



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 86**  
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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 1 July 2005

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

Act No. 56 2005 - An Act to establish and provide for the management of the Brigalow and Nandewar Community Conservation Area; to amend certain Acts; and for other purposes. [Brigalow and Nandewar Community Conservation Area Bill]

Act No. 57 2005 - An Act to amend the Environmental Planning and Assessment Act 1979 and the Residential Tenancies Act 1987 to provide for the installation of smoke alarms; and for other purposes. [Building Legislation Amendment (Smoke Alarms) Bill]

Act No. 58 2005 - An Act to amend the Crown Lands Act 1989 and other legislation to make further provision with respect to the administration and management of Crown land; and for other purposes. [Crown Lands Legislation Amendment Bill]

Act No. 59 2005 - An Act to amend the Local Government Act 1993 in relation to the reduction in the required number of councillors and to pecuniary interests; to amend the Freedom of Information Act 1989 to exempt certain matters; and for other purposes. [Local Government Amendment Bill]

Act No. 60 2005 - An Act to revoke the reservation under the National Parks and Wildlife Act 1974 of certain areas of land as state conservation area or national park; and for other purposes. [National Parks and Wildlife (Further Adjustment of Areas) Bill]

Act No. 61 2005 - An Act to amend the Passenger Transport Act 1990 with respect to the provision of step-in arrangements to maintain regular bus services on termination or expiry of certain existing bus service contracts; and for other purposes. [Passenger Transport Amendment (Maintenance of Bus Services) Bill]

Act No. 62 2005 - An Act to amend the Pawnbrokers and Second-hand Dealers Act 1996 to clarify the application of the Act in respect of loans on the security of the possession of goods. [Pawnbrokers and Second-hand Dealers Amendment Bill]

Act No. 63 2005 - An Act to amend the Security Industry Act 1997 to make further provision with respect to the licensing and regulation of persons in the security industry; and for other purposes. [Security Industry Amendment Bill]

Act No. 64 2005 - An Act to repeal certain Acts and instruments and provisions of Acts and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Statute Law (Miscellaneous Provisions) Bill]

Act No. 65 2005 - An Act to constitute the Sydney 2009 World Masters Games Organising Committee as a statutory corporation; to confer functions on the Committee; to amend certain Acts; and for other purposes. [Sydney 2009 World Masters Games Organising Committee Bill]

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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## Proclamations

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New South Wales

### Proclamation

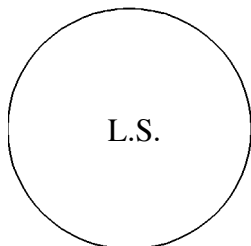
under the

Environmental Planning and Assessment Amendment  
(Development Contributions) Act 2005 No 19

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 *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005*, do, by this my Proclamation, appoint 8 July 2005 as the day on which that Act commences. Signed and sealed at Sydney, this 6th day of July 2005.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning  
GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

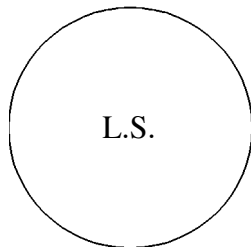
Superannuation Legislation Amendment Act 2005 No 52

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 *Superannuation Legislation Amendment Act 2005*, do, by this my Proclamation, appoint 8 July 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 6th day of July 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

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# Regulations

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New South Wales

## Casino Control Amendment (Gambling Inducements) Regulation 2005

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

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

### Explanatory note

The object of this Regulation is to prohibit the casino operator from offering or providing indecent or offensive inducements to casino patrons to play gaming machines.

This Regulation is made under the *Casino Control Act 1992*, including sections 76 (Junkets and inducements) and 170 (the general regulation-making power).

Clause 1 Casino Control Amendment (Gambling Inducements) Regulation 2005

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## **Casino Control Amendment (Gambling Inducements) Regulation 2005**

under the

Casino Control Act 1992

### **1 Name of Regulation**

This Regulation is the *Casino Control Amendment (Gambling Inducements) Regulation 2005*.

### **2 Amendment of Casino Control Regulation 2001**

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Casino Control Amendment (Gambling Inducements) Regulation 2005

Amendment

Schedule 1

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## Schedule 1    Amendment

(Clause 2)

### Clause 23 Gambling inducements

Insert at the end of clause 23 (b):

, or

- (c) offer or provide, as an inducement to play gaming machines in the casino, any prize or free give-away that is indecent or offensive in nature.



New South Wales

# Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

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

## Explanatory note

The *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005* amended the *Environmental Planning and Assessment Act 1979* (the **principal Act**) to extend the means by which planning authorities may obtain development contributions to be applied for the provision of public amenities and public services and for other purposes. This Regulation supplements the changes made to the principal Act by that amending Act.

This Regulation:

- (a) declares public authorities to be planning authorities for the purposes of the new provisions of the Act relating to planning agreements, and
- (b) makes provision for the form, subject-matter, making, amendment, revocation and public inspection of planning agreements, and
- (c) makes provision for the maximum percentage levy that can be collected under new section 94A of the principal Act (which requires applicants for development consent to pay a levy of a percentage of the proposed cost of the development) and for the costs of development that are to be included or excluded when calculating that levy, and
- (d) requires councils to keep a proper account of levies collected under new section 94A of the principal Act (in addition to the accounts already required to be kept of monetary contributions paid under section 94 of the principal Act), and
- (e) requires councils to keep a proper account of monies contributed for different purposes that are pooled and applied progressively for those purposes, and
- (f) makes further provision for the subject-matter and review of contributions plans, and



Environmental Planning and Assessment Amendment (Development Contributions)  
Regulation 2005

Explanatory note

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(g) provides for the transitional operation of a provision in the Act that allows development contributions paid for different purposes to be pooled and applied progressively for those purposes, and

(h) makes other changes of a consequential nature.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 93G (2), 93L, 94 (3), 94A (5), 94EA and 157 (the general regulation-making power) and clause 1 of Schedule 6.

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

Clause 1

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## **Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 8 July 2005.

### **3 Amendment of Environmental Planning and Assessment Regulation 2000**

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

Schedule 1 Amendments

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## Schedule 1 Amendments

(Section 3)

**[1] Clause 3 Definitions**

Omit “section 94B” from the definition of *contributions plan*.  
Insert instead “section 94EA”.

**[2] Clause 3**

Insert in alphabetical order:

*section 94A condition* means a condition under section 94A of the Act requiring the payment of a levy.

*section 94A levy* means the payment of a levy, as referred to in section 94A of the Act.

**[3] Part 4, heading**

Omit “Contributions plans”. Insert instead “Development contributions”.

**[4] Part 4, Division 1**

Re-number Division 1 as Division 1C.

Insert before that Division (as so re-numbered):

### **Division 1 Preliminary**

**25A Planning authorities**

Pursuant to paragraph (e) of the definition of *planning authority* in section 93C of the Act, all public authorities are declared to be planning authorities for the purposes of Division 6 of Part 4 of the Act.

### **Division 1A Planning agreements**

**25B Form and subject-matter of planning agreements**

- (1) A planning agreement must:
- (a) be in writing, and
  - (b) be signed by the parties to the agreement.

**Note.** Section 93F (10) of the Act requires a planning agreement to conform with the Act, environmental planning instruments and development consents applying to the relevant land.

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

Amendments

Schedule 1

- (2) The Director-General may from time to time issue practice notes to assist parties in the preparation of planning agreements.

**Note.** Under section 93K of the Act the Minister may give planning authorities directions on requirements with respect to planning agreements.

**25C Making, amendment and revocation of agreements**

- (1) A planning agreement is not entered into until it is signed by all the parties to the agreement.

**Note.** Section 93G of the Act provides that the agreement cannot be entered into until public notice of the proposed agreement has been given.

- (2) A planning agreement may specify that it does not take effect until:

(a) if the agreement relates to a proposed change to an environmental planning instrument—the date the change is made, or

(b) if the agreement relates to a development application or proposed development application—the date consent to the application is granted.

- (3) A planning agreement may be amended or revoked by further agreement in writing signed by the parties to the agreement (including by means of a subsequent planning agreement).

**25D Public notice of planning agreements**

- (1) If a planning authority proposes to enter into a planning agreement, or an agreement to amend or revoke a planning agreement, in connection with a proposed change to a local environmental plan, or a development application, the planning authority is to ensure that public notice of the proposed agreement, amendment or revocation, is given as part of and contemporaneously with, and in the same manner as:

(a) any public notice of the relevant draft local environmental plan that is required to be given by the planning authority under section 66 (1) of the Act, or

(b) any notice of the development application that is required to be given by the planning authority by or under the Act, as the case requires.

- (2) If the Minister proposes to enter into a planning agreement, or an agreement to amend or revoke a planning agreement, in connection with a proposed change to a regional environmental plan, the Director-General is to ensure that public notice of the

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

Schedule 1 Amendments

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proposed agreement, amendment or revocation, is given as part of and contemporaneously with, and in the same manner as, any public notice of the relevant draft regional environmental plan that is required to be given under section 47 of the Act.

- (3) The public notice of a proposed agreement, amendment or revocation must specify the arrangements relating to inspection by the public of copies of the proposed agreement, amendment or revocation.

**Note.** Section 93G of the Act requires a copy of the proposed agreement, amendment or revocation to be made available for inspection by the public for a period of not less than 28 days.

**25E Explanatory note**

- (1) A planning authority proposing to enter into a planning agreement, or an agreement that revokes or amends a planning agreement, must prepare a written statement (referred to in this Division as an *explanatory note*):
- (a) that summarises the objectives, nature and effect of the proposed agreement, amendment or revocation, and
  - (b) that contains an assessment of the merits of the proposed agreement, amendment or revocation, including the impact (positive or negative) on the public or any relevant section of the public.
- (2) Without limiting subclause (1), an explanatory note must:
- (a) identify how the agreement, amendment or revocation promotes the public interest and one or more of the objects of the Act, and
  - (b) if the planning authority is a development corporation, identify how the agreement, amendment or revocation promotes one or more of its responsibilities under the *Growth Centres (Development Corporations) Act 1974*, and
  - (c) if the planning authority is a public authority constituted by or under an Act, identify how the planning agreement, amendment or revocation promotes one or more of the objects (if any) of the Act by or under which it is constituted, and
  - (d) if the planning authority is a council, identify how the agreement, amendment or revocation promotes one or more of the elements of the council's charter under section 8 of the *Local Government Act 1993*, and

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

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Schedule 1

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- (e) identify a planning purpose or purposes served by the agreement, amendment or revocation, and contain an assessment of whether the agreement, amendment or revocation provides for a reasonable means of achieving that purpose, and
  - (f) identify whether the agreement, amendment or revocation conforms with the planning authority's capital works program (if any).
- (3) The explanatory note is to be prepared jointly with the other parties proposing to enter into the planning agreement.
  - (4) However, if 2 or more planning authorities propose to enter into a planning agreement, an explanatory note may include separate assessments prepared by the planning authorities in relation to matters affecting only one of the planning authorities, or affecting those planning authorities in a different manner.
  - (5) A copy of the explanatory note must be exhibited with the copy of the proposed agreement, amendment or revocation when it is made available for inspection by the public in accordance with the Act.
  - (6) If a council is not a party to a planning agreement that applies to the area of the council, a copy of the explanatory note must be provided to the council when a copy of the agreement is provided to the council under section 93G (4) of the Act.
  - (7) A planning agreement may provide that the explanatory note is not to be used to assist in construing the agreement.

