office Sydney 7 July 2003**

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

Act No. 25, 2003 - An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make further provision for the inclusion of parole supervision conditions in parole orders made by the courts; to amend the *Crimes (Administration of Sentences) Act 1999* to provide that the Parole Board is required to record its reasons for releasing offenders on parole and to make further provision with respect to the constitution of the Parole Board; and for other purposes. [**Crimes Legislation Amendment (Parole) Act 2003**]

John Evans  
Clerk of the Parliaments

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## Transfer of Administration of Acts

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The Cabinet Office, Sydney  
9 July 2003

### **TRANSFER OF THE ADMINISTRATION OF ACTS**

Her Excellency the Governor, with the advice of the Executive Council, has approved that the administration of the Home Building Act 1989 No 147 be vested jointly in the Minister for Commerce, and the Minister for Fair Trading.

These arrangements are in substitution for those in operation before the date of this notice.

Bob Carr  
Premier

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## Proclamations

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### Proclamation

under the

Children and Young Persons (Care and Protection) Act 1998  
No 157

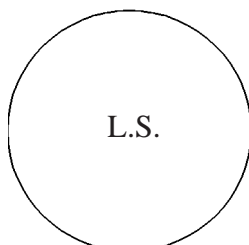
MARIE BASHIR, Governor

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 *Children and Young Persons (Care and Protection) Act 1998*, do, by this my Proclamation, appoint:

- (a) 15 July 2003 as the date on which sections 134, 135 (except section 135 (1) (c) (ii), (3) (b) and (4) (d)), 136, 137, 138, 140, 141, 171, 181 (1) (b), (c) and (e) and 245 commence, and
- (b) 12 December 2003 as the date on which sections 142, 143, 144, 145, 146, 147, 157 and 163 commence, and
- (c) 31 March 2004 as the date on which sections 149, 150 (1)–(4), 158, 160, 161, 165, 166, 167, 168 and 169 commence.

Signed and sealed at Sydney, this 9th day of July 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



## Proclamation

under the

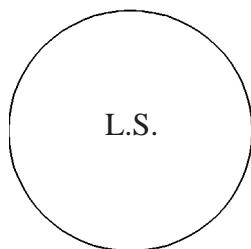
Gene Technology (New South Wales) Act 2003

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 *Gene Technology (New South Wales) Act 2003*, do, by this my Proclamation, appoint 11 July 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 9th day of July 2003.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

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## Regulations

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New South Wales

# Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2003

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

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

### Explanatory note

The object of this Regulation is to amend the *Children and Young Persons (Care and Protection) Regulation 2000* in order to make provision for out-of-home care of children and young persons, consequent on the commencement of provisions of the *Children and Young Persons (Care and Protection) Act 1998* dealing with out-of-home care. In particular, this Regulation:

- (a) revises the information required to be included in care plans and alternative parenting plans presented to the Children's Court, and
- (b) prescribes certain arrangements as not constituting out-of-home care (such as boarding schools and holiday camps), and
- (c) sets out requirements and codes of conduct for authorised carers (being persons authorised to provide out-of-home care to children and young persons) who care for children at their own residences or in residential units, and
- (d) requires an authorised carer of a child in out-of-home care to obtain approval before consenting to the administration of a psychotropic drug to the child, and
- (e) provides for the authorisation of authorised carers by designated agencies, and
- (f) authorises certain other classes of persons as authorised carers, and
- (g) provides for the accreditation of designated agencies by the Children's Guardian, and sets out certain conditions for accreditation, and

Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care)  
Regulation 2003

Explanatory note

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- (h) prescribes certain classes of persons providing out-of-home care as persons to whom the Director-General of the Department of Community Services may grant financial assistance, and
- (i) gives the Administrative Decisions Tribunal jurisdiction to review a decision by the Children's Guardian to impose or not to impose a condition on the accreditation of a designated agency, or to vary such a condition, or to suspend or cancel the accreditation of a designated agency, and
- (j) makes other miscellaneous and consequential amendments.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 78, 119, 137, 139, 175, 186, 248 and 264 (the general regulation-making power).

Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2003

Clause 1

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## **Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2003**

under the

Children and Young Persons (Care and Protection) Act 1998

### **1 Name of Regulation**

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 15 July 2003.

### **3 Amendment of Children and Young Persons (Care and Protection) Regulation 2000**

The *Children and Young Persons (Care and Protection) Regulation 2000* is amended as set out in Schedule 1.

Children and Young Persons (Care and Protection) Amendment (Out-of-Home Care) Regulation 2003

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Insert in alphabetical order in clause 3:

*residential unit* means premises where an authorised carer provides out-of-home care to one or more children or young persons (other than the carer's own place of residence).

### [2] Clause 6 Rescission and variation of care orders—"significant change"

Omit "a failure of the parents of the child or young person concerned to meet their responsibilities" from clause 6 (a).

Insert instead "the parents of the child or young person concerned have not met their responsibilities".

### [3] Clauses 6A and 6B

Insert after clause 6:

#### 6A Delegation of functions of Children's Guardian: sec 186

For the purposes of section 186 (3) (d) of the Act, a Director-General of any department of the Public Service is prescribed as an *authorised person*.

#### 6B Review of decisions of Children's Guardian by Administrative Decisions Tribunal

Pursuant to section 264 (1A) (i) of the Act, the following decisions of the Children's Guardian are reviewable by the Administrative Decisions Tribunal:

- (a) to impose or not to impose a condition on the accreditation of a designated agency, or
- (b) to vary or revoke such a condition, or
- (c) to suspend or cancel the accreditation of a designated agency.

**Note.** Pursuant to section 245 (1) (b) and (i) of the Act, the following decisions are also reviewable by the Administrative Decisions Tribunal:

- (a) a decision of the relevant decision-maker to accredit or not to accredit a department or organisation as a designated agency, and



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- (b) a decision of a relevant decision-maker to refuse to make a decision referred to in the preceding paragraph that the decision-maker has been requested to make.

**[4] Clause 7 Prescribed bodies: sec 248**

Insert after clause 7 (b):

- (b1) a designated agency,

**[5] Clause 12**

Omit the clause. Insert instead:

**12 Care plans: sec 78**

- (1) For the purposes of section 78 (5) of the Act, a care plan:
- (a) is to be in a form approved by the Director-General following consultation with the Children's Court Advisory Committee, and
  - (b) is to include the following information:
    - (i) the date on which the care plan is made,
    - (ii) the name of each person, agency or body participating in the plan, and their relationship to the child or young person,
    - (iii) the method by which the views of the parents and child or young person were obtained (for example, by interview in person or over the telephone, and whether the persons were spoken to separately or together).
- (2) A care plan is to contain information about the following matters when relevant to the circumstances of the child or young person concerned:
- (a) the family structure and significant family and other relationships of the child or young person,
  - (b) the history, development and experience of the child or young person,
  - (c) the relationship between the child or young person and his or her parents,
  - (d) the ethnic background and religion of the child or young person,

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- (e) whether the child or young person is of Aboriginal or Torres Strait Islander descent and which communities the child or young person identifies with,
  - (f) the principal language spoken in the family home of the child or young person,
  - (g) issues of social, cultural, educational or economic significance in relation to the child or young person or his or her family,
  - (h) the nature of the relationships between members of the child's or young person's family and the capacity of the parents to adapt or deal with circumstances affecting the family,
  - (i) if practicable, the views of the child or young person as to the services that need to be provided to him or her and his or her family,
  - (j) the views of the parents of the child or young person as to the services that need to be provided to the child or young person and his or her family,
  - (k) the views of the Director-General as to the services that need to be provided to the child or young person and his or her family,
  - (l) if the views referred to in paragraphs (i) and (j) were not obtained, the reasons why they were not obtained,
  - (m) such other matters as the Director-General considers appropriate.
- (3) The care plan is to make provision for the matters specified in section 78 (2) of the Act, and in addition is to set out the following matters:
- (a) the resources required to provide any services that need to be provided to the child or young person and the availability of those resources to achieve that purpose,
  - (b) the plans or arrangements to meet the education and training needs of the child or young person,
  - (c) whether any contact arrangements may require an application for a contact order in relation to the child or young person under section 86 of the Act,

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- (d) the role and responsibilities of each person, agency or body participating in the plan, and the approximate period of time during which those responsibilities are to be carried out,
  - (e) if more than one agency or body participates in the care plan, the agency or body that is to have overall responsibility for co-ordinating the plan and the delivery of services to the child or young person and his or her family,
  - (f) an initial date on which the progress of the plan is to be assessed by the agency or body having overall responsibility for co-ordinating the plan, and the frequency of subsequent assessments by that agency or body,
  - (g) indicators by which to assess the extent to which the care plan is successful,
  - (h) if restoration of the child or young person is to be considered at a later time, the goals to be achieved by the parents of the child or young person to facilitate his or her restoration to their care, and the approximate period of time in which those goals are to be attained having regard to the age and developmental needs of the child or young person.

**Note.** The matters for which a care plan must make provision under section 78 (2) of the Act are:

- (a) the allocation of parental responsibility between the Minister and the parents of the child or young person for the duration of any period for which the child or young person is removed from the care of his or her parents,
- (b) the kind of placement proposed to be sought for the child or young person, including:
  - (i) how it relates to permanency planning for the child or young person, and
  - (ii) any interim arrangements that are proposed for the child or young person pending permanent placement and the timetable proposed for achieving a permanent placement,
- (c) the arrangements for contact between the child or young person and his or her parents, relatives, friends and other persons connected with the child or young person,
- (d) the agency designated to supervise the placement in out-of-home care,
- (e) the services that need to be provided to the child or young person.

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- (4) The care plan is to be accompanied by a copy of any relevant report on the health, educational or social well-being of the child or young person that, in the opinion of the Director-General, should be considered by the Children's Court.
- (5) The care plan is to refer to the views of any person who has expressed disagreement with any of the provisions of the plan.
- (6) The care plan is to be signed by each person, agency or body who has agreed to participate in the plan. The plan may be, but is not required to be, signed by the child or young person concerned.
- Note.** Under section 10 of the Act (The principle of participation), the Director-General is responsible for providing a child or young person with information, assistance and opportunities that will enable the child or young person to participate in decisions made under or pursuant to the Act that have a significant impact on his or her life. Those decisions include the development and review of care plans concerning the child or young person.
- (7) Until the consultation referred to in subclause (1) (a) has taken place, a care plan is to be in a form approved by the Director-General.

**[6] Clause 13 Alternative parenting plans**

Omit clause 13 (1) and (2). Insert instead:

- (1) An alternative parenting plan that is submitted to the Children's Court under section 116 or 119 of the Act for an order approving the plan or for registration of the plan:
- (a) is to be in a form acceptable to the Children's Court, and
- (b) is to include the following information:
- (i) the date on which the alternative parenting plan is made,
- (ii) the name of each party to the plan, and their relationship to the child or young person,
- (iii) the method by which the views of the parents and child or young person were obtained (for example, by interview in person or over the telephone, and whether the persons were spoken to separately or together), and

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- (c) is to set out the way in which the needs of the child or young person are proposed to be met, and any proposals concerning:
- (i) allocation of parental responsibility or specific aspects of parental responsibility,
  - (ii) residential arrangements,
  - (iii) supervision,
  - (iv) contact arrangements with the parents, relatives or other persons of significance to the child or young person (in particular, whether any contact arrangements may require an application for a contact order in relation to the child or young person under section 86 of the Act),
  - (v) education and training,
  - (vi) medical care,
  - (vii) the provision of services.
- (2) An alternative parenting plan that is formulated by the Director-General or a support service organisation is to contain information about the following matters when relevant to the circumstances of the child or young person concerned:
- (a) the family structure and significant family and other relationships of the child or young person's family,
  - (b) the history, development and experience of the child or young person,
  - (c) the relationship between the child or young person and his or her parents,
  - (d) the ethnic background and religion of the child or young person,
  - (e) whether the child or young person is of Aboriginal or Torres Strait Islander descent and which communities they identify with,
  - (f) the principal language spoken in the family home of the child or young person,
  - (g) issues of social, cultural, educational or economic significance in relation to the child or young person or his or her family,

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- (h) the nature of the relationships between members of the child's or young person's family and the capacity of the parents to adapt or deal with circumstances affecting the family,
  - (i) the resources required to provide the services that need to be provided to the child or young person and the availability of those resources to achieve that purpose,
  - (j) if the Director-General or any support service organisation is a party to the proceedings, their views as to the services that need to be provided to the child or young person and his or her family,
  - (k) if practicable, the views of the child or young person as to the services that need to be provided to him or her and his or her family,
  - (l) the views of the parents of the child or young person as to the services that need to be provided to the child or young person and his or her family,
  - (m) if the views referred to in paragraphs (k) and (l) were not obtained, the reasons why they were not obtained,
  - (n) such other matters as the Director-General or the support service organisation considers appropriate.

**[7] Clause 15 Special medical treatment: sec 175**

Omit "a child or young person in residential care" from clause 15 (1) (c).

Insert instead "a child in out-of-home care".

**[8] Clause 15 (2)**

Omit "and (c)".

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

Omit "or young person".

**[10] Clause 15 (4)**

Omit the subclause.

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**[11] Clause 15A**

Insert after clause 15:

**15A Administration of psychotropic drug to child in out-of-home care**

An authorised carer may not consent to any special medical treatment involving the administration of a psychotropic drug to a child in out-of-home care for the purpose of controlling his or her behaviour unless:

- (a) the treatment forms part of a behaviour management plan, and
- (b) if the child resides in a residential unit, the principal officer of the designated agency has authorised the behaviour management plan.

**[12] Part 6, Division 1**

Insert after the heading to Part 6:

**Division 1 General**

**[13] Clauses 17–41**

Insert after clause 16:

**17 Out-of-home care: sec 135**

For the purposes of section 135 (2) (b) of the Act, the following are prescribed as not being out-of-home care:

- (a) boarding arrangements to enable children and young people to attend a school, training establishment or university for the sole purpose of obtaining an education,
- (b) a holiday camp, outdoor recreation centre or similar facility where children and young people undertake or receive education, training or instruction in academic, athletic or recreational pursuits,
- (c) a private hospital licensed under the *Private Hospitals and Day Procedure Centres Act 1988*,
- (d) a nursing home licensed under the *Nursing Homes Act 1988*,

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- (e) health services under the *Health Services Act 1997*,
- (f) adoption services under the *Adoption Act 2000*,
- (g) any place used for the detention of children and young persons pending criminal proceedings (including police custody), or a detention centre within the meaning of the *Children (Detention Centres) Act 1987*,
- (h) placement arrangements made under section 137 (1) (c) of the Act that do not involve supervision by a designated agency,
- (i) SAAP arrangements funded under the *Supported Accommodation Assistance Act 1994* of the Commonwealth.

**18 Financial assistance: sec 161**

For the purposes of section 161 (2) (c) (i) of the Act, the following classes of persons are prescribed:

- (a) a person providing care for a child or young person under the supervision of a designated agency under a care plan that:
  - (i) has been developed through agreement with the parents of the child or young person, or
  - (ii) has been registered in the Children's Court under section 38 of the Act,
- (b) a person providing care for a child or young person under the supervision of a designated agency under an alternative parenting plan that has been approved or registered by the Children's Court,
- (c) a person providing care for a child or young person under the supervision of a designated agency under an order of the Supreme Court, the Children's Court, the Family Court of Australia or the Federal Magistrates Court,
- (d) the Minister,
- (e) the Director-General.



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## **Division 2 Authorisations by designated agencies**

### **19 Definitions**

In this Division:

*authorised carer* means an individual authorised as an authorised carer by a designated agency.

*designated agency*, in relation to an authorised carer, means the designated agency that authorised the authorised carer.

*supervising person* means:

- (a) the Director-General (or an officer delegated the Director-General's functions for the purposes of this clause), or
- (b) an officer or employee of the designated agency that has supervisory responsibility for a child or young person in the care of an authorised carer.

### **20 Authorisation by a designated agency**

- (1) A designated agency may authorise an individual belonging to one of the following classes of individuals as an authorised carer, but only if the designated agency has carried out an assessment of the individual under subclause (3) and has determined, following that assessment, that the individual is suitable to be an authorised carer:
  - (a) an employee engaged by the designated agency as an employee to provide care for children and young persons,
  - (b) an individual engaged by the designated agency under a contractual arrangement (other than as an employee) to provide care for children and young persons,
  - (c) an individual who is employed by an individual referred to in paragraph (b) to care for children and young persons in the course of his or her duties,
  - (d) an individual who cares for children and young persons in his or her private capacity.
- (2) A designated agency may authorise an employee referred to in subclause (1) (a) to be an authorised carer without carrying out an assessment under subclause (3) of the individual's suitability.

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- (3) A designated agency may not determine that an individual is suitable to be an authorised carer under subclause (1) unless:
- (a) the individual has furnished to the designated agency such information as the agency may reasonably require in order to assess the individual's suitability to be an authorised carer, and
  - (b) the individual has successfully completed such course of training as the designated agency may reasonably require in order to ensure that the individual is capable of exercising the functions of an authorised carer, and
  - (c) the designated agency has carried out employment screening of the individual under Part 7 of the *Commission for Children and Young People Act 1998*.

**Note.** Section 37 of the *Commission for Children and Young People Act 1998* provides that it is the duty of an employer to carry out all the relevant procedures of employment screening of a preferred applicant for primary child-related employment before employing the preferred applicant. **Primary child-related employment** is defined as including child-related employment involving the fostering of children.

The *Child Protection (Prohibited Employment) Act 1998* prohibits an employer from employing a person in child-related employment without first ascertaining whether the person has been convicted of a serious sex offence. The Act also prohibits a person who has been convicted of such an offence from applying for, undertaking or remaining in child-related employment.

- (4) For the purpose of determining whether an individual is suitable to be an authorised carer, the designated agency may make such inquiries as to the individual, and as to each individual who is aged 14 years or above in the household of the individual, as the designated agency considers appropriate, (including, subject to the *Criminal Records Act 1991*, inquiries as to an individual's criminal record).
- (5) The principal officer of a designated agency is to carry out the functions of the agency under this clause, unless the Children's Guardian approves the carrying out of those functions by another officer or employee of the designated agency.

## 21 Conditions of authorisations

- (1) A designated agency may at any time impose such reasonable conditions as it thinks fit on the authorisation of an authorised carer.

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- (2) A designated agency may at any time vary or revoke a condition of an authorisation.
  - (3) The imposition, variation or revocation of a condition takes effect when it is notified to the authorised carer in writing.

**22 Authorisations by designated agencies to be in writing**

- (1) A designated agency that authorises a person as an authorised carer under clause 20 must give the person a copy of the authorisation in writing.
- (2) The written authorisation must set out any conditions of the authorisation imposed by the designated agency.

**23 Code of Conduct for Authorised Carers**

Except as provided by clause 24, an authorised carer must comply with the Code of Conduct for Authorised Carers set out in Schedule 2.

**24 Code of Conduct for Residential Units—authorised carers**

An authorised carer who provides out-of-home care to one or more children or young persons at a residential unit must comply with the provisions of the Code of Conduct for Residential Units set out in Schedule 3 that apply to authorised carers.

**25 Personal responsibility of authorised carers**

An authorised carer is personally responsible for carrying out the carer's functions and duties as an authorised carer.

**26 Inspection of home or premises**

An authorised carer must, at any reasonable hour and on reasonable notice, permit a supervising person:

- (a) to inspect the home or premises at which the authorised carer provides out-of-home care, and all of the authorised carer's records relating to a child or young person in out-of-home care, and
- (b) to interview any child or young person in out-of-home care.

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**27 Medical examination**

An authorised carer must, if requested in writing by the designated agency on the written advice of a medical practitioner:

- (a) undergo, or cause a member of the authorised carer's household to undergo, such examination by a medical practitioner as is reasonably necessary to ascertain whether the authorised carer's household is a healthy environment for the care of children or young persons, and
- (b) provide a report of such examination to the designated agency and to any other supervising person who requests that the report be provided to it.

**28 Notice of change of address**

An authorised carer must, before changing his or her residential address, cause notice in writing of the change to be given to an officer or employee of the designated agency.

**29 Information to be provided to designated agency**

- (1) An authorised carer must provide the designated agency with such information concerning the care of a child or young person as the agency may from time to time reasonably require.
- (2) An authorised carer must immediately notify the designated agency if any of the following occurs:
  - (a) a child or young person leaves the care of the authorised carer, or
  - (b) the child or young person is to be, or has been:
    - (i) expelled or suspended from school, or
    - (ii) absent without permission from the care of the authorised carer for a period of 24 hours or more, or
    - (iii) absent without permission (whether or not while in the care of the authorised carer) from New South Wales for any period, or
  - (c) the child or young person suffers a serious accident, injury or illness, or
  - (d) the child or young person dies, or

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- (e) the authorised carer:
    - (i) is charged with or convicted of an offence for which a penalty of imprisonment for 12 months or more may be imposed, or
    - (ii) becomes aware that any members of his or her household have been charged with or convicted of such an offence.

**30 Management of behaviour of children and young persons**

- (1) An authorised carer, in correcting and managing the behaviour of a child or young person in out-of-home care:
  - (a) must not use physical coercion or physical punishment, and
  - (b) must, in any event, use only behaviour management practices approved by the designated agency.
- (2) An authorised carer who finds that the approved behaviour management practices are not sufficiently effective to correct or manage the behaviour of a child or young person is to notify that fact as soon as practicable to the designated agency.
- (3) On receiving a notification under subclause (2), the designated agency, after assessing the situation, is to determine if the problem should be addressed:
  - (a) by providing appropriate advice, support and training to the authorised carer and appropriate support to the child or young person, or
  - (b) by changing the placement arrangements.

**31 Cancellation or suspension of authorisations by designated agencies**

A designated agency may, by notice in writing, cancel or suspend the authorisation of an authorised carer if the agency is of the opinion that the authorised carer:

- (a) has failed to comply with any condition of the authorisation, or
- (b) has failed to comply with any obligation or restriction imposed on the authorised carer by the Act or this Regulation, or

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- (c) has failed to comply with a written direction to the authorised carer by the designated agency or the Children's Guardian under section 157 (3) of the Act, or
  - (d) has failed to uphold the Charter of Rights prepared under section 162 of the Act, or
  - (e) has failed to comply with the Code of Conduct for Authorised Carers or the relevant provisions of the Code of Conduct for Residential Units.

**Note.** Under section 245 (1) (a) of the Act, a decision to cancel or suspend the authorisation of an authorised carer is reviewable by the Administrative Decisions Tribunal.

### **Division 3 Authorisations other than by designated agencies**

#### **32 Other authorisations**

- (1) For the purposes of section 137 (1) (c) of the Act, the following persons are authorised as authorised carers:
  - (a) a person who provides residential care and control of a child or young person whose placement arrangements are not subject to supervision by a designated agency and who provides the care and control under:
    - (i) a care plan developed by the Director-General, or
    - (ii) an alternative parenting plan approved or registered by the Children's Court under Part 1 of Chapter 7 of the Act,
  - (b) a person providing residential care and control of a child or young person whose placement arrangements are not subject to supervision by a designated agency under an order of the Supreme Court, the Family Court of Australia or the Federal Magistrates Court.
- (2) A person referred to in subclause (1) is authorised as an authorised carer only in relation to the child or young person concerned, and the person ceases to be an authorised carer when the person ceases to have care responsibility for the child or young person.
- (3) A person referred to in subclause (1) (a) is required to comply with the Code of Conduct for Authorised Carers set out in Schedule 2.

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**33 Management of behaviour of children and young persons:  
sec 157**

- (1) This clause applies only to a person authorised as an authorised carer under clause 32 (1) (a).
- (2) An authorised carer, in correcting and managing the behaviour of a child or young person in out-of-home care, may use only behaviour management practices approved by the Director-General.

**34 Code of Conduct for Residential Units—designated agencies**

- (1) This clause only applies to a person authorised as an authorised carer under section 137 (1) (a) of the Act.
- (2) An authorised carer who is the principal officer of a designated agency that provides out-of-home care to one or more children or young persons is to comply with the provisions of the Code of Conduct for Residential Units set out in Schedule 3 that apply to designated agencies.

**Note.** If an authorised carer fails to comply with this clause, the designated agency may have its accreditation cancelled or suspended under clause 40.

**Division 4 Accreditation as a designated agency**

**35 Application for accreditation**

- (1) An organisation or a department of the Public Service (an *applicant*) may apply in writing to the Children's Guardian for accreditation as a designated agency.
- (2) An application is:
  - (a) to be made in the form approved by the Children's Guardian, and
  - (b) to be accompanied by such information as the Children's Guardian may reasonably require to assist in the determination of the application, and
  - (c) to specify the person (the *principal officer*) proposed to have the overall supervision of the arrangements for the provision of out-of-home care made by the applicant, and

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- (d) to be accompanied by a behaviour management policy statement that sets out:
    - (i) the views of the applicant on the behaviour management practices to be observed by authorised carers regarding the care, management and discipline of children and young people for whom the designated agency has supervisory responsibility, and
    - (ii) details of the procedures to be used in respect of the application of physical restraint, including consent, reporting, analysis and supervision of staff, and support and counselling to be provided to children and young persons to whom physical restraint has been applied, and
  - (e) to include a statement to the effect that the applicant's behaviour management policy includes a ban on the use of all of the following:
    - (i) any form of corporal punishment, or
    - (ii) any punishment that takes the form of immobilisation, force-feeding or depriving of food, or
    - (iii) any punishment that is intended to humiliate or frighten a child or young person, and
  - (f) be accompanied by a psychotropic drugs policy statement that sets out the views of the applicant on the administration of psychotropic drugs for the purpose of controlling the behaviour of children and young persons.
- (3) The Children's Guardian may require an applicant to furnish to the Children's Guardian such further information as the Guardian may reasonably require in order to assess the applicant's suitability to be a designated agency.
  - (4) The Children's Guardian is to notify in writing an applicant for accreditation as soon as reasonably practicable of:
    - (a) the outcome of the application, and
    - (b) the reasons for the decision, and
    - (c) the means by which the applicant may apply for review of the decision of the Children's Guardian.



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**36 Accreditation**

- (1) The Children's Guardian may accredit an applicant as a designated agency if, in the opinion of the Children's Guardian, the applicant satisfies the criteria referred to in subclause (2).
- (2) The Minister may, on the recommendation from time to time of the Children's Guardian, approve criteria developed by the Children's Guardian for use in determining:
  - (a) whether to grant an application for accreditation, and
  - (b) what period of accreditation will be granted.
- (3) The Children's Guardian must make the criteria approved for the time being under subclause (2) available for public inspection.
- (4) Failure to comply with subclause (3) does not affect the validity of any decision of the Children's Guardian to grant or refuse accreditation to an applicant.
- (5) Without limiting this clause, the criteria adopted by the Minister must address the following matters:
  - (a) the assessment procedures (including probity testing) for determining whether a person is suitable to be an authorised carer,
  - (b) the training provided to authorised carers,
  - (c) the supervision provided to authorised carers,
  - (d) what provision is made for the involvement of children and young persons in the making of decisions that affect them,
  - (e) what provision is made for the involvement of the persons who have parental responsibility for children or young persons immediately before the children or young persons enter into out-of-home care in the making of decisions that affect those children or young persons,
  - (f) what provision is made for the involvement of authorised carers in the making of decisions concerning the child or young person in their care.

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**37 Alternative means of accreditation**

Despite clause 36, the Children's Guardian may accredit an applicant as a designated agency if:

- (a) an organisation or body that has established standards or criteria for the care of children or young persons has determined that the applicant meets those standards or criteria, and
- (b) the Children's Guardian has recognised that organisation or body for the purposes of this clause.

**38 Form and period of accreditation**

- (1) The Children's Guardian may accredit an applicant as a designated agency for a period of one, three or five years.
- (2) An accreditation is to be in such form as the Children's Guardian may approve.

**39 Conditions of accreditation**

- (1) An accreditation is subject to the conditions set out in Schedule 4.
- (2) The Children's Guardian may impose such other reasonable conditions as the Children's Guardian sees fit on an accreditation, or the process for accreditation, and may vary or revoke those conditions by notice in writing to the designated agency.
- (3) The imposition, variation or revocation of a condition takes effect on such date as is specified in the notice.
- (4) If the designated agency is a government department, the Children's Guardian must report to the Minister on the need to impose a condition under subclause (2).

**40 Suspension and cancellation of accreditation**

- (1) The Children's Guardian may suspend or cancel the accreditation of a designated agency if the Children's Guardian is satisfied that:
  - (a) the designated agency has ceased to meet any of the criteria developed in accordance with clause 36, or
  - (b) the designated agency has ceased to meet any standards or criteria referred to in clause 37, or

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- (c) the designated agency has failed to comply with a condition of accreditation imposed under clause 39, or
  - (d) the designated agency, or an authorised carer who is the principal officer of the designated agency, has failed to comply with any obligations or restrictions imposed on the agency or the carer by the Act or this Regulation.
- (2) As soon as practicable after deciding to suspend or cancel an accreditation, the Children's Guardian must give the designated agency concerned notice in writing of the decision.
  - (3) The suspension or cancellation takes effect on such date as is specified in the notice.
  - (4) If the designated agency is a government department, the Children's Guardian must report to the Minister before giving a notice under subclause (2).

## **Part 7 Children's Guardian**

### **41 Provision of information to Children's Guardian**

Information furnished to the Children's Guardian in accordance with a direction under section 185 (1) (b) of the Act is to be furnished:

- (a) in written form and, if the person furnishing the information is able to furnish it in electronic form in a format approved by the Children's Guardian, in electronic form in that format as well, or
- (b) in electronic form in a format approved by the Children's Guardian.

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**[14] Schedules 2–4**

Insert after Schedule 1:

**Schedule 2 Code of Conduct for Authorised Carers**

(Clause 23)

**1 The home**

An authorised carer must ensure that the home where the child or young person will reside in out-of-home care is kept safe, clean and in good repair and is properly ventilated, lit and heated.

**2 Furniture, furnishings and equipment**

The home must have:

- (a) adequate furniture, furnishings and equipment for use by the children or young persons who reside at the home, having regard to their ages and physical and intellectual development, and
- (b) adequate facilities for the preparation, refrigeration and hygienic storage of food and refreshments, and
- (c) adequate facilities for the storage of equipment and bedding and for the safe keeping of the children's outdoor clothes and other personal belongings, and
- (d) sufficient equipment suitable for the indoor and outdoor recreational needs of the children, having regard to their ages and physical and intellectual development, and
- (e) access to a telephone.

**3 Swimming pools**

Any swimming pool at the home must be adequately fenced in accordance with the *Swimming Pools Act 1992*.

**4 Care of children and young persons**

The authorised carer must, in relation to each child or young person in out-of-home care, ensure that:

- (a) the health, education, safety, welfare, well-being and progress of the child or young person are promoted, and

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- (b) the child or young person is encouraged to participate, as far as is reasonably practicable, in the ordinary life of the community, and
  - (c) the observance by the child or young person of his or her religion (if any) and the preservation of the child's or young person's cultural identity are encouraged, and
  - (d) the same standards of care and discipline are applied to all children and young people residing in the home, and
  - (e) the child or young person is encouraged to maintain a connection with birth and extended family members and other significant people, as far as it is reasonably practicable and safe to do so.

## 5 Bedrooms

The authorised carer:

- (a) must provide adequate sleeping accommodation for each child or young person who resides in out-of-home care, and
- (b) must ensure that sleeping accommodation that is provided for a child or young person in out-of-home care is appropriate for the age of the child or young person and takes into account the child's or young person's requirements for privacy, and
- (c) must ensure that:
  - (i) each such child or young person is provided with a separate bed or cot, equipped with a clean and comfortable mattress and bed clothing that is appropriate to the climate, and
  - (ii) adequate facilities are provided for storage of each such child's or young person's clothing and personal belongings.
  - (iii) linen on each such child's or young person's bed or cot is changed weekly (or more frequently if necessary), and

## 6 Study

The authorised carer must ensure that each child or young person who is in out-of-home care and who is attending school or undertaking studies is provided with facilities for

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quiet study that are adequate, having regard to the age of the child or young person.

**7 Health and medical attention**

- (1) The authorised carer must ensure that each child or young person in out-of-home care is supplied with such medical and dental treatment as is necessary.
- (2) The authorised carer must, as soon as practicable (and, in any case, within 24 hours) after a child or young person who is in out-of-home care is admitted to hospital, cause notice of that fact to be given to:
  - (a) each person who has parental responsibility for the child or young person who can reasonably be located, and
  - (b) the principal officer of the designated agency having supervisory responsibility for the child or young person.
- (3) If a medical practitioner recommends to the authorised carer that the care or treatment of a child or young person in out-of-home care should be varied for reasons of health, the carer must use his or her best endeavours to give effect to the medical practitioner's recommendation.

**8 Children and young persons not to perform unreasonable duties**

An authorised carer must not require a child or young person in out-of-home care to perform duties that are unreasonable, having regard to the child's or young person's age and physical and intellectual development.

**9 Discipline of children and young persons**

An authorised carer:

- (a) must not physically coerce or physically punish a child or young person, and
- (b) must, in any event, comply with the behaviour management policy of the designated agency.

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## 10 Animals

The designated agency must ensure that any animal kept in the home is kept clean and well-cared for.

## 11 Discharge of children and young persons

An authorised carer in whose care a child or young person has been placed must not discharge the child or young person into the care of any other person, otherwise than:

- (a) into the care of:
  - (i) a member of staff of the designated agency having supervisory responsibility for the child or young person, or
  - (ii) a person who has parental responsibility for the child or young person, or
- (b) with the written consent of the Director-General or the principal officer of the designated agency having supervisory responsibility for the child or young person, or
- (c) pursuant to an order of a court having jurisdiction to make orders with respect to parental responsibility for children or young persons.

## Schedule 3 Code of Conduct for Residential Units

(Clauses 24 and 34)

### 1 Admission of child or young person to out-of-home care

- (1) In deciding whether or not to admit a child or young person to out-of-home care, the designated agency must have regard to:
  - (a) what options for care of the child or young person are available, and
  - (b) the views of the child or young person, and
  - (c) the welfare and interests of the child or young person.
- (2) If admission of a child or young person to care is requested by a person who is not a parent of the child or young person, the designated agency must be satisfied, before admitting the child or young person to care, that all reasonable endeavours have been made to locate the child's or young person's parents and to ascertain their views as to the child's or young person's admission to care.

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- (3) Before admitting a child or young person to care, the designated agency must obtain (where practicable) a social and medical history of the child or young person and the child's or young person's parents.

**2 Care of children and young persons**

An authorised carer employed by the designated agency must, in relation to each child or young person in out-of-home care, ensure that:

- (a) the health, welfare and progress of the child or young person are promoted, and
- (b) the child or young person receives guidance as to generally accepted community standards of behaviour, and
- (c) the child or young person is encouraged to participate, as far as is reasonably practicable, in the ordinary life of the community, and
- (d) the observance by the child or young person of his or her religion (if any) and the preservation of the child's or young person's cultural identity are encouraged.

**3 Supervision**

- (1) The designated agency must ensure that the children or young persons in out-of-home care are adequately supervised, having regard to their ages and physical and intellectual development, by adult members of the staff.
- (2) The designated agency must ensure that no person is allowed to supervise children or young persons unless the person:
  - (a) is sympathetic to the welfare of children and young persons, and
  - (b) has adequate knowledge, understanding and experience of children and young persons so as to be capable of meeting their needs, and
  - (c) is able to adequately care for and supervise children and young persons, and
  - (d) is of suitable maturity, health and personality to care for children and young persons, and
  - (e) is a fit and proper person, and



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- (f) has received suitable training in the proper care of children and young persons.
  - (3) The designated agency must ensure that no member of staff employed by the agency as an authorised carer to supervise children or young persons without assistance both supervises children or young persons and performs other duties at the same time if those other duties would adversely affect the quality of supervision.

#### **4 Bedrooms**

- (1) The designated agency:
  - (a) must provide adequate sleeping accommodation, in a room that is separate from any bedroom in which an adult sleeps, for each child or young person who resides in out-of-home care, and
  - (b) must ensure that:
    - (i) each such child or young person is provided with a separate bed or cot, equipped with a clean and comfortable mattress and bed clothing that is appropriate to the climate, and
    - (ii) linen on each such child's or young person's bed or cot is changed weekly (or more frequently if necessary), and
    - (iii) adequate facilities are provided for storage of each such child's or young person's clothing and personal belongings.
- (2) The designated agency must ensure:
  - (a) that no child or young person who is of or above the age of 7 years sleeps in the same room as another child or young person (other than a relative) of the opposite sex, and
  - (b) that each young person who resides in out-of-home care has sleeping accommodation that affords the young person adequate privacy.

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**5 Study**

The designated agency must ensure that each child or young person who is in out-of-home care, and who is attending school or undertaking studies, is provided with facilities for quiet study that are adequate, having regard to the age of the child or young person.

**6 Health and medical attention**

- (1) The designated agency must ensure that each child or young person in out-of-home care is supplied with such medical and dental treatment as is necessary.
- (2) The designated agency must, as soon as practicable (and, in any case, within 24 hours) after a child or young person who is in out-of-home care is admitted to hospital, cause notice of that fact to be given to each person who has parental responsibility for the child or young person who can reasonably be located.
- (3) If a medical practitioner recommends to an authorised carer employed by the designated agency that the care or treatment of a child or young person in out-of-home care should be varied for reasons of health, the carer must use his or her best endeavours to give effect to the medical practitioner's recommendation.
- (4) The designated agency must ensure:
  - (a) that there is a suitable and fully-stocked first-aid kit on the premises, and
  - (b) that at least one member of the staff on duty holds approved qualifications in the administration of first-aid, and
  - (c) that all first-aid equipment, medicine, drugs and other substances potentially harmful to children or young persons are stored in cupboards that are secured by means of child-proof locks.

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**7 Children and young persons not to perform unreasonable duties**

An authorised carer must ensure that a child or young person in out-of-home care is not required to perform duties that are unreasonable, having regard to the child's or young person's age and physical and intellectual development.

**8 Discipline of children and young persons**

A designated agency is to ensure that all staff and volunteers:

- (a) do not physically coerce or physically punish a child or young person, and
- (b) in any event, comply with the behaviour management policy of the designated agency.

**9 Animals**

The designated agency must ensure that any animal kept at the residential facility is kept clean and well-cared for.

**10 Discharge of children and young persons**

The designated agency must not discharge a child or young person in out-of-home care into the care of any other person, otherwise than:

- (a) into the care of a person who has parental responsibility for the child or young person, or
- (b) pursuant to an order of a court having jurisdiction to make orders with respect to parental responsibility for children or young persons.

