



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 114**  
**Friday, 18 July 2003**

Published under authority by the Government Printing Service

## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

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

Act No. 26, 2003 - An Act to amend the *Commission for Children and Young People Act 1998* with respect to the constitution, functions, procedures and other matters relating to the Child Death Review Team; to make consequential amendments to other Acts; and for other purposes. **[Commission for Children and Young People Amendment (Child Death Review Team) Act 2003]**

Act No. 27, 2003 - An Act to amend certain Acts with respect to criminal offences and proceedings for criminal offences; and for other purposes. **[Crimes Legislation Amendment Act 2003]**

Act No. 28, 2003 - An Act to confer power on police officers to stop vehicles, and use dogs, for drug detection in border areas; and for other purposes. **[Police Powers (Drug Detection in Border Areas Trial) Act 2003]**

Act No. 29, 2003 - An Act to amend the *Workers Compensation Act 1987*, the *Workplace Injury Management and Workers Compensation Act 1998* and certain other Acts to make further provision with respect to commencement of proceedings, dust diseases and injury notification; and for other purposes. **[Workers Compensation Legislation Amendment Act 2003]**

John Evans  
Clerk of the Parliaments

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# Proclamations

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## Proclamation

under the

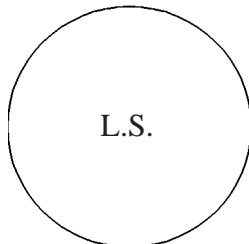
Local Government Amendment (Elections) Act 2003 No 23

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 *Local Government Amendment (Elections) Act 2003*, do, by this my Proclamation, appoint 18 July 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 16th day of July 2003.

By Her Excellency's Command,



ANTHONY KELLY, M.L.C.,  
Minister for Local Government

GOD SAVE THE QUEEN!



## Proclamation

under the

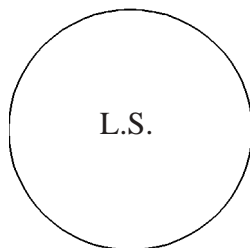
Police Act 1990

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 34 (1) of the *Police Act 1990*, do, by this my Proclamation, amend Schedule 2 to that Act (NSW Police senior executive positions) by omitting "Director, Strategic Operations".

Signed and sealed at Sydney, this 16th day of July 2003.

By Her Excellency's Command,



JOHN WATKINS, M.P.,  
Minister for Police

GOD SAVE THE QUEEN!



## Proclamation

under the

Public Finance and Audit Act 1983

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 45B (1) of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend Schedule 3 (Departments) to that Act:

(a) by omitting the matter relating to the following Departments:

Department of Sustainable Natural Resources

Department of Urban and Transport Planning

Transport Co-ordination Authority

(b) by inserting in appropriate order of Departments the following matter:

Department of Infrastructure,                      Director-General of the Department  
Planning and Natural Resources

Ministry of Transport                              Director-General of the Ministry

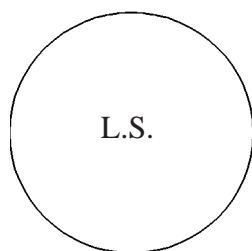
Proclamation

Explanatory note

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

By Her Excellency's Command,



MICHAEL EGAN, M.L.C.,  
Treasurer

GOD SAVE THE QUEEN!

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# Regulations

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## Banana Industry Regulation 2003

under the

Banana Industry Act 1987

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

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

### Explanatory note

The object of this Regulation is to remake, without substantial alteration, the *Banana Industry (Polls and Elections) Regulation 1998*. That Regulation will be repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation deals with the following matters:

- (a) the conduct of polls (Part 2),
- (b) the conduct of elections (Part 3),
- (c) other minor, consequential or ancillary matters (Parts 1 and 4).

This Regulation is made under the *Banana Industry Act 1987*, including section 31 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

Banana Industry Regulation 2003

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Banana Industry Regulation 2003

Clause 1

Preliminary

Part 1

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## Banana Industry Regulation 2003

under the

Banana Industry Act 1987

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Banana Industry Regulation 2003*.

#### 2 Commencement

This Regulation commences on 1 September 2003.

**Note.** This Regulation replaces the *Banana Industry (Polls and Elections) Regulation 1998* which is repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

*Executive Officer* means the Executive Officer of the Committee.

*returning officer* for a poll or election means the person appointed by the Committee as the returning officer for the poll or election.

*the Act* means the *Banana Industry Act 1987*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

#### 4 Notes

Notes in the text of this Regulation do not form part of this Regulation.

#### 5 Returning officer

(1) The Committee may appoint the Electoral Commissioner for New South Wales as the returning officer for the purposes of any election, poll or class of polls.

Clause 5            Banana Industry Regulation 2003

Part 1             Preliminary

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- (2) The Electoral Commissioner for New South Wales may delegate to any member of staff of the State Electoral Office any of the returning officer's functions under this Regulation, other than this power of delegation.

Banana Industry Regulation 2003

Clause 6

Conduct of polls

Part 2

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## **Part 2      Conduct of polls**

### **Division 1      Preliminary**

#### **6      Definitions**

In this Part:

*calling of the poll* means the date on which a notice for a poll is first published under clause 8.

*close of enrolments* means the final time and date fixed by the returning officer for the close of enrolments for a poll.

*close of exhibition of the list* means the final time and date fixed by the returning officer for the close of exhibition of the list for a poll.

*close of the poll* means the final time and date fixed by the returning officer for the close of a poll.

*final list* means the list prepared for a poll under Division 3.

*preliminary list* means the list for a poll provided to the returning officer under clause 7.

### **Division 2      Calling of poll**

#### **7      Committee to notify returning officer of proposed poll**

- (1) As soon as practicable after it is determined by the Committee that a poll should be held on any question, the Committee must cause notice of that fact to be given to the returning officer.
- (2) The Committee must also provide the returning officer with:
  - (a) a preliminary list of the persons who, in the opinion of the Executive Officer, are entitled to vote in the poll, and
  - (b) an appropriately addressed label, or an appropriately addressed envelope, for each person whose name is included in that list.
- (3) The preliminary list:
  - (a) must contain:
    - (i) the full names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the list, and
    - (ii) the voting entitlement of each of those persons, and

Clause 8            Banana Industry Regulation 2003

Part 2             Conduct of polls

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- (iii) sufficient details to identify the plantations in respect of which those persons are entitled to vote in the poll, and
  - (b) must be certified by the Executive Officer in accordance with Form 1.
- (4) This clause does not apply to a poll to be held as a consequence of an earlier poll that has failed if a preliminary list for the earlier poll has already been provided to the returning officer.

## **8 Notice of poll**

- (1) As soon as practicable after having been notified by the Committee that a poll is required to be held, the returning officer must cause notice that a poll is to be held:
  - (a) to be published in at least one newspaper circulating generally throughout New South Wales or in an official publication of the Committee, or
  - (b) to be sent by post to each person whose name is included in the preliminary list for the poll.
- (2) The following particulars must be included in the notice:
  - (a) the question on which the poll is being conducted,
  - (b) the time and date for the close of exhibition of the preliminary list,
  - (c) the places where, the dates on which, and the times at which, copies of the preliminary list will be exhibited,
  - (d) the time and date for the close of enrolments,
  - (e) the qualifications which entitle a person to vote,
  - (f) the places where applications for enrolment and objections against enrolment may be lodged,
  - (g) the time and date for the close of the poll.
- (3) The close of exhibition of the list must not be earlier than 14 days after the calling of the poll.
- (4) The close of enrolments must not be earlier than 7 days after the close of exhibition of the list or later than 14 days before the close of the poll.
- (5) The close of the poll must not be earlier than 35 days after the calling of the poll.

Banana Industry Regulation 2003

Clause 9

Conduct of polls

Part 2

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## **9 Postponement of poll**

- (1) The returning officer may, by notice published in the same way as the notice stating that a poll is to be held, postpone (for a period not exceeding 14 days) the close of exhibition of the list, the close of enrolments or the close of the poll.
- (2) The power conferred on a returning officer by this clause may be exercised more than once in respect of a poll.

## **Division 3 Preparation of final list**

### **10 Exhibition of preliminary list**

The returning officer must cause copies of the preliminary list to be exhibited for public inspection:

- (a) at the places where applications for enrolment and objections against enrolment may be lodged, and
- (b) for a period of not less than 14 days ending at the close of exhibition of the list.

### **11 Applications for enrolment by persons not already enrolled**

- (1) A person whose name does not appear on the preliminary list for a poll may apply for enrolment in the final list for the poll.
- (2) The application must be in Form 2 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
  - (a) if satisfied that the applicant is entitled to enrolment, must accept the application and enter the name, address and voting entitlement of the applicant in the final list for the poll, or
  - (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
  - (c) if the application is not in the proper form or is incomplete:
    - (i) must return the application to the applicant for correction or completion, and
    - (ii) must consider the duly corrected or completed application in accordance with this clause.

Clause 12      Banana Industry Regulation 2003

Part 2          Conduct of polls

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- (4) An application to a Local Court for an order referred to in section 12 (2) of the Act is to be:
- (a) in Form 3, if the application relates to the inclusion of the name of any person in the final list for the poll, or
  - (b) in Form 4, if the application relates to the inclusion of a particular voting entitlement for any person in the final list for the poll.

## 12 Objections to enrolment

- (1) Before the close of enrolments, the returning officer or any person who is entitled to vote in a poll may object to the inclusion in the final list of:
- (a) the name of any person, or
  - (b) the particular voting entitlement for any person.
- (2) An objection:
- (a) must be:
    - (i) in Form 5, if the objection relates to the inclusion of the name of any person in the final list for the poll, or
    - (ii) in Form 6, if the objection relates to the inclusion of a particular voting entitlement for any person in the final list for the poll, and
  - (b) must state the grounds on which the objection is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer (unless it is signed by the returning officer).
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 7 days after the date on which particulars of the objection were sent to the person.
- (5) The returning officer must consider each objection, and any reply received within that 7 day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.

Banana Industry Regulation 2003

Clause 13

Conduct of polls

Part 2

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- (7) If the returning officer accepts an objection relating to the inclusion of a person's name in the final list for the poll, the returning officer:
    - (a) must exclude the person's name from the final list, and
    - (b) must inform the person and the objector, in writing, that the person's name is so excluded.
  - (8) If the returning officer accepts an objection relating to the inclusion of a particular voting entitlement for a person in the final list for the poll, the returning officer:
    - (a) must amend the final list so as to ensure that it reflects the person's true voting entitlement, and
    - (b) must inform the person and the objector, in writing, that the person's voting entitlement is so amended.
  - (9) If the returning officer rejects an objection, the returning officer must inform the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
  - (10) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

### **13 Postponement of poll not to affect final list**

The validity of the final list for a poll is not affected by the postponement of the close of the poll by a notice published after the close of exhibition of the list, and the list remains the final list for the poll.

## **Division 4 The ballot**

### **14 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in a poll, the returning officer must cause sufficient ballot-papers to be printed to enable ballot-papers to be sent to each person whose name is included in the final list for the poll.
- (2) A ballot-paper for a poll must contain:
  - (a) the question to be voted on in the poll with the words "YES" and "NO", together with appropriate spaces for the voter to indicate the voter's intention with respect to the question, and



Clause 15      Banana Industry Regulation 2003

Part 2          Conduct of polls

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- (b) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.

### 15 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for a poll, the returning officer must send to each person included in the final list for the poll:

- (a) for each vote to which the person is entitled, a ballot-paper that is initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912* together with a blank unsealed envelope (the *inner envelope*), and
- (b) a large unsealed envelope addressed to the returning officer and bearing on the back the words "FULL NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature (the *outer envelope*).

### 16 Duplicate ballot-papers

- (1) At any time before the close of the poll, the returning officer may issue to a voter duplicate ballot-papers and duplicate envelopes if the voter satisfies the returning officer by statutory declaration:
  - (a) that the original ballot-paper or ballot-papers has or have been spoiled, lost or destroyed, and
  - (b) that the voter has not already voted in the poll concerned.
- (2) The returning officer is to maintain a record of all duplicate ballot-papers issued under this clause.

### 17 Recording of votes

- (1) In order to vote in a poll, a person:
  - (a) for each vote to which the person is entitled:
    - (i) must record a vote on a ballot-paper in accordance with the directions shown on it, and
    - (ii) must place the completed ballot-paper in an inner envelope, and
    - (iii) must seal the inner envelope, and
  - (b) must place each inner envelope in the outer envelope, and

Banana Industry Regulation 2003

Clause 18

Conduct of polls

Part 2

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- (c) must seal the outer envelope, and
  - (d) must complete the person's full name and address on, and must sign, the back of the outer envelope, and
  - (e) must return the outer envelope to the returning officer so as to be received before the close of the poll.
- (2) An inner envelope must not contain more than one ballot-paper.

## **Division 5      The scrutiny**

### **18    Ascertaining result of poll**

The result of a poll is to be ascertained by the returning officer as soon as practicable after the close of the poll.

### **19    Scrutiny of outer envelopes**

- (1) The returning officer must reject (without opening it) any outer envelope purporting to contain a ballot-paper if the outer envelope is not received before the close of the poll or is received unsealed.
- (2) The returning officer must examine the name on the back of each remaining outer envelope and, without opening the outer envelope:
  - (a) must provisionally accept any ballot-paper in the outer envelope and draw a line through the name on the final list for the poll that corresponds to the name on the back of the outer envelope, if satisfied that a person of that name is included in the list, or
  - (b) must reject any ballot-paper in the outer envelope, if not so satisfied or if a name, address or signature does not appear on the back of the outer envelope.
- (3) The returning officer may reject a ballot-paper without opening the outer envelope if, after making such inquiries as the returning officer thinks fit:
  - (a) the returning officer is unable to identify the signature on the back of the outer envelope, or
  - (b) it appears to the returning officer that the signature on the back of the outer envelope is not the signature of the person whose name and address appear on the back of the outer envelope.

Clause 20      Banana Industry Regulation 2003

Part 2          Conduct of polls

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## **20 Scrutiny of inner envelopes**

- (1) The scrutiny of inner envelopes in a poll is to be conducted as follows:
  - (a) the returning officer is to open the outer envelopes containing the ballot-papers that have not been rejected,
  - (b) the returning officer is then to extract any inner envelope contained in any such outer envelope,
  - (c) the returning officer is then to note on the final list for the poll, against the name of the person appearing on the back of the outer envelope, the number of inner envelopes contained in the outer envelope,
  - (d) the returning officer is then to place each such inner envelope in a locked ballot-box.
- (2) However, if there are more inner envelopes in the outer envelope than the number of votes to which the person is entitled, the returning officer must reject all of the inner envelopes contained in the outer envelope.

## **21 Scrutiny of votes**

- (1) The scrutiny of votes in a poll is to be conducted as follows:
  - (a) the returning officer is to unlock the ballot-box, remove the inner envelopes and then remove the ballot-papers from the inner envelopes,
  - (b) the returning officer is then to reject all ballot-papers in an inner envelope if the inner envelope contains more than one ballot-paper,
  - (c) the returning officer is then to examine each remaining ballot-paper and reject those that are informal,
  - (d) the returning officer is then to proceed to count the votes and ascertain the result of the poll.
- (2) At the scrutiny of votes in a poll, a ballot-paper must be rejected as informal:
  - (a) if it is neither initialled by the returning officer (or by a person authorised by the returning officer to do so) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or

Banana Industry Regulation 2003

Clause 22

Conduct of polls

Part 2

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- (b) if it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or
  - (c) if it has not been completed in accordance with the directions on it.
- (3) However, a ballot-paper is not to be rejected as informal merely because of any mark or writing on it which is not authorised or required by this Regulation (unless it is a mark or writing referred to in subclause (2) (b)) if the returning officer considers that the voter's intention is clearly indicated on the ballot-paper.
- (4) The result of the poll is to be ascertained by determining the following:
- (a) the number of votes accepted in the poll,
  - (b) the number of votes in favour of the question on which the poll is being taken,
  - (c) the number of votes against that question,
  - (d) the number of votes rejected as informal.

## **22 Notification of result of poll**

As soon as practicable after the result of a poll has been ascertained, the returning officer is to notify the Minister and the Executive Officer in writing of the result of the poll.

Clause 23      Banana Industry Regulation 2003

Part 3          Conduct of elections

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## **Part 3      Conduct of elections**

### **Division 1      Preliminary**

#### **23      Definitions**

In this Part:

*calling of the ballot* means the date on which a notice for an election is first published under clause 24.

*close of enrolments* means the final time and date fixed by the returning officer for the close of enrolments for an election.

*close of exhibition of the list* means the final time and date fixed by the returning officer for the close of exhibition of the list for an election.

*close of nominations* means the final time and date fixed by the returning officer for the close of nominations for an election.

*close of the ballot* means the final time and date fixed by the returning officer for the close of the ballot for an election.

*final list* means the list prepared for an election under Division 5.

*preliminary list* means the list for an election provided to the returning officer under clause 31.

### **Division 2      Calling of elections**

#### **24      Notice of election**

- (1) As soon as practicable after having been notified in writing by or on behalf of the Minister that an election is required to be held for a region, the returning officer:
  - (a) must cause to be published, in at least one newspaper circulating generally throughout the region or in an official publication of the Committee, a notice calling for the nomination of candidates for the election, and
  - (b) must notify the Executive Officer in writing that an election is to be held for the region and of the time and date for the close of nominations, as stated in the notice published under paragraph (a).

Banana Industry Regulation 2003

Clause 25

Conduct of elections

Part 3

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- (2) The notice:
- (a) must state that an election is to be held for the region concerned, and
  - (b) must call for the nomination of candidates, and
  - (c) must fix the time and date for the close of nominations, and
  - (d) must state the places where nomination forms may be obtained and where nominations may be lodged, and
  - (e) must state the qualifications that entitle a person to nominate, or be nominated as, a candidate.
- (3) The close of nominations is not to be earlier than 21 days after the date on which the notice is first published.

## **25 Postponement of close of nominations**

- (1) The returning officer may, by a notice in a form similar to, and published in the same manner as, the notice calling for the nomination of candidates, postpone (for a period not exceeding 14 days) the close of nominations for an election.
- (2) The power conferred by this clause on a returning officer may be exercised more than once in respect of an election.

## **Division 3 Nominations**

### **26 Qualifications for candidates and for nominating candidates**

- (1) A person is qualified to nominate, or to be nominated as, a candidate for an election if, and only if:
  - (a) the person has paid all charges, fees and other amounts due and payable to the Committee under the Act in respect of the financial year last preceding the election, and
  - (b) the person is entitled to vote in the election or the person would be so entitled but for the operation of section 16B (2) or 16E (1) (a) of the Act.
- (2) However, a person is not qualified to be nominated as a candidate for election for a region if the person is already a regional member, or candidate for election, for some other region.

### **27 Nomination of candidates**

- (1) A nomination of a candidate:
  - (a) must be in Form 7, and

Clause 28      Banana Industry Regulation 2003

Part 3          Conduct of elections

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- (b) must be made by at least 2 persons (other than the candidate) who are qualified to nominate a candidate, and
  - (c) must contain a statement, signed by the candidate, stating that the candidate:
    - (i) is entitled to vote in the election or would be so entitled but for the operation of section 16B (2) or 16E (1) (a) of the Act, and
    - (ii) consents to the nomination and will act as a member of the Committee if elected, and
    - (iii) has not consented to being nominated as a candidate for any other region, and
  - (d) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer considers that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate the candidate, the returning officer must, as soon as practicable after receiving the nomination, cause notice of that fact to be given to the candidate.
- (3) The returning officer may, in order to decide whether a person who nominates a candidate in an election is qualified to do so, require the Executive Officer to provide the returning officer with such information regarding the person as the returning officer specifies.
- (4) The Executive Officer is to comply with such a requirement as soon as practicable.

#### **28    Withdrawal of nomination**

A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing given to the returning officer.

#### **29    Uncontested elections**

If, by the close of nominations, only one person has been duly nominated as a candidate for the region concerned, that person is taken to have been elected.

#### **30    Contested elections**

If, by the close of nominations, 2 or more persons have been duly nominated as candidates for the region concerned, a ballot must be held.

Banana Industry Regulation 2003

Clause 31

Conduct of elections

Part 3

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## **Division 4      Preparation of preliminary list and calling of ballot**

### **31    Preparation of preliminary list**

- (1) As soon as practicable after it becomes apparent that a ballot must be held for an election, the returning officer must notify the Executive Officer:
  - (a) that a ballot is to be held for the election, and
  - (b) that a preliminary list for the election is required.
- (2) The Executive Officer must provide the returning officer with:
  - (a) a preliminary list of the persons who, in the opinion of the Executive Officer, are entitled to vote in the election, and
  - (b) an appropriately addressed label, or an appropriately addressed envelope, for each person whose name is included in that list.
- (3) A preliminary list:
  - (a) must contain:
    - (i) the full names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the list, and
    - (ii) the voting entitlement of each of those persons, and
    - (iii) sufficient details to identify the plantations in respect of which those persons are entitled to vote in the election, and
  - (b) must be certified by the Executive Officer in accordance with Form 1.
- (4) This clause does not apply to an election to be held as a consequence of an earlier election that has failed if a preliminary list for the earlier election has already been provided to the returning officer.

### **32    Notice of ballot**

- (1) As soon as practicable after receiving the preliminary list for an election, the returning officer must cause notice that a ballot is to be held:
  - (a) to be published in at least one newspaper circulating generally throughout the region concerned or in an official publication of the Committee, or



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- (b) to be sent by post to each person whose name is included in the preliminary list for the election.
- (2) The notice must state:
  - (a) that a ballot is to be held, and
  - (b) the time and date fixed for the close of exhibition of the preliminary list, and
  - (c) the places where, the dates on which, and times at which, copies of the preliminary list will be exhibited, and
  - (d) the time and date fixed for the close of enrolments, and
  - (e) the qualifications that entitle a person to vote, and
  - (f) the places where applications for enrolment and objections against enrolment may be lodged, and
  - (g) the time and date fixed for the close of the ballot.
- (3) The notice must also state:
  - (a) that it is compulsory for a banana grower to be enrolled, or to apply for enrolment, in the final list for the election unless the banana grower is prevented from enrolling in that final list because of the operation of section 16B (2) or 16E (1) (a) of the Act, and
  - (b) that it is compulsory for a banana grower who is enrolled in the final list for the election to vote in the election.
- (4) The close of exhibition of the list must not be earlier than 14 days after the calling of the ballot.
- (5) The close of enrolments must not be earlier than 7 days after the close of exhibition of the list or later than 14 days before the close of the ballot.
- (6) The close of the ballot must not be earlier than 35 days after the calling of the ballot.

### **33 Postponement of ballot**

- (1) The returning officer may, by notice published in the same way as the notice stating that a ballot is to be held, postpone (for a period not exceeding 14 days) the close of exhibition of the list, the close of enrolments or the close of the ballot.
- (2) The power conferred on a returning officer by this clause may be exercised more than once in respect of an election.

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## **Division 5      Preparation of final list**

### **34    Exhibition of preliminary list**

The returning officer must cause copies of the preliminary list to be exhibited for public inspection:

- (a) at the places where applications for enrolment and objections against enrolment may be lodged, and
- (b) for a period of at least 14 days ending at the close of exhibition of the list.

### **35    Enrolment compulsory**

It is compulsory for every banana grower to be enrolled, or to apply for enrolment, in the final list for the election unless the banana grower is prevented from enrolling in the final list because of the operation of section 16B (2) or 16E (1) (a) of the Act.

Maximum penalty: 0.1 penalty units.

### **36    Applications for enrolment by persons not already enrolled**

- (1) A person whose name does not appear on the preliminary list for an election may apply for enrolment in the final list for the election.
- (2) The application must be in Form 8 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
  - (a) if satisfied that the applicant is entitled to enrolment, must accept the application and enter the name, address and voting entitlement of the applicant in the final list for the election, or
  - (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
  - (c) if the application is not in the proper form or is incomplete:
    - (i) must return the application for correction or completion, and
    - (ii) must consider the duly corrected or completed application in accordance with this clause.
- (4) An application to a Local Court for an order referred to in section 16G (3) of the Act is to be:
  - (a) in Form 3, if the application relates to the inclusion of the name of any person in the final list for the election, or

Clause 37      Banana Industry Regulation 2003

Part 3          Conduct of elections

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- (b) in Form 4, if the application relates to the inclusion of a particular voting entitlement for any person in the final list for the election.

### **37 Objections to enrolment**

- (1) Before the close of enrolments, the returning officer or any person who is entitled to vote in an election may object to the inclusion in the final list of:
  - (a) the name of any person, or
  - (b) the particular voting entitlement for any person.
- (2) An objection:
  - (a) must be:
    - (i) in Form 5, if the objection relates to the inclusion of the name of any person in the final list for the election, or
    - (ii) in Form 6, if the objection relates to the inclusion of a particular voting entitlement for any person in the final list for the election, and
  - (b) must state the grounds on which the objection is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer (unless it is signed by the returning officer).
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to the person.
- (5) The returning officer must consider each objection, and any reply received within that 14 day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection relating to the inclusion of a person's name in the final list for the election, the returning officer:
  - (a) must exclude the person's name from the final list, and
  - (b) must inform the person and the objector, in writing, that the person's name is so excluded.

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Conduct of elections

Part 3

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- (8) If the returning officer accepts an objection relating to the inclusion of a particular voting entitlement for a person in the final list for the election, the returning officer:
- (a) must amend the final list so as to ensure that it reflects the person's true voting entitlement, and
  - (b) must inform the person and the objector, in writing, that the person's voting entitlement is so amended.
- (9) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (10) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

### **38 Postponement of ballot not to affect final list**

The validity of the final list for an election is not affected by the postponement of the close of the ballot by a notice published after the close of the exhibition of the list, and the list remains the final list for the election.

## **Division 6 The ballot**

### **39 Voting compulsory**

It is compulsory for every banana grower who is enrolled in the final list for an election to vote in the election.

Maximum penalty: 0.1 penalty units.

### **40 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
- (a) must determine the order in which the candidates' names are to be listed on the ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and
  - (b) must cause sufficient ballot-papers to be printed to enable ballot-papers to be sent to each person whose name is included in the final list for the election.

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- (2) A ballot-paper for an election must contain:
- (a) the names of the candidates, arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
  - (b) if the returning officer considers that the names of 2 or more candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
  - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as are required by subclause (3), and
  - (d) such further directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that:
- (a) the voter must record a vote for at least one candidate by placing the number “1” in the square opposite the name of the candidate for whom the voter desires to give his or her first preference vote, and
  - (b) the voter may, but is not required to, vote for additional candidates by placing consecutive numbers (beginning with the number “2”) in the squares opposite the names of those additional candidates in the order of the voter’s preferences for them.

#### 41 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final list for the election:

- (a) for each vote to which the person is entitled, a ballot-paper that is initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912* together with a blank unsealed envelope (the *inner envelope*), and
- (b) a large unsealed envelope addressed to the returning officer and bearing on the back the words “FULL NAME AND ADDRESS OF VOTER” and “SIGNATURE OF VOTER”, together with appropriate spaces for the insertion of a name, address and signature (the *outer envelope*).

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#### **42 Duplicate ballot-papers**

- (1) At any time before the close of the ballot, the returning officer may issue to a voter duplicate ballot-papers and duplicate envelopes if the voter satisfies the returning officer by statutory declaration:
  - (a) that the original ballot-paper or ballot-papers has or have been spoilt, lost or destroyed, and
  - (b) that the voter has not already voted in the election concerned.
- (2) The returning officer is to maintain a record of all duplicate ballot-papers issued under this clause.

#### **43 Recording of votes**

- (1) In order to vote in an election, a person:
  - (a) for each vote to which the person is entitled:
    - (i) must record a vote on a ballot-paper in accordance with the directions shown on it, and
    - (ii) must place the completed ballot-paper in an inner envelope, and
    - (iii) must seal the inner envelope, and
  - (b) must place each inner envelope in the outer envelope, and
  - (c) must seal the outer envelope, and
  - (d) must complete the person's full name and address on, and must sign, the back of the outer envelope, and
  - (e) must return the outer envelope to the returning officer so as to be received before the close of the ballot.
- (2) An inner envelope must not contain more than one ballot-paper.

### **Division 7 The scrutiny**

#### **44 Ascertaining result of ballot**

The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

#### **45 Scrutineers**

- (1) Each candidate is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.
- (2) A candidate who appoints a scrutineer must cause written notice of the appointment to be given to the returning officer.