**25F Councils to facilitate public inspection of relevant planning agreements**

- (1) A council must keep a planning agreement register.
- (2) The council must record in the register a short description of any planning agreement (including any amendment) that applies to the area of the council, including the date the agreement was entered into, the names of the parties and the land to which it applies.
- (3) A council must make the following available for public inspection (free of charge) during the ordinary office hours of the council:
  - (a) the planning agreement register kept by the council,
  - (b) copies of all planning agreements (including amendments) that apply to the area of the council,

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

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(c) copies of the explanatory notes relating to those agreements or amendments.

(4) In this clause, *planning agreement* includes a planning agreement to which the council is not a party but which has been provided to the council under the Act.

**25G Director-General to facilitate public inspection of relevant planning agreements**

- (1) The Director-General must keep a planning agreement register.
- (2) The Director-General must record in the register a short description of any planning agreement (including any amendment) entered into by the Minister, including the date the agreement was entered into, the names of the parties and the land to which it applies.
- (3) The Director-General must make the following available for public inspection (free of charge) during the ordinary office hours of the Department:
  - (a) the planning agreement register kept by the Director-General,
  - (b) copies of all planning agreements (including amendments) to which the Minister is a party,
  - (c) copies of the explanatory notes relating to those agreements or amendments.

**25H Other planning authorities to facilitate public inspection of relevant planning agreements**

A planning authority (not being a council or the Minister) must make the following available for public inspection (free of charge) during the ordinary office hours of the planning authority:

- (a) copies of all planning agreements (including amendments) to which it is a party,
- (b) copies of the explanatory notes relating to those agreements or amendments.

**Division 1B Development consent contributions**

**25I Indexation of monetary section 94 contribution—recoupment of costs**

For the purposes of section 94 (3) of the Act, the cost of providing public amenities or public services is to be indexed quarterly or

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

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Schedule 1

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annually (as specified in the relevant contributions plan) in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

**25J Section 94A levy—determination of proposed cost of development**

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
  - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
  - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
  - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
  - (a) the cost of the land on which the development is to be carried out,
  - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
  - (c) the costs associated with marketing or financing the development (including interest on any loans),
  - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
  - (e) project management costs associated with the development,



Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

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- (f) the cost of building insurance in respect of the development,
  - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
  - (h) the costs of commercial stock inventory,
  - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law.
- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

**25K Section 94A levy—maximum percentage**

The maximum percentage of a section 94A levy is 1 percent of the proposed cost of carrying out the development.

**[5] Clause 27 What particulars must a contributions plan contain?**

Omit clause 27 (1) (e)–(g). Insert instead:

- (e) the section 94 contribution rates for different types of development, as specified in a schedule to the plan,
- (f) if the plan authorises the imposition of a section 94A condition:
  - (i) the percentage of the section 94A levy and, if the percentage differs for different types of development, the percentage of the levy for those different types of development, as specified in a schedule to the plan, and
  - (ii) the manner (if any) in which the proposed cost of carrying out the development, after being determined by the consent authority, is to be adjusted to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date of that determination and the date the levy is required to be paid,

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

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- (g) the council's policy concerning the timing of the payment of monetary section 94 contributions, section 94A levies and the imposition of section 94 conditions or section 94A conditions that allow deferred or periodic payment,
  - (h) a map showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds),
  - (i) if the plan authorises monetary section 94 contributions or section 94A levies paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions or levies, particularised by reference to the works schedule.

**[6] Clause 27 (2)**

Omit "contribution rates".

Insert instead "section 94 contribution rates or section 94A levy percentages".

**[7] Clause 27 (3)**

Insert after clause 27 (2):

- (3) A contributions plan must not contain a provision that authorises monetary section 94 contributions or section 94A levies paid for different purposes to be pooled and applied progressively for those purposes unless the council is satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

**[8] Clause 32 How may a contributions plan be amended or repealed?**

Omit clause 32 (3) (b). Insert instead:

- (b) changes to the rates of section 94 monetary contributions set out in the plan to reflect quarterly or annual variations to:
  - (i) readily accessible index figures adopted by the plan (such as a Consumer Price Index), or
  - (ii) index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan,

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

Schedule 1 Amendments

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**[9] Clause 33A**

Insert after clause 33:

**33A Review of contributions plan**

- (1) A council is required to keep a contributions plan under review and, if a date by which a plan is to be reviewed is stated in it, is to review the plan by that date.
- (2) A council is also to consider any submissions about contributions plans received from public authorities or the public.

**[10] Clause 34 Councils must maintain contributions register**

Insert “or section 94A conditions” after “section 94 conditions” in clause 34 (1).

**[11] Clause 34 (2) (b) and (d)**

Insert “or section 94A levy” after “section 94 contribution” wherever occurring.

**[12] Clause 35 Accounting for contributions and levies**

Omit “monetary section 94 contributions (and any additional amounts earned from their investment)” from clause 35 (1).

Insert instead “monetary section 94 contributions, section 94A levies, and any additional amounts earned from their investment.”.

**[13] Clause 35 (2) and (3)**

Insert “or section 94A levies” after “section 94 contributions” wherever occurring.

**[14] Clause 35 (2) (ba)**

Insert after clause 35 (2) (b):

- (ba) in respect of section 94 contributions or section 94A levies paid for different purposes, the pooling or progressive application of the contributions or levies for those purposes, in accordance with any requirements of the plan or any ministerial direction under Division 6 of Part 4 of the Act,

Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005

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**[15] Clause 101 Additional particulars with respect to section 94 and 94A conditions**

Insert at the end of clause 101:

- (2) The notice to an applicant concerning a development consent the subject of a section 94A condition must include the following particulars in addition to any other particulars it is required to contain:
  - (a) the contributions plan under which the condition is imposed,
  - (b) the address of the places where a copy of the contributions plan may be inspected.

**[16] Clause 146 Compliance with conditions of development consent**

Insert “or levy” after “monetary contribution” in clause 146 (b).

**[17] Clause 271 Precinct plans and section 94EA contributions plans under SEPP 59**

Omit “section 94B” from clause 271 (1) (b).

Insert instead “section 94EA”.

**[18] Clause 286B**

Insert after clause 286A:

**286B Savings and transitional provision: changes to development contributions scheme**

Section 93E (2) of the Act, as inserted by the *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005*, extends to money paid under Division 6 of Part 4 of the Act before its substitution by that Act.



New South Wales

# Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005

under the

Police Regulation (Superannuation) Act 1906

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Regulation (Superannuation) Act 1906*.

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

## Explanatory note

The object of this Regulation is to amend the *Police Superannuation Regulation 2000* to include a provision of a transitional nature consequent on the enactment of the *Superannuation Legislation Amendment Act 2005 (the amending Act)*.

The amending Act removed from section 12D of the *Police Regulation (Superannuation) Act 1906 (the principal Act)* the requirement that the SAS Trustee Corporation (*STC*) must request the Commissioner of Police to determine whether a claimant for a gratuity under that section has been hurt on duty. Such a determination enables a gratuity to be paid under that section.

After the insertion of clause 26 in Schedule 6 to the principal Act by the amending Act, a gratuity granted under section 12D before the commencement of the amendments made to section 12D (4) is taken to have been validly granted whether or not the Commissioner of Police made the relevant decision at the request of *STC*.

This Regulation inserts a transitional provision to provide that *STC* may, in determining whether to grant a gratuity under section 12D of the principal Act, rely on a decision of the Commissioner of Police made under that section before its amendment whether or not the Commissioner of Police made the relevant decision at the request of *STC*.

This Regulation is made under the *Police Regulation (Superannuation) Act 1906*, including section 12D and section 24 (the general regulation-making power) and clause 1 of Schedule 6.

Clause 1          Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005

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## **Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005**

under the

Police Regulation (Superannuation) Act 1906

### **1 Name of Regulation**

This Regulation is the *Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 8 July 2005.

### **3 Amendment of Police Superannuation Regulation 2000**

The *Police Superannuation Regulation 2000* is amended as set out in Schedule 1.

Police Superannuation Amendment (Hurt on Duty Gratuity) Regulation 2005

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 3)

### Clause 25

Insert after clause 24:

#### 25    Hurt on duty benefits—transitional provision

- (1) This clause is made for the purposes of clause 1 of Schedule 6 to the Act consequent on the enactment of the *Superannuation Legislation Amendment Act 2005 (the amending Act)*.
- (2) STC may, in determining whether to grant a gratuity under section 12D of the Act, rely on a decision of the Commissioner of Police made under that section before its amendment by the amending Act.
- (3) Subclause (2) applies whether or not the Commissioner made the relevant decision at the request of STC.



New South Wales

# Public Authorities (Financial Arrangements) Amendment (Port Corporations) Regulation 2004

under the

Public Authorities (Financial Arrangements) Act 1987

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

ANDREW REFSHAUGE, M.P.,  
Treasurer

## Explanatory note

The object of this Regulation is to amend the *Public Authorities (Financial Arrangements) Regulation 2004* to give the following authorities certain investment powers under Part 2 of Schedule 4 to the Act:

- (a) Newcastle Port Corporation,
- (b) Port Kembla Port Corporation,
- (c) Sydney Ports Corporation.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including sections 24 and 43 (the general regulation-making power).



Clause 1            Public Authorities (Financial Arrangements) Amendment (Port Corporations) Regulation 2004

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## **Public Authorities (Financial Arrangements) Amendment (Port Corporations) Regulation 2004**

under the

Public Authorities (Financial Arrangements) Act 1987

### **1 Name of Regulation**

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Port Corporations) Regulation 2004*.

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

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

Public Authorities (Financial Arrangements) Amendment (Port Corporations) Regulation 2004

Amendment

Schedule 1

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## **Schedule 1      Amendment**

(Clause 2)

### **Schedule 1 Authorities having Part 2 investment powers**

Insert in alphabetical order:

Newcastle Port Corporation

Port Kembla Port Corporation

Sydney Ports Corporation



New South Wales

# Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

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

MICHAEL COSTA, M.L.C.,  
Minister for Roads

## Explanatory note

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

- (a) the imposition of a condition on provisional P1 and P2 licences to prevent provisional drivers from driving certain high performance vehicles, and
- (b) the imposition of a condition on a provisional P1 or P2 licence issued after a licence disqualification to prevent the driver from carrying more than one passenger for 12 months, and
- (c) the granting of exemptions from the new conditions in exceptional circumstances.

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

Clause 1            Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

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## **Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005**

under the

Road Transport (Driver Licensing) Act 1998

### **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 11 July 2005.

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

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

Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 3)

### [1] Clauses 15B–15D

Insert after clause 15A:

#### 15B Provisional P1 and P2 licences—high performance vehicle restrictions

- (1) In addition to any other conditions that may be attached to the licence, a provisional licence issued by the Authority (other than a class R licence) is subject to the condition that the holder must not drive a high performance vehicle.
- (2) For the purposes of this clause, a **high performance vehicle** is a vehicle:
  - (a) with an engine having 8 or more cylinders, or
  - (b) the engine of which is turbocharged or supercharged (other than a diesel powered vehicle), or
  - (c) that has had any substantial modification made to the engine of the vehicle to increase the performance of the vehicle (not being a modification made by the manufacturer of the vehicle in the course of manufacture of the vehicle), or
  - (d) that has had any modification made to the vehicle that is listed for the time being in the Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* as a high performance modification for the purposes of this clause, or
  - (e) that is for the time being listed in the Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* as a high performance vehicle for the purposes of this clause.
- (3) A vehicle is not a **high performance vehicle** for the purposes of this clause if it is for the time being listed in the Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* as a vehicle that is not a high performance vehicle for the purposes of this clause.
- (4) This clause applies only to a provisional licence issued after the commencement of this clause but does not apply to a provisional licence issued to a person on or after the commencement of this clause if the person held a provisional licence issued at any time before the commencement of this clause (whether or not that

Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

Schedule 1 Amendments

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provisional licence was in force immediately before the commencement of this clause).