**Schedule 4 Conditions of accreditation of designated agency**

(Clause 39)

**1 Request for placement**

- (1) A designated agency must not arrange for the placement of a child or young person in out-of-home care unless:
  - (a) the young person or, in the case of a child, a person having parental responsibility for the child, requests placement, or

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- (b) the Children's Court or another court has ordered that the child or young person be placed in out-of-home care.
- (2) A request under subclause (1) (a) may be made orally or in writing. If the request is made orally, the designated agency with which the child or young person is placed must confirm the placement in writing for the child or young person within 7 days after the placement is arranged.

**2 Agency to ensure that it is able to meet the needs of the child or young person**

A designated agency must not arrange for the placement of a child or young person in out-of-home care unless the agency is satisfied that:

- (a) it is able to meet the needs of the child or young person, and
- (b) any authorised carer with whom the child or young person is placed is able to meet the needs of the child or young person.

**3 Social and medical history**

A designated agency must use its best endeavours to document the social and medical history of a child or young person (and his or her family) for whom the agency arranges a placement in out-of-home care.

**4 Information to be provided to Director-General**

A designated agency must provide the Director-General with such information about a child or young person in the out-of-home care of the designated agency as the Director-General may reasonably require.

**5 Co-operation with entry and inspection of premises**

A designated agency must co-operate with any person who lawfully enters premises of the designated agency to inspect or search those premises.

**Note.** Sections 233 (Power of search and removal of children and young persons in need of care) and 235 (Entry without warrant onto premises—generally) of the Act provide for certain persons to enter and search premises.

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## **6 Notification of failure to meet accreditation standards**

A designated agency that is unable to meet a criteria of accreditation referred to in clause 36 must advise the Children's Guardian of that fact as soon as practicable after the agency becomes aware of it.



New South Wales

## Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

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

### Explanatory note

The object of this Regulation is to make savings and transitional provisions consequent on the commencement of certain provisions of Chapter 8 (Out-of-home care) of the *Children and Young Persons (Care and Protection) Act 1998* (Division 1 of Part 3 of that Chapter excepted, that Division having commenced on 18 December 2000). Out-of-home care was previously known as foster care.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 264 (the general regulation-making power) and clause 1 of Schedule 3 (the power to make regulations of a savings or transitional nature).

Clause 1 Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

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## **Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003**

under the

Children and Young Persons (Care and Protection) Act 1998

### **1 Name of Regulation**

This Regulation is the *Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 15 July 2003.

### **3 Amendment of Children and Young Persons (Savings and Transitional) Regulation 2000**

The *Children and Young Persons (Savings and Transitional) Regulation 2000* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 9 Wards

Insert “or a protected person” after “a ward” in clause 9.

### [2] Part 3A

Insert after clause 22:

## Part 3A Out-of-home care

### Division 1 General

#### 22A Interim accreditation as designated agency

- (1) This clause applies to the following bodies or organisations that, immediately before 15 July 2003, were providing out-of-home care to a child or young person, or arranging for the provision of such care:
  - (a) a government department,
  - (b) a residential child care centre licensed under the old Act,
  - (c) a residential child care centre referred to in clause 34 of the *Children (Care and Protection) Regulation 1996* (being a centre funded through the Department’s Substitute Care Program),
  - (d) an authorised private fostering agency authorised under the old Act,
  - (e) a private fostering agency funded through the Department’s Substitute Care Program,
  - (f) any other body or organisation funded through the Department or the Department of Ageing, Disability and Home Care to provide the out-of-home care.
- (2) A body or organisation to which this clause applies is taken to be accredited as a designated agency under the new Act during the transition period applicable to the body or organisation.



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- (3) The transition period applicable to a body or organisation is the period that begins on 15 July 2003 and that ends:
- (a) when the body or organisation is accredited as a designated agency otherwise than under this clause, or
  - (b) on 1 July 2005, if the body or organisation fails to make an application for accreditation as a designated agency under Division 4 of Part 6 of the *Children and Young Persons (Care and Protection) Regulation 2000* or under clause 22C of this Regulation,
- whichever is the sooner.

**22B Conditions on interim accreditation**

- (1) In this clause:
- designated agency* means a body or organisation that is taken to be accredited as a designated agency under clause 22A during the transition period applicable to the body or organisation in accordance with that clause.
- funded designated agency* means a designated agency that is funded through the Department or the Department of Ageing, Disability and Home Care to provide out-of-home care, or to arrange for the provision of such care.
- non-funded designated agency* means a designated agency other than a funded designated agency.
- (2) A funded designated agency must continue to comply with any conditions imposed by the Department or the Department of Ageing, Disability and Home Care on the funding to provide out-of-home care, or to arrange the provision of out-of-home care, during the transitional period applicable under clause 22A, to the funded designated agency.
- (3) A non-funded designated agency that, immediately before 15 July 2003, was a licensed residential child care centre or an authorised private fostering agency under the old Act must continue to comply with:
- (a) any conditions of the licence or authority under clause 6 or 7 of Schedule 1 to the old Act in relation to the agency, and

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- (b) any requirements imposed by Parts 5 and 6 and Schedules 2 and 3 of the *Children (Care and Protection) Regulation 1996* in relation to the agency, in force immediately before 15 July 2003 as if those conditions and requirements were still in force.
- (4) A non-funded designated agency (other than one to which subclause (3) applies) must comply with:
- (a) the requirements and standards specified in one of the following documents:
- (i) the document titled *NSW Standards for Substitute Care Services* published by the Department in September 1998,
- (ii) the document titled *SAAP Standards* (Supported Accommodation Assistance Program Standards) published by the Department in September 1998,
- (iii) the document titled *Standards in Action: Practice Requirements and Guidelines for Services Funded Under the Disability Services Act* published by the Ageing and Disability Department in 1998, or
- (b) the requirements and standards approved by the Minister on the recommendation of the Children's Guardian.
- (5) A designated agency that fails to comply with this clause is taken to have failed to comply with a condition of accreditation as a designated agency under the new Act.

**22C Transitional form of accreditation**

- (1) The object of this clause is to enable a designated agency within the meaning of clause 22B to achieve the standard that would entitle the designated agency to be accredited as a designated agency under Division 4 of Part 6 of the *Children and Young Persons (Care and Protection) Regulation 2000* within a maximum period of 10 years from 15 July 2003 by progressively achieving minimum standards set for the designated agency by the Children's Guardian in accordance with a timetable set for the designated agency by the Children's Guardian.

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- (2) A designated agency within the meaning of clause 22B may, at any time before 15 July 2005, apply in writing to the Children's Guardian to be accredited as a designated agency in accordance with this clause.
- (3) On receipt of an application under this clause from a designated agency, the Children's Guardian, in consultation with the designated agency, is to determine a timetable, ending not later than 14 July 2013, for the progression of the designated agency to the standards that would entitle the designated agency to be accredited under Division 4 of Part 6 of the *Children and Young Persons (Care and Protection) Regulation 2000*.
- (4) A designated agency that applies to be accredited under this clause must meet the minimum standards determined by Minister on the recommendation from time to time of the Children's Guardian by the dates determined with the consent of the designated agency by the Children's Guardian.
- (5) The Children's Guardian is to keep the dates determined by it under review and may change any date from time to time by notice to the designated agency concerned. The Children's Guardian cannot determine an earlier date without the consent of the designated agency concerned.
- (6) If a designated agency, not being a government department, fails to achieve the standards determined by the Children's Guardian by the date determined by the Children's Guardian for the achievement of those standards, the Children's Guardian may require the designated agency, by notice in writing, to show cause within a period of not less than 28 days specified by the Children's Guardian in the notice, why the designated agency's application for accreditation should not be terminated.
- (7) If the designated agency is a government department, the Children's Guardian must report a failure of the designated agency to meet the standards determined as referred to in subclause (6) to the Minister.
- (8) If the designated agency, not being a government department, fails to show cause as required by the Children's Guardian, the Children's Guardian may terminate the designated agency's application for accreditation.

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

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Schedule 1

- 
- (9) The Children's Guardian may terminate a designated agency's application for accreditation under this clause with the consent of the designated agency.
- (10) If a designated agency's application for accreditation is terminated under this clause otherwise than with the consent of the designated agency:
- (a) the termination of the application is taken to be a decision not to accredit the designated agency, and
  - (b) no further application for accreditation may be made by the designated agency under this clause.
- Note.** Under section 245 (1) (b) of the Act, a decision of the relevant decision-maker to accredit or not to accredit a department or organisation as a designated agency is reviewable by the Administrative Decisions Tribunal.
- (11) A body or organisation that applied to the Children's Guardian for voluntary accreditation between 1 July 2002 and 14 July 2003 by completing an "Application for Accreditation" form issued by the Children's Guardian is taken to have applied for accreditation as a designated agency under this clause.
- (12) This clause ceases to have effect on 1 July 2013.

**22D Deemed authorisation as authorised carer authorised by designated agency**

- (1) This clause applies to the following persons:
- (a) a person in whose care a child or young person was placed by an authorised private fostering agency under the old Act and who, immediately before the commencement of this clause, had the care of that child or young person,
  - (b) a person in whose care a child or young person was placed by a private fostering agency funded through the Department's Substitute Care Program under the old Act and who, immediately before the commencement of this clause, had the care of that child or young person,
  - (c) a person who, immediately before the commencement of this clause, cared for a child or young person at a licensed residential child care centre under the old Act,

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

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- 
- (d) a person in whose care a child or young person was placed by, or with the written approval of, the Minister or the Director-General under the old Act and who, immediately before the commencement, had the care of that child or young person,
  - (e) a person in whose custody a ward or protected person was placed by the Minister under section 91 (1) (d) or (f) of the old Act and who, immediately before the commencement of this clause, had the custody of that ward or protected person.
- (2) A person to whom this clause applies is taken to be an authorised carer authorised by a designated agency under section 137 (1) (b) of the new Act.
  - (3) The designated agency that is taken to have authorised the person as an authorised carer is:
    - (a) in the case of a person referred to in subclause (1) (a) or (b)—the private fostering agency who placed the child or young person in the care of the person, or
    - (b) in the case of a person referred to in subclause (1) (c)—the licensed residential child care centre, or
    - (c) in the case of a person referred to in subclause (1) (d) or (e)—the Department.
  - (4) In this clause, *ward* and *protected person* have the same meanings as in the old Act.

**22E Interim authorisation as authorised carer for holder of fostering authority**

- (1) This clause applies to a person who, immediately before the commencement of this clause, held a fostering authority under section 43 of the old Act.
- (2) A person to whom this clause applies is taken to be an authorised carer authorised by a designated agency under section 137 (1) (b) of the new Act.
- (3) However, if the fostering authority held by the person specified the child or young person to whom it applied, the person is taken to be an authorised carer only in relation to that child or young person, and the person ceases to be an authorised carer in relation to that child or young person:

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

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- 
- (a) when the child or young person leaves the care of that person, or
  - (b) 2 years after the commencement of this clause, or
  - (c) when the child or young person reaches 18 years of age, whichever is the sooner.
- (4) The Department is taken to be the designated agency that authorised the person as an authorised carer.

**22F Child or young person in out-of-home care under order of Children's Court**

A child or young person who, immediately before the commencement of this clause, was in the care of a person (other than a person to whom he or she is related) under an order of the Children's Court is taken to be a child or young person in out-of-home care.

**22G Review of placements effected by order of Children's Court**

- (1) This clause applies to a child or young person who, immediately before the commencement of this clause, was in out-of-home care under an order of the Children's Court.
- (2) A review under section 150 of the new Act of the placement of the child or young person is to be conducted before the anniversary of the making of the final order placing the child or young person in out-of-home care and thereafter within every period of 12 months after that anniversary.
- (3) Nothing in this clause prevents a review of the placement of the child or young person under section 150 (2) (c) or (d).

**22H Financial assistance**

- (1) A person receiving an allowance by the Director-General under section 19 (2) of the old Act immediately before the commencement of this clause with respect to a child or young person is taken to have been granted financial assistance with respect to that child or young person under section 161 of the new Act.
- (2) A person receiving a payment from the Minister under section 91 (1) (b) or (2) of the old Act immediately before the commencement of this clause with respect to a child or young

Children and Young Persons (Savings and Transitional) Amendment (Out-of-Home Care) Regulation 2003

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person is taken to have been granted financial assistance with respect to that child or young person under section 161 of the new Act.

**Division 2 Temporary retention of certain fostering provisions**

**22I Continuation of certain provisions of Children (Care and Protection) Regulation 1996**

On and from 1 September 2003 until the commencement of section 170 of the new Act, the provisions of clauses 5, 62–70 and 76–79 of the *Children (Care and Protection) Regulation 1996* are taken not to have been repealed but to have continued in force.



# Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

MORRIS IEMMA, M.P.,  
Minister for Health

## Explanatory note

The object of this Regulation is to make miscellaneous amendments to the *Public Health (Microbial Control) Regulation 2000*:

- (a) with respect to the requirements for the installation of warm-water systems, and
- (b) with respect to the requirements for water-cooling systems to be equipped with a process designed to control microbial growth, and
- (c) to insert a definition of **dwelling** in clause 4 of the Regulation, which provides an exemption from the operation of Part 4 of the *Public Health Act 1991*, and
- (d) to omit redundant words from the definition of **annually** in clause 3.

This Regulation is made under the *Public Health Act 1991*, including sections 44, 45, 46 and 82 (the general regulation-making power).



Clause 1            Public Health (Microbial Control) Amendment (Miscellaneous) Regulation  
2003

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## **Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003**

under the

Public Health Act 1991

### **1 Name of Regulation**

This Regulation is the *Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003*.

### **2 Amendment of Public Health (Microbial Control) Regulation 2000**

The *Public Health (Microbial Control) Regulation 2000* is amended as set out in Schedule 1.

Public Health (Microbial Control) Amendment (Miscellaneous) Regulation  
2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clauses 3 (3) (a), 6 (a), 7 (1) (a) and 8 (a)**

Omit “AS/NZS 3666.1:1995”. Insert instead “AS/NZS 3666.1:2002”.

**[2] Clauses 3 (3) (b), 6 (b), 9 (1), 11 (1) and 11 (2) (a)**

Omit “AS/NZS 3666.2:1995”. Insert instead “AS/NZS 3666.2:2002”.

**[3] Clause 3 Definitions**

Omit “within 1 year after” from the definition of *annually* in clause 3 (4).

**[4] Clause 4 Certain dwellings are not regulated premises**

Insert at the end of clause 4:

(2) In this clause:

*dwelling* means a single occupancy dwelling that does not have common property and is not controlled by an owners corporation (within the meaning of the *Strata Schemes Management Act 1996*).

**[5] Clause 7 Installation of hot-water systems and warm-water systems**

Omit clause 7 (1) (b). Insert instead:

(b) if the system is being installed in a health care facility and automatically produces warm water for ablution purposes, the system must not be installed unless it is of a kind approved in writing by the Director-General.

**[6] Clause 7 (3)**

Insert after clause 7 (2):

(3) In this clause:

*health care facility* means the following:

- (a) a public hospital within the meaning of the *Health Services Act 1997*,
- (b) a private hospital or day procedure centre within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*,

Public Health (Microbial Control) Amendment (Miscellaneous) Regulation  
2003

## Schedule 1 Amendments

- 
- (c) an aged care service that provides residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth.

**[7] Clause 9 General operating requirements**

Omit clause 9 (2) (b) and (c). Insert instead:

- (b) must be certified by a competent person annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected, and
- (c) must be sufficiently effective so that:
  - (i) no sample taken from the system subjected to a test for total *Legionella* numbers in accordance with the relevant Australian standard has a level of *Legionella* of more than 10 colony-forming units per millilitre, or
  - (ii) no sample taken from the system subjected to a test for heterotrophic plate count in accordance with the relevant Australian Standard has a heterotrophic plate count of more than 100,000 colony forming units per millilitre, and

**[8] Clause 9 (2) (d)**

Omit “where the levels set out in paragraph (c) (i) and (ii) are”.

Insert instead “where a level set out in paragraph (c) (i) or (ii) is”.



# Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003

under the

Road Transport (Driver Licensing) Act 1998

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

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999*.

In particular this Regulation:

- (a) specifies demerit points for certain offences relating to holders of learner licences and provisional licences driving without wearing seatbelts and driving with passengers who are not appropriately restrained, and
- (b) provides that a learner licence may be cancelled or suspended by the Roads and Traffic Authority if:
  - (i) the holder of the learner licence is convicted of an offence under the *Road Transport (Driver Licensing) Act 1998* or the Regulation, or of another offence set out in Schedule 1 to the Regulation, or
  - (ii) the holder of the learner licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence, or
  - (iii) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to be made, against the holder of the learner licence in respect of any such offence.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20.

Clause 1            Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003

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## **Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003**

under the

Road Transport (Driver Licensing) Act 1998

### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003*.

### **2 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Learner Licences and Demerit Points) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 12A

Insert after clause 12:

#### 12A Suspension or cancellation of learner licence

In addition to any other ground on which a learner licence may be cancelled or suspended by the Authority, a learner licence may be immediately cancelled or suspended by the Authority in the event of any of the following:

- (a) the holder of the learner licence is convicted of an offence under the Act or this Regulation, or of another offence set out in Schedule 1,
- (b) the holder of the learner licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence,
- (c) an order under Division 4 of Part 3 of the *Fines Act 1996* has been made, or is taken to have been made, against the holder of the learner licence in respect of any such offence.

**Note.** Clause 39 contains requirements relating to the giving of notice of the suspension or cancellation of a licence.

### [2] Schedule 1 Demerit points offences and penalties

Insert in appropriate order in Part 2 of Schedule 1:

Learner or P1 or P2 driver drive vehicle unrestrained (no restraint fitted)	3	6	Clause 47C (2) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Learner or P1 or P2 driver drive vehicle with unrestrained passenger	3	6	Clause 47C (2) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Driver drive with person in the boot of motor vehicle	3	6	Clause 47D of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>



# Road Transport (General) (Penalty Notice Offences) Amendment (Safety) Regulation 2003

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* to provide for additional traffic infringement notice penalties related to safety standards for the safe carriage of persons in motor vehicles.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general regulation-making power).

Clause 1            Road Transport (General) (Penalty Notice Offences) Amendment (Safety)  
                         Regulation 2003

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## **Road Transport (General) (Penalty Notice Offences) Amendment (Safety) Regulation 2003**

under the

Road Transport (General) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Safety) Regulation 2003*.

### **2 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002**

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.



Road Transport (General) (Penalty Notice Offences) Amendment (Safety)  
Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Schedule 2 Penalty notice offences

Omit “Rule 268;” from Column 1 of the matter relating to the *Australian Road Rules*.

### [2] Schedule 2

Insert in appropriate order in the matter relating to the *Australian Road Rules*:

Rule 268 (except Rule 268 (2) (b))	1	74
Rule 268 (2) (b)	1	230

### [3] Schedule 2

Insert in appropriate order in the matter relating to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*:

Clause 47C (2) and (3); Clause 47D	1	230
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New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Safety) Regulation 2003

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to provide additional measures for the safety of persons travelling in or on a motor vehicle. In particular, this Regulation:

- (a) creates offences relating to holders of learner and provisional licences driving without wearing a seatbelt or driving with passengers who are not appropriately restrained, and
- (b) makes it an offence for the driver of certain motor vehicles to drive such a motor vehicle if a person is in or on the boot of the vehicle.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including sections 71 (the general regulation-making power) and 72.

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Safety) Regulation 2003

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## **Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Safety) Regulation 2003**

under the

Road Transport (Safety and Traffic Management) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Safety) Regulation 2003*.

### **2 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Safety) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 28 How persons must travel in or on a motor vehicle

Insert after clause 28 (2):

- (3) For the purposes of rule 268 (2) (b) of the *Australian Road Rules* the boot of a motor vehicle is declared to be a part of the motor vehicle in or on which a person must not be carried.
- (4) Despite subclause (1), a person is not exempt from rule 268 (2) of the *Australian Road Rules* if the person is in or on the boot of a motor vehicle.

**Note.** Clause 47D sets out an additional provision to rule 268 of the *Australian Road Rules* prohibiting a driver from driving certain motor vehicles on a road with a person in or on the boot of such a vehicle.

### [2] Clause 47B Driving with unrestrained passengers

Insert after clause 47B (2):

- (3) Subclause (1) does not apply to a driver of a motor vehicle to whom clause 47C applies.

### [3] Clauses 47C and 47D

Insert after clause 47B:

#### 47C Restraint of drivers who are holders of learner licences or provisional P1 or P2 licences and their passengers

- (1) This clause applies to the driver of a motor vehicle (other than a motor bike) who is the holder of a learner licence (within the meaning of the *Road Transport (Driver Licensing) Act 1998*) or a provisional P1 or P2 licence.
- (2) The driver of a motor vehicle to whom this clause applies must not drive the motor vehicle on a road unless:
  - (a) the driver and each passenger who is 16 years old or older occupies a seating position fitted with a suitable seatbelt and is wearing the seatbelt properly fastened and adjusted, and

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Safety) Regulation 2003

Schedule 1 Amendments

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- (b) each passenger who is at least 1 year old but under 16 years old occupies a seating position that is fitted with an approved child restraint or suitable seatbelt and is restrained by the approved child restraint, or is wearing the seatbelt, properly fastened and adjusted, and
- (c) each passenger who is under 1 year old occupies a seating position that is fitted with an approved child restraint and is restrained by the suitable approved child restraint properly fastened and adjusted.

Maximum penalty: 20 penalty units

- (3) A person who is 16 years or older must not travel in or on a motor vehicle (other than a motor bike) driven by the driver of a motor vehicle to whom this clause applies unless the person is occupying a seating position to which a suitable seat belt or approved child restraint device is fitted and the person is using the seat belt or restraint properly fastened and adjusted.

Maximum penalty: 20 penalty units.

- (4) Subclauses (2) and (3) do not apply to a driver or a passenger of a motor vehicle if the driver or passenger belongs to a class of persons exempted from the application of the subclause by an order of the Authority.

**47D Persons must not travel in the boot of a motor vehicle**

The driver of a motor vehicle must not drive the motor vehicle on a road if any person is in or on the boot of the motor vehicle.

Maximum penalty: 20 penalty units.

**[4] Schedule 1 Qualifications on application of Australian Road Rules**

Insert after clause 17:

**18 Holders of learner licences and provisional P1 or P2 licences not to drive motor vehicle unless all persons restrained**

- (1) Rules 264–267 of the *Australian Road Rules* do not apply to the driver of a motor vehicle to whom this clause applies.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Safety) Regulation 2003

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Schedule 1

- 
- (2) This clause applies to the driver of a motor vehicle (other than a motor bike) who is the holder of a learner licence (within the meaning of the *Road Transport (Driver Licensing) Act 1998*) or a provisional P1 or P2 licence.

**[5] Dictionary**

Insert in alphabetical order in Part 1:

*boot* of a motor vehicle means a compartment that:

- (a) is enclosed, or is fitted with a device that enables it to be enclosed, and that is located separately from the driver and passenger seating positions (whether in use or not) of the vehicle, and
- (b) is intended for the carriage of luggage or other goods of the driver or passengers,

but does not include a luggage compartment of a station waggon or of a vehicle of a kind known as a utility or panel van.

# OFFICIAL NOTICES

## Appointments

The Cabinet Office, Sydney  
9 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the  
Treasurer, and Minister for State Development

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable JJ Della Bosca MLC, Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast, to act for and on behalf of the Treasurer, and Minister for State Development, as on and from 18 July 2003, with a view to him performing the duties of the Honourable MR Egan MLC, during his absence from duty.

BOB CARR,  
Premier

The Cabinet Office, Sydney  
9 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the  
Minister for Energy and Utilities,  
Minister for Science and Medical Research,  
Minister assisting the Minister for Health (Cancer), and  
Minister assisting the Premier on the Arts

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable MR Egan MLC, Treasurer, Minister for State Development, and Vice-President of the Executive Council, to act for and on behalf of the Minister for Energy and Utilities, from 12 to 17 July 2003, with a view to him performing the duties of the Honourable FE Sartor MP, during his absence from duty.

BOB CARR,  
Premier

The Cabinet Office, Sydney  
9 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the  
Minister for Energy and Utilities,  
Minister for Science and Research,  
Minister assisting the Minister for Health (Cancer), and  
Minister assisting the Premier on the Arts

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J Hatzistergos MLC, Minister for Justice, and Minister Assisting the Premier on Citizenship, to act for and on behalf of the Energy and Utilities, as on and from 18 July 2003, with a view to him performing the duties of the Honourable FE Sartor MP, during his absence from duty.

BOB CARR,  
Premier

The Cabinet Office, Sydney  
9 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the  
Minister for Energy and Utilities,  
Minister for Science and Medical Research,  
Minister assisting the Minister for Health (Cancer), and  
Minister assisting the Premier on the Arts

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J Hatzistergos MLC, Minister for Justice, and Minister Assisting the Premier on Citizenship, to act for and on behalf of the Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer), as on and from 12 July 2003, with a view to him performing the duties of the Honourable FE Sartor MP, during his absence from duty.

BOB CARR,  
Premier

### FAIR TRADING ACT 1987

Property Services Advisory Council

Appointment of Chairperson and Members

PURSUANT to section 25H of the *Fair Trading Act 1987* and Schedule 4A thereto, I hereby appoint the following person as a member of the Property Services Advisory Council:

- Colin Tate

This appointment expires 31 January 2005.

Dated this 30th day of June 2003.

REBA MEAGHER, M.P.,  
Minister

### ROYAL BOTANIC GARDENS AND DOMAIN TRUST ACT 1980

Appointment

Royal Botanic Gardens And Domain Trust

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 6 of the Royal Botanic Gardens and Domain Trust Act 1980, has approved the appointment of Mr Greg Martin as a member of the Royal Botanic Gardens and Domain Trust from 1 July 2003 to 30 June 2007.

BOB DEBUS,  
Minister for the Environment

## NSW Agriculture

### POULTRY MEAT INDUSTRY ACT 1986

#### PRICE ORDER NO. 32

THE Poultry Meat Industry Committee, pursuant to Sections 6 §c and 10 of the Poultry Meat Industry Act 1986, has determined on 16 June 2003, the base rates for classes of batch poultry to be paid by processors to growers for designated poultry, namely chickens of the species *Gallus gallus* which are not more than 18 weeks old, from 1 January 2003, being the base rate adjustment date from which this order has effect, being base rates as follows, based on the requirements of Section 10 §4c of the Act.

#### **Baiada Poultry Pty. Ltd,**

Sydney class of batch poultry: 54.31 cents per bird.  
 Tamworth class of batch poultry: 49.60 cents per bird.

#### **Bartter Enterprises Pty. Ltd:**

Tunnel shed class of batch poultry: 55.17 cents per bird.  
 Conventional shed class of batch poultry: 55.17 cents per bird.

#### **Cordina Chicken Farms Pty. Ltd/Summertime Chicken Pty Ltd:**

Tunnel shed class of batch poultry: 53.5 cents per bird.  
 Conventional shed class of batch poultry: 52.5 cents per bird.

#### **Inghams Enterprises Pty. Ltd:**

Southern tunnel shed class of batch poultry: 53.5 cents per bird.  
 Northern tunnel shed class of batch poultry: 55.17 cents per bird  
 Conventional shed class of batch poultry: 55.17 cents per bird.

#### **Narex Australia Pty. Ltd**

Combined class of batch poultry: 54.31 cents per bird.  
 Red Lea Chickens Pty. Ltd class of batch poultry.  
 Combined class of batch poultry: 53.0 cents per bird.

#### **Sunnybrand Chickens Pty. Ltd:**

Tunnel shed class of batch poultry: 52.4 cents per bird.  
 Conventional shed class of batch poultry: 55.0 cents per bird.

B. BUFFIER,  
 Chairman, PMIC

16th June 2003.

### EXOTIC DISEASES OF ANIMALS ACT 1991

#### Revocation of Orders with respect to the exotic disease Newcastle Disease

I, Richard Fredrick Sheldrake, being the person holding the office of Director-General under the *Exotic Diseases of Animals Act 1991*, in accordance with the powers delegated to me by the Minister for Agriculture under section 67 of the *Exotic Diseases of Animals Act 1991*, do hereby revoke all the orders in respect of an outbreak of the exotic disease Newcastle Disease on 26 October 2002, including:

- A. Certification that an outbreak of the exotic disease, Newcastle Disease exists in the State made on 26 October 2002 published in Government Gazette No 196 on 29 October 2002, p.9277;

- B. Cumberland Control Area declared by me on 26 October 2002 published in Government Gazette No 196 on 29 October 2002, p.9278.  
 C. Restricted area declared by me on 2 December 2002 published in Government Gazette No 255 on 13 December 2002, p.10640;  
 D. And any Orders revived as a result of the revocation of the above Orders.

R. F. SHELDRAKE,  
 Director-General

Dated: 4th July 2003.

### STOCK DISEASES ACT 1923

#### Notification No. 1773-OJD

Declaration of a Quarantine Area on account of Johne's  
 disease in sheep  
 (the NSW OJD Management Area)

I, IAN MACDONALD MLC, Minister for Agriculture and Fisheries, pursuant to sections 3(2)(a) and 10 of the Stock Diseases Act 1923 ("the Act"):

- (a) REVOKE Notification No. 1768 published in the Government Gazette No. 14 of 17 January 2003 at page 291 declaring land to be a quarantine area on account of the presence or suspected presence of Johne's disease in sheep where the land forms part of the land described in the Schedule (the NSW OJD Management Area); and  
 (b) DECLARE the land described in the Schedule to be a quarantine area on account of the presence or suspected presence of Johne's disease in sheep.

#### SCHEDULE

The area of land in New South Wales that does not form part of the Protected Area or Protected (Control) Area declared by Notification made from time to time pursuant to section 11A of the Act as regards Johne's disease in sheep.

#### **Note:**

1. It is an offence under section 20C(1)(c) of the Act to move any of the stock or cause or permit any of the stock to be moved into, within or out of a quarantine area, unless they are moved in accordance with a permit under section 7(6) or an order under section 8(1)(b) or section 14(4), or when all of the conditions set out in section 20C(3) are satisfied.
2. The course of action to be taken by the owner or occupier of the land in the quarantine area or the owner or person in charge of the stock in the NSW OJD Management Area shall be as ordered by an inspector.
3. This declaration will be reviewed within 12 months of its making.

Dated this 9th day of July 2003.

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



**STOCK DISEASES ACT 1923**

NOTIFICATION No. 1774-OJD

Declaration of a Protected Area and of a Protected (Control) Area, as regards Johne's disease in sheep (commonly known as ovine Johne's disease or OJD)

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

- A. pursuant to Section 3(2)(a) and 11A of the Stock Diseases Act 1923 ("the Act") revoke Stock Diseases Notification No. 1736-OJD published in Government Gazette No. 154 of 27 September 2002 at pages 8404-8407; and
- B. pursuant to Section 11A of the Act:
- I. declare the lands described in the Schedule 1 to be a Protected Area, and the lands described in Schedule 2 to be a Protected (Control) Area, as regards Johne's disease in sheep (commonly known as ovine Johne's disease); and
  - II. prohibit the bringing into the Protected Area of any sheep from any part of the Protected (Control) area unless:
    - (a) the sheep are transported in a vehicle directly to:
      - an abattoir, where the sheep are slaughtered, or
      - a slaughter-only sale, or
      - an approved feedlot, or
      - the same or another part of the Protected (Control) Area area; or
    - (b) the sheep:
      - originate from a market assured flock, and
      - have not subsequently lost their market assured status, and
      - are transported in a vehicle; directly into the Protected Area, and
      - are accompanied by a completed Declaration form, indicating details of the market assured status-, which is given to the person to whom the sheep are delivered; or
    - (c) the sheep:
      - originate from a nil assurance flock that has been subjected to an approved test with negative results, and
      - are transported in a vehicle directly into the Protected Area, and
      - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the sheep are delivered; or
    - (d) the sheep:
      - originate from a flock in one part of the Protected Area, and
      - are transported through the Protected (Control) Area in a vehicle directly into the same or another part of the Protected Area; or
    - (e) the sheep are from a flock:
      - in a Protected Area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or
  - III. prohibit the bringing into the Protected Area of any sheep from any part of the residual area unless:
    - (a) the sheep are transported in a vehicle directly to:
      - an abattoir, where the sheep are slaughtered, or
      - a slaughter-only sale, or
      - an approved feedlot, or
      - the same or another part of the residual area; or
    - (b) the sheep:
      - originate from a market assured flock (other than a flock with the status of MN1), and
      - have not subsequently lost their market assured status, and
      - are transported in a vehicle directly into the Protected Area, and
      - are accompanied by a completed Declaration form, indicating details of the market assured status, which is given to the person to whom the sheep are delivered; or
    - (c) the sheep:
      - originate from a flock in one part of the Protected Area, and
      - are transported through the residual area in a vehicle directly into the same or another part of the Protected Area; or
    - (d) the sheep are from a flock:
      - in a Protected Area and are transported in a vehicle directly to and from an approved facility in a residual area; or
      - in a residual area and are transported in a vehicle directly to and from an approved facility in a Protected Area; or
    - (e) the sheep are moved in accordance with:
      - a written permit issued by an inspector under section 7(6) of the Stock Diseases Act 1923; or
      - an order in writing given by an inspector under section 8(1)(b) of the Stock Diseases Act 1923; or
      - the conditions of an undertaking instead of quarantine under section 11 of the Stock Diseases Act 1923; or
      - an order of course of action by an inspector under section 14(4) of the Stock Diseases Act 1923; and

IV. prohibit the bringing into the Protected (Control) Area of any sheep from any part of the residual area unless:

- (a) the sheep are transported in a vehicle directly to:
  - an abattoir, where the sheep are slaughtered, or
  - a slaughter-only sale, or
  - an approved feedlot, or
  - the same or another part of the residual area; or
- (b) the sheep are crossbred wether lambs and are moved under circumstances approved from time to time by the Chief Division of Animal Industries; or
- (c) the sheep:
  - originate from a market assured flock, and
  - have not subsequently lost their market assured status, and
  - are transported in a vehicle, directly into the Protected (Control) Area, and
  - are accompanied by a completed Declaration form, indicating details of the market assured status, which is given to the person to whom the sheep are delivered; or
- (d) the sheep:
  - originate from a nil assurance flock that has been subjected to an approved test with negative results, and
  - are transported in a vehicle, directly into the Protected (Control) Area, and
  - are accompanied by a completed Declaration form, indicating those results, which is given to the person to whom the sheep are delivered; or
- (e) the sheep:
  - originate from a flock in one part of the Protected (Control) Area, and
  - are transported through the residual area in a vehicle directly into the same or another part of the Protected (Control) Area; or
- (f) the sheep are from a flock:
  - in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in a residual area; or
  - in a residual area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or
- (g) the sheep are moved in accordance with:
  - a written permit issued by an inspector under section 7(6) of the Stock Diseases Act 1923; or
  - an order in writing given by an inspector under section 8(1)(b) of the Stock Diseases Act 1923; or
  - the conditions of an undertaking instead of quarantine under section 11 of the Stock Diseases Act 1923, or
  - an order of course of action by an inspector under section 14(4) of the Stock Diseases Act 1923.

## Definitions

In this Notification:

**approved facility** means a facility that is approved from time to time by a District Veterinarian;

**approved feedlot** means a feedlot that transports all its stock directly to slaughter, and is authorised from time to time in writing by the Chief, Division of Animal Industries;

**approved test** means a test that is approved from time to time by the Chief, Division of Animal Industries;

**crossbred wether lamb** means a sheep that is the progeny of a mating between an Australian merino and a non-merino dam or sire, and is a desexed male, and has not cut its permanent teeth;

**Declaration form** means a Declaration of Johne's disease status form as approved from time to time by the Chief, Division of Animal Industries;

**directly** means without off-loading sheep from a vehicle en route;

**flock** means a group of animals maintained as a discrete unit;

**market assured** means:

- monitored negative, MN1, MN2 or MN3, which have the same meaning as in the Australian Johne's Disease Market Assurance Program for Sheep published from time to time by Animal Health Australia, 26-28 Napier Close, Deakin ACT 2600; or
- a status that is assigned in accordance with conditions approved from time to time by the Chief, Division of Animal Industries;

**nil assurance** with respect to a flock, means a flock that does not have the status of infected, restricted, suspect or market assured, or that is not in quarantine on account of Johne's disease;

**Protected Area** means the Protected Area referred to in Schedule 1;

**Protected (Control) Area** means the Protected (Control) Area referred to in Schedule 2;

**residual area** means the area in New South Wales which does not form part of the Protected Area or the Protected (Control) Area;

**restricted** has the same meaning as in the National Johne's Disease Program Standard Definitions and Rules for Sheep, as approved from time to time by the Veterinary Committee of the Primary Industries Standing Committee;

**slaughter-only sale** means a sale of stock that is held in accordance with the written approval of a Senior Field Veterinary Officer under section 20B(3)(b) or 20C(3)(b) of the Stock Diseases Act 1923;

## SCHEDULE 1

### PROTECTED AREA

The whole of the lands contained in:

- the Armidale, Balranald, Bombala, Bourke, Brewarrina, Broken Hill, Casino, Cobar, Condobolin, Coonabarabran, Coonamble, Dubbo, Gloucester, Grafton, Hay, Hillston, Hunter, Kempsey, Maitland, Milparinka, Moree, Mudgee-Merriwa, Narrabri, Narrandera, Northern New England, Northern Slopes, Nyngan, Riverina, South Coast, Tamworth, Tweed-Lismore, Walgett, Wanaaring, Wentworth, and Wilcannia Rural Lands Protection Districts; and

- Divisions A, B and D of the Moss Vale Rural Lands Protection District; and
- that part of the Murray Rural Lands Protection District generally west and north of a line commencing at a point on the southern boundary of the District at Mulwala where it intersects with Melbourne Road, thence northerly by that road to its intersection with Corowa Road, Mulwala, thence by that road to its intersection with Spring Drive, thence by that road to its intersection with Bull Plain Road, and thence by that road to its intersection with Rennies Road, thence by that road to its intersection with the boundary of Division B, thence by that boundary to its intersection with Bonnie Doon Road, thence easterly by that road through Coorabin to its intersection with the Daysdale-Urana Road, thence by that road to its intersection with the Urana-Lockhart Road at Urana, thence by that road to where it becomes the Lockhart-Collingullie Road at Lockhart, and thence by that road to its intersection with the eastern boundary of the District; and
- Divisions A, C and D of the Wagga Wagga Rural Lands Protection District, and that part of Division B north of a line commencing at the intersection of the northern boundary of the District with the Barmedman-Temora Road, thence generally south-easterly by that road to its intersection with the Temora-Young Road at Temora, thence generally north-easterly by that road to its intersection with the eastern boundary of the District; and
- that part of the Young Rural Lands Protection District west of the Stockinbingal-Forbes railway line.

