



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 147
Thursday, 1 December 2005

Published under authority by Government Advertising and Information

SPECIAL SUPPLEMENT



New South Wales

Proclamation

under the

Marine Parks Act 1997

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 sections 6 and 7 of the *Marine Parks Act 1997*, do, by this my Proclamation, declare the area described in Part 2 of Schedule 1 below to be, on and from 1 December 2005, a marine park for the purposes of that Act. The marine park is to be known as “**Port Stephens-Great Lakes Marine Park**”.

Signed and sealed at Sydney, this 30th day of November 2005.

By Her Excellency’s Command,

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

BOB DEBUS, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

Proclamation

Schedule 1

Schedule 1**Part 1 Definitions**

In this Schedule:

territorial sea baseline means the territorial sea baseline declared under section 7 of the *Seas and Submerged Lands Act 1973* of the Commonwealth in the Commonwealth of Australia Gazette No S29 of 9 February 1983.

tidal lands means any area of land that is covered from time to time by tidal waters and that is above the lowest astronomical tide level.

Part 2 Description of the area to be known as Port Stephens-Great Lakes Marine Park

The boundary encompasses all tidal and coastal waters within the area set out below, together with all the lands beneath the waters within that area to mean high water mark:

- (a) commencing at a point at the intersection of the mean high water mark and latitude 32°11'47.577"S at the southern end of One Mile Beach, Forster,
- (b) then by a line along latitude 32°11'47.577"S to a point 3 nautical miles east of the territorial sea baseline,
- (c) then generally in a southerly direction (including all coastal waters within 3 nautical miles of the territorial sea baseline of the coast and within 3 nautical miles of the territorial sea baseline of Seal Rocks, Broughton Island, Little Broughton Island, Cabbage Tree Island, Little Island and Boondelbah Island) to a point 3 nautical miles south of the territorial sea baseline at the northern end of Stockton Beach,
- (d) then by a line along longitude 152°04'25"E, north to a point at the intersection of the mean high water mark at the northern end of Stockton Beach,
- (e) then generally in a northerly direction along the coast at mean high water mark (including all rivers, estuaries, bays, lakes, lagoons and inlets upstream to their tidal limit, and tidal lands, and including but not limited to the whole of Port Stephens, Myall Lakes and Smiths Lake) to the commencement point described in paragraph (a) above.



New South Wales

Proclamation

under the

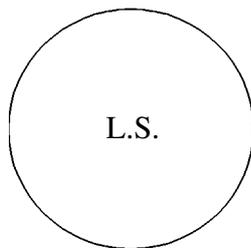
Threatened Species Legislation Amendment Act 2004 No 88

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Threatened Species Legislation Amendment Act 2004*, do, by this my Proclamation, appoint 1 December 2005 as the day on which Schedule 2 [15], [16], [18], [28]–[31], [33]–[38], [42], [45], [46] and [50] to that Act commence.

Signed and sealed at Sydney, this 30th day of November 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence provisions of the *Threatened Species Legislation Amendment Act 2004* which amend the *Fisheries Management Act 1994* as a consequence of the commencement of the *Native Vegetation Act 2003* and to commence other minor unrelated amendments to that Act.



New South Wales

Rail Safety (General) Amendment (Authorised Officers) Regulation 2005

under the

Rail Safety Act 2002

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

JOHN WATKINS, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Rail Safety (General) Regulation 2003* for the following purposes:

- (a) to enable certain classes of employees of Rail Corporation New South Wales to be appointed as authorised officers under the *Rail Safety Act 2002*,
- (b) to enable an operator of a railway to authorise its employees to receive and deal with lost property found on a train, railway land or part of monorail works, in addition to authorised officers,
- (c) to make other consequential amendments.

This Regulation is made under the *Rail Safety Act 2002*, including section 111 (1) and section 117 (the general regulation-making power).

Clause 1 Rail Safety (General) Amendment (Authorised Officers) Regulation 2005

Rail Safety (General) Amendment (Authorised Officers) Regulation 2005

under the

Rail Safety Act 2002

1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Authorised Officers) Regulation 2005*.

2 Commencement

This Regulation commences on 1 December 2005.

3 Amendment of Rail Safety (General) Regulation 2003

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

Rail Safety (General) Amendment (Authorised Officers) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

RailCorp means Rail Corporation New South Wales.

[2] Clause 50

Insert before clause 51:

50 Persons who may be appointed as authorised officers

For the purposes of section 111 (1) of the Act, employees of RailCorp who hold, or are acting in, the position of transit officer (of any rank) are a class of persons who may be appointed as authorised officers.

[3] Clause 59 Lost property

Omit “authorised officer” from clause 59 (1) (b).

Insert instead “employee of an operator of a railway designated by the operator for the purposes of this clause or an authorised officer”.

[4] Clause 59 (2)

Omit “authorised officer”. Insert instead “employee or officer”.

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Exemption Order Number 7

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 8 of the Gene Technology (GM Crop Moratorium) Act 2003, confer the exemption specified in Schedule 2 from the operation of the moratorium order specified in Schedule 1.

SCHEDULE 1

Moratorium orders in respect of which these exemptions are conferred

Moratorium Order Number 1 dated 22 July 2003 and published in NSW Government Gazette No. 119 on 25 July 2003 at page 7513-7515 inclusive (Moratorium Order No. 1) in respect of GM food plants of the species *Brassica napus*, common name canola.

SCHEDULE 2

Exemption conferred

An exemption to Moratorium Order No. 1 is conferred with respect to:

1. Seed for sowing;
 - a. if the presence of the exempt GM food plant constitutes less than 0.5% by volume of a sample taken of seed for sowing;

2. Seed for purposes other than sowing;
 - a. if the presence of the exempt GM food plant constitutes less than 0.9% by volume of a sample taken of seed for other purposes.

Dated this 30th day November 2005.

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

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Exemption Order Number 8

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 8 of the Gene Technology (GM Crop Moratorium) Act 2003, confer the exemption specified in Schedule 2 from the operation of the moratorium order specified in Schedule 1.

SCHEDULE 1

Moratorium orders in respect of which these exemptions are conferred

Moratorium Order Number 2 dated 19 December 2003 and published in NSW Government Gazette No. 198 on 24 December 2003 at page 11686 (Moratorium Order No. 2) in respect of GM food plants of the species *Brassica napus*, common name canola.

SCHEDULE 2

Exemption conferred

An exemption to Moratorium Order No. 2 is conferred with respect to:

1. Seed for sowing;
 - a. if the presence of the exempt GM food plant constitutes less than 0.5% by volume of a sample taken of seed for sowing.

2. Seed for purposes other than sowing;
 - a. if the presence of the exempt GM food plant constitutes less than 0.9% by volume of a sample taken of seed for other purposes.

Dated this 30th day November 2005.

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

Authorised to be printed

ROBERT J. GALLAGHER, Government Printer.