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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

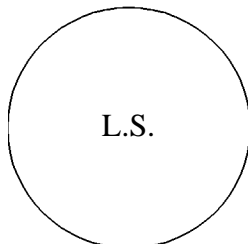
Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2004 No 3

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2004*, do, by this my Proclamation, appoint 31 July 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 21st day of July 2004.

By Her Excellency's Command,



L.S.

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!



Proclamation

under the

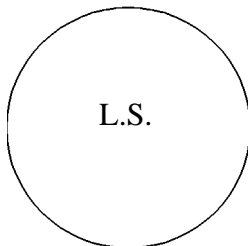
**Crimes (Administration of Sentences) Further Amendment Act
2002 No 79**

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes (Administration of Sentences) Further Amendment Act 2002*, do, by this my Proclamation, appoint 2 August 2004 as the day on which the uncommenced provision of that Act commences.

Signed and sealed at Sydney, this 28th day of July 2004.

By Her Excellency's Command,



JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!

Explanatory note

The provisions of the *Crimes (Administration of Sentences) Further Amendment Act 2002* (other than Schedule 1 [14]) commenced on 1 July 2003.

The object of this Proclamation is to commence the uncommenced provision of that Act. The provision relates to the mandatory testing (both random and targeted) of correctional officers and other persons employed in the Department of Corrective Services for alcohol and prohibited drugs.



Proclamation

under the

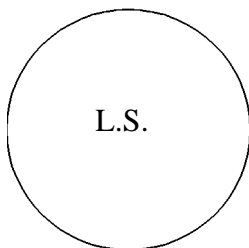
Health Legislation Amendment Act 2004 No 37

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 *Health Legislation Amendment Act 2004*, do, by this my Proclamation, appoint 1 August 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 28th day of July 2004.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,
Minister for Health

GOD SAVE THE QUEEN!



Proclamation

under the

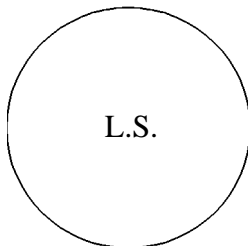
Nurses Amendment Act 2003 No 45

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 *Nurses Amendment Act 2003*, do, by this my Proclamation, appoint 1 August 2004 as the day on which the uncommenced provisions of that Act (other than Schedule 1 [99] and [100] and Schedule 2.8 and 2.11) commence.

Signed and sealed at Sydney, this 28th day of July 2004.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,
Minister for Health

GOD SAVE THE QUEEN!



Proclamation

under the

Public Finance and Audit Act 1983

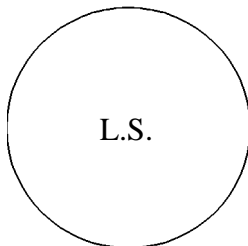
MARIE BASHIR, Governor

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 40 of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend Schedule 2 to that Act by inserting the following name in alphabetical order of statutory bodies:

NSW Institute of Teachers

Signed and sealed at Sydney, this 21st day of July 2004.

By Her Excellency's Command,



MICHAEL EGAN, M.L.C.,
Treasurer

GOD SAVE THE QUEEN!

Regulations



New South Wales

Children (Criminal Proceedings) Amendment (Forms) Regulation 2004

under the

Children (Criminal Proceedings) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Criminal Proceedings) Act 1987*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Children (Criminal Proceedings) Regulation 2000* so as to facilitate the use of approved forms, rather than prescribed forms, for parole orders and warrants of commitment.

This Regulation is made under the *Children (Criminal Proceedings) Act 1987*, including section 51 (the general power to make regulations).

Clause 1 Children (Criminal Proceedings) Amendment (Forms) Regulation 2004

Children (Criminal Proceedings) Amendment (Forms) Regulation 2004

under the

Children (Criminal Proceedings) Act 1987

1 Name of Regulation

This Regulation is the *Children (Criminal Proceedings) Amendment (Forms) Regulation 2004*.

2 Amendment of Children (Criminal Proceedings) Regulation 2000

The *Children (Criminal Proceedings) Regulation 2000* is amended as set out in Schedule 1.

Children (Criminal Proceedings) Amendment (Forms) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

approved form means a form approved by the Minister.

[2] Clause 3 (2)

Omit the subclause.

[3] Clause 11 Parole orders

Omit “Form 1 or 2, whichever is appropriate” from clause 11 (1).

Insert instead “the approved form”.

[4] Clause 12

Omit the clause. Insert instead:

12 Warrants of commitment

A warrant of commitment referred to in section 62 (2) of the applied Act is to be in the approved form.

[5] Schedule 1 Forms

Omit the Schedule.



Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

under the

Crimes (Administration of Sentences) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Administration of Sentences) Act 1999*.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

Explanatory note

The object of this Regulation is to amend the *Crimes (Administration of Sentences) Regulation 2001* by inserting proposed Part 1A in Chapter 8 to provide for the mandatory testing (both random and targeted) of correctional officers and other persons employed in the Department of Corrective Services (*members of correctional staff*) for alcohol and prohibited drugs, consequent on the commencement of Schedule 1 [14] to the *Crimes (Administration of Sentences) Further Amendment Act 2002*.

This Regulation makes provision for the following:

- (a) certain preliminary matters (Division 1 of proposed Part 1A),
- (b) the obligation of a member of correctional staff not to have the prescribed concentration of alcohol in his or her blood or a prohibited drug in his or her biological material when presenting for duty or while on duty (Division 2 of proposed Part 1A),
- (c) the conduct of testing of members of correctional staff and the procedure for the handling and analysis of samples (Division 3 of proposed Part 1A),
- (d) the evidentiary value and use of certificates relating to the analysis of a sample and the authorisation of persons (Division 4 of proposed Part 1A),
- (e) the disciplinary consequences for members of correctional staff who test positive for alcohol or a prohibited drug and for other conduct (Division 5 of proposed Part 1A),

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

Explanatory note

- (f) offences relating to interference with test results or the testing procedure (Division 6 of proposed Part 1A).

This Regulation also makes a statute law revision amendment.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including sections 236E, 236F, 236G, 236I and 271 (the general regulation-making power).

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

Clause 1

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

under the

Crimes (Administration of Sentences) Act 1999

1 Name of Regulation

This Regulation is the *Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004*.

2 Commencement

This Regulation commences on 2 August 2004.

3 Amendment of Crimes (Administration of Sentences) Regulation 2001

The *Crimes (Administration of Sentences) Regulation 2001* is amended as set out in Schedule 1.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 242 Officers to be fit for duty

Omit the clause.

[2] Clause 248

Omit the clause. Insert instead:

248 Certain contraventions to be dealt with as misconduct

A correctional officer, Departmental officer or casual employee who contravenes a provision of this Regulation is not guilty of an offence but any such contravention may be dealt with as misconduct, under Part 2.7 of the *Public Sector Employment and Management Act 2002*, or any other applicable provision of that Act.

Note. The services of a temporary employee or a casual employee may be dispensed with at any time under section 30 or 39 of the *Public Sector Employment and Management Act 2002*.

[3] Chapter 8, Part 1A

Insert after Part 1:

Part 1A Conduct of members of correctional staff regarding alcohol and prohibited drugs

Division 1 Preliminary

249A Interpretation

(1) In this Part:

analyst means:

- (a) an analyst within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or
- (b) a person employed by the owner or operator of an approved laboratory as an analyst.

approved counsellor means a counsellor approved for the purposes of this Part by the Commissioner.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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Schedule 1

approved laboratory means a laboratory accredited by the New South Wales Department of Health and approved for the purposes of this Part by the Commissioner.

ASNZ 4308 means Australian/New Zealand Standard AS/NZS 4308:2001, *Procedures for the collection, detection and quantitation of drugs of abuse in urine* as in force on the commencement of this Part.

disciplinary matter means any procedure of a disciplinary nature or other related proceedings relating to a contravention of a provision of this Part and includes, but is not limited to, a disciplinary matter referred to in Part 2.7 of the *Public Sector Employment and Management Act 2002*.

member of correctional staff has the same meaning as it has in Division 5 of Part 11 of the Act.

prescribed concentration of alcohol means a concentration of 0.02 grammes or more of alcohol in 100 millilitres of blood.

sample, in relation to a non-invasive sample, includes, if the sample is divided into portions, a portion of the sample.

- (2) In this Part, a member of correctional staff **presents for duty** when the member of staff is present at the staff member's place of work and about to go on duty.
- (3) In this Part, a member of correctional staff **tests positive for alcohol** if a test conducted under Division 5 of Part 11 of the Act indicates that the staff member had the prescribed concentration of alcohol in his or her blood:
 - (a) when the staff member presented for duty, or
 - (b) while the staff member was on duty.
- (4) In this Part, a member of correctional staff **tests positive for prohibited drugs** if a test conducted under Division 5 of Part 11 of the Act indicates that the staff member had a prohibited drug present in any of his or her biological material:
 - (a) when the staff member presented for duty, or
 - (b) while the staff member was on duty.
- (5) In this Part, a reference to a non-invasive sample does not include a reference to a sample of breath taken by breath test or breath analysis.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

Schedule 1 Amendments

249B Appointment of authorised persons

- (1) The Commissioner may, by instrument in writing, appoint any person to be an authorised person for the purposes of Division 5 of Part 11 of the Act.
- (2) The Commissioner may appoint as an authorised person:
 - (a) a person by name, or
 - (b) a person holding office or acting in a particular rank or office, from time to time, by reference to the title of the rank or office concerned.
- (3) The Commissioner must furnish persons appointed under subclause (2) (a) with certificates of their appointment as authorised persons.
- (4) An authorised person appointed under subclause (2) (a) must, if requested to do so, produce the certificate of appointment to any member of correctional staff required by the authorised person to do any thing under Division 5 of Part 11 of the Act.
- (5) The Commissioner must maintain a list of the titles of the ranks or offices referred to in subclause (2) (b).
- (6) An authorised person appointed under subclause (2) (b) must, if requested to do so, furnish proof that the person holds, or is acting in, the relevant rank or office to any member of correctional staff required by the authorised person to do any thing under Division 5 of Part 11 of the Act. Such proof may include, but is not limited to, a Departmental identification card.

249C Hospitals

For the purposes of Division 5 of Part 11 of the Act, the following premises, institutions or establishments are prescribed as a hospital:

- (a) any clinic or other premises operated by Justice Health,
- (b) any premises, institution or establishment that is a hospital for the purposes of section 19 of the *Road Transport (Safety and Traffic Management) Act 1999*.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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Schedule 1

Division 2 Obligations of members of correctional staff

249D Correctional staff must not have prescribed concentration of alcohol in blood

A member of correctional staff must not have the prescribed concentration of alcohol in his or her blood:

- (a) when the staff member presents for duty, or
- (b) while the staff member is on duty.

249E Correctional staff must not have prohibited drug present in biological material

A member of correctional staff must not have a prohibited drug present in any of his or her biological material:

- (a) when the staff member presents for duty, or
- (b) while the staff member is on duty.

Division 3 Testing of members of correctional staff

249F Testing correctional staff

- (1) A member of correctional staff may be tested under Division 5 of Part 11 of the Act whether or not there is any suspicion that the staff member has recently consumed alcohol or used a prohibited drug.
- (2) The result of any such test may be used for the purposes of any disciplinary matter.

249G General rules for the provision or taking of certain samples

- (1) In this clause, a reference to a non-invasive sample includes a reference to a sample of breath taken by breath test or breath analysis.
- (2) An authorised person who requires a member of correctional staff to provide, or enable to be taken, a non-invasive sample from the staff member under Division 5 of Part 11 of the Act must specify the type of non-invasive sample to be provided or taken.
- (3) The non-invasive sample so provided or taken must be of the type of non-invasive sample required by the authorised person.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- (4) The staff member may not elect which type of non-invasive sample is provided, or enabled to be taken.
- (5) A non-invasive sample provided by or taken from a member of correctional staff under Division 5 of Part 11 of the Act:
 - (a) must be provided or taken in circumstances affording reasonable privacy to the staff member, except as permitted (expressly or impliedly) by any other provision of the Act or this Regulation, and
 - (b) must not be provided or taken in the presence or view of a person whose presence is not necessary for the purposes of the provision or taking of the non-invasive sample or required or permitted by another provision of the Act or this Regulation, and
 - (c) must not involve the removal of more clothing than is necessary for providing or taking the non-invasive sample, and
 - (d) must not involve more visual inspection than is necessary for providing or taking the non-invasive sample.
- (6) All non-invasive samples provided by or taken from a member of correctional staff under Division 5 of Part 11 of the Act are to be provided or taken in a manner consistent with appropriate medical or other relevant professional standards, with due regard to the dignity and self-respect of the staff member and in as seemly a manner as is consistent with the effective provision or taking of the non-invasive sample.
- (7) An authorised person is authorised to take a sample of hair of a member of correctional staff by removing the root of the hair only if:
 - (a) the authorised person takes only so much hair as the person believes is necessary for analysis of the sample to be carried out for the purposes of Division 5 of Part 11 of the Act, and
 - (b) strands of hair are taken using the least painful technique known and available to the authorised person.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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249H Breath testing and breath analysis of members of correctional staff

- (1) As soon as practicable after a member of correctional staff has undergone a breath test under Division 5 of Part 11 of the Act the authorised person who conducted the breath test must deliver to the staff member a statement in writing signed by the authorised person specifying:
 - (a) the concentration of alcohol determined by the breath test to be present in the staff member's blood and expressed in grammes of alcohol in 100 millilitres of blood, and
 - (b) the day on which and time of the day at which the breath test was completed.
- (2) An authorised person may require a member of correctional staff to submit to a breath analysis in accordance with the directions of the authorised person, if:
 - (a) it appears to the authorised person as a result of a breath test under Division 5 of Part 11 of the Act that the prescribed concentration of alcohol may be present in the staff member's blood, or
 - (b) the staff member refuses or fails to undergo a breath test under Division 5 of Part 11 of the Act in accordance with the directions of the authorised person when requested to do so by the authorised person.
- (3) As soon as practicable after a member of correctional staff has submitted to a breath analysis the authorised person operating the breath analysing instrument must deliver to the staff member a statement in writing signed by the authorised person specifying:
 - (a) the concentration of alcohol determined by the analysis to be present in the staff member's blood and expressed in grammes of alcohol in 100 millilitres of blood, and
 - (b) the day on which and time of the day at which the breath analysis was completed.
- (4) A member of correctional staff who is required to undergo a breath test or submit to a breath analysis may request the authorised person making the requisition to arrange for the

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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taking (in the presence of an authorised person) of a sample of the staff member's blood for analysis, at the staff member's own expense, by:

- (a) a medical practitioner nominated by the staff member, or
 - (b) a medical practitioner nominated by the authorised person at the staff member's request.
- (5) The making of any such request or the taking of a sample of a member of correctional staff's blood does not absolve the staff member from the obligation imposed on the staff member to undergo a breath test or submit to a breath analysis in accordance with this clause.

2491 Restrictions on requiring breath test, breath analysis or non-invasive sample

An authorised person must not require a member of correctional staff to undergo a test under Division 5 of Part 11 of the Act:

- (a) if the staff member has been admitted to a hospital for medical treatment, unless the medical practitioner who attends the staff member at the hospital (or, if no medical practitioner is present to attend the staff member, a registered nurse who is accredited by a hospital as competent to perform the sampling procedures) has been notified of the intention to make the requisition and the medical practitioner or registered nurse does not object on the ground that compliance would be prejudicial to the proper care or treatment of the staff member, or
- (b) if it appears to the authorised person that it would (because of injuries sustained by the staff member) be dangerous to the staff member's medical condition if the staff member complied with the requisition, or
- (c) in the case of a requirement for a test for the purpose of testing for the presence or concentration of alcohol—at any time after the expiration of 3 hours from the latest of the time the staff member last presented for duty, the staff member was last involved in an incident referred to in section 236F (3) of the Act (if such an incident occurred) or the staff member last ceased to be on duty, or

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- (d) in the case of a requirement for a test for the purpose of testing for the presence of a prohibited drug—at any time after the expiration of 24 hours from the latest of the time the staff member last presented for duty, the staff member was last involved in an incident referred to in section 236F (3) of the Act (if such an incident occurred) or the staff member last ceased to be on duty, or
 - (e) at the staff member's home.

249J Action to be taken with respect to blood samples

- (1) A medical practitioner or registered nurse by whom a sample of a member of correctional staff's blood is taken under Division 5 of Part 11 of the Act must:
 - (a) if the staff member requests a part of the sample or if the staff member is not capable of requesting a part of the sample—divide the sample into 2 approximately equal portions, and
 - (b) place the sample or each portion of the sample into a separate container, and
 - (c) fasten and seal each container, and
 - (d) mark or label each container for future identification.
- (2) Of the sealed containers:
 - (a) one container must, as soon as reasonably practicable thereafter, be transported to an approved laboratory for analysis by an analyst in accordance with subclause (4), and must be stored at that laboratory on behalf of the Commissioner, and
 - (b) the other container must:
 - (i) if the staff member has requested a part of the sample—be given to the staff member, or
 - (ii) if the staff member is not capable of requesting a part of the sample as referred to in subclause (1)—as soon as reasonably practicable thereafter, be transported to the approved laboratory to which the container referred to in paragraph (a) was sent and must be stored at that laboratory on behalf of the Commissioner.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- (3) If a staff member was not capable of requesting a part of the sample as referred to in subclause (1), the staff member may, within 12 months after the taking of the sample, apply to the laboratory referred to in subclause (2) for the container referred to in subclause (2) (b) (ii) to be sent, for analysis (at the staff member's own expense) of the portion of the sample in that container, to a medical practitioner or laboratory nominated by the staff member.
- (4) The authorised person may arrange for the analyst to:
 - (a) determine whether the sample contains alcohol, and if so, the concentration of alcohol, or
 - (b) determine whether the sample contains a prohibited drug, or
 - (c) determine whether the sample contains alcohol, and if so, the concentration of alcohol and determine whether the sample also contains a prohibited drug.

249K Action to be taken with respect to non-invasive samples

- (1) A person who is provided with a non-invasive sample under Division 5 of Part 11 of the Act from a member of correctional staff or who takes a non-invasive sample from a member of correctional staff must:
 - (a) if the staff member requests a part of the sample or if the staff member is not capable of requesting a part of the sample—divide the sample into 2 approximately equal portions or, if the sample cannot be so divided, immediately require and immediately be provided with or take, a further sample of the same type of biological material, and
 - (b) place each portion (or if 2 samples of the same type of biological material were provided or taken, each sample) into a container, and
 - (c) fasten and seal each container, and
 - (d) mark or label each container for future identification.
- (2) Of the sealed containers:
 - (a) one container must, as soon as reasonably practicable thereafter, be transported to an approved laboratory for analysis by an analyst in accordance with subclause (4),

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- and must be stored at that laboratory on behalf of the Commissioner, and
- (b) the other container must:
- (i) if the staff member has requested a part of the sample, be given to the staff member, or
 - (ii) if the staff member is not capable of requesting a part of the sample, as soon as reasonably practicable thereafter, be transported to the approved laboratory to which the container referred to in paragraph (a) was sent and must be stored at that laboratory on behalf of the Commissioner.
- (3) If a staff member was not capable of requesting a part of the sample as referred to in subclause (1), the staff member may, within 12 months after the taking of the sample, apply to the laboratory referred to in subclause (2) for the container referred to in subclause (2) (b) (ii) to be sent, for analysis (at the staff member's own expense) of the sample, or the portion of the sample, in that container, to a medical practitioner or laboratory nominated by the staff member.
- (4) The authorised person may arrange for the analyst:
- (a) if the non-invasive sample was provided or taken under section 236G of the Act—to determine whether the sample indicates that the blood of the staff member, by whom the sample was provided or from whom the sample was taken, contained alcohol, and if so, the concentration of alcohol in the blood of the staff member or determine whether the sample contains a prohibited drug, or
 - (b) if the non-invasive sample was provided or taken under section 236F of the Act—to determine whether the sample contains a prohibited drug.
- (5) In the case of samples of urine, any sealed containers referred to in subclause (2) must be handled in accordance with the procedure set out in ASNZ 4308 or any other procedure approved by the Commissioner in that regard.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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249L Analysis of samples

- (1) An analyst to whom a portion of a sample of blood or a non-invasive sample is submitted for analysis under clause 249J or 249K may carry out an analysis in accordance with the arrangement made by the authorised person under clause 249J (4) or clause 249K (4), as the case may be.
- (2) The analysis must be carried out, and a report provided, in accordance with:
 - (a) ASNZ 4308, except as provided by paragraph (b), or
 - (b) such other procedure as may be directed by the Commissioner.

Division 4 Evidence

249M Certificate evidence of concentration of alcohol in blood determined by breath test or breath analysis

- (1) For the purposes of any disciplinary matter involving a contravention of clause 249D, a certificate purporting to be signed by an authorised person and certifying that:
 - (a) the authorised person is a duly appointed authorised person, and
 - (b) the person named in the certificate underwent a breath test, and
 - (c) the breath test was carried out on the person's breath by means of a device (not being a breath analysing instrument) of a type approved by the Governor for the conduct of breath tests under the *Road Transport (Safety and Traffic Management) Act 1999*, and
 - (d) the breath test was carried out on the day and completed at the time stated in the certificate, and
 - (e) a concentration of alcohol (determined by that breath test and expressed in grammes of alcohol in 100 millilitres of blood) was present in the blood of that person on the day and at the time stated in the certificate, and
 - (f) a statement in writing required by clause 249H (1) was delivered in accordance with that subclause,

is prima facie evidence of the particulars certified in and by the certificate.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- (2) For the purposes of any disciplinary matter involving a contravention of clause 249D, a certificate purporting to be signed by an authorised person and certifying that:
- (a) the authorised person is a duly appointed authorised person, and
 - (b) the person named in the certificate submitted to a breath analysis, and
 - (c) the breath analysis was carried out by a breath analysing instrument within the meaning of Division 5 of Part 11 of the Act, and
 - (d) the analysis was made on the day and completed at the time stated in the certificate, and
 - (e) a concentration of alcohol (determined by that breath analysing instrument and expressed in grammes of alcohol in 100 millilitres of blood) was present in the blood of that person on the day and at the time stated in the certificate, and
 - (f) a statement in writing required by clause 249H (3) was delivered in accordance with that subclause,
- is prima facie evidence of the particulars certified in and by the certificate.
- (3) For the purposes of any disciplinary matter involving a contravention of clause 249D, evidence of the condition of a device by means of which a breath test was carried out or of a breath analysing instrument or the manner in which the device or instrument was operated is not to be required unless evidence that the device or instrument was not in proper condition or was not properly operated has been adduced.
- (4) For the purposes of any disciplinary matter involving a contravention of clause 249D, evidence may be given of the concentration of alcohol present in the blood of the staff member, as determined by a device by which a breath test was carried out or by a breath analysing instrument operated by an authorised person.
- (5) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the staff member when the staff member presented for duty if the breath analysis was made within 3 hours of the staff member presenting for duty on the particular day, unless the staff

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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member proves that the concentration of alcohol in the staff member's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.