- (5) The Authority's publication *Novice Drivers—High Performance Vehicle Restrictions* is to be published on the Authority's website and is to be available for perusal free of charge at each motor registry.

**15C Provisional P1 and P2 licences—12-month passenger restrictions after licence disqualification**

- (1) In addition to any other conditions that may be attached to the licence, a provisional licence (other than a class R licence) that is issued to a person by the Authority after a licence disqualification is subject to the condition that the holder must not drive a vehicle with more than one passenger in or on the vehicle.
- (2) The condition applies only:
- (a) for the first 12 months of the term of the first provisional licence issued to the person after the licence disqualification or (if that licence is issued for a term of less than 12 months) for the term of that first provisional licence, or
  - (b) (if that first provisional licence is issued for a term of less than 12 months) for the term of that first provisional licence and for such part of the term of any provisional licence issued subsequently or by way of renewal of that first provisional licence as will result in the condition applying for a total period of 12 months.
- (3) This clause applies only to a provisional licence issued after the commencement of this clause and applies only if the licence disqualification concerned relates to a conviction for an offence committed after the commencement of this clause.
- (4) In this clause:
- licence disqualification*** means disqualification of a person from holding a driver licence (whether or not by an order of a court) as a consequence of the person being convicted of an offence by a court under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*).
- passenger*** means any person in or on a vehicle other than the driver.

Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

Amendments

Schedule 1

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**15D Exemptions from P1 and P2 vehicle and passenger restrictions**

- (1) The Authority may exempt the holder of a provisional licence from the operation of clause 15B or 15C if the Authority is satisfied that exceptional circumstances exist that justify the exemption.
- (2) An exemption under this clause is to be granted by the issue of an instrument in writing (which is referred to in this clause as an *exemption letter*).
- (3) An exemption may be granted subject to conditions or unconditionally. Any conditions of an exemption have effect as conditions of the licence to which the exemption relates.
- (4) The Authority may revoke a person's exemption at any time by notice in writing sent to the person.
- (5) An exemption under this clause ceases to be in force:
  - (a) when notice of revocation of the exemption is served on the person or on such later date as the Authority may specify in the notice, or
  - (b) when the person ceases to be the holder of a provisional licence that would (were it not for the exemption) be subject to the condition to which the exemption relates.
- (6) The driver of a vehicle who has an exemption under this clause must produce the driver's exemption letter on demand by a police officer acting in the execution of his or her functions under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*).  
Maximum penalty: 20 penalty units.
- (7) A person must not:
  - (a) by any false statement, misrepresentation or other dishonest means, obtain or attempt to obtain an exemption under this clause or an exemption letter, or
  - (b) by any statement made to a police officer falsely claim to have been granted an exemption under this clause, or
  - (c) forge or fraudulently alter an exemption letter, or
  - (d) be in possession of an exemption letter knowing it to have been forged or fraudulently altered or knowing it to have been obtained by any false statement, misrepresentation or other dishonest means, or

Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005

Schedule 1 Amendments

- 
- (e) without lawful authority or reasonable excuse be in possession of an exemption letter or an article resembling an exemption letter, or
  - (f) give or lend an exemption letter to another person knowing or having reasonable cause to suspect that the exemption letter may be fraudulently used by that person or another person as evidence of the grant of an exemption under this clause, or
  - (g) fraudulently use or allow another person to fraudulently use an exemption letter or article resembling an exemption letter as evidence of the grant of an exemption under this clause.

Maximum penalty: 20 penalty units.

- (8) A person to whom an exemption is granted under this clause must surrender the exemption letter to the Authority within 14 days after the exemption ceases to be in force.

Maximum penalty: 20 penalty units.

**[2] Schedule 2 Additional demerit point offences**

Omit the matter relating to clause 56 of the *Road Transport (Driver Licensing) Regulation 1999* in Columns 1–4.

Insert instead:

Clause 56 (except in respect of a condition under clause 15B or 15C)	Not comply with conditions of licence	2	2
Clause 56 (in respect of a condition under clause 15B)	Not comply with P1/P2 high performance vehicle restriction	7	7
Clause 56 (in respect of a condition under clause 15C)	Not comply with P1/P2 passenger restriction	4	4





New South Wales

# Road Transport (General) (Penalty Notice Offences) Amendment (Provisional Licence Restrictions) Regulation 2005

under the

Road Transport (General) Act 1999

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

MICHAEL COSTA, M.L.C.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to prescribe certain offences under clauses 15B–15D of the *Road Transport (Driver Licensing) Regulation 1999* (as inserted by the *Road Transport (Driver Licensing) Amendment (Provisional Licence Restrictions) Regulation 2005*) to be penalty notice offences. These offences relate to vehicle and passenger restrictions that apply to the holders of provisional licences.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 and 71 (the general regulation-making power).

Clause 1            Road Transport (General) (Penalty Notice Offences) Amendment  
                          (Provisional Licence Restrictions) Regulation 2005

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## **Road Transport (General) (Penalty Notice Offences) Amendment (Provisional Licence Restrictions) Regulation 2005**

under the

Road Transport (General) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Provisional Licence Restrictions) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 11 July 2005.

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

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

Road Transport (General) (Penalty Notice Offences) Amendment  
(Provisional Licence Restrictions) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Schedule 2 Penalty notice offences**

Insert “; Clause 15B; Clause 15C” after “Clause 12 (3)” in Column 1 of the table under the heading “**Road Transport (Driver Licensing) Regulation 1999**”.

**[2] Schedule 2, table under heading “Road Transport (Driver Licensing) Regulation 1999”**

Insert “Clause 15D (6); Clause 15D (8);” after “Clause 12 (5) (b);” in Column 1.

**[3] Schedule 2, table under heading “Road Transport (Driver Licensing) Regulation 1999”**

Insert before the matter relating to clause 56 in Columns 1, 2 and 3, respectively:

Clause 15D (7)

Class 1

Level 5



New South Wales

# State Authorities Superannuation Amendment (Shift Allowance Loading) Regulation 2005

under the

State Authorities Superannuation Act 1987

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

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

## Explanatory note

The *State Authorities Superannuation Regulation 2000* provides that the number of shifts a contributor actually worked during a certain period is to be taken into account in determining the loading to be treated as part of the contributor's salary for the purposes of the *State Authorities Superannuation Act 1987*.

The object of this Regulation is to amend the *State Authorities Superannuation Regulation 2000* to provide that the number of shifts the contributor would have actually worked during the relevant period but for the contributor being on leave, being leave for which a shift allowance or an equivalent allowance or loading is paid, is also to be taken into account.

This Regulation also provides for the validation of anything done or omitted to be done, on or after 1 March 1999, that would have been validly done or omitted had the relevant provision of the *State Authorities Superannuation Regulation 2000*, as amended by this Regulation, been in force when the thing was done or omitted.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including section 4 and section 55 (the general regulation-making power) and clause 10 of Schedule 6.

Clause 1            State Authorities Superannuation Amendment (Shift Allowance Loading)  
                         Regulation 2005

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## **State Authorities Superannuation Amendment (Shift Allowance Loading) Regulation 2005**

under the

State Authorities Superannuation Act 1987

### **1 Name of Regulation**

This Regulation is the *State Authorities Superannuation Amendment (Shift Allowance Loading) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 8 July 2005.

### **3 Amendment of State Authorities Superannuation Regulation 2000**

The *State Authorities Superannuation Regulation 2000* is amended as set out in Schedule 1.

State Authorities Superannuation Amendment (Shift Allowance Loading)  
Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 5 Determination of loading in respect of shift allowance

Omit the definition of *S* in clause 5 (6). Insert instead:

*S* is the sum of:

- (a) the number of relevant shifts the contributor actually worked during the relevant period, and
- (b) the number of relevant shifts the contributor would have actually worked during the relevant period but for the contributor being on leave, being leave for which a shift allowance or an equivalent allowance or loading (including that part of annualised salary that replaces shift allowance in respect of the contributor) is paid.

### [2] Clause 24

Insert after clause 23:

#### 24 Validation of shift loading determinations

Anything done or omitted to be done, on or after 1 March 1999, that would have been validly done or omitted had clause 5 (6), as amended by Schedule 1 [1] to the *State Authorities Superannuation Amendment (Shift Allowance Loading) Regulation 2005*, been in force (under this Regulation or the *State Authorities Superannuation Regulation 1995*) at the time that the thing was done or omitted, is validated.



New South Wales

# State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 2005

under the

State Authorities Non-contributory Superannuation Act 1987

Her Excellency the Governor, on a certificate given under section 34 of the *State Authorities Non-contributory Superannuation Act 1987*, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Non-contributory Superannuation Act 1987*.

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

## Explanatory note

The *State Authorities Non-contributory Superannuation Regulation 2000* provides that the number of shifts an employee actually worked during a certain period is to be taken into account in determining the loading to be treated as part of the employee's salary for the purposes of the *State Authorities Non-contributory Superannuation Act 1987*.

The object of this Regulation is to amend the *State Authorities Non-contributory Superannuation Regulation 2000* to provide that the number of shifts the employee would have actually worked during the relevant period but for the employee being on leave, being leave for which a shift allowance or an equivalent allowance or loading is paid, is also to be taken into account.

This Regulation also provides for the validation of anything done or omitted to be done, on or after 1 March 1999, that would have been validly done or omitted had the relevant provision of the *State Authorities Non-contributory Superannuation Regulation 2000*, as amended by this Regulation, been in force when the thing was done or omitted.

This Regulation is made under the *State Authorities Non-contributory Superannuation Act 1987*, including section 4 and section 34 (the general regulation-making power) and clause 7 of Schedule 5.

Clause 1 State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 2005

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## **State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 2005**

under the

State Authorities Non-contributory Superannuation Act 1987

### **1 Name of Regulation**

This Regulation is the *State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 8 July 2005.

### **3 Amendment of State Authorities Non-contributory Superannuation Regulation 2000**

The *State Authorities Non-contributory Superannuation Regulation 2000* is amended as set out in Schedule 1.



State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 4 Determination of loading in respect of shift allowance

Omit the definition of *S* in clause 4 (6). Insert instead:

*S* is the sum of:

- (a) the number of relevant shifts the employee actually worked during the relevant period, and
- (b) the number of relevant shifts the employee would have actually worked during the relevant period but for the employee being on leave, being leave for which a shift allowance or an equivalent allowance or loading (including that part of annualised salary that replaces shift allowance in respect of the employee) is paid.

### [2] Clause 11

Insert after clause 10:

#### 11 Validation of shift loading determinations

Anything done or omitted to be done, on or after 1 March 1999, that would have been validly done or omitted had clause 4 (6), as amended by Schedule 1 [1] to the *State Authorities Non-contributory Superannuation Amendment (Shift Allowance Loading) Regulation 2005*, been in force (under this Regulation or the *State Authorities Non-contributory Superannuation Regulation 1995*) at the time that the thing was done or omitted, is validated.

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## Orders

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New South Wales

# Children (Detention Centres) Amendment Order 2005

under the

Children (Detention Centres) Act 1987

I, Diane Beamer, the Minister for Juvenile Justice, in pursuance of section 5 of the *Children (Detention Centres) Act 1987*, make the following Order.  
Dated, this 30th day of June 2005.