## SCHEDULE 2

### PROTECTED (CONTROL) AREA

The whole of the lands contained in:

- the Cooma, Forbes, Gundagai, Hume, and Molong Rural Lands Protection Districts; and
- those parts of the Moss Vale, Murray and Wagga Wagga Rural Lands Protection Districts that do not form part of the Protected Area; and
- the Braidwood Rural Lands Protection District, excluding:
  - the Parishes of Werriwa and Ellenden; and
  - that part of the Parish of Lake George east of a line commencing at the point where north-western corner of Lot 9 in DP754891 meets the Parish boundary, thence southerly by the western boundary of Lot 9 to where it meets the south-eastern corner of Lot 6 in DP859008, thence southerly by the eastern boundaries of Lots 7, 8, 10 and 199 in DP859008, and Lots 12, 13, 14, 15, 16, 17, 18 and 19 in DP754891 to the point where that lot meets the Parish boundary; and
  - that part of the Parish of Currandooly generally north of a line commencing at the point on the Parish boundary where Lot L in DP157545 meets the eastern boundary of Lot 19 in DP754891, thence easterly to the point where that lot meets the northern boundary of Lot 82 in DP754876, thence by that boundary, north-easterly and then south-easterly to where it meets the Bungendore-Tarago Road, thence south-westerly by that road to the south western corner of Lot 1 in DP 986065, thence easterly by the southern boundaries of that lot and of Lots 44 and 8 in DP754876 and of Lot 1 in DP 880087 to the south-eastern corner of that lot where it meets the Goulburn-Bombala railway line, thence north-easterly by that railway line to where it meets Butmaroo Creek (also known as Deep Creek), thence south-easterly by that creek to its intersection with the Kings Highway, thence easterly by that Highway to where it meets the boundary of the Parish of Currandooly, thence by that Parish boundary to where it meets the north-eastern corner of Lot 91 in DP754876, thence west by the northern boundary of Lot 91 to where it meets the eastern boundary of Lot 77, thence northerly by the eastern boundaries of Lot 77 and 76 in DP754876 to the north-eastern corner of Lot 76, thence westerly to the Goulburn-Bombala railway line, thence generally north-easterly by that railway line to where it meets the boundary of the Parish of Currandooly; and
- that part of the Parish of Merigan commencing at a point where the Goulburn-Bombala railway line meets the Parish boundary, thence by that Parish boundary to the north-eastern boundary of Lot 4 in DP258171, to the south-eastern corner of Lot 26 in DP250880, thence northerly by the eastern boundary of that lot and of Lots 293 and 141 in DP754894 to the Mount Fairy Road, and thence easterly by that road to where it meets the boundary of the Braidwood Rural Lands Protection District; and
- that part of the Parish of Barnet generally north of a line commencing at the point where the north-eastern corner of Lot 78 in DP754894 meets the Parish boundary and Braidwood Road, thence southerly by that road to the south-western corner of Lot 18 in DP754867, thence easterly to the north-west corner of Lot 33 in DP754867, thence southerly to the south-west corner of Lot 33 in DP 754867, thence easterly by the southern boundaries of that lot and of Lot 68 in DP754867 to where that lot meets the boundary of Lot 40 in DP754867, thence easterly and southerly by the boundaries of that lot to the north-western corner of Lot 97 in DP754867, thence southerly and easterly by the southern and eastern boundaries of that lot to the south-west corner of Lot 45 in DP754867, thence easterly by the southern boundary of Lot 45 in DP754867 to where it meets the western boundary of Lot 46 in DP754867, thence southerly by the boundary of that lot to where it meets the northern boundary of Lot 146 in DP754867, thence westerly, southerly and easterly by the boundaries of that lot to the south-eastern corner of Lot 148 in DP754867, thence easterly and northerly by the boundaries of Lots 148 in DP754867, Lot 48 DP754867 and Lot 177 in DP754867 to the boundary of Lot 178 in DP44403, thence easterly and northerly by the boundary of that lot to the boundary of Lot 179 in DP44403, thence northerly by the eastern boundary of that lot to the boundary of Lot 178 in DP44403, thence northerly by the eastern boundaries of Lot 178 in DP44403 and of Lot 4 in DP864052, across the Tarago-Braidwood Road, and northerly by the eastern boundary of Lot 2 in DP 852069 to the Parish boundary.

**Notes**

- It is an offence under section 20H(1)(a) of the Act to contravene a provision of this Notification. Maximum penalty for such an offence is \$11,000.
- A Protected (Control) Area is an area with a moderate prevalence of a disease (section 11A(1A) of Act). This is different from a Protected Area, where there is a lower prevalence of a disease (section 11A(1B) of Act).
- A map of the Protected Area, Protected (Control) Area and the residual area as regards Johne's disease in sheep is published on the NSW Department of Agriculture internet web site at <http://www.agric.nsw.gov.au/jd/>
- A person who receives a completed Declaration form is advised to retain it as evidence of compliance with this Notification.
- Notification No. 1774-OJD is the NSW Department of Agriculture's reference.
- For further information, contact the NSW Department of Agriculture on (02) 63913691.

Dated 9th July 2003.

IAN MACONDALD, M.L.C.,  
NSW Minister for Agriculture and Fisheries



## NSW Fisheries

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

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

The Minister has renewed the following class 1 Aquaculture Leases:

OL88/004 within the estuary of Port Stephens, having an area of 2.1100 hectares to Mr Alan Lilley & Mr Colin Lilley of Swan Bay NSW, for a term of 15 years expiring on 26 November 2017.

OL73/415 within the estuary of Clyde River, having an area of 2.9264 hectares to Bay Rock Oysters of Nelligen NSW, for a term of 15 years expiring on 12 November 2018.

OL88/048 within the estuary of Clyde River, having an area of 0.6857 hectares to Audrey Thors of Batemans Bay NSW, for a term of 15 years expiring on 27 June 2017.

OL58/293 within the estuary of the Hawkesbury River, having an area of 14.108 hectares to Oystermens Pty Ltd of Camperdown, NSW, for a term of 15 years expiring on 14 November 2018.

OL57/173 within the estuary of Richmond River, having an area of 2.0027 hectares to Mr William Henry Steinhardt of Ballina, NSW, for a term of 15 years expiring on 20 May 2018.

OL72/306 within the estuary of Crookhaven River, having an area of 0.7042 hectares to Mr Edward William Allen of Greenwell Point, NSW, for a term of 15 years expiring on 11 May 2018.

OL72/276 within the estuary of Port Stephens, having an area of 0.2377 hectares to Donald Burgoyne & Mark Salm of Lemon Tree Passage NSW, for a term of 15 years expiring on 09 March 2018.

OL85/116 within the estuary of Port Stephens, having an area of 0.1315 hectares to Adrian Salm & Mark Salm of Lemon Tree Passage NSW, for a term of 15 years expiring on 08 March 2018.

OL87/182 within the estuary of Tweed River, having an area of 0.6750 hectares to Donald Burgoyne & Mark Salm of Lemon Tree Passage NSW, for a term of 15 years expiring on 14 February 2019.

OL56/047 within the estuary the of Hunter River, having an area of 0.9700 hectares to Mr Mark Hyde of Stockton, NSW, for a term of 15 years expiring on 18 March 2018

OL74/132 within the estuary of Wallis Lake, having an area of 0.5337 hectares to Robert Gralton, John Gralton & Alicia Gralton of Tuncurry, NSW, for a term of 15 years expiring on 02 May 2018.

OL85/140 within the estuary of Wallis Lake, having an area of 0.4535 hectares to Clift Oysters Pty Ltd of Tuncurry NSW, for a term of 15 years expiring on 08 March 2018.

OL89/049 within the estuary of Wallis Lake, having an area of 0.8512 hectares to Tadeven Pty Ltd of Tuncurry, NSW, for a term of 15 years expiring on 31 March 2019.

OL72/191 within the estuary of Shoalhaven River, having an area of 1.9161 hectares to Mr John Collison & Mrs Annette Collison of Myola, NSW, for a term of 15 years expiring on 27 January 2018.

OL57/042 within the estuary of the Hastings River, having an area of 0.7132 hectares to Mr Leonard Charles Girdler of Port Macquarie NSW, for a term of 15 years expiring on 15 April 2018.

OL58/116 within the estuary of Port Stephens, having an area of 2.1700 hectares to Mr Gregory James Bridge of Bangor, NSW, for a term of 15 years expiring on 25 March 2018.

STEVE DUNN,  
Director, NSW Fisheries

FC3654, F99/321

### FISHERIES MANAGEMENT ACT 1994

#### Section 11 Notification – Amendment of Fishing Closure

Merimbula Lake, Yowaka River, Pambula Lake/River,  
Twofold Bay, Merimbula Bay and Towamba River

I, Steve Dunn, amend the closure notification “Merimbula Lake, Yowaka River, Pambula Lake/River, Twofold Bay, Merimbula Bay and Towamba River” published in Government Gazette Number 139 of 10 December 1999 by removing the words “otter trawl nets (prawns)” in Column 1 of Schedule 5.

This amendment will be effective from the date of publication.

STEVE DUNN,  
Director, NSW Fisheries

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# Department of Infrastructure, Planning and Natural Resources

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## Planning



New South Wales

## **Blacktown Local Environmental Plan 1988 (Amendment No 182)**

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*. (P02/00500/S69)

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

Clause 1            Blacktown Local Environmental Plan 1988 (Amendment No 182)

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## **Blacktown Local Environmental Plan 1988 (Amendment No 182)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 182)*.

### **2 Aims of plan**

This plan aims to update and amend property descriptions for 7 heritage items listed in Schedule 2 to *Blacktown Local Environmental Plan 1988*.

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

This plan applies to the following land situated in the City of Blacktown:

- (a) Lots 17 and 18, Section R, DP 2161, Wallace Street, Blacktown,
- (b) Part of Lot 1, DP 1032672, Maley Grove, Glenwood,
- (c) Lot 120, DP 1039119, Bowmans Road, Kings Park,
- (d) Part of Lot 101, DP 1013737, Quakers Road, Marayong,
- (e) Part of Lot 201, DP 845114, Luxford Road, Mount Druitt,
- (f) Part of Lots 1–6, DP 1003771 and Lots 13–18, DP 1342, Garfield Road East, Riverstone,
- (g) Lots 1–9, CLP 509–3000, Garfield Road West, Riverstone.

### **4 Amendment of Blacktown Local Environmental Plan 1988**

*Blacktown Local Environmental Plan 1988* is amended as set out in Schedule 1.

Blacktown Local Environmental Plan 1988 (Amendment No 182)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 2 Heritage items

Omit “Lot 17” from the matter relating to property in Wallace Street, Blacktown.

Insert instead “Lots 17 and 18”.

### [2] Schedule 2

Omit “Old Windsor Road” from the matter relating to property in Glenwood.

Insert instead “Maley Grove”.

### [3] Schedule 2

Omit “Lot 12, DP 878160” from the matter relating to property in Bowmans Road, Kings Park.

Insert instead “Lot 120, DP 1039119”.

### [4] Schedule 2

Omit “Part of Lot 1, DP 776855” from the matter relating to property in Quakers Road, Marayong.

Insert instead “Part of Lot 101, DP 1013737”.

### [5] Schedule 2

Omit the matter relating to the property known as *Malmo* in Mount Druitt.

### [6] Schedule 2

Insert before the matter relating to the property known as the former Mount Druitt Stationmaster’s Residence, Mount Druitt Road, Mount Druitt:

House—*Malmo*—Part of Lot 201, DP 845114, Luxford Road

### [7] Schedule 2

Omit “DP 100377” from the matter relating to a convent in Garfield Road East, Riverstone.

Insert instead “DP 1003771”.



Blacktown Local Environmental Plan 1988 (Amendment No 182)

Schedule 1      Amendments

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**[8] Schedule 2**

Insert “Lots 1–9, CLP 509–3000,” after “*Riverstone General Cemetery*—” in the matter relating to property in Garfield Road West, Riverstone.



New South Wales

## **Blacktown Local Environmental Plan 1988 (Amendment No 183)**

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*. (P02/00677/S69)

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

Clause 1            Blacktown Local Environmental Plan 1988 (Amendment No 183)

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## **Blacktown Local Environmental Plan 1988 (Amendment No 183)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 183)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to Special Uses (Church and School) under *Blacktown Local Environmental Plan 1988* so as to allow the carrying out of development on the land for church and school purposes.

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

This plan applies to Lots 129–131, DP 577112 and Lots 2 and 3, DP 238425, located between Luxford Parade, Emert Parade and Weber Crescent, Emerton, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 183)” deposited in the office of the Council of the City of Blacktown.

### **4 Amendment of Blacktown Local Environmental Plan 1988**

*Blacktown Local Environmental Plan 1988* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Blacktown Local Environmental Plan 1988 (Amendment No 183)



## Blue Mountains Local Environmental Plan No 148

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00097/S69)

DIANE BEAMER, M.P.,  
Minister for Planning

Clause 1            Blue Mountains Local Environmental Plan No 148

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## **Blue Mountains Local Environmental Plan No 148**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Blue Mountains Local Environmental Plan No 148*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to enable its use for recreation purposes.

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

This plan applies to Lots 1 and 2, DP 945558 and Lot 92, DP 7290, having frontage to Noble Street, Bullaburra, as shown edged heavy black on the map marked "Blue Mountains Local Environmental Plan No 148" deposited in the office of the Council of the City of Blue Mountains.

### **4 Amendment of Blue Mountains Local Environmental Plan No 4**

*Blue Mountains Local Environmental Plan No 4* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Blue Mountains Local Environmental Plan No 148



New South Wales

## **Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct (Amendment No 6)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/02646/S69)

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

Clause 1 Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct  
(Amendment No 6)

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## **Canterbury Local Environmental Plan No 178— Belmore—Lakemba Precinct (Amendment No 6)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct (Amendment No 6)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to rezone the land to which this plan applies to the Residential “C” Zone under *Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct*, and
- (b) to minimise the impact of noise on any residential development of the land.

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

This plan applies to land known as 684 Canterbury Road, Belmore, being Lot 2, DP 1028956, as shown coloured light scarlet with red edging and lettered “2 (c)” on the map marked “Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct (Amendment No 6)” deposited in the office of Canterbury City Council.

### **4 Amendment of Canterbury Local Environmental Plan No 178— Belmore—Lakemba Precinct**

*Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct* is amended as set out in Schedule 1.

Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct  
(Amendment No 6)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Terms used in the plan

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

Canterbury Local Environmental Plan No 178—Belmore—  
Lakemba Precinct (Amendment No 6)

### [2] Clause 30A

Insert after clause 30:

#### **30A Residential development of land—684 Canterbury Road, Belmore**

- (1) This clause applies to 684 Canterbury Road, Belmore, being Lot 2, DP 1028956, as shown coloured light scarlet with red edging and lettered “2 (c)” on the map marked “Canterbury Local Environmental Plan No 178—Belmore—Lakemba Precinct (Amendment No 6)” deposited in the office of the Council.
- (2) Despite any other provision of this plan, the Council must not grant consent to development of the land to which this clause applies for residential purposes unless it is satisfied that appropriate measures are in place to minimise the impact of noise.





## **Kempsey Local Environmental Plan 1987 (Amendment No 85)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G02/00158/S69)

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

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 85)

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## **Kempsey Local Environmental Plan 1987 (Amendment No 85)**

under the

**Environmental Planning and Assessment Act 1979**

### **1 Name of plan**

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 85)*.

### **2 Aims of plan**

This plan aims to allow, with the consent of Kempsey Shire Council, the carrying out of development on the land to which this plan applies for the purpose of a public building.

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

This plan applies to Lots 1, 2, 12 and 13, DP 759080, Queen Street, South Kempsey, as shown edged heavy black on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 85)" deposited in the office of Kempsey Shire Council.

### **4 Amendment of Kempsey Local Environmental Plan 1987**

*Kempsey Local Environmental Plan 1987* is amended inserting at the end of the Schedule to clause 37, in Columns 1 and 2, respectively, the following matter:

Lots 1, 2, 12 and 13, DP 759080, Queen Street, South Kempsey, as shown edged heavy black on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 85)".	Public building.
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## **Maitland Local Environmental Plan 1993 (Amendment No 69)**

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*. (N02/00183/S69)

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

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 69)

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## Maitland Local Environmental Plan 1993 (Amendment No 69)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 69)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 1 (b) Secondary Rural Land to partly Zone 1 (c) Rural Small Holdings and partly Zone 2 (a) Residential under *Maitland Local Environmental Plan 1993*.

### 3 Land to which plan applies

This plan applies to land in the City of Maitland, being Lot 1, DP 200772, Lot 1, DP 631323 and part of Lot 3, DP 150052, Mt Vincent Road, East Maitland, as shown edged heavy black and lettered "1 (c)" or "2 (a)" on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 69)" deposited in the office of the Maitland City Council.

### 4 Amendment of Maitland Local Environmental Plan 1993

*Maitland Local Environmental Plan 1993* is amended by inserting in appropriate order in the definition of *The map* in clause 5 (1) the following words:

Maitland Local Environmental Plan 1993 (Amendment No 69)



## **Marrickville Local Environmental Plan 2001 (Amendment No 18)**

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*. (S03/00189/S69)

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

Clause 1           Marrickville Local Environmental Plan 2001 (Amendment No 18)

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## **Marrickville Local Environmental Plan 2001 (Amendment No 18)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Marrickville Local Environmental Plan 2001 (Amendment No 18)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies from the Light Industrial 4 (B) zone to the Residential 2 (C) zone under *Marrickville Local Environmental Plan 2001*, and
- (b) to broaden, with the consent of Marrickville Council, the range of permissible uses of the land to include a shop, and
- (c) to set controls on the use of the land, and
- (d) to promote the economic use of the land.

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

This plan applies to land situated in the local government area of Marrickville, being Lot C, DP 390829 and Lot 115, DP 831684, known as 115–117 Constitution Road, Dulwich Hill, as shown coloured pink with red edging and lettered “2 (C)” on the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 18)—Zoning Map” deposited in the office of Marrickville Council.

### **4 Amendment of Marrickville Local Environmental Plan 2001**

*Marrickville Local Environmental Plan 2001* is amended as set out in Schedule 1.

Marrickville Local Environmental Plan 2001 (Amendment No 18)

Amendments

Schedule 1

## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 1 Definitions

Insert in appropriate order in the definition of *the additional uses development and site specific development controls map*:

Marrickville Local Environmental Plan 2001 (Amendment No 18)—Additional Uses Development and Site Specific Development Controls Map

### [2] Schedule 1, definition of “the map”

Insert in appropriate order:

Marrickville Local Environmental Plan 2001 (Amendment No 18)—Zoning Map

### [3] Schedule 2 Additional uses development and site specific development controls

Insert before the matter relating to 1–3 Coronation Avenue, Petersham, in Columns 1 and 2, respectively:

**115–117 Constitution Road, Dulwich Hill**

Lot C, DP 390829 and Lot 115, DP 831684, as shown coloured magenta on the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 18)—Additional Uses Development and Site Specific Development Controls Map”.

The *additional uses development* for the purpose of one shop only, but only if the gross floor area of the shop will not exceed 60 square metres.

Development for the purpose of a residential flat building (whether or not the residential flat building includes the shop referred to in this item), but only if the following *site specific development controls* are complied with:

- (a) the floor space ratio of all buildings on the land will not exceed 1.24:1,
- (b) the total number of dwellings does not exceed 95,
- (c) the residential flat building to be erected on the Denison and Constitution Roads boundaries will not exceed 2 storeys in appearance (plus attic), with appropriate transitions at the south-western and north-western ends of the building to one storey in appearance (plus attic),

## Marrickville Local Environmental Plan 2001 (Amendment No 18)

Schedule 1      Amendments

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- (d) the residential flat building to be erected adjacent to railway land on the western boundary of the site will not exceed 3 storeys in appearance (plus attic), with appropriate transitions at the southern and northern ends of the building to 2 storeys in appearance (plus attic), then to one storey in appearance (plus attic).





## Ryde Local Environmental Plan No 131

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01588/S69)

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

Clause 1 Ryde Local Environmental Plan No 131

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## **Ryde Local Environmental Plan No 131**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Ryde Local Environmental Plan No 131*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from Open Space: Recreation Private to Residential “C1” under the *Ryde Planning Scheme Ordinance* for the purpose of medium density housing.

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

This plan applies to land known as 724–732 Victoria Road, Ryde, being Lot 65 and part of Lot 64, DP 30343, as shown coloured light scarlet, with dark red edging and lettered “2 (c1)” on the map marked “Ryde Local Environmental Plan No 131” deposited in the office of Ryde City Council.

### **4 Amendment of Ryde Planning Scheme Ordinance**

The *Ryde Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of *scheme map* in clause 3 (1) the following words:

Ryde Local Environmental Plan No 131

## **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)**

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*. (W00/00053/PC)

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

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Clause 1 City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

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## City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

### 1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)*.

### 2 Aims of plan

- (1) This plan aims to reclassify part of the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.
- (2) This plan also aims to rezone part of the land to which this plan applies so as to correct a zoning anomaly for certain land at Berrara, Conjola and Sussex Inlet.
- (3) This plan incidentally makes more extensive provisions in *City of Shoalhaven Local Environmental Plan 1985* for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

### 3 Land to which plan applies

This plan applies to certain land situated in Bamarang, Bangalee, Berrara, Burrier, Cambewarra, Conjola, Coolangatta, Longreach, Mundamia, North Nowra, St Georges Basin, Shoalhaven Heads, Sussex Inlet, Vincentia and Yatte Yattah, as shown edged heavy black on Sheets 1 and 2 of the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)" deposited in the office of Shoalhaven City Council.

### 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 196)

Amendments

Schedule 1

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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 196)—Sheet 2

### [2] Clause 55

Omit the clause. Insert instead:

#### **55 Classification and reclassification of public land as operational land**

- (1) The public land described in Schedule 11 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 11.
- (3) Land described in Part 2 of Schedule 11:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 11, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 11.

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

Schedule 1 Amendments

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- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 11, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 11, the Governor approved of subclause (4) applying to the land.

**[3] Schedule 11 Classification and reclassification of public land as operational land**

Insert after the heading to the Schedule:

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

**[4] Schedule 11, Parts 2 and 3**

Insert at the end of the Schedule:

**Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—no interests changed**

Column 1	Column 2
Locality	Description
<b>Bamarang</b>	
Yalwal Road	Lot 1, DP 787799

## City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

Amendments

Schedule 1

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
<b>Bangalee</b>	
Illaroo Road	2,017 square metre parcel of land reserved for Nowra water supply UPN69271, as shown edged heavy black on Sheet 1 of the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)"
<b>Berrara</b>	
Lakeland Avenue	Lots 1 and 2, DP 777354
<b>Burrier</b>	
Burrier Road	Lot 1, DP 771231
<b>Cambewarra</b>	
Tannery Road	Lot 1, DP 919211
<b>Coolangatta</b>	
Northview Close	Lot 20, DP 844288
<b>Longreach and Mundamia</b>	
Flatrock Road	Lot 1, DP 870268
<b>North Nowra</b>	
Coconut Drive	Lot 160, DP 844155
<b>St Georges Basin</b>	
Deane Street	Lot 51, DP 835254
<b>Shoalhaven Heads</b>	
Scott Street	Lot 30, DP 848048

## City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

Schedule 1 Amendments

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
<b>Sussex Inlet</b>	
Medlyn Avenue	Lot 169, DP 726741
The Springs Road	Lot 171, DP 726741
The Springs Road	Lot 1, DP 865961
<b>Vincentia</b>	
Moona Creek Road	Lot 3, DP 816315
<b>Yatte Yattah</b>	
Pointer Road	Lot 16, DP 847482

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Trusts etc not discharged</b>





## **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 197)**

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*. (W02/00038/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 197)

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## **City of Shoalhaven Local Environmental Plan 1985 (Amendment No 197)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 197)*.

### **2 Aims of plan**

This plan aims to reclassify the land to which this plan applies from community to operational land within the meaning of the *Local Government Act 1993*.

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

This plan applies to land situated in the City of Shoalhaven, being Lot 11, DP 866737, Moss Vale Road, Kangaroo Valley, as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 197)" deposited in the office of the Council of the City of Shoalhaven.

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

The *City of Shoalhaven Local Environmental Plan 1985* is amended by inserting in alphabetical order of locality in Part 2 of Schedule 11, in Columns 1 and 2, respectively, the following matter:

**Kangaroo Valley**

Moss Vale Road

Lot 11, DP 866737



## **Willoughby Local Environmental Plan 1995 (Amendment No 50)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01906/S69)

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

Clause 1 Willoughby Local Environmental Plan 1995 (Amendment No 50)

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## **Willoughby Local Environmental Plan 1995 (Amendment No 50)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Willoughby Local Environmental Plan 1995 (Amendment No 50)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone 6 (a) (the Open Space “A” (Existing Recreation) Zone) to Zone 2 (a) (the Residential “A” Zone) under *Willoughby Local Environmental Plan 1995 (the 1995 plan)*, and
- (b) to rezone part of the land from partly Special Uses “A” (Post Office) and partly Zone 3 (d) (the Neighbourhood Business Zone) to Special Uses “A” (Car Park) under the 1995 plan, and
- (c) to rezone part of the land from Zone 6 (b) (the Open Space “B” (Proposed Recreation Reservation) Zone) to Zone 2 (a) under the 1995 plan, and
- (d) to rezone part of the land from Zone 6 (c) (the Open Space “C” (Regional Open Space Reservation) Zone) to Zone 6 (a) under the 1995 plan, and
- (e) to rezone part of the land from partly Zone 6 (c) and partly Zone 2 (a2) (the Residential “A2” Scenic Protection Zone) to Zone 6 (a) under the 1995 plan, and
- (f) to set a minimum allotment size of 550 square metres for subdivided allotments of part of the land, being the land to be rezoned to Zone 2 (a) as referred to in paragraphs (a) and (c).

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### 3 Land to which plan applies

- (1) To the extent that this plan rezones part of the land to which this plan applies from Zone 6 (a) to Zone 2 (a), it applies to Lots 24 and 25, DP 20044, known as 6–8 Warners Avenue, Willoughby, as shown coloured light scarlet on Sheet 1 of the map marked “Willoughby Local Environmental Plan 1995 (Amendment No 50)” deposited in the office of Willoughby City Council.
- (2) To the extent that this plan rezones part of the land from partly Special Uses “A” (Post Office) and partly Zone 3 (d) to Special Uses “A” (Car Park), it applies to Lots 10 and 11, DP 15437, known as 77 Edinburgh Road, Castlecrag, as shown coloured yellow with a red lettered “P” on Sheet 1 of that map.
- (3) To the extent that this plan rezones part of the land from Zone 6 (b) to Zone 2 (a), it applies to Lots 61–63, DP 12434, known as 11–15 Raeburn Avenue, Castlecrag, as shown coloured light scarlet on Sheet 1 of that map.
- (4) To the extent that this plan rezones part of the land from Zone 6 (c) to Zone 6 (a), it applies:
  - (a) to part of Lot 2, DP 213146, known as part of 209 Edinburgh Road, Castlecrag, part of Lots 14 and 15, DP 4233, known as part of 241–243 and 245–247 Edinburgh Road, Castlecrag, as shown coloured dark green on Sheet 2 of that map, and
  - (b) to Lot 1, DP 545369, known as the rear of 289–295 Edinburgh Road, Castlecrag, and part of Lot 1, DP 6689, known as part of 327 Edinburgh Road, Castlecrag, as shown coloured dark green on Sheet 3 of that map.
- (5) To the extent that this plan rezones part of the land from partly Zone 6 (c) and partly Zone 2 (a2) to Zone 6 (a), it applies to Lots 6–9, DP 8997, known as 317–323 Edinburgh Road, Castlecrag, and part of Lot 4, DP 6689, known as part of 333 Edinburgh Road, Castlecrag, as shown coloured dark green on Sheet 3 of that map.
- (6) To the extent that this plan sets a minimum allotment size of 550 square metres for subdivided allotments of part of the land, it applies to Lots 24 and 25, DP 20044, known as 6–8 Warners Avenue, Willoughby and Lots 61–63, DP 12434, known as 11–15 Raeburn Avenue, Castlecrag, as shown edged heavy black on Sheet 4 of that map.

Clause 4            Willoughby Local Environmental Plan 1995 (Amendment No 50)

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**4    Amendment of Willoughby Local Environmental Plan 1995**

*Willoughby Local Environmental Plan 1995* is amended as set out in Schedule 1.

Willoughby Local Environmental Plan 1995 (Amendment No 50)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

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

Willoughby Local Environmental Plan 1995 (Amendment  
No 50)—Sheets 1–3

### [2] Clause 15 Minimum allotment sizes

Insert in appropriate order at the end of clause 15 (1):

Willoughby Local Environmental Plan 1995 (Amendment  
No 50)—Sheet 4



## Wingecarribee Local Environmental Plan 1989 (Amendment No 114)

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*. (Q02/00159/S69)

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



Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 114)

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## **Wingecarribee Local Environmental Plan 1989 (Amendment No 114)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is the *Wingecarribee Local Environmental Plan 1989 (Amendment No 114)*.

### **2 Aims of plan**

This plan aims:

- (a) to allow the community use of government-owned sites, and
- (b) to prohibit extraneous advertising structures on vehicles and trailers on all public land and roads within the Wingecarribee Shire.

### **3 Amendment of Wingecarribee Local Environmental Plan 1989**

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

Wingecarribee Local Environmental Plan 1989 (Amendment No 114)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 33

Omit the clause. Insert instead:

#### **33 Community use and other use of certain sites**

- (1) This clause does not apply to land zoned 6 (a) (Open Space (Existing Recreation) Zone) or 8 (a) (Existing National Parks and Nature Reserves Zone).
- (2) Where land to which this plan applies is owned by the State government or a council and is not used for the purposes of a school, college or other educational establishment, the land may, with the consent of the council:
  - (a) be used by a non-profit community organisation for a community use for no more than 12 days in any calendar year, or
  - (b) be used for a commercial operation for no more than one day in any calendar year.
- (3) Where land to which this plan applies is used for the purposes of a school, college or other educational establishment, the land may, with the consent of the council:
  - (a) be used for a community use, or
  - (b) be used for a commercial operation, or
  - (c) be developed for any community purpose, whether or not the development is ancillary to the purposes of a school, college or other educational establishment.
- (4) The council must not grant consent to development under this clause unless the council is satisfied:
  - (a) that there is an on-site effluent management system that has sufficient capacity to cater for peak loads generated by the development and that the system will operate effectively, and
  - (b) that stormwater run-off from the site will be appropriately collected and treated.
- (5) This clause applies despite any other provision of this plan.

Wingecarribee Local Environmental Plan 1989 (Amendment No 114)

Schedule 1 Amendments

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**[2] Clause 38**

Omit the clause. Insert instead:

**38 Advertising structures**

- (1) A person may, with the consent of the council, erect an advertising structure, but only if:
  - (a) the advertisement on or to be placed on the structure indicates or is to indicate the purpose for which the premises on the land are to be used, and
  - (b) the advertising structure will not interfere with the amenity of the area in which it will be located.
- (2) A person must not use any public land or a public road for the purpose of parking a vehicle or trailer that includes or carries an advertising structure that is extraneous to the vehicle, that is, a structure that is not a standard fitting on a vehicle or trailer of that kind and that protrudes or extends beyond the ordinary shape of the vehicle or trailer.

## Natural Resources

### WATER ACT 1912

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

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

#### *MURRAY RIVER VALLEY*

Anthony Craig and Robyn Ellen LOCKHART for two pumps on the Murray River on Lot 21 DP1015585, Parish of Milleu, County of Wakool, for water supply for stock purposes and irrigation (replacement licence due to permanent transfer and an increase in pump size) (GA2: 477276) (Ref: 50SL75574).

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

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

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

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

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### WATER ACT 1912

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

Applications for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

#### *MACQUARIE RIVER VALLEY*

TOPCOT PTY LIMITED for 2 pumps on the Macquarie River, Lots 7 and 9 DP753466, Lot 6 DP654219 and Lot 82 DP564036 and a diversion channel, regulator and a pump on the Bulgeraga Creek, Lots 42 and 43 DP46084, all Parish of Marebone, County of Gregory for irrigation of 935 hectares (summer and winter grains and cereals, cotton) (combining and replacing existing entitlement by way of permanent transfer) (80SL96096).

CUDGEGONG RIVER PARK TRUST for a pump on the Cudgegong River (Burrendong Dam), Part Lot 18 DP756872, Parish of Canning, County of Wellington for water supply for recreational purposes (replacing existing entitlement by way of permanent transfer) (80SL96097).

MILSTREAM PTY LIMITED for 3 pumps on the Macquarie River, Lots 1 and 9 DP755114 and Lot 11 DP831492, Parish of Minore, County of Narromine for water supply for stock purposes and irrigation of 17.14 hectares (lucerne, summer and winter grain and cereal) (combining and replacing existing entitlement by way of permanent transfer) (80SL96098).

THOMAS JAMES ROSE and LAURAINÉ JOYCE ROSE for 4 pumps on the Macquarie River, Lots 10 and 19 DP755114 and Lot 342 DP1012300, Parish of Minore, County of Narromine for irrigation of 79.25 hectares (summer and winter grains and cereal) (combining and replacing existing entitlement by way of permanent transfer) (80SL96099).

NEIL RAYMOND CALVERT AND ANNETTE CALVERT for a pump on the Macquarie River, Lots 105, 168 and 182 DP754321, Parish of Murrumbidgee, County of Lincoln for water supply for stock and domestic purposes and irrigation of 1.25 hectares (lucerne and oats) (replacing existing entitlement by way of permanent transfer) (80SL96100).

G and G SALMON PTY LIMITED for a pump on the Fish River, Lot 1 DP795073, Parish of Melrose, County of Roxburgh for irrigation of 60 hectares (improved pasture) (replacing existing entitlement due to increase in pump size) (80SL96103).

STEVEN KENNETH HOWLETT AND JENNIFER ANNE HOWLETT for a pump on the Gunningbar Creek, Lot 12 DP810430, Parish of Warren, County of Oxley for water supply for stock and domestic purposes and irrigation of 10.25 hectares (fodder) (partly replacing an existing authority) (80SL96104).

GEOFFREY CHARLES ANDERSON for a pump on the Gunningbar Creek, Lot 11 DP810430, Parish of Warren, County of Oxley for water supply for stock and domestic purposes and irrigation of 9 hectares (lucerne) (partly replacing an existing authority) (80SL96105).

APPLICATIONS for a new authority for Joint Water Supply under Section 20 for works within a proclaimed (declared) area as generally described hereunder have been received from:

CLIFFORD DONALD ELDER AND OTHERS for a pump on the Macquarie River, Lot 20 DP755281, Parish of Carual, County of Oxley for irrigation of 210.125 hectares (cotton, summer and winter grain and cereal) (combining and replacing existing entitlement by way of permanent transfer) (80SA10605).

TERRAMUNGAMINE WATER USERS ASSOCIATION (INC) for a pump on the Macquarie River, Easement within Lot 2 DP259359, Parish of Coolbaggie, County of Lincoln for water supply for stock and domestic purposes (replacing existing entitlement due to increase in pump size) (80SA10606).

DAVID GRANT WEST AND OTHERS for a dam and a pump on an Unnamed Watercourse, Lots 30 and 31 DP883649, Parish of Towac, County of Wellington for irrigation of 40.5 hectares (fruit trees) (replacing existing entitlement due to subdivision) (80SA10607).

AN APPLICATION for an amended authority for Joint Water Supply under section 20E (2) for works within a proclaimed (declared) area as generally described hereunder has been received from:

ALBERT PRIEST CHANNEL ASSOCIATION and OTHERS for a diversion channel on the Gunningbar Creek, Lot 4 DP848999, Parish of Warren, County of Oxley for water supply for stock, domestic, industrial and town water supply purposes and irrigation of 324 hectares (summer and winter

grains and cereals, fodder crops) (replacing existing entitlement to include additional lands to be irrigated) (80SA10599).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

Any enquiries regarding the above should be directed to the undersigned (telephone 68 842 560). GA2: 306591

FRED HUNDY  
Water Access Manager, Macquarie

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 717  
DUBBO NSW 2830

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### WATER ACT 1912

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

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

#### *MURRAY RIVER VALLEY*

CARRINGBUSH PTY LTD for a pump on the Colligen Creek on Lot 1 DP756342, Parish of Werai, County of Townsend, for water supply for stock purposes and irrigation (replacement licence due to permanent transfer) (GA2: 477275) (Ref: 50SL75571).

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

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

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

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

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### WATER ACT 1912

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

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

#### *MURRAY RIVER VALLEY*

Graeme Victor and Wendy Elizabeth DALTON for a pump on the Murray River on Lot 1675 DP763439, Parish of Windomal, County of Caira, for water supply for irrigation (replacement licence due to permanent transfer) (GA2: 477273) (Ref: 50SL75570).

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

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

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

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

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### WATER ACT 1912

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

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

#### *BARWON/DARLING RIVER VALLEY*

Ivan MATOTEK, Maria MATOTEK, John Ross MATOTEK and Robert Anthony MATOTEK for 1 pump on the Darling River, Lot 1/563683, Parish of Palinyewah, County of Wentworth, for irrigation of 23.50 hectares (Replacing a Licence with an Authority for a Joint Water Supply Scheme – no increase in commitment to Murray River storages) (Ref:60SA008564)

Ivan MATOTEK, Maria MATOTEK, John Ross MATOTEK and Robert Anthony MATOTEK for 1 pump on the Darling River, Lot 2/563683, Parish of Palinyewah, County of Wentworth, for irrigation of 23 hectares (Replacing a Licence with an Authority for a Joint Water Supply Scheme – no increase in commitment to Murray River storages) (Ref:60SA008565) (GA2:512571).

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

P. WINTON  
Natural Resource Project Officer  
Murray Region

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



**WATER ACT 1912**

AN APPLICATION for a licence under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5 (4) of the Act.

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

*LACHLAN RIVER VALLEY*

Ronald John and Carolyn Gay PIETSCH and NAWEENDA PTY LTD for 2 Pumps on Lachlan River on Lot 67 DP1019030 and Lot B DP33 169, Parish of Cumbijowa, County of Forbes, for Water supply for stock purposes and for irrigation of 263.5 hectares (new authority) (GA2:512506) (Ref:70SA009596).

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

D. THOMAS  
Senior Natural Resource Officer  
Water Access

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 136  
Forbes NSW 2871  
(02) 6852 1222

**WATER ACT 1912**

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

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

*MURRAY RIVER VALLEY*

NEIGHBOURHOOD ASSOCIATION DP285563 for a pump on the Murray River on part Lot 121 DP751 159, Parish of Moama, County of Cadell, for water supply for stock and domestic purposes and irrigation (replacement authority due to permanent transfer). (GA2: 477274) (Ref: 50SA6618).