- (6) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the staff member while the staff member was on duty if the breath analysis was made within 3 hours of the staff member ceasing to be on duty on the particular day, unless the staff member proves that the concentration of alcohol in the staff member's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.

249N Certificate evidence of concentration of alcohol in blood other than in relation to a breath test or breath analysis

- (1) For the purposes of any disciplinary matter involving a contravention of clause 249D, a certificate purporting to be signed by a medical practitioner or registered nurse and certifying any one or more of the following matters:
- (a) that the practitioner or nurse was a medical practitioner or registered nurse who attended a specified person at a hospital,
 - (b) that the practitioner or nurse took a sample of the person's blood or took from, or was provided with, a non-invasive sample in accordance with Division 5 of Part 11 of the Act on the day and at the time stated in the certificate,
 - (c) that the practitioner or nurse dealt with the sample in accordance with Division 5 of Part 11 of the Act and this Part,
 - (d) that the practitioner or nurse used equipment of a specified description in so taking and dealing with the sample,
 - (e) that the container into which the sample was placed was sealed, and marked or labelled, in a specified manner,
- is prima facie evidence of the particulars certified in and by the certificate.
- (2) For the purposes of any disciplinary matter involving a contravention of clause 249D, a certificate purporting to be signed by an authorised person and certifying any one or more of the following matters:

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- (a) that the authorised person received a portion of a sample of a specified person's blood or a non-invasive sample provided by or taken from the specified person and taken in accordance with Division 5 of Part 11 of the Act and this Part,
- (b) that the authorised person arranged for the portion to be submitted for analysis by an analyst to determine whether the sample indicated that the blood of the staff member by whom the sample was provided or from whom the sample was taken contained alcohol, and if so, the concentration of alcohol in the blood of the staff member,
- (c) that the container into which the sample was placed was sealed, and marked or labelled, in a specified manner,
- is prima facie evidence of the particulars certified in and by the certificate.
- (3) For the purposes of any disciplinary matter involving a contravention of clause 249D, a certificate purporting to be signed by an analyst and certifying any one or more of the following matters:
- (a) that the analyst received, on a specified day, a portion of a sample of a specified person's blood or a non-invasive sample provided by or taken from the specified person in a container submitted for analysis under Division 5 of Part 11 of the Act and this Part,
- (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
- (c) that, on receipt by the analyst of the container, the seal was unbroken,
- (d) that the analyst carried out an analysis of the portion to determine whether the sample indicated that the blood of the staff member by whom the sample was provided or from whom the sample was taken contained alcohol, and if so, the concentration of alcohol in the blood of the staff member,
- (e) that the concentration of alcohol in the blood of the staff member determined pursuant to the analysis and expressed in grammes of alcohol in 100 millilitres of blood was present in that sample,

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- (f) that the analyst was, at the time of the analysis, an analyst within the meaning of this Part,
- is prima facie evidence of the matters set out in subclause (4).
- (4) A certificate under subclause (3) is prima facie evidence:
- (a) of the particulars certified in and by the certificate, and
 - (b) that the sample was a portion of the sample of the blood of that specified person or a non-invasive sample provided by or taken from the specified person, and
 - (c) that the portion had not been tampered with before it was received by the analyst.
- (5) For the purposes of any disciplinary matter involving a contravention of clause 249D, evidence may be given of the concentration of alcohol present in the blood or other biological material of the staff member, as determined by an analysis under Division 5 of Part 11 of the Act of a portion of a sample of the staff member's blood or a non-invasive sample provided by or taken from the staff member, as the case may be.
- (6) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the staff member when the staff member presented for duty if that sample of blood or non-invasive sample was taken within 3 hours of the the staff member presenting for duty, unless the staff member proves that the concentration of alcohol in the staff member's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.
- (7) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the staff member while the staff member was on duty if that sample of blood or non-invasive sample was taken while the staff member was on duty or within 3 hours of the staff member ceasing to be on duty on the particular day, unless the staff member proves that the concentration of alcohol in the staff member's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.

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2490 Certificate evidence of presence of a prohibited drug

- (1) For the purposes of any disciplinary matter involving a contravention of clause 249E, a certificate purporting to be signed by a medical practitioner or registered nurse and certifying any one or more of the following matters:

- (a) that the practitioner or nurse was a medical practitioner or registered nurse who attended a specified person at a hospital,
- (b) that the practitioner or nurse took a sample of the staff member's blood or was provided with or took a non-invasive sample from the staff member in accordance with Division 5 of Part 11 of the Act and this Part on the day and at the time stated in the certificate,
- (c) that the practitioner or nurse dealt with the sample in accordance with clause 249J or 249K,

is prima facie evidence of the particulars certified in and by the certificate.

- (2) For the purposes of any disciplinary matter involving a contravention of clause 249E, a certificate purporting to be signed by a person and certifying any one or more of the following matters:

- (a) that the person was provided with or took a non-invasive sample from a specified person in accordance with Division 5 of Part 11 of the Act and this Part on the day and at the time stated in the certificate,
- (b) that the person dealt with the sample in accordance with clause 249L,

is prima facie evidence of the particulars certified in and by the certificate.

- (3) For the purposes of any disciplinary matter involving a contravention of clause 249E, a certificate purporting to be signed by an analyst and certifying any one or more of the following matters:

- (a) that the analyst received, on a specified day, a portion of a sample of a specified person's blood or a non-invasive sample provided by or taken from a specified person in a container submitted for analysis under Division 5 of Part 11 of the Act and this Part,

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- (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
 - (c) that, on receipt by the analyst of the container, the seal was unbroken,
 - (d) that the analyst carried out an analysis of the portion to determine whether any prohibited drug was present in the sample,
 - (e) that a specified prohibited drug ascertained pursuant to the analysis was present in that portion,
 - (f) that the analyst was, at the time of the analysis, an analyst within the meaning of this Part,
- is prima facie evidence of the matters set out in subclause (4).
- (4) A certificate under subclause (3) is prima facie evidence:
 - (a) of the particulars certified in and by the certificate, and
 - (b) that the portion was a portion of the sample of that specified person's blood or a non-invasive sample provided by, or taken from, that specified person, and
 - (c) that the portion had not been tampered with before it was received by the analyst.
 - (5) For the purposes of any disciplinary matter involving a contravention of clause 249E, evidence may be given of the presence of a prohibited drug in the blood or other biological material of the staff member, as determined pursuant to an analysis under Division 5 of Part 11 of the Act of a portion of a sample of the person's blood or a non-invasive sample provided by or taken from the staff member.
 - (6) The prohibited drug the presence of which is so determined, is taken to have been present in the blood or other biological material of the staff member when the staff member presented for duty, if the sample was taken or provided within 24 hours of the time the staff member last presented for duty, unless the staff member proves the absence, at that time, of the drug.
 - (7) The prohibited drug the presence of which is so determined, is taken to have been present in the blood or other biological material of the staff member while the staff member was on duty if the sample was taken or provided within 24 hours of the later of the time the staff member last was involved in an incident referred to in section 236F (3) of the Act (if such an

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incident occurred) or the staff member last ceased to be on duty, unless the staff member proves the absence, at that time, of the drug.

249P Certificate evidence of appointment of authorised person

For the purposes of any disciplinary matter involving a contravention of a provision of this Part or in proceedings for an offence under this Part, a certificate purporting to be signed by the Commissioner and certifying that the person named in the certificate was an authorised person at a particular time is prima facie evidence of the particulars certified in and by the certificate.

Division 5 Consequences

249Q Disciplinary action

Nothing in this Part limits any disciplinary action that may be taken under the *Public Sector Employment and Management Act 2002* in respect of a member of correctional staff.

249R Refusing to comply with a requirement under Division 5 of Part 11 of the Act

- (1) A member of correctional staff must not refuse:
 - (a) to undergo a breath test, or
 - (b) to submit to a breath analysis, or
 - (c) to provide, or enable to be taken, a non-invasive sample from the staff member, or
 - (d) to comply with any other requirement of or under Division 5 of Part 11 of the Act,
in accordance with a direction given under Division 5 of Part 11 of the Act by an authorised person.
- (2) This clause does not prevent a member of correctional staff so refusing if the staff member is unable on medical grounds to do otherwise.

249S Double jeopardy

A member of correctional staff is not liable to be punished or disciplined under this Division for both:

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- (a) testing positive for alcohol or testing positive for a prohibited drug, and
- (b) contravening clause 249R (1).

249T Immediate action: staff member relieved from duty

- (1) If a member of correctional staff tests positive for alcohol or a member of correctional staff tests positive for a prohibited drug, the staff member, if the staff member remains on duty, is to be immediately relieved of duty and is not to carry out any duty for the duration of the staff member's shift.
- (2) The Commissioner may decide that a member of correctional staff who is relieved from duty because of the operation of this clause is not entitled to be paid (whether in wages or salary, paid sick leave or any other type of payment) for that part of the relevant shift that the staff member did not work.

249U Consequences for staff members having prescribed concentration of alcohol in blood

- (1) This clause applies if:
 - (a) a member of correctional staff (other than a staff member appointed on probation, a temporary employee or a casual employee) tests positive for alcohol, and
 - (b) the staff member has not tested positive for alcohol in the 3 years immediately preceding the test referred to in paragraph (a).
- (2) In such a case, the Commissioner may ask the staff member to elect to undergo counselling and rehabilitation or to elect not to undergo counselling and rehabilitation and face the possibility that the Commissioner may deal with the matter of the staff member testing positive for alcohol as an allegation that the staff member contravened clause 249D and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.
- (3) If the staff member elects to undergo counselling and rehabilitation, the Commissioner may direct the staff member:
 - (a) to attend any interview organised with a person nominated by the Commissioner, and

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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- (b) to attend an interview with an approved counsellor for assessment, and
 - (c) to participate in any rehabilitation program recommended by that counsellor.
 - (4) If the staff member:
 - (a) elects not to undergo counselling or rehabilitation, or
 - (b) without reasonable excuse, fails to attend an interview or counselling session after electing to do so, or
 - (c) without reasonable excuse, fails to participate in a rehabilitation program recommended by the approved counsellor referred to in subclause (3) (b),the Commissioner may deal with the matter in accordance with subclause (5).
 - (5) In respect of a staff member who engages in conduct referred to in subclause (4) (a)–(c), the Commissioner may:
 - (a) deal with the matter of the staff member testing positive for alcohol as an allegation that the staff member contravened clause 249D and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*, and
 - (b) deal with the conduct referred to in subclause (4) (b) or (c) as an allegation of misconduct and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.
 - (6) The Commissioner is not required to ask the staff member to elect to undergo counselling and rehabilitation or to elect not to undergo counselling and rehabilitation if the Commissioner, having regard to all the circumstances, considers that it would be more appropriate to deal with the matter of the staff member testing positive for alcohol as an allegation that the staff member contravened clause 249D and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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249V Consequences for staff members testing positive at least twice in 3 years

- (1) This clause applies if:
 - (a) a member of correctional staff (other than a staff member appointed on probation, a temporary employee or a casual employee) tests positive for alcohol, and
 - (b) the staff member has tested positive for alcohol in the 3 years immediately preceding the test referred to in paragraph (a).
- (2) In such a case, the Commissioner may deal with the matter of the staff member testing positive for alcohol as an allegation that the staff member contravened clause 249D and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.
- (3) The Commissioner may refer the staff member to a medical practitioner for the purpose of the medical practitioner determining the staff member's fitness to remain a staff member.
- (4) The Commissioner is to have regard to any report made by the medical practitioner in relation to such a staff member.

249W Consequences for staff members testing positive for prohibited drugs

- (1) This clause applies if:
 - (a) a member of correctional staff (other than a staff member appointed on probation, a temporary employee or a casual employee) tests positive for a prohibited drug, and
 - (b) the staff member has not tested positive for a prohibited drug in the 3 years immediately preceding the test referred to in paragraph (a).
- (2) In such a case, the Commissioner may ask the staff member to elect to undergo counselling and rehabilitation with an approved counsellor or to elect not to undergo counselling and rehabilitation and face the possibility that the Commissioner may deal with the matter of the staff member

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testing positive for a prohibited drug as an allegation that the staff member contravened clause 249E and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.

- (3) If the staff member elects to undergo counselling and rehabilitation, the Commissioner may direct the staff member:
- (a) to attend any interview organised with a person nominated by the Commissioner, and
 - (b) to attend an interview with an approved counsellor for assessment, and
 - (c) to participate in any rehabilitation program recommended by that counsellor.
- (4) If the staff member:
- (a) elects not to undergo counselling or rehabilitation, or
 - (b) without reasonable excuse, fails to attend an interview or counselling session after electing to do so, or
 - (c) without reasonable excuse, fails to participate in a rehabilitation program recommended by the approved counsellor referred to in subclause (3) (c),
- the Commissioner may deal with the matter in accordance with subclause (5).
- (5) In respect of a staff member who engages in conduct referred to in subclause (4) (a)–(c), the Commissioner may:
- (a) deal with the matter of the staff member testing positive for a prohibited drug as an allegation that the staff member contravened clause 249E and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*, and
 - (b) deal with conduct referred to in subclause (4) (b) or (c) as an allegation of misconduct and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.
- (6) The Commissioner is not required to ask the staff member to elect to undergo counselling and rehabilitation or to elect not to undergo counselling and rehabilitation if the Commissioner, having regard to all the circumstances, considers that it would be more appropriate to deal with the

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

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matter of the staff member testing positive for a prohibited drug as an allegation that the staff member contravened clause 249E and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.

249X Consequences for staff members testing positive for a prohibited drug at least twice within 3 years

- (1) This clause applies if:
 - (a) a member of correctional staff (other than a staff member appointed on probation, a temporary employee or a casual employee) tests positive for a prohibited drug, and
 - (b) the staff member has tested positive for a prohibited drug in the 3 years immediately preceding the test referred to in paragraph (a).
- (2) In such a case, the Commissioner may deal with the matter of the staff member testing positive for a prohibited drug as an allegation that the staff member contravened clause 249E and deal with the matter under Part 2.7 of the *Public Sector Employment and Management Act 2002*.
- (3) The Commissioner may refer the staff member to a medical practitioner for the purpose of the medical practitioner determining the staff member's fitness to remain a staff member.
- (4) The Commissioner is to have regard to any report made by the medical practitioner in relation to such a staff member.

249Y Probationary staff members

- (1) If a member of correctional staff appointed on probation tests positive for alcohol or tests positive for a prohibited drug, the Commissioner may:
 - (a) direct the staff member to attend an interview with an approved counsellor for assessment and to participate in any rehabilitation program recommended by that counsellor, or
 - (b) annul his or her appointment under section 23 of the *Public Sector Employment and Management Act 2002*.

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- (2) If such a staff member fails, without reasonable excuse, to attend an interview or counselling session after being directed to do so or, without reasonable excuse, fails to participate in any rehabilitation program recommended by an approved counsellor referred to in subclause (1) (a), the Commissioner may annul his or her appointment under section 23 of the *Public Sector Employment and Management Act 2002*.
 - (3) The Commissioner may at any time refer the staff member to a medical practitioner for the purpose of the medical practitioner determining the staff member's fitness for duty.
 - (4) The Commissioner is to have regard to any report made by the medical practitioner in relation to such a staff member.

249Z Temporary or casual staff members

- (1) If a member of correctional staff who is a temporary employee or a casual employee tests positive for alcohol or tests positive for a prohibited drug, the Commissioner may:
 - (a) direct the staff member to attend an interview with an approved counsellor for assessment and to participate in any rehabilitation program recommended by that counsellor, or
 - (b) dispense with his or her services under section 30 or 39 of the *Public Sector Employment and Management Act 2002*, as the case may be.
- (2) If such a staff member fails, without reasonable excuse, to attend an interview or counselling session after being directed to do so or, without reasonable excuse, fails to participate in any rehabilitation program recommended by an approved counsellor referred to in subclause (1) (a), the Commissioner may dispense with his or her services under section 30 or 39 of the *Public Sector Employment and Management Act 2002*, as the case may be.
- (3) The Commissioner may at any time refer the staff member to a medical practitioner for the purpose of the medical practitioner determining the staff member's fitness for duty.
- (4) The Commissioner is to have regard to any report made by the medical practitioner in relation to such a staff member.

Crimes (Administration of Sentences) Amendment (Testing of Correctional Staff) Regulation 2004

Schedule 1 Amendments

Division 6 Offences

249AA Interfering with results of test

A person who does anything to introduce, or alter the concentration of, alcohol or any prohibited drug in a member of correctional staff's blood or other biological material, before the staff member undergoes a test under Division 5 of Part 11 of the Act, is guilty of an offence if the person does so for the purpose of preventing or restricting the use of the results of the test in any disciplinary matter involving a contravention of this Part.

Maximum penalty: 20 penalty units.

249AB Interfering or tampering with, or destroying, samples

A person must not interfere or tamper with, or destroy, a sample of blood or a non-invasive sample provided by or taken from a member of correctional staff under Division 5 of Part 11 of the Act unless the sample is destroyed:

- (a) by or at the direction of an analyst in the course of or on completion of analysis, or
- (b) in the case of a sample handed to a person on behalf of a member of correctional staff, by or at the direction of the person, or
- (c) after the expiration of 12 months commencing on the day on which the sample was taken or provided, or a longer period (being no more than 5 years) as directed by the Commissioner in respect of the sample in a direction made before such an expiration.

Maximum penalty: 20 penalty units.



Crimes (Sentencing Procedure) Amendment (Forms) Regulation 2004

under the

Crimes (Sentencing Procedure) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Sentencing Procedure) Act 1999*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Crimes (Sentencing Procedure) Regulation 2000* so as to facilitate the use of approved forms, rather than prescribed forms, for certain purposes.

This Regulation is made under the *Crimes (Sentencing Procedure) Act 1999*, including section 103 (the general power to make regulations).

Clause 1 Crimes (Sentencing Procedure) Amendment (Forms) Regulation 2004

Crimes (Sentencing Procedure) Amendment (Forms) Regulation 2004

under the

Crimes (Sentencing Procedure) Act 1999

1 Name of Regulation

This Regulation is the *Crimes (Sentencing Procedure) Amendment (Forms) Regulation 2004*.

2 Amendment of Crimes (Sentencing Procedure) Regulation 2000

The *Crimes (Sentencing Procedure) Regulation 2000* is amended as set out in Schedule 1.

Crimes (Sentencing Procedure) Amendment (Forms) Regulation 2004

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Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

approved form means a form approved by the Minister.

[2] Clause 5 List of additional charges: section 32

Omit clause 5 (1). Insert instead:

- (1) A list of additional charges under section 32 of the Act is to be in the approved form.

[3] Clause 7 Parole orders: section 50

Omit “Form 2 or 3, whichever is appropriate” from clause 7 (1).

Insert instead “the approved form”.

[4] Clause 8

Omit the clause. Insert instead:

8 Warrants of commitment: section 62

A warrant of commitment referred to in section 62 (2) of the Act is to be in the approved form.

[5] Clause 14

Omit the clause. Insert instead:

14 Undertakings to comply with periodic detention order: section 66

An undertaking referred to in section 66 (1) (f) of the Act is to be in the approved form.

[6] Clause 16 Periodic detention orders

Omit “Form 8” from clause 16 (1). Insert instead “the approved form”.

[7] Clause 17 Notice of periodic detention order: section 72

Omit “Form 9” from clause 17 (1). Insert instead “the approved form”.

Crimes (Sentencing Procedure) Amendment (Forms) Regulation 2004

Schedule 1 Amendments

[8] Clause 18

Omit the clause. Insert instead:

18 Warrants of commitment: section 73

A warrant of commitment referred to in section 73 (2) of the Act is to be in the approved form.

[9] Clause 20 Undertakings to comply with home detention order: section 78

Omit clause 20 (1). Insert instead:

- (1) A consent referred to in section 78 (1) (c) of the Act is to be in the approved form.

[10] Clause 20 (3)

Omit the subclause. Insert instead:

- (3) An undertaking referred to in section 78 (1) (c) of the Act is to be in the approved form.

[11] Clause 22 Home detention orders

Omit "Form 13" from clause 22 (1). Insert instead "the approved form".

[12] Clause 24

Omit the clause. Insert instead:

24 Undertakings to comply with community service order: section 86

An undertaking referred to in section 86 (5) of the Act is to be in the approved form.

[13] Clause 25 Community service orders

Omit "Form 15" from clause 25 (1). Insert instead "the approved form".

[14] Clause 26 Notice of community service order: section 93

Omit "Form 16" from clause 26 (1). Insert instead "the approved form".

[15] Schedule 1 Forms

Omit Forms 1–4 and 7–16.



Jury Regulation 2004

under the

Jury Act 1977

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Jury Act 1977*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to repeal and remake, without substantial alteration, the *Jury Regulation 1999*. The new Regulation contains provisions that deal with the following matters:

- (a) jury districts for the purposes of section 9 of the *Jury Act 1977*,
- (b) payment for jury service,
- (c) the Director-General of the Attorney General's Department exercising certain functions of the sheriff under the *Jury Act 1977* where the sheriff is interested in a case.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters that are of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Jury Act 1977*, including section 76 (the general regulation-making power).