DIANE BEAMER, M.P.,  
Minister for Juvenile Justice

### **Explanatory note**

The object of this Order is to amend the *Children (Detention Centres) Order 2001* so as to establish the Juniperina Juvenile Justice Centre.

ByLaw 1 Children (Detention Centres) Amendment Order 2005

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## Children (Detention Centres) Amendment Order 2005

under the

Children (Detention Centres) Act 1987

### 1 Name of Order

This Order is the *Children (Detention Centres) Amendment Order 2005*.

### 2 Commencement

This Order commences on 1 August 2005.

### 3 Amendment of Children (Detention Centres) Order 2001

The *Children (Detention Centres) Order 2001* (originally published in Gazette No 67 of 12 April 2001 at pages 1881–1883) is amended by inserting the following matter under the headings “**Address of premises**” and “**Name of detention centre**”, respectively, in Schedule 1:

169 Joseph Street, Lidcombe

Juniperina Juvenile Justice Centre



New South Wales

## Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2005

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 220D of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 20th day of June 2005.

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

### Explanatory note

Part 7A of the *Fisheries Management Act 1994* (*the Act*) deals with the conservation of threatened species, populations and ecological communities of fish and marine vegetation. For the purposes of identification and classification, provision is made for the listing:

- (a) in Schedule 4 to the Act, of endangered species, endangered populations, and endangered ecological communities and species that are presumed to be extinct, and
- (b) in Schedule 5, of vulnerable species, and
- (c) in Schedule 6, of key threatening processes.

Under the Act, listings and amendments to listings are to be made by the Minister by order on the recommendation of the Fisheries Scientific Committee (*the Committee*).

The object of this Order is to list Sydney Hawk dragonfly as an endangered species in Part 1 of Schedule 4 to the Act, as recommended by the Committee.

The Committee has recommended this listing because it considers that the species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

This Order is made under section 220D of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management Amendment (Threatened Species Conservation)  
Order (No 2) 2005

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## **Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2005**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2005*.

### **2 Commencement**

This Order takes effect on the date that it is published in the Gazette.

### **3 Amendment of Fisheries Management Act 1994**

The *Fisheries Management Act 1994* is amended by inserting in alphabetical order in Part 1 of Schedule 4 under the heading "Fish":

*Austrocordulia leonardi*

Sydney Hawk dragonfly



New South Wales

## Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2005

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 220D of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 20th day of June 2005.

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

### Explanatory note

Part 7A of the *Fisheries Management Act 1994* (**the Act**) deals with the conservation of threatened species, populations and ecological communities of fish and marine vegetation. For the purposes of identification and classification, provision is made for the listing:

- (a) in Schedule 4 to the Act, of endangered species, endangered populations, and endangered ecological communities and species that are presumed to be extinct, and
- (b) in Schedule 5, of vulnerable species, and
- (c) in Schedule 6, of key threatening processes.

Under the Act, listings and amendments to listings are to be made by the Minister by order on the recommendation of the Fisheries Scientific Committee (**the Committee**).

The object of this Order is to list the marine brown alga as a vulnerable species in Schedule 5 to the Act, as recommended by the Committee.

The Committee has recommended this listing because it considers that the species is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

This Order is made under section 220D of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management Amendment (Threatened Species Conservation)  
Order (No 3) 2005

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## **Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2005**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2005*.

### **2 Commencement**

This Order takes effect on the date that it is published in the Gazette.

### **3 Amendment of Fisheries Management Act 1994**

The *Fisheries Management Act 1994* is amended by inserting in alphabetical order in Schedule 5 under the heading "Marine vegetation":

*Nereia lophocladia* J. Agardh (1897)      marine brown alga

**OFFICIAL NOTICES****Appointments****CONSTITUTION ACT, 1902**

Ministerial arrangements during the absence of the Minister for Community Services, and Minister for Youth

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon M Iemma, MP, Minister for Health, to act for and on behalf of the Minister for Community Services, and Minister for Youth, as on and from 18 July 2005, with a view to him performing the duties of the Honourable RP Meagher MP, during her absence from duty.

BOB CARR,  
Premier

The Cabinet Office, Sydney  
6 July 2005

**HEALTH CARE COMPLAINTS ACT 1993**

Chief Executive Service

Appointment under section 76

HER Excellency the Governor with the advice of the Executive Council, pursuant to the provisions of the Health Care Complaints Act 1993 has appointed the officer listed below to the chief executive service position as specified:

Health Care Complaints Commission

Kieran Tibor Pehm, Commissioner [29 June 2005].

The Hon MORRIS IEMMA, M.P.,  
Minister for Health



## Department of Infrastructure, Planning and Natural Resources

### Natural Resources

#### WATER ACT 1912

APPLICATIONS for a licence under section 10 of the Water Act 1912, as amended, has been received from:

Brett HOWAT and Caroline BROWN for a pump on Orara River, Lot 6, DP 258275, Parish Tallawudjah, County Fitzroy, for irrigation of 2.5 hectares (12 megalitres) (replacement application – increase in authorised area/entitlement by way of permanent transfer) (Reference: GRA6323444) (GA2:476108).

RAKLIS PTY LIMITED for a pump on Branch Creek Easement within Lot 2, DP 815562, Parish Tuckombil, County Rous, for irrigation of 4 hectares (80 megalitres) (replacement application – relocation of pump site, no increase in authorised area or allocation) (Reference: GRA6323442) (GA2:476106).

Helen May COBON and Keith COBON for a pump on Bookookoorara Creek and a dam and a pump on an unnamed watercourse, Lots 68 and 86, DP 751043, Parish Bookookoorara, County Buller, for conservation of water and irrigation of 20 hectares (30 megalitres) (replacement application – additional works no increase in authorised area or allocation) (Reference: GRA6039487) (GA2:476107).

JOHN WALTER THOMPSON for a pump on Wilson River Lot 12 DP 1002900 Parish Tinebank County Macquarie for water supply for domestic purposes (new license) (Our Reference: GRA6323060) (GA2:- 476115).

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6640 2000).

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

G. LOLLBACK,  
Resource Access Manager,  
North Coast Region,  
Grafton

#### WATER ACT 1912

Notice of Withdrawal of Pumping Suspensions and  
Restrictions under Section 22B of the Water Act 1912

Richmond River above Findon Creek Junction, Roseberry Creek, Long Creek, Terrace Creek, Richmond River from Findon Creek Junction to The Risk, Findon Creek, Collins Creek, Fawcetts Creek, Eden Creek above Iron Pot Creek Junction, Cob O Corn Creek and their Tributaries

THE Department of Infrastructure, Planning and Natural Resources advises that PUMPING SUSPENSIONS and RESTRICTIONS under section 22B of the Water Act 1912, relating to the abovementioned watercourses and their tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act 1912, that pumping

restrictions so imposed are now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.  
GA2:476114.

Dated this 5th day of July 2005.

G. LOLLBACK,  
Resource Access Manager,  
North Coast Region,  
Grafton

#### WATER ACT 1912

Notice of Withdrawal of Pumping Suspension under  
Section 22B of the Water Act 1912  
Acacia Creek and its Tributaries

THE Department of Infrastructure, Planning and Natural Resources advises that the PUMPING SUSPENSION under Section 22B of the Water Act 1912, relating to Acacia Creek and its tributaries with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Water Act 1912, that the pumping suspension so imposed is now cancelled. Diversion of water must however be undertaken in accordance with the conditions of individual licences.  
GA2:476116.

Dated this 6th day of July 2005.

G. LOLLBACK,  
Resource Access Manager,  
North Coast Region,  
Grafton

#### 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:

PEAK ALONE ESTATE PTY LTD for a pump on the Yowrie River being Lots 17 and 37//752167, Parish of Yowrie, County of Dampier, for the irrigation of 2.5 hectares (lucerne) (part replacement licence – part replaces 10SL056418) (no increase in authorised area – no increase in annual water entitlement) (Reference: 10SL056653) (GA2:502413).

Any inquiries regarding the above should be directed to the undersigned (telephone: 4428 6919).

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 RYAN,  
Natural Resource Project Officer,  
Sydney/South Coast Region

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 309, Nowra NSW 2541.

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## Department of Lands

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### DUBBO OFFICE

**142 Brisbane Street (PO Box 865), Dubbo NSW 2830**

**Phone: (02) 6841 5200      Fax: (02) 6841 5231**

#### 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

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#### SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
David Grant (re-appointment)	Coonabarabran Showground Trust	Reserve No. 85201 Public Purpose: Public Recreation Showground
Sue Elizabeth McGoldrick (re-appointment)		Notified: 22 January 1965 File Ref.: DB80R126/5

For a term commencing  
the date of this notice and  
expiring 10 February 2009

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### FAR WEST REGIONAL OFFICE

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

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

#### ERRATUM

IN the notification appearing in the Government Gazette of 10 June 2005, Folio 2223, under the heading Revocation of Reservation of Crown Land in schedule 1 showing in Column 1 Local Government Area: Albury City Council should have read Local Government Area: Balranald Shire Council. (WL98R1035/1)

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

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

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

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Geoff Firkin	Boambee Creek Park Reserve Trust	Reserve No. 84835 Public Purpose: Public Recreation Notified: 10 April 1964 File Reference: GF81R212/4

For a term commencing 16 July 2005 and expiring 15 July 2006.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Geoff Firkin	Moonee Beach Public Recreation Reserve Trust	Reserve No. 64933 Public Purpose: Public Recreation Resting Place Notified: 23 November 1934 Reserve No. 1003022 Public Purpose: Environmental Protection Notified: 6 September 2002 File Reference: GF80R78/4

For a term commencing 16 July 2005 and expiring 15 July 2006.

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Geoff Firkin	Morgo Street Reserve Trust	Reserve No. 82452 Public Purpose: Public Recreation Notified: 1 April 1960 File Reference: GF81R381/3

For a term commencing 16 July 2005 and expiring 15 July 2006.

**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 thereunder, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserves referred to 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>
Lachlan Francis McLEOD.	Corindi Beach Reserve Trust.	Reserve No.: 55008. Public Purpose: Public recreation. Notified: 9 December 1921. Reserve No.: 87400. Public Purpose: Parking. Notified: 26 September 1969. Reserve No.: 87401. Public Purpose: Public recreation. Notified: 26 September 1969. File No.: GF04 R 44/1.

For a term commencing 1 July 2005 and expiring 31 December 2005.

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

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

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at <http://lands/LandManagement/CrownLandAssessments>, or at the Department of Lands Offices at 5 O'Keefe Avenue, Nowra, and Suite 2, Bega Centre, 106 Auckland Street, at the Eurobodalla Shire Council Chambers, Vulcan Street, Moruya and at the Narooma Post Office, 106 Wagonga Street, Narooma during normal business hours.

Representations are invited on the draft assessment. These may be made in writing for a period commencing from 29 June 2005 and ending 5 August 2005 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 309, Nowra NSW 2541.

Reason for Assessment: To assist in the consideration of appropriate future land use and management options.

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

Description

*Land District – Moruya;  
 Local Government Area – Eurobodalla Shire;  
 Parish – Wagonga; County – Dampier.*

Crown Lands comprising Lots 219–224, DP 45809; Lot 233, DP 729164; Lot 7022, DP 1053765 and unsurveyed Crown Land generally located on the western shore of Barlows Bay at Wagonga Inlet.

File No.: NA05 H 132.