Any enquiries regarding the above should be directed to the undersigned (Ph: [03] 5881 2122).

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

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

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

**WATER ACT 1912**

APPLICATIONS for licences under section 10 of the Water Act 1912, as amended, have been received from:

DARYL PHILIP LEVER for a diversion pipe on an Unnamed Watercourse Pt Mount Lindsay State Forest No. 542 and an off river storage Lot 23 DP 755750 all Parish Unumgar County Rous for conservation of water, water supply for stock, domestic, farming (dairy) purposes and to fill the off river storage for irrigation of 10 hectares (65 megalitres) (replacement application – additional work – no increase in authorised area or allocation) (Our Ref: 6135702 –GA2: 467894).

MARGARET ANNE MARGETTS and WILLIAM MICHAEL MARGETTS for a pump on Richmond River Lots 18 and 19 DP 755728 Parish North Codrington County Rous for irrigation of 30 hectares (180 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 613579B).

ANNETTE GAYLE STUCKEY and ROBERT JOHN STUCKEY for a dam, an excavation and a pump on an Unnamed Watercourse Lot 3 DP 772044 Parish Dunoon County Rous for conservation of water and water supply for farming (piggery) purposes and irrigation of 2 hectares (14 megalitres) (replacement application – additional work – no increase in authorised area or allocation) (Our Ref: 6136196).

NORTHERN CO-OPERATIVE MEAT COMPANY LIMITED for a pump on Richmond River Lot 2 DP 618548 Parish Kyogle County Rous and Lot 2 DP 739747 Parish North Casino County Rous for water supply for industrial (meat processing) purposes (100 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6136178).

BRYANTS HOLDINGS PTY LIMITED and T TREE PTY LIMITED for two pumps on Bungawalbin Creek Lots 1 and 4 DP 620109 Parish West Coraki County Richmond for water supply for Industrial (tea tree distilling) purposes and irrigation of 120 hectares (840 megalitres) (replacement application – additional pump and purpose – no increase in authorised area or allocation) (Our Ref: 612360A).

MARGARET CLARE GOOLEY and PHILIP JOHN GOOLEY for two pumps on Richmond River Lots 21, 33, 34, 35, 37, 38 and 39 DP 755728 Parish North Codrington County Rous for irrigation of 21 hectares (153 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6136345).

DIERDRE ELIZABETH MCGUIRE for a dam and a pump on an Unnamed Watercourse Lot 6 DP 1027815 Parish Mooball County Rous for conservation of water and water supply for stock and domestic purposes (new licence) (Our Ref: 6109142 –GA2: 467892).

ELIZABETH ANNE THOMSON and NEIL OSWALD THOMSON for two pumps on Rous River and Hopkins Creek Lot 4 DP 738252 Parish Chillingham County Rous for irrigation of 8 hectares (12 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6107231).

VICTOR PETERHANS and MIENRAD MEIER for a pump on Mann River Lot 11 DP 790566 Parish Cangai County Drake for water supply for Industrial (caravan park) purposes (2 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6136396 –GA2: 467890).

BERTRAM JOHN FIENNES WRIGHT and ALISON FIENNES ATTARD and MAXWELL GORDON BROWNING T/AS GOSTWYCK ESTATES for a dam and a pump on Julia Gully Lot 1 DP 227322 Parish Gostwyck County Sandon for conservation of water and water supply for stock and domestic purposes (new licence) (Our Ref: 6136363 – GA2: 467891).

ERIC JOHN DRAYTON and JILL DELORES DRAYTON for a pump on Hastings River Lot 5 DP 754442 Parish Pappinbarra County Macquarie for irrigation of 4 hectares (16 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 613635A – GA2: 467889).

LEO MICHAEL CLEARY and SUSAN AILSA CLEARY for a pump on Hastings River Lot 4 DP 826923 Parish Pappinbarra County Macquarie for irrigation of 14 hectares (50 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6136312).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK  
Resource Access Manager

Department of Infrastructure,  
Planning and Natural Resources  
North Coast Region  
Grafton

#### 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:

##### MACINTYRE RIVER VALLEY

Raymond Morris HARRISON and Charmaine Rose HARRISON for one (1) pump on the Mole River on Lots 26 and 40, DP751515, Parish of Gibraltar, County of Courallie for water supply for stock and domestic purposes and irrigation of 1.6 hectares – 10 megalitres (subdivision of existing entitlement). L.O. Papers 90SL100693. GA2368380.

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

GEOFF CAMERON  
Manager Resource Access

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

#### WATER ACT 1912

AN APPLICATION for a license under Part 5 of the Water Act 1912, as amended, has been received as follows:

##### MURRUMBIDGEE VALLEY

Adrian HAERTSCH and Christine Ann HAERTSCH for a bore on Lot 18 DP750832, Parish of Currawananna, County of Bourke for irrigation purposes. New License. 40BL189560. This application conforms with the current groundwater embargo as the bore site is outside the embargoed area.

Philip Anthony JONES and Sharon May JONES for a bore on Lot 1 DP847957, Parish of Bango, County of King for irrigation purposes. (Upgrade of License 40BL189121) New License. 40BL189540.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 8 August 2003 as prescribed by the Act.

S. F. WEBB  
Resource Access Manager  
Murrumbidgee Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 156  
LEETON NSW 2705

#### SUBORDINATE LEGISLATION ACT 1989

Department of Infrastructure, Planning and  
Natural Resources

Hunter Catchment Management Trust Regulation 2003

NOTICE is given under the *Subordinate Legislation Act 1989* of the Department's intention to make a Regulation under the Catchment Management Act 1989. The proposed regulation will repeal and remake with minor changes the Hunter Catchment Management Trust Regulation 1997. The proposed Hunter Catchment Management Trust Regulation 2003 deals with the following matters:

- (a) the purpose of the Hunter Catchment Management Trust and the requirement for it to produce a map depicting its area,
- (b) the procedure for the levying of contributions to the Trust from owners of land within catchment contribution areas,
- (c) the liability of owners of such land to pay contributions so levied,
- (d) the recovery of contributions so levied from the owners of such land,
- (e) other matters of a formal, minor or ancillary nature.

Its objective in relation to the Trust is to facilitate the achievement of a healthy and productive catchment system in the Hunter Valley.

Copies of the draft Regulation and Regulatory Impact Statement may be obtained from Jeff Palmer, Suite 6, 464 King St, Newcastle; Phone: (02) 4929 9895; Fax: (02) 4929 6364 or website [www.dlwc.nsw.gov.au](http://www.dlwc.nsw.gov.au)

Comments or submissions are invited and should be sent to the contact officer by 3 August 2003 at the above address or by email to [japalmer@dlwc.nsw.gov.au](mailto:japalmer@dlwc.nsw.gov.au)

CATHY COLE  
Regional Director, Hunter Region

**WATER ACT 1912**

Order Under Section 117E

Ground Water Allocations for 2003 / 2004 Water Year  
Lower Murrumbidgee Water Shortage Zone

THE Water Administration Ministerial Corporation, pursuant to section 117E of the Water Act 1912, being satisfied that the Water Shortage Zone, as referred to and shown as the Lower Murrumbidgee Groundwater Management Area, in Schedule 2 is unlikely to have more water available than is sufficient to meet the requirements of the Licensees of bores situated within the Water Shortage Zone and such other possible requirements from the Water Shortage Zone as are determined by the Ministerial Corporation, by this Order, hereby restricts the entitlement of licensees within that Zone to take and use water obtained by such bores. In particular, this Order reduces each licensee's water allocation for the whole 2003/2004 Water Year in the manner described in Schedule 1. This Order shall have effect from the date of publication hereof to 30 June 2004. This order applies to all bores other than bores for Stock, Domestic, Town Water Supply, Industrial, and Recreation Purposes. Bores obtaining their water supply from a depth no greater than 20 metres, and are located within an area of high water table will have access to 100 percent entitlement.

Signed for the Water Administration Ministerial Corporation

Dated this 8th Day of July 2003.

**WARWICK FORD**  
Regional Director, Murrumbidgee Region  
Department of Infrastructure, Planning  
and Natural Resources

**SCHEDULE 1**

Individual allocations are limited to the LESSER of:

- maximum annual usage recorded during the period from July 1995 to June 2002, OR
- the zonal allocation limits given in the table below.

**Zonal Allocation Limits for Groundwater Irrigators**

Refer to Schedule 2 for the coverage of each Zone

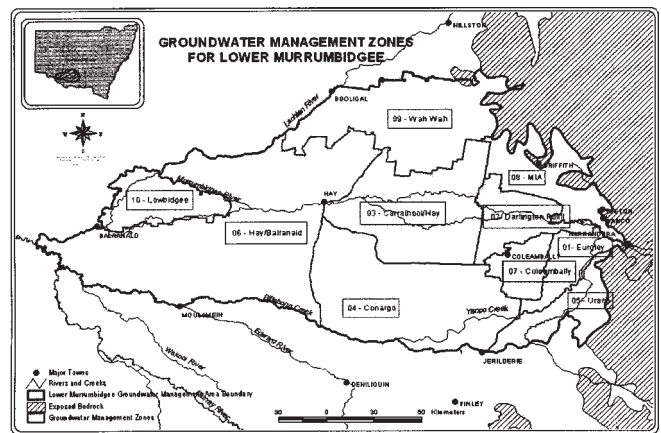
Zone	Zone Description	% Allocation
01	Euroley	95
02	Darlington Pt	95
03	Carrathool-Hay	90
04	Conargo	90
05	Urana	100
06	Hay-Balranald	100
07	CIA	95
08	MIA	95
09	Wah Wah – Booligal	100
10	Lowbidgee	100

Those users with maximum recorded usage of less than 51 per cent of entitlement will not be constrained by the prior usage level, but will have access to a 51 per cent announced allocation.

**SCHEDULE 2**

All the area of lands bounded by the heavy line on the diagram hereunder:

**Lower Murrumbidgee Groundwater Management Area**



**WATER ACT 1912**

Notice Pursuant to Section 20z

THE Water Administration Ministerial Corporation notifies the holders of entitlements (licences, authorities, irrigation corporations, and group licences), that water allocations under the Murrumbidgee River Volumetric Water Allocations Scheme are reduced to the proportions as specified in Schedule 1 for the water year commencing 1 July 2003 until further notice.

Dated this day 8th day of July 2003

Signed for the Water Administration Ministerial Corporation

**WARWICK FORD**  
Regional Director, Murrumbidgee Region  
Department of Infrastructure, Planning  
and Natural Resources  
(by Delegation)

**SCHEDULE 1**

- The water allocation for the 2003-2004 water year for High Security licences for any purpose, other than aquaculture, domestic, experimental/research, industrial, mining, pisciculture, stock and town water supply, are reduced to seventy eight percent (78%) of entitlement.
- The water allocation for the 2003-2004 water year for General Security licences are reduced to fourteen percent (14%) of entitlement.



**WATER ACT 1912**

Volumetric Water Allocation Scheme  
Section 20Z of the Water Act 1912

THE Water Administration Ministerial Corporation notifies entitlement holders (licences, authorities, group licences) that the Peel Regulated River water source is unlikely to have sufficient water available to meet the requirements of general security entitlements. Accordingly, water allocations for general security entitlements will be reduced to 0% from the date of publication of this notification in the Government Gazette until a further notification varying this notification is published.

Dated this eleventh day of July 2003.

Signed for the Water Administration Ministerial Corporation:

RANDALL HART  
Regional Director, Barwon Region  
Department of Infrastructure, Planning  
and Natural Resources  
(by delegation)

**WATER ACT 1912**

Groundwater Allocations – Peel Valley Groundwater  
Management Area Sub-zone 1 Alluvium  
Section 117E of the Water Act 1912

THE Water Administration Ministerial Corporation is satisfied that the Peel Valley Groundwater Management Area Sub-zone 1 Alluvium is unlikely to have sufficient water available to meet the requirements of persons authorised by law to take water from this water source or to meet other requirements for water previously determined by the Ministerial Corporation.

Consequently, except as provided hereunder, all groundwater allocations from this water source are reduced to 50% of their allocations.

This reduction shall take effect on and from 11 July 2003 and shall apply until further notice.

This reduction does not apply to the allocations under entitlements for town water supply and stock and domestic purposes.

Dated this eleventh day of July 2003.

Signed for the Water Administration Ministerial Corporation:

RANDALL HART  
Regional Director, Barwon Region  
Department of Infrastructure, Planning  
and Natural Resources  
(by delegation)

**WATER ACT 1912**

Volumetric Water Allocation Scheme  
Section 20Z of the Water Act 1912

THE Water Administration Ministerial Corporation notifies entitlement holders (licences, authorities, group licences) that the Lower Namoi Regulated River water source is unlikely to have sufficient water available to meet the requirements of general security entitlements. Accordingly,

water allocations for general security entitlements will be reduced to 0% from the date of the publication of this notification in the Government Gazette until a further notification varying this notification is published.

Dated this eleventh day of July 2003.

Signed for the Water Administration Ministerial Corporation:

RANDALL HART  
Regional Director, Barwon Region  
Department of Infrastructure, Planning  
and Natural Resources  
(by delegation)

**WATER ACT 1912**

Order Under Section 117E

Ground Water Allocations for 2003/2004 Water Year  
*Upper Namoi Water Shortage Zone*

THE Water Administration Ministerial Corporation, pursuant to section 117E of the Water Act 1912, being satisfied that the Water Shortage Zone, as referred to and shown as the Upper Namoi Groundwater Management Area, in Schedule 2 is unlikely to have more water available than is sufficient to meet the requirements of the Licensees of bores situated within the Water Shortage Zone and such other possible requirements from the Water Shortage Zone as are determined by the Ministerial Corporation, by this Order, hereby restricts the entitlement of licenses for Irrigation purposes within that Zone to take and use water obtained by such bores. In particular, this Order reduces each licensee's water allocation for the whole 2003/2004 Water Year in the manner described in Schedule 1.

Signed for the Water Administration Ministerial Corporation

Dated this eleventh day of July 2003.

RANDALL HART  
Regional Director, Barwon Region  
Department of Infrastructure, Planning  
and Natural Resources

**SCHEDULE 1**

Individual allocations are limited to the zonal allocation limits given in the table below.

Zonal Allocation Limits for Groundwater Irrigators

Refer to Schedule 2 for the coverage of each Zone.

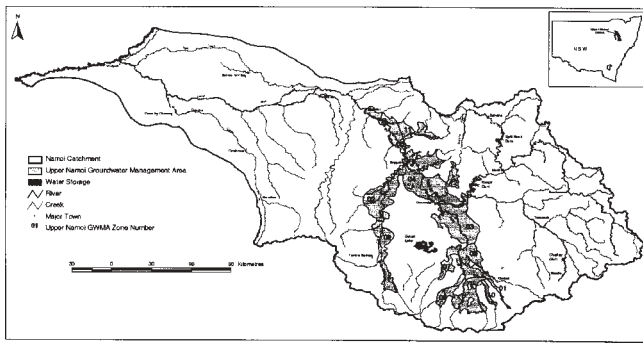
Zone	Allocation (% current entitlement)	*Viability Base
Upper Namoi		
1	90%	60 ML
2, 4 and 5	90%	500 ML
3 and 8	65%	500 ML
6, 7, 9, 10, 11 and 12	100%	–

\* allocation reductions will be made to all irrigation licence holders with an entitlement above the viability base. However, the allocation reduction cannot cause the volume available to fall below the viability base. Licence holders with a licence volume equal to or lower than the viability base will not be subject to the allocation announcement.

SCHEDULE 2

All the area of lands bounded by the shaded area on the diagram hereunder:

**Upper Namoi Groundwater Management Area**



**WATER ACT 1912**

Order Under Section 117E

Ground Water Allocations for 2003/2004 Water Year

*Lower Namoi Water Shortage Zone*

THE Water Administration Ministerial Corporation, pursuant to section 117E of the Water Act 1912, being satisfied that the Water Shortage Zone, as referred to and shown as the Lower Namoi Groundwater Management Area, in Schedule 2 is unlikely to have more water available than is sufficient to meet the requirements of the Licensees of bores situated within the Water Shortage Zone and such other possible requirements from the Water Shortage Zone as are determined by the Ministerial Corporation, by this Order, hereby restricts the entitlement of licenses for Irrigation purposes within that Zone to take and use water obtained by such bores. In particular, this Order reduces each licensee's water allocation for the whole 2003/2004 Water Year in the manner described in Schedule 1.

Signed for the Water Administration Ministerial Corporation

Dated this eleventh day of July 2003.

RANDALL HART,  
Regional Director, Barwon Region  
Department of Infrastructure, Planning  
and Natural Resources

SCHEDULE 1

Individual allocations are limited to the zonal allocation limits given in the table below.

Zonal Allocation Limits for Groundwater Irrigators

Refer to Schedule 2 for the coverage of each Zone.

Zone	Allocation (% current entitlement)	*Viability Base
Lower Namoi		
1, 2, 3, 4 and 5	65%	700 ML
6, 7	100%	—

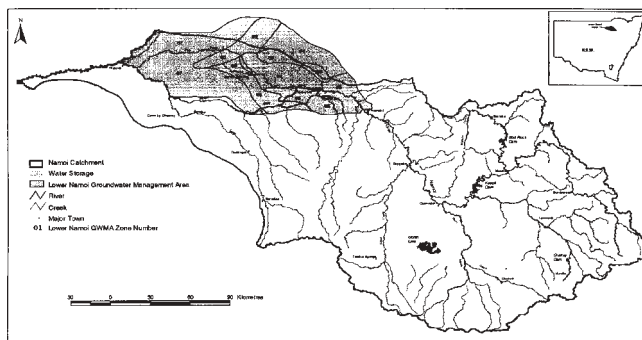
\* allocation reductions will be made to all irrigation licence holders with an entitlement above the viability base (700ML). However, the allocation reduction cannot cause the volume available to fall below the viability base. Licence holders with a licence volume equal to or lower than the viability base (700ML) will not be subject to the allocation announcement.

Bores for Town Water Supply, Industrial and Recreational Purposes have access to 100 per cent of entitlement.

SCHEDULE 2

All the area of lands bounded by the shaded area on the diagram hereunder:

**Lower Namoi Groundwater Management Area**



**WATER ACT 1912**

Volumetric Water Allocation Scheme

Section 20Z of the Water Act 1912

THE Water Administration Ministerial Corporation notifies entitlement holders (licences, authorities, group licences) that the Gwydir Regulated River water source is unlikely to have sufficient water available to meet the requirements of general security entitlements. Accordingly, water allocations for general security entitlements will be reduced to 0% from the date of the publication of this notification in the Government Gazette until a further notification varying this notification is published.

Dated this eleventh day of July 2003.

Signed for the Water Administration Ministerial Corporation.

RANDALL HART,  
Regional Director, Barwon Region  
Department of Infrastructure, Planning  
and Natural Resources  
(by delegation)

**WATER ACT 1912**

Order Under Section 20Z

Water Allocations for 2003/2004 Water Year

*Belubula Valley*

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Belubula River (being subject to a Volumetric Allocation Scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2003/2004 water year of those persons authorised by law to take water from the water source. By this Order the Ministerial Corporation being satisfied of the above hereby reduces the water allocations under the said scheme for the 2003/2004 water year to the proportions as specified in Schedule 1. This order has effect from the date of publication in the Government gazette until it is revoked or varied by a further order.

Signed for the Water Administration Ministerial Corporation

Dated this 27th day of June 2003.

DON MARTIN  
Regional Director  
Central West Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 53  
Orange NSW 2800

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SCHEDULE 1

- Water Allocation for the 2003/2004 water year is reduced to 0% for general security entitlements.

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**WATER ACT 1912**

Order Under Section 20Z

Water Allocations for 2003/2004 Water Year  
*Cudgegong Valley*

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Cudgegong River (being subject to a Volumetric Allocation Scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2003/2004 water year of those persons authorised by law to take water from the water source. By this Order the Ministerial Corporation being satisfied of the above hereby reduces the water allocations under the said scheme for the 2003/2004 water year to the proportions as specified in Schedule 1. This order has effect from the date of publication in the Government gazette until it is revoked or varied by a further order.

Signed for the Water Administration Ministerial Corporation

Dated this 27th day of June 2003.

DON MARTIN  
Regional Director  
Central West Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 53  
Orange NSW 2800

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SCHEDULE 1

- Water Allocation for the 2003/2004 water year is reduced to 0% for general security entitlements.

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**WATER ACT 1912**

Order Under Section 20Z

Water Allocations for 2003/2004 Water Year  
*Lachlan Valley*

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Lachlan River (being subject to a Volumetric Allocation Scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2003/2004 water year of

those persons authorised by law to take water from the water source. By this Order the Ministerial Corporation being satisfied of the above hereby reduces the water allocations under the said scheme for the 2003/2004 water year to the proportions as specified in Schedule 1. . This order has effect from the date of publication in the Government gazette until it is revoked or varied by a further order.

Signed for the Water Administration Ministerial Corporation

Dated this 27th day of June 2003.

DON MARTIN  
Regional Director  
Central West Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 53  
Orange NSW 2800

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SCHEDULE 1

- Water Allocation for the 2003/2004 water year is reduced to 0% for general security entitlements.
- Water Allocation for the 2003/2004 water year is reduced to 50% for high security entitlements.

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**WATER ACT 1912**

Order Under Section 20Z

Water Allocations for 2003/2004 Water Year  
*Macquarie Valley*

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Macquarie River (being subject to a Volumetric Allocation Scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2003/2004 water year of those persons authorised by law to take water from the water source. By this Order the Ministerial Corporation being satisfied of the above hereby reduces the water allocations under the said scheme for the 2003/2004 water year to the proportions as specified in Schedule 1. This order has effect from the date of publication in the Government gazette until it is revoked or varied by a further order.

Signed for the Water Administration Ministerial Corporation

Dated this 27th day of June 2003.

DON MARTIN  
Regional Director  
Central West Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 53  
Orange NSW 2800

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SCHEDULE 1

- Water Allocation for the 2003/2004 water year is reduced to 0% for general security entitlements.

## Department of Lands

**DUBBO OFFICE**  
**Department of Lands**  
**142 Brisbane Street (PO Box 865), Dubbo, NSW 2830**  
**Phone: (02) 6841 5200 Fax: (02) 6841 5231**

### PROPOSED DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE

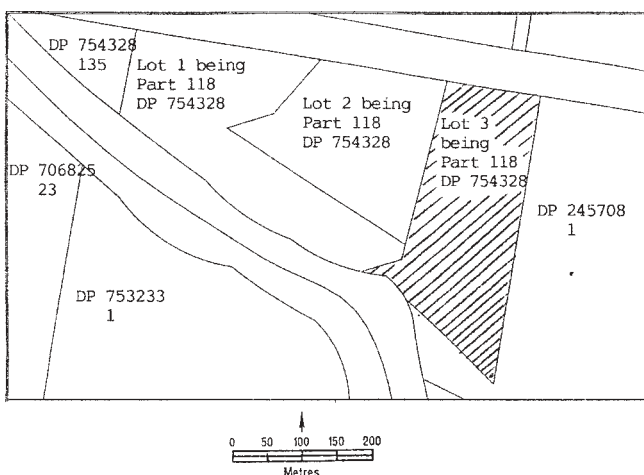
IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales in accordance with section 82 of the Crown Lands Act 1989 to dedicate the Crown Lands specified in Column 1 of the Schedule hereunder for the purpose specified opposite thereto in Column 2 of the Schedule hereunder.

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

#### SCHEDULE 1

COLUMN 1	COLUMN 2
Land District: Dubbo L.G.A.: Dubbo City Parish: Terramungamine County: Lincoln Locality: Terramungamine Description: Lot 3 being Part lot 118 DP 754328 as shown by hatching in the following diagram. Area: File No.: DB80 R 22	Public Purpose: Aboriginal Burial Ground

Please note: R.88958 for Public Recreation, notified 20 July 1973 is proposed to be revoked.



### APPOINTMENT OF TRUST BOARD MEMBERS

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

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

#### SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Joycelyn Margaret Marchant (new member) Melinda Gae Beveridge (new member)	Gilgandra Showground Trust	Reserve No. 78945 Public Purpose: Showground Racecourse Notified: 5 October 1956 File Reference: DB80R155

For a term commencing this day and expiring 16  
September 2004.

**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 CONDITIONS OF A WESTERN  
LANDS LEASE**

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

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning  
Minister for Natural Resources

—————  
*Administrative District – Bourke;*  
*Shire – Bourke;*  
*Parish – East Bourke & Others;*  
*County – Cowper*

The conditions of Western Lands Leases 10511, 10512 and 10513, being the land contained within Folio Identifiers 4357/767194, 4358/767194, 6830/43320, 4133/766638, 41/751867, 53/751841 and 54/751841, have been altered by the removal of the special condition following effective from 14 May 1993.

**SPECIAL CONDITION REMOVED FROM WESTERN  
LANDS LEASES 10511, 10512 and 10513**

- (A) The lessee shall continue to hold the lease only while conducting meat works business at Bourke, and in the event of it ceasing to conduct such a business, the lease shall thereupon cease and determine.

**DISSOLUTION OF RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

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

SCHEDULE

COLUMN 1	COLUMN 2
White Cliffs Recreation (R.26553) Reserve Trust	Reserve No. 26553 Public Purpose: Public Recreation Notified: 18 September 1897 File Reference: WL97R56/1

SCHEDULE

COLUMN 1	COLUMN 2
Wygilla Emergency Bore Reserve Trust	Reserve No. 700036 Public Purpose: Water Notified: 18 July 1997 File Reference: WL98R6/1

**GOULBURN OFFICE**  
**Department of Lands**

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

**NOTIFICATION OF CLOSING OF A ROAD**

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

ANTHONY BERNARD KELLY,  
Minister Assisting the Minister for Natural Resources  
(Lands)

DESCRIPTION

*Parish – Young;*  
*County – Monteagle;*  
*Land District – Young;*  
*Council – Young*

Lots 1 & 2 DP 1051454

File Reference GB 99 H 266 :MB

Note: On closing the land in Lots 1 & 2 DP 1051454 remains land vested in the Crown as Crown land.



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

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

Transfer of a Crown road to a Council

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

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

**SCHEDULE 1**

The Crown public road 20.115 metres wide west Lot 2 DP 614604 at Sandy Beach, Parish Woolgoolga, County Fitzroy.

**SCHEDULE 2**

Roads Authority: Coffs Harbour City Council.

Papers: GF02 H 164.

Councils Ref: 413979 (2220).

**ORDER**

Transfer of a Crown road to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown roads specified in each schedule 1 are transferred to the Roads Authority specified in the corresponding schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each schedule 1, cease to be Crown roads.

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

**SCHEDULE 1**

*Parish — Taloumbi;*  
*County — Clarence;*  
*Land District — Grafton;*  
*LGA — Maclean*

The Crown Public Road being an extension of Boundary Road separating Lot 361, D.P. 751388, end of road and Lot 241, D.P. 751388 from Lot 126, D.P. 1049883.

**SCHEDULE 2**

Roads Authority: Maclean Shire Council.

File No.: GF 02 H 386.

Council's reference: PO1836 Mr S. Roberts.

**SCHEDULE 1**

*Parish — Cudgen;*  
*County — Rous;*  
*Land District — Murwillumbah;*  
*LGA — Tweed*

The Crown Public Road north of Depot Rd and being west of Lot 6 D.P. 875446 and also west of Lot 19 D.P. 112061.

**SCHEDULE 2**

Roads Authority: Tweed Shire Council.

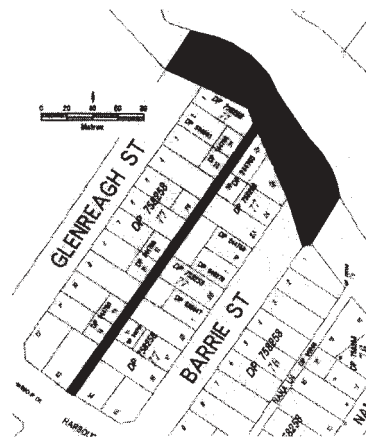
File No.: GF 03 H 87.

Council's reference: LN:19000 – Kings Forest. Depot Rd. Melaleuca Rd.

**SCHEDULE 1**

*Parish — Coff;*  
*Town of Coffs Harbour;*  
*County — Fitzroy;*  
*Land District — Bellingen;*  
*LGA — Coffs Harbour*

The Crown Public Roads at Coffs Harbour, being that part of Coff Street and lane as shown by black colour on the diagram hereunder.

**SCHEDULE 2**

Roads Authority: Coffs Harbour City Council.

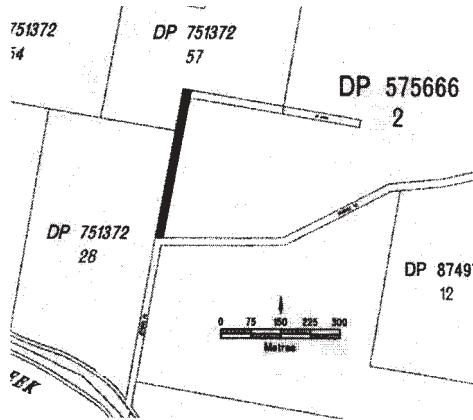
File No.: GF 03 H 117.

Council's reference: 488051:TJC:shc

SCHEDULE 1

Parish—Gulmarrad;  
County—Clarence;  
Land District—Grafton;  
LGA—Maclean

The Crown Public Road at Shark Creek, shown by black colour on the diagram hereunder.



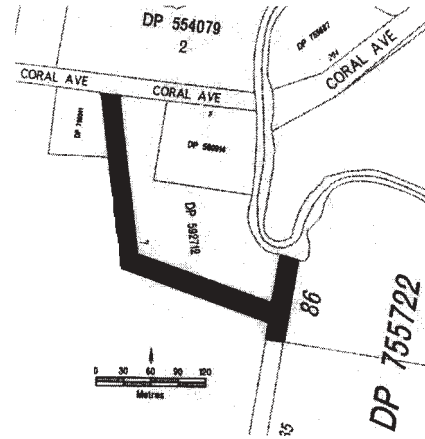
SCHEDULE 2

Roads Authority: Maclean Shire Council.  
File No.: GF 03 H 147.  
Council's reference: 03771 Mr P. Dawson.

SCHEDULE 1

Parish—Mullumbimby;  
County—Rous;  
Land District—Murwillumbah;  
LGA—Byron

The Crown Public Road at Mullumbimby, shown by black colour on the diagram hereunder.



SCHEDULE 2

Roads Authority: Byron Shire Council.  
File No.: GF 02 H 255.  
Council's reference: ENG652000 / #362241

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

**NOTIFICATION OF CLOSING OF ROADS**

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

TONY KELLY, MLC.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

Description

*Land District – Narrabri;  
 Council – Narrabri Shire Council*

Lots 1 and 2 in D.P. 1052937 Parish Pian, County Jamison  
 (not being land under the Real Property Act) File Reference:  
 ME01H158.

Note: Upon closure, the lands will vest in the Crown as  
 Crown land.

**NOWRA OFFICE**  
**Department of Lands**  
**5 O’Keefe Avenue (PO Box 309), Nowra, NSW 2541**  
**Phone: (02) 4428 6900 Fax: (02) 4428 6988**

**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: Kiama Local Government Area: Shellharbour City Council Locality: Windang Island Lot 58, D.P. No. 751299, Parish Wollongong, County Camden Area: 5.104ha File Reference: NA03R16	COLUMN 2 Reserve No. 1004829 Public Purpose: Public Recreation and Coastal Environmental Protection
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Notes: R. 24703 for defence purposes notified 12th  
 September, 1896 and R.24705 for quarry notified 12th  
 September, 1896 are hereby auto-revoked, this day.

**NOTIFICATION OF CLOSING OF ROAD**

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

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

*Land District: Bega;  
 LGA: Bega Valley*

Lot 1 DP1054973 subject to easement for water supply 3  
 wide created by Deposited Plan 1054973 at Bega, Parish  
 Bega and County Auckland (not being land under the Real  
 Property Act), NA02H282.

Note: On closing, the land remains vested in Bega Valley  
 Shire Council as “Operational land”.



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

**NOTIFICATION OF CLOSING OF ROADS**

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

TONY KELLY, MLC.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

—  
Descriptions

*Land District – Metropolitan;*  
*L.G.A. – Fairfield*

Lot 10, D.P. 1053244 at Fairfield West, Parish St Luke (Sheet 2), County Cumberland. MN02H288

Note: On closing, title for the land in lot 10 remains vested in Fairfield City Council as operational land.

—  
Descriptions

*Land District – Metropolitan;*  
*L.G.A. – Fairfield*

Lot 1, D.P. 1053610 at Cabramatta West, Parish St Luke (Sheet 8), County Cumberland. MN03H16

Note: On closing, title for the land in lot 1 remains vested in Fairfield City Council as operational land.

**TAMWORTH OFFICE**  
**Department of Lands**  
**25-27 Fitzroy Street (PO Box 535), Tamworth, NSW 2340**  
**Phone: (02) 6764 5100 Fax: (02) 6766 3805**

**DRAFT ASSESSMENT OF CROWN LAND UNDER PART  
 3 OF THE CROWN LANDS ACT 1989 AND THE  
 CROWN LANDS REGULATIONS, 2000.**

A draft land assessment has been prepared for Crown land situated at Breeza, being land described hereunder.

Inspection of this draft assessment can be made at the Tamworth Office of Crown Lands NSW, Department of Lands, 25-27 Fitzroy Street Tamworth 2340 during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty-eight (28) days commencing from the 11<sup>th</sup> July 2003 and should be sent to the District Manager, Department of Lands, PO Box 535, Tamworth NSW 2340.

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

DESCRIPTION

*Parish – Curlewis;*  
*County – Pottinger;*  
*Land District and Shire – Gunnedah*

Land covers approximately 10 hectares, consisting of part Water Reserve 18538 and part Travelling Stock Reserve 31107. Land is unsurveyed adjacent to the Breeza – Gunnedah Road.

Reference: Th03h37.

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

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

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

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Lenard Osmond Worth	Little Plain Recreation and Public Hall Reserve Trust	Reserve No. 63643 Public Purpose: Public Recreation Showground Public Hall Notified: 18 November 1932 File Reference: TE80R206/1

For a term commencing 16 July 2003 and expiring 15 January 2004.

**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**

**WALLA WALLA LITERARY INSTITUTE**

APPOINTMENT OF TRUSTEE

IT is hereby, notified for general information that the offices of Jack Griffith Odewahn, Murray Stirling Russell, Cecil John Lieschke, James Leslie Wenke (Dec'd), Eric James Lowe (Dec'd), Eric Stanley Feuerherdt (Dec'd) and David Johann Klemke (Dec'd) as trustees of the land held for the purpose of a Literary Institute at Walla Walla, have been declared vacant and that the undermentioned Council has been elected in their place as trustee at a special general meeting of members, held in accordance with the provisions of section 14 of the Trustees of School of Arts Enabling Act 1902.

I, therefore as Minister Assisting the Minister for Natural Resources (Lands), in pursuance of the power given me in the same section, hereby approve of the Council of the Shire of Culcairn, as trustee of the aforesaid institution.

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

## Department of Mineral Resources

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T03-0079)

No. 2121, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 42 units, for Group 1, dated 1 July, 2003. (Cobar Mining Division).

(T03-0080)

No. 2122, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), area of 101 units, for Group 1, dated 2 July, 2003. (Broken Hill Mining Division).

(T03-0081)

No. 2123, PEAK GOLD MINES PTY LIMITED (ACN 001 533 777), area of 8 units, for Group 1, dated 2 July, 2003. (Cobar Mining Division).

(T03-0082)

No. 2124, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 42 units, for Group 1, dated 2 July, 2003. (Cobar Mining Division).

(T03-0083)

No. 2125, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 5 units, for Group 1, dated 3 July, 2003. (Cobar Mining Division).

(T03-0084)

No. 2126, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 9 units, for Group 1, dated 3 July, 2003. (Cobar Mining Division).

(T03-0085)

No. 2127, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 15 units, for Group 1, dated 3 July, 2003. (Cobar Mining Division).

(T03-0086)

No. 2128, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 21 units, for Group 1, dated 3 July, 2003. (Cobar Mining Division).

(T03-0087)

No. 2129, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 64 units, for Group 1, dated 3 July, 2003. (Cobar Mining Division).

(T03-0088)

No. 2130, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 126 units, for Group 1, dated 3 July, 2003. (Cobar Mining Division).

(T03-0089)

No. 2131, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 134 units, for Group 1, dated 3 July, 2003. (Orange 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

(T02-0434)

No. 2005, now Exploration Licence No. 6089, PASMINGO AUSTRALIA LIMITED (ACN 004 074 962), County of Mouramba, Map Sheet (8033, 8133), area of 68 units, for Group 1, dated 18 June, 2003, for a term until 17 June, 2005. As a result of the grant of this title, Exploration Licence No. 5769 and Exploration Licence No. 5975 have ceased to have effect.

(T02-0457)

No. 2027, now Exploration Licence No. 6090, COMPASS RESOURCES N.L. (ACN 010 536 820), Counties of Bland, Forbes and Gipps, Map Sheet (8430), area of 67 units, for Group 1, dated 20 June, 2003, for a term until 19 June, 2005.

### MINING PURPOSES LEASE APPLICATION

(T92-0336)

Lightning Ridge No. 187, now Mining Purposes Lease No. 346 (Act 1973) LIGHTNING RIDGE MINERS' ASSOCIATION LTD (ACN 001 204 726), Parish of Langloh, County of Finch (8439-2-S), area of about 8.008 hectares, for the purpose of dam and opal puddling, dated 20 June, 2003, for a term until 19 June, 2008.

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

NOTICE is given that the following applications have been withdrawn:

### EXPLORATION LICENCE APPLICATIONS

(T03-0075)

No. 2117, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Clyde, County of Cowper, County of Gunderbooka and County of Narran, Map Sheet (8137, 8138, 8238). Withdrawal took effect on 23 June, 2003.

(T03-0079)

No. 2121, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Mouramba, Map Sheet (8133). Withdrawal took effect on 2 July, 2003.

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

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

(T96-1282)

Exploration Licence No. 5500, PLATSEARCH NL (ACN 003 254 395), area of 17 units. Application for renewal received 1 July, 2003.

(T99-0076)

Exploration Licence No. 5602, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 6 units. Application for renewal received 30 June, 2003.

(T98-1250)

Exploration Licence No. 5609, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), area of 1 unit. Application for renewal received 3 July, 2003.

(T01-0109)

Exploration Licence No. 5880, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 6 units. Application for renewal received 30 June, 2003.

(T02-0355)

Mining Purposes Lease No. 312 (Act 1973), B.C. OPALS PTY.LTD. (ACN 050 046 994), area of 1.197 hectares. Application for renewal received 26 June, 2003.