Jury Regulation 2004

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Jury Regulation 2004

Clause 1

Jury Regulation 2004

under the

Jury Act 1977

1 Name of Regulation

This Regulation is the *Jury Regulation 2004*.

2 Interpretation

(1) In this Regulation:

the Act means the *Jury Act 1977*.

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

3 Jury districts

(1) In determining the electoral districts and parts of electoral districts that are to comprise the jury districts constituted under section 9 (2) of the Act, the sheriff must ensure that:

- (a) the address of each person whose name appears on an electoral roll is included in one, but not more than one, jury district, and
- (b) there will, in the sheriff's opinion, be a sufficient number of persons eligible to be called for jury service in each jury district.

(2) The sheriff may keep jury district records in computerised form.

4 Alternate procedure where sheriff interested in case

The person holding the office of Director-General of the Attorney General's Department is prescribed for the purposes of section 24 (1) of the Act.

Clause 5 Jury Regulation 2004

5 Payment for jury service

- (1) For the purposes of section 72 (1A) of the Act, the prescribed rate at which a person in attendance for jury service at a court or coronial inquest is entitled to be paid for attendance on any day is the sum of the attendance fee (if applicable), the travelling allowance and the refreshment allowance (if applicable) calculated in respect of that day in accordance with Scales A, B and C, respectively, in Schedule 1.
- (2) A person's claim for an attendance fee set out in Scale A in Schedule 1 is to be accompanied by a statutory declaration verifying:
 - (a) if the person was an employee at the time the person was in attendance for jury service—that he or she was not paid a full wage or salary by his or her employer while attending for jury service, or
 - (b) that the person was not employed at the time the person was in attendance for jury service.

6 Repeal

- (1) The *Jury Regulation 1999* is repealed.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under the *Jury Regulation 1999* is taken to have effect under this Regulation.

Jury Regulation 2004

Scales of daily fees and allowances payable in respect of jurors

Schedule 1

Schedule 1 Scales of daily fees and allowances payable in respect of jurors

(Clause 5)

Scale A	Attendance fee	Fee per day
	Day of attendance	\$
	1st:	
	(a) if a person attends for less than 4 hours on that day but is not selected for jury service	Nil
	(b) if a person attends for less than 4 hours on that day and is selected for jury service	39.50
	(c) if a person attends for more than 4 hours on that day (whether or not the person is selected for jury service)	79.20
	2nd–5th	79.20
	6th–10th	92.00
	11th and subsequent days	107.40
	If a person attending for jury service is paid his or her full wage or salary on a day of attendance by his or her employer (not being an amount that is the difference between the person's full wage or salary and the attendance fee)	Nil

Note. See clause 5 (2) regarding the requirement of submitting a completed statutory declaration if a juror claims an attendance fee.

Jury Regulation 2004

Schedule 1 Scales of daily fees and allowances payable in respect of jurors

Scale B Travelling allowance

On each day of attendance, for one journey each way between the place of residence of a person attending for jury service, as shown on the jury roll, and the court or inquest attended, the person is entitled to be paid at the rate of 27 cents per kilometre with:

- (a) a minimum payment of \$3.80 each way (being a minimum payment for 14 kilometres each way), and
 - (b) a maximum payment of \$27.00 each way (being a maximum payment for 100 kilometres each way),
- whether or not public transport is used.

Scale C Refreshment allowance

If a juror in either a civil or criminal matter is released by the trial judge during a luncheon adjournment, the juror is entitled to be paid a refreshment allowance of \$5.70.



New South Wales

Local Government (Rates and Charges) Amendment (Minimum Rates) Regulation 2004

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

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

Explanatory note

Under section 548 of the *Local Government Act 1993*, a council that imposes an ad valorem rate may specify minimum rates to be levied. The object of this Regulation is to amend the *Local Government (Rates and Charges) Regulation 1999* to increase the maximum amount of any such minimum rate that may be specified by a council from \$342 to \$354.

This Regulation is made under the *Local Government Act 1993*, including section 548 (3) (a) and section 748 (the general regulation-making power).

Clause 1 Local Government (Rates and Charges) Amendment (Minimum Rates)
 Regulation 2004

Local Government (Rates and Charges) Amendment (Minimum Rates) Regulation 2004

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (Rates and Charges) Amendment (Minimum Rates) Regulation 2004*.

2 Amendment of Local Government (Rates and Charges) Regulation 1999

The *Local Government (Rates and Charges) Regulation 1999* is amended by omitting "\$342" from clause 10 and by inserting instead "\$354".



Nurses Amendment Regulation 2004

under the

Nurses and Midwives Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Nurses and Midwives Act 1991*.

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Nurses Regulation 2003* (the **Principal Regulation**):

- (a) as a consequence of the commencement of the *Nurses Amendment Act 2003*, and
- (b) in relation to the election of members of the Nurses and Midwives Board (the **Board**).

In particular, this Regulation:

- (a) changes the name of the Principal Regulation to the *Nurses and Midwives Regulation 2003*, and
- (b) excludes personal telephone numbers and email addresses, and residential addresses, of candidates for any election of members of the Board from information that may be contained in candidate information sheets sent to voters for such an election, and
- (c) changes the voting procedures for such elections, by requiring completed ballot papers to be enclosed in an unmarked envelope, to ensure that when a vote is counted the identity of the voter is not revealed, and
- (d) extends to midwives a requirement, currently applying to nurses, for compliance with infection control standards, and

Nurses Amendment Regulation 2004

Explanatory note

- (e) exempts a nurse or midwife who is found guilty or convicted of a parking offence or an offence under road transport legislation (with certain exceptions) from notification requirements that would otherwise apply under the *Nurses and Midwives Act 1991* in relation to any such finding or conviction, and
- (f) makes other amendments to the Principal Regulation of a consequential or machinery nature.

This Regulation is made under the *Nurses and Midwives Act 1991*, including sections 5, 9, 16, 18–20, 22, 24, 26, 28A, 28B, 33, 37, 42A, 42B, 42C and 78 (the general regulation-making power).

Nurses Amendment Regulation 2004

Clause 1

Nurses Amendment Regulation 2004

under the

Nurses and Midwives Act 1991

1 Name of Regulation

This Regulation is the *Nurses Amendment Regulation 2004*.

2 Commencement

This Regulation commences on 1 August 2004.

3 Amendment of Nurses Regulation 2003

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

Nurses Amendment Regulation 2004

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of RegulationOmit “*Nurses Regulation 2003*”.Insert instead “*Nurses and Midwives Regulation 2003*”.**[2] Clause 3 Definitions**Omit “(b1)” from the definition of *election* in clause 3 (1).

Insert instead “(c)”.

[3] Clause 3 (1), definitions of “qualified voter” and “the Act”

Omit the definitions. Insert instead in alphabetical order:

qualified voter means:

- (a) in relation to an election of a registered nurse under section 9 (2) (a) of the Act, a person who is a registered nurse, and
- (b) in relation to an election of a registered midwife under section 9 (2) (b) of the Act, a person who is a registered midwife, and
- (c) in relation to an election of an enrolled nurse or enrolled nurse (mothercraft) under section 9 (2) (c) of the Act, a person who is an enrolled nurse or enrolled nurse (mothercraft).

the Act means the *Nurses and Midwives Act 1991*.**[4] Clause 3 (2)**

Omit the matter relating to sections 17 (a) and (b), 24 and 29.

Insert instead:

Section 24, in relation to the temporary registration of a person to practise nursing

Form 1

Section 24, in relation to the temporary registration of a person to practise midwifery

Form 2

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Schedule 1

Section 28B

Form 3

- [5] Clause 4 Qualifications for registration in List “B”**
Omit the clause.
- [6] Clause 5 Functions not requiring registration**
Insert “or midwife” after “nurse” in clause 5 (c).
- [7] Clause 6 Roll of nurses**
Omit the clause.
- [8] Clause 7 Enrolment in List “A”**
Omit clause 7 (1).
- [9] Clause 8 Enrolment in List “B”**
Omit the clause.
- [10] Clause 9 Replacement certificates**
Insert “or midwife” after “nurse” wherever occurring in clause 9 (1).
- [11] Clause 10 Alterations of Register or Roll**
Omit “the Register”. Insert instead “a Register”.
- [12] Clause 11 Notice of election**
Omit “accredited nurses are” from clause 11 (1).
Insert instead “nurses are, or a midwife is,”.
- [13] Clause 11 (2) (a) (iii)**
Omit the subparagraph. Insert instead:
(iii) a registered midwife, and
- [14] Clause 11 (3) (a) (iii)**
Omit the subparagraph. Insert instead:
(iii) a registered midwife, and

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Schedule 1 Amendments

[15] Clause 11 (3) (b)

Insert “or midwives” after “nurses”.

[16] Clauses 14 (6) and 29 (1)

Omit “(b1)” wherever occurring. Insert instead “(c)”.

[17] Clause 17 Candidate information sheets

Insert after clause 17 (5):

- (6) The returning officer must not include on the candidate information sheet any non-business telephone number or email address, or residential address, of a candidate.

[18] Clause 20 Distribution of ballot-papers

Insert “, together with a blank unsealed envelope (the *inner envelope*)” after “*Parliamentary Electorates and Elections Act 1912*” in clause 20 (a).

[19] Clause 20 (b)

Omit the paragraph. Insert instead:

- (b) a large unsealed reply-paid 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*), and

[20] Clause 22

Omit the clause. Insert instead:

22 Recording of votes

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper in the inner envelope, and
- (c) must seal the inner envelope, and
- (d) must place the inner envelope in the outer envelope, and
- (e) must seal the outer envelope, and

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- (f) must complete the person's full name and address on, and must sign, the back of the outer envelope, and
 - (g) must return the outer envelope to the returning officer so as to be received before the close of the ballot.

[21] Clause 23

Omit the clause. Insert instead:

23 Receipt of ballot-papers

- (1) The returning officer must reject (without opening it) any outer envelope purporting to contain a ballot-paper if the 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 the outer envelope and draw a line through the name on the roll that corresponds to the name on the back of the outer envelope, if satisfied that a person of that name is included in the relevant roll for the election, or
 - (b) must reject 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 (without opening it) any 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.

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[22] Clause 26 Scrutiny of votes

Omit clause 26 (1). Insert instead:

- (1) The scrutiny of votes in a ballot must be conducted as follows:
 - (a) the returning officer must produce, unopened, the outer envelopes containing the ballot-papers accepted for scrutiny,
 - (b) the returning officer must then open each such outer envelope and extract any inner envelope contained in it,
 - (c) the returning officer must then place each such inner envelope in a locked ballot-box.
- (1A) However, if there is more than one inner envelope in the outer envelope, the returning officer must reject all the inner envelopes contained in the outer envelope.
- (1B) The scrutiny of votes in the ballot must then continue as follows:
 - (a) the returning officer must unlock the ballot-box, remove the inner envelopes and then remove the ballot-papers from the inner envelopes,
 - (b) the returning officer must then reject all ballot-papers in an inner envelope if the inner envelope contains more than one ballot-paper,
 - (c) the returning officer must then examine each remaining ballot-paper and reject those that are informal,
 - (d) the returning officer must then proceed to count the votes and ascertain the result of the ballot.

[23] Clause 33 Infection control standards

Omit "An accredited nurse" from clause 33 (1).

Insert instead "A nurse or midwife".

[24] Clauses 33 (1) and (2) (b) and 36 (1) (a) and (b) and (2)

Insert "or midwife" after "the nurse" wherever occurring.

[25] Clause 33 (1)

Insert "or midwifery" after "nursing".

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[26] Clauses 33 (2) and 36 (1)

Omit “an accredited nurse” wherever occurring.

Insert instead “a nurse or midwife”.

[27] Clause 33 (2) (b)

Insert “or midwife’s” after “nurse’s”.

[28] Clause 35 Recognition of institutions and qualifications

Omit “10 (1) (h)” from clause 35 (1). Insert instead “10 (1) (g)”.

[29] Clause 37 Badges

Omit “NURSES REGISTRATION BOARD”.

Insert instead “NURSES AND MIDWIVES BOARD”.

[30] Clauses 38 and 38A

Omit clause 38. Insert instead:

38 Letters after name

- (1) Nurses may indicate their entitlement to practise as nurses by placing after their names the following letters:
 - (a) in the case of a registered nurse—“R.N.”,
 - (b) in the case of a nurse enrolled in List “A” of the Roll—“E.N.”,
 - (c) in the case of a nurse enrolled in List “B” of the Roll—“E.N. (M’craft)”.
- (2) Registered midwives may indicate their entitlement to practise as midwives by placing “R.M.” after their names.

38A Excluded offences (offences for which notice of conviction or criminal finding not required)

Sections 42A (1) (a), 42B (1) (a) and 42C of the Act do not apply in respect of any offence relating to the parking of a motor vehicle or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*), except for the following offences:

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- (a) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),
 - (b) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to the use or attempted use of a motor vehicle while under the influence of alcohol or any other drug),
 - (c) any offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving a motor vehicle on a road or road related area negligently) if the nurse or midwife is, by way of penalty, sentenced to imprisonment or fined a sum of \$200 or more,
 - (d) any offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner that is dangerous to the public),
 - (e) any offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
 - (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop and give assistance after an accident),
 - (g) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to produce a driver licence, or to state correct name or home address, when required),
 - (h) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed),
 - (i) any other offence under the road transport legislation if the court orders the disqualification of the nurse or midwife from holding a driver licence.

[31] Schedule 1 Infection control standards

Insert "or midwife" after "nurse" wherever occurring in clauses 1 (2) and 7 (1) and (3) (b).

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[32] Schedule 1, Parts 2 and 3, headings

Insert “**and midwives**” after “**nurses**” wherever occurring.

[33] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 34)

Fees under the Act

Section 16 (5)	\$10
Section 18 (1) (a), (b), (c) or (e)	\$45
Section 18 (1) (d), if the place referred to in the paragraph is within Australia	\$45
Section 18 (1) (d), if the place referred to in the paragraph is outside Australia	\$50
Section 19 (1) (a) or (d)	\$45
Section 19 (1) (b)	\$50
Section 19 (1) (c), if the place referred to in the paragraph is within Australia	\$45
Section 19 (1) (c), if the place referred to in the paragraph is outside Australia	\$50
Section 19A (4)	\$150
Section 20 (4)	\$150
Section 22 (3)	\$12
Section 24 (1)	\$45
Section 26 (7)	\$10

Nurses Amendment Regulation 2004

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Fees under the Act

Section 27 (1)	\$45
Section 28	\$45
Section 28A (1) (d)	\$45
Section 33 (4)	\$45

Fees under this Regulation

Clause 9 (1)	\$20
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Note.

There is no fee prescribed for the purposes of section 23 (1) (d) of the Act. There is no fee prescribed for the purposes of section 26 (3) of the Act but there are fees prescribed for the purposes of sections 27 and 28 of the Act in respect of enrolment on the Roll of Nurses.

[34] Schedule 3 Forms

Omit Forms 1–4. Insert instead:

Form 1 Certificate of temporary registration to practise nursing

(Clause 3 (2))

Nurses and Midwives Act 1991 (section 24)

This is to certify that the Nurses and Midwives Board has temporarily registered *[name]* under the *Nurses and Midwives Act 1991* as a nurse, and has authorised that person as a nurse practitioner,* subject to the following conditions:*

from *[date]* to *[date]*.

This certificate was issued at Sydney on *[date]*.

President of the Board

Registrar

* Delete the words “and has authorised that person as a nurse practitioner,” or “subject to the following conditions:” if they are not appropriate.

Nurses Amendment Regulation 2004

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Schedule 1

Form 2 Certificate of temporary registration to practise midwifery

(Clause 3 (2))

Nurses and Midwives Act 1991 (section 24)

This is to certify that the Nurses and Midwives Board has temporarily registered *[name]* under the *Nurses and Midwives Act 1991* as a midwife, and has authorised that person as a midwife practitioner,* subject to the following conditions:*

from *[date]* to *[date]*.

This certificate was issued at Sydney on *[date]*.

President of the Board

Registrar

* Delete the words “and has authorised that person as a midwife practitioner,” or “subject to the following conditions:” if they are not appropriate.

Form 3 Certificate of temporary enrolment

(Clause 3 (2))

Nurses and Midwives Act 1991 (section 28B)

This is to certify that the Nurses and Midwives Board has temporarily enrolled *[name]* under the *Nurses and Midwives Act 1991* as a nurse, subject to the following conditions:*

from *[date]* to *[date]*.

This certificate was issued at Sydney on *[date]*.

President of the Board

Registrar

* Delete the words “subject to the following conditions:” if they are not appropriate.

Nurses Amendment Regulation 2004

Schedule 1 Amendments

[35] Schedule 3, Forms 5–7

Omit “Nurses Regulation 2003” wherever occurring.

Insert instead “Nurses and Midwives Regulation 2003”.

[36] Schedule 3, Form 6

Omit item 2.



New South Wales

Sydney Olympic Park Amendment Regulation 2004

under the

Sydney Olympic Park Authority Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Olympic Park Authority Act 2001*.

SANDRA NORI, M.P.,
Minister for Tourism and Sport and Recreation

Explanatory note

The object of this Regulation is to review and amend the *Sydney Olympic Park Regulation 2001* which was formerly the *Homebush Bay Operations Regulation 1999* and was enacted principally to facilitate the conduct of the Sydney Olympic Games held in the year 2000.

This Regulation:

- (a) updates the list of sportsgrounds within Sydney Olympic Park, and
- (b) extends the list of commercial and other activities that cannot be carried out at Sydney Olympic Park except with the authorisation of the Sydney Olympic Park Authority (*SOPA*), and
- (c) provides for the enforcement of any plan of management made for the Millennium Parklands, and
- (d) adds some further general traffic controls with respect to the entry of vehicles into Sydney Olympic Park or any part of the Park and the parking of vehicles within the Park, and
- (e) enables *SOPA* to provide additional public services and facilities in the form of amusement devices, carnival rides and similar facilities, and
- (f) enables *SOPA* to provide and regulate reserved seating at a sportsground and to require the surrender of a ticket that is unlawfully in a person's possession, and
- (g) extends *SOPA*'s functions as a local regulatory authority, and

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Explanatory note

- (h) clarifies SOPA's powers to charge, recover, waive and reduce fees, and
- (i) specifies those offences that are penalty notice offences and the amount of the penalties payable in relation to them, and
- (j) makes other amendments of an associated nature or of a minor nature.

This Regulation is made under the *Sydney Olympic Park Authority Act 2001*, including sections 19, 79 and 82 (the general regulation-making power).

Sydney Olympic Park Amendment Regulation 2004

Clause 1

Sydney Olympic Park Amendment Regulation 2004

under the

Sydney Olympic Park Authority Act 2001

1 Name of Regulation

This Regulation is the *Sydney Olympic Park Amendment Regulation 2004*.

2 Amendment of Sydney Olympic Park Regulation 2001

The *Sydney Olympic Park Regulation 2001* is amended as set out in Schedule 1.

Sydney Olympic Park Amendment Regulation 2004

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 2 Definitions

Insert in alphabetical order:

penalty unit is defined in section 17 of the *Crimes (Sentencing Procedure) Act 1999*.

[2] Clause 2, definition of “sportsground”

Omit the definition. Insert instead:

sportsground means the following:

- (a) Telstra Stadium,
- (b) Sydney Showground,
- (c) Sydney SuperDome,
- (d) Sydney Olympic Park Aquatic Centre,
- (e) Sydney Olympic Park Athletic Centre,
- (f) Sydney Olympic Park Golf Centre,
- (g) Sydney Olympic Park Hockey Centre,
- (h) Sydney Olympic Park Sports Centre,
- (i) Sydney Olympic Park Sports Halls,
- (j) Sydney International Archery Centre,
- (k) Sydney International Tennis Centre.

[3] Clause 2 (2)

Insert at the end of clause 2:

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

[4] Clause 3 Commercial and other activities

Insert after clause 3 (h):

- (i) distribute a brochure, leaflet or handbill,
- (j) conduct a wedding,
- (k) collect or attempt to collect money,
- (l) busk,

Sydney Olympic Park Amendment Regulation 2004

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- (m) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area,
 - (n) operate or use any radio, television, record-player, tape recorder, compact disc player, musical instrument or other sound-generating device in a manner that unduly interferes with the amenity of the area,
 - (o) camp or use facilities for sleeping overnight,
 - (p) erect a tent or other temporary structure,
 - (q) paint, erect or affix any decoration, sign or other equipment,
 - (r) climb any tree, sculpture, decoration, flagpole or other fixture,
 - (s) bathe, wade, wash or swim, or operate a boat, kayak or any other water craft or vessel or flotation device, in any lake, pond or stream or in any ornamental water,
 - (t) light any fire, barbecue or stove (not being cooking facilities provided for the purpose by the Authority),
 - (u) set off any firework,
 - (v) carry or discharge or have in the person's possession any firearm (within the meaning of the *Firearms Act 1996*) or prohibited weapon (within the meaning of the *Weapons Prohibition Act 1998*), unless the person is a police officer of the State or the Commonwealth or unless the person is the holder of a licence under the *Security Industry Act 1997* and is carrying out functions authorised by the licence,
 - (w) operate a motorised model aircraft, boat, car or similar thing,
 - (x) play or practise golf,
 - (y) land or launch any aircraft, helicopter, parachute, hang-glider or hot air or gas-filled balloon, or any similar thing,
 - (z) ride or use any skate board, roller skates, in-line skates, or recreational equipment, whether motorised or not, or similar equipment,
 - (aa) bring a horse into Sydney Olympic Park, or lead or ride a horse, or leave a horse unattended or untethered,

Sydney Olympic Park Amendment Regulation 2004

Schedule 1 Amendments

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- (bb) bring a dog into, or have a dog within, Sydney Olympic Park unless it is on a leash,
 - (cc) abandon an animal,
 - (dd) destroy, capture, injure or annoy an animal,
 - (ee) be in possession of a trap or device for the hunting or capturing of animals,
 - (ff) destroy or interfere with the habitat of an animal,
 - (gg) dig up or disturb the surface of any road or other land,
 - (hh) deposit waste,
 - (ii) bring a vehicle into Sydney Olympic Park which leaks an excessive amount of oil onto a sealed surface,
 - (jj) moor a vessel (otherwise than by securing the vessel to a wharf of the Authority) or tie a vessel to any vegetation.