**REVOCATION OF RESERVATION OF  
 CROWN LAND**

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

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

**SCHEDULE**

*COLUMN 1*

Land District: Nowra  
 Local Government Area:  
 Shoalhaven City Council  
 Locality: Ulladulla  
 Reserve No. 88  
 Public Purpose: Public Purposes  
 Notified: 25th October, 1880  
 File Reference: NA 05 R 11

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

*COLUMN 2*

The whole being  
 Lot 7014, D.P. No. 755967 #,  
 Parish Ulladulla. County St  
 Vincent; Lot 331, D.P. No.  
 40637, Parish Ulladulla,  
 County St Vincent, of an area  
 of 2.428ha

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

**ESTABLISHMENT OF RESERVE TRUST**

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

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

\_\_\_\_\_  
**SCHEDULE**

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Mons Road (R51119) Reserve Trust	Reserve No. 51119 Public Purpose: Access Notified: 17 November 1915 File Ref: MN04 R 22

**APPOINTMENT OF CORPORATION TO MANAGE  
RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

\_\_\_\_\_  
**SCHEDULE**

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Parramatta City Council	Mons Road (R51119) Reserve Trust	Reserve No. 51119 Public Purpose: Access Notified: 17 November 1915 File Ref: MN04 R 22

**NOTIFICATION OF CLOSING OF ROADS**

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

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

\_\_\_\_\_  
**Descriptions**

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

Lot 102, DP 1082501 at Randwick, Parish Alexandria  
(Sheet 3), County Cumberland. MN03 H 102

Notes: (1) On closing, title for the land in lot 102 remains vested in Randwick City Council as operational land.

(2) The road is closed subject to the easement for services variable width as shown in DP 1082501.

\_\_\_\_\_  
**Descriptions**

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

Lot 100, DP 1083270 at Homebush West, Parish Liberty  
Plains, County Cumberland. MN03 H 80

Notes: (1) On closing, title for the land in lot 100 remains vested in Strathfield Municipal Council as operational land.

(2) The road is closed subject to the easement for gas services 3 wide, the easement for electricity purposes 7, 2.5, 2 wide and variable, the easement to drain water 2.5 wide and variable as shown in DP 1083270.

**TAMWORTH OFFICE****25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****ROADS ACT 1993****ORDER**

Transfer of Crown Road to Council

IN pursuance of provisions of section 151, Roads Act 1993, The Crown public roads specified in Schedule 1 are 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 roads specified in Schedule 1 cease to be Crown public road.

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

**SCHEDULE 1**

*Parish – Loder; County – Buckland  
Land District – Quirindi  
L.G.A – Liverpool Plains Shire Council*

Crown public road of 20.115 metres wide and described as part within Lot 1, DP592638 (South of Kangaroo Creek); East of Lots 1 and 2, DP882807 and part within Lot PT12, DP223430 (that section running South-East linking with Council public road.

**SCHEDULE 2**

Roads Authority: Liverpool Plains Shire Council

File No: TH83 H 204, TH83 H 362, TH83 H 360

**APPOINTMENT OF A TRUST BOARD MEMBER**

PURSUANT to section 93 of the Crown Lands Act 1989, the person whose name is specified in Column 1 of the Schedule hereunder is appointed, for the term of office specified in that column, as a member 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 1**

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Robert William O'BRIEN (New member)	Lake Keepit State Park	Reserve No. 1001338 Public Purpose: Public Recreation Notified: 1 June 1997 Locality: Lake Keepit File No. TH98 R 5

For a term commencing  
this day and expiring  
on 30 April 2007

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

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Public Road to a Council

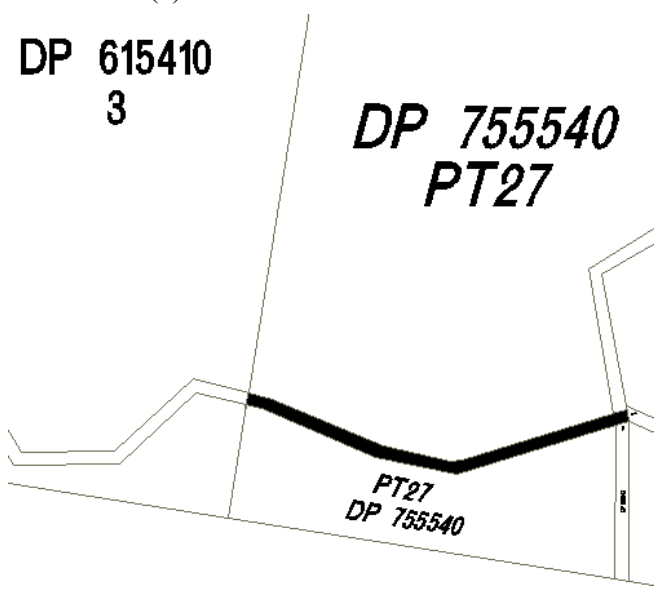
IN pursuant of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 cease to be Crown public road.

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

**SCHEDULE 1**

*Parish – Denison; County – Raleigh  
Land District – Kempsey; LGA – Nambucca*

That part of the Crown road known as Bakers Creek Road as shown by dark colour on the diagram hereunder. TE05 H 114 (1)



**DRAFT ASSESSMENT OF LAND UNDER PART 3  
OF THE CROWN LANDS ACT 1989 AND CROWN  
LANDS REGULATION 2000**

THE Minister for Lands has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Offices of Greater Taree City Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 8th July 2005 to 19th August 2005 and should be sent to the Manager, Mid North Coast, Department of Lands, PO Box 440, Taree NSW 2430. Telephone enquiries should be directed to the Taree office on (02) 6552 2788.

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

Description: Approximately 10 hectares of Crown land located within and adjoining the lower reaches of the Manning River estuary Parishes of Cundle, Harrington and Oxley County of Macquarie.

Reason: To determine appropriate future land use and management options of the Crown land, including consideration of commercial leases for land based activities related to the aquaculture industry within the study area.

Contact Officer: Mr Bob Birse. (File No. TE04 H 70)

**DRAFT ASSESSMENT OF LAND UNDER PART 3  
OF THE CROWN LANDS ACT 1989 AND CROWN  
LANDS REGULATION 2000**

THE Minister for Lands has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Offices of Kempsey Shire Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 8th July 2005 to 5th August 2005 and should be sent to the Manager, Mid North Coast, Department of Lands, PO Box 440, Taree NSW 2430. Telephone enquiries should be directed to the Taree office on (02) 6552 2788.

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

Description: Approximately 1.8 hectares of Crown land fronting Gowings Hill Road, Dondingalong located about 6.5 kilometres south west of Kempsey, Parish of Kalateenee, County of Dudley.

Reason: To determine appropriate future land use and management options of the Crown land.

Contact Officer: Mr Bob Birse. (File No. TE04 H 70)

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# Department of Primary Industries

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## Agriculture

### STOCK DISEASES ACT 1923

Proclamation No. 559

Declaration of disease for the purposes of the Stock Diseases Act 1923

Her Excellency Professor MARIE BASHIR, A.C., Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, pursuant to section 4 (1) of the *Stock Diseases Act 1923* ('the Act'), declare that the disease virulent porcine circovirus, being a disease in stock, shall be a disease in respect of which the provisions of the Act shall apply.

Signed and sealed at Sydney this 5th day of July 2005.

By Her Excellency's Command

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

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## Roads and Traffic Authority

### ROADS ACT 1993

#### Proclamation

I, Professor Marie Bashir, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to the powers vested in me under section 13 (1) of the Roads Act, 1993, do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation, dedicate the land described in the Schedule hereunder as a Public Road.

Signed and sealed at Sydney, this 22nd day of June, 2005.

MARIE BASHIR,  
Governor

By Her Excellency's Command

BOB DEBUS,  
Minister for the Environment

GOD SAVE THE QUEEN

#### SCHEDULE

All that piece or parcel of land situated in the Great Lakes Council Area, Parish of Karuah, County of Gloucester, containing an area of 364.6 square metres, being lot 1 in Deposited Plan 1080104; NPWS/05/00756.

### ROADS AND TRAFFIC AUTHORITY

#### ROAD TRANSPORT (DRIVER LICENSING) ACT 1998

#### Notice Fixing Fees

I Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to section 10 of the Road Transport (Driver Licensing) Act 1998 and clause 62 of the Road Transport (Driver Licensing) Regulation 1999, make the Notice set forth hereunder.

This Notice takes effect on 11 July 2005

PAUL FORWARD,  
Chief Executive,  
Roads and Traffic Authority

#### Amendments

The Notice Fixing Fees published in Government Gazette No. 77 of 24 June 2005 at page 3124 is amended by inserting the following services and fees in the Schedule to that Notice.

		\$
5	Issue of provisional licence passenger restriction exemption letter	23
6	Issue of provisional licence prohibited motor vehicle restriction exemption letter	23

### ROADS ACT 1993

#### Notice of Dedication of Land as Public Road at Walgett in the Walgett Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below 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

ALL those pieces or parcels of land situated in the Walgett Shire Council area, Parish of Merritombea and County of Baradine, shown as Lots 7, 8 and 9 Deposited Plan 1071344.

(RTA Papers: FPP 5M2182; RO 29/471.1158)

### ROADS ACT 1993

#### Notice of Dedication of Land as Public Road at Little Plain in the Inverell Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below 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

ALL that piece or parcel of land situated in the Inverell Shire Council area, Parish of Little Plain and County of Murchison, shown as Lot 71 Deposited Plan 1070868.

(RTA Papers: 12/218.144)

## Other Notices

### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation  
Pursuant to Sections 54 and 55

TAKE notice that the incorporation of the following association is cancelled by this notice pursuant to sections 54 and 55 of the Associations Incorporation Act 1984.

Cancellation is effective as at 29 June 2005.

Nyngan Apex Club Incorporated – Y0963312

ROBYNE LUNNEY,  
A/Manager,  
Legal Registry of Co-operatives and Associations  
Office of Fair Trading  
Department of Commerce  
29 June 2005

### CASINO CONTROL ACT 1992

Order

PURSUANT to section 66 (1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, approve the following amendments to the rules for the playing of the games of “Blackjack” and “Caribbean Stud Poker” in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

(1) Amendments to the rules for the playing of “Blackjack”

(a) Blackjack sub-rule 2.2 is repealed and in substitution therefor, the following new sub-rule 2.2 is approved:

2.2 The layout cloth covering the table shall be marked in a manner substantially similar to that shown in diagram “A”, “B”, “C”, “D”, “E” or “F” with:

2.2.1 a minimum of five and a maximum of nine playing areas designated for the placement of wagers;

2.2.2 an area for the placement of insurance wagers;

2.2.3 inscriptions to the effect that:

2.2.3.1 Blackjack pays 3 to 2;

2.2.3.2 the dealer must stand on 17 and must draw to 16; and

2.2.3.3 insurance pays 2 to 1

OR where the game variation of Pontoon is offered inscriptions to the effect that:

2.2.3.4 pontoon pays 3 to 2

2.2.3.5 the dealer must stand on hard 17 or soft 18

2.2.3.6 insurance pays 2 to 1

2.2.4 where the Super Sevens, Perfect Pairs or Pontoon Pandemonium wagers are offered, an area for the placement of these wagers;

2.2.5 the name and/or logo of the casino imprinted thereon.

(b) Blackjack sub-rule 14.2 is repealed and in substitution therefor, the following new sub-rule 14.2 is approved:

14.2 Where the Super Sevens or Perfect Pairs wager is offered, and the game of Blackjack is played at a table with a layout cloth marked in a manner substantially similar to that shown in diagram B for Super Sevens or diagram C or F for Perfect Pairs, any player may elect to place a Super Sevens or Perfect Pairs wager before the round of play commences. The Super Sevens or Perfect Pairs wagers shall be placed in the appropriate playing area of the layout.