Clause 46          Banana Industry Regulation 2003

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#### **46 Scrutiny of outer envelopes**

- (1) The returning officer must reject (without opening it) any outer envelope purporting to contain a ballot-paper if the outer envelope is not received before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of each remaining outer envelope and, without opening the outer envelope:
  - (a) must provisionally accept any ballot-paper in the outer envelope and draw a line through the name on the final list for the election that corresponds to the name on the back of the outer envelope, if satisfied that a person of that name is included in that final list, or
  - (b) must reject any ballot-paper in the outer envelope, if not so satisfied or if a name, address or signature does not appear on the back of the outer envelope.
- (3) The returning officer may reject a ballot-paper without opening the outer envelope if, after making such inquiries as the returning officer thinks fit:
  - (a) the returning officer is unable to identify the signature on the back of the outer envelope, or
  - (b) it appears to the returning officer that the signature on the back of the outer envelope is not the signature of the person whose name and address appear on the back of the outer envelope.

#### **47 Scrutiny of inner envelopes**

- (1) The scrutiny of inner envelopes in a ballot is to be conducted as follows:
  - (a) the returning officer is to open the outer envelopes containing the ballot-papers that have not been rejected,
  - (b) the returning officer is then to extract any inner envelope contained in any such outer envelope,
  - (c) the returning officer is then to note on the final list for the election, against the name of the person appearing on the back of the outer envelope, the number of inner envelopes contained in the outer envelope,
  - (d) the returning officer is then to place each such inner envelope in a locked ballot-box.

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Conduct of elections

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- (2) However, if there are more inner envelopes in the outer envelope than the number of votes to which the person is entitled, the returning officer must reject all of the inner envelopes contained in the outer envelope.

#### **48 Scrutiny of votes**

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
- (a) the returning officer is to unlock the ballot-box, remove the inner envelopes and then remove the ballot-papers from the inner envelopes,
  - (b) the returning officer is then to reject all ballot-papers in an inner envelope if the inner envelope contains more than one ballot-paper,
  - (c) the returning officer is then to examine each remaining ballot-paper and reject those that are informal,
  - (d) the returning officer is then to proceed to count the votes and ascertain the result of the election.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal:
- (a) if it is neither initialled by the returning officer (or by a person authorised by the returning officer to do so) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
  - (b) if it has on it any mark or writing that the returning officer considers could enable any person to identify the voter who completed it, or
  - (c) if it has not been completed in accordance with the directions on it.
- (3) However, a ballot-paper is not to be rejected as informal:
- (a) merely because of any mark or writing on it that is not authorised or required by this Regulation (unless it is a mark or writing referred to in subclause (2) (b)) if the returning officer considers that the voter's intention is clearly indicated on the ballot-paper, or



Clause 49      Banana Industry Regulation 2003

Part 3          Conduct of elections

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- (b) if the voter has recorded a vote by placing in a square the number "1":
  - (i) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or
  - (ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

#### **49 Counting of votes**

- (1) The method of counting the votes to ascertain the result of an election is as provided in Part 2 of the Seventh Schedule to the *Constitution Act 1902*.
- (2) For the purpose of applying the provisions of that Part to an election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Regulation.

#### **50 Notification of result of election**

As soon as practicable after a candidate in an election has been elected, the returning officer is to notify the Minister and the Executive Officer in writing of the name of the candidate elected.

#### **51 Election proceedings have no effect in certain circumstances**

- (1) If, after the close of nominations and before the close of the ballot, a candidate becomes disqualified:
  - (a) the returning officer is to cause notice of the disqualification to be published in a newspaper circulating generally throughout the region concerned or in an official publication of the Committee, and
  - (b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and those proceedings must be taken again.
- (2) For the purposes of this clause, a candidate becomes disqualified if the candidate:
  - (a) dies, or
  - (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - (c) becomes a mentally incapacitated person, or

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- (d) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

Clause 52      Banana Industry Regulation 2003

Part 4          General

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## **Part 4      General**

### **52    Decisions of returning officer final**

If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the conduct of a ballot in a poll or election, the returning officer's decision on the matter is final.

### **53    Offences**

A person must not:

- (a) apply for enrolment in the final list for any poll or election if the person is already included in the list, or
- (b) cast more votes, or attempt to cast more votes, than the person is entitled to cast in any poll or election, or
- (c) vote, or attempt to vote, in any poll or election in which the person is not entitled to vote.

Maximum penalty: 5 penalty units.

### **54    Costs and expenses of polls and elections**

The Committee must ensure that provision is made in the following manner for payment of the costs and expenses of the returning officer in conducting a poll or an election:

- (a) before the poll or election is conducted, the Committee must pay to the returning officer an amount equal to the returning officer's estimate of the costs and expenses of the poll or election likely to be incurred by the returning officer in conducting the poll or election,
- (b) the Committee must give an undertaking to the returning officer to pay to the returning officer, after the poll or election is conducted, any amount by which the actual costs and expenses incurred by the returning officer in conducting the poll or election exceed the amount of the estimate.

### **55    Evidence of authority of servant or agent of Committee**

For the purposes of section 6 (d) of the Act, the written evidence as to the authority of a servant or agent of the Committee is to be in the form of a certificate:

- (a) that states that it is issued under the *Banana Industry Act 1987*, and

Banana Industry Regulation 2003

Clause 56

General

Part 4

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- (b) that gives the name of the person to whom it is issued, and
  - (c) that describes the nature of the powers conferred on the person, and
  - (d) that states its date of expiry, and
  - (e) that describes the kind of premises that the person is authorised to enter, and
  - (f) that bears the seal of the Committee.

**56 Evidentiary certificates**

For the purposes of section 26 (d) (i) of the Act, the Executive Officer is the prescribed officer.

**57 Saving**

Any act, matter or thing that, immediately before the repeal of the *Banana Industry (Polls and Elections) Regulation 1998*, had effect under that Regulation continues to have effect under this Regulation.

Banana Industry Regulation 2003

Schedule 1 Forms

**Schedule 1 Forms**

(Clause 3)

**Form 1 Certificate**

(Clauses 7 and 31)

(Banana Industry Act 1987)

I certify that this list of banana growers contains:

- (a) the full names (consecutively numbered and listed in alphabetical order) and addresses of those persons who in my opinion are entitled to vote in the poll\*/election for the region of ..... \* for which this list has been prepared, and
- (b) the voting entitlement of each of those persons, and
- (c) sufficient details to identify the plantations in respect of which those persons are entitled to vote in the poll\*/election\*.

The first and last entries in the list are as follows:

First entry: No ..... Name: .....

Address: .....

Last entry: No ..... Name: .....

Address: .....

Dated: ..... Signed: .....

*\*Delete whichever is inapplicable*

**Form 2 Application for enrolment for poll**

(Clause 11)

(Banana Industry Act 1987)

Surname: .....

Given names: .....

Postal address: .....

Postcode: ..... Telephone No: .....

Banana Industry Regulation 2003

Forms

Schedule 1

Address of any plantation on which bananas are grown by or on behalf of the applicant:

Person who is entitled to vote in respect of the plantation:

.....  
.....  
.....  
.....  
.....

.....  
.....  
.....  
.....  
.....

Local government area or areas in which any such plantation is situated:

.....  
.....

Area of plantation\*/total area of plantations\* on which bananas are grown by or on behalf of the applicant:

.....  
.....

I apply for enrolment in the list of banana growers under the *Banana Industry Act 1987* for the purposes of the following poll:

.....  
.....

*(specify the poll to which the application relates)*

I declare that, to the best of my knowledge, the information contained in this application is true.

Dated: ..... Signed: .....

*\*Delete whichever is inapplicable.*

Banana Industry Regulation 2003

Schedule 1 Forms

**Form 3 Application for inclusion of name in final list of voters**

(Clauses 11 and 36)

(Banana Industry Act 1987)

To the Clerk of the Local Court

at .....

..... of .....

*(name of returning officer)*

*(address of returning officer)*

the returning officer for a poll\*/an election for the region of ..... \* to be held under the *Banana Industry Act 1987*, has refused to include my name in the final list of voters for the poll\*/election\*.

I, .....

*(name in full)*

claim to be entitled to have my name included in that list.

I therefore APPLY to the Local Court referred to above for an order that my name be included in that list.

.....  
*(Signature of applicant)*

Applicant's address for service:

.....  
.....

To ..... of .....,

*(name of returning officer)*

*(address of returning officer)*

Banana Industry Regulation 2003

Forms

Schedule 1

There will be a hearing at the Local Court referred to above on the ..... day of ..... , ..... , for the purpose of ascertaining the state of readiness of this matter and, if appropriate, for the purpose of fixing a date for hearing.

.....  
(Clerk of the Local Court)

*\*Delete whichever is inapplicable.*

**Form 4 Application for inclusion of particular voting entitlement in final list of voters**

(Clauses 11 and 36)

(Banana Industry Act 1987)

To the Clerk of the Local Court

at .....

..... of .....

*(name of returning officer)*

*(address of returning officer)*

the returning officer for a poll\*/an election for the region of ..... \* to be held under the *Banana Industry Act 1987*, has refused to include the following voting entitlement for me in the final list of voters for the poll\*/election\*.

.....

.....

*(specify voting entitlement to be included in the final list)*

I, .....

*(name in full)*

claim to be entitled to have that voting entitlement included for me in that list.

I therefore APPLY to the Local Court referred to above for an order that that voting entitlement be included for me in that list.

.....  
*(Signature of applicant)*



Banana Industry Regulation 2003

Schedule 1 Forms

Applicant's address for service:

.....  
.....

To ..... of ..... ,  
(name of returning officer) (address of returning officer)

There will be a hearing at the Local Court referred to above on the ..... day of ..... , ..... , for the purpose of ascertaining the state of readiness of this matter and, if appropriate, for the purpose of fixing a date for hearing.

.....  
(Clerk of the Local Court)

\*Delete whichever is inapplicable.

**Form 5 Objection to enrolment**

(Clauses 12 and 37)

(Banana Industry Act 1987)

I, .....  
(name in full of objector)

object to the inclusion in the final list for the following poll\*/election\*:

.....  
.....

(specify the poll\*/election\* to which the objection relates)

of the name of .....  
(name in full)

of .....  
(address)

Banana Industry Regulation 2003

Forms

Schedule 1

This objection is based on the following grounds:

.....  
.....  
.....  
.....

*(specify the grounds of the objection)*

Postal address of objector: .....

Postcode: ..... Telephone No: .....

Dated: ..... Signed: .....

*\*Delete whichever is inapplicable.*

**Form 6 Objection to determination of voting entitlement**

(Clauses 12 and 37)

(Banana Industry Act 1987)

I, .....

*(name in full of objector)*

object to the voting entitlement included in the final list for the following poll\*/election\*:

.....  
.....

*(specify the poll\*/election\* to which the objection relates)*

for .....

*(name in full)*

of .....

*(address)*

The voting entitlement is stated in that list to be:

.....

Banana Industry Regulation 2003

Schedule 1 Forms

This objection is based on the following grounds:

.....  
.....  
.....  
.....

(specify the grounds of the objection)

Postal address of objector: .....

Postcode: ..... Telephone No: .....

Dated: ..... Signed: .....

\*Delete whichever is inapplicable.

**Form 7 Nomination of candidate**

(Clause 27)

(Banana Industry Act 1987)

We nominate .....

(name in full)

of .....

(postal address)

as a candidate for the election (for the region of ..... ) to the Banana Industry Committee.

We declare that we are each qualified to make this nomination.

Name in full	Address	Signature
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**NOTE:** This nomination must be completed by not less than 2 persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 26 of the *Banana Industry Regulation 2003*.

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Forms

Schedule 1

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I, .....,

- (a) state that I am entitled to vote in the election or would be so entitled but for the operation of section 16B (2) or 16E (1) (a) of the Act, and
- (b) consent to being a candidate at the election to which this nomination relates, and
- (c) state that I am not a regional member, or candidate for election, for some other region, and
- (d) state that I will act as a member of the Banana Industry Committee if elected.

Postal address of nominee: .....

Postcode: ..... Telephone No: .....

Dated: ..... Signed: .....

**Form 8 Application for enrolment for election**

(Clause 36)

(Banana Industry Act 1987)

Surname: .....

Given names: .....

Postal address: .....

Postcode: ..... Telephone No: .....

Region to which application refers: .....

Address of any plantation on which  
bananas are grown by or on behalf of the  
applicant:

Person who is entitled to vote in respect of  
the plantation:

.....	.....
.....	.....
.....	.....
.....	.....

Banana Industry Regulation 2003

Schedule 1 Forms

Local government area or areas in which any such plantation is situated:

.....  
.....

Area of plantation\*/total area of plantations\* on which bananas are grown by or on behalf of the applicant:

.....  
.....

I apply for enrolment in the list of banana growers under the *Banana Industry Act 1987* for the purposes of the following election:

.....  
.....

*(specify the election to which the application relates)*

I declare that, to the best of my knowledge, the information contained in this application is true.

Dated: ..... Signed: .....

*\*Delete whichever is inapplicable.*

**NOTE:** If bananas are grown by or on behalf of a banana grower on plantations that are situated in different regions or on a plantation that is situated partly in one region and partly in another region, the banana grower is entitled to vote in an election in respect of one region only. That region is to be nominated by the banana grower or determined by the Chairperson of the Banana Industry Committee under section 16C of the *Banana Industry Act 1987*.



# Property, Stock and Business Agents Regulation 2003

under the

Property, Stock and Business Agents Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Property, Stock and Business Agents Act 2002*.

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

## Explanatory note

The object of this Regulation is to make regulations under the *Property, Stock and Business Agents Act 2002* with respect to the following matters:

- (a) extending the functions of real estate agents to include functions with respect to rural land with an area of up to 20 hectares,
- (b) providing for the matters to be taken into account by the Director-General of the Department in considering whether to grant an exemption from the provisions of the Act that prevent a licensee from being in charge at more than one place of business or of the business of more than one licensee,
- (c) prescribing matters for various provisions of the Act, including provisions for sharing of commission, exemptions with respect to the requirement that subagency agreements be in writing, requirements as to itemised accounts, and warnings and information to be given by real estate agents when giving financial advice,
- (d) rules of conduct to be observed by licence and certificate of registration holders in the exercise of their functions,
- (e) imposing requirements as to the content of agency agreements,
- (f) imposing requirements as to the making and keeping of the Bidders Record required in connection with auctions of residential property or rural land,

Property, Stock and Business Agents Regulation 2003

Explanatory note

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- (g) the conditions to be applicable to a sale by auction and the notification at an auction of those conditions,
- (h) the warnings to be given at an auction about the obligations of bidders,
- (i) trust account keeping requirements, including requirements as to the banking of trust money, keeping of records of trust money and trust account transactions, computer systems controls and payment of trust money,
- (j) the making and keeping of records by licensees, including special requirements for records about livestock to be kept by stock and station agents and special requirements for managing agents,
- (k) prescribing the provisions of the Act that remain applicable to a suspended licence or certificate of registration,
- (l) requirements as to levy notices,
- (m) the particulars to be recorded in the Register under the Act,
- (n) prescribing offences as penalty notice offences and setting the penalties for those offences,
- (o) prescribing the fees and Compensation Fund contributions to be paid under the Act,
- (p) transitional arrangements allowing an existing holder of a real estate agent's licence or stock and station agent's licence to continue to act as an auctioneer for 6 months pending accreditation under section 21 of the Act.

This Regulation is made under the *Property, Stock and Business Agents Act 2002*, including sections 3, 17, 23, 31, 33, 34, 37, 46, 55, 69, 77, 104, 168, 191, 216 and 230 (the general regulation-making power).

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Clause 1 Property, Stock and Business Agents Regulation 2003

Part 1 Preliminary

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## Property, Stock and Business Agents Regulation 2003

under the

Property, Stock and Business Agents Act 2002

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Property, Stock and Business Agents Regulation 2003*.

#### 2 Commencement

This Regulation commences on 1 September 2003.

#### 3 Definitions

In this Regulation:

*bank* includes authorised deposit-taking institution.

*buyers agent* means a real estate agent whose licence is subject to a condition that restricts the holder to acting as a real estate agent for a prospective purchaser of land.

*the Act* means the *Property, Stock and Business Agents Act 2002*.

*visible form* means any record of information by means of which the information can be produced on demand in permanent legible form in the English language.

#### 4 Notes

Notes included in this Regulation do not form part of this Regulation.

Property, Stock and Business Agents Regulation 2003

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## Part 2 Conduct of agency business

### 5 Extended functions of real estate agents and real estate salespersons

The definition of *real estate agent* in the Act includes a person who carries on business as an auctioneer or agent in respect of any parcel of rural land that has an area of up to 20 hectares.

**Note.** As the functions of a real estate agent will now include acting on the sale or purchase of rural land with an area of up to 20 hectares, real estate salespersons will also be able to exercise this function.

### 6 Section 31 exemptions—person in charge at place of business

- (1) The following matters are to be taken into account by the Director-General in considering whether to grant an exemption from a provision of section 31 (1), (2) or (3) of the Act that will authorise a licensee to be the person in charge of business (*the licensee-in-charge*) at more than one place of business:
  - (a) reasons why the exemption is needed,
  - (b) the licensee's previous experience as licensee-in-charge at a place of business of a licensee,
  - (c) the licensee's capacity to properly supervise the conduct of business at more than one place of business,
  - (d) office systems proposed to be established at each place of business concerned to provide for accountability to the licensee-in-charge at each of those places of business,
  - (e) proposed staffing and office management arrangements at each place of business concerned,
  - (f) whether there is a centralised trust account for the deposit of trust money received in connection with the businesses for which the licensee will be licensee-in-charge pursuant to the exemption,
  - (g) the licensee's capacity to comply with any guidelines issued by the Director-General under section 32 (4) of the Act,
  - (h) the licensee's record in relation to compliance with the conditions of a licence or certificate of registration held at any time by the licensee under the Act or the 1941 Act, and in relation to compliance with the provisions of the Act, the 1941 Act and the regulations under those Acts,
  - (i) employer references in relation to the licensee's experience as a licensee-in-charge.

Clause 7 Property, Stock and Business Agents Regulation 2003

Part 2 Conduct of agency business

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- (2) The following matters are to be taken into account by the Director-General in considering whether to grant an exemption from a provision of section 31 (4) of the Act that will authorise a licensee employed as the person in charge of business (*the licensee-in-charge*) at a place of business to exercise functions or provide services on behalf of 2 or more licensees at that place:
- (a) reasons why the exemption is needed,
  - (b) the licensee's previous experience as licensee-in-charge at a place of business of a licensee,
  - (c) the licensee's capacity to properly supervise the conduct of business of more than one licensee,
  - (d) fiduciary safeguards and office systems proposed to be established to provide for accountability to the licensee-in-charge,
  - (e) whether separate trust accounts are in place for the deposit of trust money received in connection with the business of each licensee for whom the licensee proposes to act pursuant to the exemption,
  - (f) the licensee's capacity to comply with any guidelines issued by the Director-General under section 32 (4) of the Act,
  - (g) the licensee's record in relation to compliance with the conditions of a licence or certificate of registration held at any time by the licensee under the Act or the 1941 Act, and in relation to compliance with the provisions of the Act, the 1941 Act and the regulations under those Acts,
  - (h) employer references in relation to the licensee's experience as a licensee-in-charge.

- (3) In this clause:

*1941 Act* means the *Property, Stock and Business Agents Act 1941*.

## 7 Sharing of commission

- (1) There is an exemption from section 33 of the Act if:
- (a) the transaction concerned relates solely to livestock and the person with whom the licensee enters into an arrangement or acts in conjunction in respect of that transaction is a person whose principal place of business is a State or Territory under the law of which a person is not required to be licensed, registered or otherwise authorised to act as an agent in connection with any such transaction, or

Property, Stock and Business Agents Regulation 2003

Clause 8

Conduct of agency business

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- (b) the person with whom the licensee enters into an arrangement or acts in conjunction as referred to in that section is a person who is licensed, registered or otherwise authorised under the law of a place outside Australia to act as agent in connection with the transaction concerned.
- (2) Each of the following Acts is declared to be a corresponding Act for the purposes of section 33 of the Act:
- Estate Agents Act 1980* of Victoria  
*Property Agents and Motor Dealers Act 2000* of Queensland  
*Agents Act 1968* of the Australian Capital Territory  
*Land Agents Act 1994* of South Australia  
*Agents Licensing Act* of the Northern Territory  
*Real Estate and Business Agents Act 1978* of Western Australia  
*Auctioneers and Real Estate Agents Act 1991* of Tasmania

## 8 Subagency agreements

- (1) Each of the following classes of agreement is exempt from section 34 (Non-commercial subagency agreements to be in writing) of the Act:
- (a) agreements between licensees who are members of a multiple listing organisation approved by the Director-General from time to time for the purposes of this clause,
- (b) agreements between licensees who are parties to a franchise agreement approved by the Director-General from time to time for the purposes of this clause,
- (c) agreements for services relating only to livestock.
- (2) An approval given by the Director-General for the purposes of this clause may be given generally or be limited by reference to specified factors.

## 9 Itemised account

- (1) A request for an itemised account under section 36 (3) of the Act must be made in writing.
- (2) A request for an itemised account under section 36 (3) or 101 of the Act may be served on the licensee concerned by:
- (a) delivering it personally to the licensee,
- (b) leaving it for the licensee at a place of business of the licensee,

Clause 10 Property, Stock and Business Agents Regulation 2003

Part 2 Conduct of agency business

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- (c) sending it by post to the licensee at the address of a place of business of the licensee,
  - (d) sending it by facsimile transmission to a number specified by the licensee (in correspondence or otherwise) as a number to which facsimile transmissions to the licensee may be sent.
- (3) An itemised account requested under section 36 (3) or 101 of the Act may be provided to the person who made the request by:
- (a) delivering it personally to the person,
  - (b) leaving it for the person at an address specified as the person's address in the request or (if an address is not specified in the request) in an agency agreement,
  - (c) sending it by post to the person at an address specified as the person's address in the request or (if an address is not specified in the request) in an agency agreement,
  - (d) sending it by facsimile transmission to a number specified by the person (in correspondence or otherwise) as a number to which facsimile transmissions to the person may be sent.

#### **10 Provision of financial and investment advice**

- (1) This clause applies to financial or investment advice that:
- (a) is intended to influence the person to whom the advice is given in making a decision in relation to a particular financial or investment decision in connection with the sale or purchase of land, or
  - (b) could reasonably be regarded as being intended to have such an influence.
- (2) A real estate agent who provides financial or investment advice to which this clause applies to a person in connection with the sale or purchase of land must provide the following warnings and information to the person for the purposes of section 46 of the Act:
- (a) a warning that the advice is general advice and that its preparation has not taken into account the individual circumstances of the person or the person's objectives, financial situation or needs,
  - (b) in the case of advice provided in connection with the purchase of land, a warning that an intending purchaser should assess the suitability of any investment in the property in light of their own needs and circumstances, which they can do themselves or by consulting an appropriately licensed financial adviser,

Property, Stock and Business Agents Regulation 2003

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- (c) information that discloses the existence and nature of any conflict of interest the agent may have in connection with the provision of the advice (for example, entitlement to commission or referral fees).

## 11 Rules of conduct

- (1) The rules set out in Schedules 1–6 are prescribed for the purposes of section 37 of the Act as rules of conduct to be observed in the course of the carrying on of business or the exercise of functions under a licence or certificate of registration, with those Schedules applying as follows:
- (a) Schedule 1 applies to all licensees and registered persons (in addition to any other Schedule or Schedules that may be applicable to particular kinds of licensees or registered persons),
  - (b) Schedule 2, Part 1, applies to real estate agents and registered persons they employ and Schedule 2, Part 2, applies to real estate agents, registered persons they employ and on-site residential property managers,
  - (c) Schedule 3 applies to stock and station agents and registered persons they employ,
  - (d) Schedule 4 applies to business agents and registered persons they employ,
  - (e) Schedule 5 applies to buyers' agents and registered persons they employ,
  - (f) Schedule 6 applies to strata managing agents, community managing agents, on-site residential property managers and real estate agents engaged in property management, and registered persons they employ.
- (2) In each of Schedules 1–6, a reference to an agent includes a reference to a registered person to whom the Schedule applies.
- (3) In Schedule 4, a reference to a business includes a reference to a professional practice.
- (4) A licensee or registered person who fails without reasonable excuse to observe a rule prescribed by subclause (1) is guilty of an offence.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.



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## 12 Agency agreements—exemptions

- (1) An agreement for the performance of services that relate only to livestock is exempt from section 55 of the Act.
- (2) A licensee is exempt from the operation of section 55 of the Act in respect of services performed by the licensee pursuant to an appointment as a strata managing agent or managing agent appointed under section 162 of the *Strata Schemes Management Act 1996* or section 85 of the *Community Land Management Act 1989*.

## 13 Contents of agency agreements

- (1) For the purposes of section 55 of the Act, an agency agreement must comply with the requirements of Schedules 7–14 as to the terms, conditions and other provisions that an agency agreement must or must not contain, with the application of those Schedules to be as follows:
  - (a) Schedule 7 applies to all agency agreements (in addition to any other Schedule that may be applicable to the agency agreement),
  - (b) Schedule 8 applies to an agency agreement under which the agent will act for the seller on the sale of residential property,
  - (c) Schedule 9 applies to an agency agreement under which the agent will act for the buyer on the purchase of land,
  - (d) Schedule 10 applies to an agency agreement under which the agent will act for the seller on the sale of rural land,
  - (e) Schedule 11 applies to an agency agreement under which the agent will act for the seller on the sale of a business or professional practice (with a reference in that Schedule to a business including a reference to a professional practice),
  - (f) Schedule 12 applies to an agency agreement under which the agent will provide property management services in respect of the leasing of residential property or rural land,
  - (g) Schedule 13 applies to an agency agreement under which the agent will act for the owner of residential property or rural land in relation to the entering into of a lease of the residential property or rural land,
  - (h) Schedule 14 applies to an agency agreement under which the agent will exercise the functions of a strata managing agent or community managing agent.

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- (2) A reference in Schedules 7–14 to *property* (other than as a reference to residential property) includes a reference to any land.
  - (3) An agency agreement must not contain any term, condition or other provision that is inconsistent with a term, condition or other provision that the agency agreement is required to contain by this clause, but otherwise the terms, conditions and other provisions that an agency agreement can contain is not limited by this clause.
  - (4) For the purposes of section 55 (3) of the Act, each of the following methods of service is prescribed as a means by which an agency agreement may be served on a person:
    - (a) for service on an individual:
      - (i) delivering it personally to the person,
      - (ii) leaving it at the person's place of residence, or at an address provided in the agency agreement as the person's address for service, with a person who apparently resides there and who has apparently reached the age of 16 years,
      - (iii) posting it to the person at the person's residential address or postal address as disclosed in the agency agreement or at an address provided in the agency agreement as the person's address for service,
    - (b) for service on a body corporate:
      - (i) delivering it personally to the secretary of the body corporate or any other person concerned in the management of the body corporate,
      - (ii) leaving it at the body corporate's principal place of business with a person who is apparently employed there and who has apparently reached the age of 16 years,
      - (iii) posting it to the body corporate at the address of its principal place of business or postal address, as disclosed in the agency agreement.
  - (5) Subclause (1) does not apply to an agency agreement entered into before the commencement of this clause.
  - (6) An agency agreement entered into before the commencement of this clause must contain such terms (if any) as it was required to contain under section 42AA of the *Property, Stock and Business Agents Act 1941* at the time the agreement was entered into.

Clause 14 Property, Stock and Business Agents Regulation 2003

Part 3 Auctions

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## Part 3 Auctions

### 14 Definition of “property”

In this Part, *property* means residential property or rural land.

**Note.** The terms *residential property* and *rural land* are defined in section 3 of the Act.

### 15 Making the Bidders Record

- (1) The Bidders Record for an auction of property that is made and kept for the purposes of section 68 of the Act must:
  - (a) be in the English language, and
  - (b) record the date and place of the auction, and
  - (c) record the address of the property, and
  - (d) record the name and licence number of the auctioneer conducting the auction, and
  - (e) record the name of the owner of the property at the time of the auction, and
  - (f) record the name and licence number of the selling agent for the auction, and
  - (g) if the property is sold at the auction, indicate which of the persons named in the Bidders Record is the successful bidder and the sale price, and
  - (h) if the property is not sold at the auction, record the highest bid accepted at the auction.

**Note.** A Bidders Record made by a licensee is one of the licensee’s records for the purposes of Part 8 (Records) of the Act and is to be kept by the licensee. There are no restrictions on the technology that can be used to make and keep a Bidders Record. A Bidders Record can be made and kept on paper or by electronic means.
- (2) If a person who is registering to bid on behalf of another person will be bidding for the other person as a buyer’s agent:
  - (a) the Bidders Record must also record the agent’s licence number, and
  - (b) the Bidders Record may record the address of the agent’s registered office as the agent’s address.