[5] Clause 3A

Insert after clause 3:

3A Plan of management

- (1) In this clause, *plan of management* means a plan of management for the Millennium Parklands adopted and in force under section 35 of the Act.
- (2) A person must not do anything at Sydney Olympic Park that is prohibited by a plan of management.
Maximum penalty: 20 penalty units.
- (3) A person must not do anything at Sydney Olympic Park that is contrary to an approval issued under the authority of a plan of management.
Maximum penalty: 20 penalty units.
- (4) It is not an offence under this clause if anything is done or omitted to be done in accordance with an approval issued under the authority of a plan of management or by the Authority.

Sydney Olympic Park Amendment Regulation 2004

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[6] Clause 5 Other controls

Insert after clause 5 (1):

- (1A) The Authority may do any one or more of the following:
- (a) prohibit the entry of vehicles to Sydney Olympic Park or any part of Sydney Olympic Park,
 - (b) regulate or otherwise control the entry of vehicles to Sydney Olympic Park or any part of Sydney Olympic Park,
 - (c) refuse to admit a vehicle to Sydney Olympic Park or any part of Sydney Olympic Park.

(1B) A decision of the Authority for the purposes of this clause may be given by means of a sign or a direction.

(1C) A person must not do anything in wilful contravention of a sign or a direction under this clause.

Maximum penalty: 20 penalty units.

[7] Clause 9 Parking

Insert after clause 9 (2):

(3) The Authority or a person authorised by the Authority may direct a person to remove a vehicle that is unlawfully parked and that is under the person's control.

(4) A person must comply with a direction under subclause (3).

Maximum penalty: 10 penalty units.

(5) For the purposes of this clause, *park* includes stand.

[8] Clause 13A Provision and operation of public services and facilities

Insert after clause 13A (2) (t):

(u) amusement devices, carnival rides and similar facilities.

Sydney Olympic Park Amendment Regulation 2004

Schedule 1 Amendments

[9] Clause 13B

Insert before clause 14:

13B Reserved areas and reserved seating

- (1) Without limiting clause 5, the Authority may, either generally or for a particular event, set aside any area of a sportsground for reserved seats. An area so set aside is referred to in this clause as a *reserved area*.
- (2) A person who is not in lawful possession of an appropriate ticket must not:
 - (a) enter or remain in a sportsground or any reserved area, or
 - (b) occupy a reserved seat.Maximum penalty: 10 penalty units.
- (3) A person authorised by the Authority or a police officer may direct a person:
 - (a) who is within a sportsground or any reserved area, or
 - (b) who is occupying a reserved seat,to produce an appropriate ticket for inspection by the person or police officer.
- (4) A person authorised by the Authority or a police officer may direct a person who is in unlawful possession of a ticket to surrender the ticket to the person or police officer.
- (5) A person must comply with a direction under this clause.
Maximum penalty: 10 penalty units.
- (6) In this clause, *ticket* means a ticket issued by the Authority or a person authorised by the Authority, being a ticket that authorises its holder:
 - (a) to enter a sportsground or a reserved area within a sportsground, or
 - (b) to occupy a reserved seat in a reserved area.

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[10] Part 3A

Insert after Part 3:

Part 3A Authority's functions as a local government council

18B Conferral of functions

Pursuant to section 19 of the Act, the Authority, in relation to Sydney Olympic Park, has and may exercise to any necessary extent the following functions of a council (within the meaning of the *Local Government Act 1993*) under:

- (a) in the case of the *Environmental Planning and Assessment Act 1979*:
 - (i) Divisions 2, 3, 6 and 7 of Part 4,
 - (ii) Part 7A,
 - (iii) sections 149A–149G,

Note. The Authority may exercise the functions of a council under Part 6 (Implementation and enforcement) of the *Environmental Planning and Assessment Act 1979*—see section 25 of the *Sydney Olympic Park Authority Act 2001*.
- (b) in the case of the *Environmental Planning and Assessment Regulation 2000*—Parts 4, 6, 7, 8, 9, 12 and 16, clauses 280, 281, 284 and 286, Parts 2, 3 and 4 of Schedule 1, and Schedule 5,
- (c) in the case of the *Local Government Act 1993*:
 - (i) Part 1 (Approvals) of Chapter 7 in so far as it relates to the matters specified in Parts A (Structures or places of public entertainment), C (Management of waste), E (Public roads) and F (Other activities) of the Table to section 68,
 - (ii) Part 2 (Orders) of Chapter 7,
 - (iii) Part 5 (Appeals) of Chapter 7,
 - (iv) Part 2 (Entry on to land and other powers) of Chapter 8,
 - (v) Parts 1 (General offences), 2 (Public places) and 8 (Miscellaneous) of Chapter 16,
 - (vi) Chapter 17, except section 674 and Divisions 4 and 5 of Part 2 (Proceedings by the council or its employees),

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- (d) the *Local Government (General) Regulation 1999*,
 - (e) the *Local Government (Approvals) Regulation 1999*,
 - (f) the *Local Government (Orders) Regulation 1999*,
 - (g) the *Food Act 1989*,
 - (h) the *Food Regulation 2001*,
 - (i) Part 4 (Microbial control) of the *Public Health Act 1991*,
 - (j) the *Public Health (Microbial Control) Regulation 2000*,
 - (k) the *Swimming Pools Act 1992*,
 - (l) the *Swimming Pools Regulation 1998*.

[11] Clauses 19–19D

Omit clause 19. Insert instead:

19 Fees

- (1) The Authority may charge and recover a fee for any authorisation it gives or any service it provides under the Act or any other Act or this Regulation or any other statutory instrument.
- (2) The services for which a fee may be charged include the following:
 - (a) supplying a service, product or commodity,
 - (b) giving information,
 - (c) providing a service in connection with the exercise of the Authority's regulatory functions—for example, receiving an application for an approval or a certificate, granting an approval, making an inspection and issuing a certificate,
 - (d) allowing admission to a sportsground or to any building or enclosure.
- (3) In particular, the Authority may charge a fee for inspecting premises that are reasonably required to be inspected in the exercise of the Authority's functions, whether or not the inspection is requested or agreed to by the owner or occupier of the premises.

Sydney Olympic Park Amendment Regulation 2004

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- (4) However, the Authority may not charge a fee for the inspection of premises that are not used for a commercial activity, except where it is necessary to inspect the premises in connection with an application for an approval or a certificate concerning the premises or in connection with any inspection that is reasonably necessary to determine if an approval or a certificate has been complied with.
 - (5) If inspections of premises are reasonably necessary to determine if an approval or a certificate has been complied with, a fee may not be charged for the inspection of any thing for which the Authority relies on a certificate under section 93 of the *Local Government Act 1993* that the thing has been done in compliance with the approval or certificate.
 - (6) A fee charged for inspecting premises must be repaid to the person who paid it if the inspection is not carried out.

19A Determination of amount of fee

- (1) The Authority must determine the amount of a fee it proposes to charge before it can impose the fee.
- (2) The Authority may, from time to time, determine to increase or decrease the amount of a fee that has been determined under this clause.
- (3) In making a determination under this clause in respect of a fee for giving an authorisation, the Authority must take into consideration the following factors:
 - (a) the cost to the Authority of giving the authorisation,
 - (b) the nature of the authorisation given.
- (4) In making a determination under this clause in respect of a fee for providing a service, the Authority must take into consideration the following factors:
 - (a) the cost to the Authority of providing the service,
 - (b) the price suggested for that service by any relevant industry body or in any schedule of charges published, from time to time, by the government department or agency engaged in the administration of the Act or statutory instrument under which the service is provided,
 - (c) the importance of the service to the community.

Sydney Olympic Park Amendment Regulation 2004

Schedule 1 Amendments

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- (5) The cost to the Authority of providing a service in connection with the exercise of a regulatory function need not be the only basis for determining the fee for that service.
 - (6) A higher fee or an additional fee may be charged for an expedited service provided, for example, in the case of urgency.

19B Effect of other Acts and statutory instruments

- (1) If the amount of a fee for a service is determined under an Act (other than the Act) or statutory instrument, the Authority may charge a fee in addition to the amount determined under the Act concerned or the statutory instrument.
- (2) If the charging of a fee for a service is prohibited under an Act, the Authority must not charge a fee for that service.

19C Authority may waive or reduce fees

The Authority may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the Authority is satisfied that the case falls within a category of hardship or any other category in respect of which the Authority has determined that payment should be so waived or reduced.

19D Schedule of fees

The Authority may, from time to time, publish a schedule of fees that may be charged by the Authority, whether the fees are determined under the Act or this Regulation or under another Act or statutory instrument.

[12] Clause 22 Removal of certain persons

Insert “, unless, in the case of a vehicle, the person is so affected by alcohol that the driving of the vehicle by the person would cause, or be likely to cause, the person to commit an offence” after “concerned” in clause 22 (4).

[13] Clause 25 Penalty notices: section 79

Omit “Column 4” from clause 25 (b). Insert instead “Column 2”.

Sydney Olympic Park Amendment Regulation 2004

Amendments

Schedule 1

[14] Clause 26 Short description of offences

Omit the clause.

[15] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 25)

Column 1	Column 2
Offence	Penalty
clause 3	\$200
clause 3A (2)	\$200
clause 3A (3)	\$200
clause 4 (2)	\$200
clause 5 (1C)	\$200
clause 6 (1)	\$150
clause 7	\$150
clause 8 (2)	\$20
clause 9 (2)	\$150
clause 9 (4)	\$150
clause 10 (3)	\$200
clause 11 (1)	\$200
clause 12 (1)	\$150
clause 13B (2)	\$150
clause 13B (5)	\$150

Sydney Olympic Park Amendment Regulation 2004

Schedule 1 Amendments

Column 1	Column 2
Offence	Penalty
clause 14	\$500
clause 18A	\$200
clause 20 (3)	\$150
clause 21 (2)	\$200
clause 22 (1)	\$200
clause 23 (3)	\$200

Rules



New South Wales

Supreme Court Rules (Amendment No 392) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 July 2004.

Steven Jupp

Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend Part 75 rule 2 of the *Supreme Court Rules 1970* (which applies specified provisions of those rules to criminal proceedings in the Supreme Court) as a consequence of the recent substitution of Part 37 (which deals with subpoenas).

Rule 1 Supreme Court Rules (Amendment No 392) 2004

Supreme Court Rules (Amendment No 392) 2004

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 392) 2004*.

2 Amendment of Supreme Court Rules 1970

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

Supreme Court Rules (Amendment No 392) 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Rule 2)

Part 75 Criminal proceedings

Omit Part 75 rule 2 (1) (f), (g) and (h). Insert instead:

- (g) Part 36 (evidence: general) rules 6B, 9, 10, 12, 13BB and 13BC,
- (h) Part 37 (subpoenas), other than:
 - (i) rules 3 (8), 6 (1) and 7, and
 - (ii) if the issuing party is the Crown, rules 2 (3), 5 and 11,



Supreme Court Rules (Amendment No 393) 2004

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 July 2004.

Steven Jupp

Secretary of the Rule Committee

Explanatory note

The object of these Rules is to make amendments to Part 67 of the *Supreme Court Rules 1970* that are consequential on the enactment of Part 2A (Resolution of disputes without litigation) of the *Defamation Act 1974*.

Rule 1 Supreme Court Rules (Amendment No 393) 2004

Supreme Court Rules (Amendment No 393) 2004

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 393) 2004*.

2 Amendment of Supreme Court Rules 1970

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

Supreme Court Rules (Amendment No 393) 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Part 67, rule 11

Omit rule 11 (5).

[2] Part 67, rule 11B

Omit rule 11B (b). Insert instead:

- (b) where Part 2A of the *Defamation Act 1974* (which deals with offers of amends) applies, exercise its powers under that Part,

[3] Part 67, rule 22

Omit “section 39”. Insert instead “section 9F (2)”.

OFFICIAL NOTICES

Appointments

AMBULANCE SERVICE BOARD

2004 Election of One Elected Staff Director

FOLLOWING the close of poll on Wednesday, 21 July 2004 and pursuant to clause 51 (2) of the Ambulance Services Regulation 2000, I hereby declare the following candidate elected:

Jim ARNEMAN

COLIN BARRY,
Electoral Commissioner for NSW
and Returning Officer for the 2004
Ambulance Service Board Election

The Cabinet Office, Sydney
28 July 2004

CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer and Minister for the Central Coast

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable MR Egan MLC, Treasurer and Minister for State Development, to act for and on behalf of the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer and Minister for the Central Coast, as on and from 5 August 2004, with a view to him performing the duties of the Honourable JJ Della Bosca MLC, during his absence from duty.

BOB CARR,
Premier

The Cabinet Office, Sydney
28 July 2004

CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer and Minister for the Central Coast

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable FE Sartor MP, Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts, to act for and on behalf of the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer and Minister for the Central Coast, as on and from 14 August 2004, with a view to him performing the duties of the Honourable JJ Della Bosca MLC, during his absence from duty.

BOB CARR,
Premier

FILM AND TELEVISION OFFICE ACT 1988

Appointment of Member

Board of the New South Wales Film and
Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to Section 6A of the Film and Television Office Act 1988, the following person being appointed as a member of the Board of the New South Wales Film and Television Office from 28 July 2004 to 31 December 2004:

(i) Dr Ross Gibson (new appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

MARKETING OF PRIMARY PRODUCTS ACT 1983

Appointment of nominated member to
The Rice Marketing Board

IN pursuance of the provisions of section 11 of the Marketing of Primary Products Act 1983, the following person has been appointed to fill a vacancy as Ministerial nominee on the Rice Marketing Board:

Robyn CLUBB, of Duffys Forest, NSW
for a term commencing on 1 August 2004 and expiring on
8 November 2005.

Dated this 28th day of July 2004

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

POLICE REGULATION (SUPERANNUATION) ACT 1906

Appointment of Members and Deputies for
Members of the Police Superannuation Advisory
Committee

IN accordance with section 2H and Schedule 4 to the Police Regulation (Superannuation) Act 1906, I have approved the appointment of the following representatives of the Police Superannuation Advisory Committee to serve for the period ending 31 August 2007.

Nominees of the Police Association of New South
Wales:

Mr Gregory James BLACK as a Member.
The appointment follows the resignation of Mr Donald
Michael Freudenstein.

Mr Robert Peter MORGAN as a Deputy Member
for Mr Black.

This appointment follows Mr Black's appointment as
a Member. Mr Black was a Deputy Member for Mr
Freudenstein.

Mr Michael Corboy will continue as a Deputy Member for Mr Black.

Dated at Sydney, 27 July 2004.

JOHN DELLA BOSCA, M.P.,
Special Minister of State, Member for Commerce,
Minister for Industrial Relations, Assistant
Treasurer and Minister for the Central Coast

**SYDNEY OLYMPIC PARK AUTHORITY
ACT 2001**

Appointment of Members

Sydney Olympic Park Authority Board

I, SANDRA NORI, M.P., Minister for Tourism and Sport and Recreation, and Minister for Women, have appointed the following as members of the Sydney Olympic Park Authority Board up to 31 December 2004, in pursuance of section 61 of the Sydney Olympic Park Authority Act 2001:

David Richmond AO MEd Chairman
(reappointment)

Gabrielle Kibble AO BA Dip TCP FRAPI DSc hc NSW
(reappointment)

Penelope Figgis AM BA (Hons)
(reappointment)

Chris Christodoulou BA
(reappointment)

SANDRA NORI, M.P.,
Minister for Tourism and Sport and Recreation
and Minister for Women

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

State Environmental Planning Policy No 55—Remediation of Land (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning. (S04/00430/PC)

CRAIG JOHN KNOWLES, M.P.,

Minister for Infrastructure and Planning, and Minister for Natural Resources

Clause 1 State Environmental Planning Policy No 55—Remediation of Land
(Amendment No 1)

State Environmental Planning Policy No 55— Remediation of Land (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 55—Remediation of Land (Amendment No 1)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to clarify the application of clause 6 of *State Environmental Planning Policy No 55—Remediation of Land* to land subject to a zoning or rezoning proposal, and
- (b) to provide for councils to be notified of the completion of all remediation works to which that Policy applies, and
- (c) to facilitate the remediation of land in accordance with a “clean-up notice” given by the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*.

3 Land to which Policy applies

This Policy applies to all land within the State and, in so far as it facilitates the remediation of land, to the land to which Notice No 1030236 dated 26 September 2003 given by the Environment Protection Authority under section 91 of the *Protection of the Environment Operations Act 1997* applies.

4 Amendment of State Environmental Planning Policy No 55— Remediation of Land

State Environmental Planning Policy No 55—Remediation of Land is amended as set out in Schedule 1.

State Environmental Planning Policy No 55—Remediation of Land
(Amendment No 1)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal

Insert “of a class identified in subclause (4)” after “land” where firstly occurring in clause 6 (2).

[2] Clause 6 (3)

Omit “the land concerned”.

Insert instead “land of a class identified in subclause (4)”.

[3] Clause 6 (4)

Omit “land concerned is”.

Insert instead “following classes of land are identified for the purposes of this clause”.

[4] Clause 17 Guidelines and notices: all remediation work

Omit “a category 1” from clause 17 (2).

[5] Clause 21

Insert after clause 20:

21 Clean-up notice remediation—special provision

- (1) This Policy does not apply to or in respect of anything done for the purpose of complying with a clean-up notice, except as provided by this clause.
- (2) Any development or activity carried out for the purpose of complying with a clean-up notice:
 - (a) may be carried out without development consent, and
 - (b) to the extent that it involves carrying out any remediation work, must be carried out in accordance with clause 17 (1) (paragraph (c) excepted).

State Environmental Planning Policy No 55—Remediation of Land
(Amendment No 1)

Schedule 1 Amendments

- (3) In this clause, *clean-up notice* means:
- (a) a notice given under section 91 of the *Protection of the Environment Operations Act 1997* that is specified in Schedule 1, or
 - (b) if a notice so specified has been varied under section 110 of that Act, the notice as varied for the time being.
- (4) If this clause is inconsistent with another State environmental planning policy, a regional environmental plan or a local environmental plan (whether made before or after this clause), this clause prevails, subject to section 36 (4) of the Act.

[6] Schedule 1

Insert at the end of the Policy:

Schedule 1 Specified clean-up notices

(Clause 21)

Notice No 1030236 dated 26 September 2003 and addressed to
Orica Australia Pty Ltd



Central Sydney Local Environmental Plan 1996 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/01138/PC)

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

Clause 1 Central Sydney Local Environmental Plan 1996 (Amendment No 15)

Central Sydney Local Environmental Plan 1996 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Central Sydney Local Environmental Plan 1996 (Amendment No 15)*.

2 Aims of plan

The aims of this plan are:

- (a) to reconfigure the position of commercial and residential uses on the remaining undeveloped sites at King Street Wharves 9 and 10, and
- (b) to permit the construction of 158 short-stay public car parking spaces on the site known as “Development Site 1” at King Street Wharves 9 and 10.

3 Land to which plan applies

This plan applies to land situated in the City of Sydney, being land in the vicinity of Hickson Road, Sussex Street and Darling Harbour, as shown edged in red on Sheet 2 of the map marked “Central Sydney Local Environmental Plan 1996 (Amendment No 15)” deposited in the office of the Council of the City of Sydney.

4 Amendment of Central Sydney Local Environmental Plan 1996

Central Sydney Local Environmental Plan 1996 is amended as set out in Schedule 1.

Central Sydney Local Environmental Plan 1996 (Amendment No 15)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 25 Development within the Maritime and Transport Zone

Omit “the Zoning Map” from clause 25 (3A).

Insert instead “Sheet 2 of the map marked ‘Central Sydney Local Environmental Plan 1996 (Amendment No 15)’ ”.

[2] Clauses 25 (3B)–(3E)

Omit clause 25 (3B) and (3C). Insert instead:

- (3B) Consent must not be granted for development on land within the part of the Maritime and Transport zone shown coloured blue on Sheet 2 of the map marked “Central Sydney Local Environmental Plan 1996 (Amendment No 15)”, or on land including any such land, unless the consent authority is satisfied that unobstructed public access will be provided along the foreshore within the land so shown.
- (3C) Despite subclause (3), within the part of the Maritime and Transport zone shown coloured green on Sheet 2 of the map marked “Central Sydney Local Environmental Plan 1996 (Amendment No 15)”, development for the purpose of a residential building is prohibited.
- (3D) Within the part of the Maritime and Transport zone outlined in pink on Sheet 2 of the map marked “Central Sydney Local Environmental Plan 1996 (Amendment No 15)”, development for the purpose of a short-stay public car park containing a maximum of 158 parking spaces may be carried out, but only with development consent. This subclause has effect despite clause 48 but subject to clause 48A.
- (3E) The consent authority must not grant consent as referred to in subclause (3D) unless it is satisfied that a covenant has been or will be created that has the effect of restricting the future use of the proposed car park to use for the purpose of a short-stay public car park only.

Central Sydney Local Environmental Plan 1996 (Amendment No 15)

Schedule 1 Amendments

[3] Clause 25 (8A)

Insert after clause 25 (8):

- (8A) In determining the *floor space area* for the purpose of calculating the floor space ratio of buildings on a site that includes land outlined in pink on Sheet 2 of the map marked “Central Sydney Local Environmental Plan 1996 (Amendment No 15)”, the area of any car park referred to in subclause (3D) is to be excluded.

[4] Clause 25 (9)

Omit the subclause. Insert instead:

- (9) In determining *floor space area* for the purpose of calculating the floor space ratio of buildings on a site that includes land shown hatched black on Sheet 2 of the map marked “Central Sydney Local Environmental Plan 1996 (Amendment No 15)”, floor space that will be permanently occupied by a tourist coach and bus parking layover facility on the site may be excluded by the consent authority from the floor space area, subject to subclause (10).