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

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#### RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(C95-2235)

Exploration Licence No. 4918, WHITE MINING LIMITED (ACN 009 713 893), County of Durham, Map Sheet (9133), area of 370 hectares, for a further term until 17 December, 2005. Renewal effective on and from 27 June, 2003.

(T94-0194)

Exploration Licence No. 5336, NSW GOLD NL (ACN 003 307 702), Counties of Durham, Gloucester and Hawes, Map Sheet (9134, 9234), area of 58 units, for a further term until 28 August, 2005. Renewal effective on and from 1 July, 2003.

(C97-2407)

Exploration Licence No. 5460, ANGLO COAL (SADDLERS CREEK) PTY LTD (ACN 081 072 755), ANGLO COAL (DRAYTON) NO. 2 PTY LIMITED (ACN 004 917 177), DAESUNG AUSTRALIA PTY LIMITED (ACN 002 011 967), HYUNDAI AUSTRALIA PTY LIMITED (ACN 002 008 657), MITSUI DRAYTON INVESTMENT PTY LTD (ACN 082 138 529) and MITSUI MINING AUSTRALIA PTY LTD (ACN 001 799 444), Counties of Durham and Hunter, Map Sheet (9033), area of 6280 hectares, for a further term until 1 April, 2008. Renewal effective on and from 2 July, 2003.

(T98-1037)

Exploration Licence No. 5491, MINEX (SA) PTY LTD (ACN 091 546 691), County of Menindee, Map Sheet (7133), area of 78 units, for a further term until 14 June, 2005. Renewal effective on and from 30 June, 2003.

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

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#### CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

Notice is given that the following authorities have been cancelled:

(T95-0052)

Exploration Licence No. 4896, VULCAN MINES PTY LTD (ACN 002 555 446), County of Ashburnham, Map Sheet (8631), area of 6 units. Cancellation took effect on 30 June, 2003.

(T00-0168)

Exploration Licence No. 5882, PLATSEARCH NL (ACN 003 254 395), County of Farnell, Map Sheet (7136), area of 39 units. Cancellation took effect on 2 July, 2003.

(T01-0139)

Exploration Licence No. 5943, MINERALS CORPORATION LIMITED (ACN 002 529 160), County of Arrawatta, Map Sheet (9039, 9139), area of 9 units. Cancellation took effect on 4 July, 2003.

(T02-0472)

Exploration Licence No. 6068, EQUIGOLD N.L. (ACN 060 235 145), County of Bourke, County of Cooper and County of Gipps, Map Sheet (8230), area of 53 units. Cancellation took effect on 30 June, 2003.

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

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#### TRANSFERS

(T02-0494)

Mining Lease No. 531 (Act 1973), formerly held by NOWRA BRICKWORKS (NSW) PTY LIMITED (ACN 080 105 791) has been transferred to ABIB PTY LIMITED (ACN 078 883 806). The transfer was registered on 2 July, 2003.

(T02-0494)

Mineral Lease No. 5087 (Act 1906), formerly held by NOWRA BRICKWORKS (NSW) PTY LIMITED (ACN 080 105 791) has been transferred to ABIB PTY LIMITED (ACN 078 883 806). The transfer was registered on 2 July, 2003.

(T02-0494)

Mineral Lease No. 6322 (Act 1906), formerly held by NOWRA BRICKWORKS (NSW) PTY LIMITED (ACN 080 105 791) has been transferred to ABIB PTY LIMITED (ACN 078 883 806). The transfer was registered on 2 July, 2003.

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

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#### SUBORDINATE LEGISLATION ACT 1989

##### Proposed Mining Regulation 2003

NOTICE regarding proposals to make statutory rules are required to be published in the *Government Gazette* under section 5 of the *Subordinate Legislation Act 1989*.

It is proposed to make the Mining Regulation 2003. This Regulation will replace the Mining (General) Regulation 1997, the Mining (Boards of Management) Regulation 2000 and the Mining (Savings and Transitional) Regulation 1992.

Public submissions are concurrently being sought through newspaper advertisement. The Regulatory Impact Statement can be obtained by contacting the NSW Department of Mineral Resources on (02) 99018827 and is also available on-line at <http://www.minerals.nsw.gov.au>.

Written submissions should be sent to the Policy and Legislative Review Branch, NSW Department of Mineral Resources, PO Box 536, St Leonards, New South Wales 1590. Submissions will be accepted until close of business 1 August 2003.

**ATTACHMENT 4****Relevant clauses of the Petroleum (Onshore) Regulation 1997**

## Clause 23 - Environmental practices

- (1) All exploration or other activity carried out under the authority of a petroleum title is to be carried out in conformity with the Code of Environmental Practice Onshore published by the Australian Petroleum Production and Exploration Association Limited in 1996, as amended from time to time. (1A) It is a condition of every petroleum title that the holder of the title will comply with the requirements of subclause (1).
- (2) A copy of the Code, together with any amendments made to it from time to time, is to be made available at the main office of the Department of Mineral Resources in Sydney, and at such other offices as the Director-General may appoint, for inspection by any person without fee.
- (3) Copies of or extracts from the Code and any such amendments may be made or taken by any person on payment of the fee fixed by the Director-General.

**Relevant section of the Criminal Procedure Act 1986****Section 12 - Short description of certain offences**

- (1) For the purposes of this or any other Act, a summary offence, or an indictable offence that may be dealt with summarily, is taken to be sufficiently stated or described if it is stated or described by the use of a short expression that describes the offence in general terms.
- (2) This section applies to a statement or description of an offence in any court attendance notice, warrant, subpoena, notice, order or other document.
- (3) Nothing in this section affects any other method of stating or describing an offence.
- (4) Nothing in this section affects any requirement made by or under this Act in relation to the form of a court attendance notice or any other document.

**Relevant section of the Justices Act 1902****Section 145B - Short description of certain offences**

- (1) Repealed
- (2) For the purposes of this or any other Act, a summary offence or an indictable offence that may be dealt with summarily shall, in any information, complaint, summons, warrant, notice, order or other document, be deemed to be sufficiently stated or described if it is stated or described by the use of:
  - (a) an expression prescribed in relation to the offence, or
  - (b) an expression that is substantially the same as the prescribed expression,
 but nothing in this section affects any other method of stating or describing an offence.
- (3) An expression referred to in subsection (2) (a) may be prescribed by a regulation made under this Act or under the Act creating the offence concerned, or under any Act authorising the issue of a penalty notice for the offence concerned. The regulation-making powers conferred by Acts other than this Act are extended accordingly.



## Roads and Traffic Authority

### ROADS ACT 1993

#### Section 10

Notice of Dedication of Land as Public Road at Taree,  
Purfleet, Chatham and Cundletown in the Taree 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.

#### SCHEDULE

All those pieces or parcels of land situated in the Taree City Council area, Parishes of Bohnock and Tinonee, County of Gloucester and Parishes of Taree and Cundle, County of Macquarie shown as:

Lot 1 Deposited Plan 1032656;  
Lot 10 Deposited Plan 1032653;  
Lots 9 and 10 Deposited Plan 219139;  
Lots 1 to 6 inclusive Deposited Plan 258838;  
Lots 5, 6, 7, 9 to 12 inclusive, 20, 21, 22, 28, 35 to 56 inclusive, 60 to 70 inclusive and 72 Deposited Plan 445995;  
Lots 1 to 5 inclusive Deposited Plan 227965;  
Lot 1 Deposited Plan 1032657;  
Lot 1 Deposited Plan 521252;  
Lots 100, 107, 108, 110, 111, 112, 116, 117, 119, 120, 125 to 129 inclusive, 133 and 134 Deposited Plan 445993;  
Lots 1 to 6 inclusive Deposited Plan 445991; and  
Lots 10 to 14 inclusive Deposited Plan 731860.

(RTA Papers: 10/426.110).

### ROADS ACT 1993

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

Notice of Compulsory Acquisition of Land at Dobroyd Point  
in the Leichhardt Municipal Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

#### SCHEDULE

ALL those pieces or parcels of land situated in the Leichhardt Municipal Council area, Parish of Petersham and County of Cumberland, shown as:

Lot 12 Deposited Plan 1045624, being part of the land in Certificate of Title 1/797913; and

Lots 6 and 13 Deposited Plan 1045624, being parts of the land in Certificate of Title 2/184476, excluding from the compulsory acquisition of Lot 13 the easement for drainage 1.83 wide created by Conveyance Book 1635 No.936 and by dealing C121036.

The land is said to be in the possession of Leichhardt Municipal Council (registered proprietor) and Roads and Traffic Authority of New South Wales (lessee).

(RTA Papers FPP 2M4605; RO 255.11056)

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

Notice of Compulsory Acquisition of Land at Coolac in the  
Gundagai Shire Council area.

THE Roads and Traffic Authority of New South Wales by  
its delegate declares, with the approval of Her Excellency  
the Governor, that the land described in the Schedule below  
is acquired by compulsory process under the provisions of  
the Land Acquisition (Just Terms Compensation) Act 1991  
for the purposes of the Roads Act 1993.

T D Craig  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

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**SCHEDULE**

ALL that piece or parcel of Crown land situated in the  
Gundagai Shire Council area, Parish of Coolac and County  
of Harden, shown as Portion 208 (now known as Lot 208  
Deposited Plan 753599) and being the whole of the land  
within Reserve 2344 from Sale for Access by notification in  
the Government Gazette of 18 September 1886 on page  
6390.

(RTA Papers FPP 2M5073; RO 2/178.1570)



## Others

### DISTRICT COURT OF NEW SOUTH WALES

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Newcastle 10.00 a.m. 23 February 2004 (1 week)

Dated this 2nd day of July 2003.

R. O. BLANCH  
Chief Judge

at Merrylands, Wentworthville and Greystanes, and the office of the Geographical Names Board, 346 Panorama Avenue, Bathurst.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

### DISTRICT COURT OF NEW SOUTH WALES

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Lismore 10:00 a.m. 29 September 2003 (1 week)

Dated this 2nd day of July 2003.

R. O. BLANCH  
Chief Judge

### LEGAL PROFESSION ACT 1987

Legal Practitioners Admission Rules 1994

BY decision of the Legal Practitioners Admission Board, the Legal Practitioners Admission Rules are amended as follows:

The Fourth Schedule is amended by inserting after "University of Western Sydney: Graduate Diploma in Legal Practice" the following: "OR Master of Legal Practice"

### GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Amend a Suburb Boundary  
within Fairfield City

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the boundary between Fairfield East and Villawood, increasing the extent of Fairfield East, as shown on map GNB3550/A. The map may be viewed at Ware Street Office Fairfield Town Centre, Wakeley Administration Centre, Whitlam Central Library, Fairfield, Smithfield and Bonnyrigg Branch Libraries and the office of the Geographical Names Board, 346 Panorama Avenue, Bathurst.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

### LOCAL GOVERNMENT ACT 1993

Cancellation of Registration of Parties

IT is hereby notified that pursuant to section 320 of the Local Government Act 1993 that the registration of the following parties are now cancelled:

- A Better Mosman
- Advance Eurobodalla Group
- Australian Justice Party
- Bathurst Civic Reform Party
- Best for Bathurst
- Campbelltown Environmental Management Team
- Canterbury City Ethnic Party
- Change The Name Party
- Citizens Reform Group
- City of Fairfield Community Independents
- Clive Taylor A Better Bankstown Independents
- Col Ritchie, West Ward Progress Association
- David Barr's Independent Team
- De-Amalgamation Party
- Democracy Party
- Don't Amalgamate My Municipality
- DMRA
- Genevieve Rankin - Community Independents
- Get Rid of Woods Party
- Hume Ward Independents
- Ian Longbottom Independents' Group
- Independent Residents
- Jim Taylor, Connells Point Progress Association
- Jobs for Shoalhaven
- John Caputo Community Action Team
- John May's Independent Party
- Julie Sutton Working for "C" Ward
- Lane Cove Community Action Group
- Lane Cove Community Independents
- Leichhardt Community Alliance

### GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Create a New Suburb  
within Holroyd City

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to create the new suburb Pemulwuy, reducing the extent of Prospect, as indicated on map GNB3709/B. The map may be viewed at Holroyd City Council Administration Building and Council's web site, Holroyd City Library, the Libraries

Leichhardt Lilyfield Independents for Open Council  
 Lismore and District United Ratepayer's Association  
 Lismore First  
 Lismore Progressive Independents  
 Lismore Young Independents  
 Local Community Independents Group  
 Manly Community Independents  
 More Car Parking Party  
 Newcastle Community Independents  
 One Happy Valley Party  
 Paul Sinclair Independents Group  
 Peter Bryant Independent  
 Peter Moxham Forest First  
 Progress for Richmond Valley  
 Residents and Friends of Manly  
 Road and Services Action Party  
 Ron Owers Independents Group  
 Ryde Reform Group  
 Save the Rabbitohs Party  
 Secure A Future For Your Pet  
 Senior Citizens First  
 Shoalhaven Community Action  
 Shoalhaven Residents and Ratepayers  
 Small Business Support Network  
 South Sydney Community Independents  
 Stop Subsidence and Mining Madness  
 Stop The Rot Environment First  
 Strathfield Council Community Independents  
 Sustaining the Tweed Rhonda James Group  
 Sydney Alliance  
 The Kevin Hill Independent Party  
 The National Republic Party  
 The No Paid Parking Party  
 The Progressive Team - Eurobodalla  
 The Trevor Kilner for Shoalhaven  
 The Womens Team for Wyong Shire  
 Treasure Our Lifestyle  
 United Communities Group  
 Vince De Luca's Community Team  
 Vision for our Young  
 Warnervale Anti-Airport Noise Party  
 Warringah Community Action Team  
 Warringah Community Environment Group  
 Warringah Community Representation Party  
 Warringah Conservative Independents  
 Warringah Independent Network  
 West Ward Community Independents Network  
 Woollahra Independents' Network  
 Working for Warringah  
 Wyong Shire First Team  
 Youth Alliance Party

J. WASSON  
 Electoral Commissioner

State Electoral Office  
 Level 20, 207 Kent Street  
 Sydney NSW 2000  
 7 July 2003

## NATIONAL PARKS AND WILDLIFE ACT 1974

### Notice of Reservation of National Park

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Mount Warning National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act 1974.

SIGNED and SEALED at Sydney this 25th day of June 2003.

MARIE BASHIR  
 Governor

By Her Excellency's Command

BOB DEBUS  
 Minister for the Environment

GOD SAVE THE QUEEN!

### SCHEDULE

*Land District – Murwillumbah; LGA – Tweed*

County Rous, Parish Wollumbin, 1.158 hectares, being lot 24 in Deposited Plan 859810; NPWS/P/5778.

## NATIONAL PARKS AND WILDLIFE ACT 1974

### PROCLAMATION

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

To be known as "Half Moon Flat Wildlife Refuge Extension No 1"

SIGNED and SEALED at Sydney this 2nd day of July 2003.

MARIE BASHIR  
 Governor

By Her Excellency's Command

BOB DEBUS  
 Minister for the Environment

GOD SAVE THE QUEEN!

### Description

*Land District – Braidwood; Council – Tallaganda*

County St Vincent, Parish Mongarlowe, 40 hectares, being that part of lot 1, DP 1010279 not previously declared as part of Half Moon Flat Wildlife Refuge in Government Gazette No 68 dated 30 June 1972. NPWS 02/01674.

**INDEPENDENT PRICING AND REGULATORY TRIBUNAL**  
**OF NEW SOUTH WALES**

**DETERMINATION UNDER SECTION 11 (1) OF THE INDEPENDENT PRICING AND  
REGULATORY TRIBUNAL ACT, 1992**

**Reference No:** 02/31  
**Determination:** No 4, 2003  
**Agency:** Sydney Water Corporation

## Preamble

Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* (the IPART Act) provides the Tribunal with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.

Sydney Water Corporation (the Corporation) is listed as a government agency for the purposes of Schedule 1 of the IPART Act. Accordingly, the Tribunal may determine the prices for the Corporation's monopoly services.

The services of the Corporation that have been declared as monopoly services under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* are:

- (a) water supply services,
- (b) sewerage services,
- (c) stormwater drainage services,
- (d) trade waste services,
- (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments,
- (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e),
- (g) other water supply, sewerage and drainage services for which no alternative supply exists.

In investigating and reporting on the pricing of the Corporation's monopoly services, the Tribunal has had regard to a broad range of matters, including the criteria set out in s.15(1) of the Act. The s.15 criteria and other matters the Tribunal have considered are addressed in the Report to this Determination.

In accordance with s.13A of the Act, the Tribunal has fixed a maximum price for the Corporation's monopoly services or established a methodology for fixing the maximum price.

By s.18(2) of the Act, the Corporation may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

## **Operative Provisions**

### **1. Application**

This Determination is made under section 11 of the Act.

This Determination sets the maximum prices that the Corporation may charge for the declared monopoly services listed in the Order and specified in this Determination.

### **2. Term of Determination**

This Determination commences on the later of 1 July 2003 and the date that it is published in the NSW Government Gazette.

This Determination will apply until it is replaced or revoked. If this Determination continues after 30 June 2005, the prices in this Determination for the period 1 July 2004 to 30 June 2005 will continue to apply.

### **3. Continuation of determination No. 9 of 2000 and No. 4 of 1997**

Nothing in this Determination affects determination No. 9 of 2000 and determination No. 4 of 1997, which continue to apply within their terms to the services listed in paragraph (e) and paragraph (b) of the Order respectively.

### **4. Repeal of determination No. 8 of 2000**

Tribunal determination No. 8 of 2000 is repealed from the commencement of this Determination. The repeal does not affect anything done or omitted to be done, or rights or obligations accrued, under that determination prior to its repeal.

### **5. Schedules**

Schedules 1 - 8 apply.

## Schedule 1

### Water Supply Services

#### 1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (a) of the Order (water supply services) (other than those set out in Schedule 7).

#### 2. Categories for pricing purposes

Prices for water supply services have been determined for 4 categories:

- metered properties
- metered standpipes
- unmetered properties
- unconnected properties.

#### 3. Charges for water supply services to metered properties

3.1 The maximum price that may be levied by the Corporation for the provision of water supply services to a residential property with its own meter, is the sum of the following:

- a) the water service charge set out in Table 1 based on the 20mm meter size (regardless of actual meter size), corresponding to the applicable period, and
- b) the water usage charge for filtered water set out in Table 2, corresponding to the applicable period, and
- c) the water usage charge for unfiltered water set out in Table 3, corresponding to the applicable period.

3.2 The maximum price that may be levied by the Corporation for the provision of water supply services to a non residential property with its own meter, is the sum of the following:

- (a) the water service charge set out in Table 1, corresponding to the applicable meter size and period, and
- (b) the water usage charge for filtered water set out in Table 2, corresponding to the applicable period, and
- (c) the water usage charge for unfiltered water set out in Table 3, corresponding to the applicable period.

**Table 1 Water service charge for metered properties**

Basis of charge	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
Meter size	\$	\$
20mm	76.55	76.55 x (0.99+ ΔCPI)
25mm	119.61	119.61 x (0.99+ ΔCPI)
30mm	172.24	172.24 x (0.99+ ΔCPI)
32mm	195.97	195.97 x (0.99+ ΔCPI)
40mm	306.21	306.21 x (0.99+ ΔCPI)
50mm	478.45	478.45 x (0.99+ ΔCPI)
80mm	1,224.83	1225.83 x (0.99+ ΔCPI)
100mm	1,913.79	1913.79 x (0.99+ ΔCPI)
150mm	4,306.04	4306.04 x (0.99+ ΔCPI)
200mm	7,655.18	7655.18 x (0.99+ ΔCPI)
For meter diameter sizes not specified above, the following formula shall apply	$=(\text{meter size (mm)})^2 \times 76.55 / 400$	$(\text{meter size (mm)})^2 \times 76.55 / 400 \times (0.99+ \Delta\text{CPI})$

**Table 2 Water usage charge for filtered water to metered properties**

Basis of Charge	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
	\$/kL	\$/kL
Filtered water (per kilolitre of filtered water used)	0.98	0.98 x (1.01+ ΔCPI)

**Table 3 Water usage charges for unfiltered water to metered properties**

Basis of Charge	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
	\$/kL	\$/kL
Unfiltered water (per kilolitre of unfiltered water usage)	0.74	0.74 x (1.01+ ΔCPI)

#### 4. Charges for water supply services to metered standpipes

The maximum price that may be levied by the Corporation for the provision of water supply services to a metered standpipe is the sum of the following:

- the water usage charge for filtered water set out in Table 2, corresponding to the applicable period, and
- the water usage charge for unfiltered water set out in Table 3, corresponding to the applicable period.

[Note: Ancillary charges for metered standpipes, including hire and usage fees, may apply under Schedule 6.]

## 5. Charges for water supply services to unmetered properties

- 5.1 The maximum price that may be levied by the Corporation for water supply services to an unmetered residential property is the sum of the following:
- the water service charge set out in Table 4, corresponding to the applicable period, and
  - the water usage charge set out in Table 5, corresponding to the applicable period.
- 5.2 The maximum price that may be levied by the Corporation for water supply services to an unmetered non-residential property is the following:
- the water service charge set out in Table 4, corresponding to the applicable period.

**Table 4 Water service charge for unmetered residential and non-residential properties**

Charge	Maximum charge for the period	Maximum charge for the period
	1 July 2003 to 30 June 2004	1 July 2004 to 30 June 2005
	\$	\$
Water service	76.55	$76.55 \times (0.99 + \Delta\text{CPI})$

**Table 5 Water usage charge for unmetered residential properties**

Charge	Maximum charge for the period	Maximum charge for the period
	1 July 2003 to 30 June 2004	1 July 2004 to 30 June 2005
	\$	\$
Water usage	244.84	$244.84 \times (1.01 + \Delta\text{CPI})$

## 6. Charges for water supply services to unconnected properties

The maximum water service charge and water usage charge that may be levied by the Corporation for an unconnected property is zero for the period 1 July 2003 to 30 June 2005.

## 7. Levying water supply charges on multi premises properties

- 7.1 The water supply charges in this Schedule levied by the Corporation in relation to a multi premises property which has a shared common water meter or meters must be on the following basis:
- For strata title or community title premises, the water service charge in Table 1 may only be levied on the relevant strata title or community title premises (each of which will for this purpose be deemed to be a separate property). The charges in Table 1 will be adjusted by dividing the charge applicable to the meter or meters for the multi premises property under Table 1 by the number of premises on that property.



- For a company title property the water service charge in Table 1 may only be levied on the relevant multi premises body.
- The water usage charges in Table 2 and/or Table 3 may only be levied on the relevant multi premises body, and not on each premises.

7.2 For the avoidance of doubt, each premises that has its own meter on a multi premises property is deemed to be a single property for the purposes of levying the water supply charges in this Schedule.

## Schedule 2

### Sewerage services

#### 1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (b) of the Order (sewerage services).

#### 2. Categories for pricing purposes

Prices for sewerage services have been determined for 6 categories:

- residential properties that are connected to the Corporation's sewerage system
- non-residential properties that are connected to the Corporation's sewerage system
- unconnected properties
- Blue Mountains septic pump out services
- exempt properties that are connected to the Corporation's sewerage system
- sewage extraction.

#### 3. Charges for sewerage services to residential properties

The maximum price that may be levied by the Corporation for sewerage services to a residential property that is connected to the Corporation's sewerage system is the sewerage service charge set out in Table 6 corresponding to the applicable period.

**Table 6 Sewerage service charge for residential properties**

Charge	Maximum charge for the period 1 July 2003 to 30 June 2004 \$	Maximum charge for the period 1 July 2004 to 30 June 2005 \$
Sewerage service	338.54	$338.54 \times (1 + \Delta\text{CPI})$

#### 4. Charges for sewerage services to non-residential properties

4.1 The maximum price that may be levied by the Corporation for sewerage services to a non-residential property that is connected to the Corporation's sewerage system is the sum of the following:

- (a) the sewerage service charge set out in Table 7, corresponding to the applicable period and meter size, if any (subject to clause 4.2), and
- (b) the sewerage usage charge set out in Table 8, corresponding to the applicable period, multiplied by the relevant discharge factor and
- (c) the property value charge set out in Table 9, corresponding to the applicable period.

4.2 For the purposes of clause 4.1(a):

- (a) if the application of Table 7 to a metered property would result in a charge that is less than that for a meter size of 20mm and a 100% discharge factor, or
- (b) in the case of an unmetered property,
- the charge under clause 4.1(a) will be that for a meter size of 20mm and a 100% discharge factor.

**Table 7 Sewerage service charge for non residential properties**

Basis of charge	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
Meter Size	\$ x df%	\$ x df%
20mm	338.54	338.54 x (1+ΔCPI)
25mm	528.97	528.97 x (1+ΔCPI)
30mm	761.71	761.71 x (1+ΔCPI)
32mm	866.66	866.66 x (1+ΔCPI)
40mm	1354.16	1354.16 x (1+ΔCPI)
50mm	2115.87	2115.87 x (1+ΔCPI)
80mm	5416.63	5416.63 x (1+ΔCPI)
100mm	8463.48	8463.48 x (1+ΔCPI)
150mm	19042.83	19042.83 x (1+ΔCPI)
200mm	33853.92	33853.92 x (1+ΔCPI)
For meter sizes not specified above, the following formula shall apply	$(\text{meter size (mm)})^2 \times 338.54/400$	$(\text{meter size (mm)})^2 \times 338.54/400 \times (1+\Delta\text{CPI})$

[Note: A discharge factor is applied to the charge based on the volume of water discharged into Corporation's sewerage system.]

**Table 8 Sewerage usage charge for non residential properties**

Basis of Charge (per kilolitres of water used x discharge factor per year)	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
	\$/kL	\$/kL
Sewerage usage(per kilolitre) 0-500kL	0	0
Sewerage usage (per kilolitre) above 500kL	1.12 x df%	1.12 x (1+ΔCPI) x df%

[Note: A discharge factor is applied to the charge based on the volume of water discharged into Corporation's sewerage system.]

**Table 9 Sewerage property valuation-based charges**

Basis of Charge Assessed annual land value	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
	\$	\$
Property value charge 0 - \$2500 AAV	0	0
Property value charge > \$2500 AAV	$0.002 \times (\$AAV - 2500)$	0

**5. Charges for sewerage services to unconnected properties**

The maximum price that may be levied by the Corporation for sewerage services (other than Blue Mountains septic services) to an unconnected property is zero for the period 1 July 2003 to 30 June 2004 and 1 July 2004 to 30 June 2005.

**6. Charges for Blue Mountains septic services**

The maximum price that may be levied by the Corporation for Blue Mountains septic services is the sum of the following:

- the septic service charge set out in Table 10 corresponding to the applicable period, and
- the septic usage charge set out in Table 11 corresponding to the applicable period.

**Table 10 Blue Mountains septic service charge**

	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
	\$	\$
Septic pump out service	391.44	$391.44 \times (1 + \Delta\text{CPI})$

**Table 11 Blue Mountains septic usage charge**

	Maximum charge for the period 1 July 2003 to 30 June 2004	Maximum charge for the period 1 July 2004 to 30 June 2005
	\$/kL	\$/kL
Septic pumpout usage (0-80kL per year)	0	0
Septic pumpout usage (81-100kL per year)	8.90	$8.90 \times (1 + \Delta\text{CPI})$
Septic pumpout usage (greater than 100kL per year)	17.80	$17.80 \times (1 + \Delta\text{CPI})$

## 7. Charges for sewerage services to exempt properties

The maximum price that may be levied by the Corporation for sewerage services to an exempt property that is connected to the Corporation's sewerage system is the charge per water or urinal closet set out in Table 12, corresponding to the applicable period.

**Table 12 Sewerage charge for exempt properties**

Charge	Maximum charge for the period	Maximum charge for the period
	1 July 2003 to 30 June 2004	1 July 2004 to 30 June 2005
	\$	\$
Per water closet or urinal closet	78.50	$78.50 \times (1 + \Delta\text{CPI})$

## 8. Charges for sewage extraction

- 8.1 The maximum price that may be levied by the Corporation for providing access to the sewer for extractive purposes is the capital costs of providing the access, for the period 1 July 2003 to 30 June 2004 and 1 July 2004 to 30 June 2005.
- 8.2 The maximum price that may be levied by the Corporation for extracting effluent from the sewer is zero for the period 1 July 2003 to 30 June 2004 and 1 July 2004 to 30 June 2005.

## 9. Levying sewerage service charges on multi premises properties

- 9.1 The sewerage service charges in this Schedule levied by the Corporation in relation to a non residential strata title building with a shared common meter or which is unmetered must be on the following basis:
- the sewerage service charge set out in Table 13 may only be levied on each strata title unit,
  - the sewerage property valuation based charge set out in Table 9 may only be levied on each strata title unit, and not on the owners corporation,
  - the usage charge set out in Table 8 may only be levied on the owners corporation for a metered property, and not on each strata title unit. In applying Table 8, the reference to 500kL is increased for this purpose by multiplying it by the number of premises in the multi premises property.

**Table 13 Sewerage service charge for a non-residential strata property with a shared common water meter**

Charge	Maximum charge for the period	Maximum charge for the period
	1 July 2003 to 30 June 2004	1 July 2004 to 30 June 2005
	\$ x df%	\$ x df%
Sewerage service	338.54	$338.54 \times (1 + \Delta\text{CPI})$

- 9.2 The sewerage service charges in this Schedule levied by the Corporation in relation to a non residential multi premises property, where each premises has its own water meter, may only be levied on each premises in the multi premises property (each of which will for this purpose be deemed to be a separate property), and not on the relevant multi premises body. For that purpose, the charges are the sum of the following:
- a) the sewerage service charge set out in Table 7, corresponding to the applicable period and meter size, if any (subject to clause 4.2), and
  - b) the sewerage usage charge set out in Table 8, corresponding to the applicable period, multiplied by the relevant discharge factor, and
  - c) the property value charge set out in Table 9 corresponding to the applicable period.
- 9.3 The sewerage service charges to be levied by the Corporation in relation to a non residential multi premises property (other than a strata title building) with a shared or common water meter are the charges set out in clause 4 of this Schedule for non residential properties and levied on the relevant multi premises property.

## Schedule 3

### Stormwater drainage services

#### 1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (c) of the Order (stormwater drainage services).

#### 2. Categories for pricing purposes

Prices for stormwater drainage services have been determined for 2 categories:

- residential properties and vacant properties
- non-residential properties (other than vacant properties)

that are within a declared stormwater drainage area.

#### 3. Charges for stormwater drainage to residential properties and vacant land

The maximum price that may be levied by the Corporation for stormwater drainage services to a residential property, or a vacant property, that is within a declared stormwater drainage area is the stormwater drainage service charge set out in Table 14, corresponding to the applicable period.

**Table 14 Stormwater drainage service charge for residential properties and vacant properties**

Basis of charge	Maximum charge for the period 1 July 2003 to 30 June 2004 \$	Maximum charge for the period 1 July 2004 to 30 June 2005 \$
Provision of stormwater drainage service per residential property or vacant property	24.46	$24.46 \times (1 + \Delta\text{CPI})$

#### 4. Charges for stormwater drainage to non-residential properties

The maximum price that may be levied by the Corporation for stormwater drainage services to a non-residential property (other than a vacant property) that is within a declared stormwater drainage area is the sum of the following:

- (a) the stormwater service charge set out in Table 15 corresponding to the applicable period, and
- (b) the property value charge set out in Table 16, corresponding to the applicable period.

**Table 15 Stormwater service charge for non-residential properties**

Basis of charge	Maximum charge for the period 1 July 2003 to 30 June 2004 \$	Maximum charge for the period 1 July 2004 to 30 June 2005 \$
Provision of stormwater service per non residential property	68.99	$68.99 \times (1 + \Delta\text{CPI})$

**Table 16 Stormwater property valuation based charges**

Basis of Charge Assessed property value	Maximum charge for the period 1 July 2003 to 30 June 2004 \$	Maximum charge for the period 1 July 2004 to 30 June 2005 \$
Property value charge 0 - \$2500 AAV	0	0
Property value charge > \$2500 AAV	$0.0018 \times (\text{\$AAV} - 2500)$	0



## Schedule 4

### Rouse Hill development area

#### 1. Application

- 1.1 This Schedule sets the maximum prices that the Corporation may charge the Rouse Hill Development Area for services under paragraph (g) (other water supply, sewerage and drainage services for which no alternative supply exists).
- 1.2 Schedule 1, 2 and 3 also apply to the Rouse Hill Development Area.

#### 2. Categories for pricing purposes

Prices in this Schedule have been determined for one category -

- properties in the Rouse Hill Development Area.

#### 3. Charges to properties in the Rouse Hill Development Area.

The maximum price that may be levied by the Corporation for the provision of recycled water and other drainage services to the Rouse Hill Development Area is the sum of the following:

- the recycled water usage charge set out in Table 17, corresponding to the applicable period, and
- the recycled water access charge set out in Table 18, corresponding to the applicable meter size and period, and
- the river management (drainage) charge set out in Table 19, corresponding to the applicable period and land size as relevant.

**Table 17 Recycled water usage charge**

Basis of Charge Per Kilolitre of recycled water used	Maximum charge for the period	Maximum charge for the period
	1 July 2003 to 30 June 2004	1 July 2004 to 30 June 2005
	\$/kL	\$/kL
Recycled water usage charge	0.28	0.28 x (1+ΔCPI)

**Table 18 Recycled Water Service Access Charge**

<b>Access to Recycled Water</b>	<b>Maximum charge for the period 1 July 2003 to 30 June 2004 \$</b>	<b>Maximum charge for the period 1 July 2004 to 30 June 2005 \$</b>
<b>Meter size</b>		
20mm	24.13	24.13 x (1+ΔCPI)
25mm	37.70	37.70 x (1+ΔCPI)
30mm	54.28	54.28 x (1+ΔCPI)
32mm	61.76	61.76 x (1+ΔCPI)
40mm	96.50	96.50 x (1+ΔCPI)
50mm	150.78	150.78 x (1+ΔCPI)
80mm	386.01	386.01 x (1+ΔCPI)
100mm	603.14	603.14 x (1+ΔCPI)
150mm	1357.05	1357.05 x (1+ΔCPI)
200mm	2412.54	2412.54 x (1+ΔCPI)
For meter diameter sizes not specified above, the following formula shall apply	$(\text{meter size (mm)})^2 \times 24.13/400$	$(\text{meter size (mm)})^2 \times 24.13/400 \times (1+\Delta\text{CPI})$

**Table 19 River Management Charges**

<b>Basis of charge Residential or non residential property</b>	<b>Maximum charge for the period 1 July 2003 to 30 June 2004 \$</b>	<b>Maximum charge for the period 1 July 2004 to 30 June 2005 \$</b>
Residential property	102.89	102.89 x (1+ΔCPI)
non residential property with land area ≤ 1000m <sup>2</sup>	102.89	102.89 x (1+ΔCPI)
non residential property with land area > 1000m <sup>2</sup>	$102.89 \times ((\text{land area m}^2)/1000)$	$102.89 \times ((\text{land area m}^2)/1000) \times (1+\Delta\text{CPI})$

## Schedule 5

### Trade waste services

#### 1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (d) of the Order (trade waste services).

#### 2. Categories for pricing purposes

Prices for trade waste services have been determined for two categories:

- industrial customers that discharge trade waste
- commercial customers that discharge trade waste.

#### 3. Charges for trade waste services to industrial customers

- 3.1 The maximum price that may be levied by the Corporation for trade waste services to industrial customers is the sum of the following:
- (a) the industrial agreement charge set out in Table 20, corresponding to the applicable period and risk index determined by the Corporation, and
  - (b) the quality charge set out in Tables 21 and 22, calculated for total waste substance concentrations in excess of the domestic equivalent, for the corresponding applicable period, and further applied or adjusted in accordance with clauses 3.2 to 3.5.
- 3.2 A reference to total waste substance concentrations in excess of the domestic equivalent, for the purpose of clause 3.1(b), is a reference to average concentrations of that substance over a period of time and/or volume of discharge, determined in accordance with the Corporation's Trade Waste Policy. The relevant charge then applies to the total mass of the waste substance discharged, in excess of domestic equivalent.
- 3.3 For total waste substance concentrations in excess of the acceptance standard in Tables 21 and 22, the quality charge set out in those tables is to be doubled and applied to the entire mass of the substance discharged that is in excess of the domestic equivalent (rather than only to the amount that is excess of the acceptance standard), excluding sulphate.
- 3.4 If the Corporation determines a substance to be either critical substance or an over capacity substance, in accordance with the Corporation's Trade Waste Policy, then the quality charge set out in Tables 21 and 22 is to be multiplied by the factor set out in Table 23, and applied to the mass of the substance that is 1.5 times in excess of the industrial customer's long term average daily mass (LTADM), as defined in the Corporation's Trade Waste Policy. (This is in addition to the charges that apply to the mass of the substance that is equal to or less than the customer's LTADM).
- 3.5 For the avoidance of doubt, a charge may be adjusted in accordance with both clauses 3.3 and 3.4.