Property, Stock and Business Agents Regulation 2003

Clause 15

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- (3) If a person is registering to bid on behalf of a body corporate:
- (a) there is an exemption from the requirement under section 68 (2) of the Act that the relevant details of the person bidding include the number or other identifier of proof of identity of the body corporate as referred to in section 68 (2) (b) of the Act, and
  - (b) there is an exemption from the requirement under section 69 (1) (b) of the Act that the letter of authority to bid on behalf of a body corporate specify the number or other identifier of proof of identity for the body corporate if the letter of authority specifies the Australian Business Number of the body corporate.
- (4) If a person who is registering to bid on behalf of another person will be bidding for the other person under a power of attorney, there is an exemption from the requirement under section 68 (2) of the Act that the relevant details of the person bidding include details of the other person as specified in section 68 (2) (b) of the Act.
- (5) If a person who is registering to bid on behalf of another person will be bidding in the capacity of a buyer's agent, there is an exemption from section 69 (1) (b) of the Act if details of the person on whose behalf the agent is to bid are established by the production of a copy of the agency agreement pursuant to which the agent will be bidding.
- (6) An entry in a Bidders Record may only be made by the agent who makes the Bidders Record or by an employee of that agent acting on behalf of the agent. An agent who makes a Bidders Record must not permit a person to make an entry in the Bidders Record unless the person is authorised by this subclause to make the entry.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

- (7) If more than one property is to be offered for sale at an auction sale, a single Bidders Record may be made so as to apply to more than one (or all) of the properties to be offered so that the required details of a person who will be entitled to bid at the auction of any of the properties concerned need only be entered in the Bidders Record once, but without otherwise affecting the requirement for the separate recording in respect of each of those properties of the details required by subclauses (1) and (2).

**Note.** When an auction involves a number of properties and a number of different licensees, subclause (7) gives the licensees concerned the option of each making their own Bidders Record for the properties they are auctioning or relying on a single Bidders Record made by or on behalf of the auctioneer for all of the properties to be auctioned.

Clause 16 Property, Stock and Business Agents Regulation 2003

Part 3 Auctions

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## 16 Keeping the Bidders Record

- (1) A licensee who acts on the sale of property that is offered for sale by auction must make and keep as part of the records that the licensee is required to make by section 104 of the Act in respect of the sale a record of the name, business address and licence number of the licensee who made the Bidders Record for the auction.  
**Note.** The licensee who makes a Bidders Record is responsible for keeping it.
- (2) A licensee who keeps a Bidders Record in electronic form must also keep, as part of the licensee's records with respect to auction sales to which the Bidders Record relates, a record of such details as will enable the Bidders Record to be located and accessed in the electronic records of the licensee.

## 17 Proof of identity for Bidders Record

- (1) Any of the following forms of proof of identity may be used for a person for the purposes of an entry in a Bidders Record:
  - (a) a card or document that is issued by the government or a statutory authority of New South Wales, the Commonwealth, another State or a Territory, or by an authorised deposit-taking institution, and shows the name and address of the person,
  - (b) a combination of cards or documents:
    - (i) that show the name and address of the person, and
    - (ii) one of which is issued by the government or a statutory authority of New South Wales, the Commonwealth, another State or a Territory, or by an authorised deposit-taking institution,
  - (c) a card or document that is issued by the government or a statutory authority of New South Wales, the Commonwealth, another State or a Territory, or by an authorised deposit-taking institution and that shows the name of the person, together with a statutory declaration by the person as to the person's address,
  - (d) a passport issued by another country that shows the person's name, together with:
    - (i) a card or document that is issued by an organisation or person other than the person concerned and that shows the person's address, or
    - (ii) a statutory declaration by the person as to the person's address,

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Part 3

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- (e) a motor vehicle driver's licence issued in another country that shows the person's name, together with:
- (i) a card or document that is issued by an organisation or person other than the person concerned and that shows the person's address, or
  - (ii) a statutory declaration by the person as to the person's address.
- (2) If the relevant details of a person are entered in the Bidders Record for an auction of property before the day of the auction or otherwise than at the place the auction is held, the person must not be provided with the identifying number allocated for the purposes of identification at the auction unless the person's identity is established by means of proof of identity that may be used for the purposes of any entry in the Bidders Record under section 69 of the Act.
- (3) An agent or employee of an agent who provides an identifying number to a person in contravention of subclause (2) is guilty of an offence.

Maximum penalty: 20 penalty units.

### **18 Conditions of sale by auction**

- (1) The following conditions are prescribed as applicable to and in respect of the sale by auction of land or livestock:
- (a) The principal's reserve price must be given in writing to the auctioneer before the auction commences.
  - (b) A bid for the seller cannot be made unless the auctioneer has, before the commencement of the auction, announced clearly and precisely the number of bids that may be made by or on behalf of the seller.
  - (c) The highest bidder is the purchaser, subject to any reserve price.
  - (d) In the event of a disputed bid, the auctioneer is the sole arbitrator and the auctioneer's decision is final.
  - (e) The auctioneer may refuse to accept any bid that, in the auctioneer's opinion, is not in the best interests of the seller.
  - (f) A bidder is taken to be a principal unless, before bidding, the bidder has given to the auctioneer a copy of a written authority to bid for or on behalf of another person.
  - (g) A bid cannot be made or accepted after the fall of the hammer.

Clause 19 Property, Stock and Business Agents Regulation 2003

Part 3 Auctions

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- (h) As soon as practicable after the fall of the hammer the purchaser is to sign the agreement (if any) for sale.
- (2) The following conditions, in addition to those prescribed by subclause (1), are prescribed as applicable to and in respect of the sale by auction of residential property or rural land:
- (a) All bidders must be registered in the Bidders Record and display an identifying number when making a bid.
- (b) One bid only may be made by or on behalf of the seller. This includes a bid made by the auctioneer on behalf of the seller.
- (c) When making a bid on behalf of the seller or accepting a bid made by or on behalf of the seller, the auctioneer must clearly state that the bid was made by or on behalf of the seller or auctioneer.
- (3) The following condition, in addition to those prescribed by subclause (1), is prescribed as applicable to and in respect of the sale by auction of livestock:

The purchaser of livestock must pay the stock and station agent who conducted the auction or the vendor the full amount of the purchase price:

- (a) if that amount can reasonably be determined immediately after the fall of the hammer—before the close of the next business day following the auction, or
- (b) if that amount cannot reasonably be determined immediately after the fall of the hammer—before the close of the next business day following determination of that amount,

unless some other time for payment is specified in a written agreement between the purchaser and the agent or the purchaser and the vendor made before the fall of the hammer.

#### **19 Notification of auction conditions**

- (1) A stock and station agent or real estate agent who offers land or livestock for sale by auction must notify the conditions of the sale by means of a notice that:
- (a) sets out the conditions of the sale clearly and legibly written or printed in the English language, and
- (b) is exhibited in a conspicuous position so as to be clearly visible to, and available for inspection by, any person attending the auction before and during the auction.

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Clause 20

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Part 3

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- (2) If a stock and station agent or real estate agent conducts an auction sale of land or livestock comprising more than one lot and one or more of the conditions of sale for any one or more of those lots are different from the conditions of sale for all or most of the other lots, the agent may notify the different conditions by reciting those conditions aloud in a clear and precise manner immediately before offering that lot for sale.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

## 20 Warnings about bidders' obligations

- (1) The notice required to be given by section 78 (3) of the Act is to be in the following form:

### Penalty for collusive practices

It is an offence against the *Property, Stock and Business Agents Act 2002* for a person to do any of the following as a result of a collusive practice, or to induce or attempt to induce another person by a collusive practice to do any of the following:

- (a) to abstain from bidding, or
- (b) to bid to a limited extent only, or
- (c) to do any other act or thing that might prevent free and open competition.

Severe penalties may be imposed on persons convicted of collusive practices.

- (2) The notice required to be given by section 83 (2) of the Act is to be in the following form:

### Successful bidders

The actual successful bidder at an auction sale must give to the auctioneer or an employee of the auctioneer:

- (a) the bidder's name, or
- (b) the name of the person on whose behalf the successful bid was made.



Clause 20 Property, Stock and Business Agents Regulation 2003

Part 3 Auctions

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- (3) Each notice must:
- (a) have its contents clearly and legibly written or printed in the English language, and
  - (b) be exhibited in a conspicuous position so as to be clearly visible to, and available for inspection by, any person attending the auction before and during the auction.

**Note.** A notice under this clause may be combined with the notice of auction conditions.

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## **Part 4 Trust money**

### **21 Banking of trust money**

A licensee who receives trust money must pay it into the licensee's trust account:

- (a) before the end of the next banking day after the day of its receipt, if that is practicable, or
- (b) if that is not practicable, as soon as practicable after that day.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

### **22 Records of trust money to be kept by licensees**

- (1) A licensee must keep the records required by this Part in visible form.
- (2) A licensee must keep the records required by this Part at the licensee's registered office, unless the licensee keeps those records as permitted by subclause (4).
- (3) If a computer system is used for the purpose of recording any information that is reproduced in the records required by this Part, the licensee must keep the computer control records required by clause 24 at the licensee's registered office.
- (4) A licensee may, at each separate place of business at which the licensee's business is conducted, keep the records required by this Part for business transacted at that place of business.
- (5) A licensee must, within 21 days after the end of each month:
  - (a) compile with the records kept by the licensee under this Part the original, or a true copy, of each trial balance statement prepared by the licensee in accordance with clause 31 for that month, and
  - (b) maintain a summary of the total of trust money disclosed in the trial balance statements for that month.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

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**23 Additional requirements for strata managing agents and community managing agents**

- (1) A strata managing agent or community managing agent must keep either of the following additional records:
  - (a) a single trust account ledger that is in a form permitting each account for an owners corporation, community association, precinct association or neighbourhood association for or on behalf of which the agent holds any money to be physically removed from the ledger,
  - (b) a separate trust account ledger for each such owners corporation, community association, precinct association or neighbourhood association.
- (2) A strata managing agent or community managing agent must ensure that each ledger kept for an owners corporation, community association, precinct association or neighbourhood association contains sufficient information to enable the name of the owners corporation, community association, precinct association or neighbourhood association for which it is kept to be identified.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

**24 Computer systems control**

- (1) If a licensee maintains records for the purposes of this Part by means of a computer system, the licensee must comply with this clause in relation to the records.
- (2) The licensee must maintain a record, compiled in chronological sequence, of all changes (by creation, amendment or deletion) to any of the following information:
  - (a) principal's name,
  - (b) principal's address,
  - (c) principal's code reference number, if any,
  - (d) agency description,
  - (e) trust account number,disclosing the details of the information before and after the change.

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- (3) The licensee must ensure, in respect of any journal:
    - (a) that entries balance before entries are made in the ledger, and
    - (b) that any journal reference numbers are allocated in sequence under program control.
  - (4) The licensee must ensure in respect of any ledger that no program is capable of accepting the entry of a transaction resulting in a debit balance to an account unless a contemporaneous record of the transaction is made in such a manner as to enable the production in permanent legible form, on demand, of a separate chronological report of all such occurrences.
  - (5) The licensee must ensure in respect of any ledger that no program enables the deletion of an account unless:
    - (a) the balance of the account is zero, and
    - (b) the account when deleted is retained (as it was immediately before deletion) in visible form.
  - (6) The licensee must ensure that any entry in a record produced in visible form appears in chronological sequence.
  - (7) The licensee must ensure that a report, or each page of or entry in a report, is numbered sequentially under program control in a manner that enables the completeness of the records required to be kept by this Part to be conveniently verified.
  - (8) The licensee must ensure that no amendment to the particulars of a transaction already recorded can be made otherwise than by a separate transaction effecting the amendment.
  - (9) The licensee must ensure that each program requires input in each field of a data entry screen intended to receive information required by this Part to be included in records.
  - (10) The licensee must ensure:
    - (a) that a back-up copy of all records to which this clause refers is made on a computer disk or magnetic tape or by other electronic means not less frequently than once each month, and
    - (b) that the most recent back-up copy is kept in such a place at a separate location that any incident (such as fire, or a power or disk failure) that could adversely affect the records would not also affect the back-up copy.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

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## **25 Receipts for trust money**

- (1) A licensee must, immediately on receiving money for or on behalf of any person, prepare or cause to be prepared a receipt in accordance with this clause.
- (2) When a receipt is being prepared by a licensee:
  - (a) from the trust receipt book, a copy of the entries made on the receipt must be made simultaneously on the machine numbered duplicate form provided in the book, or
  - (b) otherwise than from a trust receipt book, a copy of the entries made on the receipt must be made simultaneously in the record required to be kept by clause 28 (Record of trust account transactions).
- (3) The following particulars must be shown on a receipt:
  - (a) the date of issue,
  - (b) the number of the receipt in numerical sequence,
  - (c) the name of the licensee and the words "Trust Account",
  - (d) the name of the person from whom the payment was received,
  - (e) the name and ledger reference number of the person on whose behalf the payment was made,
  - (f) particulars sufficient to identify the transaction in respect of which the money was paid,
  - (g) the amount of money received and whether (or the extent to which) it was paid in cash or by cheque, by electronic funds transfer or otherwise.
- (4) Receipts must be prepared in the numerical order of the series to which they belong.
- (5) The original of a receipt must be issued, on demand, to the person from whom the trust money is received.
- (6) A licensee must retain:
  - (a) any original receipt that is not issued to the person from whom the trust money is received, and
  - (b) any original receipt that is cancelled after it is prepared, and
  - (c) duplicate receipts.

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- (7) When a receipt is issued by a licensee in respect of rent collected, there must be shown on the receipt (in addition to the particulars required by subclause (3)) the date to which rent has been calculated and the position of the rental account as at that date.
- (8) When a strata managing agent or community managing agent issues a receipt for a payment received in the course of acting as a strata managing agent or community managing agent, the agent must (in addition to the particulars required by subclause (3)) show on the receipt the following particulars:
- (a) if the payment is in respect of a contribution referred to in section 75 or 76 of the *Strata Schemes Management Act 1996*, the fact that it is made in respect of that contribution and the lot number in respect of which the contribution is paid,
  - (b) if the payment is in respect of a regular periodic contribution determined under section 75 or 76 of the *Strata Schemes Management Act 1996*, the period in respect of which the payment is made,
  - (c) if the payment is in respect of a contribution referred to in clause 13 of Schedule 1 to the *Community Land Management Act 1989*, the fact that it is made in respect of that contribution, a statement identifying the land or premises in respect of which the liability to make the contribution is imposed and, if the contribution is a regular periodic contribution, the period in respect of which it is made,
  - (d) if the payment was received in respect of more than 1 matter, the apportionment of that payment between those matters,
  - (e) if the receipt is issued from a general trust receipt book, the name of the owners corporation, community association, precinct association or neighbourhood association for or on behalf of which the payment is received.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

## **26 Payment of trust money by cheque or electronic funds transfer**

- (1) Trust money must not be drawn from a licensee's trust account otherwise than by cheque or electronic funds transfer in accordance with this clause.

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- (2) Each cheque must:
  - (a) be machine numbered in series, and
  - (b) be marked “not negotiable”, and
  - (c) not be payable to cash, and
  - (d) contain the name of the licensee or (if appropriate) of the licensee’s firm and the words “Trust Account”, and
  - (e) be signed by the licensee or another person authorised by or under clause 33 to sign the cheque.
- (3) The licensee must ensure that cheques are drawn in the numerical order of the series to which they belong and that for each cheque a record is kept of:
  - (a) the number and date of issue of the cheque, the name of the payee and the amount of the cheque, and
  - (b) details identifying the ledger account to be debited and the name and ledger reference number of the person on whose behalf the cheque was drawn, and
  - (c) the reason for which the cheque was drawn.
- (4) If the licensee maintains an accounting system that (at the same time as that at which, and in the same operation as that in which, a cheque is drawn) causes the particulars required by subclause (3) to be entered directly in the cash book required to be kept under clause 28, the entry of the particulars in the cash book is a sufficient compliance with the record keeping requirements of subclause (3).
- (5) The licensee must ensure that, for each electronic funds transfer, a record is kept of:
  - (a) the name of the person effecting the transfer and, if the transfer is effected under the direction of some other person, or under an authority delegated under clause 33, the name of the person under whose direction or under whose delegation the transfer is effected, and
  - (b) the reference number or other particulars sufficient to identify the transfer, the date of the transfer, the name of the payee and the amount transferred to or from each ledger account, and
  - (c) details identifying the ledger accounts to be debited and the name and ledger reference number of each principal on whose behalf the transfer was made, and

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(d) particulars of the reason for the transfer.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

## **27 Trust deposits**

- (1) A licensee who makes a deposit of money to the licensee's trust account must ensure:
- (a) that the relevant deposit book or other written deposit record is produced to the bank when the deposit is made, and
  - (b) that the following particulars are entered in the book or record:
    - (i) the date of the deposit,
    - (ii) the amount of the deposit,
    - (iii) whether the deposit consists of cheques, notes or coins,
    - (iv) if cheques are included in the deposit, the name of the drawer, the name and branch of the bank on which the cheque is drawn and the amount of each cheque, and
  - (c) that a duplicate of the particulars of each deposit is retained by the licensee.
- (2) This clause does not apply to a deposit of money made directly to a licensee's trust account, electronically or otherwise.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

## **28 Record of trust account transactions**

- (1) A licensee must keep a record of daily receipts and payments of money into and out of the licensee's trust account.
- (2) The record must be in the nature of a cash book in which the pages are consecutively numbered and on the respective pages of which are shown:
- (a) the consecutive numbers of receipts issued or cancelled, and
  - (b) the consecutive numbers of cheques drawn or cancelled, and
  - (c) in the case of money received or disbursed by means of electronic funds transfer, the consecutive reference numbers or other means of identification of the transfers.



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- (3) When money required to be paid into the trust account is received, the licensee must enter into the record the particulars required by clause 25 (3) (a), (b) and (d)–(g) to be entered in a receipt for the money, together with the date of the deposit of the money to the trust account and the amount of the deposit.
- (4) When money is paid out of the trust account, the licensee must enter into the record the particulars required by clause 26 (3) to be recorded for a cheque or required by clause 26 (5) to be recorded for an electronic funds transfer.
- (5) At the end of each named month, the licensee must balance the cash book or other record and either:
  - (a) carry forward the balance to the commencement of the next month, or
  - (b) carry forward the balance to a ledger account provided for the purpose.
- (6) The licensee must, at the end of each named month, prepare a statement reconciling the balance of the licensee's trust account with the balance of the related cash book or other record.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

## **29 Journal**

- (1) A licensee must record in a journal, maintained exclusively for the licensee's trust account, all transfers between accounts in the trust account ledger that are not effected by cheque or electronic funds transfer.
- (2) The recording must include the following:
  - (a) the date of the transfer,
  - (b) the amount transferred to and from each ledger account,
  - (c) the names of all ledger accounts to be debited or credited,
  - (d) the relevant reference number or other identification,
  - (e) sufficient particulars to identify the transfer and the reason for the transfer.
- (3) Each transfer, when entered in the journal, is to be numbered consecutively.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

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### **30 Trust account ledger**

- (1) A licensee must maintain a separate ledger account for trust money received on behalf of or paid to each principal.
- (2) The ledger account must include the name of the principal, a reference number or other identification and particulars of each transaction affecting trust money.
- (3) Those particulars must include the following:
  - (a) the date of the transaction,
  - (b) a description of the transaction,
  - (c) particulars sufficient to identify the trust record originating the transaction,
  - (d) the amount of the transaction,
  - (e) the resulting current balance of account arising from the transaction.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

### **31 Trust account ledger trial balance**

- (1) A licensee must, within 21 days after the end of each named month, prepare a trial balance statement of all ledger accounts current as at the end of that month.
- (2) The trial balance statement must:
  - (a) specify the month to which it refers and the date of its preparation, and
  - (b) list each ledger account that does not have a zero balance at the end of that month by stating the name of the principal, the reference number or other identification and the balance of the account at the end of the month, and
  - (c) show the total of the ledger account balances at the end of that month, and
  - (d) show a comparison between that total and the balance in the cash book reconciled with the balance in the trust account as required by clause 28 (6).

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

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### 32 Furnishing of particulars of trust account or transactions

A licensee served with a requisition under section 100 of the Act must furnish the required statement in writing:

- (a) by delivering the statement to the Director-General, or a member of the staff of the Department nominated by the Director-General for the purpose of receiving such statements, at the address of the Department appearing in the requisition, or
- (b) by sending the statement by registered post to the Director-General at the address of the Department appearing in the requisition so as to be received, by the Director-General or a member of staff so nominated, within 7 days after service of the requisition.

### 33 Signing of cheques or effecting electronic funds transfers—trust account

- (1) A licensee that is a corporation or who is a sole proprietor or a partner has authority to sign a cheque (a *trust cheque*) drawn on, or to effect an electronic funds transfer (a *trust EFT*) from, the trust account required to be maintained by section 86 of the Act.
- (2) A licensee in charge of a place of business has authority to sign a trust cheque or effect a trust EFT.
- (3) A licensee who has authority otherwise than as a delegate to sign trust cheques or effect trust EFTs may delegate that authority:
  - (a) if the licensee is a corporation, to each director of the corporation who is the holder of a licence or certificate under the Act and to not more than 2 employees at each place of business of the corporation, or
  - (b) if the licensee is a sole proprietor or a partner, to not more than 2 employees at each place of business of the sole proprietor or partnership, or
  - (c) if the licensee is a person in charge of a place of business, to not more than 2 employees at the place of business.
- (4) The delegation must be in writing and signed by the licensee and the delegate and may be revoked by the delegator by giving written notice of revocation to the delegate.
- (5) A delegation in force under this clause authorises the delegate to sign trust cheques or effect trust EFTs to which the delegation relates:

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- (a) (except in the case of a delegation by a licensee that is a corporation) only if the delegator is unable to sign the cheque or effect the transfer with due expedition because of his or her being sick or injured or absent for good reason, and
  - (b) subject to such terms and conditions (whether relating to the value of the cheques or transfers or the number of signatories or not) as may be stated in the instrument of delegation.
- (6) This clause does not remove any additional prohibition or restriction on the signing of trust cheques or the effecting of trust EFTs made by the constitution or the terms of the partnership agreement of any company or partnership concerned.
  - (7) A licensee who purports to delegate his or her authority to sign a trust cheque or effect a trust EFT otherwise than in accordance with this clause is guilty of an offence.
  - (8) A person who signs a trust cheque or effect a trust EFT purporting to do so as the delegate of a licensee but who has not been authorised to do so in accordance with this clause is guilty of an offence.

Maximum penalty (subclauses (7) and (8)): 40 penalty units in the case of a corporation or 20 penalty units in any other case.

### **34 Exemptions**

Sections 90 (Interest earned on trust accounts to be paid to Statutory Interest Account) and 91 (Monthly returns by authorised deposit-taking institutions) of the Act do not apply to:

- (a) a separate trust account kept on the instructions of a client of a licensee or firm of licensees for the exclusive benefit of the client, or
- (b) a separate trust account opened by a licensee for the exclusive benefit of both the vendor and the purchaser of land.

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## Part 5 Records

### 35 Records and book entries to be in English language

A licensee must ensure that all written records required to be made or produced by the licensee, and all entries in books of account required to be kept by the licensee, by the provisions of the Act and this Regulation, are in the English language.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

**Note.** There are no restrictions on the technology that can be used to make and keep records. Records can be made and kept on paper or by electronic means.

### 36 Records of livestock bought to be kept by stock and station agents

- (1) A stock and station agent who buys livestock as an agent (whether or not by auction) must keep a written record of livestock purchases at the agent's registered office.
- (2) Immediately after entering into an agreement for the purchase of livestock as an agent, a stock and station agent must record the following particulars:
  - (a) the name and address of the other person,
  - (b) a description of the livestock to be purchased,
  - (c) the number of livestock to be purchased.
- (3) Immediately after purchasing livestock as an agent, a stock and station agent must record the following particulars:
  - (a) the date and place of purchase,
  - (b) the mode of purchase,
  - (c) the person for whom the livestock was purchased,
  - (d) the person from whom the livestock was purchased,
  - (e) the total number of livestock purchased,
  - (f) the lot number or numbers, if the livestock was sold as a lot or as lots,
  - (g) the name supplied pursuant to section 83 of the Act as the name of the purchaser of each lot of livestock, if the purchase was by auction,
  - (h) the price for which the livestock was purchased per kilogram of live weight or per head,

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- (i) the details of the live weight weighing, if the livestock was purchased on a live weight basis,
  - (j) the total price for which the livestock was purchased,
  - (k) a description of the livestock that is sufficient to identify the livestock.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

### **37 Records of livestock sales to be kept by stock and station agents**

- (1) A stock and station agent who sells livestock as an agent (whether or not by auction) or who offers livestock for sale by auction as an agent must keep a written record of the sales at the agent's registered office.
- (2) Immediately after being engaged to sell livestock by auction as an agent, a stock and station agent must record the following particulars:
  - (a) the name of the owner of the livestock,
  - (b) the number of livestock to be sold,
  - (c) a description of the livestock that is sufficient to identify the livestock.

In the case of a sale by auction, the record must be made for each lot of the livestock and each lot number must be recorded.

- (3) Immediately after selling livestock as an agent, a stock and station agent must record the following particulars for each lot of livestock sold:
  - (a) the date and place of the sale,
  - (b) the name of the purchaser or, if the stock was sold by auction, the name supplied under section 83 of the Act by the successful bidder as the name of the purchaser and the lot number,
  - (c) the price for which the livestock was sold per kilogram of live weight or per head,
  - (d) the details of the live weight weighing, if the livestock was sold on a live weight basis,
  - (e) the total price for which the livestock was sold.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

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**38 Copy of accounts of owners corporation to be kept as record**

A strata managing agent served with a notice of resolution of the executive committee of an owners corporation under section 105 (2) of the *Strata Schemes Management Act 1996* that requires the agent to deliver any records or books of account of the owners corporation kept by the agent must, before delivering them:

- (a) prepare a true copy of the records or books of account the subject of the notice of resolution for retention by the agent, and
- (b) certify in writing on the copy that the copy is a true copy of those records or books of account.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

**39 Report to be prepared by managing agent**

- (1) A managing agent who holds or ceases to hold the money in a fund established by an owners corporation under section 66 or 69 of the *Strata Schemes Management Act 1996* or by an association under Schedule 1 to the *Community Land Management Act 1989* must comply with this clause.
- (2) The agent must prepare a report relating to the management of each such fund during the period since the person last commenced to act as managing agent for the owners corporation or association or since the person last prepared a report under this clause for the owners corporation or association.
- (3) Such a report must be signed by the agent and forwarded to the treasurer of the owners corporation or association at the following times:
  - (a) if the money is held in a separate trust account kept for the owners corporation or association—at least once in every 6 months,
  - (b) if the money is not held in a separate trust account kept for the owners corporation or association—at least once in every 3 months,
  - (c) if the agent ceases to act as managing agent for the owners corporation or association—within 14 days after termination of the agency agreement.

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- (4) Such a report (other than one resulting from the termination of an agency agreement) must have been completed no earlier than one month before it is forwarded to the treasurer.
- (5) Each report must:
- (a) state the name and address of the owners corporation or association for whom the report is prepared, and
  - (b) specify the period in respect of which the report is prepared, and
  - (c) state the date of completion of the report, and
  - (d) if the report is required because of the termination of an agency agreement, reconcile all receipts and payments with the statements from the relevant bank up to the time of termination.
- (6) A report must also contain the following particulars for the fund or, if more than one, for each fund of the owners corporation or association:
- (a) the amount of contribution to that fund levied during the period to which it relates in respect of each of the lots in the scheme concerned,
  - (b) the amount of contribution to that fund paid during that period in respect of each of those lots,
  - (c) the amount of contribution to that fund levied in respect of each of those lots but not paid as at the date of the report,
  - (d) the amount of any money received into that fund otherwise than as such a contribution and a description of the sources of that money,
  - (e) the amount of any money actually expended from that fund on behalf of the owners corporation or association and the amount of any money due to be paid from that fund but not actually paid as at the date of the report,
  - (f) the amount of any money that is expected to become due and payable from that fund by the owners corporation or association before the next report is prepared,
  - (g) the amount of any money standing to the credit of that fund in a bank and the name of the account at the bank,
  - (h) the amount of any money standing to the credit of that fund invested otherwise than in a bank and, if so, where it is invested,



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- (i) the total amount of money standing to the credit of that fund.
- (7) The managing agent who prepared the report must retain a copy of the report at the agent's registered office for 3 years from the date on which the report was prepared.

- (8) In this clause:

*managing agent* means strata managing agent or community managing agent.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

#### **40 Managing agent to permit executive committee to inspect records**

- (1) A strata managing agent or community managing agent must permit, on demand made at any reasonable time, any member of the executive committee of an owners corporation, community association, precinct association or neighbourhood association for whom the agent acts as managing agent to inspect any records or books of account of the corporation or association.
- (2) A strata managing agent or community managing agent must, within 14 days of being appointed by an owners corporation, community association, precinct association or neighbourhood association to act as managing agent, give to the corporation or association a written authority directing the bank or any other person or body with which any money of the corporation or association is invested to disclose to a member of the executive committee of the corporation or association, at the request of the member, any information relating to that money.

Maximum penalty: 40 penalty units in the case of a corporation or 20 penalty units in any other case.