[5] Clause 25 (11)

Insert after clause 25 (10):

- (11) In this clause, *short-stay public car park* means a car park that is open to the general public and regulated (by a restriction in opening hours or fee structure, or both) so as to discourage commuter parking.

[6] Schedule 1 Dictionary

Omit “Central Sydney Local Environmental Plan 1996 (Amendment No 7)—Zoning Map” from the definition of *Zoning Map*.

[7] Schedule 1, definition of “Zoning Map”

Insert at the end of the definition, as amended by item [6]:

, as amended by the maps (or sheets of maps) marked as follows:

Central Sydney Local Environmental Plan 1996 (Amendment No 15)—Sheet 1

Natural Resources

WATER MANAGEMENT ACT 2000

Order under Section 85A

Authority to Take Water Not Credited to a
Water Allocation Account

Murrumbidgee Regulated River Water Source

PURSUANT to section 85A of the Water Management Act 2000, the Minister for Natural Resources, by this Order, authorises regulated river (general security) access licences in the Murrumbidgee Regulated River Water Source as defined in the Water Sharing Plan for the Murrumbidgee Regulated River Water Sources 2003 and currently in force, to take water from uncontrolled flows where that water has not been credited to the accounts of those licences, as specified in announcements made by the Department of Infrastructure Planning and Natural Resources in accordance with clauses 39 (6) of the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003.

These announcements will be made:

- (1) when the sum of available water determinations made for regulated river (general security) access licences in the Murrumbidgee Regulated River Water Source is less than or equivalent to 0.7 Megalitres per unit share, and
- (2) for the sections of the water source where access to water by supplementary water access licences is permitted.

The maximum volume that may be accounted as being extracted by each access licence from uncontrolled flows in any water year shall be equivalent to 0.85 Megalitres multiplied by the number of unit shares of the access licence minus the sum of available water determinations made for regulated river (general security) access licences in the Murrumbidgee Regulated River Water Source.

This Order takes effect on the date of gazettal and continues until it is revoked by a later Order or until the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003 ceases.

Dated at Albury this 20th day of July 2004.

DAVID HARRISS,
Regional Director,
Murrumbidgee and Murray Region
Department of Infrastructure,
Planning & Natural Resources
(by delegation)

WATER ACT 1912

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

Applications for licences within a proclaimed local area as generally described hereunder have been received as follows:

GWYDIR RIVER VALLEY

Peter John HATTON and Jennifer Anne HATTON for three (3) pumps on Goonal Creek on Lots 8 and 25, DP 750481, Parish of Meroe, County of Benarba for water supply for stock and domestic purposes and irrigation of 1,944 hectares

(cotton, cereals, other cash crops, improved pasture). This application seeks to transfer by way of permanent transfer 1,296 megalitres – to combine and replace an existing entitlement. Ref: 90SL100804.

Leslie Francis BOLAND for a pump on Mallowa Creek on Lots 24 and 25, DP45251, Parish of Carbeenbri, County of Benarba for irrigation of 400 hectares (cotton, sorghum, other crops). This application seeks to transfer by way of permanent transfer, 1,296 megalitres of existing Mallowa Creek entitlement. L.O. Papers 90SL100808. GA2472294.

NAMOI RIVER VALLEY

MacCue TRADING PTY LTD for a bywash dam and a pump on Tookey Creek on Lot 32, DP753941, Parish of Manamoi, County of Jamison for conservation of water for stock and industrial (feedlot) purposes. This application seeks to change the purpose of an existing entitlement from irrigation to industrial (feedlot) and stock purposes – no increase in entitlement. Ref: 90SL100800. GA2472292.

Angela AZZOPARDI, Charles AZZOPARDI, Laurence AZZOPARDI, Mari AZZOPARDI, Paul AZZOPARDI and William Emanuel AZZOPARDI for a pump on the Manilla River on Lot 106, DP 752178, Parish of Dinawirindi, County of Darling for irrigation of 16.5 hectares and water for industrial purposes. Existing entitlement, change of purpose. Ref: 90SL100803. GA2472293.

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

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

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

MURRUMBIDGEE VALLEY

Kenneth John COOPER for a pump on Old Man Creek, Lot 147, DP 754559, Parish Mimosa, County of Mitchell for a water supply for domestic purposes. New License. Reference 40SL71024

MABREN PTY LIMITED for a bore on Lot 170, DP 753631, Parish of Wambat, County of Harden for the irrigation of 15 hectares. (Vines). Outside Young Granite Groundwater Management Embargo Area. (New Licence) Reference : 40BL190142.

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB
Resource Access Manager
Murrumbidgee Region

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

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 license under section 10 of Part 2 of the Water Act has been received as follows:

LACHLAN RIVER VALLEY

Allan Frederick and Karlene Rozarre HUTCHISON for 2 pumps on the Lachlan River on Lot 1/182974, Parish of Redbank, County of Nicholson, for water supply for irrigation of 210.33 hectares. (New Licence – amalgamation of existing entitlement.) (GA2:466331) (Ref:70SL091001).

Scott Lanyon COOKE for a bywash dam on Kiamma CrWritten Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected and must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

NEIGHBOURHOOD ASSOCIATION DP285610 for 3 pumps on the Belubula River on Lot 1/285610, Parish of Canowindra, County of Bathurst, for water supply for domestic and stock purposes and irrigation of 40.50 hectares (vines) (New Licence – Additional pumps – Increase in pumping capacity, additional stock and domestic entitlement – Replacing existing entitlement.) (GA2:466333) (Ref:70SL091004).

Colin Wayne WICKS for a pump on Lachlan River on Lot 17/543622, Parish Condobolin, County of Cunningham for water supply for domestic purposes. (New Licence) (GA2:466334) (70SL091003)

Henry David ZOUCH for a bywash dam and a pump on an unnamed watercourse on Lots 223, 224 and 234/753041, Parish of Keverstone, County of Georgiana, for the conservation of water and for water supply for irrigation purposes. (New Licence – entitlement obtained by way of permanent transfer scheme) (GA2:466335) (70SL091002).

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.

VIV RUSSELL,
Resource Access Manager,
Central West Region

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

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:

Mervyn Leslie, Shirley Kat and Linley Sharon CORNISH for 4 existing bywash dams (total capacity 10.0 megalitres) and 3 pumps on unnamed watercourses (1st and 2nd order streams) 5/263579, Parish of Jerralong, County of Argyle for the conservation of water and water supply for stock and domestic purposes and irrigation of 1.5 hectares (improved pasture) (new licence) (Dams in excess of MHDRC) (Not subject to the 2003 Shoalhaven River Catchment Embargo) (Ref:10SL56528) (GA2:493310).

John and Santina SIDOTI for a proposed bywash dam (7.0 megalitres) (off-creek storage) and pump on 7/1016870, Parish of Yarralaw, County of Argyle for the conservation of water and water supply for stock and domestic purposes and irrigation of 5.0 hectares (olives) (new licence) (Dam in excess of MHRDC) (Ref:10SL56580) (GA2:493310).

Anthony Edmund Rundle COOTE for a pump on Reedy Creek and Mulloon Creek on 1/1046553, Parish of Fairy Meadow, County of Murray for water supply for stock and domestic, farming (dairy washdown), industrial (market garden vegetables) purposes and the irrigation of 20.0 hectares (improved pasture) (replacement licence - part replacing 10SL33479) (no increase in authorised area) (no increase in annual water entitlement) (not subject to the 2003 Shoalhaven River Catchment Embargo) (Ref:10SL56556) (GA2:493311).

Lewis Michael and Leone Kate CHINNICK for a pump on an unnamed watercourse on Pt Crown Road West of 57/755922, Parish of Coghill, County of St Vincent for water supply for stock and domestic purposes (new licence) (Not subject to the 2003 Shoalhaven River Catchment Embargo) (Ref:10SL56582) (GA2:493311).

STONELEIGH HOLDINGS PTY LIMITED for a pump on Mill Pond on Part 2//854374, Parish of Botany, County of Cumberland for water supply for recreation (landscaping) purposes (new licence) (Ref:10SL56594) (GA2:462879).

Martin Francis and Susan BYRNES for a pump on Macquarie Rivulet on 1//1050550, Parish of Jamberoo, County of Camden for water supply for domestic purposes (new licence) (Not subject to the 2003 Lake Illawarra Catchment embargo) (Ref:10SL56577) (GA2:462878).

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,
Natural Resource Project Officer,
Sydney/South Coast Region

Department of Infrastructure, Planning & Natural
Resources
PO Box 3720
PARRAMATTA NSW 2124

Department of Lands

GOULBURN OFFICE

159 Auburn Street (Po Box 748), Goulburn, Nsw 2580

Phone: (02) 4828 6725 Fax: (02) 4828 6730

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151 of the Act, 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 for Lands

SCHEDULE 1

*Parish: Crookwell; County: King;
Land District: Crookwell; Shire: Upper Lachlan*

DESCRIPTION: Crown road east of Lots 241, 240 and 289, DP 754108 and east of end road through Lot 240, DP 754108 (excluding the road through Lot 240)

SCHEDULE 2

Roads Authority: (Council's Ref: DA 55/02 kr:sp).

Reference: GB 02 H101.

GRIFFITH OFFICE

2nd Floor, Griffith City Plaza,

120-130 Banna Avenue (PO Box 1030), Griffith NSW 2680

Phone: (02) 6962 7522 Fax: (02) 6962 5670

REVOCATION OF RESERVE FROM SALE

ERRATUM

THE Notification of Revocation of Reserves from Sale (491) appearing in the *Government Gazette* of 14th October 1977, folio 4562 under the above heading is amended as follows:

The reference to Reserve No. 67900 should be deleted and Reserve No. 67980 inserted in lieu.

TONY KELLY, M.L.C.,
Minister for Lands

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra, NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to section 117 of the 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.P.,

Minister Assisting the Minister for Natural
Resources (Lands).

SCHEDULE 1

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Andrew McANESPIE Regional Manager Sydney/Hunter Crown Lands NSW Department of Lands	Bulli Pass Scenic Reserve Trust	Reserve No. 67711 Public Purpose: Public Recreation Notified: 1 July 1938 Locality: Bulli Pass File No: NA82 R 137

For a term of up to six months commencing from 16 August 2004.

NOTIFICATION OF CLOSING OF ROAD

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

TONY KELLY, M.L.C.,
Minister for Lands.

Land District: Metropolitan; LGA: Wollongong

Lot 720, DP 1069773 at Stanwell Park, Parish Southend and County Cumberland, NA03 H 211.

Note: On closing, the land remains vested in Wollongong City Council as "Operational land" (SU21029).

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****APPOINTMENT OF TRUST BOARD MEMBERS**

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Chris KATSOGIANNIS (new member)	March Community Centre Reserve Trust	Reserve No. 95765 Public Purpose: Community Purposes Notified: 8 January 1982 File Ref: OE82 R 55/3

For a term commencing this day and expiring 25 February 2009.

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 for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Paul FRIEND (new member) Colin NORRIS (new member) Graeme James HANDO (new member) Brian Ernest NAPTHALI (new member) Andrew Ian STRAHORN (re-appointment) Roslyn Mary SANT (re-appointment) Robert John AGNEW (re-appointment)	Peak Hill Showground Trust	Dedication No. 590055 Public Purpose: Showground Notified: 19 October 1894 File Ref: OE80 R 279/3

For a term commencing this day and expiring 29 July 2009.

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

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, MLC
 Minister for Lands

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Jane COULDUCK	Wingham	Dedication No. 610034
Lyn BOOTH	Showground Trust	Public Purpose:
James COULDUCK		Showground
Leith Hugh		Notified: 15 July 1884
COOMBES		File Ref: TE80 R 179/3
Dallas John WORTH (new members)		
James Alexander McCARTHY		
Mary Ann THORBURN (reappointments)		

For a term commencing 20 August 2004 and expiring 19 August 2009.

Department of Primary Industries

Agriculture

STOCK DISEASES ACT 1923

Notification No. 1787

Revocation of Quarantine Area

I, IAN MACDONALD, M.L.C., Minister of Primary Industries, pursuant to sections 3 (2) (a) and 10 of the Stock Diseases Act 1923, revoke Notification No. 1542 on account of Johne's disease published in *Government Gazette* No. 139 of 10 December 1999 at page 11776.

Dated this 19th day of July 2004

IAN MACDONALD, M.L.C.,
Minister of Primary Industries

Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(04-752)

No. 2395, MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), area of 110.9 square kilometres, for Group 9, dated 9 July, 2004. (Singleton Mining Division).

(04-577)

No. 2397, TRITTON RESOURCES LIMITED (ACN 100 095 494), area of 78 units, for Group 1, dated 19 July, 2004. (Cobar Mining Division).

(04-752)

No. 2398, WHITE MINING LIMITED (ACN 009 713 893), area of 110.9 square kilometres, for Group 9, dated 20 July, 2004. (Singleton Mining Division).

MINING LEASE APPLICATION

(03-671)

No. 248, ENHANCE PLACE PTY LIMITED (ACN 077 105 867), area of about 82 hectares, to mine for group 9, dated 13 July, 2004. (Orange Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATION

(T03-0108)

No. 2147, now Exploration Licence No. 6264, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Kennedy, Map Sheet (8532), area of 5 units, for Group 1, dated 5 July, 2004, for a term until 4 July, 2006.

(T03-0108)

No. 2147, now Exploration Licence No. 6265, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), Counties of Ashburnham and Kennedy, Map Sheet (8531, 8532), area of 42 units, for Group 1, dated 5 July, 2004, for a term until 4 July, 2006.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T04-0052)

No. 2314, HIBERNIA GOLD LIMITED (ACN 103 295 521), County of Phillip, County of Roxburgh and County of Wellington, Map Sheet (8832). Withdrawal took effect on 21 July, 2004.

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

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

(C89-0703)

Authorisation No. 416, COALEX PTY LTD (ACN 000 694 315) and CLARENCE COAL INVESTMENTS PTY LIMITED (ACN 003 772 174), area of 1651 hectares. Application for renewal received 21 July, 2004.

(T98-1093)

Exploration Licence No. 5514, GATEWAY MINING NL (ACN 008 402 391), area of 186 units. Application for renewal received 23 July, 2004.

(T99-0224)

Exploration Licence No. 5764, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), area of 32 units. Application for renewal received 19 July, 2004.

(T99-0226)

Exploration Licence No. 5765, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), area of 97 units. Application for renewal received 20 July, 2004.

(T02-0034)

Exploration Licence No. 5973, STRAITS EXPLORATION (AUSTRALIA) PTY LTD (ACN 061 614 695), area of 29 units. Application for renewal received 19 July, 2004.

(T02-0019)

Exploration Licence No. 5976, PARADIGM NSW PTY LTD (ACN 099 477 979), area of 46 units. Application for renewal received 9 July, 2004.

(T02-0016)

Exploration Licence No. 5980, PARADIGM NSW PTY LTD (ACN 099 477 979), area of 20 units. Application for renewal received 9 July, 2004.

(T02-0017)

Exploration Licence No. 5981, PARADIGM NSW PTY LTD (ACN 099 477 979), area of 15 units. Application for renewal received 9 July, 2004.

(T02-0021)

Exploration Licence No. 5983, ISOKIND PTY LIMITED (ACN 081 732 498), area of 11 units. Application for renewal received 23 July, 2004.

(T02-0024)

Exploration Licence No. 5985, HEEMSKIRK RESOURCES PTY LIMITED (ACN 085 881 232), area of 30 units. Application for renewal received 15 July, 2004.

(T02-0038)

Exploration Licence No. 5986, OMYAAUSTRALIA PTY LIMITED (ACN 001 682 533), area of 5 units. Application for renewal received 21 July, 2004.

(T02-0033)

Exploration Licence No. 5990, RIO TINTO EXPLORATION PTY LIMITED (ACN 000 057 125), area of 14 units. Application for renewal received 8 July, 2004.

(T03-0785)

Dredging Lease No. 1231 (Act 1906), SILVER ORCHID PTY LIMITED (ACN 001 429 769), area of 40.44 hectares. Application for renewal received 19 July, 2004.

(T03-0803)

Mining Lease No. 1131 (Act 1973), DESMA O'CONNOR and THOMAS POWER O'CONNOR, area of 1.99 hectares. Application for renewal received 18 June, 2004.

(Z04-1005)

Mineral Lease No. 3208 (Act 1906), BORAL LIMITED (ACN 008 421 761), area of 3642 square metres. Application for renewal received 23 July, 2004.

(Z04-1004)

Mineral Lease No. 3209 (Act 1906), BORAL LIMITED (ACN 008 421 761), area of 3.571 hectares. Application for renewal received 23 July, 2004.

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

RENEWAL OF CERTAIN AUTHORITY

NOTICE is given that the following authority has been renewed:

(T83-1374)

Exploration (Prospecting) Licence No. 1050, KENNETH GARRY KEMLO, County of Hardinge, Map Sheet (9138), area of 4 units, for a further term until 22 October, 2005. Renewal effective on and from 15 July, 2004.

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

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T03-0123)

Mining Lease No. 1110 (Act 1973), MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), Parish of Stowell, County of Gloucester, Map Sheet (9232-2-N), area of 17.9 hectares. Cancellation took effect on 23 July, 2004.

(T03-0123)

Mining Lease No. 1111 (Act 1973), MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), Parish of Stowell, County of Gloucester, Map Sheet (9232-2-N), area of 13.22 hectares. Cancellation took effect on 23 July, 2004.

(T03-0123)

Mining Lease No. 1198 (Act 1973), MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), Parish of Stowell, County of Gloucester, Map Sheet (9232-2-N), area of 6896 square metres. Cancellation took effect on 23 July, 2004.

(T03-0123)

Mining Lease No. 1413 (Act 1992), MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), Parish of Stowell, County of Gloucester, Map Sheet (9232-2-N), area of 3.504 hectares. Cancellation took effect on 23 July, 2004.

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

Roads and Traffic Authority

ROADS ACT 1993

Order – Sections 46, 49, 54 and 67

Liverpool Plains and Upper Hunter Shire Council areas

Dedication of Land as Public Road and Declaration
as a Controlled Access Road of Parts of the New
England Highway at Ardglen and Murrurundi.

I, the Acting Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a controlled access road the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

DAVID CAMPBELL, M.P.,
Acting Minister for Roads

SCHEDULE 1

ALL those pieces or parcels of land situated in the Liverpool Plains Council area, Parish of Temi and County of Buckland shown as Lots 37, 38 and 39 Deposited Plan 870732.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown on RTA Plan 0009 303 AC 0939.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Liverpool Plains Council area, Parish of Temi and County of Buckland shown as:

Lots 26 to 42 inclusive Deposited Plan 831574;

Lots 14 to 23 inclusive Deposited Plan 831577;

Lots 3 to 7 inclusive Deposited Plan 836292;

Lots 12 to 17 inclusive Deposited Plan 879954; and

Lots 26, 28, 29, 31, 33, 35 and 36 Deposited Plan 870732.

ALSO ALL those pieces or parcels of land situated in the Upper Hunter Shire Council area, Parish of Murrurundi and County of Brisbane shown as:

Lot 2 Deposited Plan 1019316; and

Lot 2 Deposited Plan 850607.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown on RTA Plan 0009 303 AC 0939.

SCHEDULE 3

ALL those pieces or parcels of public road situated in the Liverpool Plains Council area, Parish of Temi and County of Buckland shown as:

an area of 10.01 hectares shown on sheets 1, 2 and 3 of Deposited Plan 831574;

Lot 1 Deposited Plan 227781;

areas of 2.28 hectares and 23 square metres shown on sheet 2 of Deposited Plan 831577;

an area of 1.068 hectares shown on sheet 1 of Deposited Plan 836292;

Lots 11, 18, 19 and 20 Deposited Plan 879954; and

Lots 27, 30, 32 and 34 Deposited Plan 870732.

ALSO ALL that piece or parcel of public road situated in the Upper Hunter Shire Council area, Parish of Murrurundi and County of Brisbane shown as Lot 3 Deposited Plan 1019316.

The above Lots and areas are all shown on RTA Plan 0009 303 AC 0939.

SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F;

between the points G and H; and

between the points J and K; all shown on RTA Plan 0009 303 AC 0939.

(RTA Papers 9/303.1166)

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

Notice of Compulsory Acquisition and Dedication as Public
Road of Land at Jones Island in the
Greater Taree 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 Schedules 1 and 2 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 described in Schedule 2 as Public Road under Section 10 of the Roads Act 1993.

T D CRAIG,
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE 1

ALL that piece or parcel of land situated in the Greater Taree City Council area, Parish of Cundle and County of Macquarie, shown as Lot 50 Deposited Plan 1064693, being part of the land resumed for wharf site and approaches by notifications in the Government Gazette of 15 May 1888 on page 3392 and the Government Gazette of 15 February 1889 on page 1248.

SCHEDULE 2

ALL that piece or parcel of land situated in the Greater Taree City Council area, Parish of Cundle and County of Macquarie, shown as Lot 54 Deposited Plan 1064693, being part of the land resumed for wharf site and approaches by notifications in the Government Gazette of 15 May 1888 on page 3392 and the Government Gazette of 15 February 1889 on page 1248.

Lots 50 and 54 Deposited Plan 1064693 are said to be in the possession of the Department of Commerce.

(RTA Papers 2M3352)

ROADS ACT 1993

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

GOSFORD CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PETER WILSON,
General Manager,
Gosford City Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Gosford City Council B-Doubles Notice No 1/2004

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 January 2010 unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Gosford City Council area.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>
25	000	Pacific Highway Somersby	Pile Road, Somersby	Lot 2 DP 786343 Pacific Highway Somersby

ROADS ACT 1993

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

GOSFORD CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PETER WILSON,
General Manager,
Gosford City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Gosford City Council B-Doubles Notice No 2/2004

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 January 2010 (date) unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Gosford City Council area.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>
25	000	Wisemans Ferry Road Somersby	Pacific Highway Somersby	Somersby Falls Road Somersby
25	000	Somersby Falls Road Somersby	Wisemans Ferry Road Somersby	Lot 1, DP 510364 Somersby Falls Road Somersby

ROADS ACT 1993

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

AUBURN COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, ("the Regulation") by this Notice, specify the routes and areas on or in which B-Doubles (as defined in the Dictionary of the Regulation) which do not exceed 4.3 metres in height may be used subject to any requirements or conditions set out in the Schedule.