(c) Blackjack sub-rule 14.4 is repealed and in substitution therefor, the following new sub-rule 14.4 is approved:

14.4 A Casino Duty Manager may limit the placement of Super Sevens and/or Perfect Pairs wagers to those players who have also placed an initial wager in accordance with rule 5, providing:

14.4.1 prior notification of the restriction is given to Surveillance and an Inspector; and

14.4.2 a sign advising players of the restriction is displayed at the table.

(d) Blackjack sub-rule 14.11.3 is repealed and in substitution therefor, the following new sub-rule 14.11.3 is approved:

14.11 Where a Perfect Pairs wager is made and the initial two cards dealt to that players hand in that round are:

14.11.1 A “Mixed Pair” being a pair that comprises two cards of the same number or picture type but of different colours (i.e. one red card and one black card), the player shall win and be paid at the odds of five to one;

14.11.2 A “Coloured Pair” being a pair that comprises two cards of the same number or picture type and colour but of different suits (i.e. clubs and spades), the player shall win and be paid at the odds of ten to one;

14.11.3 A “Perfect Pair” being a pair that comprises of two cards of the same number or picture type and suit (i.e. two Queens of Spades or two 5 of clubs), the player shall win and be paid at the odds of thirty to one, or twenty five to one where the game variation in play is Pontoon.

(e) Blackjack sub-rule 16.1 is repealed and in substitution therefor, the following new sub-rule 16.1 is approved:

16.1 Where the game in play is “Pontoon” the approved rules of Blackjack shall apply, except where the rules are inconsistent

with the rules for the game variation of "Pontoon", in which case the rules for the game variation of "Pontoon" shall prevail

- (f) Blackjack sub-rule 16.2 is repealed and in substitution therefor, the following new sub-rule 16.2 is approved:

16.2 The following additional equipment shall also be used in the game variation of Pontoon:

16.2.1 surrender buttons;

16.2.2 where the Pontoon Pandemonium wager is offered a jackpot button and an electronic meter which displays the winning Pontoon Pandemonium bonus prize.

- (g) Blackjack sub-rule 16.3.1 is repealed and in substitution therefor, the following new sub-rule 16.3.1 is approved:

16.3.1 In the game variation of Pontoon the following meanings apply:

16.3.1.1 "forfeit" means that the player has the option after doubling to have the dealer return the doubled portion of the wager to the player and forfeit the original wager;

16.3.1.2 "jackpot button" is a device offered to a player with a winning "Pontoon Pandemonium" wager, which when activated randomly selects a bonus prize payable to each player in the playing area with a "Pontoon Pandemonium" wager;

16.3.1.3 "pontoon" means an Ace and any card having a point value of ten dealt as the initial two cards to a player or a dealer except that this shall not include an ace and a ten point value card dealt to a player who has split pairs;

16.3.1.4 "surrender" means that where the dealer's initial card is equal to a Jack, Queen, King or Ace the dealer shall, after the initial deal and prior to any further cards being dealt, offer the player the option to surrender an amount equal to half of their original wager;

16.3.1.5 "surrender buttons" means the buttons placed on top of a bet to indicate that the bet has been surrendered.

- (h) Blackjack sub-rule 16.4.1 is repealed and in substitution therefor, the following new sub-rule 16.4.1 is approved:

16.4.1 The game variation of Pontoon shall be played with either six decks or eight decks of cards, with the backs the same colour and design and a cutting card. Each deck shall have 48 cards without jokers and the four Tens shall be removed i.e. Ten of Hearts, Diamonds, Clubs and Spades.

- (i) Blackjack sub-rule 16.14.2 is repealed and in substitution therefor, the following new sub-rule 16.14.2 is approved:

16.14.2 Where the Pontoon Pandemonium wager is offered, and the game variation of Pontoon is played at a table with a layout cloth marked in a manner substantially similar to that shown in diagram "E", a player may elect to place a Pontoon Pandemonium wager before the round of play commences. The Pontoon Pandemonium wager shall be placed in the appropriate playing area of the layout corresponding to the area where the initial wager was placed. Up to three Pontoon Pandemonium wagers shall be allowed per playing area.

- (j) Blackjack sub-rule 17.3 is repealed and in substitution therefor, the following new sub-rule 17.3 is approved:

17.3 Subject to rule 10.2, a player who refuses to accept the card referred to in rule 17.2 shall not receive any additional card during that round of play.

17.3.1 Where the game variation in play is Pontoon, a player who refuses to accept the card referred to in rule 17.2 shall not receive any additional cards during that round of play provided that a player who has less than two cards on his/her hand shall be required to receive an additional card until his/her hand has two cards.

- (k) Blackjack sub-rule 17.9 is repealed and in substitution therefor, the following new sub-rule 17.9 is approved:

17.9 Subject to rule 5.5, where a player makes a wager in accordance with rule 5 and fails within a reasonable period, or refuses or is not present, to make decisions with regard to the cards dealt to the playing area containing the wager, cards shall be dealt to the playing area in turn by the dealer until the point total of the cards exceeds 11.

17.9.1 Subject to rule 5.5, where the game variation in play is Pontoon and where a player makes a wager in accordance with rule 5 and fails within a reasonable period, or refuses or is not present, to make decisions with regard to the cards

dealt to the playing area containing the wager, no further cards shall be dealt to that playing area.

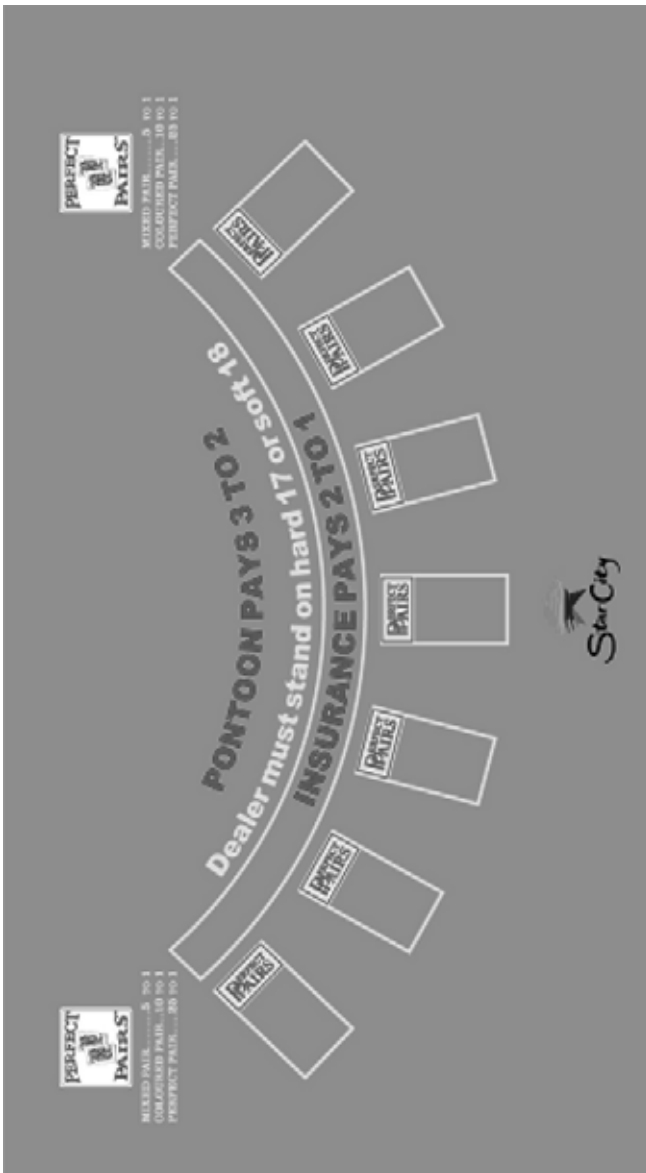
- (l) Blackjack sub-rule 17.17 is repealed and in substitution therefor, the following new sub-rule 17.17 is approved:

17.17 In the event of an electronic failure, the Pontoon Pandemonium wager will not be offered to patrons and the regular game variation of Pontoon shall be conducted.

- (m) The following new Diagram "F" is approved:

DIAGRAM "F"

PONTOON PERFECT PAIRS LAYOUT



- (2) Amendments to the rules for the playing of "Caribbean Stud Poker"

- (a) The following new Caribbean Stud Poker sub-rule 6.6 is approved:

6.6 A casino supervisor may allow a player to wager in excess of the stated maximum provided that a sign denoting the new minimum and maximum wagers for that player is placed on an appropriate area of the table.

This Order shall take effect from the date of publication in the New South Wales Government Gazette.

Signed at Sydney, this 6th day of July 2005.

BRIAN FARRELL,  
Chief Executive,

for and on behalf of the Casino Control Authority.

### CO-OPERATIVES ACT 1992

Merger of Co-operatives

Palmers Island Cane Growers Co-operative Society  
Limited Brushgrove/Lawrence Cane Growers  
Co-operative Society Ltd

PURSUANT to the merger of the above co-operatives to form the Clarence Harvesting Co-operative Ltd, the registration of Palmers Island Cane Growers Co-operative Society Limited and of the Brushgrove/Lawrence Cane Growers Co-operative Society Ltd were cancelled in accordance with Section 311C of the Co-operatives Act 1992 on 1 July 2005.

Dated this First Day of July 2005.

DEBORAH KREIG,  
Delegate of the Registrar of Co-operatives

### DRUG COURT REGULATION 2005

Review under the Subordinate Legislation Act 1989

NOTICE is given in accordance with section 5 (2) (a) of the Subordinate Legislation Act 1989 of the intention to remake a principal statutory regulation under the Drug Court Act 1998.

The new Regulation will continue to deal with the following matters currently contained in the Drug Court Regulation 1999:

- (a) the criteria to be satisfied before a person is eligible to be considered for a Drug Court program (clause 4),
- (b) the courts and proceedings from which a person may be referred to the Drug Court for consideration for a Drug Court program (clause 5),
- (c) the guidelines to be observed in determining the availability and allocation of facilities in connection with Drug Court programs (clause 6),
- (d) the modification of section 265 of the Criminal Procedure Act 1986 so as to enable certain obligations under that section to be suspended for the purpose of expediting proceedings before the Drug Court (clause 7),
- (e) the persons to be required to furnish information to the Drug Court in relation to the administration of Drug Court programs (clause 8),
- (f) the forms to be used for the purposes of the Act (clause 9),
- (g) the fees to be charged for the purposes of the Act (clause 10),
- (h) the manner and form of referrals of persons to and from the Drug Court (clauses 11 and 12),
- (i) other formal matters (clauses 1-3 and 13).

A copy of the Regulation and the Regulatory Impact Statement can be obtained by telephoning Mr Michael

Darmody on (02) 9228 7072 or by emailing Michael\_Darmody@agd.nsw.gov.au or from the Attorney General's Department's website at [www.lawlink.nsw.gov.au/lpd](http://www.lawlink.nsw.gov.au/lpd) under "Regulatory Impact Statements". Alternatively, a copy of the Regulation and the Regulatory Impact Statement may be inspected at the Criminal Law Review Division, Level 20, Goodsell Building, 8-12 Chifley Square, Sydney.

Comments and submissions on the draft Regulation and the Regulatory Impact Statement should be directed to the above address and be received by 1 August 2005.