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## Part 6 General

### 41 Complaints and discipline

- (1) The following provisions of the Act are prescribed as provisions that remain applicable to a suspended licence or certificate of registration for the purposes of section 192 of the Act:
  - (a) section 74 (Requirement to substantiate selling price estimates—residential property),
  - (b) section 100 (Director-General may require information),
  - (c) section 107 (Power to require production of licensee's records),
  - (d) sections 111 (Requirement for audit) and 113 (Statutory declaration required when no trust money held or received), except when a receiver or manager has been appointed,
  - (e) section 179 (Production of documents),
  - (f) section 184 (Powers of accounts examiner),
  - (g) section 211 (Fraudulent conversion and false accounts of money received by licensee or registered person),
  - (h) section 212 (Fraudulent accounts for expenses, commission and other charges).
- (2) The following provisions of this Regulation are prescribed as provisions that remain applicable to a suspended licence or certificate of registration for the purposes of section 192 of the Act:
  - (a) clause 9 (Itemised account),
  - (b) clause 32 (Furnishing of particulars of trust account or transactions),
  - (c) clause 40 (Managing agent to permit executive committee to inspect records).

### 42 Levies

A notice to a licensee to pay a levy imposed under section 169 (1) of the Act is prescribed for the purposes of section 169 (4) of the Act if the notice is signed by the Director-General and contains the following particulars:

- (a) the amount of the levy payable by the licensee,
- (b) the date by which and the manner in which the amount of the levy is payable,

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- (c) a note, in terms of section 169 (4) of the Act, as to the consequences of a failure by a licensee to pay the levy,
- (d) the date on which the notice was signed by the Director-General.

#### **43 The Register**

- (1) The Director-General is to enter and keep in the Register details of the following particulars in respect of each licence or certificate of registration issued under the Act:
  - (a) the name and business address of the person to whom the licence or certificate of registration is issued,
  - (b) the kind of licence or certificate of registration issued (as described in section 17 of the Act),
  - (c) the number of the licence or certificate of registration,
  - (d) date of issue and expiry,
  - (e) in the case of a licence issued to a member of a partnership, the name and business address of each licensed member of the partnership,
  - (f) in the case of a corporation licence, the name and business address of each director of the corporation,
  - (g) the cancellation or any current suspension of the licence or certificate of registration,
  - (h) any condition of the licence or certificate of registration under section 20 (a) or (d) or 23 (2) of the Act,
  - (i) the accreditation of the licensee as an auctioneer under section 21 of the Act,
  - (j) action taken under Part 12 (Complaints and disciplinary action) of the Act against the holder of the licence or certificate of registration that resulted in an adverse finding against the person, together with details of any disciplinary action taken against the person as a result of that adverse finding,
  - (k) proceedings for any offence under the Act or this Regulation taken against the holder of the licence or certificate of registration that resulted in a conviction for any such offence, together with details of any penalty imposed for the offence,
  - (l) current undertakings given under the Act by the holder of the licence or certificate of registration,

Property, Stock and Business Agents Regulation 2003

Clause 44

General

Part 6

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- (m) the appointment of a manager or receiver under the Act in respect of the licensee,
  - (n) the number of payments made from the Compensation Fund under Part 10 of the Act in respect of any failure to account of the licensee,
  - (o) the suspension of the licence or certificate of registration under section 64A of the *Fair Trading Act 1987*,
  - (p) action in the nature of disciplinary action taken under any other legislation administered by the Minister against the holder of the licence or certificate of registration that resulted in an adverse finding against the person, together with details of any action taken against the person as a result of that adverse finding.
- (2) The Director-General is also to enter and keep in the Register details of any application for a licence or certificate of registration that is refused on the ground that the applicant is not a fit and proper person to hold a licence or a certificate of registration, together with details of any subsequent grant of a licence or certificate of registration to the person.
- (3) Details entered in the Register under subclause (1) (j) or (k) are to be removed from the Register on the expiration of the period of 10 years after the action or conviction to which they relate.

**44 Application of Licensing and Registration (Uniform Procedures) Act 2002**

Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002* applies to and in respect of a licence or certificate of registration subject to the following limitations and modifications:

- (a) an application for the grant of a licence or certificate of registration may only be made by an individual unless the licence is a corporation licence,
- (b) an application for the grant of a corporation licence may only be made by a corporation,
- (c) an application for the grant of a certificate of registration may be made by an individual aged 16 years or more.

Clause 45 Property, Stock and Business Agents Regulation 2003

Part 6 General

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#### 45 Penalty notice offences and penalties

- (1) For the purposes of section 216 of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 15 is an offence for which a penalty notice may be served, and
  - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule or, if the person alleged to have committed the offence is a corporation and a greater penalty is specified in Column 3 of the Schedule, the amount specified in Column 3 of Schedule 15.
- (2) If the reference to a provision in Column 1 of Schedule 15 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

#### 46 Fees and Compensation Fund contributions

- (1) The fees payable for the purposes of the Act are listed in Column 1 of Schedule 16.
- (2) The amount of each fee is to be calculated by adding together the various components set out in Columns 2 and 3 of Schedule 16 in relation to that fee.
- (3) An amount specified in relation to an application fee in Column 3 of Schedule 16 under the heading **Processing component** is taken to be a fee to cover the costs incurred by the Director-General in processing the application.

**Note.** This amount is consequently a *processing fee* for the purposes of Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*.
- (4) The amount specified in relation to an application fee in Column 4 of Schedule 16 under the heading **Compensation Fund contribution** is prescribed as the amount of the contribution to the Compensation Fund payable by the applicant for the licence concerned.
- (5) The amount specified in relation to an application fee in Column 5 of Schedule 16 under the heading **Total** is the total of the fees payable in respect of the application and the contribution to the Compensation Fund payable by the applicant.

Property, Stock and Business Agents Regulation 2003

Clause 47

General

Part 6

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- (6) An applicant for the issue, renewal or restoration of 2 or more licences, or an applicant for the issue of a licence who is already a licensee, is not liable to pay fees or a Compensation Fund contribution for more than one of the licences that are issued, renewed or restored to expire at the same time.

**47 Exemption for travel agents**

A person who is the holder of a travel agent's licence under the *Travel Agents Act 1986* is exempt from the requirement under the Act to hold a real estate agent's licence in respect of any activity engaged in by the person when carrying on business as a travel agent in accordance with the authority conferred on that person by the travel agent's licence.

**48 Transitional arrangements for auctioneers**

The holder of a real estate agent's licence or a stock and station agent's licence who was the holder of a real estate agent's licence or stock and station agent's licence under the *Property, Stock and Business Agents Act 1941* immediately before the commencement of this clause is exempt from the provisions of section 21 (1) of the Act for a period of 6 months after the commencement of this clause or for such longer period as the Minister may direct by order in writing published in the Gazette.

**49 Transitional arrangements for reporting by financial institutions**

- (1) Clause 38F (Annual certification) of the *Property, Stock and Business Agents (General) Regulation 1993* continues to apply (despite its repeal) in respect of the financial year ending 30 June 2003.
- (2) Section 94 (Annual certification by auditor) of the Act:
- (a) does not apply in respect of the 12 month period ending on 30 April 2003, and
  - (b) applies in respect of the 12 month period ending on 30 April 2004 as if a reference in that section to that 12 month period were a reference to a period of 10 months ending on that date (and commencing on 1 July 2003).

Property, Stock and Business Agents Regulation 2003

Schedule 1 General rules of conduct applying to all licensees and registered persons

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## **Schedule 1 General rules of conduct applying to all licensees and registered persons**

(Clause 11)

### **Note.**

Clause 11 provides that a reference in this Schedule to an agent includes a reference to a registered person to whom the Schedule applies.

### **1 Knowledge of Act and regulations**

An agent must have a knowledge and understanding of the Act and the regulations under the Act, and such other laws relevant to the category of licence or certificate of registration held (including, laws relating to residential tenancy, fair trading, trade practices, anti-discrimination and privacy) as may be necessary to enable the agent to exercise his or her functions as agent lawfully.

### **2 Fiduciary obligations**

An agent must comply with the fiduciary obligations arising as an agent.

### **3 Honesty, fairness and professionalism**

- (1) An agent must act honestly, fairly and professionally with all parties in a transaction.
- (2) An agent must not mislead or deceive any parties in negotiations or a transaction.

### **4 Skill, care and diligence**

An agent must exercise reasonable skill, care and diligence.

### **5 High pressure tactics, harassment or unconscionable conduct**

An agent must not engage in high pressure tactics, harassment or harsh or unconscionable conduct.

### **6 To act in client's best interests**

An agent must act in the client's best interest at all times unless it would be contrary to the Act or regulations under the Act or otherwise unlawful to do so.

Property, Stock and Business Agents Regulation 2003

General rules of conduct applying to all licensees and registered persons Schedule 1

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## **7 Confidentiality**

An agent must not, at any time, use or disclose any confidential information obtained while acting on behalf of a client or dealing with a customer, unless:

- (a) the client or customer authorises disclosure, or
- (b) the agent is permitted or compelled by law to disclose.

## **8 To act in accordance with client authority**

An agent must not act as an agent or represent himself or herself as acting as an agent on behalf of a person without written authority.

## **9 To act in accordance with client's instructions**

An agent must act in accordance with a client's instructions unless it would be contrary to the Act or regulations under the Act or otherwise unlawful to do so.

## **10 Licensee must ensure employees comply with the Act and regulations**

An agent who is the licensee-in-charge at a place of business of a licensee must take reasonable steps to ensure other licensees or registered persons employed in the business conducted there comply with the Act and regulations under the Act.

## **11 Conflicts of interest**

An agent must not accept an appointment to act, or continue to act, as an agent if doing so would place the agent's interests in conflict with the client's interests.

## **12 Referral to service provider**

- (1) An agent who refers a principal or prospect to a service provider must not falsely represent to the principal or prospect that the service provider is independent of the agent.
- (2) A service provider is considered to be "independent" of an agent if:
  - (a) the agent receives no rebate, discount, commission or benefit for referring a client or customer to the service provider, and
  - (b) the agent does not have a personal or commercial relationship with the service provider.



## Property, Stock and Business Agents Regulation 2003

Schedule 1 General rules of conduct applying to all licensees and registered persons

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- (3) The following are examples of a personal or commercial relationship:
- (a) a family relationship,
  - (b) a business relationship,
  - (c) a fiduciary relationship,
  - (d) a relationship in which one person is accustomed, or obliged, to act in accordance with the directions, instructions or wishes of the other person.
- (4) If the service provider is not independent of the agent, the agent must disclose to the principal or prospect:
- (a) the nature of any relationship, whether personal or commercial, the agent has with the service provider, and
  - (b) the nature and value of any rebate, discount, commission or benefit the agent may receive, or expects to receive, by referring the client or customer to the service provider.

**13 Licensee not to recommend engagement of services of solicitor or licensed conveyancer acting for other party**

- (1) An agent must not recommend that a principal or prospect engage the services of a solicitor or licensed conveyancer, or firm of solicitors or licensed conveyancers, if the agent knows that the solicitor or licensed conveyancer, or the firm of solicitors or licensed conveyancers, acts or will be acting for the other party to the agreement concerned.
- (2) Subclause (1) does not prevent an agent recommending that a principal or prospect engage the services of a solicitor or licensed conveyancer if no other solicitor or licensed conveyancer is available (for example, in a remote location).
- (3) If no other solicitor or licensed conveyancer is available, the agent must, in recommending their engagement, advise the principal or prospect that the solicitor or licensed conveyancer is or will be acting for the other party.

**14 Inducements**

An agent must not offer to provide to any other person any gift, favour or benefit, whether monetary or otherwise, in order to induce any other person to engage the services of the agent as agent in respect of any matter.

Property, Stock and Business Agents Regulation 2003

General rules of conduct applying to all licensees and registered persons Schedule 1

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**15 Soliciting through false or misleading advertisements or communications**

An agent must not solicit clients or customers through advertisements or other communications that the agent knows or should know are false or misleading.

**16 Insertion of material particulars in documents**

An agent must not submit or tender to any person for signature a document, or cause or permit any document to be submitted or tendered to any person for signature, unless at the time of submission or tendering of the document all material particulars have been inserted in the document.

**17 Duty to provide copy of signed documents**

An agent who submits or tenders a document to any person for signature, or who causes or permits a document to be submitted or tendered to any person for signature, must immediately after the person has signed the document give a copy of the document to the person.

**18 Representations about the Act or regulations**

- (1) An agent must not falsely represent to a person the nature or effect of a provision of the Act or any regulation under the Act.
- (2) An agent must not, either expressly or impliedly, falsely represent, whether in writing or otherwise, to a person that a particular form of agency agreement or any term of such an agreement is required by the Act or a regulation under the Act.

**19 Agency agreements must comply with regulations**

An agent must not enter into an agency agreement unless the agreement complies with any applicable requirements of this Regulation, as required by section 55 of the Act.

Property, Stock and Business Agents Regulation 2003

Schedule 2 Rules specific to real estate agents, real estate salespersons and on-site residential property managers

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## **Schedule 2 Rules specific to real estate agents, real estate salespersons and on-site residential property managers**

(Clause 11)

### **Note.**

Clause 11 provides that a reference in this Schedule to an agent includes a reference to a registered person to whom the Schedule applies.

## **Part 1 Sales**

### **1 Preliminary physical inspection of property for sale to be conducted by agent**

An agent must not act on behalf of a principal in respect of the sale of a property unless the agent has conducted a preliminary physical inspection of the property.

### **2 Sales inspection report required for property**

On completion of the inspection required by clause 1, an agent must prepare and give to the principal a sales inspection report for the property. The report must specify the following and be signed by the agent:

- (a) the principal's name and address,
- (b) the date of preparation of the report,
- (c) the agent's name, business address and telephone number,
- (d) a description of the property, including the address of the property and such other details as may be necessary to enable the property to be readily identified,
- (e) a description of any fittings and fixtures that are to be included in the sale of the property,
- (f) any terms and conditions of sale known to the agent (for example, whether or not vacant possession is to be given),
- (g) the agent's recommendation as to the most suitable method of sale of the property,
- (h) the agent's estimate of the selling price (or price range) for the property,
- (i) details of any covenants, easements, defects, local government notices or orders affecting the property that are known to the agent,

Property, Stock and Business Agents Regulation 2003

Rules specific to real estate agents, real estate salespersons and on-site residential property managers Schedule 2

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- (j) details of any special instructions about the marketing and showing of the property,
- (k) the name, business address, telephone number and address for service of documents of the principal's solicitor.

### **3 Principal to be informed of an offer**

- (1) The agent must, unless the principal has instructed to the contrary in writing, inform the principal of all offers of purchase as soon as practicable after receiving the offer up until exchange of contracts has taken place.
- (2) If the agent is not going to inform the principal of an offer, the agent must inform the person who made the offer that the offer will not be submitted to the principal.
- (3) The agent may inform the principal of an offer orally or in writing and must identify the party by whom the offer is made. If the principal is informed orally, the agent must confirm the information in writing.
- (4) This clause does not apply to bids made in the course of an auction.

### **4 Setting aside minimum or reserve price at auction**

When the bidding at an auction does not reach the minimum or reserve price fixed for the property by the principal, the licensee conducting the auction must not set aside that price without the express permission of the principal or a person authorised to give that permission by the principal.

### **5 Information to be given when expression of interest deposit paid**

- (1) When an agent issues a receipt for an expression of interest deposit made prior to exchange of contracts, the agent must inform the person who paid the deposit that the principal has no obligation to sell the property or the purchaser to buy the property and the deposit is refundable if a contract for the sale of the property is not entered into. The information must be provided in writing and may be provided on the receipt.
- (2) The agent must promptly inform the principal when an expression of interest deposit has been paid.

## Property, Stock and Business Agents Regulation 2003

Schedule 2 Rules specific to real estate agents, real estate salespersons and on-site residential property managers

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- (3) The agent must promptly inform the person who paid the deposit when the agent becomes aware of any subsequent offer to purchase the property received from any other person. The agent must also advise the person who paid the deposit that they have the right to make further offers up until exchange of contracts has taken place.

**6 Notifying managing agent of appointment to sell residential property**

If an agent accepts an appointment to sell residential property that is tenanted, the agent must immediately give written notice of the appointment to any agent responsible for managing the property.

**7 Licensee must not accept payment for a referral**

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a buyers agent.

**8 Bidding on behalf of telephone bidder**

An agent must not bid at an auction on behalf of a person who is giving instructions to the agent by telephone unless:

- (a) the written authority on the basis of which the agent bids on behalf of the person contains an acknowledgement that the person has been given a copy of the conditions that are applicable in respect of the sale, and
- (b) the agent is satisfied that the person has been given a copy of those conditions.

**9 Agent participating in exchange of contracts for residential property**

If an agent participates in the exchange or making of a contract for the sale of residential property, the agent must serve a copy of the contract within 2 business days on:

- (a) each party to the contract, unless paragraph (b) requires the agent to serve a copy of the contract on a solicitor or conveyancer acting for the party, or
- (b) the solicitor or conveyancer acting for a party to the contract if the party has notified the agent, or it is apparent from the contract, that a solicitor or conveyancer is acting for the party.

Property, Stock and Business Agents Regulation 2003

Rules specific to real estate agents, real estate salespersons and on-site residential property managers Schedule 2

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## **Part 2 Property management**

### **Note.**

These rules apply to real estate agents, registered persons they employ and on-site residential property managers.

### **10 Inspection report**

An agent must, as soon as practicable after entering into an agency agreement in respect of the management of property, prepare and give to the principal an inspection report for the property. The inspection report must include the following and be signed by the licensee:

- (a) the name and address of the principal,
- (b) the address of the property,
- (c) the date of preparation of the report,
- (d) the licensee's name, licence number and business address,
- (e) a description of the exterior and interior condition of the property, including fittings, fixtures, improvements and anything provided with the property,
- (f) details of any work still to be completed by the principal on the property.

### **11 Inspection of property for rent**

- (1) An agent must accompany a prospective tenant on an inspection of the property.
- (2) An agent must not give the keys to a property to a prospective tenant, even for a short time.
- (3) Subclauses (1) and (2) do not apply if the principal, and, if the property is currently let, the tenant, have authorised otherwise in writing.

### **12 Use of collection agent to collect rent**

- (1) A licensee must not use the services of a collection agent to collect rent on behalf of a principal unless the arrangements for the collection and holding of that rent pending its payment to the agent or the principal comply with such guidelines as the Director-General may issue from time to time under this clause (including guidelines requiring rent collected by a collection agent to be paid into and retained in a trust account).

## Property, Stock and Business Agents Regulation 2003

Schedule 2 Rules specific to real estate agents, real estate salespersons and on-site residential property managers

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(2) In this clause:

**collection agent** means a person who collects rent as agent for and on behalf of a licensee.

### 13 Maintenance or repairs of rental property

- (1) An agent managing a rental property must promptly respond to and, subject to the principal's instructions, attend to all requests by a tenant, for maintenance of, or repairs to, the property.
- (2) If the principal has instructed that a repair not be carried out, the agent must inform the principal if the principal's failure to carry out the repair would constitute a breach of any tenancy agreement in force in relation to the property.

### 14 Breach of tenancy agreement

An agent managing a rental property must immediately notify the principal in writing if the agent becomes aware of a tenant's breach of the tenancy agreement.

### 15 Notifying tenant of appointment to sell

- (1) This clause applies if an agent managing a rental property is aware that:
  - (a) the property is listed for sale, or
  - (b) a real estate agent has been appointed to act on the sale of the property.
- (2) The agent must immediately give the tenant written notice of:
  - (a) the intended sale of the property, or
  - (b) the appointment of the real estate agent for the sale of the property (together with the name and contact details of the agent).

### 16 Final inspection of property

An agent must take all reasonable steps to ensure that any final inspection of the property, on vacation of the property, is conducted in the presence of the tenant (unless otherwise authorised by the tenant).

**Note.** "Reasonable steps" by an agent would comprise contacting the tenant to discuss suitable times for the inspection, arranging to meet at a particular time and place and proceeding to meet the tenant at the arranged time and place.

Property, Stock and Business Agents Regulation 2003

Rules specific to real estate agents, real estate salespersons and on-site residential property managers

Schedule 2

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### **17 Obtaining tenant's signature for rental bond refund**

An agent must not solicit or obtain the signature of a tenant to any document relating to the refund of a rental bond prior to the termination of the tenancy, unless the document directs the bond to be repaid in full to the tenant or transferred to another tenancy in accordance with the tenant's directions.



Property, Stock and Business Agents Regulation 2003

Schedule 3 Rules specific to stock and station agents and registered persons they employ

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## **Schedule 3 Rules specific to stock and station agents and registered persons they employ**

(Clause 11)

### **Note.**

Clause 11 provides that a reference in this Schedule to an agent includes a reference to a registered person to whom the Schedule applies.

## **Part 1 Sales**

### **1 Preliminary physical inspection of the property to be conducted by agent**

An agent must not act on behalf of a principal in respect of the sale of any property, including livestock included in the sale, unless the agent has conducted a preliminary physical inspection of the property. This clause does not apply to a sale solely of livestock.

### **2 Sales inspection report required for the property**

On completion of the inspection required by clause 1, an agent must prepare and give to the principal a sales inspection report for the property. The report must specify the following and be signed by the agent:

- (a) the principal's name and address,
- (b) the date of preparation of the report,
- (c) the agent's name, business address and telephone number,
- (d) a description of the property, including the address of the property and such other details as may be necessary to enable the property to be readily identified, and the size of the property in hectares,
- (e) a description of the services provided to the property (for example, power, phone, airstrip, closest schools, mail service, closest rail service),
- (f) information about the type of country (topography, soils, timber, arable area, pasture development), water (irrigation, dams, rainfall) and production capacity,
- (g) a description of any fittings and fixtures that are to be included in the sale of the property,
- (h) a description of items included in the sale such as house, other accommodation, grain storage, woolshed, sheep/cattle yards or plant equipment,

Property, Stock and Business Agents Regulation 2003

Rules specific to stock and station agents and registered persons they employ

Schedule 3

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- (i) a description of other items to be included in the sale, such as livestock,
  - (j) any terms and conditions of sale known to the agent (for example, whether or not vacant possession is to be given),
  - (k) the agent's recommendation as to the most suitable method of sale of the property,
  - (l) the agent's estimate of the selling price (or price range) for the property,
  - (m) details of any covenants, easements, defects, local government notices or orders affecting the property that are known to the agent,
  - (n) details of any special instructions about the marketing and showing of the property,
  - (o) the name, business address, telephone number and address for service of documents of the principal's solicitor.

### **3 Principal to be informed of an offer**

- (1) The agent must, unless the principal has instructed to the contrary in writing, inform the principal of all offers of purchase as soon as practicable after receiving the offer up until exchange of contracts has taken place.
- (2) If the agent is not going to inform the principal of an offer, the agent must inform the person who made the offer that the offer will not be submitted to the principal.
- (3) The agent may inform the principal of an offer orally or in writing and must identify the party by whom the offer is made. If the principal is informed orally, the agent must confirm the information in writing.
- (4) This clause does not apply to bids made in the course of an auction.

### **4 Information to be given when expression of interest deposit paid**

- (1) When an agent issues a receipt for an expression of interest deposit made prior to exchange of contracts, the agent must inform the person who paid the deposit that the principal has no obligation to sell the property or the purchaser to buy the property and the deposit is refundable if a contract for the sale of the property is not entered into. The information must be provided in writing and may be provided on the receipt.

## Property, Stock and Business Agents Regulation 2003

Schedule 3 Rules specific to stock and station agents and registered persons they employ

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- (2) The agent must promptly inform the principal when an expression of interest deposit has been paid.
- (3) The agent must promptly inform the person who paid the deposit when the agent becomes aware of any subsequent offers to purchase the property received from any other person. The agent must also advise the person who paid the deposit that they have the right to make further offers up until exchange of contracts has taken place.

**5 Agent must not accept payment for a referral**

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a buyers agent.

**6 Bidding on behalf of telephone bidder**

An agent must not bid at an auction on behalf of a person who is giving instructions to the agent by telephone unless:

- (a) the written authority on the basis of which the agent bids on behalf of the person contains an acknowledgement that the person has been given a copy of the conditions that are applicable in respect of the sale, and
- (b) the agent is satisfied that the person has been given a copy of those conditions.

**7 Setting aside minimum or reserve price at auction**

When the bidding at an auction does not reach the minimum or reserve price fixed for the property by the principal, the licensee conducting the auction must not set aside that price without the express permission of the principal or a person authorised to give that permission by the principal.

**Part 2 Property management****8 Inspection report**

An agent must, as soon as practicable after entering into an agency agreement in respect of the management of property, prepare and give to the principal an inspection report for the property. The inspection report must include the following and be signed by the licensee:

- (a) the name and address of the principal,
- (b) the address of the property,

Property, Stock and Business Agents Regulation 2003

Rules specific to stock and station agents and registered persons they employ

Schedule 3

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- (c) the date of preparation of the report,
  - (d) the licensee's name, licence number and business address,
  - (e) a description of the exterior and interior condition of the property, including fittings, fixtures, improvements and anything provided with the property,
  - (f) details of any work still to be completed by the principal on the property.

#### **9 Inspection of property for rent**

- (1) An agent must accompany a prospective tenant on an inspection of the property.
- (2) An agent must not give the keys to a property to a prospective tenant, even for a short time.
- (3) Subclauses (1) and (2) do not apply if the principal, and, if the property is currently let, the tenant, have authorised otherwise in writing.

#### **10 Use of collection agent to collect rent**

- (1) A licensee must not use the services of a collection agent to collect rent on behalf of a principal unless the arrangements for the collection and holding of that rent pending its payment to the agent or the principal comply with such guidelines as the Director-General may issue from time to time under this clause (including guidelines requiring rent collected by a collection agent to be paid into and retained in a trust account).

- (2) In this clause:

*collection agent* means a person who collects rent as agent for and on behalf of a licensee.

#### **11 Maintenance or repairs of rental property**

- (1) An agent managing a rental property must promptly respond to and, subject to the principal's instructions, attend to all requests by a tenant, for maintenance of, or repairs to, the property.
- (2) If the principal has instructed that a repair not be carried out, the agent must inform the principal if the principal's failure to carry out the repair would constitute a breach of any tenancy agreement in force in relation to the property.

## Property, Stock and Business Agents Regulation 2003

Schedule 3 Rules specific to stock and station agents and registered persons they employ

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**12 Breach of tenancy agreement**

An agent managing a rental property must immediately notify the principal in writing if the agent becomes aware of a tenant's breach of the tenancy agreement.

**13 Notifying tenant of appointment to sell**

- (1) This clause applies if an agent managing a rental property is aware that:
  - (a) the property is listed for sale, or
  - (b) an agent has been appointed to act on the sale of the property.
- (2) The agent must immediately give the tenant written notice of:
  - (a) the intended sale of the property, or
  - (b) the appointment of the agent for the sale of the property (together with the name and contact details of the agent).

**14 Final inspection of property**

An agent must take all reasonable steps to ensure that any final inspection of the property, on vacation of the property, is conducted in the presence of the tenant (unless otherwise authorised by the tenant).

**Note.** "Reasonable steps" by an agent would comprise contacting the tenant to discuss suitable times for the inspection, arranging to meet at a particular time and place and proceeding to meet them at the arranged time and place.

Property, Stock and Business Agents Regulation 2003

Rules specific to business agents and registered persons they employ

Schedule 4

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## **Schedule 4 Rules specific to business agents and registered persons they employ**

(Clause 11)

### **Note.**

Clause 11 provides that a reference in this Schedule to an agent includes a reference to a registered person to whom the Schedule applies.

### **1 Preliminary physical inspection of the business to be conducted by agent**

An agent must not act on behalf of a principal in respect of the sale of a business unless the agent has conducted a preliminary physical inspection of the business.

### **2 Sales inspection report required for business**

On completion of the inspection required by clause 1, an agent must prepare and give to the principal a sales inspection report for the business. The report must specify the following and be signed by the agent:

- (a) the principal's name and address,
- (b) the date of preparation of the report,
- (c) the agent's name, business address and telephone number,
- (d) a description of the business, including the address of the business and such other details as may be necessary to enable the business to be readily identified, the business name and its ABN,
- (e) a description of inclusions to be included in the sale such as goodwill, plant, fittings and stock in inventory, together with details of any encumbrances affecting those inclusions,
- (f) any terms and conditions of sale known to the agent,
- (g) the agent's recommendation as to the most suitable method of sale of the business,
- (h) the agent's estimate of the selling price (or price range) for the business,
- (i) details of any defects, local government notices or orders affecting the business that are known to the agent.