RAY BROWNLEE,
General Manager,
Auburn Council
(by delegation from the Minister for Roads)

13 July 2004

SCHEDULE
1. Citation

This Notice may be cited as the Auburn Council B-Doubles Notice No. 7/2004.

2. Commencement

This Notice takes effect on the date of the gazettal.

3. Effect

This Notice remains in force until 31 December 2004 unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Auburn Council area.

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	Chisholm Road	Wellington Road	Manchester Road

ROADS ACT 1993

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

CESSNOCK CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Colin Cowan
General Manager

Cessnock City Council

(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Cessnock City Council B-Doubles Notice No 1 - 2004

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force unless it is amended or repealed

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Cessnock City Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
19	000	West Street, Greta	New England Highway	Branxton Street	
19	000	Branxton Street, Greta	West Street	Hollingshed Street	
19	000	Hollingshed Street, Greta	Branxton Street	Cessnock / Singleton Boundary	
19	000	Gingers Lane, Weston	Government Road	Reynolds farm entrance	
19	000	Averys Lane, Cliftleigh	Main Road (MR195)	Elliott farm entrance	
19	000	Sandy Creek Road, Mulbring	Branxton to Toronto Road (MR220)	Lewis farm entrance	
19	000	Vincent Street, Cessnock then via Quorrobolong Road	Aberdare Road (MR220)	Kauters private access road	

Other Notices

APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Boating Services.

Citation

The order is cited as the Boating Services Order.

Order

A summary of the Order is given below.

(a) Term of Training

(i) Full-time

Training shall be given for a nominal term of:

<i>Qualification</i>	<i>Nominal Term</i>
All Certificate II	12 months
Certificate III (trainee holds Certificate II in same qualification)	12 months
Certificate III (direct entry)	24 months
Certificate IV (trainee holds Certificate III in same qualification)	12 months
Certificate IV (direct entry)	36 months

or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

(ii) Part-time

The nominal term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44	Not Allowable			
17	14	28	42	Not Allowable			
18	14	27	41	Not Allowable			
19	13	26	39	Not Allowable			
20	13	25	38	Not Allowable			
21	12	24	36	48	Not Allowable		
22	12	23	35	46	Not Allowable		
23	11	22	33	44	55	Not Allowable	
24	11	21	32	42	53	Not Allowable	
25	10	20	30	40	50	60	Not Allowable
26	10	19	29	38	48	57	Not Allowable
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National Boating Services Competency Standards.

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

- Certificate II in Boating Services MEM20303
- Certificate III in Boating Services MEM30703
- Certificate IV in Boating Services MEM40203

Availability for Inspection

A copy of the Vocational Training Order may be inspected at any State Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

CO-OPERATIVES ACT 1992

Notice Under Section 601aa of the Corporations Law as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

NETURAL BAY MAIN STREET CO-OPERATIVE LIMITED

Dated this twenty third day of July 2004.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

Newcastle	10.00 am	13 September 2004 (1 week) In lieu of 20 September 2004 (1 week)
Newcastle	10.00 am	25 October 2004 (0 weeks) In lieu of 25 October 2004 (1 week) Sitting Cancelled
Taree	10.00 am	18 October 2004 (2 weeks) in lieu of 11 October 2004 (3 weeks)

Dated this 21st day of July 2004.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its Civil jurisdiction at the place and time shown as follows:

Newcastle (Mining)	10.00 am	23 August 2004 (0 weeks) In lieu of 23 August 2004 (1 week) Sitting Cancelled
Newcastle (Mining)	10.00 am	13 September 2004 (1 week) In lieu of 20 September 2004 (1 week)
Newcastle (Mining)	10.00 am	25 October 2004 (0 weeks) In lieu of 25 October 2004 (1 week) Sitting Cancelled

Dated this 21st day of July 2004.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

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:

Bathurst	10.00 am	15 November 2004 (1 week) in lieu of 22 November 2004 (1 week)
Gosford	10.00 am	29 November 2004 (2 weeks) In lieu of 1 November 2004 (3 weeks)
Lismore	10.00 am	15 June 2004 (2 weeks) Special Fixture
Newcastle	10.00 am	21 June 2004 (0 weeks) In lieu of 21 June 2004 (1 week) Sitting Cancelled
Newcastle	10.00 am	23 August 2004 (0 weeks) In lieu of 23 August 2004 (1 week) Sitting Cancelled

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Albury	10:00 am	23 August 2004 (2 weeks) In lieu of 23 August 2004 (3 weeks)
Albury	10.00 am	15 November 2004 (2 weeks) In lieu of 15 November 2004 (3 Weeks)
Coonamble	10.00 am	9 August 2004 (1 week) In lieu of 9 August 2004 (3 weeks)
Goulburn	10.00 am	1 November 2004 (0 weeks) In lieu of 1 November 2004 (2 weeks) 2 Week sitting cancelled
Inverell	10.00 am	1 November 2004 (1 week) In lieu of 25 October 2004 (2 weeks)
Moree	10.00 am	2 August 2004 (2 weeks) In lieu of 2 August 2004 (3 weeks)
Moree	10.00 am	1 November 2004 (2 weeks) In lieu of 1 November 2004 (3 weeks)
Parkes	10.00 am	23 August 2004 (1 week) In lieu of 23 August 2004 (2 weeks)
Parkes	10.00 am	11 October 2004 (1 week) In lieu of 11 October (2 weeks)
Queanbeyan	10.00 am	2 August 2004 (2 weeks) In lieu of 2 August 2004 (3 weeks)

Dated this 21st day of July 2004.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Port Macquarie	10:00 am	30 August 2004 (2 weeks)
Port Macquarie	10.00 am	5 October 2004 (3 weeks) In lieu of 11 October 2004 (2 weeks)
Port Macquarie	10.00 am	29 November 2004 (3 weeks) In lieu of 6 December 2004 (2 weeks)
Tamworth	10.00 am	13 September 2004 (3 weeks) In lieu of 13 September 2004 (2 weeks)
Tamworth	10.00 am	1 November 2004 (3 weeks)
Taree	10.00 am	29 November 2004 (3 weeks)

Dated this 21st day of July 2004.

R. O. BLANCH,
Chief Judge

DORMANT FUNDS ACT 1942

In the Dormant Fund known as Stewarts Brook
Union Church

NOTICE IS HEREBY GIVEN that proposals have been formulated under the Dormant Funds Act 1942, in relation to the above Fund and that a copy of such proposals may be inspected at the office of the Commissioner, Public Trust Office, 19 O'Connell Street, Sydney. Any person interested in the administration, utilisation or application of the said Dormant Fund may on or before the 5th day of September 2004 deliver or send to the Commissioner at 19 O'Connell Street, Sydney, a request in writing that the proposal be referred by the Commissioner to the Charity Referees. Such request must state an address for service of Notices on the person by whom the request is made.

DATED at Sydney this 22nd day of July 2004.

P. J. WHITEHEAD,
Commissioner of Dormant Funds

Office of the Commissioners of Inquiry for
Environment and Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Notice of Commission of Inquiry

Proposed Gas Fired Electricity Generating Power
Station at Uranquinty, Wagga Wagga Local
Government Area

PURSUANT to Section 119 of the Environmental Planning and Assessment Act 1979 the Honourable Craig Knowles MP, Minister for Infrastructure and Planning and Minister for Natural Resources directed that a Commission of Inquiry be held into all environmental aspects of the proposal by Wambo Power Ventures Pty Limited for a 600MW open-cycle gas-fired electricity generating power station and ancillary

infrastructure at Uranquinty Cross Road, Uranquinty on Lot 76, DP 754573 and Lot 782, DP 878179 in the Parish of Yarragundry, County of Mitchell, Wagga Wagga Local Government Area (DA-31-2-2004-i).

The Minister has appointed Commissioner Kevin Cleland, Deputy Chairperson to constitute the Commission of Inquiry. The Commissioners of Inquiry are independent of Government and its departments/agencies and Council.

The Minister will determine the matter after considering the findings and recommendations of the Commission of Inquiry. Each party appearing before the Commission will be advised of the Commission's findings and recommendations.

HEARING SESSIONS: Public hearing sessions will commence at the Wagga Wagga City Historic Council Chambers, Bayliss and Morrow Streets, Wagga Wagga at 9:30am, Tuesday 7 September, 2004. The Commission will be conducted in two sessions and will be open to the public. The first session is for parties to present relevant information relating to the proposal contained in their primary submissions. The second session (date to be advised at first session) is for the purpose of enabling parties to present submissions in reply summing up their primary submissions and/or responding to submissions made by other parties at the first session.

LODGING SUBMISSIONS AND REGISTERING FOR APPEARANCE: Persons seeking to make a submission to the Commission of Inquiry are required to register by sending **FOUR COPIES** of their primary submission in writing, together with any supporting submissions to the Office of the Commissioners of Inquiry (GPO Box 3415, Sydney 2001) by 2:00pm, Tuesday 24 August, 2004.

All submissions to the Commission are public documents and will be placed on public exhibition unless confidentiality is requested and upheld by the Commission.

Please indicate in your submission if you wish to appear before the Commission of Inquiry and the estimated time you require to present your submission.

INSPECTING DOCUMENTS: Any person may inspect the Development Application, Environmental Impact Statement and other relevant documents from 2:00pm, Wednesday 28 July 2004 and submissions to the Commission from 2:00pm, Friday 27 August 2004 at the following locations:

- Office of the Commissioners of Inquiry, Level 13, 301 George Street, Sydney;
- Wagga Wagga City Library, Bayliss and Morrow Streets, Wagga Wagga (call 6926 9700 for hours of opening); and
- Uranquinty Post Office and General Store, 28 Morgan Street, Uranquinty.

QUESTIONS AND RESPONSES: Procedures and timing for lodging written questions and receiving responses will be determined during the first session of the Commission.

Further information on the preparation of submissions and conduct of the Commission of Inquiry is available on the Internet at <http://www.coi.nsw.gov.au> or from Mr Paul Freeman on (02) 9299 2904.

PAUL FREEMAN,
Registrar

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Amend Address Locality
Boundaries and Discontinue Address Locality
Names within Gunnedah Shire

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the locality boundaries between Blue Vale, Boggabri, Breeza, Caroon, Carroll, Curlewis, Emerald Hill, Ghoolendaadi, Goolhi, Gunnedah, Keepit, Kelvin, Marys Mount, Mullaley, Piallaway, Premer, Rangari, Spring Ridge, Tambar Springs, The Pilliga, Wean and Willala, as shown on map GNB3769/A.

SUBSEQUENT to the determination of boundaries for the above address localities, under section 14 of the Geographical Names Act 1966, the Geographical Names Board proposes to discontinue the address locality names Basin Plain, Burburgate, Coocooboonah, Gulligan, Gunnembene, Meermaul, Milroy, Nea, Noggabri, Orange Grove, Pullaming and Weetaliba. These names will be retained in the Geographical Names Register with the status Discontinued.

The map GNB3769/A may be viewed at Gunnedah Shire Council Administration Building, Gunnedah Library, Curlewis PO, Mullaley PO and the office of the Geographical Names Board, Land and Property Information, PO Box 143, Bathurst NSW 2795.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

LOCAL GOVERNMENT ACT 1993

Erratum

THE Special Report and Determination on the categorisation of new and reconstituted councils, published on pages 3792 to 3794 in the 18 June 2004 edition of the *Government Gazette* is amended as follows:

Determination No. 1

From the list of Councils "...removed from the Determination with effect from the proclamation date;

Add	Proclamation Date
<i>Council</i>	
Clarence River	25/2/2004
Lower Clarence	25/2/2004
Omit	
Gunnedah	17/3/2004

Determination No. 2**Category S4**

Omit the following County Councils from the Category.

Clarence River
Lower Clarence

The Honourable CHARLES L. CULLEN, Q.C.,
Local Government Remuneration Tribunal

LOCAL GOVERNMENT ACT 1993

Cancellation of Registration of Parties

IT is hereby notified that pursuant to the Local Government Act 1993 that the registration of MAX BOYD GROUP party is cancelled.

COLIN BARRY,
Electoral Commissioner

State Electoral Office
Level 20, 207 Kent Street
Sydney 2000

15 July 2004

**OCCUPATIONAL HEALTH AND SAFETY
REGULATION 2001**

Occupational Health and Safety (Exemption –
Tractors Fitted with Loadshifting Attachments)
Order 2004 No. 1

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to Clause 348 of the Occupational Health and Safety Regulation 2001 (the Regulation), make the following Order [Exemption Register No 005/04].

Dated this 29th day of March 2004

JON BLACKWELL,
Chief Executive Officer
WorkCover Authority

Occupational Health and Safety (Exemption – Tractors
Fitted with Loadshifting Attachments) Order 2004 No. 1

1. Name of Order

This Order is the Occupational Health and Safety (Exemption – Tractors Fitted with Loadshifting Attachments) Order 2004 No. 1.

2. Commencement and duration of Order

- (1) This Order commences on the date of its publication in the Gazette.
- (2) This Order remains in force for five years from the date of its commencement.

3. Application of Order

This Order applies to work carried out before, on or after the date of commencement of this Order.

4. Exemption

- (1) The requirements of clause 270 of the Occupational Health and Safety Regulation 2001 do not apply to any person:
 - (a) performing work, or
 - (b) employing, directing or allowing another person to do work,
 using plant of a kind specified in Schedule 1 to this Order, for the purposes and in the circumstances set out in that Schedule.
- (2) The exemption in subclause (1) is subject to the conditions set out in Schedule 2 to this Order.

- (3) The exemption in subclause (1) does not apply to persons using commercially manufactured loadshifting plant such as forklift trucks, front-end loaders or backhoes.

Schedule 1 Extent of exemption

(clause 4 (1))

1.1 Specified plant

The exemption applies to tractors fitted with attachments that enable the tractor to be used as a front-end loader, backhoe or forklift (referred to as specified plant).

1.2 Specified purposes

The exemption applies to the use of the specified plant for the purposes of loadshifting in agriculture within the rural industry.

1.3 Definition

For the purposes of this Schedule, agriculture within the rural industry:

- (a) includes work carried out at workplaces encompassing an area of land used predominantly for the production of stock or animal products (such as milk or wool), rearing livestock or growing crops, including farms, orchards, vineyards, market gardens and forestry; and
- (b) does not include work carried out at workplaces processing or storing agricultural products, or work carried out by persons providing services to agriculture.

Schedule 2 Conditions of exemption

(clause 4 (2))

2.1 The controller of specified plant must:

- (a) ensure the tractor is only used by persons authorised by the controller (authorised persons);
- (b) instruct authorised persons in the safe use of the tractor;
- (c) ensure that any hazards identified with the use of the tractor have been assessed and adequately controlled and authorised persons are advised of these controls;
- (c) be satisfied that authorised persons can be relied upon to operate the tractor without placing the health and safety of themselves or others at risk; and
- (d) ensure authorised persons are made aware of the application and limitations of this Order.

2.2 Authority to use a tractor under clause 2.1 (a) of this Schedule may only be granted to a person who is:

- (a) 18 years of age or older; and
- (b) able to communicate to a level that enables them to perform their duties safely.

2.3 An authorised person must observe safe practices at all times while operating the tractor the person is authorised to use. The authorised person must take action to prevent any person being placed at risk because of the use of the tractor.

2.4 All other requirements of the Occupational Health and Safety Regulation 2001 continue to apply and must be complied with while the exemption provided in this Order is in force.

Explanatory note

Clause 348 of the Occupational Health and Safety Regulation 2001 ('the Regulation') provides that WorkCover may, by order published in the Gazette, exempt a class of persons or things from a specified provision of the Regulation. Clause 270 of the Regulation requires persons doing scheduled work (which includes the use of loadshifting machines) to hold a certificate of competency or recognised qualification.

This Order exempts from the requirements of clause 270:

- persons doing work, and
- persons employing, directing or allowing other persons to do work,

using tractors fitted with attachments that enable the tractor to be used as a front-end loader, backhoe or forklift for the purposes of loadshifting in agriculture within the rural industry.

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 DAVID THOMAS BADDAMS 37 Pages Lane TAMWORTH NSW 2340	22 July 2004

PUBLIC WORKS ACT 1912 LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Compulsory Acquisition

Clarence Valley and Coffs Harbour Regional Water
Supply

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for an authorised work.

On publication of this notice in the *Government Gazette* the interest in land is vested in the Minister for Energy and Utilities as Constructing Authority under section 4 of the Public Works Act, 1912.

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

SCHEDULE
INTEREST IN LAND

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1052956 (SB55422) as:

'(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 119 in Deposited Plan 752828

DoC Reference 219

ROADS ACT 1993

ERRATUM

IN the notification published in *Government Gazette* No. 124 dated 23 July 2004 on page 6077 for the dedication of land at Chullora as a public road by the Roads Act 1993 in the fifth and sixth lines in the preamble the words "the State Rail Authority of New South Wales" should have read "Rail Corporation New South Wales".

PROFESSOR MARIE BASHIR, A.C.
Governor of the State of New South Wales

By Her Excellency's Command

MICHAEL COSTA,
Minister for Transport Services

GOD SAVE THE QUEEN

RURAL FIRES ACT 1997

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

- Far South Coast Zone Incorporating:
Bega Local Government Area
Eurobodalla Local Government Area
- Shoalhaven District Incorporating:
Shoalhaven Local Government Area
- Macarthur Zone Incorporating:
Camden Local Government Area
Campbelltown Local Government Area
Liverpool Local Government Area
- Wingecarribee District Incorporating:
Wingecarribee Local Government Area
- Hawkesbury District Incorporating:
Hawkesbury Local Government Area
- Hornsby and Ku-ring-gai District Incorporating:
Hornsby Local Government Area
Ku-ring-gai Local Government Area
- Illawarra Team Incorporating:
Kiama Local Government Area
Shellharbour Local Government Area
Wollongong Local Government Area
- Gosford District Incorporating:
Gosford Local Government Area
- Warringah-Pittwater District Incorporating:
Warringah Local Government Area
Pittwater Local Government Area

- Greater Taree Incorporating:
Greater Taree Local Government Area
- Lake Macquarie District Incorporating:
Lake Macquarie Local Government Area
- Sutherland District Incorporating:
Sutherland Local Government Area
- Cumberland Zone Incorporating:
Blacktown Local Government Area
Fairfield Local Government Area
Penrith Local Government Area
- Northern Tablelands Team Incorporating:
Inverell Local Government Area
Severn Local Government Area
Tenterfield Local Government Area
Glen Innes Local Government Area
- Northern Rivers Team Incorporating:
Kyogle Local Government Area
Lismore City Council Local Government Area
Richmond Valley Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 August 2004 until 30 September 2004.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

MARK CROSWELLER,
Assistant Commissioner,
Executive Director Operations
and Regional Management
Delegate

RURAL FIRES ACT 1997

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

- Wyang District Incorporating:
Wyang Local Government Area
- Upper Hunter Zone Incorporating:
Muswellbrook Local Government Area
Singleton Local Government Area
- Lower Hunter Zone Incorporating:
Dungog Local Government Area
Port Stephens Local Government Area
Great Lakes Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 August until 30 September 2004.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

BRUCE McDONALD,
Acting Assistant Commissioner,
Acting Executive Director Operations
and Regional Management
Delegate

RURAL FIRES ACT 1997

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Gloucester District Incorporating;
Gloucester Local Government Area

The Local Bush Fire Danger period has been extended for the period 15 July 2004 until 30 September 2004.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

BRUCE McDONALD,
Acting Assistant Commissioner,
Acting Executive Director Operations
and Regional Management
Delegate

RURAL FIRES ACT 1997

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

New England Team Incorporating:
Guyra Local Government Area
Walcha Local Government Area
Uralla Local Government Area
Armidale Dumaresq Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 August until 30 September each year.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

BRUCE McDONALD,
Acting Assistant Commissioner,
Acting Executive Director Operations
and Regional Management
Delegate

RURAL FIRES ACT 1997

PURSUANT to section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Mid North Coast Zone Incorporating;
Coffs Harbour Local Government Area
Bellingen Local Government Area
Far North Coast Team, Incorporating;
Ballina Local Government Area
Byron Local Government Area
Tweed Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 September until 30 September each year.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

BRUCE McDONALD,
Acting Assistant Commissioner,
Acting Executive Director Operations
and Regional Management
Delegate

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5
Sporting Injuries Committee

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

NSW Underwater Hockey Commission

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Underwater Hockey.

Dated: 28 July 2004

JON BLACKWELL,
Chairperson

TOTALIZATOR ACT 1997

Notice of Approval

Fixed Odds Group Race Betting by Tab Limited

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, hereby give my approval, in accordance with section 13 of the Totalizator Act 1997, to TAB Limited conducting fixed odds "futures" win and place betting and multiples betting up until 30 minutes prior to the advertised start time of the first race of the race meeting at which the relevant fixed odds betting race (or first leg of a multiples bet) is to be conducted, in both cases being restricted to:

- Australian group 1, 2 and 3 status thoroughbred racing, harness racing and greyhound racing events;
- "Listed" status Sydney and Melbourne metropolitan thoroughbred racing events; and
- Major group status (or equivalent) thoroughbred racing, harness racing and greyhound racing events held outside of Australia. Subject to the written approval of the NSW controlling body of the relevant code of racing and Ministerial approval.

This Notice of Approval takes effect on 1 August 2004 and supersedes the Notice published in the Gazette on 5 September 2003.

Dated at Sydney this 29th day of July 2004.