Table 20 Industrial Agreement Fees

Risk Index	Maximum charge for the period 1 July 2003 to 30 June 2004				Maximum charge for the period 1 July 2004 to 30 June 2005			
	Standard	With direct electronic reporting (DER)	With on line monitoring (OLM)	With DER and OLM	Standard	With direct electronic reporting (DER)	With on line monitoring (OLM)	With DER and OLM
	\$	\$	\$	\$	\$	\$	\$	\$
1	20589.32	18530.37	16465.32	14406.37	20589.32 x (1+ΔCPI)	18530.37 x (1+ΔCPI)	16465.32 x (1+ΔCPI)	14406.37 x (1+ΔCPI)
2	18586.00	16727.40	14462.00	12603.40	18586.00 x (1+ΔCPI)	16727.40 x (1+ΔCPI)	14462.00 x (1+ΔCPI)	12603.40 x (1+ΔCPI)
3	8680.90	7811.56	5587.90	4719.79	8680.90 x (1+ΔCPI)	7811.56 x (1+ΔCPI)	5587.90 x (1+ΔCPI)	4719.79 x (1+ΔCPI)
4	4896.88	4407.20	1803.88	1314.20	4896.88 x (1+ΔCPI)	4407.20 x (1+ΔCPI)	1803.88 x (1+ΔCPI)	1314.20 x (1+ΔCPI)
5	1891.93	1702.72	na	na	1891.93 x (1+ΔCPI)	1702.72 x (1+ΔCPI)	na	na
6	667.72	601.16	na	na	667.72 x (1+ΔCPI)	601.16 x (1+ΔCPI)	na	na
7	445.14	400.65	na	na	445.14 x (1+ΔCPI)	400.65 x (1+ΔCPI)	na	na

Table 21 Acceptance Standards and Quality Charges for Domestic Substances

Substance	Acceptance Standard (mg/L)	Domestic Equivalent (mg/L)	Maximum charge for the period 1 July 2003 to 30 June 2004 \$/kg	Maximum charge for the period 1 July 2004 to 30 June 2005 \$/kg
Suspended solids	600	200	0.71	0.71 x (1+ΔCPI)
BOD – to primary STP	As determined by Sydney Water in accordance with its Trade Waste Policy	230	0.099 + (0.0166 x (BOD mg/L)/600)	[0.099 + (0.0166 x (BOD mg/L)/600)] x (1+ΔCPI)
BOD – to sec/ tertiary STP	As determined by Sydney Water in accordance with its Trade Waste Policy	230	0.56 + (0.0166 x (BOD mg/L)/600)	[0.56 + (0.0166 x (BOD mg/L)/600)] x (1+ΔCPI)
Grease	Where effluent treated at primary treatment plant -110 Where effluent treated at secondary or tertiary treatment plant – 200	50	1.00	1.00 x (1+ΔCPI)
Ammonia (as N)	50 (or as negotiated, up to 100 in accordance with Sydney Water's trade waste policy)	35	1.66	1.66 x (1+ΔCPI)
Nitrogen (inland only)	Where effluent treated at primary treatment plant - no limit Where effluent treated at secondary or tertiary treatment plant - 150	50	0.14	0.14 x (1+ΔCPI)
Phosphorus (inland only)	Where effluent treated at primary treatment plant - no limit Where effluent treated at secondary or tertiary treatment plant - 50	10	1.11	1.11 x (1+ΔCPI)
Sulphate	2000	50	0.11 x (S04mg/L)/2000	0.11 x (S04mg/L)/2000 x (1+ΔCPI)

**Table 22 Threat Level based Acceptance Standards and Associated Charges for Non Domestic Substances**

Threat Level	Acceptance Standard mg/L	Maximum charge for the period 1 July 2003 to 30 June 2004 \$/kg	Maximum charge for the period 1 July 2004 to 30 June 2005 \$/kg
0	Provisional	0	0
1	10,000	0.01	0.01 x (1+ΔCPI)
2	5,000	0.01	0.01 x (1+ΔCPI)
3	1,000	0.06	0.06 x (1+ΔCPI)
4	500	0.11	0.11 x (1+ΔCPI)
5	300	0.20	0.20 x (1+ΔCPI)
6	100	0.56	0.56 x (1+ΔCPI)
7	50	1.11	1.11 x (1+ΔCPI)
8	30	1.84	1.84 x (1+ΔCPI)
9	20	2.75	2.75 x (1+ΔCPI)
10	10	5.56	5.56 x (1+ΔCPI)
11	5	11.12	11.12 x (1+ΔCPI)
12	3	18.35	18.35 x (1+ΔCPI)
13	2	27.79	27.79 x (1+ΔCPI)
14	1	55.64	55.64 x (1+ΔCPI)
15	0.5	111.29	111.29 x (1+ΔCPI)
16	0.1	556.44	556.44 x (1+ΔCPI)
17	0.05	1112.93	1112.93 x (1+ΔCPI)
18	0.03	1836.30	1836.30 x (1+ΔCPI)
19	0.01	5564.31	5564.31 x (1+ΔCPI)
20	0.005	11128.61	11128.61 x (1+ΔCPI)
21	0.0001	556430.70	556430.70 x (1+ΔCPI)
22	0	Na	Na

**Table 23 Charges for Critical Substances and Over Capacity Substances**

Multiplier applicable for the period 1 July 2003 to 30 June 2004 and 1 July 2004 to 30 June 2005	
Substance status	Charging rate multiplier
Critical	2
Over capacity	3

#### 4. Charges for trade waste services to commercial customers

- 4.1 The maximum price that may be levied by the Corporation for trade waste services to commercial customers is the sum of the following:
- the commercial agreement charge set out in Table 24, corresponding to the applicable period,
  - the volumetric charge set out in Table 25, corresponding to the applicable period and charging code determined in accordance with the Corporation's Trade Waste Policy, and
  - the wastesafe charge set out in Table 26, corresponding to the applicable period.

**Table 24 Commercial Agreement Charge**

	Maximum charge for the period 1 July 2003 to 30 June 2004 \$	Maximum charge for the period 1 July 2004 to 30 June 2005 \$
First process	66.77	$66.77 \times (1 + \Delta \text{CPI})$
Each additional process	22.23	$22.23 \times (1 + \Delta \text{CPI})$

- 4.2 In calculating charges under Table 25, the minimum charge for commercial customers is \$56 per year.

**Table 25 Volumetric charge for commercial customers**

Charging Code	Maximum charge for the period 1 July 2003 to 30 June 2004 \$/kL	Maximum charge for the period 1 July 2004 to 30 June 2005 \$/kL
A	0	0
B	0	0
C	0.02	$0.02 \times (1 + \Delta \text{CPI})$
D	0.05	$0.05 \times (1 + \Delta \text{CPI})$
E	0.10	$0.10 \times (1 + \Delta \text{CPI})$
F	0.31	$0.31 \times (1 + \Delta \text{CPI})$
G	0.52	$0.52 \times (1 + \Delta \text{CPI})$
H	0.72	$0.72 \times (1 + \Delta \text{CPI})$
I	1.03	$1.03 \times (1 + \Delta \text{CPI})$
J	2.06	$2.06 \times (1 + \Delta \text{CPI})$
K	3.09	$3.09 \times (1 + \Delta \text{CPI})$
L	5.16	$5.16 \times (1 + \Delta \text{CPI})$
M	7.22	$7.22 \times (1 + \Delta \text{CPI})$
N	10.31	$10.31 \times (1 + \Delta \text{CPI})$
O	12.37	$12.37 \times (1 + \Delta \text{CPI})$
P	15.47	$15.47 \times (1 + \Delta \text{CPI})$
Q	20.62	$20.62 \times (1 + \Delta \text{CPI})$
R	30.93	$30.93 \times (1 + \Delta \text{CPI})$
S	51.55	$51.55 \times (1 + \Delta \text{CPI})$

**Table 26 Wastesafe charge for commercial customers**

	<b>Maximum charge for the period 1 July 2003 to 30 June 2004 \$/kL</b>	<b>Maximum charge for the period 1 July 2004 to 30 June 2005 \$/kL</b>
Wastesafe charge	0.10	$0.10 \times (1 + \Delta\text{CPI})$

## Schedule 6

### Ancillary and miscellaneous customer services

#### 1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (f) of the Order (ancillary and miscellaneous customer services for which no alternative supply exists).

#### 2. Categories for pricing purposes

The prices for ancillary and miscellaneous services in Table 27 apply.

#### 3. Charges for ancillary and miscellaneous services

3.1 The maximum charge that may be levied by the Corporation for miscellaneous service is the fixed price set out in Table 27.

3.2 A reference in Table 27 to "NA" means that the Corporation does not provide the relevant service.



**Table 27 Charges for ancillary and miscellaneous services**

Service No.	Description	Maximum price per service for the period 1 July 2003 to 30 June 2005 \$
<b>1</b>	<b>Conveyancing Certificate</b>	
	Statement of Outstanding Charges	
	a) Over the Counter	13.00
	b) Electronic	6.50
<b>2</b>	<b>Property Sewerage Diagram - Up to and including A4 size (where available)</b>	
	<i>Diagram showing the location of the house-service line, building and sewer for a property</i>	
	a) Certified	NA
	b) Uncertified	
	1. Over the Counter	13.50
	2. Electronic	6.50
<b>3</b>	<b>Service Location Diagram</b>	
	<i>Location of sewer and/or Water Mains in relation to a property's boundaries</i>	
	a) Over the Counter	13.50
	b) Electronic	6.50
<b>4</b>	<b>Special Meter Reading Statement</b>	15.00
<b>5</b>	<b>Billing Record Search Statement - Up to and including 5 Years</b>	28.00
<b>6</b>	<b>Building Over or Adjacent to Sewer Advice</b>	28.00
	<i>Statement of Approval Status for existing Building Over or Adjacent to a Sewer</i>	
<b>7</b>	<b>Water Reconnection</b>	
	a) During business hours	28.00
	b) Outside business hours	123.00
<b>8</b>	<b>Workshop Test of Water Meter</b>	
	<i>Removal and full mechanical test of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter. This involves dismantling and inspection of meter components</i>	
	20mm	165.50
	25mm	165.50
	32mm	165.50
	40mm	165.50
	50mm	165.50
	60mm	165.50
	80mm	165.50
	100mm	NA
	150mm	NA
<b>9</b>	<b>Application for Disconnection - All Sizes</b>	30.50
<b>10</b>	<b>Application for Water Service Connection (up to and including 25mm)</b>	31.00
	<i>This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection</i>	

Service No.	Description	Maximum price per service for the period 1 July 2003 to 30 June 2005 \$
11	<b>Application for Water Service Connection (32-65mm)</b> <i>This covers administration and system capacity analysis as required</i>	207.00
12	<b>Application for Water Service Connection (80mm or greater)</b> <i>This covers administration and system capacity analysis as required</i>	239.00
13	<b>Application to Assess a Water Main Adjustment</b> (Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length) This covers preliminary advice as to the feasibility of the project and will result in either: 1. A rejection of the project in which cases the fee covers the associated investigation costs Or 2. Conditional approval in which case the fee covers the administrative costs associated with the investigation and record amendment.	NA  NA
14	<b>Standpipe Hire</b> Security Bond (25mm) Security Bond (63mm)	NA NA
15	<b>Standpipe Hire</b> Quarterly Fee Monthly Fee	NA NA
16	<b>Standpipe Water Usage Fee</b> (All usage)	See clause 4 of schedule 1
17	<b>Backflow Prevention Device Application and Registration fee</b> <i>This fee is for initial registration of the backflow device</i>	NA
18	<b>Backflow Prevention Application Device Annual Administration Fee</b> <i>This fee is for the maintenance of records including logging of inspection reports</i>	NA
19	<b>Major Works Inspection Fee</b> <i>This fee is for the inspection, for the purposes of approval of water and sewer mains, constructed by others, that are longer than 25 metres and/or greater than 2 metres in depth</i> Water Mains (\$ per metre) Gravity Sewer Mains (\$ per metre) Rising Sewer Mains (\$per metre)	NA NA NA
20	<b>Statement of Available Pressure and Flow</b> <i>This fee covers all levels whether modelling is required or not</i>	146.00

Service No.	Description	Maximum price per service for the period 1 July 2003 to 30 June 2005	
		Fixed	Hourly
21	<b>Diagram Discrepancy – known as HS85</b> <i>Application for Sydney Water to undertake a Property Sewerage Diagram estimation for a property where no diagram currently exists</i>	107.00	NA
22	<b>Request for Asset Construction Details</b> <i>Detailed map of Sydney Water assets indicating water, sewer and drainage.</i>	56.00	NA
23	<b>Sydney Water Supply System Diagram</b> <i>Large Hydra Plan showing water, sewer and drainage assets, covering a large area in a single plot.</i>	12.00	105.00
24	<b>Building Plan Approval</b> <i>Approval of building/development plans certifying that the proposed construction does not adversely impact on Sydney Water's assets.</i>	16.50	NA
25	<b>Determining conditions for building over/adjacent to sewer.</b> <i>Attaching conditional approval requirements to Council approved building/development plans to safeguard Sydney Water's assets.</i>	79.00	NA
26	<b>Watermain Adjustment Application</b> <i>Application for Sydney Water to investigate the feasibility of relocating or adjusting an existing watermain.</i>	138.50	NA
27	<b>Watermain Fitting Adjustment Application</b> <i>Application for an Accredited Supplier to lower or raise an existing watermain fitting.</i>	89.50	NA
28	<b>Pump Application – Water</b> <i>Application for approval of an installation of a pump on the domestic or fire service, serving a property.</i>	119.00	NA
29	<b>Extended Private Service Application</b> <i>Application for Sydney Water to investigate the feasibility of permitting an extended private water service to provide a point of connection.</i>	84.50	NA
30	<b>Sewer Junction Connection Application</b> <i>Application for an Accredited Supplier to insert a junction into Sydney Water's sewer line.</i>	100.50	NA
31	<b>Sewer Sideline Connection Application</b> <i>Application for an Accredited Supplier to extend a junction to provide a suitable point of connection.</i>	100.50	NA
32	<b>Sewermain Adjustment Application</b> <i>Application for Sydney Water to investigate the feasibility of relocating or adjusting a sewermain.</i>	138.50	NA

Service No.	Description	Maximum price per service for the period 1 July 2003 to 30 June 2005 \$	
33	<b>Lamphole Adjustment Application</b> <i>Application for an existing lamphole to be raised or lowered</i>	0.00	NA
34	<b>Maintenance Hole Adjustment Application</b> <i>Application for an existing maintenance hole to be raised or lowered</i>	0.00	NA
35	<b>Vent Shaft Adjustment Application</b> <i>Application for Sydney Water to investigate the feasibility of relocating or disusing a sewer vent shaft and an Accredited Supplier to undertake the work.</i>	190.50	NA
36	<b>Disuse of Sewer Application</b> <i>Application for a Sydney Water to investigate the feasibility to disuse an existing Sydney Water sewer.</i>	117.00	NA
37	<b>Pump to Sewer Application</b> <i>Application for Sydney Water to approve pumping or effluent to the sewer or house service line.</i>	0.00	NA
38	<b>Service Protection Application (peg out)</b> <i>Application for Sydney Water to locate /peg-out the position of Sydney Water's sewer/stormwater to avoid damage during construction activities. This may be required for approval to build over or adjacent to a Sydney Water sewer/stormwater as part of determining building requirements. An Accredited Supplier may also provide this service.</i>	See Note 1	See Note 1
39	<b>Pier Supervision Application</b> <i>Application for Sydney Water to supervise the piercing of an existing sewer. The application and work must be carried out by an approved supplier.</i>	60.50	105.00
40	<b>Concrete Encasement Supervision Application</b> <i>Application for Sydney Water to supervise the encasement of an existing sewer. The application and work must be carried out by an approved supplier.</i>	60.50	105.00
41(a)	<b>Plumbing and Drainage Inspection Application</b> <i>Application for Sydney Water to inspect any new sewer or drainage connections. This includes the drawing up of property sewerage diagrams on completion.</i>	46.50	NA
41(b)	<b>Plumbing and Drainage Inspection Fee</b> <i>Fee per inspection for Sydney Water to inspect any new sewer or drainage connections. NB: Application fee also applies.</i>	65.00	NA
41(c)	<b>Plumbing and Drainage Re-inspection Fee</b> <i>Fee per re-inspection for Sydney Water to inspect any sewer or drainage connections. NB: Application fee does not apply.</i>	65.00	NA

Service No.	Description	Maximum price per service for the period 1 July 2003 to 30 June 2005 \$	
42	<b>Connection to Stormwater Channel Approval Application</b> <i>Application for approval to connect to Sydney Water's stormwater channel greater than 300mm.</i>	242.00	NA
43	<b>Inspection of Break In Stormwater Channel Application</b> <i>Application for an inspection of a connection to Sydney Water's stormwater channel greater than 300mm</i>	179.50	NA
44	<b>Inspection of Drainage Lines Application</b> <i>Application for an inspection of drainage lines from stormwater connection to silt arrestor and updating of records.</i>	96.00	NA
45	<b>Review of Hydraulic Plans</b> <i>Application for Sydney Water to examine hydraulic drawings to determine if internal drainage meets plumbing regulations. Water and fire hydraulics to be submitted and examined individually.</i>	38.00	105.00
46	<b>Subdivider/Developer Compliance Certificate (also known as a Section 73)</b> <i>Application for a subdivider/developer compliance certificate stating whether a proposed development complies with Section 73 of the Sydney Water Act (1994). In addition, developer charges and various requirements may apply.</i>	300.50	NA
47	<b>Developer Investigation Fee</b> <i>Investigation of expanding reticulation systems to cater for developments requirements and to safeguard Sydney Water's assets.</i>	80.00	105.00
48	<b>Design and Construct Contract Administration</b> <i>Performance of various activities to ensure the quality of the work under contract during the development and to safeguard Sydney Water's assets.</i>	NA	105.00
49	<b>Minor Extension Approval Application</b> <i>Application for approval to undertake a minor extension of an existing service or for expanding reticulation systems for a development.</i>	130.00	NA
50	<b>Hydrant Resealing</b> <i>Charge levied on the property owner to reseal a fire hydrant to prevent illegal use of unmetered water.</i>	16.50	NA
51	<b>Product Approval Application</b> <i>Application for a product to be approved for use with Sydney Water's infrastructure.</i>	45.50	105.00
52	<b>Dishonoured or Declined Payment Fee</b> <i>Fee for dishonoured reversal/payment processing where a financial institute declined a payment to Sydney Water.</i>	18.50	NA

Service No.	Description	Maximum price per service for the period 1 July 2003 to 30 June 2005 \$	
53(a)	<b>Supplement to WSAA Documents (includes supplement to Sewerage Code of Australia)</b> <i>Covers Sydney Water's variations to the Water Reticulation Code of Australia for the design and construction of water reticulation mains.</i>	0.00	NA
53(b)	<b>Minor Construction Standards</b> <i>Standards set in construction of sewer sidelines and/or sewer mains of length not greater than 25 meters.</i>	0.00	NA
54(a)	<b>Cancellation of Plumbers Permit</b> <i>Application for Sydney Water to cancel a plumber's permit where both parties sign the application</i>	0.00	NA
54(b)	<b>Cancellation of Plumbers Permit</b> <i>Application for Sydney Water to cancel a plumber's permit where only one signatory is received.</i>	39.00	NA
55	<b>Plumbing and Drainage Quality Assurance Application</b> <i>New charge which is expected to be utilised when Sydney Water's Quality Assurance audit role becomes effective. With Sydney Water's Plumbing and Drainage inspectors moving towards a Quality Assurance role.</i>	141.50	NA
56	<b>Hourly Rate - Technical Services</b> <i>Hourly rate for provision of expertise and technical services</i>	NA	105.00
57	<b>Hourly Rate - Civil Maintenance</b>	NA	75.00
58(a)	<b>Trade waste miscellaneous charges</b> Industrial and commercial trade waste inspections		
	- with one Sydney Water representative	NA	66.70
	- with two Sydney Water representative	NA	133.40
	Minimum increment	33.35	NA
58(b)	<b>Trade waste application fees</b> <i>Applicable to industrial customers only</i>	222.00	NA
	- Variation	267.00	NA
58 (c)	<b>Product authorisation / assessment</b> <i>Applicable to commercial customers only</i>		
	- Application fee	200.00	NA
	- Assessment fee	NA	66.70
58 (d)	<b>Sale of trade waste data</b>	NA	66.70

Note 1: This service is contestable and can be provided by Sydney Water or other service providers based on market rates. As such these charges are not regulated by the Tribunal.

## Schedule 7

### Minor Service Extensions

#### 1. Application

This Schedule sets the maximum prices that the Corporation may charge for certain services under paragraph (a) of the Order (water supply services) and paragraph (b) of the Order (sewerage services).

#### 2. Prices for minor service extensions

- 2.1 The maximum price that the Corporation may charge for the provision of water and sewerage services that constitute a minor service extension is the price calculated under clause 3.
- 2.2 The price calculated under clause 3 may only be levied by the Corporation on a property after the application date for that property.

#### 3. Calculating the price

- 3.1 The maximum price for the services in clause 2.1, when the connection date is the same as the availability date, is the price determined by the following formula:

$$P = \left[ \frac{(NPV(K) - NPV(R))}{NPV(S)} \right]$$

- 3.2 The maximum price for the services in clause 2.1, when the connection date is the year following the availability date, is the price determined by the following formula:

$$P = \left[ \frac{(NPV(K) - NPV(R))}{NPV(S)} \right] \times (\theta CPI_B)$$

- 3.3 The maximum price for the services in clause 2.1, when clauses 3.1 and 3.2 do not apply, is the price determined by the following formula:

$$P = \left[ \frac{(NPV(K) - NPV(R))}{NPV(S)} \right] \times [(\theta CPI_A) \times \dots \times (\theta CPI_B)]$$

- 3.4 In clauses 3.1, 3.2 and 3.3:

*P* is the price per ET that the Corporation may levy under clause 2.2;

*NPV* means:

- (a) when applied to *K* or *R*, the net present value of *K* or *R* (as the case may be), applying a discount rate of 7 per cent;

- (b) when applied to  $S$ , the net present value of  $S$  (over the same period as that used to calculate  $R$ ), applying a discount rate of 7 per cent.

$K$  is the total capital cost of the minor service extension to which this Schedule applies;

$R$  is the estimated future revenue to be derived in a given year from the provision of a minor service extension to the owners of the properties capable of being connected to the Corporation's water supply system or sewerage system, following a minor service connection;

$S$  is so much of  $ET$  that the Corporation estimates is attributable to connections in a given year, following a minor service extension;

$ET$  in relation to a minor service extension is a unit of measure of the additional load the Corporation estimates is placed on its water supply system or sewerage system from properties being connected to those systems following the minor service extension when compared to the load placed on those systems by an average residential property.

$\theta CPI_A$  is:

- (a) the sum of the CPI's for each of the four quarters in the financial year immediately following the availability date

divided by

- (b) the sum of the CPI's for each of the four quarters in the financial year of the availability date.

$\theta CPI_B$  is:

- (a) the sum of the CPI's for each of the four quarters in the financial year immediately preceding the connection date

divided by

- (b) the sum of the CPI's for each of the four quarters in the financial year immediately preceding the earliest quarter in paragraph (a).

"..." denotes:

- (a) the number of financial years between the year following the availability date and the connection date; and



(b) that in each of the financial years in paragraph (a) there is to be applied an index which is:

(i) the sum of the CPI's for each of the four quarters of that financial year;

divided by

(ii) the sum of the CPI's for each of the four quarters of the financial year immediately preceding the financial year in paragraph (i).

3.5 For example, if the proposed availability date for a property is January 2004, and the connection date for the property is May 2007, the charge under clause 2.2 is calculated by applying the formula in clause 3.3 as follows:

$$P_{example} = \text{Connection price}_{2004} \times (\theta\text{CPI}_{2005}) \times (\theta\text{CPI}_{2006}) \times (\theta\text{CPI}_{2007})$$

Where:

$P_{example}$  means the price that may be levied by the Corporation in this example,

Connection price<sub>2004</sub> means the price for connection at the availability date, which is the amount derived from  $\left[ \frac{(NPV(K) - NPV(R))}{NPV(S)} \right]$

$$\theta\text{CPI}_{2005} = \left( \frac{\text{CPI}_{Sept2004} + \text{CPI}_{Dec2004} + \text{CPI}_{Mar2005} + \text{CPI}_{Jun2005}}{\text{CPI}_{Sept2003} + \text{CPI}_{Dec2003} + \text{CPI}_{Mar2004} + \text{CPI}_{Jun2004}} \right)$$

$$\theta\text{CPI}_{2006} = \left( \frac{\text{CPI}_{Sept2005} + \text{CPI}_{Dec2005} + \text{CPI}_{Mar2006} + \text{CPI}_{Jun2006}}{\text{CPI}_{Sept2004} + \text{CPI}_{Dec2004} + \text{CPI}_{Mar2005} + \text{CPI}_{Jun2005}} \right)$$

$$\theta\text{CPI}_{2007} = \left( \frac{\text{CPI}_{Sept2005} + \text{CPI}_{Dec2005} + \text{CPI}_{Mar2006} + \text{CPI}_{Jun2006}}{\text{CPI}_{Sept2004} + \text{CPI}_{Dec2004} + \text{CPI}_{Mar2005} + \text{CPI}_{Jun2005}} \right)$$

The application of the formula in clause 3.3 given the definitions in clause 3.4 results in  $\theta\text{CPI}_{2006} = \theta\text{CPI}_{2007}$  in this example.

Assume in this example NPV(S) is calculated in the following way:

The Corporation estimates that the total ET for the minor service extension is 20. S is so much of the 20 ET that the Corporation estimates is attributable to connections in a given year.

If 10 ET were expected to connect to the system in the first year it became available, 4 in the next and the remaining 6 in the third, then applying a discount rate of 7 per cent:

$$NPV(S) = 10 + \frac{4}{1.07} + \frac{6}{1.07^2} \approx 18.99$$

#### 4. Interpretation

##### 4.1 In this Schedule:

**Area of Operations** has the same meaning as in the Corporation's operating licence in force at the commencement of this Determination.

**application date** is the date on which a person applies to the Corporation for connection, following a minor service extension.

**availability date** is the date on which a property is capable of being connected to the Corporation's water supply system or sewerage system, following a minor service connection, irrespective of whether the property is connected on that date.

**connection date** is the date on which a property is connected to the Corporation's water supply system or sewerage system, following a minor service extension.

##### 4.2 A quarter is a period of three months.

##### 4.3 The worked example in clause 3.5 may be used as guidance in interpreting this Schedule.

## Schedule 8

### Definitions and Interpretation

#### 1.1 Definitions

In this Determination:

**AAV** means the assessed annual value of land as defined by the *Valuation of Land Act 1916*.

**Blue Mountains septic service** means the service, of pumping out effluent from properties with septic tanks, that the Corporation provides to some properties within the Blue Mountains City Council area proclaimed under the *Local Government Act, 1993*.

**commercial customer** is defined in the Trade Waste Policy.

**community association** has the meaning given to that term under the *Community Land Development Act 1989*.

**community development lot** has the meaning given to that term under the *Community Land Development Act 1989*.

**community title property** means a community parcel as defined in the *Community Land Development Act 1989*.

**company title** means a type of title for multi occupancy buildings (usually home units), where the company owns the building, and the company shares are divided into a number of blocks or classes, entitling the owner of the shares to exclusive occupation of a part of the building.

**Corporation** means the Sydney Water Corporation constituted under the *Sydney Water Act 1994*.

**declared stormwater drainage area** has the meaning given to that term under the *Sydney Water Act 1994*.

**Determination** means this determination, including all appendices, attachments, schedules, tables and documents forming part of or referred to in this determination

**df% or discharge factor** for a non-residential property, means the ratio of the amount of waste water discharged from the property into the Corporation's sewerage system, to the metered water entering the property, expressed as a percentage as determined by the Corporation.

**exempt property** means land described in Part 1, Schedule 2 of the *Sydney Water Act, 1994* .

**filtered water** means water that has been treated at a water filtration plant.

**GST** means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

**industrial customer** is defined in the Trade Waste Policy.

**IPART Act** means the *Independent Pricing and Regulatory Tribunal Act 1992*.

**kL** means kilolitre or one thousand litres.

**meter** means a meter or other apparatus for the measurement of water, including any pipes and like fittings ancillary to such apparatus.

**metered property** means a property that has its water supply measured by a meter either directly or jointly with other properties.

**metered standpipe** means a metered device for connecting to one of the Corporation's fire hydrants to enable water to be extracted.

**multi premises property** means:

- (a) a strata title building,
- (b) a company title building,
- (c) a community parcel, or
- (d) a building comprised of separate premises.

However, it does not include a hotel, motel, guest-house or backpacker hostel.

**non-residential property** means a property that is not residential property.

**Order** means *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* made on 5 February 1997 and published in Government Gazette No. 18, on 14 February 1997.

**owners corporation** has the meaning given to that term under the *Strata Schemes Management Act 1996*.

**premises** means each of the following within a multi premises property:

- (a) a strata title unit,

- (b) a company title unit,
- (c) a community development lot, or
- (d) a part of a building lawfully occupied or available for occupation for residential purposes

each of which has a direct or indirect connection to the Corporation's water supply system (in the case of water supply charges) or the Corporation's sewerage system (in the case of sewerage charges).

**property** means:

- (a) land, whether built on or not, or
- (b) premises within a multi premises property, where this Determination deems those premises to be one or more separate properties,

that is within the Corporation's area of operations.

**relevant multi premises body**, in respect of a multi premises property, means:

- (a) an owners corporation (in respect of a strata title building),
- (b) a company (in respect of a company title building),
- (c) a community association (in respect of a community parcel),
- (d) an owner (in respect of a building lawfully occupied or available for occupation).

**residential property** means a property where:

- (a) the dominant use is residential; and
- (b) in the case of each premises in a multi premises property that is deemed to be a property for any purpose under this Determination:
  - (i) the land upon which the premises are located is categorised as residential under section 516 of the Local Government Act, or
  - (ii) the dominant use of those premises is residential.

[Note: section 516 of the *Local Government Act 1993* defines how land is categorised as residential. Under that section, hotels, motels, guest-houses, backpacker hostels or nursing homes or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations, are not included in this definition].

**Rouse Hill Development Area** means that area in the map bounded by the broken line in the Attachment excluding that area described as "Kellyville existing residential area" and the "cemetery".

**strata title building** means a building that is subject to a strata scheme under the *Strata Schemes (Freehold Development) Act 1973*.

**strata title unit** means a lot as defined under the *Strata Schemes (Freehold Development) Act 1973*.

**Trade Waste Policy** means the Corporation's *Trade Waste Policy and Management Plan* (July 2001) as amended from time to time.

**Tribunal** means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

**unconnected** when used in relation to a property (whether a residential property or a non-residential property) means a property that is not connected, either directly or jointly with other properties to a water main or sewerage main owned by the Corporation.

**unfiltered water** means water that has been chemically treated but not treated at a water filtration plant.

**unmetered** when used in relation to a property means a property that does not have its water supply measured by a meter either directly or indirectly or jointly with other properties.

**vacant property** means a property with no capital improvements and no connection to the Corporation's water supply system.

**year** means a period of twelve months commencing 1 July and ending on 30 June in the ensuing calendar year.

## 1.2 Consumer Price Index

In this Determination:

- (a) **CPI** means the consumer price index All Groups index number for the, weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by the Tribunal that is its best estimate of the index.

$$(b) \quad \Delta CPI = \left( \frac{CPI_{Jun2003} + CPI_{Sep2003} + CPI_{Dec2003} + CPI_{Mar2004}}{CPI_{Jun2002} + CPI_{Sep2002} + CPI_{Dec2002} + CPI_{Mar2003}} \right) - 1$$

- (c) The subtext (for example <sub>Jun 2003</sub>) when used in relation to CPI means the CPI for the quarter and year indicated (in the example the June quarter for 2003).

## **2. Interpretation**

### **2.1 Prices exclusive of GST**

Prices or charges specified in this Determination do not include GST.

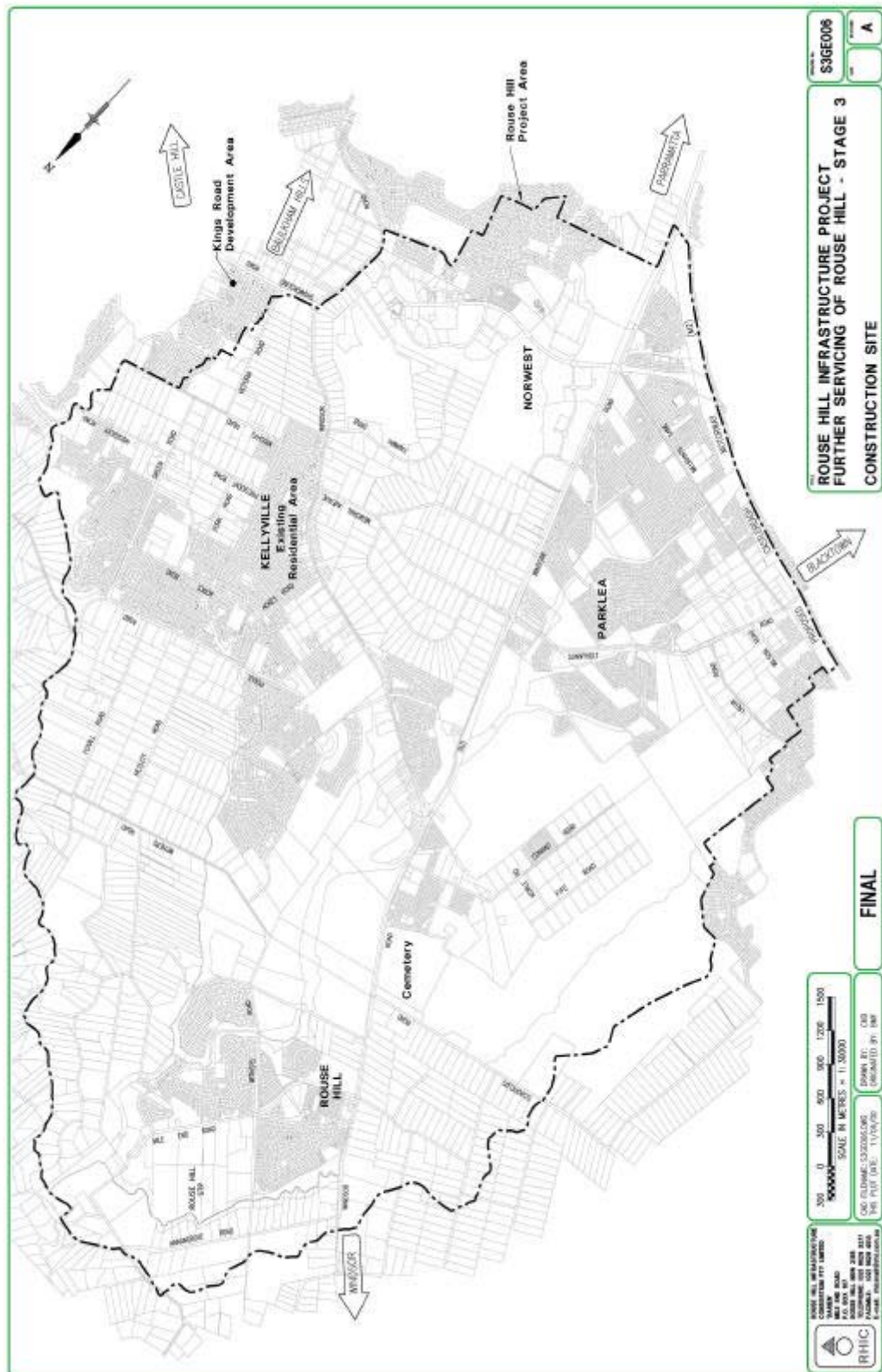
### **2.2 Billing cycle of the Corporation**

- (a) Nothing in this Determination affects when the Corporation may issue a bill to a customer for prices or charges under this Determination.
- (b) Where the bill traverses the period in determination No. 8 of 2000 and this Determination or where this Determination provides for a price variation between one period and another, the Corporation may apply the price variation on the date of its next bill or date of the next meter reading period or any other date nominated after the price variation.

### **2.3 General provisions**

- (a) A schedule means a schedule to this Determination.
- (b) A clause means a clause in this Determination and when used in a schedule means a clause in that schedule, unless otherwise indicated.
- (c) Words importing the singular include the plural and vice versa.
- (d) The explanatory notes do not form part of this Determination, but in the case of uncertainty may be relied on for interpretation purposes.

Attachment: Rouse Hill Development Area





**PARLIAMENTARY REMUNERATION ACT 1989**

**ANNUAL REPORT AND DETERMINATION OF ADDITIONAL  
ENTITLEMENTS FOR MEMBERS OF THE PARLIAMENT OF  
NEW SOUTH WALES**

**by the**

**PARLIAMENTARY REMUNERATION TRIBUNAL**

**pursuant to the**

**Parliamentary Remuneration Act 1989**

**30 JUNE 2003**

**PARLIAMENTARY REMUNERATION ACT 1989**  
**REPORT PURSUANT TO SECTION 13(1) OF THE ACT**

**1. INTRODUCTION**

Section 11 of the Parliamentary Remuneration Tribunal Act 1989 (“the Act”) prescribes that the Parliamentary Remuneration Tribunal (“the Tribunal”) shall make an annual Determination as to the additional entitlements for Members and Recognised Office Holders (as defined under the Act) on or before 1 June in each year or on such later date as the President of the Industrial Relations Commission of New South Wales determines.

Section 13 (1) of the Act requires that the Tribunal make a report to the President of the Industrial Relations Commission of New South Wales for each Determination made by the Tribunal. The President is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 13(2)).

Because of the election on 22 March 2003 it was not possible to commence the annual review until after its completion. The later commencement date necessitated the Tribunal writing only to the Presiding Officers seeking submissions from them, the major parties and Independents.

Because of time constraints and the later than expected receipt of submissions, the Tribunal wrote to the President of the Industrial Relations Commission on 19 May 2003 and sought, pursuant to section 11(2) of the Act an extension to the completion date of the Determination. By an Order published in the 30 May 2003 edition of the Government Gazette, the President has extended the date of completion of the determination to 30 June 2003.

The Tribunal received submissions from the Presiding Officers, the major political parties and some individual Members. The Tribunal also met with the Presiding Officers and representatives of the major Parties.

While there were a range of matters canvassed in the submissions the Tribunal does not intend to discuss all in their entirety. As has been the previous practice, the Tribunal has made changes to the Determination without the need for detailed separate reasons being

provided. Such changes reflect, in general, minor wording changes to give greater consistency to the Determination.

In a number of cases the submissions have repeated matters previously raised without providing any additional information for consideration by the Tribunal. Where the Tribunal has dealt with such matters in earlier Reports and Determinations no further consideration has been given in the present review.

The submissions have, however, also raised a number of substantive issues which, in the Tribunal's view, merit further consideration.

## **2. GENERAL MATTERS RAISED**

### **Additional Entitlements for Shadow Ministers**

For a number of years Members of the major Opposition Parties have sought additional entitlements for the Shadow Ministers. Shadow Ministers are established 'offices' in the Westminster System of Parliament and as the title implies they are alternative spokespeople on Government policies in the respective portfolios. Shadow Ministers perform a valuable role in our system of government, providing the community with alternatives to government policies and putting forward counter arguments to Government proposals. The community expects to hear from Shadow Ministers on executive government activities and challenge Ministers on their portfolio responsibilities. The community can only be better informed when alternative views and proposals are put forward.

The Tribunal is cognisant of the needs of Shadow Ministers to ensure they perform effectively in their role. The Tribunal has repeatedly stated its support for additional entitlements for Shadow Ministers, both to the present Government and the previous coalition Government. Neither took the opportunity to address the issue.

The Tribunal had interpreted the legislation as meaning that it could only provide additional entitlements to Members or Recognised Office Holders (Ministers, Presiding Officers, Leaders of the Opposition etc). As Shadow Ministers were not Recognised Office Holders then the Tribunal could not make specific determinations for them.

In 2000 following a major review of the additional entitlements scheme, the Tribunal interpreted the legislation as allowing the determination of additional entitlements for Shadow Ministers (being a specific class of Member). The Tribunal, therefore, determined some additional entitlements for Shadow Ministers. These were continued in the 2001 and 2002 determinations.