## Property, Stock and Business Agents Regulation 2003

Schedule 4 Rules specific to business agents and registered persons they employ

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**3 Confirmation of specific instructions**

- (1) Before or at the time of entering into an agency agreement under which the agent will act for the seller on the sale of a business, the agent must prepare for inclusion in the agency agreement written confirmation of any specific instructions given to the agent by the principal before the agreement is entered into about any of the following:
  - (a) arrangements for the transfer to the purchaser of any liability for the leasing or hire purchase of goodwill, plant, fittings or stock in inventory included in the sale,
  - (b) the marketing of the business,
  - (c) the entitlement of prospective purchasers to inspect the premises of the business and the circumstances under which such an inspection can be made,
  - (d) the entitlement of prospective purchasers to inspect records, books of account and other documents concerning the business and the circumstances under which such an inspection can be made.
- (2) The written confirmation may be prepared and be included as part of the agency agreement.

**4 Principal to be informed of an offer**

- (1) The agent must, unless the principal has instructed to the contrary in writing, inform the principal of all offers of purchase as soon as practicable after receiving the offer up until exchange of contracts has taken place.
- (2) If the agent is not going to inform the principal of an offer, the agent must inform the person who made the offer that the offer will not be submitted to the principal.
- (3) The agent may inform the principal of an offer orally or in writing and must identify the party by whom the offer is made. If the principal is informed orally, the agent must confirm the information in writing.
- (4) This clause does not apply to bids made in the course of an auction.

**5 Information to be given when expression of interest deposit paid**

- (1) When an agent issues a receipt for an expression of interest deposit made prior to exchange of contracts, the agent must inform the person who paid the deposit that the principal has no obligation to

Property, Stock and Business Agents Regulation 2003

Rules specific to business agents and registered persons they employ

Schedule 4

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sell the business or the purchaser to buy the business and the deposit is refundable if a contract for the sale of the business is not entered into. The information must be provided in writing and may be provided on the receipt.

- (2) The agent must promptly inform the principal when an expression of interest deposit has been paid.
- (3) The agent must promptly inform the person who paid the deposit when the agent becomes aware of any subsequent offers to purchase the business received from any other person. The agent must also advise the person who paid the deposit that they have the right to make further offers up until exchange of contracts has taken place.

**6 Agent must not accept payment for a referral**

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a buyers agent.



Property, Stock and Business Agents Regulation 2003

Schedule 5 Rules specific to buyers agents

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## Schedule 5 Rules specific to buyers agents

(Clause 11)

### **Note.**

Clause 11 provides that a reference in this Schedule to an agent includes a reference to a registered person to whom the Schedule applies.

### **1 Statement of property details**

At the time of entering into an agency agreement with a principal to act as buyer's agent for the principal, an agent must prepare and give the principal a statement of property details that is signed by the agent and specifies the following:

- (a) details known to the agent of the type of property to be purchased,
- (b) details of any special instructions about the property to be purchased (for example, an instruction that vacant possession is required in the case of a rented property).

**Note.** These details can be changed by agreement between the parties or as provided by the agency agreement.

### **2 Principal to be informed of negotiations**

The agent must keep the principal informed of each stage of the negotiation of a purchase price, as instructed by the principal. This clause does not apply to bids made in the course of an auction.

### **3 Licensee to obtain best possible purchase price**

An agent is to use his or her best efforts to obtain the best possible purchase price, without breaching standards of ethical conduct or engaging in conduct that is contrary to good agency practice.

### **4 Licensee not to exceed agreed purchase price in negotiations or at auction**

- (1) In negotiations for the purchase of a property, the agent must not exceed the maximum or agreed price fixed by the principal without the express written authorisation of the principal or a person authorised by the principal.
- (2) When the bidding at an auction exceeds the maximum or agreed price fixed by the principal, the agent must not continue bidding without the express authorisation of the principal or a person authorised by the principal.

Property, Stock and Business Agents Regulation 2003

Rules specific to buyers agents

Schedule 5

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**5 Information to be given when expression of interest deposit paid**

- (1) When the principal pays an expression of interest deposit in respect of the proposed purchase of a property prior to exchange of contracts, the agent must inform the principal that the vendor has no obligation to sell the property or the purchaser to buy the property and the deposit is refundable if a contract for the sale of the property is not entered into. The information must be provided in writing and may be provided on the receipt issued by the vendor or their agent.
- (2) An agent must promptly inform the principal when the agent becomes aware of any subsequent offers to purchase the property.

**6 Licensee must not accept payment for a referral**

An agent must not demand or accept a fee or other valuable consideration for referring the principal to a selling agent.

Property, Stock and Business Agents Regulation 2003

Schedule 6 Rules specific to strata, community, residential and other property managers

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## Schedule 6 Rules specific to strata, community, residential and other property managers

(Clause 11)

### Note.

Clause 11 provides that a reference in this Schedule to an agent includes a reference to a registered person to whom the Schedule applies.

### 1 Co-operation about records, access and transfer

If an agent is acting on behalf of a principal in the management of property and is advised by another agent that the other agent (*the new agent*) has been engaged to act on behalf of that principal in the management of that property, the agent must co-operate with the new agent in regards to access to the records of the principal, including but not limited to making the records reasonably available (according to law), and facilitating the transfer of management functions between the agent and the new agent.

### 2 Disclosure of potential agency

If an agent intends to act (or offers to act) for a principal in the management of property and is aware that another agent or other agents are managing that property for the principal, the agent must, unless the principal otherwise directs in writing, disclose their intention to act or offer to act to the current agent or agents.

### 3 Use of collection agent to collect rent

- (1) A licensee must not use the services of a collection agent to collect rent or levies on behalf of a principal unless the arrangements for the collection and holding of the rent or levies pending payment to the agent or the principal comply with such guidelines as the Director-General may issue from time to time under this clause (including guidelines requiring rent or levies collected by a collection agent to be paid into and retained in a trust account).
- (2) In this clause:  
*collection agent* means a person who collects rent or levies as agent for and on behalf of a licensee.

### 4 Confirmation of specific instructions—property management services

- (1) Before or at the time of entering into an agency agreement under which the agent will provide property management services in respect of the leasing of residential property or rural land, the agent

Property, Stock and Business Agents Regulation 2003

Rules specific to strata, community, residential and other property managers Schedule 6

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must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in connection with the management of the property and any limitations on the agent's authority to undertake those duties:

- (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant,
  - (b) entering into and signing a tenancy agreement (specifying the term for which the property may be let),
  - (c) undertaking inspections of the property,
  - (d) effecting repairs to and maintaining the property or engaging tradespersons to do so and limitations on expenditure that may be incurred by the agent without obtaining the principal's approval,
  - (e) paying disbursements and expenses incurred in connection with the agent's management of the property,
  - (f) collecting rent,
  - (g) receiving, claiming and disbursing rental bond money,
  - (h) serving notices for breach of the tenancy agreement or to terminate the tenancy agreement,
  - (i) undertaking the necessary steps to obtain vacant possession and recover any money owing to the principal in relation to the tenancy of the property,
  - (j) representing the principal in any tribunal or court proceedings in respect of the tenancy of the property,
  - (k) paying accounts for amounts owing in relation to the property (for example, water rates and charges, council rates, maintenance expenses, and owners corporation levies),
  - (l) advertising the property for letting or re-letting,
  - (m) reviewing the rent at the end of a tenancy.
- (2) The written confirmation may be prepared and be included as part of the agency agreement.

#### **5 Confirmation of specific instructions—leasing of property**

- (1) Before or at the time of entering into an agency agreement under which the agent will act for the owner or residential property or rural land in relation to the entering into a lease of the residential property

## Property, Stock and Business Agents Regulation 2003

Schedule 6 Rules specific to strata, community, residential and other property managers

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or rural land, the agent must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in connection with the entering into of the lease and any limitations on the agent's authority to undertake those duties:

- (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant,
  - (b) entering into and signing a tenancy agreement,
  - (c) undertaking an initial inspection of the property,
  - (d) collecting initial rent payment,
  - (e) receiving and disbursing rental bond money,
  - (f) advertising the property for letting.
- (2) The written confirmation may be prepared and be included as part of the agency agreement.

**6 Confirmation of specific instructions—strata managing agent or community managing agent**

- (1) Before or at the time of entering into an agency agreement under which the agent will exercise the functions of a strata managing agent or community managing agent, the agent must prepare for inclusion in the agency agreement written confirmation of the extent of the agent's authority to undertake the following duties in connection with the exercise of those functions and any limitations on the agent's authority to undertake those duties:
- (a) undertaking the financial management of funds and books of account,
  - (b) holding documents and maintaining records relating to the scheme (for example, the strata roll, notices, and minutes of meetings),
  - (c) arranging building inspections and reports,
  - (d) effecting repairs to and maintaining common property or engaging appropriately qualified tradespersons do so and limitations on expenditure that may be incurred by the agent without obtaining the principal's approval,
  - (e) paying disbursements and expenses incurred in connection with the agent's management of the scheme,
  - (f) arranging insurance cover for the scheme,

Property, Stock and Business Agents Regulation 2003

Rules specific to strata, community, residential and other property managers Schedule 6

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- (g) serving notices to comply with a by-law,
  - (h) managing the sinking fund and the administrative fund,
  - (i) undertaking steps necessary to recover any money owing in relation to levies,
  - (j) representing the owners corporation or association in tribunal or court proceedings,
  - (k) paying accounts in relation to the scheme (for example, accounts for water charges, council rates and maintenance),
  - (l) arranging and undertaking administrative duties in relation to annual general meetings and other general meetings.
- (2) The written confirmation may be prepared and be included as part of the agency agreement.

Property, Stock and Business Agents Regulation 2003

Schedule 7 Terms applying to all agency agreements

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## **Schedule 7 Terms applying to all agency agreements**

(Clause 13)

### **1 Identification of property**

The agreement must specify the address of the property to which the agreement applies or must contain such other description of the property as clearly identifies it. This clause does not apply to an agency agreement to act for the buyer of land.

### **2 Names of parties to agreement**

The agreement must specify the names of each of the parties to the agreement (including the licensee).

### **3 Information identifying parties**

The agreement must specify the principal's address, the licensee's licence number and any business name under which the licensee conducts business.

### **4 Principal's authority to enter into agreement**

The agreement must contain a statement to the effect that the principal warrants that the principal has authority to enter into the agreement.

### **5 Authorisation for licensee to act on behalf of principal**

The agreement must contain a term containing particulars of the extent of the authority of the licensee to act as agent on behalf of the principal in providing services under the agreement.

### **6 Period of duration of the agreement**

The agreement must contain a term indicating the period for which the agreement remains in force or indicating that the agreement remains in force until terminated.

### **7 Termination of the agreement**

If the agreement provides for its termination by a party to the agreement, the agreement must indicate how and when it can be terminated.

Property, Stock and Business Agents Regulation 2003

Terms applying to all agency agreements

Schedule 7

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## **8 Reimbursement of licensee**

- (1) If the licensee is to be entitled to any sum or reimbursement for expenses or charges incurred by the licensee in connection with services provided under the agency agreement, the agreement must include a term that:
  - (a) states that the licensee is so entitled,
  - (b) describes those services,
  - (c) specifies the amount that the licensee is so entitled to and when it is payable,
  - (d) states that those services and amounts cannot be varied except with the agreement in writing of the principal.
- (2) Subclause (1) (d) does not apply to an agency agreement for the exercise of the functions of a strata managing agent or community managing agent.

## **9 Remuneration**

- (1) The agreement must include a term specifying:
  - (a) the circumstances in which the licensee is entitled to remuneration (by way of commission or otherwise) for services performed under the agreement, and
  - (b) the amount of the remuneration or the way in which it is to be calculated, and
  - (c) when the remuneration is payable.
- (2) If the agreement relates to the sale or purchase of residential property and provides for payment of commission to the agent calculated as a percentage of the sale or purchase price, the term must also specify the amount of the remuneration to which the licensee will be entitled calculated on the basis of a specified estimated sale or purchase price for the property.



Property, Stock and Business Agents Regulation 2003

Schedule 8 Terms specific to agency agreement for sale of residential property

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## Schedule 8 Terms specific to agency agreement for sale of residential property

(Clause 13)

### 1 Exclusive agency and sole agency agreements

- (1) If the agency agreement is an exclusive agency agreement the agreement must include the following statement:

IMPORTANT: This is an exclusive agency agreement. This means you may have to pay the agent commission even if another agent (or you) sell the property or introduce a buyer who later buys the property.

- (2) If the agency agreement is a sole agency agreement the agreement must include the following statement:

IMPORTANT: This is a sole agency agreement. This means you may have to pay the agent commission even if another agent sells the property or introduces a buyer who later buys the property.

- (3) An agency agreement is an *exclusive agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event whether or not the agent is the effective cause of the happening of the event and whether or not the client is the effective cause of the happening of the event.

- (4) An agency agreement is a *sole agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event (whether or not the agent is the effective cause of the happening of the event) unless the client is the effective cause of the happening of the event.

- (5) A statement that an agency agreement is required to include by this clause must be included in the agreement immediately following the term required by clause 9 (Remuneration) of Schedule 7 and must be no less prominent than that term.

### 2 Warning about other agency agreements

- (1) The agency agreement must include the following statement:

WARNING: Have you signed an agency agreement for the sale of this property with another agent? If you have you may have to pay 2 commissions (if this agreement or the other agreement you have signed is a sole or exclusive agency agreement).

Property, Stock and Business Agents Regulation 2003

Terms specific to agency agreement for sale of residential property

Schedule 8

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- (2) A statement that an agency agreement is required to include by this clause must be included in the agreement immediately following the term required by clause 9 (Remuneration) of Schedule 7 or immediately following the statement required by clause 1 of this Schedule, and must be no less prominent than that term or statement.

### **3 Fixed term agency agreements**

- (1) If the agreement is for a fixed term that exceeds 90 days, the agreement must include a term that entitles the principal to terminate the agreement (without penalty) by giving 30 days notice in writing to the agent at any time after the end of the first 90 days of the term.
- (2) This clause does not apply to an agency agreement in respect of the sale of residential property where the contract for sale provides for the construction by the seller of a dwelling on the land.

### **4 Price at which property is to be offered**

If the agreement provides for the property to be offered for sale by private treaty, the agreement must specify the price at which the property is to be offered.

### **5 Providing principal with consumer guide**

The agreement must include a provision that states whether or not the agent provided the principal with a copy of the approved guide entitled "Agency Agreements for the Sale of Residential Property" (being the approved guide mentioned in section 56 of the Act) before the agreement was entered into and (if the guide was provided) specifies the date it was provided.

### **6 Cooling-off period**

- (1) The agency agreement must include the following statement:
- COOLING-OFF PERIOD: You (the principal) have a cooling-off period for this agreement. If you do not wish to continue with this agreement you can cancel it until 5 pm on the next business day or Saturday.
- (2) A statement that this clause requires an agency agreement to include must be included in the agreement in close proximity to the place where the principal signs the agreement and must be no less prominent than any other term of the agreement.

Property, Stock and Business Agents Regulation 2003

Schedule 8 Terms specific to agency agreement for sale of residential property

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**7 A sales inspection report to form part of the agreement**

The agreement must include a copy of any sales inspection report prepared by the agent and given to the principal under clause 2 of Schedule 2.

Property, Stock and Business Agents Regulation 2003

Terms specific to a buyers agent agency agreement

Schedule 9

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## **Schedule 9 Terms specific to a buyers agent agency agreement**

(Clause 13)

### **1 Property details**

The agreement must include a copy of the statement prepared and given to the principal by the agent for the purposes of clause 1 (Statement of property details) of Schedule 5.

### **2 Purchase price range**

The agreement must specify a price or price range as the maximum price or the price range that the principal is prepared to pay for a property.

Property, Stock and Business Agents Regulation 2003

Schedule 10 Terms specific to agency agreement for sale of rural land

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## Schedule 10 Terms specific to agency agreement for sale of rural land

(Clause 13)

### 1 Exclusive agency and sole agency agreements

- (1) If the agency agreement is an exclusive agency agreement the agreement must include the following statement:

**IMPORTANT:** This is an exclusive agency agreement. This means you may have to pay the agent commission even if another agent (or you) sell the property or introduce a buyer who later buys the property.

- (2) If the agency agreement is a sole agency agreement the agreement must include the following statement:

**IMPORTANT:** This is a sole agency agreement. This means you may have to pay the agent commission even if another agent sells the property or introduces a buyer who later buys the property.

- (3) An agency agreement is an *exclusive agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event whether or not the agent is the effective cause of the happening of the event and whether or not the client is the effective cause of the happening of the event.

- (4) An agency agreement is a *sole agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event (whether or not the agent is the effective cause of the happening of the event) unless the client is the effective cause of the happening of the event.

- (5) A statement that an agency agreement is required to include by this clause must be included in the agreement immediately following the term required by clause 9 (Remuneration) of Schedule 7 and must be no less prominent than that term.

### 2 Warning about other agency agreements

- (1) The agency agreement must include the following statement:

**WARNING:** Have you signed an agency agreement for the sale of this property with another agent? If you have you may have to pay 2 commissions (if this agreement or the other agreement you have signed is a sole or exclusive agency agreement).

Property, Stock and Business Agents Regulation 2003

Terms specific to agency agreement for sale of rural land

Schedule 10

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- (2) A statement that an agency agreement is required to include by this clause must be included in the agreement immediately following the term required by clause 9 (Remuneration) of Schedule 7 or immediately following the statement required by clause 1 of this Schedule, and must be no less prominent than that term or statement.

**3 Price at which property is to be offered**

If the agreement provides for the property to be offered for sale by private treaty, the agreement must specify the price at which the property is to be offered.

**4 Cooling-off period**

- (1) The agency agreement must include the following statement:

COOLING-OFF PERIOD: You (the principal) have a cooling-off period for this agreement. If you do not wish to continue with this agreement you can cancel it until 5 pm on the next business day or Saturday.

- (2) A statement that this clause requires an agency agreement to include must be included in the agreement in close proximity to the place where the principal signs the agreement and must be no less prominent than any other term of the agreement.

**5 A sales inspection report to form part of the agreement**

The agreement must include a copy of any sales inspection report prepared by the agent and given to the principal under clause 2 of Schedule 3.

Property, Stock and Business Agents Regulation 2003

Schedule 11 Terms specific to agency agreement for sale of business

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## Schedule 11 Terms specific to agency agreement for sale of business

(Clause 13)

### 1 Exclusive agency and sole agency agreements

- (1) If the agency agreement is an exclusive agency agreement the agreement must include the following statement:

IMPORTANT: This is an exclusive agency agreement. This means you may have to pay the agent commission even if another agent (or you) sell the business or introduce a buyer who later buys the business.

- (2) If the agency agreement is a sole agency agreement the agreement must include the following statement:

IMPORTANT: This is a sole agency agreement. This means you may have to pay the agent commission even if another agent sells the business or introduces a buyer who later buys the business.

- (3) An agency agreement is an *exclusive agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event whether or not the agent is the effective cause of the happening of the event and whether or not the client is the effective cause of the happening of the event.

- (4) An agency agreement is a *sole agency agreement* if the agreement provides for the agent to be entitled to commission on the happening of an event (whether or not the agent is the effective cause of the happening of the event) unless the client is the effective cause of the happening of the event.

- (5) A statement that an agency agreement is required to include by this clause must be included in the agreement immediately following the term required by clause 9 (Remuneration) of Schedule 7 and must be no less prominent than that term.

### 2 Warning about other agency agreements

- (1) The agency agreement must include the following statement:

WARNING: Have you signed an agency agreement for the sale of this business with another agent? If you have you may have to pay 2 commissions (if this agreement or the other agreement you have signed is a sole or exclusive agency agreement).

Property, Stock and Business Agents Regulation 2003

Terms specific to agency agreement for sale of business

Schedule 11

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- (2) A statement that an agency agreement is required to include by this clause must be included in the agreement immediately following the term required by clause 9 (Remuneration) of Schedule 7 or immediately following the statement required by clause 1 of this Schedule, and must be no less prominent than that term or statement.

### **3 Transfer of liability for the leasing or hire purchase of inclusions**

The agreement must include any written confirmation prepared for the purposes of clause 3 of Schedule 4 of any specific instructions given to the agent by the principal before the agreement is entered into about arrangements for the transfer to the purchaser of any liability for the leasing or hire purchase of goodwill, plant, fittings or stock in inventory included in the sale.

### **4 Specific instructions about marketing and inspections**

The agreement must include any written confirmation prepared for the purposes of clause 3 of Schedule 4 of any specific instructions given to the agent by the principal before the agreement is entered into about any of the following:

- (a) the marketing of the business,
- (b) the entitlement of prospective purchasers to inspect the premises of the business and the circumstances under which such an inspection can be made,
- (c) the entitlement of prospective purchasers to inspect records, books of account and other documents concerning the business and the circumstances under which such an inspection can be made.

### **5 Sales inspection report to form part of the agreement**

The agreement must include a copy of any sales inspection report prepared by the agent and given to the principal under clause 2 of Schedule 4.



Property, Stock and Business Agents Regulation 2003

Schedule 12 Terms specific to agency agreement for management of residential property or rural land

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## **Schedule 12 Terms specific to agency agreement for management of residential property or rural land**

(Clause 13)

### **1 Extent of agent's authority**

The agreement must include any written confirmation prepared for the purposes of clause 4 of Schedule 6 of the extent of the agent's authority to undertake the following duties in connection with the management of the property and any limitations on the agent's authority to undertake those duties:

- (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant,
- (b) entering into and signing a tenancy agreement (specifying the term for which the property may be let),
- (c) undertaking inspections of the property,
- (d) effecting repairs to and maintaining the property or engaging tradespersons to do so and limitations on expenditure that may be incurred by the agent without obtaining the principal's approval,
- (e) paying disbursements and expenses incurred in connection with the agent's management of the property,
- (f) collecting rent,
- (g) receiving, claiming and disbursing rental bond money,
- (h) serving notices for breach of the tenancy agreement or to terminate the tenancy agreement,
- (i) undertaking the necessary steps to obtain vacant possession and recover any money owing to the principal in relation to the tenancy of the property,
- (j) representing the principal in any tribunal or court proceedings in respect of the tenancy of the property,
- (k) paying accounts for amounts owing in relation to the property (for example, water rates and charges, council rates, maintenance expenses, and owners corporation levies),
- (l) advertising the property for letting or re-letting,
- (m) reviewing the rent at the end of a tenancy.

Property, Stock and Business Agents Regulation 2003

Terms specific to agency agreement for management of residential property or rural land Schedule 12

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## **2 Accounting to the principal in respect of money received**

The agreement must specify the manner in which and the frequency with which the agent is required to account to the principal in respect of money received by the agent on behalf of the principal.

Property, Stock and Business Agents Regulation 2003

Schedule 13 Terms specific to agency agreement for the leasing of residential property or rural land

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## **Schedule 13 Terms specific to agency agreement for the leasing of residential property or rural land**

(Clause 13)

### **1 Extent of agent's authority**

The agreement must include any written confirmation prepared for the purposes of clause 5 of Schedule 6 of the extent of the agent's authority to undertake the following duties in relation to the entering into of the lease and any limitations on the agent's authority to undertake those duties:

- (a) obtaining references from prospective tenants, arranging inspections of the property by prospective tenants and choosing a tenant,
- (b) entering into and signing a tenancy agreement,
- (c) undertaking an initial inspection of the property,
- (d) collecting initial rent payment,
- (e) receiving and disbursing rental bond money,
- (f) advertising the property for letting.

### **2 Details about the period of the tenancy, rent and bond**

The agreement must specify the period of the tenancy, the amount of the rent to be paid, the rent payment period and the amount of the bond to be paid.

Property, Stock and Business Agents Regulation 2003

Terms specific to agency agreement for the management of strata or  
community title land

Schedule 14

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## **Schedule 14 Terms specific to agency agreement for the management of strata or community title land**

(Clause 13)

### **1 Authorisation for the licensee to undertake certain duties relating to management of strata or community title land**

The agreement must include any written confirmation prepared for the purposes of clause 6 of Schedule 6 of the extent of the agent's authority to undertake the following duties in connection with the exercise of the functions of a strata managing agent or community managing agent and any limitations on the agent's authority to undertake those duties:

- (a) undertaking the financial management of funds and books of account,
- (b) holding documents and maintaining records relating to the scheme (for example, the strata roll, notices, and minutes of meetings),
- (c) arranging building inspections and reports,
- (d) effecting repairs to and maintaining common property or engaging appropriately qualified tradespersons do so and limitations on expenditure that may be incurred by the agent without obtaining the principal's approval,
- (e) paying disbursements and expenses incurred in connection with the agent's management of the scheme,
- (f) arranging insurance cover for the scheme,
- (g) serving notices to comply with a by-law,
- (h) managing the sinking fund and the administrative fund,
- (i) undertaking steps necessary to recover any money owing in relation to levies,
- (j) representing the owners corporation or association in tribunal or court proceedings,
- (k) paying accounts in relation to the scheme (for example, accounts for water charges, council rates and maintenance),
- (l) arranging and undertaking administrative duties in relation to annual general meeting and any other general meetings.

## Property, Stock and Business Agents Regulation 2003

Schedule 14 Terms specific to agency agreement for the management of strata or community title land

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## 2 Effect of statutory appointment of managing agent

The agreement must include a term or terms to the effect of the following provisions:

- (a) The agent does not have and may not exercise any of the powers, authorities, duties or functions of the owners corporation, association or strata corporation that are conferred on another strata managing agent or managing agent appointed for the owners corporation, association or strata corporation for the time being under section 162 of the *Strata Schemes Management Act 1996* or section 85 of the *Community Land Management Act 1989*.
- (b) The agency agreement is terminated on the appointment of a strata managing agent or managing agent under section 162 of the *Strata Schemes Management Act 1996* or section 85 of the *Community Land Management Act 1989* to exercise or perform all the functions of the owners corporation, association or strata corporation.
- (c) The agent is not entitled to any remuneration by way of commission or otherwise in respect of any period after termination of the agency agreement as referred to in paragraph (b).
- (d) The agent is not entitled to any payment (in the nature of a penalty or otherwise) by reason of the early termination of the agency agreement as referred to in paragraph (b).

## 3 Renewal of agreement for fixed term

If the agreement is for a fixed term, it must not contain a provision that operates (without the further agreement in writing of the principal) to renew the agreement for a subsequent fixed term of more than 3 months unless the agreement also provides for the principal to be able to terminate the agreement (without penalty) by giving 3 months' notice of termination at any time during that subsequent fixed term.

**Note.** This does not prevent the principal from agreeing in writing to the renewal of the agreement for a further fixed term.

## 4 Accounting to the principal in respect of money received

The agreement must specify the manner in which and the frequency with which the agent is required to account to the principal in respect of money received by the agent on behalf of the principal.