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

TOTALIZATOR ACT 1997

TAB Limited Fixed Odds Racing (Futures) Betting Rules – Amendment

IN accordance with the provisions of section 54(1) of the Totalizator Act 1997, the Minister for Gaming and Racing has approved of the following amendment to the TAB Limited Fixed Odds Racing (Futures) Betting Rules:

Rule 4.5 is deleted and replaced by the following new rule:

4.5 Effective from 1 August 2004, fixed odds racing (futures) betting (win and place) may be conducted by TAB up until 30 minutes prior to the advertised start time of the first race of the race meeting at which the relevant fixed odds betting race is to be conducted. Multiple betting may be conducted up until 30 minutes prior to the advertised start time of the first race of the race meeting at which the first leg of the relevant multiple bet is to be conducted.

TRANSPORT ADMINISTRATION ACT 1988

ERRATUM

IN the notification published in *Government Gazette* Number 120 dated 16th July 2004 on page 5999 for the compulsory acquisition of land at Chullora by the Transport Administration Act 1988 in the second line of the third heading the words “the State Rail Authority of New South Wales” should have read “the Transport Administration Act 1988” also in the first line of the preamble the words “THE State Rail Authority of New South Wales” should read “Rail Corporation New South Wales” and also in the second last line of the preamble the words “the State Rail Authority, as authorised by” should be deleted.

VINCE GRAHAM,
Chief Executive Officer

PASSENGER TRANSPORT (BUS SERVICES) REGULATION 2000

Guidelines for Managing School Students' Behaviour on Buses

Pursuant to clause 47A (2) of the Passenger Transport (Bus Services) Regulation 2000

1. Introduction

The Code of Conduct and associated Guidelines for Managing School Students' Behaviour on Buses have been developed to make clear to students and parents/carers the standards of behaviour expected when students travel on buses. They aim to ensure the safety and well being of school children, other bus passengers and road users. These guidelines are consistent with the objectives of the Occupational Health and Safety Act 2000.

In addition, these guidelines set out the responsibilities and requirements of bus operators, drivers and authorised officers of the Ministry of Transport (Ministry) in relation to school children who behave in an unacceptable manner when travelling on buses. The guidelines identify categories of misbehaviour and establish appropriate periods where bus operators may refuse travel in response to breaches of the Code of Conduct.

These guidelines have been developed through consultation with the Bus and Coach Association, State Transit Authority, NSW Department of Education and Training, NSW Principals Association, NSW Secondary Principals Council, Federation of Parents and Citizens Associations of NSW, Catholic Education Commission, Council of Catholic School Parents, NSW Parents Council, Federation of School Community Organisations, NSW Association of Independent Schools, Isolated Children's Parents' Association of NSW, Transport Workers Union, Rail, Tram and Bus Union, and NSW Police.

These guidelines form the basis upon which bus operators must develop their own procedures relevant to their operational practices in relation to the issuing of student travel passes and interim passes (Reference to a “student travel pass” includes a “Tcard” or “interim travel notice” issued to the student).

The Code of Conduct applies to all children enrolled in a government or non-government school, registered under the Education Act 1990, and its associated guidelines also apply to bus drivers and operators.

In many areas across the State effective arrangements are already in place between bus operators and school principals to ensure cases of misbehaviour on buses are dealt with promptly and appropriately. While there is no intention to override these arrangements, involvement in managing misbehaviour on buses should be generally consistent with the Code of Conduct and the associated guidelines. It is recognised that bus operators and school principals may choose to delegate their responsibilities to a nominated officer in their company or school.

In circumstances where an incident of misbehaviour occurs and a bus driver or operator considers it appropriate to revoke the student's subsidised travel pass, the bus driver or operator is obliged to issue the student with an interim pass, valid for a minimum of seven days (one week). The interim pass is issued in order to provide sufficient time for all relevant parties to comply with the notification process outlined in these guidelines. However, in areas where travel passes are not used, the student will be put on notice verbally or in writing that their behaviour is under review.

The guidelines and penalties do not remove any right of a school principal to take action against a student under the school's discipline code or student welfare policy.

The Ministry will support actions taken in line with the guidelines for dealing with inappropriate behaviour outlined in Section 6 of this document.

2. Students' Code of Conduct

The following Code of Conduct appears on the School Student Transport Scheme (SSTS) application form and sets out acceptable standards of behaviour for students travelling on buses. Students are expected to follow these simple rules for the safety of themselves and others travelling on buses. Disobeying these rules may lead to the withdrawal of travel passes for subsidised travel and may even lead to prosecution action.

CODE OF CONDUCT FOR SCHOOL STUDENTS ON BUSES

To ensure their safety and the comfort of other passengers students will:

- behave safely at all times
- respect the needs and comfort of other passengers
- behave appropriately at all times (eg no use of offensive language, fighting, spitting, placing feet on seats or throwing things in or from the bus)
- protect bus property and report any vandalism
- show their travel passes or tickets to the driver on boarding and when requested
- only use the travel pass for its intended purpose
- maintain possession of the travel pass at all times
- follow the driver's instructions about safety on the bus (eg instructions on where to sit)
- adhere to the law that bans smoking on buses
- only eat or drink (other than water) on the bus with the written permission of the bus operator
- keep arms, legs and other parts of their bodies inside the bus
- only attract the attention of the driver in the case of an emergency.

Students and parents/carers should take note of the following:

- If students have reasons to believe that they have been treated inappropriately by bus drivers, they can raise the issue with their parents who can take it up with the bus operator or the Ministry for investigation.
- A student in possession of a subsidised travel pass is required to display it each time he/she travels and at the request of drivers or bus inspectors.
- As part of the process following a breach of the Code of Conduct, students may be required to forfeit their subsidised travel pass.
- Depending on the gravity of the offence, students may be refused travel on the bus for a period of time as determined by the bus operator and in accordance with the appropriate procedures.
- Bus operators/drivers are required to comply with occupational health and safety requirements and will take action if the behaviour of a student puts others at risk. Such action may include nominating the area in which a student should be seated for the journey.
- Where closed circuit television is installed in buses, it can be used to substantiate claims of breach of the Code of Conduct.
- If students are refused travel, parents/carers will need to make alternative travel arrangements and to meet any costs of that transport. Parents/carers are not eligible for the Ministry's Private Vehicle Conveyance Scheme under such circumstances.

3. Roles and responsibilities

3.1 Parents/carers

Parents/carers are responsible for:

- ensuring that their child understands the Code of Conduct (The Code of Conduct for students is printed on the SSTS application form. In signing the form the parent

or carer explicitly declares that they support the Code and that it has been explained to their child.)

- communicating with the bus operator and school principal to discuss their child's misbehaviour and its consequences if the child's behaviour has breached the Code of Conduct and the operator has requested a meeting.

Parents/carers should be aware that:

- a bus driver may not deny any child travel on a bus without the operator first notifying the child's parents/carers, the school principal and the Ministry of the decision in writing
- where a travel pass has been suspended, the bus operator will decide and advise parents/carers of the arrangement to reclaim the travel pass at the close of the suspension period
- if they have questions about any decisions made by bus operators in responding to student misbehaviour, they should take the matter up with the operator concerned
- they may ask a bus operator to review a decision to refuse travel to their child if a change in the child's behaviour can be demonstrated
- if they remain dissatisfied with the operator's decision, they may contact the nearest office of the Ministry as listed at the end of this document. (A flow-chart outlining the Ministry's complaint handling procedures can be viewed on page 15.)

3.2 School principals (or delegates)

School principals play a key role in advising students of their responsibilities under the Code of Conduct and of the consequences of breaching the Code.

School principals can assist by:

- supplying parents/carers' contact details to bus operators when parental consultation is necessary
- providing assistance in managing breaches of the Code of Conduct in consultation with the relevant bus operator and parent/carers.

3.3 The Ministry

The Ministry is responsible for the following:

- developing the Code of Conduct for student behaviour on buses in consultation with school organisations, transport operators, parents groups and bus drivers' representatives
- investigating complaints from parents/carers who are dissatisfied with penalties imposed on their child by bus operators
- reviewing any such complaint on its own merits with due consideration to factors, such as the school's record of the student's behaviour, procedural fairness, the circumstances of a breach of the Code of Conduct and compliance with relevant statutory requirements.

The Ministry may:

- disallow the student to travel on a bus where the Code of Conduct has been breached
- review any penalty imposed by a bus operator, including the temporary or permanent refusal of travel on a bus service.

3.4 Bus drivers

Bus drivers are responsible for:

- driving in a safe manner and taking reasonable care for the safety of all passengers in accordance with the provisions of the Occupational Health and Safety Act 2000
- complying with the bus driver authority conditions and the requirements of the Passenger Transport (Bus Services) Regulation 2000, which includes behaving with civility and propriety towards any passenger
- following the procedures established by their operator where a student breaches the Code of Conduct, including:
 1. obtaining the student's name and school either by requesting the student to show their travel pass or directly from the student if no travel pass is issued
 2. verbally cautioning any student who has misbehaved when travelling on buses
 3. reporting breaches of the Code of Conduct to the bus operator or their delegate (This may involve recording the incident as part of the driver's own record or reporting it to the bus operator for follow-up when repeated attempts by the driver to control misbehaviour have been unsuccessful, or when one incident of misbehaviour is considered serious.)
 4. issuing the interim pass in place of the subsidised travel pass where the bus operator has in place a system of interim passes (The interim pass allows the student to continue to travel at no charge for a minimum of seven days (one week) pending consultation with the operator and parents/carers. A driver may only confiscate a subsidised travel pass if an interim pass is issued in lieu, *except* in cases where the behaviour is highly dangerous or life threatening.)

or

advising the student that his/her behaviour is under review where travel passes are not in use
 5. contacting police and/or the bus operator in an extreme situation and awaiting instructions by way of telephone or radio
- contacting the bus operator for clarification of correct procedures if the driver has any uncertainty in relation to student misbehaviour
- considering nominating the area that a student is to be seated (where students have acted inappropriately)
- allowing all students to receive subsidised travel even if they have lost or forgotten their subsidised travel pass, except when directed by the bus operator pursuant to the established procedures.

3.5 Bus operators

Bus operators are responsible for:

- providing a safe work place for the driver in accordance with the provisions of the Occupational Health and Safety Act 2000
- providing their drivers with training in ensuring that passengers are not unduly exposed to risks while travelling on their buses in accordance with the provisions of the Occupational Health and Safety Act 2000
- establishing a set of procedures in accordance with the guidelines (Section 6) provided by the Ministry for

drivers to manage school students' misbehaviour on buses

- ensuring that their drivers are trained in following the procedures where a student breaches the Code of Conduct
- determining whether a student's misbehaviour is serious enough to refuse the student travel on the bus
- deciding the appropriate penalty in accordance with the guidelines, including whether a student will be refused travel from:
 - (a) the individual bus service on which the student was a passenger at the time of misbehaviour
 - or*
 - (b) all bus services operated by the same operator
- ensuring that reasonable effort is made to communicate with parents/carers and the school principal within the timeframe specified in the guidelines where the operator is considering refusing a student travel on a bus due to a breach of the Code of Conduct
- advising parents/carers, the school principal and the Ministry in writing before suspending a student from travel, so that alternative travel arrangements can be made (Such notification will advise the parent how to appeal against the decision.)
- deciding on the appropriate arrangement for returning the travel pass to the student and advising parents/carers in writing of the arrangement on expiry of the interim pass or at the conclusion of the period of suspension (The arrangement may include returning the pass by post or reclaiming it from the bus operator or the school, where there has been agreement with the school.)
- advising the school principal when suspending a student from travel or when an interim pass has been issued
- retaining records of actions taken to deal with reported incidents
- ensuring that any refusal of travel on a bus is appropriately enforced
- considering requests by parents/carers for a review of any decision to refuse their child to travel
- assisting the Ministry to review appeals of any decision made in relation to a breach of the Code of Conduct by providing relevant information.

Factors to consider as part of determining the appropriate response to a breach of the Code of Conduct include (but are not limited to):

- the age of the student
- the threat to the safety of all those in and around the bus, including the driver
- the nature of the incident
- whether the breach was a first or one of a series of repeated incidents about which the student has been previously cautioned
- whether the student has any existing medical conditions (eg behavioural difficulties or emotional disturbances)
- the student's account of the incident.

For example, it would be expected that a more serious response would be required where students are throwing articles from or around the bus than if students were eating on the bus.

Bus operators may review closed circuit television videotapes where installed in buses, to substantiate claims of breach of the Code of Conduct. However, bus operators must comply with the Ministry of Transport Code of Practice – Use of Surveillance Cameras in Buses. In the case of the State Transit Authority compliance with the provisions of the Privacy and Personal Information Act 1998 is required.

3.6 Operators of non-commercial school bus services

Not all operators of non-commercial school bus services in NSW issue passes to students travelling on their services. However, non-commercial bus operators are obliged to refer to the Code of Conduct and these guidelines when managing misbehaviour by students in buses. In particular, the processes for communicating with students, parents/carers and school principals should be followed.

4. Special circumstances

4.1 Students not covered by the School Student Transport Scheme (SSTS)

Students who have paid for term passes or for a journey are also subject to the Code of Conduct.

Students can be penalised for misbehaviour (like all other bus passengers) whether or not they are participants of the SSTS, as provided for in the Passenger Transport (Bus Services) Regulation 2000.

4.2 Students with disabilities

The specific concerns of students with disabilities could mean that the application of the Code of Conduct might not always be appropriate for them. Liaison between bus operators, schools and parents/carers should occur on an individual basis for these students to ensure that the safety considerations of all students on the bus are addressed.

4.3 Students who travel on more than one bus

Where students use more than one bus company (or bus operator) to travel to school, there may be circumstances where they are refused travel on the bus services of one of the companies and their subsidised travel pass confiscated. The student's travel pass will not be returned to the student until the period of suspension is lifted. In these situations the student is not to be automatically refused travel by *other* bus companies unless these bus operators have reasonable grounds for refusing travel. It is the parent/carer's responsibility to make alternative transport arrangements and/or to meet the associated travel costs for the student on any bus service on which the student may still travel.

4.4 School excursion buses

The Code of Conduct penalties do not apply to students on school excursion buses.

5. Categories of inappropriate behaviour

To promote consistency and fairness in responding to breaches of the Code of Conduct, inappropriate behaviour has been divided into three categories.

5.1 Category 1 – Unacceptable behaviour

This category includes minor offences, but is not limited to behaviour that may be irritating or unpleasant. Examples include:

- distracting the driver by persistent noise
- failing to show a travel pass, except where passes are not issued (ie non-commercial services in rural areas)

- eating or drinking (other than water) on the bus (unless for medical reasons or with the written permission of the bus operator)
- smoking
- spitting
- using offensive language
- minor harassing and bullying of other passengers
- pressing the stop button continually
- damaging property.

5.2 Category 2 – Dangerous behaviour

This category includes more serious offences, but is not limited to behaviour that may cause an element of danger to individuals. Examples include:

- serious harassing and bullying of other passengers
- allowing any part of their body to protrude from the bus whilst the bus is in motion
- stopping others from disembarking at their stop
- verbally threatening the driver
- standing on steps or in areas not set aside for standing and refusing to sit down
- pushing and shoving when boarding or exiting the bus
- swinging on bus handrails
- throwing objects inside or out of the bus
- fighting with other passengers
- causing significant damage to property in buses
- using matches/lighters
- carrying dangerous items.

5.3 Category 3 – Highly dangerous or life threatening behaviour

This category includes major offences, but is not limited to highly dangerous behaviour. Examples include:

- pushing students out of the doors or windows
- interfering with the driving controls or emergency door release
- assaulting the driver or other passengers
- interfering with safety equipment
- recklessly or negligently endangering the safety of other passengers or themselves
- destruction of bus property.

If appropriate, the bus driver should report any incident involving highly dangerous or life threatening behaviour to the police for appropriate legal action.

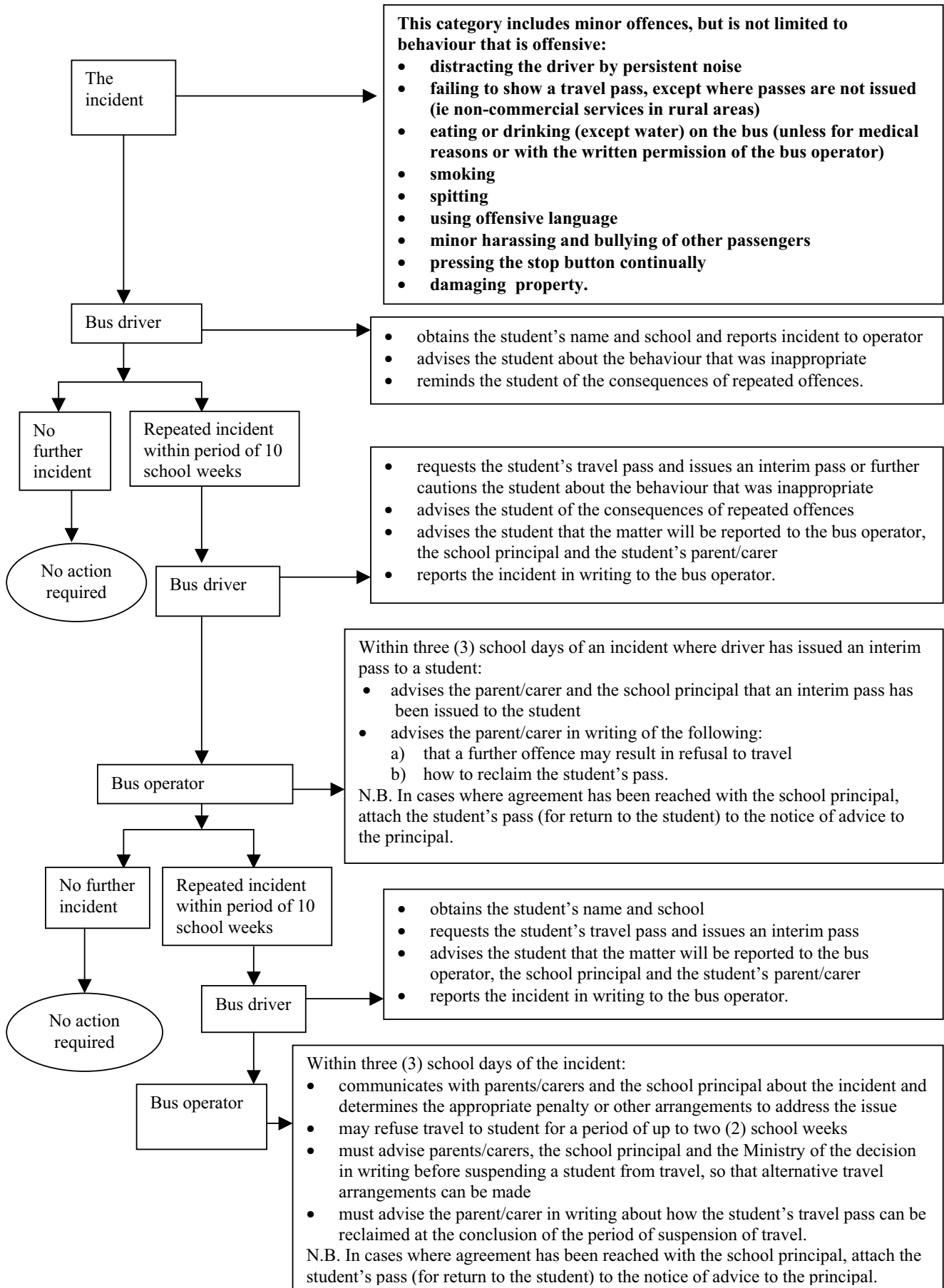
The list of examples above is not intended to be exhaustive, but should be used as a guide by drivers and operators in relation to management of behaviour on their buses.

6. Dealing with inappropriate behaviour

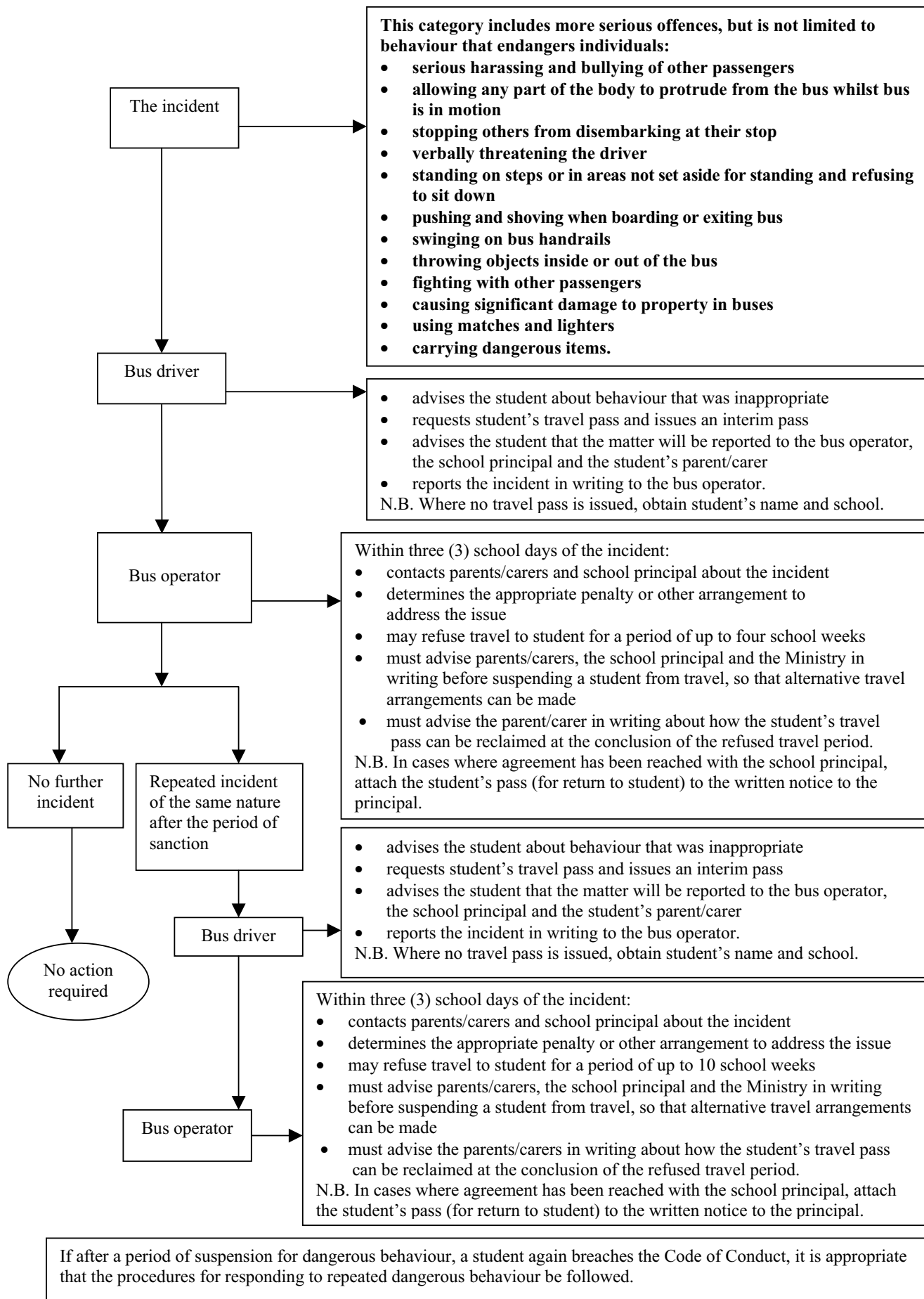
For the purposes of these flow charts, the following definitions apply:

- **bus operator** means the bus operator or his/her delegated officer
- **school principal** means the school principal or his/her delegated officer.