For the 2002 determination the Tribunal indicated that it would be seeking a special reference from the Premier to examine whether the Tribunal should determine additional staff resources for Shadow Ministers. Prior to requesting this special reference the Tribunal sought the advice of the Crown Solicitor on the Tribunal's authority to determine additional entitlements for Shadow Ministers and clarification of those sections of the Act which would allow or prevent the Tribunal from determining additional entitlements for Shadow Ministers. This was necessary to ascertain exactly what the Tribunal's statutory powers were in determining additional entitlements for Shadow Ministers.

On 16 October 2002 the Crown Solicitor noted that section 10A of the Act provided for additional entitlements to facilitate the efficient performance of parliamentary duties by Members and Recognised Office Holders.

The Crown Solicitor concluded that the Tribunal could not determine additional entitlements for Shadow Ministers as they were not recognised Office Holders for the purposes of the Act. He also advised that the Tribunal could not determine additional entitlements for Shadow Ministers as Members because the duties performed by Shadow Ministers are not the parliamentary duties ordinarily performed by Members.

He stated that the safest course of action in providing additional entitlements is to include the 'office' of Shadow Minister in Schedule 1 of the Act.

The Tribunal, as a result of this advice will no longer be able to determine additional entitlements for Shadow Ministers and the existing entitlements will be removed from this Determination.

There are a number of options available. Option 1 would be to retain the status quo. Option 2 would be to amend the Act to include Shadow Ministers as recognised office holders. Option 3 would be to increase the budget allocation in the Premier's Department for the Leaders of the Opposition to provide sufficient funds to meet the additional needs of the Shadow Ministry. Something similar occurs in the Federal jurisdiction. Option 4 would be to enhance the Budget of the Legislature so that the additional resource needs of the Shadow Ministry can be met by the Parliament. While the Tribunal has long supported the inclusion of Shadow Ministers in the Schedule of Recognised Office Holders, all the above Options are matters for the consideration of the Government.

Some Shadow Ministers who are also Recognised Office Holders have asked the Tribunal to restore the entitlements formerly provided to them as Recognised Office Holders.

In its determination of 20 December 1999 the Tribunal addressed the additional entitlements for Recognised Office Holders and how they would be reflected in the newly created Logistic Support Allocation in the following terms:

***“Recognised Office Holders***

*Schedule 1 of the Act provides a list of office holders whose duties, over and above those duties as a Member, attract an additional salary and an expense of office allowance.*

*Remuneration Tribunals across Australia have also recognised the additional duties and responsibilities of Recognised Office Holders by providing them with additional entitlements. In NSW, Recognised Office Holders receive the following additional entitlements:*

- a. Additional travel entitlements*
- b. One hundred percent reimbursement of home telephone/facsimile charges*
- c. Additional stamp allowance*
- d. Additional number of overnight stays for Living Away from Home Allowance*
- e. A travelling allowance*
- f. Additional printing and stationery entitlements.*

*One complicating factor when considering this issue is that the additional entitlements are not applied uniformly to all Recognised Office Holders across the various entitlements. This, coupled with grouping of these entitlements for Members in the initial determination, will also require a different approach to specifying entitlements for Recognised Office Holders.*

*Draft determination.*

*The draft determination did not make any provision for the additional entitlements of Recognised Office Holders, preferring to receive submissions from Members after the determination had been published.*

### **Consideration**

*The Tribunal accepts that Recognised Office Holders have additional duties and responsibilities of office over and above those required of a Member of Parliament. These additional duties and responsibilities vary from office to office.*

*As all entitlements are now expressed in monetary terms and because the entitlements for Recognised Office Holders are additional to those received by Members they will be expressed as a percentage of the basic amount.” (pp103-104)*

Schedule 3 of that Determination provided the appropriate percentages for the various components of the Logistic Support Allocation for Recognised Office Holders. This Schedule has been carried forward in subsequent Determinations. For 2001 and 2002 the Schedule also included allocation for Shadow Ministers.

As a result of this Determination those allocations for Shadow Ministers will be removed. Shadow Ministers who also occupied Recognised Office Holder positions will receive the additional entitlements in accordance with Schedule 3.

### **Legislative Changes**

The Parliamentary Remuneration Amendment (Recognised Office Holder) Act 2002 amended Schedule 1 of the Act by amending the description of the Office of Deputy Leader in the Legislative Council (other than the Leader of the Opposition or the Deputy Leader of the Opposition) of a recognised political party by reducing the number of members from ten to nine. For consistency the Tribunal has amended its description of this Office in the determination.

### **Sydney Allowance**

The focus of the submissions received by the Tribunal expressed concerns about the Sydney Allowance. The issues raised in the submissions ranged from matters previously canvassed and rejected by the Tribunal (increase in the rate to the full daily travel allowance amount) to more complex and significant matters dealing with the administration of the scheme and the perceived inequity between the daily rate and the annual rate.

The Presiding Officers have recommended that the existing provisions in respect of the Sydney Allowance remain unchanged pending a further review and consideration of the impact on Members.

The Tribunal was also advised that the condition that Members who opt to receive the annual allowance must repay any unspent portion of the allowance is a deterrent to making long term accommodation arrangements. This, it was argued, contradicted the Tribunal's basic premise for introducing the annual amount.

Some submissions suggested that Members in receipt of the annual rate should have access to additional overnight stays when required.

In discussions on this matter with representatives of the major Parties, the Tribunal was also advised that the number of occasions the Tribunal determines as being reasonable number of overnight stays in Sydney per annum (and hence the basis for determining the annual rate) understates the actual number of overnight stays that Members and Recognised Office Holders actually spend in Sydney on parliamentary business. Because of the shortness of time these matters could not be explored further, hence it was suggested to the Tribunal that rather than making any further changes to this entitlement that a fundamental review of the Sydney Allowance be undertaken at the time of the next annual review. The Parties would then be in a better position to provide comprehensive details of all the relevant issues.

The Sydney Allowance (formerly known as the special expense or Living Away from Home Allowance) was introduced in 1975 by Act of Parliament. The Allowance, as noted by the Tribunal in 1975, was intended to assist country Members in meeting the additional costs associated with overnight stays whilst in Sydney on parliamentary business or in transit to and from Sydney. The Allowance was payable to Members when the stay was for:

- € sittings of Parliament or direct travel to and from such sittings; or
- € meetings of parliamentary committees of which they are a member or direct travel to or from such meeting; or
- € other parliamentary business.

The Tribunal first considered special expense allowances in its Report and Determination of 3 November 1975. The Allowance was only available as an annual amount.

Because country Members would be spending a considerable amount of time in Sydney it was expected that they would make longer term accommodation arrangements at presumably cheaper rates. Indeed, in 1979 the Tribunal noted that:

*“...it appears that it was envisaged that the members would rent or buy permanent accommodation rather than stay at hotels and the allowance may have been pitched below the likely hotel, motel charges for this reason.”*

In keeping with this assessment the rate of this Allowance has consistently been struck at a significantly lower rate than the normal capital city travelling allowance rate available to public servants where the full cost of commercial and/or motel/hotel accommodation is included. This approach has been adopted by the Federal and other State/Territory Remuneration Tribunals.

In 1990 the Tribunal introduced the daily rate of the allowance and also introduced the number of overnight occasions considered reasonable to meet the purposes for which it was intended. Members in receipt of the annual amount were not required to substantiate the expenditure. The annual amount was capped. The daily rate could exceed the number of overnight stays determined by the Tribunal, however, full substantiation was required for each such overnight stay.

The Parliamentary Remuneration Amendment Act 1998, made significant changes to the Act. The Crown Solicitor advised the Tribunal that additional entitlements could only be used for parliamentary duties. This required changes to the administration of the Allowance and the rules applicable to it.

The Initial Determination of 24 December 1999 provided that Members who opted to receive the annual allowance were required to provide evidence of the number of overnight stays. Those Members whose overnight stays are less than the number provide for the annual allowance were required to reimburse the difference to the Parliament. It is this requirement, it is argued, that now makes the annual allowance impractical for members to make longer term accommodation arrangements.



Since the Initial Determination the Tribunal has made changes to the rules governing this entitlement. One such change had the unintended consequence of providing a potentially greater benefit to those Members in receipt of the daily allowance than those on the annual rate.

It is clear to the Tribunal that the Sydney Allowance is in need of a fundamental review. All aspects of the Allowance require consideration from the quantum of the daily rate to whether the number of overnight stays - introduced in 1990 – need to be re-assessed in light of the work patterns of Members and Recognised Office Holders. The rules underpinning this entitlement will also need to be examined to ensure they are sufficient to meet the needs of Members and the Legislature. Finally, the Tribunal may also need to assess a definition of “principal place of residence” in connection with this entitlement.

Such a broad sweeping review will require greater time than is available for this annual review. For this reason the Tribunal will make a cost of living adjustment to the entitlement. The Tribunal has considered the suggestion that the Allowance be reviewed as part of the next annual review but would prefer not to wait that long.

On completion of this review the Tribunal will, therefore, write to the Premier seeking a special reference to review all aspects of the Sydney Allowance. This will ensure that a new determination is in place prior to the next annual review where any potential adjustments can be made at that time.

#### **Interpretations of the Tribunal’s Determinations.**

Since the making of the 2002 Determination the Presiding Officers have, on occasion, sought interpretations from the Tribunal. These have assisted the Presiding Officers with the administration of the entitlements scheme or clarified particular matters. Where subsequent changes have been required to be made to the Determination this has been done without additional comment here.

### 3. REVIEW OF ADDITIONAL ENTITLEMENTS

#### **Electoral Allowance**

The Tribunal has again received submissions seeking an increase in the Electoral Allowance beyond the normal Consumer Price Index (CPI) movement. The Tribunal has also been requested to re-categorise one electorate to a higher category.

The Tribunal has been provided with information on the how the allowance is expended and, in particular, the significant cost of the motor vehicle that Members are required to purchase or lease from this entitlement.

The Electorate Allowance has always included a component for the acquisition of a motor vehicle. Unlike Federal Members of Parliament, NSW Members do not have access to private plated motor vehicles for \$750 pa. For this reason NSW Members receive a higher rate of electorate allowance than their Federal counterparts.

The Tribunal has also considered the application for re-categorisation. The Categories were established at the time of the last electoral redistribution in 1999. Nothing has changed since that time to warrant a new examination of a particular electorate. The Tribunal does not intend to review electorates individually unless demonstrated exceptional circumstances warrant such a review. The Tribunal will again review the categories of electorates at the time of the next redistribution.

The Tribunal intends for this review to increase electorate allowances in line with the movements in the Consumer Price Index i.e., 3.4 percent.

#### **Sydney Allowance**

In light of what has been noted above the Tribunal will increase the Sydney Allowance in line with the movement in the Consumer Price Index i.e., 3.4 percent.

### **Logistic Support Allocation (LSA)**

The Tribunal introduced the LSA in 2000 as a means of grouping a broad range of entitlements formerly available to Members in various forms. To simplify these entitlements the Tribunal determined a monetary value for each entitlement and grouped them into four broad areas of activity. Each Member was allocated an LSA account to which various expenditures incurred under the four broad areas would be debited.

LSA budgets were based on electorate Groupings for the Legislative Assembly and Zones for the Legislative Council. Budgets were based on actual expenditure figures obtained from the Legislature.

Members are given the flexibility to use the LSA to meet their particular needs in the performance of their parliamentary duties. Members are able to carry forward unspent entitlements and may manage the funds as they deem appropriate. Accountability and transparency in the use of the LSA are provided through the rules imposed by the Tribunal including an annual audit requirement.

For the current review the Tribunal has been requested to increase the transport component of the Allocation. The National Party submission provided costings of flights to certain destinations but beyond that there was no information which the Tribunal could use to accurately assess the merits of the argument. While the submission provided the cost of a flight from Sydney to Dubbo, for example, it provided no details of how many Members travel to Dubbo or how often. Such quantifiable information would assist the Tribunal in assessing whether or not the transport component is adequate.

The Deputy Speaker has sought an increase in his travel component based on his particular circumstances. The Tribunal understands that the Deputy Speaker has been provided with a motor vehicle to meet his transport requirements.

The Tribunal did not increase the LSA for the 2002 annual review. On this occasion the Tribunal will increase the LSA by the Consumer Price Index i.e., 3.4 percent.

**Committee Allowance**

The purpose of this Allowance is to remunerate Members servings as Chairpersons on Committees for the extra time and effort required to carry out this role. In previous Determinations this allowance has been increased in line with Members' salary increases.

Member's salaries were increased from 1 July 2002 by 3.3 percent and a further increase of 4 percent will be applied on and from 1 July 2003. In accordance with normal practice, therefore, the Committee Allowance will be increased by 7.3 percent.

**Reimbursement of Expenses for Charter Transport for Members of the Legislative Assembly**

Electorate charter transport allowances for Members of the Legislative Assembly were reviewed in 2002 when the Tribunal provided for increases of 15 percent to reflect the general increase in fees charged by charter operators since 1998. The Tribunal has again undertaken a review of these costs.

As part of this review, the Tribunal has undertaken a survey of fees charged by air charter transport operators. The results of the survey indicate that there has been a small increase in charter fees. On this basis the Tribunal will not increase the fees for charter transport for Members of the Legislative Assembly on this occasion. Actual amounts and conditions applying in respect of charter transport allowances are specified in the annual Determination.

**Travelling Allowances for Recognised Office Holders**

The Tribunal has undertaken a review of the travelling allowances paid to Recognised Office Holders. The Tribunal's Determination is based on those rates provided to NSW Public Servants and those deemed "reasonable" by the Australian Taxation Office. In accordance with conditions applicable to other NSW public officials, Recognised Office Holders will only be able to claim actual expenditure for absences from Sydney or their usual place of residence where an overnight stay is involved.

For absences that do not involve an overnight stay Recognised Office Holders may claim reasonable actual expenses. The Tribunal has provided indicative upper limits for travel expenditure. It is proposed that these allowances will be adjusted annually in line with movements to the public sector rates.

### **Relief Staff for Members of the Legislative Council**

Members of the Legislative Council who are not Ministers and/or Crossbench Members are entitled to one staff member. The Presiding Officers have requested the Tribunal consider providing relief staff for these Members when their staff member is absent on recreation leave.

The Tribunal has considered this matter and supports the request on equity grounds. The Determination has been amended accordingly.

### **4. SUMMARY OF 2003 DETERMINATION**

Electoral Allowance	3.4 percent increase (CPI)
Sydney Allowance	3.4 percent increase (CPI)
Logistic Support Allocation	3.4 percent (CPI)
Electorate Mailout Account	No increase
Committee Allowance	7.3 percent increase
Electorate Charter Allowance	No increase
Travel Allowances	Increased generally to public sector rates

### **Significant Changes to Conditions**

Relief staff to be provided to Members of the Legislative Council with one staff member.

Dated this 30th day of June 2003

The Honourable Justice R Boland

THE PARLIAMENTARY REMUNERATION TRIBUNAL

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**THE DETERMINATION OF THE PARLIAMENTARY REMUNERATION  
TRIBUNAL**

**THE DETERMINATION**

Pursuant to section 10 (2) and 11(1) of the Parliamentary Remuneration Act, 1989 (the Act), the Tribunal makes the Determination appearing hereunder.

With effect on and from 1 July 2003, and pursuant to section 10 (6) of the Act, all previous Determinations of the Tribunal are revoked. This Determination shall constitute the annual Determination and shall operate on and from 1 July 2003.

**DEFINITIONS**

“Member” or “Members” refers to a duly elected Member or Members of the Parliament of New South Wales (referred to hereinafter in this Determination as “the Parliament”).

In this Determination the expression “additional entitlements” is to be understood in the sense used in Part 3 of the Act.

“Parliamentary duties” has the meaning attributed to it by section 3 of the Act,

“Electoral groups” are the groups of electorates specified in Schedule 1.

For the purpose of the Additional Entitlements Account for Members of the Legislative Council, “Zones” shall be those areas described in Schedule 2A.

**GUIDELINES AND GENERAL CONDITIONS REGARDING ADDITIONAL ENTITLEMENTS FOR MEMBERS IN CONNECTION WITH PARLIAMENTARY DUTIES.**

**1. Guidelines**

Every class of “additional entitlements” described in this Determination is provided pursuant to section 10 (1) (a) of the Act “for the purpose of facilitating the efficient performance of the Parliamentary duties of Members.” The following guidelines shall apply to the receipt, use and operation of additional entitlements.



1. Circumstances upon which the additional entitlements may be used for Parliamentary Duties.
  - 1.1 Additional entitlements are provided to facilitate the efficient performance of the following particular Parliamentary duties of Members as follows:
    - 1.1.1 Activities undertaken in representing the interests of constituents, but excluding activities of an electioneering or political campaigning nature.
    - 1.1.2 Performing electorate work for a Member's electorate and participation in official and community activities to which the Member is invited because of the Member's status as a Parliamentary representative.
    - 1.1.3 Attending and participating in sessions of Parliament.
    - 1.1.4 Participation in the activities of Parliamentary committees.
    - 1.1.5 Attending Vice-Regal, Parliamentary and State ceremonial functions.
    - 1.1.6 Attending State, Commonwealth and Local Government functions.
    - 1.1.7 Attending official functions to which a Member is invited because of the Member's status as a Parliamentary representative, eg. receptions and other community gatherings hosted by Members of the diplomatic corps, educational and religious institutions, community and service organisations, business associations, sporting bodies or other special interest groups.
    - 1.1.8 Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.
    - 1.1.9 For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.
    - 1.1.10 A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party Membership and thereafter sits as an independent Member, howsoever

described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.

- 1.1.11 Participation within Australia in the activities of the Commonwealth Parliamentary Association as well as activities outside Australia organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch (exclusive of air travel).
- 1.1.12 Participation in a Parliamentary Group such as the Asia Pacific Friendship Group; provided that, such group is approved in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly. Such written approval shall be forwarded to the Tribunal.

2. Where any additional entitlement fixed by this Determination is to be used for the purpose of facilitating Members' participation in the activities of recognised political parties, the Tribunal sets out the following guidelines as to the use of that additional entitlement:

- 2.1 Parties registered under the *Parliamentary Electorates and Elections Act 1912*, and included in the register of parties maintained by the Electoral Commissioner, are to be treated as recognised political parties.
- 2.2 Additional entitlements should not be used to fund:
  - 2.2.1 activities such as those associated with party Membership drives;
  - 2.2.2 mail distributions for non-electorate or non-Parliamentary activities;
  - 2.2.3 costs associated with election campaigning for an individual Member;
  - 2.2.4 fund raising for other party political Members (such as the purchase of raffle tickets, raffle prizes or tickets to attend functions, etc); and
  - 2.2.5 costs previously borne by political parties which are not principally related to a Member's Parliamentary or electorate duties.
- 2.3 The electorate office provided for a Member of the Legislative Assembly is not to be used as an election campaign office.

3. The Tribunal sets out the following additional and general guidelines:
  - 3.1 Some intermingling of a Member's Parliamentary duties and private activities is in practical terms not always easily avoided, but the onus is always on the Member to show that any expenditure or any claim for reimbursement relates to Parliamentary duties, or to the Parliamentary duties component of costs incurred for intermingled Parliamentary duties and private purposes.
  - 3.2 In the case of electorate work, any activities within the electorate, and in respect of which a Member's involvement may reasonably be regarded as deriving from the Member's status as the Parliamentary representative for the electorate, should be treated as Parliamentary duties.
  - 3.3 In the case of Parliamentary work, any activities in which a Member's involvement may reasonably be regarded as deriving from the Member's responsibilities as a Parliamentary representative should be treated as Parliamentary duties.
  - 3.4 In the case of a Member's activities within the broader community outside the Member's electorate, activities that may reasonably be regarded as deriving from the Member's status as a Parliamentary representative should be treated as Parliamentary duties.

**2. Conditions**

The following general conditions will apply to all additional entitlements determined hereunder. These conditions are in addition to any special conditions attaching to the provision of allowances or other benefits (as specified later in this Determination):

1. All procurement by Members will be in accordance with the Parliament's purchasing policies.
2. Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.
3. Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (excepting for electorate to Sydney travel), communications, printing and stationery.
4. The Logistic Support Allocation shall be established and maintained by the Clerks of the Parliament. Members should be advised by the Clerks each month as to the balance of their Logistic Support Allocation
5. The funds in the Logistic Support Allocation shall only be used by the Member to carry out the purpose for which the allowance is established, but otherwise may, subject to these conditions, manage the funds as he/she thinks appropriate.
6. Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Logistic Support Allocation.
7. All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.
8. All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in

the nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.

9. Expenditure is only to be incurred in connection with the Parliamentary duties of Members (and in this respect the Member should refer to the guidelines in this Determination).
  
10. The various allowances determined here, as well as the Logistic Support Allocation are for the sole use of the Member and are not to be transferred to other persons or organizations including Members. The Member may use his/her entitlements to meet official costs of the spouse/approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.

## ADDITIONAL ENTITLEMENTS IN THE NATURE OF ALLOWANCES

### 1. Electoral Allowance

#### Purpose and Operation of the Provision

The allowance is based upon those factors which have historically been taken into account in assessing the quantum of the allowance (including the additional costs associated with the performance by Members of their Parliamentary duties in their electorates) and such other factors as may be determined from time to time as appropriate to be taken into account by the Tribunal under the Act.

#### Entitlement

The allowances shall be paid as follows:

- a. Each Member of the Legislative Assembly and the Legislative Council shall receive an electoral allowance. The quantum of that allowance shall be fixed in accordance with the electoral grouping for the electorate of the Member.
- b. The allowance payable for each electorate group shall be as follows:

Electorate Group	Allowance
Group 1	\$33,725
Group 2	\$39,495
Group 3	\$46,545
Group 4	\$50,810
Group 5	\$54,050
Group 6	\$59,250
Group 7	\$62,210
Group 8	\$69,295

- c. The electoral allowance for each Member of the Legislative Council shall be \$39,495.

## 2. Sydney Allowance

### Purpose and Operation of the Provisions

The Sydney allowance is provided to Members who reside in non-metropolitan electorates to compensate for the additional costs including commercial accommodation, meals and incidental costs associated with staying in Sydney to attend sessions of Parliament, meetings of Parliamentary committees or other Parliamentary business.

For the purpose of this allowance the non-metropolitan electorates (Electorate Groups 2-8) have been divided into two categories based on distance from Sydney. Members whose principal place of residence is in either Category 1 or Category 2 electorates, as specified in Schedule 2, are eligible to receive the Sydney allowance.

Entitlement

The daily rate (including the number of overnight stays) and the annual amount for the Sydney allowance for categories 1 and 2 shall be in accordance with Table 1 below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in conditions 3 and 4.

TABLE 1

	Residence	Daily Rate			Annual amount
		Overnight Stays p.a.	Overnight in Sydney	In Transit to and from Sydney	
Minister, Speaker, President, Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$175	\$135	\$24,500
Deputy Speaker, Chairman of Committees in the Legislative Assembly and Chairman of Committees in the Legislative Council.	Category 1 or 2	120	\$175	\$135	\$21,000
Parliamentary Secretary/	Category 1	90	\$175	\$135	\$15,750
	Category 2	120	\$175	\$135	\$21,000
Other Assembly/Council Members	Category 1	90	\$175	\$135	\$15,750
	Category 2	120	\$175	\$135	\$21,000

The following conditions apply to the Sydney allowance:

1. A Member can choose to receive the Sydney allowance as either an annual fixed allowance or a daily rate.



2. Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1 at the 'Sydney' or the 'transit to and from Sydney' rate as applicable. The Member is entitled to the number of overnight stays per annum specified in Table 1 without the need to substantiate to the Parliament expenses up to the daily rate.
3. Where the reasonable daily costs exceed the daily rate, full substantiation of daily costs will be required (including tax invoices/receipts).
4. Where the number of overnight stays is exceeded, documentary evidence of each overnight stay will be required.
5. When in receipt of the annual allowance Members are required to certify at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for Parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in Table 1.
6. Members will need to maintain records or other relevant evidence that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure from Sydney or any other documentary evidence of having travelled and stayed in Sydney in connection with Parliamentary duties.
7. Members in receipt of the annual amount will be required to return to Parliament the unspent portion of the Allowance for re-credit of the Consolidated Fund.
8. Members are not to claim the Sydney Allowance if they stay in Government owned or funded accommodation including Parliament House.

### 3. Committee Allowances

#### Purpose and Operation of the Provision

Committee Allowances are paid to Chairpersons of Joint and Select Committees in recognition of the additional responsibilities of the office. Because of the statutory nature of the Public Accounts Committee and its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

#### Entitlement

The allowances shall be paid as follows:

Members of the Legislative Council and the Legislative Assembly serving as Chairpersons of Joint Committees, Select Committees and Standing Committees shall be paid the sum of \$134.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the Parliamentary Remuneration Act 1989.

Members of the Public Accounts Committee, other than the Chairperson, shall each receive a committee allowance of \$3,050 per annum.

**ADDITIONAL ENTITLEMENTS IN THE NATURE OF FIXED ALLOCATIONS****1. Electorate to Sydney Travel**Purpose and Operation of the Provisions

Members of the Legislative Assembly who reside in electorate groups 2 to 8 and Members of the Legislative Council who reside in zones 2 or 3 qualify for return air travel warrants between their electorates/zones and Sydney.

These entitlements are provided for the performance of Parliamentary duties.

All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.

Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum.

## Entitlement

Office holder	Electorate to Sydney travel entitlement
Minister of the Crown	32 single journey entitlements
Speaker of the Legislative Assembly	32 single journey entitlements
President of the Legislative Council	32 single journey entitlements
Leader of the Opposition Assembly and Council	32 single journey entitlements
Leader of Party (not less than 10 Members in the Legislative Assembly)	32 single journey entitlements
Chairman of Committees Legislative Assembly and Legislative Council	32 single journey entitlements.
Deputy Speaker	32 single journey entitlements
Deputy Leader of the Opposition Assembly and Council	16 single journey entitlements
Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)	16 single journey entitlements

Conditions

1. All electorate to Sydney travel and return is restricted to economy class.
2. Warrants may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.
3. A minimum of one warrant is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.
4. Warrants are not transferable between Members, spouses or approved relatives, or Members' staff.
5. Where the Determination refers to warrants, the expression is intended to include a reference to the existing system for electorate to Sydney travel used for the Legislative Council.
6. Members may use electorate to Sydney warrants to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.
7. Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient warrants based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's spouse or approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is sent for payment.
8. A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel booking agent not offer a booking service required by a Member for Parliamentary

duties, the Member's transport bookings for that service may be made directly with the transport provider.

9. Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.
  
10. Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure from Sydney or any other documentary evidence of having travelled to Sydney in connection with Parliamentary duties.

## 2. Logistic Support Allocation

### Purpose and Operation of the Provision

The Clerks of the Parliament will establish a Logistic Support Allocation Account for each Member. Each Member's Logistic Support Allocation Account may be applied for the following purposes:

- <sup>3</sup> All interstate and intrastate transport for Parliamentary business (any mode) excepting electorate to Sydney travel
- <sup>3</sup> Taxi travel
- <sup>3</sup> Staff travel costs (training excluded)
- <sup>3</sup> Airport parking
- <sup>3</sup> Transport expenses for Members' spouse or other approved relative
- <sup>3</sup> Home telephone, facsimile and internet call charges for official business
- <sup>3</sup> Mobile telephone call charges and network access fees
- <sup>3</sup> Mail distribution and postal delivery services
- <sup>3</sup> Post Office box rental
- <sup>3</sup> Fax Post, Express Post and Lettergram services
- <sup>3</sup> Postage stamps
- <sup>3</sup> All stationery costs
- <sup>3</sup> Courier and freight charges for delivery of stationery or equipment to electorate or home office
- <sup>3</sup> Costs associated with photocopying
- <sup>3</sup> Printing (both Parliament House and external providers)
- <sup>3</sup> Publication services at Parliament House
- <sup>3</sup> Developing and hosting a web page for individual Member
- <sup>3</sup> Office equipment purchases up to \$2,500 (excluding GST)
- <sup>3</sup> Any maintenance charges relating to minor equipment purchases
- <sup>3</sup> Computer software
- <sup>3</sup> Computer hardware and peripheral devices not exceeding \$4,999

It is intended that the above list be used as a guide as to the types of items Members can spend against their Logistic Support Allocation. The Presiding Officers may exercise their discretion in permitting expenditure for items not on the "List". There must be sufficient funds in the Members Logistic Support Allocation, the items must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with the guidelines and general conditions in this Determination.

Entitlement

Each Member and Recognised Office Holder of the Legislative Assembly who resides in one of the following electorate groups will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Electorate Group</u>	<u>Entitlement</u>
Group 1	\$26,205
Group 2	\$29,375
Group 3	\$31,440
Group 4	\$31,440
Group 5	\$31,440
Group 6	\$31,440
Group 7	\$33,510
Group 8	\$33,510

Each Member and Recognised Office Holder of the Legislative Council who resides in one of the following zones will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Zone</u>	<u>Entitlement</u>
Zone 1 Electorates	\$17,690
Zone 2 Electorates	\$18,235
Zone 3 Electorates	\$27,235

**Recognised Office Holders are entitled to further additional entitlements as specified in Schedule 3.**

**General Conditions**

The following general conditions shall apply to the Logistic Support Allocation Account:

1. Subject to these conditions, each Member shall determine at his/her own discretion the use of the funds within this Account for the purpose and operations specified above.
2. It is the primary responsibility of Members to ensure that they manage their Logistic Support Allocation Account to ensure that they do not over-expend their budgets. No supplementation of this Allocation will be allowed by the Tribunal. However, the Logistic Support Allocation is not intended to restrict the proper use of the electoral allowance, which may be used to meet any expense referred to in the 'purpose and operations' section of this clause.
3. Members may not use their Logistic Support Allocation to procure goods or services to be used for electioneering purposes or political campaigning.
4. Any unused funds remaining in the Member's account at the end of the financial year within the four year Parliamentary term shall be carried over to the following financial year. At the end of each 4 year Parliamentary term or the earlier dissolution of the Legislative Assembly, any balance remaining in the Member's account is to be relinquished to the Consolidated Fund.
5. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.
6. Members must personally authorise expenditure from their Logistic Support Allocation. Whilst, subject to the further conditions, Members may determine at their discretion the use of the funds available for any purpose and operation specified in this clause, the following table outlines the basis upon which the Tribunal has established the quantum of the account for future assessment. The table shall be used for the



future assessment of the Allocation and for particular purposes such as the calculation of additional entitlements for Recognised Office Holders.

Electorate Group or Zone	Transport	Communication –electronic	Communication –non- electronic	Printing and Stationery and Office Supplies	Total Logistic Support Allowance
<b>Legislative Assembly</b>					
Group 1	\$4,135	\$3,320	\$12,170	\$6,575	\$26,205
Group 2	\$6,205	\$4,425	\$12,170	\$6,575	\$29,375
Group 3	\$8,275	\$4,425	\$12,170	\$6,575	\$31,440
Group 4	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 5	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 6	\$8,270	\$4,425	\$12,170	\$6,575	\$31,440
Group 7	\$10,340	\$4,425	\$12,170	\$6,575	\$33,510
Group 8	\$10,340	\$4,425	\$12,170	\$6,575	\$33,510
<b>Legislative Council</b>					
Zone 1 Electorates	\$4,135	\$3,875	\$3,105	\$6,575	\$17,690
Zone 2 Electorates	\$4,135	\$4,425	\$3,105	\$6,575	\$18,235
Zone 3 Electorates	\$10,340	\$7,195	\$3,105	\$6,575	\$27,210

**Particular Conditions.**Transport (Other than Electorate or Electorate to Sydney transport)

1. A Member may use any form of transport within Australia subject to the requirement that the transport was used for Parliamentary or electorate duties and that the cost was reasonable.
2. A Member may travel to any place in Australia, subject to the requirement that all such travel must be for Parliamentary duties and that there must be, at the time of the making of the relevant reservation, sufficient funds in that Member's Account to pay for the expenses involved.
3. All transport costs associated with spouse/approved relative or Members' staff travel (excluding travel costs associated with staff training) are to be provided from the Logistic Support Allocation Account. Staff training costs are to be met by the Legislature.
4. Members and their spouses/approved relatives, when travelling in connection with their Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Members' Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 3 in Table 2 hereunder. Staff employed by the Parliament who travel with their Member or separately for Parliamentary business purposes may be paid travel allowances in accordance with appropriate Public Service Award conditions.
5. A Member and his or her spouse or approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.
6. A Member, his or her spouse/approved relative and staff employed by the Parliament may use taxis or hire cars for Parliamentary duties.
7. A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel

booking agent not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service may be made directly with the transport provider.

8. Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.
9. Members should ensure that records are maintained that clearly document the occasions that staff employed by the Parliament stayed in Sydney or other locations when travelling in connection with the Member's Parliamentary duties. Such documentation may include airline boarding passes for arrival and departure or other documentary evidence of having travelled and stayed in accommodation.
10. A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's spouse or an approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter costs should be shared equally between the Members travelling.
11. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.
12. Members together with their spouses/approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. Such documentation could include airline boarding passes for arrival and departure or any other documentary evidence of having travelled in connection with Parliamentary duties.

Communication – electronic

1. The Tribunal accepts that there will be some private usage in connection with mobile telephones supplied by the Parliament and electronic communication equipment installed at public expense in a Member's principal place of residence. To ensure the Legislature does not pay Fringe Benefits Tax for the private usage of electronic equipment, the Financial Controller will undertake a survey over an appropriate period of time to ascertain public/private percentage use of Members' home telephones. Once established Members will be reimbursed the Parliamentary business cost of each home telephone call account and an adjustment shall be made to previous accounts reimbursed from the effective date of this Determination on or from the date of election, whichever is the later.
2. The Parliamentary business use component of the following telecommunication services are eligible for reimbursement:
  - € Directory assistance charges (only applies to business lines)
  - € Call connect charges (extension of directory assistance)
  - € Messagebank
  - € Call waiting
  - € Call forwarding/diversion
  - € Last unanswered call recall
  - € Telephone directory charges for home telephone listings (which are in addition to standard free entry)
3. The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs including overseas calls for Parliamentary business.
  - € Ministers
  - € Presiding Officers
  - € Leader of the Opposition (Assembly and Council)
  - € Leader of a Party not less than 10 Members in the Legislative Assembly
  - € Chairman of Committees (Assembly and Council)
  - € Deputy Speaker

- € Deputy Leader of the Opposition (Assembly and Council)
  - € Deputy Leader of a Party not less than 10 Members in the Legislative Assembly
  - € Parliamentary Secretaries (Assembly and Council)
  - € Government and Opposition Whips (Assembly and Council)
  - € Whip of a third party with not less than 10 Members (Legislative Assembly)
  - € Deputy Whips (Legislative Assembly)
4. A fax line installed at Legislative Council Members' home offices continue to be reimbursed at the rate of 100 per cent.
  5. Call and rental charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent subject to the line being used for Parliamentary duties.
  6. Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link and Telecard calls.
  7. Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

#### Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services and make arrangements for payment direct by the Parliament or obtain reimbursement by providing substantiation in accordance with the requirements of the Parliament's administration.

#### Printing, Stationery and Office Supplies

1. Members may only use the printing, stationery and office supplies entitlement for Parliamentary duties.

2. The entitlement may be used to purchase printing, stationery and office supplies from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.
3. A Member may not use their printing, stationery and office supplies allowances to procure goods or services to be used for electioneering purposes or political campaigning.
4. The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:
  - € The software will not be supported by the Parliament's I.T. Section.
  - € The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.
  - € The software is not to be used for political campaigning or electioneering purposes.

### 3. Electorate Mailout Account

Each Member of the Legislative Assembly will be provided with an amount as specified in Schedule 4 for the specific purpose of preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount to fund the cost of issuing such letters/newsletters on two occasions each year.

#### Conditions

1. The Electorate Mailout Account shall be established and maintained by the Clerk of the Legislative Assembly. Members should be advised by the Clerk each month as to the balance of their Account.
2. Members are to fund the cost of preparing, printing and posting letters/Newsletters to each constituent in his/her electorate and for no other purpose.
3. All procurement by Members will be in accordance with the Parliament's purchasing policies.
4. No supplementation to the allocation will be considered. Any additional costs are to be met from the Member's Logistic Support Allocation.
5. Unused funds are to be returned to the Consolidated Fund at the end of each financial year.
6. All accounts must be submitted to the Legislature for payment within 60 days of receipt.

#### 4. Electorate Charter Transport for Members of the Legislative Assembly

##### Purpose and operation of the provision

Members of the largest electorates (Electoral Groups 5-8) shall be provided with an allowance from which are met charter transport costs incurred within their electorates. For the purposes of this allowance “charter transport” means charter transport used with and for the service of the Member’s electorate and includes charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

##### Entitlement

Members of the Legislative Assembly in the following Electorate Groups shall be entitled to Charter Transport Allowance up to the maximum amount shown below:

Electorates	Entitlement
Group 8	\$19,520
Group 7	\$12,940
Group 6	\$10,560
Group 5	\$6,460

##### Conditions

The following conditions shall apply in respect of Charter Transport Allowance:

1. This Allowance shall only be used in connection with Parliamentary duties within the Member’s electorate and shall not be used during election campaigns or for other electioneering or party political activities.
2. Only the cost of the Member’s spouse or approved relative or Member of staff accompanying the Member may be met from this Allowance.
3. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.



4. Members are to meet the cost of the air charter and seek reimbursement from the Financial Controller with appropriate certification as to the purpose of the charter.
5. The charter transport shall only be used within and for the service of the Member's electorate. Where the only source of available charter transport is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.
6. These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.

## 5. Travelling Allowances for Recognised Office Holders

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
	Melbourne, Perth, Brisbane	Adelaide, Canberra, Darwin, Hobart		
Group 1	\$366.15	\$296.15	\$193.05	Actual reasonable meal expenses
Group 2	\$269.15	\$210.15	\$165.05	Actual reasonable meal expenses
Group 3	\$232.90	\$169.90	\$140.55	Actual reasonable meal expenses

Recognised Office Holders are classified into one of the following three groups.

### Group 1

Premier

### Group 2

Ministers,

President of the Legislative Council and Speaker of the Legislative Assembly,

Leader and Deputy Leader of the Opposition in the Legislative Council,

Leader and Deputy Leader of the Opposition in the Legislative Assembly,

Leader and Deputy Leader of a Recognised Political Party of which not less than ten

Members are Members of the Legislative Assembly,

Chairman of Select, Joint Standing, Standing and Public Accounts Committees.

### Group 3

Members of Select, Joint Standing, Standing and Public Accounts Committees,

The following conditions shall apply in respect of this allowance:

1. Recognised Office Holders are eligible to claim reasonable actual travelling expenses for overnight absences from Sydney or their electorate/principal home residence. Where no overnight absence is involved Recognised Office Holders may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.
2. The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Recognised Office Holder concerned.
3. A Recognised Office Holder whose spouse/approved relative accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation exceeding the allowance to which he or she is entitled, shall be entitled to be reimbursed the additional expenses associated with the spouse/approved relative.
4. Those Recognised Office Holders for whom non-Parliamentary funded budgets are provided are to meet travel allowance costs from those budgets and not from the Parliament.