Property, Stock and Business Agents Regulation 2003

Penalty notice offences

Schedule 15

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## Schedule 15 Penalty notice offences

(Clause 45)

Column 1	Column 2	Column 3
Provision	Penalty (individuals)	Penalty (corporations)
<b>Offences under the Act</b>		
section 8 (1)	\$1,100	
section 9 (1)	\$2,200	
section 10 (1)	\$1,100	
section 11 (1)	\$550	
section 11 (2)	\$550	
section 12	\$550	
section 28 (4)	\$550	
section 29 (1)	\$550	
section 29 (2)	\$550	
section 29 (3)	\$550	
section 30 (1)	\$550	
section 30 (5)	\$550	
section 31 (1)	\$1,100	\$2,200
section 31 (2)	\$1,100	\$2,200
section 31 (3)	\$1,100	\$2,200
section 31 (4)	\$1,100	
section 32 (2)	\$1,100	

## Property, Stock and Business Agents Regulation 2003

## Schedule 15 Penalty notice offences

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty (individuals)</b>	<b>Penalty (corporations)</b>
section 32 (4)	\$1,100	\$2,200
section 33 (1)	\$550	\$1,100
section 34 (3)	\$550	
section 35 (1)	\$1,100	
section 35 (2)	\$1,100	
section 39 (1)	\$550	
section 40	\$1,100	
section 42 (1)	\$550	
section 42 (2)	\$550	
section 42 (3)	\$550	
section 43 (1)	\$550	
section 44	\$550	
section 45	\$550	
section 46 (2)	\$2,200	
section 47 (1)	\$2,200	
section 48 (2)	\$1,100	\$2,200
section 49 (1)	\$2,200	
section 49 (2)	\$2,200	
section 50 (1)	\$1,100	

## Property, Stock and Business Agents Regulation 2003

## Penalty notice offences

Schedule 15

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty (individuals)</b>	<b>Penalty (corporations)</b>
section 50 (2)	\$1,100	
section 51 (1)	\$2,200	
section 52 (1)	\$2,200	
section 56 (1)	\$550	
section 58 (1)	\$1,100	\$2,200
section 58 (2)	\$1,100	\$2,200
section 63 (2)	\$1,100	
section 66 (1)	\$2,200	
section 66 (2)	\$2,200	
section 67 (1)	\$1,100	
section 68 (1)	\$1,100	
section 68 (4)	\$1,100	
section 69 (1)	\$1,100	
section 69 (3)	\$1,100	
section 70 (1)	\$1,100	
section 71 (2)	\$550	
section 72	\$2,200	
section 73 (1)	\$2,200	
section 74 (2)	\$2,200	



## Property, Stock and Business Agents Regulation 2003

## Schedule 15 Penalty notice offences

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty (individuals)</b>	<b>Penalty (corporations)</b>
section 78 (1)	\$1,100	\$2,200
section 78 (2)	\$1,100	\$2,200
section 78 (3)	\$550	
section 79 (1)	\$550	\$1,100
section 79 (2)	\$550	\$1,100
section 80	\$550	
section 81 (1)	\$550	
section 81 (2)	\$550	
section 82 (2)	\$550	
section 83 (1)	\$550	
section 83 (2)	\$550	
section 86 (1)	\$1,100	
section 86 (2)	\$1,100	
section 86 (3)	\$1,100	
section 86 (4)	\$1,100	
section 86 (5)	\$1,100	
section 89	\$1,100	
section 90 (1)	\$1,100	
section 91 (1)	\$1,100	

## Property, Stock and Business Agents Regulation 2003

## Penalty notice offences

Schedule 15

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty (individuals)</b>	<b>Penalty (corporations)</b>
section 91 (2)	\$1,100	
section 91 (3)	\$1,100	
section 92	\$1,100	
section 93	\$1,100	
section 94	\$1,100	
section 98 (7)	\$550	
section 102 (1)	\$1,100	
section 102 (2)	\$1,100	
section 104 (1)	\$550	
section 104 (2)	\$550	
section 104 (3)	\$550	
section 110 (1) (a)	\$1,100	
section 110 (1) (b)	\$1,100	
section 110 (1) (c)	\$1,100	
section 110 (1) (d)	\$1,100	
section 110 (3)	\$110	
section 111 (1) (a)	\$550	\$1,100
section 111 (1) (b)	\$550	\$1,100
section 111 (3)	\$550	\$1,100

## Property, Stock and Business Agents Regulation 2003

## Schedule 15 Penalty notice offences

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty (individuals)</b>	<b>Penalty (corporations)</b>
section 111 (4)	\$550	\$1,100
section 113	\$1,100	
section 119 (1)	\$5,500	
section 119 (3)	\$1,100	
section 120	\$1,100	
section 137	\$1,100	
section 143 (1)	\$1,100	
section 145 (a)	\$1,100	
section 145 (b)	\$1,100	
section 145 (c)	\$1,100	
section 145 (d)	\$1,100	
section 145 (e)	\$1,100	
section 145 (f)	\$1,100	
section 163 (2)	\$550	
section 164	\$1,100	
section 184 (2) (a)	\$550	
section 184 (2) (b)	\$550	
section 185	\$550	
section 202	\$1,100	\$2,200

## Property, Stock and Business Agents Regulation 2003

Penalty notice offences

Schedule 15

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty (individuals)</b>	<b>Penalty (corporations)</b>
section 203	\$550	\$1,100
section 207 (a)	\$1,100	
section 207 (b)	\$1,100	
section 207 (c)	\$1,100	
section 219 (1)	\$550	
<b>Offences under this Regulation</b>		
Each provision of this Regulation that creates an offence	\$550	\$1,100

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## Property, Stock and Business Agents Regulation 2003

## Schedule 16 Fees and Compensation Fund contributions

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**Schedule 16 Fees and Compensation Fund contributions**

(Clause 46)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Fixed component</b>	<b>Processing component</b>	<b>Compensation Fund contribution</b>	<b>Total</b>
Application fee for grant of licence	\$167	\$150	\$53	\$370
Application fee for grant of certificate of registration	\$33	\$60		\$93
Application fee for renewal of licence	\$167	\$50	\$53	\$270
Application fee for renewal of certificate of registration	\$33	\$30		\$63
Application fee for restoration of licence	\$230	\$50	\$53	\$333
Application fee for restoration of certificate of registration	\$53	\$30		\$83
Application fee for accreditation as an auctioneer under section 21 of the Act		\$50		\$50
Application fee for a replacement licence		\$32		\$32
Application fee for a replacement certificate of registration		\$32		\$32

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# Rural Lands Protection (General) Amendment (Transport of Sheep) Regulation 2003

under the

Rural Lands Protection Act 1998

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

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

## Explanatory note

Part 10A of the *Rural Lands Protection Act 1998* imposes obligations on an owner of stock or person in charge of a vehicle transporting stock to be in possession of certain documentation (a **transported stock statement**) relating to the stock. The statement must contain specified stock transportation particulars and be in a form approved by the Stock Transportation Accreditation Committee or the Director-General of the Department of Agriculture. The object of this Regulation is to exempt the owners of sheep and persons in charge of vehicles transporting sheep by road from the requirement to include certain of those transportation particulars in the statement. This will have the effect of enabling approval of the use of National Vendor Declarations (which identify the owner of sheep being transported and make certain disease declarations with regard to sheep) as transported stock statements.

This Regulation is made under the *Rural Lands Protection Act 1998*, including sections 243 (the general regulation-making power) and 244.

Clause 1 Rural Lands Protection (General) Amendment (Transport of Sheep)  
Regulation 2003

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## **Rural Lands Protection (General) Amendment (Transport of Sheep) Regulation 2003**

under the

Rural Lands Protection Act 1998

### **1 Name of Regulation**

This Regulation is the *Rural Lands Protection (General) Amendment (Transport of Sheep) Regulation 2003*.

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

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

Rural Lands Protection (General) Amendment (Transport of Sheep)  
Regulation 2003

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Clause 54C

Insert after clause 54B:

**54C Exemption relating to restrictions on the transport of sheep by vehicle on a road**

- (1) An owner of sheep, or person in charge of a vehicle in which sheep are being transported, is exempt from the operation of sections 140B and 140C of the Act to the extent that those provisions require a transported stock statement completed, copied, provided or possessed by the person to contain stock transportation particulars in relation to the sheep of a kind referred to in section 140B (1) (f) and (g).
- (2) This clause ceases to have effect 2 years after the day on which it commences.



# OFFICIAL NOTICES

## Appointments

### LANDLORD AND TENANT (RENTAL BONDS) ACT 1977

#### Appointment

PURSUANT to Section 6 of the Landlord and Tenant (Rental Bonds) Act 1977, I appoint Ms Katrina Harrison as a member of the Rental Bond Board for a term commencing on the date hereof and expiring on 30 June 2004.

Dated this 3rd day of July 2003.

REBAMEAGHER, M.P.,  
Minister

### LANDLORD AND TENANT (RENTAL BONDS) ACT 1977

#### Appointment

PURSUANT to Section 6 of the Landlord and Tenant (Rental Bonds) Act 1977, I appoint Ms Sandra McGee as a member of the Rental Bond Board for a term commencing on the date hereof and expiring on 30 June 2004.

Dated this 3rd day of July 2003.

REBAMEAGHER, M.P.,  
Minister

### LOCAL GOVERNMENT ACT 1993

#### Appointment of Chairperson to the Local Government Boundaries Commission

HER Excellency the Governor, with the advice of the Executive Council, and in accordance with section 261(2)(a) of the Local Government Act 1993, has appointed Edith Mary Hall AM as Chairperson of the Local Government Boundaries Commission for the term of office of 5 years from 1 July 2003 to 30 June 2008.

Hon. TONY KELLY, M.L.C.,  
Minister for Local Government

Department of Local Government  
Nowra.

### LOCAL GOVERNMENT ACT 1993

#### Appointment of Member to the Local Government Boundaries Commission

HER Excellency the Governor, with the advice of the Executive Council, and in accordance with section 261(2)(b) of the Local Government Act 1993, has appointed Michelle Diane Carnegie as the Member of the Local Government Boundaries Commission for the term of office of 5 years from 1 July 2003 to 30 June 2008.

Hon. TONY KELLY, M.L.C.,  
Minister for Local Government

Department of Local Government  
Nowra.

### LOCAL GOVERNMENT ACT 1993

#### Appointment of Members to the Local Government Boundaries Commission

HER Excellency the Governor, with the advice of the Executive Council, and in accordance with section 261(2)(c) of the Local Government Act 1993, has appointed Councillor Colin Joseph Sullivan and Councillor Leo Kelly as the Members of the Local Government Boundaries Commission for the term of office of 5 years from 1 July 2003 to 30 June 2008.

Hon. TONY KELLY, M.L.C.,  
Minister for Local Government

Department of Local Government  
Nowra.

The Cabinet Office, Sydney  
16 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence from duty of the Premier, Minister for the Arts, and Minister for Citizenship

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable AJ Refshauge MP, Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs, to act for and on behalf of the Premier, as on and from 20 July 2003, with a view to him performing the duties of the office of the Premier, during my absence from duty.

BOB CARR  
Premier

The Cabinet Office, Sydney  
16 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the Minister for Tourism and Sport and Recreation, and Minister for Women

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable KA Hickey MP, Minister for Mineral Resources, to act for and on behalf of the Minister for Tourism and Sport and Recreation, and Minister for Women, from 16 to 20 July 2003, with a view to him performing the duties of the Honourable SC Nori MP, during her absence from duty.

BOB CARR  
Premier

The Cabinet Office, Sydney  
16 July 2003

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the  
Minister for Tourism and Sport and Recreation, and  
Minister for Women

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable JA Watkins MP, Minister for Police, to act for and on behalf of the Minister for Tourism and Sport and Recreation, and Minister for Women, as on and from 21 July 2003, with a view to him performing the duties of the Honourable SC Nori MP, during her absence from duty.

BOB CARR  
Premier

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### SYDNEY CRICKET AND SPORTS GROUND ACT 1978

Appointment of Trustees and Nomination of Deputy  
Chairperson

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 6(1)(a) of the Sydney Cricket and Sports Ground Act 1978, that

Mr Edwin John CLONEY;  
Mr Colin LOVE;  
Mr Michael CLEARY;  
Mr Roderick Hamilton McGEOCH;  
Ms Catherine Rossi HARRIS; and  
Ms Kerry Anne CHIKAROVSKI

be appointed to the office of Trustee of the Sydney Cricket and Sports Ground Trust for a term of office commencing 14 July 2003 and terminating on 13 July 2007.

Also that Mr Edwin John CLONEY, be appointed as Deputy Chairperson of the Trust for the above term.

### VALUATION OF LAND ACT 1916

Appointment of Acting Valuer-General

Office of the Valuer-General

HER Excellency, the Governor, with the advice of the Executive Council has been pleased to appoint Mr Kerry William LISTER Chief Valuer, Land and Property Information Division, Department of Lands, to act as Valuer-General for the period from Monday 14 July 2003 to Friday 3 October 2003, inclusive.

Tony Kelly MLC  
Minister Assisting the Minister  
for Natural Resources (Lands)

## NSW Agriculture

### PLANT DISEASES ACT 1924 ERRATUM

THE publication of Proclamation P133 under the Plant Diseases Act 1924 in Government Gazette No. 45 of 14 February 2003 at page 1646 contained some errors. This notice corrects the errors. Proclamation P133 reads as follows:

### PLANT DISEASES ACT 1924 Proclamation P133

Proclamation to regulate the importation, introduction and bringing into New South Wales of certain plants from Queensland on account of the pest spiraling whitefly.

HER EXCELLENCY PROFESSOR MARIE BASHIR AC,  
Governor

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

1. (a) in pursuance of section 3(2)(a) of the Plant Diseases Act 1924, revoke Proclamation P66 published in the Government Gazette No. 126 of 28 August 1998 at page 6942; and
- (b) in pursuance of section 4(1) of the Plant Diseases Act 1924 and being of the opinion that any plant from the northern part of Queensland is likely to introduce the pest spiraling whitefly (*Aleurodicus dispersus*) into New South Wales, regulate the importation, introduction or bringing into the outer area of any plant originating from or which has moved through the northern part of Queensland.
2. A plant that originates from or that has moved through the northern part of Queensland may only be brought into New South Wales in accordance with the conditions for entry specified in this Proclamation.

#### Conditions for entry

Either

#### Plants inspected and found free of spiraling whitefly

- 3.1 The plant within 48 hours before its dispatch has been inspected by an officer of the Queensland Department of Primary Industries and has been
  - found to be free of spiraling whitefly, and
  - is accompanied by a Plant Health Certificate issued by that officer.

All plants to 20 plants in a consignment are to be inspected, and where the number of plants is greater than 20 one plant of every 5 plants in excess of 20 is to be inspected for the presence of spiraling whitefly,

OR

#### Treated plants

- 3.2 The plant within 48 hours before its dispatch has been treated with an insecticide registered by the National Registration Authority for the control of spiraling whitefly, and has been, and is accompanied by:
  - a Plant Health Certificate, or
  - a Plant Health Assurance Certificate issued in compliance with *Operational Procedure ICA-35 Inspection and treatment of plants for Spiraling Whitefly*;

OR

#### Property freedom

- 3.3 the plant is from a property in Queensland that is certified as free of the pest by an officer of the Queensland Department of Primary Industries, and is accompanied by:
  - a Plant Health Certificate, or
  - a Plant Health Assurance Certificate issued in compliance with *Operational Procedure ICA-36 Property Freedom for Spiraling Whitefly*;

OR

#### Area freedom

- 3.4 the plant is from an area of Queensland certified as free of the pest by an officer of the Queensland Department of Primary Industries, and is accompanied by:
  - a Plant Health Assurance Certificate, or
  - a Plant Health Assurance Certificate issued in compliance with *Operational Procedure ICA-36 Property Freedom for Spiraling Whitefly*.

#### Definitions

In this Proclamation:

**northern part of Queensland** means that part of Queensland north of Latitude 22 degrees south.

**Pest** means the pest spiraling whitefly (*Aleurodicus dispersus*);

**Plant** includes a potted plant, bare rootstock or cuttings, but excludes flowers fruit and seeds of plants.

**Plant Health Assurance Certificate** means a Plant Health Assurance Certificate issued by a person authorised by the Queensland Department Primary Industries to issue Plant Health Assurance Certificates, and that certifies that the plant has been inspected has been found to be free of the pest;

**Plant Health Certificate** means a certificate issued an officer of the Queensland Department of Primary Industries and that certifies that the pest is not present on the land on which the plant originates or through which is has been moved. A certificate may not be issued if the area of Queensland so certified is less than 10 kilometres from a place where the pest is present.

**Note.** The New South Wales Department of Agriculture's reference is **P133**.

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

Operational Procedure ICA-35 Inspection and Treatment of Plants for Spiraling Whitefly is published on the internet at <http://www.dpi.qld.gov.au/health/4145.html#35>

Operational Procedure ICA-36 Property Freedom for Spiraling Whitefly is published on the internet at <http://www.dpi.qld.gov.au/health/4145.html#36>

Signed and sealed at Sydney this 5th day of February 2003.

By Her Excellency's Command

RICHARD AMERY, M.P.,  
Minister for Agriculture

GOD SAVE THE QUEEN!

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## NSW Fisheries

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F01/432

**FISHERIES MANAGEMENT ACT 1994**

Section 11 and 8 Notification - Fishing Closure

Pipis, Cockles and Whelks

Simpson's Bay Beach to Costens Point

I, Steve Dunn, revoke the notification, and all amendments thereto, which prohibits the taking of pipis (of any species), cockles (of any species) and whelks (of any species) by all methods, as published in the New South Wales Government Gazette Number 199 on 28 December 2001.

I do now, by this notification, prohibit the taking of pipis (of any species), cockles (of any species) and whelks (of any species) by all methods, from waters described below.

This prohibition will be effective from the date of publication for a period of 5 years.

STEVE DUNN,  
Director, NSW Fisheries

**Waters**

The whole of the foreshore of Port Hacking from the east end of Simpson's Bay Beach generally west to the most northern end of Costens Point. This area includes the foreshore extending from the mean high water mark, to 100 metres horizontally seaward from the mean low water mark.

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## Department of Infrastructure, Planning and Natural Resources

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### Planning

## Ryde Local Environmental Plan No 110

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*. (S00/00615/S69)

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

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Clause 1 Ryde Local Environmental Plan No 110

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## Ryde Local Environmental Plan No 110

### 1 Name of plan

This plan is *Ryde Local Environmental Plan No 110*.

### 2 Aims of plan

This plan aims:

- (a) to retain the “urban village” character of identified centres within the City of Ryde, by maintaining the following characteristics:
  - (i) a height and scale of buildings that is compatible with the human scale,
  - (ii) a positive relationship between buildings and the public domain,
  - (iii) mixed land uses that add vitality and interest at all times and that provide opportunity for living and working in the centre or having proximity to a major transport node,
  - (iv) providing a focal point and conveying a sense of local community identity,
  - (v) providing cohesive centres, with attractive and pleasant pedestrian links, spaces and places for public enjoyment, and
- (b) to promote each urban village as a niche commercial area to increase viability and vitality and to build on each village’s existing specialist commodity groups so as to give each centre a point of difference and increase its attractiveness to a wider retail catchment, and
- (c) to promote the accessibility of each urban village through:
  - (i) the enhancement of pedestrian safety and amenity, and
  - (ii) improved pedestrian links within the village, and
  - (iii) the management of traffic speed and flow through the village, and
  - (iv) the encouragement of public transport and alternatives to private vehicles, and

Ryde Local Environmental Plan No 110

Clause 2

- 
- (d) to increase vitality and activity in each urban village through:
    - (i) the encouragement of commercial and retail development in appropriate locations, and
    - (ii) increased residential development within the village, and
    - (iii) the encouragement of street activities, and
  - (e) to encourage safe and attractive urban villages, and
  - (f) to incorporate the principles of ecologically sustainable development, and
  - (g) to ensure that the redevelopment of certain land at Eastwood has regard to the need to minimise risks to persons or property from stormwater inundation.

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

This plan applies to land edged with a broken black line on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village” and edged with a blue line on the map marked “Ryde Local Environmental Plan No 110—West Ryde Urban Village” deposited in the office of Ryde City Council.

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

*Ryde Planning Scheme Ordinance* is amended as set out in Schedule 1.

Ryde Local Environmental Plan No 110

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 3 Interpretation

Insert at the end of the definition of *scheme map* in clause 3 (1):

Ryde Local Environmental Plan No 110—Eastwood Urban Village

### [2] Clause 51 Floor space ratios

Omit “and 3 (uv)” from the Table to the clause.

### [3] Clauses 51A–51E

Omit clause 51A. Insert instead:

#### 51A Development in certain urban villages

- (1) This clause applies to the following land:
  - (a) land shown edged with a broken black line on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village” deposited in the office of the Council,
  - (b) land shown edged with a blue line on the map marked “Ryde Local Environmental Plan No 110—West Ryde Urban Village” deposited in the office of the Council.
- (2) When considering any application for consent to carry out development of any land to which this clause applies the Council must take into consideration:
  - (a) the planning principles set out in Schedule 17, and
  - (b) the following objectives:
    - (i) to create a safe and attractive environment for pedestrians,
    - (ii) to create a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level,



Ryde Local Environmental Plan No 110

Amendments

Schedule 1

- 
- (iii) to create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture,
  - (iv) to increase the number of people living within walking distance of high frequency public transport services,
  - (v) to increase the use of public transport.
- (3) When preparing any development control plan relating to land to which this clause applies, the Council must take into consideration the planning principles set out in Schedule 17.

**51B Floor space ratios in West Ryde Urban Village**

- (1) Except as provided by this clause, the ratio of the total floor space of any buildings on a site comprised of land shown edged with a broken line on the floor space map to that site area must not exceed the maximum floor space ratio identified on that map in relation to the land.
- (2) The Council may consent to development of land to which this clause applies that results in a floor space ratio in excess of that permitted under subclause (1) if:
  - (a) the Council is satisfied that the development:
    - (i) will create a safe and attractive environment for pedestrians, and
    - (ii) will create a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level, and
    - (iii) will create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture, and
    - (iv) will increase the number of people living within walking distance of high frequency public transport services, and
    - (v) will increase the use of public transport, and
  - (b) in the Council's opinion, the development is not likely to significantly adversely affect the operation of the surrounding local road network, and

Ryde Local Environmental Plan No 110

Schedule 1 Amendments

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(c) the Council has had regard to any development control plan applying to the land.

(3) In this clause:

*the floor space map* means the map marked “Ryde Local Environmental Plan No 110—West Ryde Urban Village Floor Space Map” deposited in the office of the Council.

**51C Height of buildings within Eastwood Urban Village**

The Council must not consent to the erection of a building on land shown edged with a broken black line on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village Height Map” deposited in the office of the Council if the height of the building exceeds the maximum height shown for the land on that map.

**51D Development intensification restricted in special area**

- (1) This clause applies to land identified as “Development Intensification Restricted” and coloured red on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village Special Areas Map” deposited in the office of the Council.
- (2) Despite any other provision of this Ordinance, the Council must not grant consent to the carrying out of development of land to which this clause applies that would increase the intensity of use of the land unless the Council is satisfied that the extent of stormwater inundation of the land, and the access to the land, during the estimated 100 year ARI (Average Recurrence Interval) stormwater inundation event would not constitute a hazard, or increase a hazard, to persons or property.

**51E Development intensification constrained in special area**

- (1) This clause applies to land identified as “Development Intensification Constrained” and coloured pink on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village Special Areas Map” deposited in the office of the Council.
- (2) Despite any other provision of this Ordinance, the Council must not grant consent to the carrying out of development of land to which this clause applies that would increase the

Ryde Local Environmental Plan No 110

Amendments

Schedule 1

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intensity of use of land unless the Council is satisfied that if any conditions to which development consent is subject were to be complied with, the extent of stormwater inundation of the land during the estimated 100 year ARI (Average Recurrence Interval) stormwater inundation event would not constitute a hazard, or increase a hazard, to persons or property.

**[4] Clause 83**

Insert after clause 82:

**83 Notes in text**

Matter that appears in this Ordinance under the heading "Note" is an explanatory note and does not form part of this Ordinance. It is provided to assist understanding.

**[5] Schedule 17**

Insert in appropriate order:

**Schedule 17 Planning principles for urban villages**

(Clause 51A)

**1 Regional role**

- (1) Development should contribute to the status of the land as an important business, employment and residential location.
- (2) Development is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure provision.

**2 Integrated planning and development**

- (1) Planning and development is to ensure that social, economic, environmental and urban design issues are considered together and with proper regard for their mutual and cumulative impacts.
- (2) All planning, design and development activities must take account of and effectively respond to the linkages and interfaces between public space and private land.

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Page 7

Ryde Local Environmental Plan No 110

Schedule 1 Amendments

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### 3 Public domain

- (1) Development is to define and contribute to the public domain so as to create a high quality physical setting for buildings, which is safe and accessible and can be enjoyed by shoppers, residents and workers.
- (2) Development of the public domain is to enhance the integration between individual precincts and their surrounding areas.
- (3) Public space areas should be set aside for public use and enjoyment. Development that enhances the enjoyment of these public spaces, such as kiosks, restaurants and recreation facilities, is to be encouraged.
- (4) Car parking facilities should be set back away from the public spaces and should not prejudice pedestrian and cycle use of the public space.
- (5) Public streets and spaces should be created generally in accordance with:
  - (a) the *Eastwood Master Plan* prepared by the Council, in relation to land shown edged with a broken black line on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village” deposited in the office of the Council,
  - (b) the *West Ryde Master Plan* prepared by the Council, in relation to land shown edged with a blue line on the map marked “Ryde Local Environmental Plan No 110—West Ryde Urban Village” deposited in the office of the Council.

### 4 Urban form

- (1) Urban form is to reflect its location in relation to transport nodes, existing residential and commercial precincts, be architecturally rich and diverse, define and enhance the public domain and allow for mixed uses.
- (2) Building form within specified blocks is to be articulated both in height and mass to provide interest, resolve urban design and environmental issues and satisfy other planning principles in this Schedule.
- (3) Buildings are to be of high quality and adaptable to a variety of uses over time, to ensure their long life.

Ryde Local Environmental Plan No 110

Amendments

Schedule 1

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- (4) Buildings are to support and be integrated into the public domain network to achieve coherence and purpose.
- (5) The integrity of heritage items and significant landscape elements is to be protected and enhanced.

#### **5 Land use mix**

- (1) Development is to provide a variety of housing types and employment-based activities and contribute to the creation of a range of precincts with character.
- (2) Development is to contribute to an integrated mixed use development pattern (both vertical and horizontal) containing a wide range of housing, employment and recreational opportunities.
- (3) Development is to facilitate the increase and diversity of employment opportunities, which are to be compatible with achieving a high quality mixed shopping, living and working environment.

#### **6 Transport and access**

- (1) Development is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling.
- (2) An accessible environment for people with disabilities and mobility difficulties is to be created to ensure access equity.
- (3) The intensity of development is to be in accordance with the capacity of existing and proposed public transport and road systems.
- (4) Parking provision is to acknowledge accessibility by foot, bicycle and public transport.

#### **7 Environmental performance**

- (1) Development is to create a safe and comfortable environment for shoppers, residents and workers in both the private and public space, by “best practice” design to ensure buildings and spaces achieve maximum environmental performance and minimum resources use.

## Ryde Local Environmental Plan No 110

## Schedule 1      Amendments

- 
- (2) Development is to be designed having regard to the following:
- (a) wind effect,
  - (b) reflectivity,
  - (c) noise attenuation,
  - (d) solar access and energy conservation,
  - (e) water conservation and re-use,
  - (f) stormwater management,
  - (g) use of recycled materials,
  - (h) waste reduction.
- (3) The development of public spaces is to contribute to greater bio-diversity, habitat protection and enhancement and better air and water quality.



## **Wingecarribee Local Environmental Plan 1989 (Amendment No 113)**

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*. (Q02/00123/S69)

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

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 113)

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## **Wingecarribee Local Environmental Plan 1989 (Amendment No 113)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 113)*.

### **2 Aims of plan**

This plan aims to allow, with the consent of Wingecarribee Shire Council, the carrying out of development for the purpose of infrastructure on the land to which this plan applies.

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

This plan applies to all land to which *Wingecarribee Local Environmental Plan 1989* applies, except for land within Zone No 8 (a) (the Existing National Parks and Nature Reserves Zone) under the 1989 plan.

### **4 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 113)

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 4)

### Clause 36A

Insert after clause 36:

#### 36A Infrastructure development

- (1) This clause applies to all land under this plan, except for land within Zone No 8 (a).
- (2) Despite any other provision of this plan, the council may consent to the carrying out of development on the land to which this clause applies for the purpose of infrastructure, whether for private or public use.
- (3) In this clause:

*infrastructure* means the means through which the following services are provided: transport (including, but not limited to, road, rail, aviation or aerial, pedestrian, equine and cycle); bushfire hazard reduction; telecommunications; supply of water, hydraulic power, electricity or gas; sewerage or drainage; flood mitigation works.



## **City of Wollongong Local Environmental Plan 1990 (Amendment No 216)**

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*. (W02/00047/S69)

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

Clause 1 City of Wollongong Local Environmental Plan 1990 (Amendment No 216)

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## City of Wollongong Local Environmental Plan 1990 (Amendment No 216)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *City of Wollongong Local Environmental Plan 1990 (Amendment No 216)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 6 (b) (the Private Recreation Zone) to Zone No 2 (b) (the Medium Density Residential Zone) under the *City of Wollongong Local Environmental Plan 1990*.

### 3 Land to which plan applies

This plan applies to land situated in the City of Wollongong, being Lot 1, DP 401355, McCauley Street, Thirroul, as shown edged heavy black and lettered "2 (b)" on the map marked "City of Wollongong Local Environmental Plan 1990 (Amendment No 216)" deposited in the office of the Council of the City of Wollongong.

### 4 Amendment of City of Wollongong Local Environmental Plan 1990

The *City of Wollongong Local Environmental Plan 1990* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

City of Wollongong Local Environmental Plan 1990  
(Amendment No 216)

## Natural Resources

### WATER ACT 1912

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

An application for an Authority for a Joint Water Supply Scheme within a proclaimed local area as generally described hereunder has been received as follows:

#### *Namoi River Valley*

George CLIFT and Others for a diversion channel within Goran Lake Catchment on Lots 25, 28, 58, 59, 72, 73 and 75, DP755846, Parish of Clift, County of Pottinger, for water supply for stock and domestic purposes and irrigation of 1,296 hectares. Permanent transfer of 1,134 hectares from 90SA002075 and 162 hectares from 90SA002073. Papers 90SA11701.

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:

#### *Namoi River Valley*

Grant Archie McILVEEN for a pump on the Namoi River on Lot 22, DP603412, Parish of Gulligal, County of Pottinger for irrigation purposes (2.5 hectares). Permanent transfer of an existing entitlement. Papers 90SL100695. GA2368387.

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 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 licence, under the Section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

WARRINGAH COUNCIL for an existing 500mm diversion pipe (to deliver water at a rate not exceeding 4500 litres per second) from Manly Reservoir (being Manly Creek), Part Lot 10/840821, Parish of Manly Cove, County of Cumberland for flood mitigation (flow management) purposes (New Licence)(GA2:493217)(Ref:10SL56521)(Previously advertised with Ref:10SL56513).