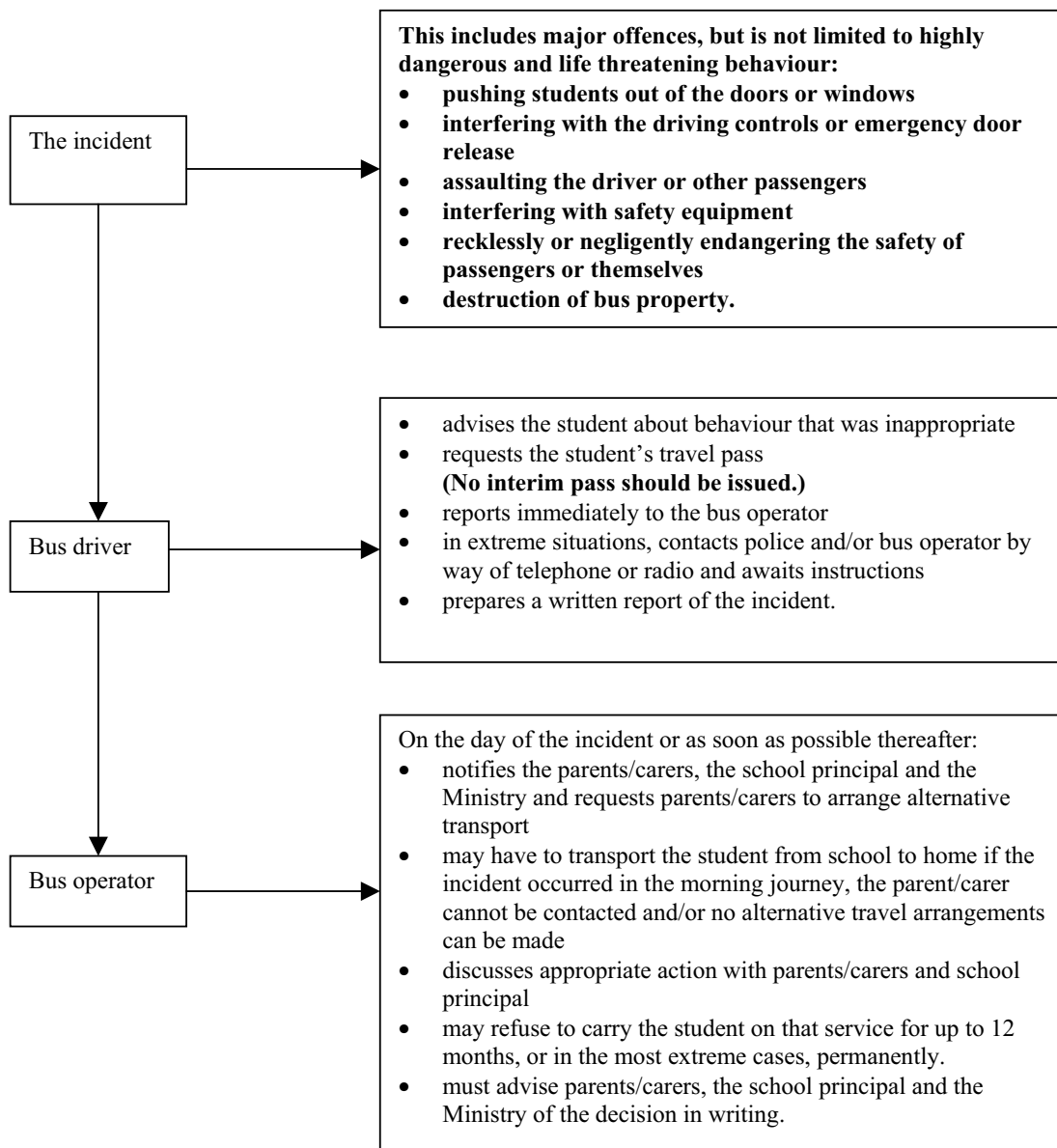
6.1 Category 1 – Unacceptable behaviour



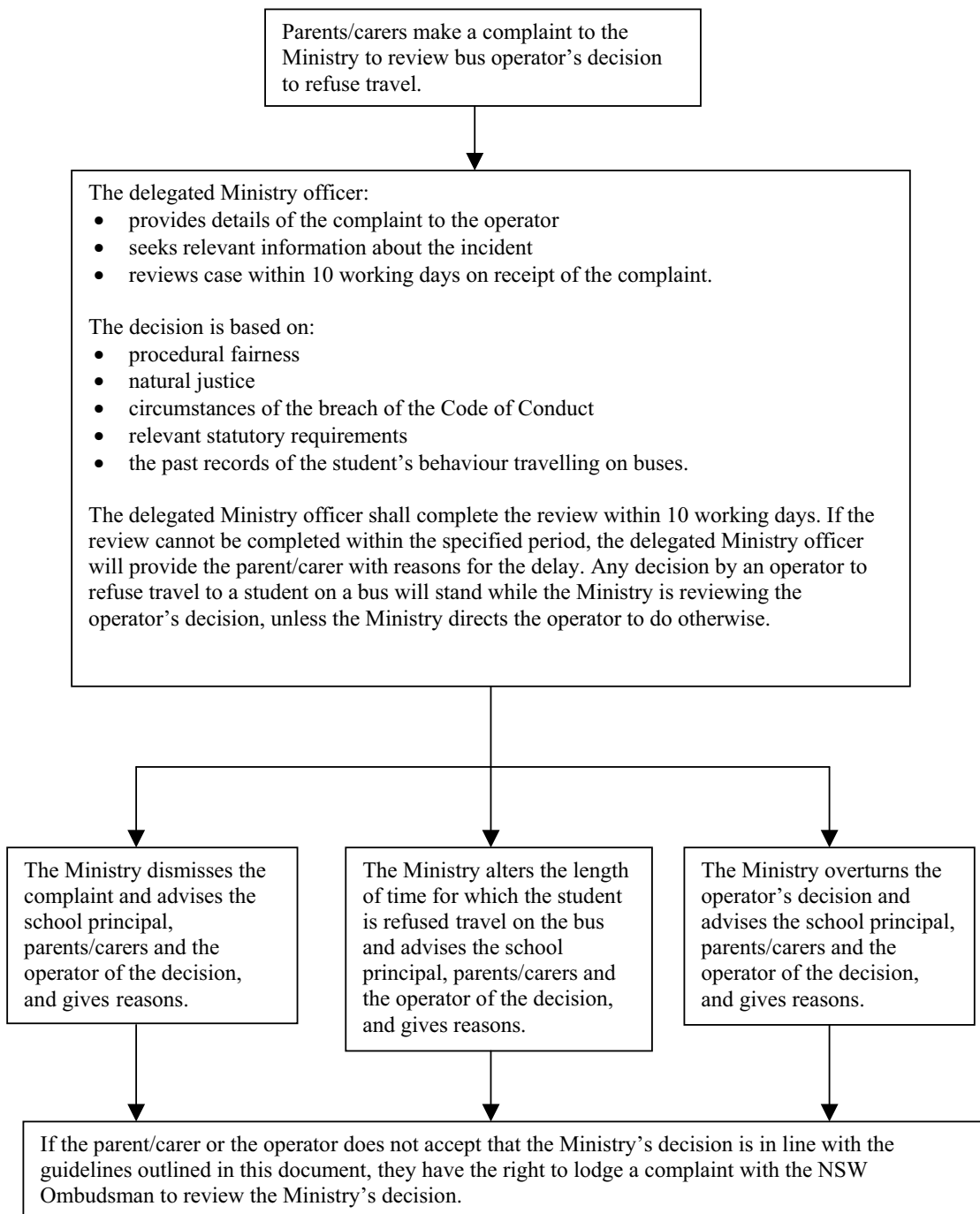
6.2 Category 2 – Dangerous behaviour



6.3 Category 3 – Highly dangerous or life threatening behaviour



7. Complaints process for students refused travel



8. The Ministry Offices**Transport Operations***Parramatta Office*

Level 4
16-18 Wentworth Street
PARRAMATTA NSW 2150
Locked Bag 5085
PARRAMATTA NSW 2124
Phone: (02) 9891 8900
1800 227 774
Fax: (02) 9891 8999

Wollongong Office

Level 6, NRMA Building
221-229 Crown Street
(PO Box 5215)
WOLLONGONG NSW 2500
Phone: (02) 4224 3333
1800 049 961
Fax: (02) 4226 4117

Newcastle Office

Ground Floor
239 King Street
(PO Box 871)
NEWCASTLE NSW 2300
Phone: (02) 4929 7006
1800 049 983
Fax: (02) 4929 6288

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JOHN LEE,
Director General,
Ministry of Transport

TENDERS

Department of Commerce

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PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

CESSNOCK CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that Cessnock City Council, in pursuance of section 162 of the Roads Act 1993, hereby names the roads described below as shown.

<i>Location</i>	<i>Name</i>
Off Wollombi Road, Wollombi, from Lot 44 to Lot 46, DP 755217.	Coolawine Road.
Off Yango Creek Road, Wollombi, from Lot 4 to Lot 1, DP 812757.	Dry Arm Track.
Off Narone Creek Road, Wollombi, from Lot 410, DP 817211 to Lot 13, DP 262569.	Rocky Creek Road.
Off Boree Valley Road, Laguna, from Lot 27 to Lot 29, DP 755213.	Upward Road.
The extension of Sternbeck Road, Bucketty, from Lot 67 to Lot 71, DP 255332.	Sternbeck Road.

COLIN COWAN, General Manager, Cessnock City Council, Administration Centre, 62-78 Vincent Street, Cessnock, NSW 2325. (Reference: RD 134/904) [0531]

HORNSBY SHIRE COUNCIL

Notice of Public Meeting for Election of Community Representatives on Dangar Island Vehicle Management Committee

A new Section 377 Committee is being established by Council to administer the issuing of vehicle permits and operation of the community vehicle for Dangar Island. The Committee will consist of Councillor Wendy McMurdo, one representative of Council's Traffic and Road Safety Branch and five elected community representatives. Residents of Dangar Island or those with a demonstrated stake in the island are invited to attend a public meeting being held for the purpose of electing community representatives to serve on the Committee. The meeting will be held in the Dangar Island Community Centre at 7.00 p.m., on Monday, 30th August, 2004 and will be chaired by Councillor Wendy McMurdo. Persons interested in representing the community will need to prepare a written submission and give a short presentation at the public meeting indicating their reasons for wishing to represent the community and outlining how they intend to serve the Committee. The Committee will meet on a monthly basis at the Dangar Island Community Centre. Further information including copies of the meeting agenda and draft constitution for the Dangar Island Vehicle Management Committee can be obtained by contacting Council's Traffic and Road Safety Branch on tel.: (02) 9847 6696, fax: (02) 9847 6559. HORNSBY SHIRE COUNCIL, PO Box 37, Hornsby, NSW 1630. [0532]

KOGARAH COUNCIL

Local Government Act 1993, Section 50 (4)

Notice of Transfer of Land

THE Council hereby gives notice that upon publication of this notice and the description in the Schedule hereto the land therein described becomes for the purposes and subject to the provisions of the said Act vested in Kogarah Council, thereby granting Kogarah Council ownership in fee simple of the public garden and recreation space at Oatley Bay which was dedicated to Council in 1951 by Sidney Benjamin Stretton. M. PLATT, Mayor. The Common Seal of the Council of the Municipality of Kogarah was hereunto affixed this twenty-fifth day of May 2004, in pursuance of a resolution of the Council passed on the twenty-fourth day of May 2004. G. SAWYER, General Manager, Kogarah Council, Locked Bag 8, Kogarah, NSW 2217.

SCHEDULE

All that piece or parcel of land situated in the Local Government Area of Kogarah, Parish of St George and County of Cumberland being Lot 1 in Deposited Plan 371577 previously part of Volume 2633 and Folio 204. [0543]

LEICHHARDT COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Leichhardt Council declares with the approval of Her Excellency the Governor, that the lands described in Schedule 1 below with the exception of the interests in Schedule 2 below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of open space. Dated at Sydney this 30th day of July 2004. PETER HEAD, General Manager, Leichhardt Council, PO Box 45, Leichhardt, NSW 2040.

SCHEDULE 1

Lot 1, DP 722968. Lot 1, DP 83357. Lot 1, DP 89648.

SCHEDULE 2

1. Right of footway and drainage 1.83m wide shown in DP 722968;
2. Easement for drainage 0.38m wide shown in DP 722968;
3. Easement for support 1.83m wide shown in DP 722968;
4. Easement for water pipeline 0.305m wide shown in DP 722968;
5. Easement for water pipeline appurtenant to DP 83357 and affecting the land coloured blue in volume 7424 folio 191;
6. Easement for overhanging guttering shown in DP 89648 and shown so burdened in volume 7752 folio 215.

[0544]

MID-WESTERN REGIONAL COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Collins Lane

NOTICE is hereby given that in accordance with section 162 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<i>Location</i>	<i>Name</i>
Lane running parallel with Herbert Street between Robinson Street and Cooyal Street, Gulgong.	Collins Lane.

No objections to the proposed names were received within the prescribed period of time. GARRY STYLES, Acting General Manager, Mid-Western Regional Council, PO Box 156, Mudgee, NSW 2850. [0533]

PARRAMATTA CITY COUNCIL

Roads Act 1993, Section 115

Road Closure of Unnamed Laneway between Grimwood Avenue and Woodville Road, Granville

THE Council hereby advises that pursuant to section 115 of the Roads Act 1993 and in accordance with authority delegated to it by the Roads and Traffic Authority of New South Wales, it proposes to implement the road closure (for traffic management purposes) of the unnamed laneway between Woodville Road and Grimwood Avenue, north of Randle Street, Granville, at its intersection with Woodville Road. Two-way traffic flow is to be permitted in the lane, however, its only access will be from Grimwood Avenue. The purpose of this road closure is to stop vehicles from accessing the unnamed laneway from Woodville Road. A period of twenty-eight (28) days from the date of this notice is allowed for persons to lodge a written objection to the proposal to implement the road closure of the unnamed laneway at Woodville Road, Granville. Telephone enquiries should be directed to Council's Traffic Engineer on tel.: (02) 9806 5763. PARRAMATTA CITY COUNCIL, PO Box 32, Parramatta, NSW 2124. [0534]

SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Public Road

NOTICE is hereby given that the Council of the City of Shoalhaven at its meeting of 17th September, 1996, Minute No. 1817, resolved to acquire land for road widening in connection with the new Pyree Lane Bridge over Crookhaven Creek. The land as described in the Schedule below has been acquired and is hereby dedicated as Council public road pursuant to section 10 of the Roads Act 1993. R. PIGG, General Manager, Shoalhaven City Council, Bridge Road, Nowra, NSW 2541.

SCHEDULE

Lots 2, 3, 4 and 5 in Deposited Plan 863730, Parish of Numbaa, County of St Vincent. [0535]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 21st July, 2004, has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Lot 1 in Deposited Plan 1052036. [0536]

UPPER HUNTER SHIRE COUNCIL

Local Government Act 1993

Roads (General) Regulation 1994

Naming of Public Road – Pages Row

IT is hereby notified that Council has resolved to adopt the following road name:

<i>Description</i>	<i>Name</i>
The right of way from Glenbawn Road across Lot 1, DP 1036674 and Lot 92, DP 1005118, Parish Macqueen. Pages Row.	

Authorised by resolution of Council dated 19th April, 2004. ACTING GENERAL MANAGER, Upper Hunter Shire Council, PO Box 208, Scone, NSW 2337. [0537]

WENTWORTH SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Wentworth Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in those lands, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of industrial development and resale pursuant to the Local Government Act 1993. Dated at Wentworth this 28th day of July 2004. DAVID McMILLAN, General Manager, Wentworth Shire Council, 26-28 Adelaide Street, Wentworth, NSW 2648 (PO Box 81), (www.wentworth.nsw.gov.au), telephone (03) 5027 5027.

SCHEDULE

Lot 1214, DP 48327. [0545]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of YVONNE ROBINA FREEMAN (also known as YVONNE ROBENA MARY FREEMAN) late of Fairfield in the State of New South Wales, who died on 9th May, 2004 must send particulars of his claim to the executor, c.o. Mercuri & Co., Solicitors, PO Box 198, Five Dock, New South Wales 2046 within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 16th July, 2004. MERCURI & CO., Solicitors, PO Box 198, Five Dock, NSW 2046 (DX 21014, Drummoyne), tel.: (02) 9712 5700. [0546]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GEORGE GEROULAS late of 22 Bellevue Avenue, West Ryde in the State of New South Wales, who died on 30th November, 2003 must send particulars of his claim to the executors, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 5th July, 2004. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde, NSW 2114 (DX 27551, West Ryde), tel.: (02) 9858 1533. [0538]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARGARET THEUIL (also known as MARGARET CORLETTE and MARGARET CHRISTIAN CORLETTE THEUIL) late of Kogarah in the State of New South Wales, who died on 11th March, 2004 must send particulars of his claim to the executor, Ronald Valentine Corlette Theuil, c.o. Truman Hoyle Lawyers, Level 18, 68 Pitt Street, Sydney within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 15th July, 2004. TRUMAN HOYLE LAWYERS, Level 18, 68 Pitt Street, Sydney, NSW 2000 (DX 263, Sydney), tel.: (02) 9232 5588. (Reference: DLS(SR)3725) [0547]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KONSTANTIN TRAJKOVSKI late of Arncliffe in the State of New South Wales, line serviceman, who died on 27th July, 2003 must send particulars of his claim to the executrix, Dana Trajkovski, c.o. Truman Hoyle Lawyers, Level 18, 68 Pitt Street, Sydney within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 8th July, 2004. TRUMAN HOYLE LAWYERS, Level 18, 68 Pitt Street, Sydney, NSW 2000 (DX 263, Sydney), tel.: (02) 9232 5588. (Reference: DLS(SR)3689) [0548]

COMPANY NOTICES

NOTICE of members' voluntary liquidation.—CLIEFDEN HOMES PTY LIMITED (In liquidation), ACN 101 254 102.—At a general meeting of the abovenamed company, duly convened and held at "Liscombe Pools", 601 Sugarloaf Road, Walli via Canowindra, New South Wales 2804 on 6th July, 2004 the following special resolution was passed: "That the company be wound up as a members' voluntary liquidation and that the assets of the company be distributed in whole or part to the members in specie should the liquidator so desire". Dated this 6th day of July 2004. WILLIAM MICHAEL MURPHY, Chartered Accountant, 103 Kendal Street, Cowra, NSW 2794. [0539]

NOTICE of members' voluntary liquidation.—CTN COMMUNICATIONS TECHNOLOGY NATIONAL PTY LIMITED (In liquidation), ACN 086 900 030.—At a general meeting of the abovenamed company, duly convened and held at 83 Yarran Road, Bensville, New South Wales 2251 on 6th July, 2004 the following special resolution was passed: "That the company be wound up as a members' voluntary liquidation and that the assets of the company be distributed in whole or part to the members in specie should the liquidator so desire". Dated this 6th day of July 2004. WILLIAM MICHAEL MURPHY, Chartered Accountant, 103 Kendal Street, Cowra, NSW 2794. [0540]

NOTICE of members' voluntary liquidation.—G W SPRIGGE NOMINEES PTY LIMITED (In liquidation), ACN 001 392 632.—At a general meeting of the abovenamed company, duly convened and held at 44 Dawson Drive, Cowra, New South Wales 2794 on 6th July, 2004 the following special resolution was passed: "That the company be wound up as a members' voluntary liquidation and that the assets of the company be distributed in whole or part to the members in specie should the liquidator so desire". Dated this 6th day of July 2004. WILLIAM MICHAEL MURPHY, Chartered Accountant, 103 Kendal Street, Cowra, NSW 2794. [0541]

NOTICE of voluntary winding up.—YAMBANA PTY LIMITED (In voluntary liquidation), ACN 002 678 042.—Notice is hereby given that at an extraordinary general meeting of members of the abovenamed company, duly convened and held at Level 6, 72 Pitt Street, Sydney, New South Wales 2000 on 9th July, 2004 the following special resolution was duly passed: "That the company be wound up voluntarily". It was further resolved that Carl Gilmore be appointed liquidator of the company for the purposes of winding up the affairs and distributing the assets of the company. Dated 9th July, 2004. CARL GILMORE, Liquidator, c.o. Brooks, Deane & Powne, Chartered Accountants, Level 6, 72 Pitt Street, Sydney, NSW 2000, tel.: (02) 9233 6111. [0542]