### GEOGRAPHICAL NAMES ACT, 1966

PURSUANT to the provisions of Section 8 of the Geographical Names Act, 1966, the Geographical Names Board proposes to assign the name:

"Wollumbin" as an indigenous dual name for a mountain situated about 6 km W by N of the town of Uki and approximately 14 km WSW of Murwillumbah which is already named and known as "Mount Warning". Both names will be entered into the Geographical Names Register as dual names and neither name will have precedence over the other.

Any person wishing to make comment on this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing with that comment.

The position and extents for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at [www.lpi.nsw.gov.au/geog/](http://www.lpi.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795

### GEOGRAPHICAL NAMES ACT 1966

Notice of proposal to amend Address Locality Boundaries within the Blacktown City Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend address locality boundaries in the Blacktown City Local Government Area as shown on map GNB3725/A.

The proposed boundary amendments will allow the creation of a new address locality to be called Ropes Crossing which will be located adjacent to the suburbs of St Marys, Willmot, Lethbridge Park Shanes Park and Tregar.

The map GNB3725/A may be viewed at Blacktown City Council Administration Building and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 for a period of one month from 20 July 2005.

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

### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the names listed hereunder as geographical names.

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

Proposed Name: Cubbitch Barta Reserve  
Designation: Reserve  
L.G.A.: Wollondilly Shire Council  
Parish: Camden  
County: Camden  
L.P.I. Map: Camden  
1:100,000 Map: Wollongong 9029  
Reference: GNB 5026

Proposed Name: Moruya Riverside Park  
Designation: Reserve  
L.G.A.: Eurobodalla Shire Council  
Parish: Moruya  
County: Dampier  
L.P.I. Map: Moruya  
1:100,000 Map: Batemans Bay 8926  
Reference: GNB 5054

Proposed Name: Yallakool State Forest  
Designation: Forest  
L.G.A.: Murray Shire Council  
Parish: Yallakool/Colimo  
County: Townsend  
L.P.I. Map: Deniliquin  
1:100,000 Map: Mathoura 7826  
Reference: GNB 3613

Proposed Name: Stuart King Reserve  
Designation: Reserve  
L.G.A.: Shoalhaven City Council  
Parish: Bherwerre  
County: St Vincent  
L.P.I. Map: Huskisson  
1:100,000 Map: Jervis Bay 9027  
Reference: GNB 5060

Proposed Name: Major Druitt Park  
Designation: Reserve  
L.G.A.: Blacktown City Council  
Parish: Rooty Hill  
County: Cumberland  
L.P.I. Map: Prospect  
1:100,000 Map: Penrith 9030  
Reference: GNB 5061

Proposed Name: Ben Clarke Reserve  
Designation: Reserve  
L.G.A.: Port Stephens Council  
Parish: Tomaree  
County: Gloucester  
L.P.I. Map: Port Stephens  
1:100,000 Map: Port Stephens 9332  
Reference: GNB 5053

Proposed Name: Kieeta State Forest  
Designation: Forest  
L.G.A.: Balranald Shire Council  
Parish: Kieeta  
County: Caira  
L.P.I. Map: Balranald  
1:100,000 Map: Balranald 7628  
Reference: GNB 5055

Proposed Name: Jim Merry Reserve  
 Designation: Reserve  
 L.G.A.: Campelltown City Council  
 Parish: St Peter  
 County: Cumberland  
 L.P.I. Map: Campbelltown  
 1:100,000 Map: Wollongong 9029  
 Reference: GNB 5056

Proposed Name: E C Freeman Reserve  
 Designation: Reserve  
 L.G.A.: Blacktown City Council  
 Parish: Rooty Hill  
 County: Cumberland  
 L.P.I. Map: Riverstone  
 1:100,000 Map: Penrith 9030  
 Reference: GNB 5061

Proposed Name: Hillview Park  
 Designation: Reserve  
 L.G.A.: Blacktown City Council  
 Parish: Rooty Hill  
 County: Cumberland  
 L.P.I. Map: Riverstone  
 1:100,000 Map: Penrith 9030  
 Reference: GNB 5061

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

WARWICK WATKINS,  
 Chairperson

Geographical Names Board  
 PO Box 143, Bathurst NSW 2795

#### GEOGRAPHICAL NAMES ACT 1966

##### Erratum

IN the notice referring to the assignment of name shown in Folio 5402 page 3 of the *NSW Government Gazette* of 18 February 1977, the name Kingsford-Smith Oval should read Kingsford Smith Oval.

IN the notice referring to the assignment of name shown in Folio 7804 of the *NSW Government Gazette* of 10 June 1977, the name Sydney (Kingsford-Smith) Airport should read Sydney (Kingsford Smith) Airport.

WARWICK WATKINS,  
 Chairman

Geographical Names Board  
 PO Box 143, Bathurst NSW 2795

#### GEOGRAPHICAL NAMES ACT 1966

##### Notice of proposal to Assign Address Locality Boundaries

Within the Tamworth Regional Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the address locality boundaries in the Tamworth Regional Local Government Area in the areas that were formally Nundle Shire Council and Manilla Shire Council as shown on maps GNB3805/A and GNB3805/B.

The maps GNB3805/A and GNB3805/B may be viewed at Tamworth Regional Council Administration Offices at Manilla Branch, Nundle Branch, Tamworth Branch and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 for a period of one month from 22nd April 2005.

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

#### HERITAGE ACT 1977

##### Order Under Section 57 (2)

I, the Minister Assisting the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), pursuant to section 57 (2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

1. revoke general condition 4 published in the Government Gazette on 18 June 2004 and Standard Exemptions 6: Development Endorsed by the Heritage Council or Director; and 9: Change of Use; of the Schedule of Exemptions to Subsection 57 (1) of the Heritage Act 1977 made under subsection 57 (2), published in the Government Gazette on 7 March 2003; and
2. grant general condition 4 described in Schedule A and Standard Exemptions 6: Development Endorsed by the Heritage Council or Director; and 9: Change of Use; described in Schedule B.

Sydney, 30 June 2005

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

#### SCHEDULE A

##### General Condition

4. The Assistant Director, Principal Heritage Officers employed by the Heritage Office, the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority, the Executive Director Cultural Heritage employed by the Department of Environment and Conservation and the Director of Planning employed by the Sydney City Council may perform any of the functions of the Director of the Heritage Office under these exemptions.

The authorisation to the Executive Director, Tenant and Asset Management Services of the Sydney Harbour Foreshore Authority is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director, Tenant and Asset Management Services.

The authorisation to the Executive Director Cultural Heritage of the Department of Environment and Conservation is restricted to land for which it is the delegated approval body under section 169 of the Heritage

Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director Cultural Heritage.

The authorisation to the Director of Planning, Sydney City Council is restricted to land for which the Council is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Manager of Development, Sydney City Council.

#### SCHEDULE B

##### Standard Exemption 6: Development Endorsed by the Heritage Council or Director

1. Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director does not require approval under section 57 (1) of the Act.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director and describe the proposed development. If the Director is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director shall notify the applicant.

##### Standard Exemption 9: Change of Use

1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under section 57 (1) of the Act, provided that the Director is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Director is satisfied:
  - (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions; and
  - (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users;
2. A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Director and describe the changes proposed. If the Director is satisfied that the proposed development meets the criteria set out in paragraph 1 (a) and (b), the Director shall notify the applicant.

#### OFFICE OF THE MINISTER FOR POLICE

Sydney, 15 March 2005

#### MURDER

Two Hundred and Fifty Thousand Dollars (\$250,000)  
Reward

ON the 16 March 2000, the bodies of Barbara Anne BROOKS, aged 34 years, and her son, Stacey WILLOUGHBY, aged 13 years, were located in a yellow coloured Ford XF sedan near

Plantation Road, Mathoura in the Millewa State Forest. On the 20 March 2000, the body of Steven Leslie BROOKS, aged 38 years, was located in bushland 500 metres from his wife and stepson. All three persons had been shot to the head with a .22 calibre firearm.

Notice is hereby given that a reward of up to two hundred and fifty thousand dollars (\$250,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the deaths of Steven Leslie BROOKS, Barbara Anne BROOKS and Stacey WILLOUGHBY.

The allocation of this reward will be at the sole discretion of the Commissioner of Police.

The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night any Police Station or by telephone:

Police Headquarters telephone (02) 9281 0000  
or Crime Stoppers on 1800 333 000

The Hon. (CARL) PATRICK CARL SCULLY, M.P.,  
Minister for Police

#### PROFESSIONAL STANDARDS ACT 1994

Notification pursuant to section 13

##### Solicitors Scheme

PURSUANT to section 13 of the Professional Standards Act 1994, I authorise the publication of the amendment to the Solicitors Scheme. The amendment will commence on 11 July 2005.

BOB DEBUS,  
Attorney General,

##### Amendment of Solicitors Scheme

- (1) Omit Clause 2 and insert instead
  - “2 Persons to Whom the Scheme Applies (Members and Other Persons)
    - 2.1 The scheme applies to Solicitor Members as defined in clause 2.2 and Other Persons as defined in clause 2.3 of the scheme. The scheme also applies to persons who were Solicitor Members and Other Persons so defined as set out in clause 2.4.
    - 2.2 All Solicitor Members of the Law Society who hold a current practising certificate issued by the Law Society who have not been exempted under clause 2.5 of the scheme, and who have the benefit of an insurance policy under which the amount payable in respect of occupational liability is not less than the maximum amount of liability applicable to that person at the relevant time which insurance complies with standards set from time to time by the Law Society in accordance with section 27 of the Act.
    - 2.3 Persons to whom the scheme applies by virtue of sections 18, 19, 20 and 20A of the Act.
    - 2.4 Persons who were Solicitor Members or Other Persons as defined in clauses 2.2 and 2.3 for civil liability arising from their acts, errors or omissions occurring during the period in which they were Solicitor Members or Other Persons and to whom the Scheme applied at the relevant time

- 2.5 A person may, on application, be exempted from the Scheme by the Law Society. This clause does not apply to Other Persons as defined in clause 2.3 of the Scheme.”
- (2) Amend Clause 3.2 by omitting the word “The” where it first appears and insert instead “Subject to Clause 3.4, the”
- (3) After Clause 3.3 insert
- “3.4 The Law Society may from time to time, in its discretion, on application by a Solicitor Member or law practice on behalf of Solicitor Members to whom the Scheme applies, specify in relation to that person a higher maximum amount of liability than would otherwise apply under the Scheme, either in all cases or in any specified case or class of case.
- 3.4.1. In respect of a cause of action founded on an act or omission to which, and occurring during the period in which, a higher maximum amount of liability may apply under clause 3.4, such higher maximum amount of liability will continue to apply notwithstanding any termination or revocation of that higher maximum amount of liability, or further exercise of discretion by the Law Society under clause 3.4.
- 3.4.2 The Law Society shall maintain a register (“Register”) of all exercises of discretion by it under clause 3.4 and 3.4.6.
- 3.4.3 Promptly after the exercise of a discretion by it under clause 3.4 or 3.4.6, the Law Society shall enter into the Register particulars of:-
- (a) the name and address, or such other particulars as are sufficient to identify the Solicitor Member or law practice on behalf of Solicitor Members to whom the exercise of the discretion is to apply;
  - (b) the case or cases, or class of case or cases, to which the exercise of the discretion is to apply;
  - (c) the effective date from which the exercise of the discretion is to apply, which effective date cannot be prior to the actual date of exercise of the discretion (in respect of the exercise of a discretion under clause 3.4), or the expiry of the period of notice under clause 3.4.6 (in respect of the exercise of a discretion under clause 3.4.6); and
  - (d) the effective date upon which the exercise of the discretion will expire (if the exercise of the discretion is not to be continuing for the duration of the Scheme or until a contrary discretion under clause 3.4 or 3.4.6 is exercised by the Law Society).
- 3.4.4 The Law Society shall make available for examination by any interested person, on written application and on reasonable notice a copy of the Register.
- 3.4.5 The Law Society shall forward to the Professional Standards Council:
- (a) promptly after making any entry in the Register, details of that entry; and
  - (b) promptly after each of 30 June, 30 September, 31 December and 31 March each year, a complete copy of the Register endorsed by a proper officer of the Law Society that the content of the Register is true and correct.
- 3.4.6 The Law Society may from time to time, and in any event at least once in each financial year shall, review the Register and the continuing application of its discretion in the terms of the entries in the Register having regard to any relevant material circumstances of which the Law Society is aware, with discretion to the Law Society to revoke any prior exercise of discretion by it under clause 3.4 on giving not less than 90 days notice in writing to the applicant upon whose application the discretion was previously exercised (or such lesser period of notice to which the Solicitor Member may agree in writing).
- 3.4.7 Any exercise of discretionary authority by the Law Society under clause 3.4 shall be exercised subject to the reservation of the discretion conferred on the Law Society under clause 3.4.6.”
- (4) The amendment commences on 11 July 2005.