Please note the following:

- \* Works to be authorised under Applications 10SL56449 & 10SL56453 were previously authorised under agreement with the former Metropolitan Water Sewerage & Drainage Board.

- \* Water diverted by all three applications is non-consumptive and returned to Manly Creek undiminished after use.

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

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

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

Department of Infrastructure, Planning & Natural Resources  
PO Box 3935  
PARRAMATTA NSW 2124

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### WATER ACT 1912

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

AN APPLICATION for a licence under Section 10 of Part 2 of the Water Act, 1912, has been received as follows:

#### *Murray River Valley*

Ronald Lindsay MENGLER for 1 pump on Lake Benanee, Lot 2906/765066, Parish of Meilman, County of Taila, for stock and domestic purposes, (new licence) (Ref: 60SL085426) (GA2:512572).

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 & Natural Resources  
PO Box 363  
32 Enterprise Way  
BURONGA NSW 2739  
Phone: (03)50219400

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### WATER ACT 1912

APPLICATIONS FOR Licences under Section 10 of Part 2 of the Water Act have been received as follows:

COLIN FAULKNER for a pump on Wollar Creek on part Crown Land adjacent to Lot 136/755455, Parish of Wollar, County of Phillip, for water supply for stock and domestic purposes. (New licence; exempt from current embargo; 20SL061210).

COLIN FAULKNER for a pump on Wollar Creek on part Lot 1/7/759102, Parish of Wollar, County of Phillip, for water supply for domestic purposes. (New licence; exempt from current embargo; 20SL061209).

ANNIE CROKER for two pumps on the Wallamba River on Lot 8/753156 and Lot 36/753156 Parish of Coolongolook, County of Gloucester, for irrigation of 9 hectares. (Replacement license; improved pasture; permanent water transfer; 20SL061212).

MARC & CAROLINE INTERVERA for a pump on the Paterson River on Lot PT1/10567 and lot 2/115477, Parish of Tyraman, County of Durham, for irrigation of 4.5 hectares. (New license; fruit & vegetables; permanent water transfer; 20SL061262).

CRAIG & DIANNE NICHOLS for a pump on the Hunter River on Lot PT151/792066, Parish of Belford, County of Northumberland, for water supply for stock and domestic purposes. (New licence; exempt under the current embargo; 20SL061219).

SHERI McEVOY for a pump on the Hunter River on Part Lot 20/752473, Parish of Marwood, County of Durham, for water supply for stock and domestic purposes and irrigation of 8 hectares. (Replacement license; Improved pasture; stock and domestic purposes added to existing irrigation entitlement; exempt under current embargo; 20SL061221).

MICHELLE GORMAN & DAVID KINCH for a pump on the Hunter River on Part Lot 351/806746, Parish of Sedgefield, County of Durham, for water supply for stock and domestic purposes. (New licence; exempt under the current embargo; 20SL061246).

GARRY & ELEANOR HANKS for a pump on the Hunter River on Lot 23/837444, Parish of Stanhope, County of Durham, for irrigation of 2.5 hectares. (Replacement license; improved pasture; permanent water transfer; 20SL061247).

ARROWFIELD FARMS for a pump on Lake Glenbawn on Part land resumed for Lake Glenbawn west of Lot 11/750912, Parish of Alma, County of Brisbane, for water supply for stock and domestic purposes and irrigation of 164.5 hectares (985 megalitres). (Replacement license; improved pasture; permanent water transfer; 20SL061105).

RICHARD AND KAREN WELLS for a pump on the Paterson River on part Lot 25/613616, Parish of Gresford, County of Durham, for irrigation of 2 hectares. (New licence; improved pasture; permanent water transfer; 20SL061172).

Any enquiries regarding the above should be directed to the undersigned, on telephone number (02) 4937 9338.

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

BRIAN McDOUGALL,  
Senior Natural Resource Project Officer  
Hunter Region

Department of Infrastructure, Planning and Natural  
Resources  
PO Box 6  
East Maitland NSW 2323

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#### WATER ACT 1912

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

Guiseppe POLITO for a pump on an Unnamed Watercourse being Lot X//395065, Parish of Manly Cove, County of Cumberland for water supply for irrigation of 0.25

hectares (cut flowers) (New Licence) (Ref:10SL56512) (GA2:493372)(Not subject to the 1995 Hawkesbury/Nepean Embargo).

KAMERUKA ESTATES LIMITED for a pump on Tantawangalo Creek being 14//1035037, Parish of Candelo, County of Auckland for stock, domestic & farming (Dairy washdown) purposes. (New Licence) (Existing works) (Ref:10SL56508)(GA2:509156).

Kim Raymond HAYTER for two existing dams and two pumps on Wonga Gully being Lots 102 & 103//843273, Parish of Weromba, County of Camden for conservation of water and water supply for the irrigation of 55.0 hectares (pasture), stock purposes & industrial (sawmill) purposes. (New licence)(Ref:10SL56506)(GA2:493373)(Not subject to the 1995 Hawkesbury/Nepean Embargo).

Robert Henry & Elizabeth Catherine CASWELL for an earthen dam on an Unnamed 1<sup>st</sup> order Watercourse being 2241//1051211, Parish of Congo, County of Dampier for the conservation of water for domestic purposes. (New licence)(Dam in excess of MHRDC)(Ref:10SL56507) (GA2:493047).

Any inquiries regarding the above should be directed to the undersigned (Ph: 9895 7780).

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

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

Department of Infrastructure, Planning and Natural  
Resources  
PO Box 3935  
PARRAMATTA NSW 2124

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#### 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*

Ian Herman KEMP, Robin Arthur WORSNOP and Peter Ducan MAXWELL for a Pump and pipeline on Lachlan River on Lot 6138 DP769375, Parish of Guagong, County of Blaxland, for Water supply for domestic and stock purposes. (New Authority)(GA2:512507) (Ref:70SA009595).

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  
Phone: (02) 6852 1222

**WATER ACT 1912**

Notice under Section 22B

Lifting of Pumping Suspensions

Bogan River

(from the confluence of Gunningbar Creek to the  
confluence with the Barwon River)

THE Department of Infrastructure, Planning and Natural Resources advises that PUMPING SUSPENSIONS under section 22B of the Water Act 1912 relating to the Bogan River (from the confluence of Gunningbar Creek to the confluence with the Barwon River), with respect to the taking of water therefrom hereby gives notice to all holders of permits, licences and authorities issued under Part 2 of the Water Act 1912 that pumping restrictions so imposed are hereby lifted. Pumping must nonetheless still occur in accordance with conditions attached to individual licences, permits and authorities.

Dated this 16th day of July, 2003.

F. HUNDY,  
Water Access Manager,  
Macquarie Central West Region

**WATER ACT 1912**

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

An Application for a Licence under Section 10 of Part 2 of the Water Act, has been received as follows;

*Lachlan River Valley*

BANGARLA PTY LTD for a dam and a pump on an unnamed watercourse on Lot 24/875189, Parish of Groveland, County of Georgiana, for water conservation for stock purposes and irrigation of 25.00 hectares.(Lucerne, summer crops) (New Licence—additional works—no increase in allocation. – Splitting existing entitlement) (GA2:512508) (Ref:70SL090911).

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

DAVID THOMAS,  
Senior Natural Resource Officer  
Central West Region

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

# Department of Lands

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

**ORDER**

Transfer of a Crown road to a Council

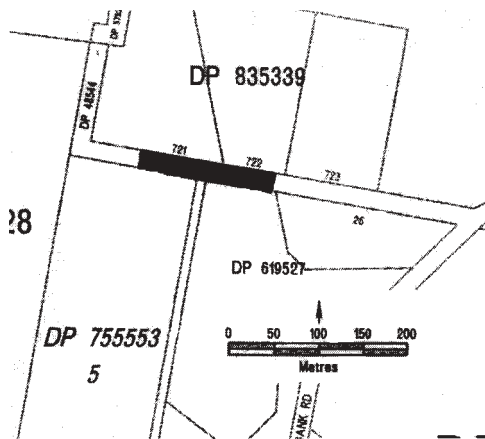
IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown roads specified in each schedule 1 are transferred to the Roads Authority specified in the corresponding schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each schedule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

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

**SCHEDULE 1**

*Parish — North Bellingen;  
 County — Raleigh;  
 Land District — Bellingen;  
 LGA — Bellingen*

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

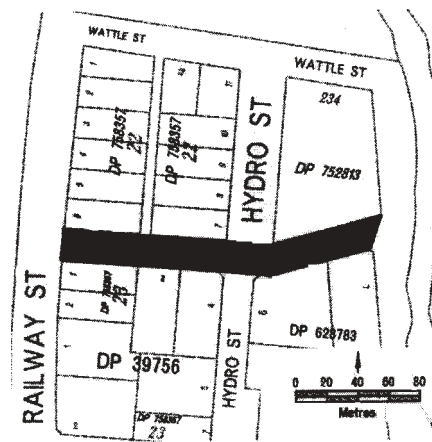


**SCHEDULE 2**

Roads Authority: Bellingen Shire Council.  
 File No.: GF 01 H 294.  
 Council's reference: R1-6 KIW:ROD.

**SCHEDULE 1**  
*Parish — Bligh;  
 Village of Dorrigo;  
 County — Fitzroy;  
 Land District — Bellingen;  
 LGA — Bellingen*

The Crown Public Road at Dorrigo, being Ash Street shown by black colour on the diagram hereunder.



**SCHEDULE 2**

Roads Authority: Bellingen Shire Council.  
 File No.: GF 02 H 355.  
 Council's reference: 2001/DA-383, L9692 KIW:EM.

**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
Thomas Lawrence ADAMS (new member)	Alumy Creek Reserve Trust	Reserve No. 140020 Public Purpose: Public Recreation Museum Notified: 26 June 1987 File Reference: GF87R13

For a term commencing the date of this notice and expiring  
 15 August 2007.

**NOTIFICATION OF CLOSING OF ROAD**

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

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

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Description

*Land District — Casino;*  
*LGA — Kyogle*

Road Closed: Lot 122 Deposited Plan 863 150 (being land under the Real Property Act – Vol. 6370 Fol. 149) at Cougal, Parish Cougal, County Rous. File Reference: GF00 H111.

Note: On closing, the land within the former road remains land vested in Kyogle Council as operational land.



**HAY OFFICE**  
**Department of Lands**  
**126 Lachlan Street (PO Box 182), Hay, NSW 2711**  
**Phone: (02) 6993 1306 Fax: (02) 6993 1135**

**APPOINTMENT OF CORPORATION TO MANAGE  
RESERVE TRUST**

PURSUANT to section 92 (1) of the Crown Lands Act, 1989, the reserve trusts specified in Column 2 of the Schedule is established under the name stated in that Column and is appointed as trustee of the reserves specified in Column 1 of the Schedules.

Pursuant to section 95 of the Crown Lands Act 1989, the corporation specified in Column 3 of the Schedules hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2.

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

Reserve 98151  
at Wanganella for Public  
Recreation notified in the  
*Government Gazette*  
of 2 May 1986

Reserve 150034  
at Conargo for Public  
Recreation notified in the  
*Government Gazette* of  
12 April 1990

Reserve 150050  
at Narrama for Environmental  
Protection notified in the  
*Government Gazette* of  
8 April 1993.

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Reserve No 44928 at Wandook for obtaining Sand notified in the <i>Government Gazette</i> of 2 March 1910.	Conargo Council Crown Reserves Reserve Trust	Conargo Council
Reserve 57705 at Booroorban for Public Recreation notified in the <i>Government Gazette</i> of 9 January 1925		
Reserve No 85270 at Dahwilly for Public Recreation notified in the <i>Government Gazette</i> of 26 March 1965		
Reserve 88068 Parish-Thalaka for Soil Conservation notified in the <i>Government Gazette</i> of 24 December 1970		
Reserve 88408 at Wanganella for Preservation of Fauna and Public Recreation notified in the <i>Government Gazette</i> of 26 November 1971		
Reserve 90112 at Nullum for Access and Preservation of Trees notified in the <i>Government Gazette</i> of 17 March 1972		
Reserve 91668 at Dahwilly for Road and Rubbish Depot notified in the <i>Government Gazette</i> of 21 December 1979		
Reserve 97439 at Booroorban for Community Purposes notified in the <i>Government Gazette</i> of 21 September 1984		

SCHEDULE 2

Reserve	Trustee	Trustee
Reserve 1001384 at Deniliquin for Access Reserve Trust Public Recreation notified in the <i>Government Gazette</i> of 21 August 1998	Deniliquin Council Crown Reserves Reserve Trust	Deniliquin Council

SCHEDULE 3

Reserve	Trustee	Trustee
Reserve 87311 at Warrawidgee for Quarry notified in the <i>Government Gazette</i> of 1 August 1969	Griffith Council Reserve Trust	Griffith Council

SCHEDULE 4

Reserve	Trustee	Trustee
Reserve 88451 at Jerilderie for Public Recreation notified in the <i>Government Gazette</i> of 31 December 1971	Jerilderie Council Crown Reserves Reserve Trust	Jerilderie Council

SCHEDULE 5

Reserve	Trustee	Trustee
Reserve 1130 at Tocumwal for Racecourse notified in the <i>Government Gazette</i> of 18 May 1874	Berrigan Council Crown Reserves Reserve Trust	Berrigan Council
Reserve 88498 at Finley for Public Recreation and Museum notified in the <i>Government Gazette</i> of 18 February 1972		
Reserve 88752 at Retreat for Public Hall and Public Recreation notified in the <i>Government Gazette</i> of 27 October 1972		

Reserve 150048  
at Berrigan for Environmental  
Protection notified in the  
*Government Gazette* of  
11 June 1993

Reserve 150054  
at Tocumwal for Public  
Recreation notified in the  
*Government Gazette* of  
24 December 1993

Reserve 1001042  
at Finley for Public Recreation  
notified in the *Government  
Gazette* of 12 December 1997.

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SCHEDULE 6

Reserve 59685 at Wakool for Public Hall notified in the <i>Government Gazette</i> of 6 May 1927	Wakool Council Crown Reserves Reserve Trust	Wakool Council
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Reserve 150051  
at Moulamein for Urban  
Services notified in the  
*Government Gazette*  
of 6 August 1993

Reserve 150052  
at Moulamein for Urban  
Services notified in the  
*Government Gazette*  
of 6 August 1993

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SCHEDULE 7

Reserve 57490 at Merriwagga for Public Hall notified in the <i>Government Gazette</i> of 3 October 1924	Carrathool Council Crown Reserves Reserve Trust	Carrathool Council
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Reserve 60054  
at Goolgowi for Public  
Hall notified in the  
*Government Gazette*  
of 21 October, 1927

Reserve 64309  
at Wallanthery for  
Public Recreation  
notified in the  
*Government Gazette*  
of 15 December 1933

Reserve 68530  
at Gunbar South for  
Public Hall notified in the  
*Government Gazette*  
of 4 August 1939

Reserve 70008  
at Carrathool for Public  
Recreation notified in the  
*Government Gazette*  
of 18 April 1941

Reserve 88353  
at Hillston for Public  
Recreation notified in the  
*Government Gazette*  
of 10 September 1971

Reserve 150047  
at Hillston for Public  
Recreation notified in the  
*Government Gazette*  
of 14 August 1992.

**MAITLAND OFFICE**  
**Department of Lands**  
**Cnr Newcastle Road & Banks Street (PO Box 6), East Maitland, NSW 2323**  
**Phone: (02) 4934 2280 Fax: (02) 4934 2252**

**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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
William Pola BINGLE	Patonga Public Hall and Bush Fire Brigade Trust	Reserve No.: 88567 Public Purposes: Public Hall and Bush Fire Brigade Notified: 21 April 1972 File Ref: MD80 R 42

For a term commencing 18 July 2003 and expiring 17 January 2004.

**NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Parish — Seaham;*  
*County — Durham;*  
*Land District — Maitland;*  
*Local Government Area — Port Stephens*

Road Closed: Lots 201 & 202, D.P. 1052533 at Seaham.  
 File Reference: MD00 H240.

Schedule

On closing, the land within Lots 201 & 202, D.P. 1052533 remains vested in Port Stephens Council as operational land for the purposes of the Local Government Act 1993. Council's reference: E5660-005.

**ADDITION TO RESERVED CROWN LAND**

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder and shown by hatching on diagram hereunder is added to the reserved land 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: Newcastle  
 Local Government Area: Port Stephens Council  
 Locality: Tanilba Bay

<i>Lot</i>	<i>Sec.</i>	<i>D.P. No.</i>	<i>Parish</i>	<i>County</i>
PT 289		41306	Sutton	Gloucester

Area: 1ha.  
 File Reference: MD87H525/1.

*COLUMN 2*

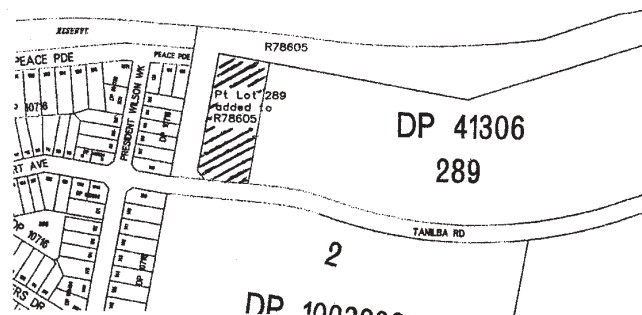
Reserve No. 78605  
 Public Purpose: Public Recreation  
 Notified: 18 May 1956

<i>Lot</i>	<i>Sec.</i>	<i>D.P. No.</i>	<i>Parish</i>	<i>County</i>
7026		753194 #	Sutton	Gloucester
180		753194	Sutton	Gloucester
7027		753194 #	Sutton	Gloucester
1		265326	Sutton	Gloucester
1		821158	Sutton	Gloucester
7028		753194 #	Sutton	Gloucester
290		41306	Sutton	Gloucester

New Area: 34.88ha

Notes: The effected part of reserve 72017 for future public requirements is hereby automatically revoked

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



**NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

\_\_\_\_\_  
Description

*Parish—Tomaree;  
County—Gloucester;  
Land District—Newcastle;  
Local Government Area—Port Stephens*

Road Closed: Lots 1 & 4 D.P 1042475 at Nelson Bay (being land under the Real Property Act).

File Reference: MD02 H241.

\_\_\_\_\_  
Schedule

On closing, the land within Lot 1 D.P. 1042475 remains vested in Port Stephens Council as operational land. Council's reference: 5425-005.

On closing, the land within Lot 4 D.P. 1042475 remains vested in the State of New South Wales as Crown land and remains as part of Reserve 64421 for Plantation and Public Recreation Notified 2nd March 1934.

**NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

\_\_\_\_\_  
Description

*Parish—Seaham;  
County—Durham;  
Land District—Maitland;  
Local Government Area—Port Stephens*

Road Closed: Lots 201 & 202, D.P 1052533 at Seaham.

File Reference: MD00 H240.

\_\_\_\_\_  
Schedule

On closing, the land within Lots 201 & 202, D.P.1052533 remains vested in Port Stephens Council as operational land for the purposes of the Local Government Act 1993. Council's reference: E5660-005.

**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 dedicated Crown lands and reserves 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
Adrian QAIN (Term commencing 17th July 2003 and expiring 16th January 2004).	Sandgate Cemetery Trust	Crown land dedicated for General Cemetery and General Cemetery (extension) notified 10 June 1887 and 9 September 1908 respectively along with R63494 for Cemetery Addition notified 19 August 1932 and R 78329 for Cemetery notified 17 February 1956 comprising approx. 32.016 hectares (known as Sandgate Cemetery near Newcastle).

File Ref: MD 87 R 2.

**MOREE OFFICE**  
**Department of Lands**  
**Frome Street (P O Box 388), Moree NSW 2400**  
**Phone: (02) 6752 5055 Fax: (02) 67521707**

**ERRATUM**

IN the notifications appearing in the Government Gazette of 4 July 2003 Folio 6931 under the heading "Notification of Closing of Roads" the descriptions in both notifications are corrected by the deletion of the words "not being land under the Real Property Act."

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

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**SYDNEY METROPOLITAN OFFICE**

**Department of Lands**

**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**

**(PO Box 3935), Parramatta, NSW 2124**

**Phone: (02) 9895 7657 Fax: (02) 9895 6227**

**NOTIFICATION OF CLOSING OF ROADS**

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

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

Descriptions

*Land District — Metropolitan;  
L.G.A. — Marrickville*

Lot 300, D.P. 1054818 at Marrickville, Parish Petersham,  
County Cumberland.

MN02H105.

**Notes:** [1] On closing, title for the land in lot 300 remains vested in Marrickville Council as operational land.

[2] The road is closed subject to the easement for underground cables for electricity purposes shown on D.P. 1054818.

Descriptions

*Land District — Metropolitan;  
L.G.A. — City of Sydney*

Lot 100, D.P. 1052104 at Sydney, Parish St James, County  
Cumberland.

MN02H215.

**Notes:** [1] On closing, title for the land in lot 100 remains vested in City of Sydney Council as operational land.

[2] The road is closed in stratum.

**PLAN OF MANAGEMENT FOR A CROWN RESERVE,  
FAGAN PARK AT HORNSBY, UNDER PART 5  
DIVISION 6 OF THE CROWN LANDS ACT 1989  
AND CROWN LANDS REGULATION 2000**

A draft plan of management has been prepared for the Crown reserves being Fagan Park, described hereunder which is under the trust management of Hornsby Shire Council.

Inspection of the draft plan can be made at Council's Administration Centre, main foyer Ground Floor; All Hornsby Council libraries; Galston and Glenorie Post Offices during normal business hours and on Council's website [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) under "What's New" — Exhibitions.

Representations are invited from the public on the draft plan. The plan will be on exhibition for a period of 60 days commencing from Tuesday, 22 July 2003. Submissions will be received up until Friday, 19 September 2003 and should be sent to The General Manager, Attention: Parks and Landscape Team, Hornsby Council, P O Box 37, Hornsby NSW 1630.

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

Description of Reserves

*Land District — Metropolitan;  
Parish — North Colah;  
L.G.A. — Hornsby;  
County — Cumberland*

Reserve (R91692) reserved for community purposes notified 18 January 1980 being lot 1 D.P.558731; lots 12, 13, 14, 16, 17 and 18 Section 2 D.P.975148.

Location: Bounded by Arcadia Road and Bayfield Road, Galston.

File No.: MN92R103.

**ROADS ACT, 1993**

ORDER

Transfer of a Crown Road to Council

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

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

SCHEDULE 1

*Land District — Metropolitan;  
Local Government Area — Warringah;  
Parish — Manly Cove;  
County — Cumberland*

The formed and unformed parts of the Crown Public Road known as Oates Place, Belrose abutting the southeastern boundary of Lot 1 DP 1037395.

SCHEDULE 2

Roads Authority: Warringah Council

File No. MN02H348.

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

**ASSIGNMENT OF NAME TO A RESERVE TRUST**

PURSUANT to clause 4(3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedules hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedules.

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

**SCHEDULE**

COLUMN 1	COLUMN 2
West Kempsey Homes for the Aged Reserve (R83249) Trust	Reserve No: 83249 Public Purpose: Homes for the Aged Notified: 30 June 1961 File: TE84R44
Mountain View Public Recreation Reserve (R80194) Trust	Reserve No: 80194 Public Purpose: Public Recreation Notified: 6 December 1957 File: TE80R436
Lake Street Community Reserve (R97715) Trust	Reserve No 97715 Public Purpose: Community Purposes Notified: 8 March 1985 File Reference: TE85R 26

**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	COLUMN 2
Land District: Kempsey Local Government Area: Kempsey Shire Council Locality: South West Rocks Lot DP 2 822640 Parish: Arakoon County: Macquarie Area: 6530m <sup>2</sup> (includes easement for sewerage main) File: TE03R44	Reserve No: 1004830 Public Purpose: Public Recreation

**ESTABLISHMENT OF RESERVE TRUST**

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

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

**SCHEDULE**

COLUMN 1	COLUMN 2
Roy Sanders Street Recreation Reserve (R1004830) Trust	Reserve No: 1004830 Public Purpose: Public Recreation Notified: This Day File: TE03 R 44

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

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

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

**SCHEDULE**

COLUMN 1	COLUMN 2	COLUMN 3
Kempsey Shire Council	Roy Sanders Street Recreation Reserve (R1004830) Trust	Recreation Reserve 1004830 Public Purpose: Public Recreation Notified: This Day File: TE03 R 44

**APPOINTMENT OF A TRUSTEE****Mount George School of Arts**

IT is hereby notified for general information that the office of Max Victor (resigned) and Joan Margaret Redshaw (deceased), as trustees of the land held for the purposes of a School of Arts, at Taree, have been declared vacant, and that the undermentioned persons have been elected as trustees at a special general meeting of members held in accordance with the provisions of section 14 of the Trustees of Schools of Arts Enabling Act, 1902.

I therefore, as Minister for Lands, in pursuance of the powers given me in the same section, hereby approve of Keith Richardson Gibbs and Robert Danvers Crossman, being appointed as trustees of the aforesaid Institution.  
 File No. TE88 R 50/2

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

(T03-0090)

No. 2132, CONARCO MINERALS PTY LTD (ACN 102 750 890), area of 88 units, for Group 1, dated 8 July, 2003. (Wagga Wagga Mining Division).

(T03-0093)

No. 2134, MALACHITE RESOURCES NL (ACN 075 613 268), area of 42 units, for Group 1, Group 5 and Group 6, dated 10 July, 2003. (Inverell 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

(T02-0445)

No. 2016, now Exploration Licence No. 6096, JERVOIS MINING LIMITED (ACN 007 626 575), County of Flinders, Map Sheet (8234, 8334), area of 11 units, for Group 1, dated 9 July, 2003, for a term until 8 July, 2005.

(T02-0456)

No. 2026, now Exploration Licence No. 6094, GOLDSEARCH LIMITED (ACN 006 645 754), County of Wellington, Map Sheet (8832), area of 39 units, for Group 1, dated 1 July, 2003, for a term until 30 June, 2005.

(T02-0791)

No. 2045, now Exploration Licence No. 6095, JERVOIS MINING LIMITED (ACN 007 626 575), County of Flinders, Map Sheet (8234, 8334), area of 30 units, for Group 1, dated 9 July, 2003, for a term until 8 July, 2005.

(T03-0003)

No. 2049, now Exploration Licence No. 6092, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), Counties of Ashburnham and Kennedy, Map Sheet (8531, 8532), area of 64 units, for Group 1, dated 26 June, 2003, for a term until 25 June, 2005.

(T03-0008)

No. 2055, now Exploration Licence No. 6091, LFB RESOURCES NL (ACN 073 478 574), Counties of Ashburnham and Wellington, Map Sheet (8631), area of 15 units, for Group 1, dated 24 June, 2003, for a term until 23 June, 2005.

### MINING LEASE APPLICATION

(C97-1018)

Sydney No. 105, now Mining Lease No. 1539 (Act 1992), TAHMOOR COAL PTY LIMITED (ACN 076 663 968), Parish of Couridjah, County of Camden; and Parish of Picton, County of Camden, Map Sheet (9029-4-S), area of 547 hectares, to mine for coal, dated 16 June, 2003, for a term until 15 June, 2024.

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

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

(M81-0400)

Authorisation No. 287, ANGLO COAL (BYLONG) PTY LTD (ACN 075 361 769), area of 6733 hectares. Application for renewal received 4 July, 2003.

(M82-3204)

Authorisation No. 312, ENDEAVOUR COAL PTY LTD (ACN 099 830 476), area of 29.66 square kilometres. Application for renewal received 30 June, 2003.

(M84-0071)

Authorisation No. 342, ANGLO COAL (BYLONG) PTY LTD (ACN 075 361 769), area of 3700 hectares. Application for renewal received 4 July, 2003.

(C87-0048)

Authorisation No. 395, ENDEAVOUR COAL PTY LTD (ACN 099 830 476), area of 572 hectares. Application for renewal received 30 June, 2003.

(C96-2028)

Exploration Licence No. 5337, NEWCASTLE COAL COMPANY PTY LTD (ACN 074 900 208), area of 2397 hectares. Application for renewal received 3 July, 2003.

(T00-0038)

Exploration Licence No. 5761, DAVID HOBBY, area of 3 units. Application for renewal received 8 July, 2003.

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

### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(M79-4639)

Authorisation No. 170, GENDERS MINING PTY LTD (ACN 000 094 315), County of Roxburgh, Map Sheet (8831), area of 14.26 square kilometres, for a further term until 28 August, 2004. Renewal effective on and from 3 July, 2003.

(C03-0372)

Authorisation No. 208, GENDERS MINING PTY LTD (ACN 000 094 315), County of Roxburgh, Map Sheet (8831), area of 14.34 square kilometres, for a further term until 28 August, 2004. Renewal effective on and from 3 July, 2003.