## 6. Equipment, Services and Facilities

Members of the Legislative Assembly and the Legislative Council shall be provided by the Parliament with the equipment, services and facilities necessary to perform their Parliamentary duties as follows:

1. All Members shall receive at the Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.
2. Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling is to be provided with an additional electorate office.
3. Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.
4. Each Member shall receive portable equipment to supplement the provision of equipment as referred to in clauses 1, 2 and 3 above, except where such equipment is already provided by the Executive Government. This portable equipment shall include, but is not limited to, a mobile telephone and a notebook computer.
5. Each Member of the Legislative Council shall have a separate data line installed in their home office to provide access to the Parliament's secure computer network.
6. The Presiding Officers are to provide administrative support to each Member in accordance with the following:
  - i. Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.
  - ii. Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.

- iii. Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence.
- iv. Each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member shall be entitled to two staff Members.
- v. Ministers shall receive a reasonable allocation of staff Members.
- vi. This provision specifies the minimum staffing required in electorate offices. Nothing in this Determination removes from the employer of staff the obligations arising under the Occupational Health and Safety Act 2000.

Dated this 30 of June 2003.

The Honourable Justice R Boland

THE PARLIAMENTARY REMUNERATION TRIBUNAL

## ELECTORAL GROUPS

## SCHEDULE 1

Group 1 Electorates		
1. Auburn	17. Granville	33. North Shore
2. Bankstown	18. Heffron	34. Parramatta
3. Baulkham Hills	19. Hornsby	35. Penrith
4. Blacktown	20. Kogarah	36. Pittwater
5. Bligh	21. Ku-ring- gai	37. Port Jackson
6. Cabramatta	22. Lakemba	38. Riverstone
7. Campbelltown	23. Lane Cove	39. Rockdale
8. Canterbury	24. Liverpool	40. Ryde
9. Coogee	25. Macquarie Fields	41. Smithfield
10. Cronulla	26. Manly	42. Strathfield
11. Davidson	27. Maroubra	43. The Hills
12. Drummoyne	28. Marrickville	44. Vacluse
13. East Hills	29. Menai	45. Wakehurst
14. Epping	30. Miranda	46. Wentworthville
15. Fairfield	31. Mount Druitt	47. Willoughby
16. Georges River	32. Mulgoa	
Group 2 Electorates		
1. Blue Mountains	7. Illawarra	13. Peats
2. Camden	8. Keira	14. Swansea
3. Charlestown	9. Kiama	15. The Entrance
4. Gosford	10. Lake Macquarie	16. Wallsend
5. Hawkesbury	11. Londonderry	17. Wollongong
6. Heathcote	12. Newcastle	18. Wyong

## SCHEDULE 1

Group 3 Electorates		
1. Ballina	5. Myall Lakes	8. South Coast
2. Cessnock	6. Port Macquarie	9. Southern Highlands
3. Coffs Harbour	7. Port Stephens	10. Tweed
4. Maitland		
Group 4 Electorates		
1. Albury	4. Dubbo	7. Oxley
2. Bathurst	5. Lismore	8. Tamworth
3. Bega	6. Orange	9. Wagga Wagga
Group 5 Electorates		
1. Burrinjuck		
2. Clarence		
3. Monaro		
4. Northern Tablelands		
Group 6 Electorates		
1. Lachlan		
2. Murrumbidgee		
3. Upper Hunter		
Group 7 Electorates		
Barwon		
Group 8 Electorates		
Murray-Darling		

## SYDNEY ALLOWANCE GROUPINGS

## SCHEDULE 2

Category 1			
1.	Blue Mountains	7.	Heathcote
2.	Camden	8.	Illawarra
3.	Campbelltown	9.	Keira
4.	Charlestown	10.	Kiama
5.	Gosford	11.	Lake Macquarie
6.	Hawkesbury	12.	Londonderry
		13.	Newcastle
		14.	Peats
		15.	Swansea
		16.	The Entrance
		17.	Wallsend
		18.	Wollongong
		19.	Wyang

Category 2			
1.	Albury	11.	Lachlan
2.	Ballina	12.	Lismore
3.	Barwon	13.	Maitland
4.	Bathurst	14.	Monaro
5.	Burrinjuck	15.	Murray-Darling
6.	Bega	16.	Murrumbidgee
7.	Cessnock	17.	Myall Lakes
8.	Clarence	18.	Northern
9.	Coffs Harbour		Tablelands
10.	Dubbo	19.	Orange
		20.	Oxley
		21.	Port Macquarie
		22.	Port Stephens
		23.	South Coast
		24.	Southern
			Highlands
		25.	Tamworth
		26.	Tweed
		27.	Upper Hunter
		28.	Wagga Wagga



## LEGISLATIVE COUNCIL ZONES

## SCHEDULE 2A

Zone 1 Electorates		
1. Auburn	17. Granville	33. North Shore
2. Bankstown	18. Heffron	34. Parramatta
3. Baulkham Hills	19. Hornsby	35. Penrith
4. Blacktown	20. Kogarah	36. Pittwater
5. Bligh	21. Ku-ring- gai	37. Port Jackson
6. Cabramatta	22. Lakemba	38. Riverstone
7. Campbelltown	23. Lane Cove	39. Rockdale
8. Canterbury	24. Liverpool	40. Ryde
9. Coogee	25. Macquarie Fields	41. Smithfield
10. Cronulla	26. Manly	42. Strathfield
11. Davidson	27. Maroubra	43. The Hills
12. Drummoyne	28. Marrickville	44. Vacluse
13. East Hills	29. Menai	45. Wakehurst
14. Epping	30. Miranda	46. Wentworthville
15. Fairfield	31. Mount Druitt	47. Willoughby
16. Georges River	32. Mulgoa	
Zone 2 Electorates		
1. Blue Mountains	7. Illawarra	13. Peats
2. Camden	8. Keira	14. Swansea
3. Charlestown	9. Kiama	15. The Entrance
4. Gosford	10. Lake Macquarie	16. Wallsend
5. Hawkesbury	11. Londonderry	17. Wollongong
6. Heathcote	12. Newcastle	18. Wyong

## LEGISLATIVE COUNCIL ZONES

## SCHEDULE 2A

Zone 3 Electorates		
1. Albury	11. Lachlan	21. Port Macquarie
2. Ballina	12. Lismore	22. Port Stephens
3. Barwon	13. Maitland	23. South Coast
4. Bathurst	14. Monaro	24. Southern Highlands
5. Bega	15. Murrumbidgee	25. Tamworth
6. Burrinjuck	16. Murray-Darling	26. Tweed
7. Cessnock	17. Myall Lakes	27. Upper Hunter
8. Clarence	18. Northern Tablelands	28. Wagga Wagga
9. Coffs Harbour	19. Orange	
10. Dubbo	20. Oxley	

**RECOGNISED OFFICE HOLDER AND  
OTHER MEMBER ENTITLEMENTS**

**SCHEDULE 3**

Recognised Office Holder	Transport	Communication (electronic)	Communication ( non- electronic)	Printing & Stationery
Presiding Officer	30%		55%(A) 175%(C)	40%
Minister				40%
Deputy Speaker, Chair of Committees				40%
Leader of the Opposition	20%(A)		140%(A) 175%(C)	40%
Deputy Leader of the Opposition			15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			20%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Independent Members				20%

Where entitlements formerly provided for the recognised office holder's spouse these have been included in the allocation.

Where an entitlement is followed by (A) or (C) it applied only to the office holder in either the Assembly or the Council.

## ELECTORATE MAILOUT ACCOUNT

## SCHEDULE 4

ELECTORAL DISTRICT	CURRENT ENROLMENT (2 June 2003). As provided by the State Electoral Office	ANNUAL ENTITLEMENT
1. ALBURY	43,389	\$56,406
2. AUBURN	46,957	\$61,044
3. BALLINA	46,063	\$59,882
4. BANKSTOWN	45,143	\$58,686
5. BARWON	42,263	\$54,942
6. BATHURST	44,708	\$58,120
7. BAULKHAM HILLS	45,969	\$59,760
8. BEGA	48,759	\$63,387
9. BLACKTOWN	47,210	\$61,373
10. BLIGH	49,145	\$63,889
11. BLUE MOUNTAINS	46,492	\$60,440
12. BURRINJUCK	44,640	\$58,032
13. CABRAMATTA	43,510	\$56,563
14. CAMDEN	55,407	\$72,029
15. CAMPBELLTOWN	44,066	\$57,286
16. CANTERBURY	44,600	\$57,980
17. CESSNOCK	44,920	\$58,396
18. CHARLESTOWN	44,711	\$58,124
19. CLARENCE	44,169	\$57,420
20. COFFS HARBOUR	45,987	\$59,783
21. COOGEE	43,077	\$56,000
22. CRONULLA	45,070	\$58,591
23. DAVIDSON	45,483	\$59,128
24. DRUMMOYNE	49,146	\$63,890
25. DUBBO	44,067	\$57,287
26. EAST HILLS	44,969	\$58,460
27. EPPING	45,218	\$58,783
28. FAIRFIELD	44,501	\$57,851
29. GEORGES RIVER	46,560	\$60,528
30. GOSFORD	49,279	\$64,063
31. GRANVILLE	43,586	\$56,662
32. HAWKESBURY	49,861	\$64,819
33. HEATHCOTE	45,522	\$59,179
34. HEFFRON	44,369	\$57,680
35. HORNSBY	46,933	\$61,013
36. ILLAWARRA	46,355	\$60,262
37. KEIRA	44,035	\$57,246
38. KIAMA	49,055	\$63,772
39. KOGARAH	45,371	\$58,982
40. KU-RING-GAI	45,209	\$58,772
41. LACHLAN	44,599	\$57,979
42. LAKE MACQUARIE	47,339	\$61,541
43. LAKEMBA	43,077	\$56,000
44. LANE COVE	44,902	\$58,373
45. LISMORE	42,870	\$55,731
46. LIVERPOOL	48,326	\$62,824

## ELECTORATE MAILOUT ACCOUNT

## SCHEDULE 4 (cont'd)

ELECTORAL DISTRICT	CURRENT ENROLMENT (2 June 2003). As provided by the State Electoral Office	ANNUAL ENTITLEMENT
47. LONDONDERRY	44,492	\$57,840
48. MACQUARIE FIELDS	55,237	\$71,808
49. MAITLAND	50,479	\$65,623
50. MANLY	44,426	\$57,754
51. MAROUBRA	44,325	\$57,623
52. MARRICKVILLE	45,912	\$59,686
53. MENAI	48,940	\$63,622
54. MIRANDA	43,698	\$56,807
55. MONARO	47,499	\$61,749
56. MOUNT DRUITT	45,898	\$59,667
57. MULGOA	49,059	\$63,777
58. MURRAY-DARLING	41,184	\$53,539
59. MURRUMBIDGEE	44,112	\$57,346
60. MYALL LAKES	47,705	\$62,017
61. NEWCASTLE	45,537	\$59,198
62. NORTH SHORE	46,413	\$60,337
63. NORTHERN TABLELANDS	43,026	\$55,934
64. ORANGE	44,578	\$57,951
65. OXLEY	44,732	\$58,152
66. PARRAMATTA	45,595	\$59,274
67. PEATS	45,636	\$59,327
68. PENRITH	44,679	\$58,083
69. PITTWATER	46,116	\$59,951
70. PORT JACKSON	53,437	\$69,468
71. PORT MACQUARIE	47,729	\$62,048
72. PORT STEPHENS	47,887	\$62,253
73. RIVERSTONE	53,898	\$70,067
74. ROCKDALE	44,391	\$57,708
75. RYDE	45,884	\$59,649
76. SMITHFIELD	46,351	\$60,256
77. SOUTH COAST	49,307	\$64,099
78. SOUTHERN HIGHLANDS	47,790	\$62,127
79. STRATHFIELD	46,937	\$61,018
80. SWANSEA	47,681	\$61,985
81. TAMWORTH	44,943	\$58,426
82. THE ENTRANCE	46,429	\$60,358
83. THE HILLS	56,749	\$73,774
84. TWEED	50,238	\$65,309
85. UPPER HUNTER	42,473	\$55,215
86. VAUCLUSE	43,640	\$56,732
87. WAGGA WAGGA	44,438	\$57,769
88. WAKEHURST	45,115	\$58,650
89. WALLSEND	48,496	\$63,045
90. WENTWORTHVILLE	44,240	\$57,512
91. WILLOUGHBY	47,507	\$61,759
92. WOLLONGONG	43,509	\$56,562
93. WYONG	50,972	\$66,264

**Advice of the Secretary of Treasury Pursuant to Section 12(A) of the *Parliamentary Remuneration Act, 1989***

The following comments on the Parliamentary Remuneration Tribunal's 2003 annual determination are made pursuant to Section 12 (A) of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

**Financial Implications**

The 2003 annual determination is fundamentally consistent with the previous determination and the NSW Budget Administration and Policy framework.

The table below shows the variation in entitlements over the 2002 determination.

For the purpose of calculating the financial costs, the estimates are based on the 2002 composition of the Legislative Assembly and the Council membership. It is also assumed that there were no changes to the electorate groupings. Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined. The Sydney allowance is calculated on the annual amount allocated to members.

ENTITLEMENT	2002 DET.	2003 DET.	CHANGE
Electoral Allowance	\$ 5,225,195	\$ 5,402,851	\$ 177,656 (3.4%)
Sydney allowance	\$ 1,173,312	\$ 1,213,204	\$ 39,892 (3.4%)
Committee Allowance*	\$ 14,212	\$ 15,250	\$ 1,038 (7.3%)
Electorate to Sydney Travel**	Not Estimated	Not Estimated	---
Logistic Support Allocation	\$ 3,381,480	\$ 3,496,450	\$ 114,970 (3.4%)
Electorate Mail-out Account***	\$ 5,600,000	\$ 5,600,000	NIL
Electorate Charter Transport All. - LA Mem.	\$ 89,980	\$ 89,980	NIL
Travelling Allowance for recog. Off. holders	Not Estimated	Not Estimated	Increased****
Equipment, Services & Facilities	Not defined	Not defined	Not defined
<b>TOTAL MINIMUM EXPENDITURE</b>	<b>\$ 15,484,179</b>	<b>\$ 15,817,735</b>	<b>\$ 333,556 (2.2%)</b>

\* Includes members of Public Account Committee only

\*\* Estimates not provided where maximum remuneration limits are not defined

\*\*\* Partially used in 2002-03 since determined in mid-year but allocation per annum is \$5.6m

\*\*\*\* Adjusted in line with movements in public sector rates

Member entitlements have increased by **\$333,556** over the 2002 determination, which represents a rise of 2.2 percent.

The increase in Electoral Allowance, Sydney Allowance and Logistic Support Allocation is in line with the **Sydney CPI of 3.4%** for year 2002-03 and a **7.3%** increase granted to Committee Allowance reflects increases in Members salaries. No increase has been granted for the Electorate Mail-out Allowance and Electorate Charter Transport Allowance due to minimal increases in the costs of these services. The removal of existing entitlements for Shadow Ministers has enabled a saving of up to \$10,000 per annum and the appointment of 3 Ministers from outer electorates, who are entitled to additional benefits, will increase the Sydney Allowance by \$15,000 per annum.

**The increase in entitlement should be fully met from escalation provided in the 2003-04 Budget.**

**Accountability and Control**

Additional guidelines have been set by the Parliamentary Remuneration Tribunal to ensure greater accountability and control over the use of entitlements by Members.

John Pierce  
Secretary

**RETENTION OF TITLE**

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve the retention of the title "Honourable" by Justice Mahla Liane PEARLMAN following her retirement from judicial office on 4 July 2003.

**SPORTING INJURIES INSURANCE ACT 1978**

Sporting Injuries Committee  
Order of Declaration under Section 5

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

***EBP Sports Club***

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

ROB SELJAK  
Chairperson

Date: 25 June 2003

**SPORTING INJURIES INSURANCE ACT 1978**

Sporting Injuries Committee  
Order of Declaration under Section 5

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

***League Boxing Inc***

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

ROB SELJAK  
Chairperson

Date: 25 June 2003

**SPORTING INJURIES INSURANCE ACT 1978**

Sporting Injuries Committee  
Order of Declaration under Section 5

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

***NSW Spearfishing & Freediving Commission***

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

ROB SELJAK  
Chairperson

Date: 25 June 2003

**SUBORDINATE LEGISLATION ACT 1989**

Wills, Probate and Administration Regulation 2003

NOTICE is given in accordance with section 5(2) of the Subordinate Legislation Act 1989 of the making of a principal statutory rule under the Wills, Probate and Administration Act 1898.

The Wills, Probate and Administration Regulation 2003 prescribes:

1. An amount which is the threshold entitlement for surviving spouses in relation to the distribution of intestate estates: and
2. The rate of interest payable in relation to both arrears of annuities and legacies which remain undistributed following the expiration of the executor's year.

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 4 August 2003.

**TRANSPORT ADMINISTRATION ACT 1988**

THE Minister for Transport Services has approved the closure of the following level crossings under section 94 of the Transport Administration Act 1988, as amended:

Moss Vale, South Fork, McCourt Road on the Unanderra to Moss Vale railway at rail kilometres 150.412

Spring Hill, Mason Road, on the main western railway at rail kilometres 310.382

Spring Hill, Forest Reef Road, on the main western railway at rail kilometres 311.549

All rights, easements and privileges in relation to these level crossings are now extinguished.

**WORKERS COMPENSATION (PUBLIC HOSPITAL RATES) ORDER 2003**

under the

Workers Compensation Act 1987

I, ROB SELJAK, Acting General Manager of the WorkCover Authority of New South Wales, pursuant to section 62 (1) of the Workers Compensation Act 1987, and with the concurrence of the Minister for Health, make the following Order.

Dated this 8th day of July 2003

ROB SELJAK  
Acting General Manager  
WorkCover Authority

1. Name of Order

This Order is the Workers Compensation (Public Hospital Rates) Order 2003.

2. Commencement

This Order commences on the date of its publication in the Gazette.



## 3. Application of Order

- (1) This Order applies to the hospital treatment of a worker at a public hospital, being treatment of a type referred to in clauses 4 to 7 and provided on or after the date of commencement of this Order, whether the treatment relates to an injury that is received before, on or after that date.
- (2) Any previous Order of WorkCover in force under section 62 of the Act continues to apply except to the extent that it is inconsistent with this Order.
- (3) Any order of the Director-General of the Department of Health made pursuant to clause 18 of the Workers Compensation (General) Regulation 1995 has effect as if it were an order made pursuant to clause 8 of this Order, subject to any amendment of it made by any subsequent order of the Director-General of the Department of Health.
- (4) Any order of the Director-General of the Department of Health made pursuant to clause 8 of this Order or any previous Order under section 62 of the Act has effect, subject to any amendment of it made by any subsequent order of the Director-General of the Department of Health.
- (5) Any order made pursuant to clause 8 of this Order may provide that a hospital is not a public hospital of a particular type in respect of treatment provided to a specified class of patient.

## 4. Fees for hospital patient services generally

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being treatment provided to a worker within a classification specified in Column 1 of Schedule A is, for each day (or part of a day) that the worker is a patient of the hospital, the corresponding amount specified in Column 2 of that Schedule.
- (2) This clause does not apply to hospital treatment of a type referred to in clauses 5 to 7 of this Order.

## 5. Fees for brain injury rehabilitation services

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being brain injury rehabilitation services within a classification specified in Column 1 of Schedule B, is the corresponding amount specified in Column 2 of that Schedule.
- (2) This clause does not apply to hospital treatment of a type referred to in clause 4, 6 or 7 of this Order.

## 6. Fees for spinal injury rehabilitation services

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being spinal injury rehabilitation services within a classification specified in Column 1 of Schedule C, is the corresponding amount specified in Column 2 of that Schedule.
- (2) This clause does not apply to hospital treatment of a type referred to in clauses 4, 5 or 7 of this Order.

## 7. Fee amount payable for physiotherapy outpatient services

The amount for which an employer is liable under the Act for hospital treatment of a worker, being physiotherapy services provided to the worker as an outpatient and of a type specified in Column 1 of Schedule D is the corresponding amount specified in Column 2 of that Schedule.

## 8. Definitions

- (1) In this Order:

**classification** refers to a classification of hospital, category of patient or otherwise (or any combination of them), appearing in Column 1 of Schedules A, B and C.

**critical care**, in relation to a patient, has the same meaning as it has in the "NSW Department of Health - DOHRS" issued by the Department of Health in June 2000 or in any subsequent revision of that document issued by that Department.

**distinct areas** means different body areas affected by a worker's injury requiring a separate approach to treatment.

**employer consultations** means discussions, including discussions by telephone, between a physiotherapist and worker's employer or rehabilitation provider in connection with the worker's treatment.

**extended treatment** means treatment that is extremely complex.

**initial consultation and treatment** means the first examination and treatment of a worker by the physiotherapist in respect of an injury.

**metropolitan (non-referral) hospital** means a public hospital classified as a metropolitan (non-referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

**metropolitan (referral) hospital** means a public hospital classified as a metropolitan (referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

**non-metropolitan hospital** means a public hospital classified as a non-metropolitan hospital in an order published in the Gazette by the Director-General of the Department of Health.

**occasion of service**, in relation to a non-admitted patient, has the same meaning as it has in the "NSW Department of Health - DOHRS" issued by the Department of Health in June 2000 or in any subsequent revision of that document issued by that Department.

**other public hospital** means a public hospital other than a metropolitan (non-referral) hospital, a metropolitan (referral) hospital, a non-metropolitan hospital or a psychiatric hospital.

**outpatient** is a patient who does not undergo a formal admission process.

**psychiatric hospital** means a public hospital classified as a psychiatric hospital in an order published in the Gazette by the Director-General of the Department of Health.

**public hospital** means a public hospital within the meaning of section 59 of the Act.



**standard consultation and treatment** means treatment provided after the initial consultation and treatment, or treatment involving reassessment.

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

**treatment in classes** means treatment provided by a physiotherapist when more than one patient is treated at the same time.

**WorkCover** means the WorkCover Authority of New South Wales.

- (2) All references to treatment and services in this Order are (consistent with the definition of "hospital treatment" in section 59 of the Act) references to treatment and services provided at a public hospital or at any rehabilitation centre conducted by such a hospital.

#### 9. Schedules

Schedules A, B, C and D form part of this Order.

#### Schedule A

##### Hospital patient services generally

<i>Column 1</i> Hospital classification	<i>Column 2</i> Daily amount (\$)
(1) Metropolitan (referral) hospital:	
(a) Critical care	1,925
(b) Other	775
(c) Outpatient (excluding physiotherapy)	90
(2) Metropolitan (non-referral) hospital:	
(a) Critical care	1,120
(b) Other	580
(c) Outpatient (excluding physiotherapy)	70
(3) Non-metropolitan hospital:	
(a) Critical care	890
(b) Other	540
(c) Outpatient (excluding physiotherapy)	60
(4) Psychiatric hospital:	
(a) Inpatient	325
(b) Outpatient (excluding physiotherapy)	60
(5) Other public hospital:	
(a) Inpatient	180
(b) Outpatient (excluding physiotherapy)	60

#### Schedule B

##### Brain injury rehabilitation services

<i>Column 1</i> Item/Hospital classification	<i>Column 2</i> Amount (\$)
(1) Admitted patient services:	
(a) Category A patient	700 per day
(b) Category B patient	450 per day
(c) Category X patient	1,000 per day
(2) Metropolitan (non-referral) hospital:	
(a) Category A patient	500 per day
(b) Category B patient	250 per day
(3) Non-admitted patient services	50 per cumulative half hour
(4) Outpatient medical clinic appointments	70 per occasion of service

#### Schedule C

##### Spinal injury rehabilitation services

<i>Column 1</i> Item/Hospital classification	<i>Column 2</i> Amount (\$)
(1) Admitted patients (Northern Area Health Service, Royal Rehabilitation Centre of Sydney)	550 per day
(2) Outpatient services	
(a) Conference	50 per half hour per therapist
(b) Therapy	50 per half hour per therapist

#### Schedule D

##### Physiotherapy outpatient services

<i>Column 1</i> Item/type of service	<i>Column 2</i> Amount per occasion of service (\$)
(1) Initial consultation and treatment	55
(2) Standard consultation and treatment	45
(3) Initial consultation and treatment where two distinct areas are treated	85
(4) Consultation and treatment where two distinct areas are treated	67.50
(5) Initial consultation and treatment where three distinct areas are treated	112.50
(6) Consultation and treatment where three distinct areas are treated	90
(7) Extended treatment	90
(8) Treatment in classes	34
(9) Other aspects of treatment not covered by any of items (1) to (8), for instance case conferencing and employer consultations	112.50 per hour

**Note to Schedule D.** The Workers Compensation (Physiotherapy Fees) Order 2001 No 1 sets out other fees for treatment provided by physiotherapists other than WorkCover approved physiotherapists and for treatment provided by WorkCover approved physiotherapists other than in consulting rooms.

# 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:

#### 16 July 2003

- 0301029** HAZMAT SUPPORT VEHICLES. DOCUMENTS: \$110.00 PER SET  
**IT03/2951** CONTROLLED TELEPHONE SYSTEM. DOCUMENTS: \$220.00 PER SET  
**035/265** ELECTROMEDICAL ELECTRODES & ACCESSORIES. DOCUMENTS: \$110.00 PER SET

#### 21 July 2003

- 035/3000a** DISPOSABLE DRAPES SUPPLEMENTARY. DOCUMENTS: NO CHARGE

#### 23 July 2003

- 036/6036** RECYCLING SERVICES CONTRACT. DOCUMENTS: \$110.00 PER SET  
**036/920a** STERILISATION CONSUMABLES. DOCUMENTS: \$110.00 PER SET

#### 29 July 2003

- 036/915** OPERATING THEATRE CONSUMABLES. DOCUMENTS: \$110.00 PER SET

#### 7 August 2003

- IT 03/2961** PROVISION OF A HUMAN RESOURCE INFORMATION SYSTEM (HRIS). DOCUMENTS: \$110.00 PER SET  
**IT 03/2963** SUSPECT ID SYSTEM- INCORPORATING BIOMETRIC FACIAL RECOGNITION. DOCUMENTS: \$220.00 PER SET

#### TENDER DOCUMENT FEE

Tender documents for inspection and purchase and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of 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 Closing 21<sup>st</sup> July 2003**

Advertised for 2 weeks starting Friday the 4<sup>th</sup> July 2003

Job No: 38090 Tenders are invited for a term contract to produce the NSW Government Gazette. The Government Gazette is published 52 weeks of the year together with 2 Freedom of Information Gazettes (1 in June and 1 in December). Full details are available from Gavin Potter on Ph: 9743 8777.

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# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### CAMPBELLTOWN CITY COUNCIL

Roads Act 1993, Section 116

Proposed Permanent Road Closure – Hamilton Road,  
Kentlyn (Eastern End)

THE Council advises that pursuant to section 116 of the Roads Act 1993, and in accordance with the authority delegated to it by the Roads and Traffic Authority, a permanent road closure is proposed to be carried out on the eastern end of Hamilton Road, Kentlyn one hundred and fifty (150) metres east of the current end of Hamilton Road. The road will be formalised by means of a gate. Written comments regarding the proposed road closure will be received by Council until a period of twenty-eight (28) days from publication of this notice in the *Government Gazette*. PAUL TOSI, General Manager, Campbelltown City Council, PO Box 57, Campbelltown, NSW 2560.

[0506]

### CAMPBELLTOWN CITY COUNCIL

Roads Act 1993, Section 116

Proposed Permanent Road Closure – Derby Street,  
Minto Heights (Western End)

THE Council advises that pursuant to section 116 of the Roads Act 1993, and in accordance with the authority delegated to it by the Roads and Traffic Authority, a permanent road closure is proposed to be carried out on the western end of Derby Street, Minto Heights by relocating the existing fire trail gate forty five (45) metres west of its current location and installing the gate adjacent to the Ashmead Road and Bensley Road intersection. The road will be formalised by means of a gate. Written comments regarding the proposed road closure will be received by Council until a period of twenty-eight (28) days from publication of this notice in the *Government Gazette*. PAUL TOSI, General Manager, Campbelltown City Council, PO Box 57, Campbelltown, NSW 2560.

[0507]

### NORTH SYDNEY COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE North Sydney Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines or deposits of minerals within such land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of open space and low impact recreation. Dated at North Sydney this 9th day of July 2003. PENNY HOLLOWAY, General Manager, North Sydney Council, PO Box 12, North Sydney, NSW 2059.

#### SCHEDULE

Lot 14, DP 847444.

[0520]

### TALLAGANDA SHIRE COUNCIL

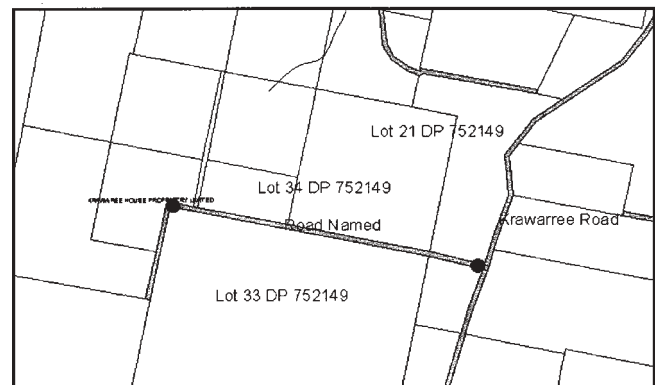
Roads Act 1993

Roads (General) Regulation 1994

Naming of Public Road – Roberts Road

Notice is hereby given that Tallaganda Shire Council, in accordance with the abovementioned Act, has named the road described hereunder:

Description of Road	Name
That length of road commencing at the Krawarree Road running generally west through Lot 52, DP 752149 and alongside Lots 33, 21 and 34, DP 752149, Parish of Jinden, County of Dampier, Shire of Tallaganda.	Roberts Road.



Authorised by resolution of Council at its meeting held on Monday, 17th March, 2003. A. STEWART, General Manager, Tallaganda Shire Council, Locked Bag 14, Braidwood, NSW 2622.

[0508]

### TAMWORTH CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Erratum Notice

THE Schedule to the Notice of Compulsory Acquisition of Land published in the *Government Gazette* on 5th January, 2001, Folio 01196 incorrectly described the land as "Lot 4, DP 157795". The Schedule should read:

"Part Lot 4, DP 157795 remaining after Lot 4A in DP 160732"

Dated at Tamworth this 30th day of June 2003. PHILIP LYON, General Manager, Tamworth City Council, c.o. Everingham Solomons, Solicitors, PO Box 524, Tamworth, NSW 2340.

[0521]

### ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ARTHUR CHARLES NORRIS, late of North Sydney in the State of New South Wales, war pensioner, who died on 27th September, 2002 must send particulars of his claim to the executors, Jacqueline Norris, Damian Norris and Timothy Norris, c.o. Mervyn Finlay, Thorburn & Marshall, Solicitors, 225 Macquarie Street, Sydney within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 2nd April, 2003. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, 225 Macquarie Street, Sydney, NSW 2000 (DX 796, Sydney), tel.: (02) 9223 6544 (Reference: DLT:MMF:2303).

[0509]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ERIC ERNEST BAKER, late of Chatham in the State of New South Wales, who died on 27th August, 2002 must send particulars of his claim to the executrix, Jeanette Marjorie Hook, c.o. McKerns, Solicitors, 43 Isabella Street, Wingham 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 23rd June, 2003. MCKERNS, Solicitors, 43 Isabella Street, Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922.

[0510]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ATHOLENE BLANCH, late of Villa 14, "Wollondilly Gardens", Mary Martin Drive, Goulburn in the State of New South Wales, retired nurse, who died on 16th February, 2003 must send particulars of his claim to the executor, Robert McKinnon, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 5th June, 2003. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777.

[0511]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of EDWARD DOUGLAS FIELD, late of 4B/36 Albyn Street, Bexley in the State of New South Wales, who died on 25th March, 2003 must send particulars of his claim to the executor, Barry Edward Field, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale 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 30th May, 2003. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale, NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022.

[0512]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of WILLIAM STEWART CLARK, late of 4/9-11 Albert Street, Woonona in the State of New South Wales, who died on 27th March, 2003 must send particulars of his claim to the executrix, Joyce Anne Gibson, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale 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 12th June, 2003. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale, NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022.

[0513]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN GEOFFREY REAKES, late of 19 Viola Street, Punchbowl in the State of New South Wales, retired accountant who died on 2nd December, 2002 must send particulars of his claim to the executrix, Pauline Marie Reakes, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South, NSW 1235 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 23rd June, 2003 as number 109589/03. STEVE MASSELOS & CO., A Solicitor Corporation, Level 2, 114-120 Castlereagh Street, Sydney, NSW 2000 (PO Box A988, Sydney South, NSW 1235) (DX 305, Sydney), tel.: (02) 9264 7022.

[0514]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JAMES BUCHANAN, late of 23 De Mamiel Street, Darlington Point in the State of New South Wales, retired plant operator, who died on 21st November, 2002 must send particulars of his claim to the executrix, Christine Barlow, c.o. Olliffe & McRae, Solicitors, PO Box 874, Griffith within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 26th June, 2003. OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680, tel.: (02) 6962 1744.

[0518]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANDRE DECREVEL, late of East Gosford in the State of New South Wales, commercial artist, who died on 31st March, 2003 must send particulars of his claim to the executor, Magali Laurence Craig, c.o. John G. Burton & Associates, 16 Adelaide Street, East Gosford within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 27th May, 2003. JOHN G. BURTON & ASSOCIATES, Solicitors, 16 Adelaide Street, East Gosford, NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899.

[0525]



## COMPANY NOTICES

NOTICE of final meeting of members.—DIPLOMAT HOMES PTY LIMITED (In voluntary liquidation), ACN 000 968 507.—Notice is hereby given that the final meeting of members of the abovenamed company will be held at the office of Brooks, Deane & Powne, Chartered Accountants, Level 6, 72 Pitt Street, Sydney, New South Wales on Monday, 18th August, 2003 to receive the liquidator's account showing how the winding up has been conducted and to hear explanations that may be given by the liquidator. Dated 7th July, 2003. CARL GILMORE, Liquidator, c.o. Brooks, Deane & Powne, Chartered Accountants, Level 6, 72 Pitt Street, Sydney, NSW 2000, tel.: (02) 9233 6111.

[0515]

NOTICE of final meeting of members.—TUPAK (AUST) PTY LIMITED (In voluntary liquidation), ACN 001 252 964.—Notice is hereby given that a general meeting of members of the company will be held at 10.30 a.m. on 5th August, 2003 at Level 5, 14 Martin Place, Sydney. Agenda: To hold the final meeting of the company and receive an account of how the winding up has been conducted. Dated this 1st day of July 2003. By Order of the Board. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens WI, Chartered Accountants, Level 5, 14 Martin Place, Sydney, NSW 2000, tel.: (02) 9229 7999.

[0516]

NOTICE of final meeting of members and creditors.—INPRESS PRINTING SERVICES PTY LIMITED, ACN 073 648 745.—Notice is hereby given that the final meeting of members and creditors of the abovenamed company will be held pursuant to section 509 of the Corporations Act 2001 at the offices of Nationwide Tax & Professional Services, 1 Kempsey Street, Blacktown on Tuesday, 12th August, 2003 at 10.00 a.m. for the purpose of laying before the meeting an account showing how the winding up has been conducted and the property of the company has been disposed of and giving any explanation thereof. Dated this 11th July 2003. DAVID J. DOBERER, Liquidator, c.o. Nationwide Tax & Professional Services, 1 Kempsey Street, Blacktown, NSW 2148, tel.: (02) 9672 3043.

[0517]

NOTICE of voluntary winding up.—ALAN FARLEY PTY LIMITED (In liquidation), ACN 000 813 089.—Notice is hereby given that by a special resolution passed at a meeting of shareholders of the abovenamed company, duly convened and held on 26th June, 2003 it was resolved that the company be wound up voluntarily and that Bruce Walker of Walker Lynch Petersen, PO Box 221, Taree, New South Wales 2430 be appointed liquidator. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidator within twenty-one (21) days of this date, otherwise distribution of the assets will take place without regard to such claims. Dated this 9th July, 2003. B. WALKER, Liquidator, c.o. Walker Lynch Petersen, Chartered Accountants, 140 Victoria Street, Taree, NSW 2430, tel.: (02) 6552 3533.

[0522]

NOTICE of final meeting pursuant to sub-sections 509 (3) and (4) convened by liquidator.—RIGBYS FURNITURE WAREHOUSE (In voluntary liquidation), ACN 001 490 446.—Notice is hereby given that a final meeting of members of the above company will be held at 10.00 a.m. on Monday, 14th August, 2003 at Level 1, 20 Wallis Street, Forster, New South Wales for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated 30th June, 2003. ROGER IRWIN LYNCH and STUART WILLIAM HORSBURGH, Liquidators, c.o. Walker Lynch Petersen, Chartered Accountants, Level 1, 20 Wallis Street, Forster, NSW 2428, tel.: (02) 6554 7566.

[0523]

NOTICE of final meeting of members pursuant to section 509 of the Corporations Law.—DUMARESQ INVESTMENTS PTY LIMITED (In liquidation), ACN 008 441 594.—Notice is hereby given that pursuant to section 509 of Corporations Law, the final meeting of members of the abovementioned company will be held at the offices of Roberts and Morrow of 137 Beardy Street, Armidale on 1st August, 2003 at 3.30 p.m., for the purpose of laying before the meeting the liquidator's final accounts and report and giving any explanation thereof. Dated this 4th day of July 2003. MIKE MULDOON, c.o. Roberts and Morrow, Chartered Accountants, 137 Beardy Street, Armidale, NSW 2350, tel.: (02) 6774 8400.

[0519]

NOTICE of final meeting of members and creditors.—INPRESS PRINTING SERVICES PTY LIMITED, ACN 088 032 099.—Notice is hereby given that the final meeting of members and creditors of the abovenamed company will be held pursuant to section 509 of the Corporations Act 2001 at the offices of Nationwide Tax & Professional Services, 1 Kempsey Street, Blacktown, New South Wales 2148 on Tuesday, 12th August, 2003 at 10.00 a.m., for the purpose of laying before the meeting an account showing how the winding up has been conducted and the property of the company has been disposed of and giving any explanation thereof. Dated this 11th July, 2003. DAVID J. DOBERER, Liquidator of Nationwide Tax & Professional Services, 1 Kempsey Street, Blacktown, NSW 2148, tel.: (02) 9672 3043.

[0524]