(M82-3866)

Authorisation No. 315, GLOUCESTER COAL LTD (ACN 008 881 712) and CIM STRATFORD PTY LTD (ACN 070 387 914), County of Gloucester, Map Sheet (9233), area of 7620 hectares, for a further term until 28 June, 2007. Renewal effective on and from 26 June, 2003.

(M84-0483)

Authorisation No. 321, GENDERS MINING PTY LTD (ACN 000 094 315), County of Roxburgh, Map Sheet (8831), area of 5.8 square kilometres, for a further term until 28 August, 2004. Renewal effective on and from 3 July, 2003.

(T98-1166)

Exploration Licence No. 5565, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), County of Cunningham, Map Sheet (8331, 8332, 8431, 8432), area of 18 units, for a further term until 23 March, 2005. Renewal effective on and from 8 July, 2003.

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

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**CANCELLATION OF AUTHORITY AT REQUEST OF  
HOLDER**

NOTICE is given that the following authority has been cancelled:

(T97-0569)

Mining Lease No. 1420 (Act 1992), WILSON GEMS & INVESTMENTS PTY.LTD (ACN 001 155 755), Parish of North Nullamanna, County of Arrawatta; and Parish of Nullamanna, County of Arrawatta, Map Sheet (9138-4-N), area of 32.65 hectares. Cancellation took effect on 7 July, 2003.

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

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## Roads and Traffic Authority

### ROADS ACT 1993

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

Notice of Compulsory Acquisition and Dedication as Public Road of Land at Cowra in the Cowra 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 and further dedicates the land as Public Road under Section 10 of the Roads Act 1993.

T D Craig  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

—————  
SCHEDULE

ALL that piece or parcel of Crown land situated in the Cowra Shire Council area, Parish of Mulyan and County of Forbes, shown as Lot 3 Deposited Plan 637245, being part of Reserve No 35813 from Sale for Camping and Access to Water notified in the Government Gazette of 23 May 1903 on page 3813.

(RTA Papers FPP 105.116 Part 2)

### ROADS ACT 1993

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

Notice of Compulsory Acquisition of Land at Albury in the Albury City Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

—————  
SCHEDULE

ALL that piece or parcel of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as Lot 44 Deposited Plan 1007315, being the whole of the land in Deed of Conveyance No 252 Book 2669.

The land is said to be in the possession of Albury City Council.

(RTA Papers 3M2928; RO 2/4.1283)

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

Notice of Compulsory Acquisition of Land at Gerogery in  
the Hume 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 those pieces or parcels of land situated in the Hume Shire Council area, Parish of Gerogery, County of Goulburn, shown as:

Lot 23 Deposited Plan 1049166, being part of the land in Certificate of Title 10/664063 and said to be in the possession of Tiksa Holdings Pty Ltd; and

Lot 24 Deposited Plan 1049166, being part of the land in Certificate of Title 2/734995 and said to be in the possession of Michael James Scollard and Heather Robyn Scollard (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee).

(RTA Papers FPP3M2351 & 3M2359; RO 202.1197 & 202.1198)

## Roads Act 1993

### Notice under the Road Transport (Mass, Loading and Access) Regulation 1996.

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

**Paul Forward**  
**Chief Executive**  
**Roads and Traffic Authority**

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#### Amendments

1. The General Class 1 Oversize Notice 2002 published in Government Gazette No. 122 of 26 July 2002 at pages 5630 to 5674 and amended in Government Gazette No.33 of 31 January 2003 at page 723 is further amended by:

(a) **Part 3 – Dimension Limits for Class 1 Vehicles**

Omit Table 1.

Insert instead the following Table:

**Table 1 - Maximum Overall Dimension Limits**

	<b>Height (metres)</b>	<b>Width (metres)</b>	<b>Length (metres)</b>
<b>Special purpose vehicle</b>	<b>4.3</b>	<b>3.5</b>	<b>14.0</b>
<b>Vehicles (other than special purpose vehicles):</b>			
<b>Loaded rigid motor vehicle</b>	<b>4.3</b>	<b>3.5</b>	<b>12.5</b>
<b>Loaded combination consisting of a prime mover and a semi-trailer</b>	<b>4.3</b>	<b>3.5</b>	<b>25.0</b>
<b>Loaded rigid vehicle and trailer combination</b>	<b>4.3</b>	<b>3.5</b>	<b>19.0</b>
<b>Unloaded articulated low-loader</b>	<b>4.3</b>	<b>2.5</b>	<b>25.0</b>

<b>Agricultural Machines, (single vehicles)</b>			
<b>Metropolitan and     Eastern Zones</b>	<b>4.3</b>	<b>5.0</b>	<b>12.5</b>
<b>Western Zone</b>	<b>4.3</b>	<b>6.0</b>	<b>12.5</b>
<b>Agricultural combinations</b>			
<b>Metropolitan and     Eastern Zones</b>	<b>4.3</b>	<b>5.0</b>	<b>25.0</b>
<b>Western Zone</b>	<b>4.3</b>	<b>6.0</b>	<b>25.0</b>
<b>Other vehicles including unladen vehicles</b>	<b>No special allowances</b>		

(b) **7.2 Critical locations and contacts**

**North**

**Singleton**

Omit the matter "5.33 m high" from item 9.

Insert instead the matter "5.1 m high".

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

Campbelltown City Council, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Paul Tosi  
 General Manager  
 Campbelltown City Council  
 (by delegation from the Minister for Roads)

10 July 2003

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**Schedule**

**1. Citation**

This Notice may be cited as the Campbelltown City Council B-Double Notice No 3/ 2003.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 July 2005 unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

**B-Double routes within the Campbelltown City Council**

Type	Road	Starting point	Finishing point
25	Aero Road, Kerr Road, Ingleburn	Lancaster Street	Left turn not permitted from Lancaster Street into Aero Road, to access Kerr Road site.  Alternate route (clockwise) via Lancaster Street, Memorial Avenue, York Road and Aero Road to Kerr Road.

## Other Notices

### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to section 55A  
and 55B

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

Cancellation is effective as at the date of gazettal.

Central West Regional Council of Adult and  
Community Education Incorporated

Kinilibah Landcare Group Incorporated

Life Education Central Coast Incorporated

Sydney Naval Establishments Rifle Club  
Incorporated

Young Peoples Refuge Incorporated

Bradfield Community Benefit Association  
Incorporated

Citizens Wildlife Corridors Tamworth Region  
Incorporated

Emu Creek Landcare Group Grenfell Incorporated

COLIN CROSSLAND,  
General Manager

Registry of Co-operatives & Associations  
Office of Fair Trading

Department of Commerce  
11 July 2003

### 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:

Penrith	10.00 a.m.	24 May 2004 (1 week) in lieu of 3 May 2004 (3 weeks)
---------	------------	--

Dated this 14th day of July 2003.

R. O. BLANCH,  
Chief Judge

### 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:

Campbelltown	10.00 a.m.	15 March 2004 (1 week) in lieu of 29 March 2004 (2 weeks)
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Dated this 14th day of July 2003.

R. O. BLANCH,  
Chief Judge

### 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:

Parramatta	10.00 a.m.	16 February 2004 (4 weeks)  in lieu of 2 February 2004 (6 weeks)  3 May 2004 (3 weeks) in lieu of 15 March 2004 (2 weeks),  12 April 2004 (3 weeks) and 25 May 2004 (5 weeks)
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Dated this 14th day of July 2003.

R. O. BLANCH,  
Chief Judge

### THE FAIR TRADING ACT 1987

Prohibition Order

Section 31(1)

I, Reba Meagher, Minister for Fair Trading, agreeing with a recommendation made in a report submitted to me by the Products Safety Committee, pursuant to section 31 of the *Fair Trading Act 1987*, hereby:

1. revoke the Order specified in Schedule One;
2. unconditionally prohibit the supply of the goods specified in Schedule Two; and
3. declare that this Order shall take effect on the date of its publication in the *New South Wales Government Gazette*.

DATED this 14th day of July 2003.

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

#### SCHEDULE ONE

Interim prohibition order published in the *New South Wales Government Gazette* No. 88 dated 19 May 2003, pp. 4833-4834.

#### SCHEDULE TWO

Soft synthetic gelatinous liquid and/or novelty filled balls or shapes moulded to a soft synthetic gelatinous stretchable cord which includes a small loop to put a finger through including but not limited to "Yo Yo Water Ball", "Yo Yo Sports Ball", "Yo Yo Meteoric Ball", "Yo Yo Smile Water Ball", "Kids'r'Cool Yo Yo Ball", "Eye Yo Yo Ball", "Wonderful Squeezing Liquid Yo Yo Ball", and "The Original Flashing Yo Yo Meteoric Ball".



**FORESTRY ACT, 1916**

## PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act, 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

## SCHEDULE

## EASTERN DIVISION

*Land District of Bombala;  
Bombala Council Area;  
Monaro Forestry Region*

Bondi State Forest No. 128, No. 47 Extension. An area of about 2.8 hectares in the Parishes of Bondi and Nalbaugh, County of Auckland, being FIRSTLY, in the Parish of Bondi, the land within Lots 58 and 59 in Deposited Plan 732175, and SECONDLY, in the Parish of Nalbaugh, the land within Lots 42 and 43 in Deposited Plan 263950. (82501).

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

By Her Excellency's Command,

MICHAEL COSTA, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Forests)

GOD SAVE THE QUEEN!

**FORESTRY ACT, 1916**

## PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act, 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

## SCHEDULE

## EASTERN DIVISION

*Land District of Bathurst;  
Evans Shire Council Area;  
Macquarie Forestry Region*

Sunny Corner State Forest No. 806, No. 41 Extension. An area of about 149.2 hectares in the Parish of Castleton, County of Roxburgh, being the land within Lot 2 in Deposited Plan 872162, Lot 12 in Deposited Plan 873545 and Lot 13 in Deposited Plan 878486, EXCLUSIVE OF the reserved road 20.115 metres wide traversing Lot 13 in Deposited Plan 878486 and the Easements for Water Supply 15 metres wide and variable width within Lot 12 in Deposited Plan 873545, TOGETHER WITH the land bounded by Lot 2 in Deposited Plan 872162 and Sunny Corner State Forest No 806 dedicated 17 December 1926. (23085).

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

By Her Excellency's Command,

MICHAEL COSTA, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Forests)

GOD SAVE THE QUEEN!

**HEALTH ADMINISTRATION ACT 1982**

## Order Declaring Approved

## Quality Assurance Committee

I, MORRIS IEMMA, Minister for Health, in pursuance of section 20E(1) of the Health Administration Act 1982 do, by this my Order, declare the **Maternal Morbidity and Mortality Committee**, of the John Hunter Hospital, Hunter Area Health Service, to be an approved Quality Assurance Committee for the purposes of Division 6B of that Act.

Signed this eleventh day of July 2003.

(signed) MORRIS IEMMA,  
Minister for Health

**HERITAGE ACT, 1977**Direction Pursuant to Section 34(1)(A)  
to Remove an Item from the State Heritage Register

“Boora Boora”, Avoca Drive, Green Point

SHR No 00196

IN pursuance of Section 38 (1) of the Heritage Act, 1977, I, the Minister Assisting the Minister for Infrastructure and Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to remove the item of the environmental heritage specified in Schedule “A” from the State Heritage Register. This de-listing shall apply to the curtilage or site of the item, being the land described in Schedule “B”.

DIANE BEAMER,  
Minister Assisting the Minister for  
Infrastructure & Planning  
(Planning & Administration)

Sydney, 3 July 2003.

## SCHEDULE “A”

The property known as Boora Boora, situated on the land described in Schedule “B”.

## SCHEDULE “B”

All those pieces or parcels of land known as Lot 5 DP 253154 in Parish of Kincumber, County of Northumberland.

**NSW SCIENTIFIC COMMITTEE**

## Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

**Endangered Ecological Communities** (Part 3 of Schedule 1)  
Fuzzy Box Woodland on alluvial soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions

**Vulnerable Species** (Schedule 2)

*Melaleuca* sp. Megalong Valley Craven, Mallison, & Douglas 10442, Megalong Valley Bottlebrush, a shrub

**Key Threatening Process (Schedule 3)**

Death or injury to marine species following capture in shark control programs on ocean beaches

\* Please Note: The Committee understands that the Fisheries Scientific Committee is proposing to list a similar Key Threatening Process under the Fisheries Management Act 1994. Submissions will be considered separately by each committee and interested parties are urged to make a separate submission in relation to each proposal.

A copy of these Determinations, which contains the reasons for the determinations, may be obtained free of charge:

On the NPWS web site [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),  
By contacting the Scientific Committee Support Unit,  
C/- National Parks and Wildlife Service PO Box 1967  
Hurstville 2220.

Tel: (02) 9585 6940 or Fax (02) 9585 6606,

In person at The National Parks Centre 102 George St,  
The Rocks, Sydney.

Copies of the determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding these Preliminary Determinations, which should be forwarded to:

Scientific Committee  
PO Box 1967  
Hurstville NSW 2220  
Attention: Suzanne Chate  
Executive Officer

Submissions must be received by 29th August, 2003.

Associate Professor PAUL ADAM,  
Chairperson  
Scientific Committee

**PESTICIDES ACT 1999**

Notice under Section 48 (4)

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

ALAN RITCHIE,  
Manager Dangerous Goods  
Environment Protection Authority  
by delegation

**SCHEDULE**

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr ADAM CHRISTOPHER PRICE 14 WEEKS WAY BULL CREEK WA 6149	15 July 2003

**PARLIAMENTARY REMUNERATION TRIBUNAL  
OF 30 JUNE 2000****Erratum**

THE Annual Report and Determination of Additional Entitlements for Members of the Parliament of NSW by the Parliamentary Remuneration Tribunal of 30 June 2000 is amended as set out hereunder

The amount of Logistic Support Allocation for "Electorate Group 1" and "Zone 3 Electorates" appearing on the Tribunal's report are amended as follows.

<u>Electorate Group</u>	<u>Entitlement</u>
Group 1	\$26,200
<u>Zone</u>	<u>Entitlement</u>
Zone 3 Electorates	\$27,210

The following table relating to the Logistic Support Allocation on page 32 of the report is amended to read.

Electorate Group or Zone	Transport	Communi- cation —electronic	Communi- cation —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	\$26,200
Group 2	\$6,205	\$4,425	\$12,170	\$6,575	\$29,375
Group 3	\$8,270	\$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	\$3,880	\$3,100	\$6,575	\$17,690
Zone 2 Electorates	\$4,135	\$4,425	\$3,100	\$6,575	\$18,235
Zone 3 Electorates	\$10,340	\$7,195	\$3,100	\$6,575	\$27,210

Department of Health, New South Wales,  
Sydney, 10 July 2003

**POISONS & THERAPEUTIC GOODS ACT 1966  
ORDER UNDER CLAUSE 151(1),  
POISONS & THERAPEUTIC GOODS  
REGULATION 2002.**

**Withdrawal of Drug Authority**

IN accordance with the provisions of clause 171(1) of the Poisons & Therapeutic Goods Regulation 2002 an order has been made on Dr Rajesh Baddipudi Samson Dinakar of 178 Waldron Road, Chester Hill, 2162 prohibiting him until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation.

This order is to take effect on and from Monday 14 July 2003.

ROBYN KRUK,  
Director-General

Department of Health, New South Wales  
Sydney, 4 July 2003

### POISONS AND THERAPEUTIC GOODS ACT 1966

#### Restoration of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002, a direction has been issued that the order prohibiting Dr Quentin Cameron of 13 Princes Street Hunters Hill 2110, from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation, for the purpose of his profession as a medical practitioner, shall cease to operate from 9 July 2003.

ROBYN KRUK,  
Director-General

Department of Health, New South Wales  
Sydney, Friday 11 July 2003.

### POISONS AND THERAPEUTIC GOODS ACT 1966 ORDER UNDER CLAUSE 171(1),

#### POISONS AND THERAPEUTIC GOODS REGULATION 2002

#### Withdrawal of Drug Authority

IN accordance with the provisions of clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Jocelyn Clare Argue 413 President Street, Kirrawee 2232 prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation. This order is to take effect on and from Wednesday 16 July 2003.

ROBYN KRUK,  
Director-General

### SUBORDINATE LEGISLATION ACT 1989

#### Draft Landlord and Tenant (Rental Bonds) Regulation 2003 Invitation to comment

THE current Landlord and Tenant (Rental Bonds) Regulation 1993 is due to be repealed on 1 September 2003. At this stage, it is intended to replace the Regulation with some minor amendments.

The proposed Regulation contains provisions primarily relating to:

- Exemptions and exclusions
- Receipts for bonds
- Interest paid on bonds
- Penalty notices, and
- Administrative and procedural matters.

In keeping with the requirements of the Subordinate Legislation Act 1989, a draft Regulation has been prepared for public comment, together with a Regulatory Impact Statement (RIS). Copies of the RIS are available by telephoning the Office of Fair Trading on 9338 8913 or from the Office's website at: [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

Comments or submissions on the proposed Regulation are invited. They must be received no later than Friday 8 August 2003, and be sent to:

Rental Bonds Regulation  
Policy Division  
Office of Fair Trading  
PO Box 972  
Parramatta, NSW 2124

or faxed to: 9338 8918  
or e-mailed to: [aheydon@fairtrading.nsw.gov.au](mailto:aheydon@fairtrading.nsw.gov.au)  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

### SUBORDINATE LEGISLATION ACT 1989

#### Australian Museum Trust Act 1975

IN accordance with Section 5 of the above Act, notice is given of the intention to make minor revision to the Regulation under the Australian Museum Trust Act 1975.

The objectives of the proposed *Australian Museum Trust Regulation 2003* are to provide for the control of visitors, in relation to protecting the Museum's collection, admission to the Museum, and photographing of Museum exhibits; and support effective management of the Museum by reference to explicit requirements for proceedings of the Trust and committees appointed by the Trust.

A copy of the Regulatory Impact Statement and draft Regulation can be obtained by telephoning Ms Louise Berg, Australian Museum, on (02) 9320 6254 Monday to Friday 9.00 a.m. to 5.00 p.m.

Written comments on the draft Regulation are invited and should be forwarded to Mr Patrick Filmer-Sankey, Deputy Director, Australian Museum, 6-8 College Street, Sydney, N.S.W. 2000 by Wednesday 13 August 2003.

### SUBORDINATE LEGISLATION ACT

NSW Department of Health  
Dental Technicians Registration Regulation 2003.  
Medical Practice Regulation 2003.  
Nurses Regulation 2003.

THE Dental Technicians Registration Regulation 1998; the Medical Practice Regulation 1998; the Nurses (Elections) Regulation (no 2) 1997; and the Nurses (General) Regulation 1997 are due for staged repeal in accordance with the Subordinate Legislation Act 1989 on 1 September 2003. The NSW Department of Health proposes to make new Regulations by that date, as follows:

Dental Technicians Registration Regulation 2003.  
Medical Practice Regulation 2003.  
Nurses Regulation 2003.

In accordance with the requirements of the Subordinate Legislation Act 1989 a Regulatory Impact Statement has been prepared to discuss the detail of the proposed Regulations and their costs and benefits.

To facilitate public consultation a copy of the Regulatory Impact Statements and the draft Regulations may be obtained from the Department of Health's Internet site [www.health.nsw.gov.au/csd/llsb/regulate](http://www.health.nsw.gov.au/csd/llsb/regulate) or by contacting the Department's Legal and Legislative Services Branch on (02) 9391 9616, or by email [legal@doh.health.nsw.gov.au](mailto:legal@doh.health.nsw.gov.au).

Comments and submissions will be accepted until 5.00 pm on Friday 8 August 2003.

SYDNEY WATER ACT, 1994

Land Acquisition (Just Terms Compensation) Act, 1991

Notice of compulsory acquisition of land at Port Kembla  
in the Local Government Area of Wollongong City

SYDNEY Water Corporation declares, with the approval of Her Excellency, the Governor, that the land described in the First Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purpose of the Sydney Water Act 1994.

Dated at Sydney this fourteenth day of July 2003.

Signed for Sydney Water Corporation	)	
by its Attorneys	)	
	)	
WARREN FREDERICH WATKINS	)	
.....	)	
	)	(Signed)
JEFFREY FRANCIS COLENZO	)	
.....	)	
	)	(Signed)

who hereby state at the time of executing this )  
instrument have no notice of the revocation )  
of the Power of Attorney Registered No. 687 )  
Book 4296 under the Authority of which this )  
instrument has been executed. )

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Wollongong City, Parish of Wollongong, County of Camden, and State of New South Wales, being Lot 1 Deposited Plan 1040783, having an area of 3.931 Ha said to be owned by Port Kembla Port Corporation.

[Sydney Water reference: 2002/02433F]

# 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:

#### 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>).

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## 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.

## PRIVATE ADVERTISEMENTS

### COUNCIL NOTICES

#### COBAR WATER BOARD

Water Management Act 2000

Determination under section 315

PURSUANT to section 315 (1) and (2) of the Water Management Act 2000, Cobar Water Board has made the Determination set out in the Schedule in respect of its water charges for 2003/2004. The Determination has been approved by the Minister under section 315 (3) (a) of that Act. Dated this day 9th of July 2003. R. C. WALTERS, Acting Secretary, Cobar Water Board. (File No. WB1-8).

#### SCHEDULE

Cobar Shire Council	\$0.3804826/KL
Elura Mine	\$0.3927572/KL
Peak Hill Mines	\$0.3908995/KL

[0529]

#### KYOGLÉ COUNCIL

Roads Act 1993, Section 162

Renaming of Public Roads

NOTICE is hereby given that the Kyogle Council, in pursuance of section 162 of the Roads Act 1993 and the Roads (General) Regulation 2000, has resolved to make the road name changes listed below.

Road No./Old Road Name of Description of Route	New Road Name
1026 Geneva Road	Anzac Drive
1021 Part Ettrick Street from the Summerland Way to McDougal Street.	Anzac Drive
1047 Part McDougal Street from Ettrick Street to Walters Street	Anzac Drive
1064 Part Walters Street from McDougal Street to Allen Street	Anzac Drive
1001 Allen Street	Anzac Drive
296 Unnamed road	Appletree Flat Road
145 Wiangaree Road	Wiangaree Back Road

KEN DAVIES, General Manager, Kyogle Council, PO Box 11, Kyogle, NSW 2474.

[0532]

#### WINGECARRIBEE SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Crown Reserve Road – Shangri La Road

NOTICE is hereby given that Wingecarribee Shire Council, in pursuance of section 162 of the Roads Act 1993, has named the following road at Bundanoon under delegated authority.

Previous Name

New Name

Unnamed Crown Reserve road  
running north off Penrose Road,  
Bundanoon, Parish of Bundanoon.

Shangri La Road

D. J. McGOWAN, General Manager, Wingecarribee Shire Council, Elizabeth Street, Moss Vale, NSW 2577.

[0535]

### ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JESSIE CAMPBELL DAVENPORT PARRY, late of Waldegrave House, 10 Murrumbidgee Road, Turrumurra in the State of New South Wales, retired, who died on 11th May, 2003 must send particulars of his claim to the executors, Kenneth Bately Ramsay and Barbara Elizabeth Mottram to whom probate was granted, c.o. Deacons, Lawyers, 1 Alfred Street, Sydney (GPO Box 3872, Sydney, NSW 2001) 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 to the executors on 26th June, 2003. DEACONS, Lawyers, 1 Alfred Street, Sydney, NSW 2000 (GPO Box 3872, Sydney, NSW 2001) (DX 368, Sydney), tel.: (02) 9330 8184. (Reference: MAJ:281552 / 2354734).

[0533]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BEATRICE PRATT late of 97 Hubert Street, Leichhardt in the State of New South Wales, who died on 17th May, 2003 must send particulars of his claim to the executors, Jacqueline Cluney and Robert Beetson, c.o. Colquhoun & Colquhoun, Solicitors, 588 Darling Street, Rozelle within one 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 July, 2003. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street, Rozelle, NSW 2039, tel.: (02) 9818 2666.

[0526]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ROBERT KEITH HERMAN late of 20 Fishermans Bend, Bateau Bay in the State of New South Wales, tally clerk, who died on 12th May, 2003 must send particulars of his claim to the executrix, Jocelyn Herman, c.o. Colquhoun & Colquhoun, Solicitors, 588 Darling Street, Rozelle within one 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 4th July, 2003. COLQUHOUN & COLQUHOUN, Solicitors, 588 Darling Street, Rozelle, NSW 2039, tel.: (02) 9818 2666.

[0530]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of THEODORE POULOS late of 112 Boundary Road, Pennant Hills in the State of New South Wales, who died on 22nd April, 2003 must send particulars of his claim to the executor, George Lorandos, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby within one 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 8th July, 2003. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby, NSW 2077 (DX 9691, Hornsby), tel.: (02) 9476 2788.

[0528]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ALAN JOSEPH ROBINSON late of Unit 1C, 17-25 William Street, Botany in the State of New South Wales, who died on 18th May, 2003 must send particulars of his claim to the executors, Vicki Ann Giffen and Todd Wayne Giffen, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington within one 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 July, 2003. SIMPSON & CO., Solicitors, 103A Anzac Parade, Kensington, NSW 2033 (PO Box 340, Kensington, NSW 1465), tel.: (02) 9662 4381.

[0527]

### COMPANY NOTICES

NOTICE of final meeting of members pursuant to section 509 of the Corporations Law. — FAIRFIELD MAZDA CENTRE PTY LIMITED, ACN 000 689 770. — Notice is hereby given that the final meeting of members and creditors of the abovenamed company will be held at the office of Colin Lee Cefai, 1 Spencer Place, Illawong, NSW 2234 on 31st July, 2003 to receive the liquidator's account showing how the winding up has been conducted and the property of the company has been disposed of and to hear any explanations that may be given by the liquidator. Dated 11th June, 2003. C. L. CEFAI, Liquidator.

[0537]

NOTICE to creditors in the matter of Co-operation Act and the Corporations Law. — SAINT GEORGE STARR-BOWKETT CO-OPERATIVE SOCIETY No. 19 SECTION LIMITED (In voluntary liquidation). — Notice is hereby given that all persons having any claims against the above Society are required on or before 21st August, 2003 to send their names and addresses and particulars of their debts and claims to Neil Anderson, the liquidator of the said Society, at his office and if so required by notice in writing from the said liquidator, are personally or by their Solicitors to come in and prove their debts or claims at such time and place as shall be specified in such notice, or in default thereof they shall be excluded from the benefits of any distribution made before such debts are so lodged or proved. Dated at Newtown, 10th July, 2003. N. ANDERSON, Liquidator, c.o. Fidelity St. George Administration Co-Operative Limited, 43 Enmore Road, Newtown, NSW 2042, tel.: (02) 9557 1898.

[0536]

NOTICE of voluntary winding up. — SAINT GEORGE STARR-BOWKETT CO-OPERATIVE SOCIETY No. 19 SECTION LIMITED (In voluntary liquidation). — At a special meeting of the abovenamed society duly convened and held at Newtown on 10th July, 2003 the subjoined special resolution was duly passed. It was resolved that: (1) The Society be wound up voluntarily. (2) That Neil Anderson c.o. 43 Enmore Road, Newtown be appointed liquidator at a fee of fifteen hundred dollars (\$1500.00) or such lesser fee as may be determined by the Co-Operative Advisory Council. (3) That the liquidator be empowered to compromise with debtors and/or creditors. D. L. SCUTTS, Chairman, A. R. PARKER, Secretary, c.o. Fidelity St. George Co-Operative Administration Limited, 43 Enmore Road, Newtown, NSW 2042, tel.: (02) 9557 1898.

[0538]

NOTICE of members' voluntary liquidation. — THE DASHBOARD COMPANY PTY LIMITED (In liquidation), ACN 069 475 136. — Notice is hereby given that at an extraordinary general meeting of the abovenamed company, held on the 27th day of June, 2003 the following special resolution was duly passed: "That the company be wound up voluntarily". On the same day pursuant to section 495 (1), Mrs Shirley Ann Maurer of Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale was appointed as liquidator. Dated this 30th day of June 2003. A. MAURER, Liquidator, c.o. Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale, NSW 2350, tel.: (02) 6774 8400.

[0534]

### OTHER NOTICES

NOTICE of dissolution of partnership. — CLARENCE AIR-CONDITIONER, REFRIGERATION & HEATING and CLARENCE AIR-CONDITIONING, REFRIGERATION & HEATING. — Notice is hereby given that the partnership previously carried on by Christopher Gerard Small and Noel Elliott Harrison under the style of business name of "Clarence Air-Conditioner, Refrigeration & Heating" and "Clarence Air-Conditioning, Refrigeration & Heating" was dissolved on 7th July, 2003 by Notice of Dissolution of Partnership served pursuant to section 32 of the Partnership Act 1892.

[0531]

ISSN 0155-6320

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