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### SUBORDINATE LEGISLATION ACT 1989

Department of Primary Industries  
Forests NSW

IN accordance with section 5 of the Subordinate Legislation Act 1989, notice is given of the proposed Regulation, the Timber Marketing Regulation 2005, under the Timber Marketing Act 1977 (the Act).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989 and its object is to remake the provisions of the Timber Marketing Regulation 2000, without any changes in substance.

The object of this Regulation is:

1. To protect the consumer against the sale of timber which may not perform to the consumer's expectation or to the description of the timber in certain circumstances.
2. To protect a person selling framing timber having lyctid susceptible sapwood in certain circumstances.
3. To ensure that the industry exercises quality control to comply with various recognised standards.
4. To provide information and safeguards to the consumer in respect of treated timber.
5. To facilitate trade by granting exemptions from the stringent requirements of the Act in certain limited circumstances.
6. To prescribe such matters as are required by the Act to be prescribed.

A draft Regulation and a Regulatory Impact Statement have been prepared for public comment.

The documents may be inspected at Forests NSW, 121-123 Oratawa Avenue, West Pennant Hills 2125 or accessed on Forests NSW website [www.forest.nsw.gov.au/business/timber\\_inspection](http://www.forest.nsw.gov.au/business/timber_inspection)

Copies are also available by telephoning (02) 9872 0179.



Comments or submissions on the proposed Regulation are invited and should be forwarded on or before 1 August 2005 to the address below:

The Chief Timber Inspector  
Forests NSW  
PO Box 100  
Beecroft NSW 2119  
e-mail: charlieh@sf.nsw.gov.au  
Fax: (02) 9872 9093

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### SUBORDINATE LEGISLATION ACT 1989

#### Proposed Co-operatives Regulation 2005

##### Invitation to comment

THE Office of Fair Trading has developed the Co-operatives Regulation 2005 to replace the current Co-operatives Regulation 1997 which is due to be automatically repealed on 1 September 2005.

The purpose of the proposed Regulation is to set out the detail needed to enable the Co-operatives Act 1992 to be effectively administered and to achieve its objectives.

The proposed regulation makes provision for the fees payable under the Act, registers to be kept by co-operatives, procedures for postal ballots, the application of the Corporations Act, regulation of 'foreign' co-operatives, inspection of the Register of Co-operatives and other miscellaneous matters.

In keeping with the requirements of the Subordinate Legislation Act 1989 a draft Regulation, along with a Regulatory Impact Statement which discusses the costs and benefits of the proposed requirements, has been prepared for public comment.

Copies may be requested from the Office of Fair Trading by telephoning (02) 9338 8913 or may be downloaded from the Office's website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

Comments or submissions should be mailed or e-mailed or faxed by Monday 1 August 2005 to:

Co-operatives Regulation 2005  
Policy and Strategy Division  
Office of Fair Trading  
Department of Commerce  
PO Box 972  
Parramatta NSW 2124  
or Email [policy@oft.commerce.nsw.gov.au](mailto:policy@oft.commerce.nsw.gov.au)  
or Facsimile (02) 9338 8929

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### SUBORDINATE LEGISLATION ACT 1989

#### Proposed Co-operative Housing and Starr-Bowkett Societies Regulation 2005

##### Invitation to comment

THE Office of Fair Trading has developed the Co-operative Housing and Starr-Bowkett Societies Regulation 2005 to replace the current Co-operative Housing and Starr-Bowkett Societies Regulation 2000 which is due to be automatically repealed on 1 September 2005.

The purpose of the proposed Regulation is to set out the detail needed to enable the Co-operative Housing and Starr-Bowkett Societies Act 1998 to be effectively administered and to achieve its objectives.

The proposed regulation makes provision for the fees payable under the Act, registers to be kept by co-operative housing bodies, procedures for postal ballots, modifications to the application of the Corporations Act, audits and annual returns and other miscellaneous matters.

In keeping with the requirements of the Subordinate Legislation Act 1989 a draft Regulation, along with a Regulatory Impact Statement which discusses the costs and benefits of the proposed requirements, has been prepared for public comment.

Copies may be requested from the Office of Fair Trading by telephoning (02) 9338 8913 or may be downloaded from the Office's website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

Comments or submissions should be mailed or e-mailed or faxed by Monday 1 August 2005 to:

Co-operative Housing and Starr-Bowkett Societies  
Regulation 2005  
Policy and Strategy Division  
Office of Fair Trading  
Department of Commerce  
PO Box 972  
Parramatta NSW 2124  
or Email [policy@oft.commerce.nsw.gov.au](mailto:policy@oft.commerce.nsw.gov.au)  
or Facsimile (02) 9338 8929

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### SUBORDINATE LEGISLATION ACT 1989

#### Proposed Strata Schemes Management Regulation 2005

##### Invitation to comment

THE Office of Fair Trading has developed the Strata Schemes Management Regulation 2005 to replace the current Strata Schemes Management Regulation 1997 which is due to be automatically repealed on 1 September 2005.

The purpose of the proposed Regulation is to enable the Strata Schemes Management Act 1996 to be effectively administered and to achieve its objectives.

The proposed regulation makes provision for the financial records and accounts that must be kept by owners corporations, the method of electing the executive committee, fees and charges and the waiving of fees, mediation guidelines, model by-laws, proceedings of the Consumer, Trader and Tenancy Tribunal and other miscellaneous matters.

In keeping with the requirements of the Subordinate Legislation Act 1989 a draft Regulation, along with a Regulatory Impact Statement which discusses the costs and benefits of the proposed requirements, has been prepared for public comment.

Copies may be requested from the Office of Fair Trading by telephoning (02) 9338 8913 or may be downloaded from the Office's website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

Comments or submissions should be mailed, e-mailed or faxed by Monday 1 August 2005 to:

Strata Schemes Management Regulation 2005  
Policy and Strategy Division  
Office of Fair Trading  
Department of Commerce  
PO Box 972  
Parramatta NSW 2124  
or Email [policy@oft.commerce.nsw.gov.au](mailto:policy@oft.commerce.nsw.gov.au)  
or Facsimile (02) 9338 8918

**SUBORDINATE LEGISLATION ACT 1989**

**Conveyancing (Sale of Land) Regulation 2005**

NOTICE is given, in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a regulation under the Conveyancing Act 1919. The proposed Regulation is the Conveyancing (Sale of Land) Regulation 2005, which will commence on 1 September 2005. It replaces the Conveyancing (Sale of Land) Regulation 2000.

The object of the proposed Regulation is to prescribe, among other things:

- (i) the documents that must be attached to a contract for the sale of, or option to purchase, land before a property can be offered for sale,
- (ii) the terms, conditions and warranties deemed to be included in a contract or option,
- (iii) the classes of land, vendors and contracts that are exempt from the requirements of the Regulation, and
- (iv) the remedies available to a purchaser for breaches of the Regulation.

Copies of the proposed Regulation and Regulatory Impact Statement may be obtained from:

Department of Lands  
 1 Prince Albert Road  
 Queens Square  
 Sydney NSW 2000  
 GPO Box 15  
 Sydney NSW 2001  
 DX 17 Sydney  
 Telephone: (02) 9228 6726  
 Facsimile: (02) 9221 4309

The documents are also available on the internet at [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au).

Comments and submissions on the proposed Regulation are invited and should be sent to Mr Alan King, Legal Services Division, Department of Lands at the above address or email to [alan.king@lands.nsw.gov.au](mailto:alan.king@lands.nsw.gov.au). The closing date for submissions and comments is Monday 1 August 2005.

**SYDNEY WATER ACT 1994**

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

**Notice of Compulsory Acquisition of Land and Easement at Terrey Hills in the Local Government Area of Warringah**

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, that the land described in the First Schedule hereto is acquired and that the interest in land described in the Second Schedule and the Third Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purpose of the Sydney Water Act 1994.

Dated at Sydney this Fourth day of July 2005.

Signed for Sydney Water Corporation )  
 by its Attorneys ) Signed  
 ) W. WATKINS  
 WARREN FREDERICK WATKINS )  
 ..... )  
 )  
 JEFFREY FRANCIS COLENZO )  
 ..... )  
 ) Signed  
 who hereby state at the time of executing ) J. COLENZO  
 this instrument have no notice of the )  
 revocation of the Power of Attorney )  
 Registered No. 689Book 4409 under the )  
 Authority of which this instrument has )  
 been executed. )

**SCHEDULE 1**

All that piece or parcel of land in the Local Government Area of Warringah, Parish of Broken Bay, County of Cumberland, and State of New South Wales, being Lot 1 in Deposited Plan 1055888 having an area of 212.9 m<sup>2</sup> and being part of Lot 15 in DP 584306.

**SCHEDULE 2**

An Easement for Sewerage Purposes more fully described in Memorandum 7158328D lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all that piece or parcel of land having an area of 36.1 m<sup>2</sup> in the Local Government Area of Warringah, Parish of Broken Bay, County of Cumberland, and State of New South Wales, being the land shown on Deposited Plan 1055888 as "(A) PROPOSED EASEMENT FOR SEWERAGE PURPOSES 3 WIDE" over Lot 2 in Deposited Plan 1055888 and being part of Lot 15 DP 584306.

**SCHEDULE 3**

An Easement for Sewerage Purposes more fully described in Memorandum 7158328D lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all that piece or parcel of land having an area of 181.6 m<sup>2</sup> in the Local Government Area of Warringah, Parish of Broken Bay, County of Cumberland, and State of New South Wales, being the land shown on Deposited Plan 1055888 as "(A) PROPOSED EASEMENT FOR SEWERAGE PURPOSES 3 WIDE" over Lot 15 DP 237301.

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

GOVERNOR

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 224(1) and 224(2) of the *Crimes (Administration of Sentences) Act 1999*, do, by this Proclamation, declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional complex within the meaning of the *Crimes (Administration of Sentences) Act 1999*, and I further declare that the correctional complex shall be known as Oberon Correctional Complex, viz.:

All that piece or parcel of land situate in the local government area of Oberon, Parish of Gurnang and County of Georgiana, being the part of Gurnang State Forest No 825 shown by dark shading as Gurnang Correctional Complex on Plan Catalogue Number 54713 in the NSW Department of Commerce Plan Room and having a total area of 87.42 hectares or thereabouts.

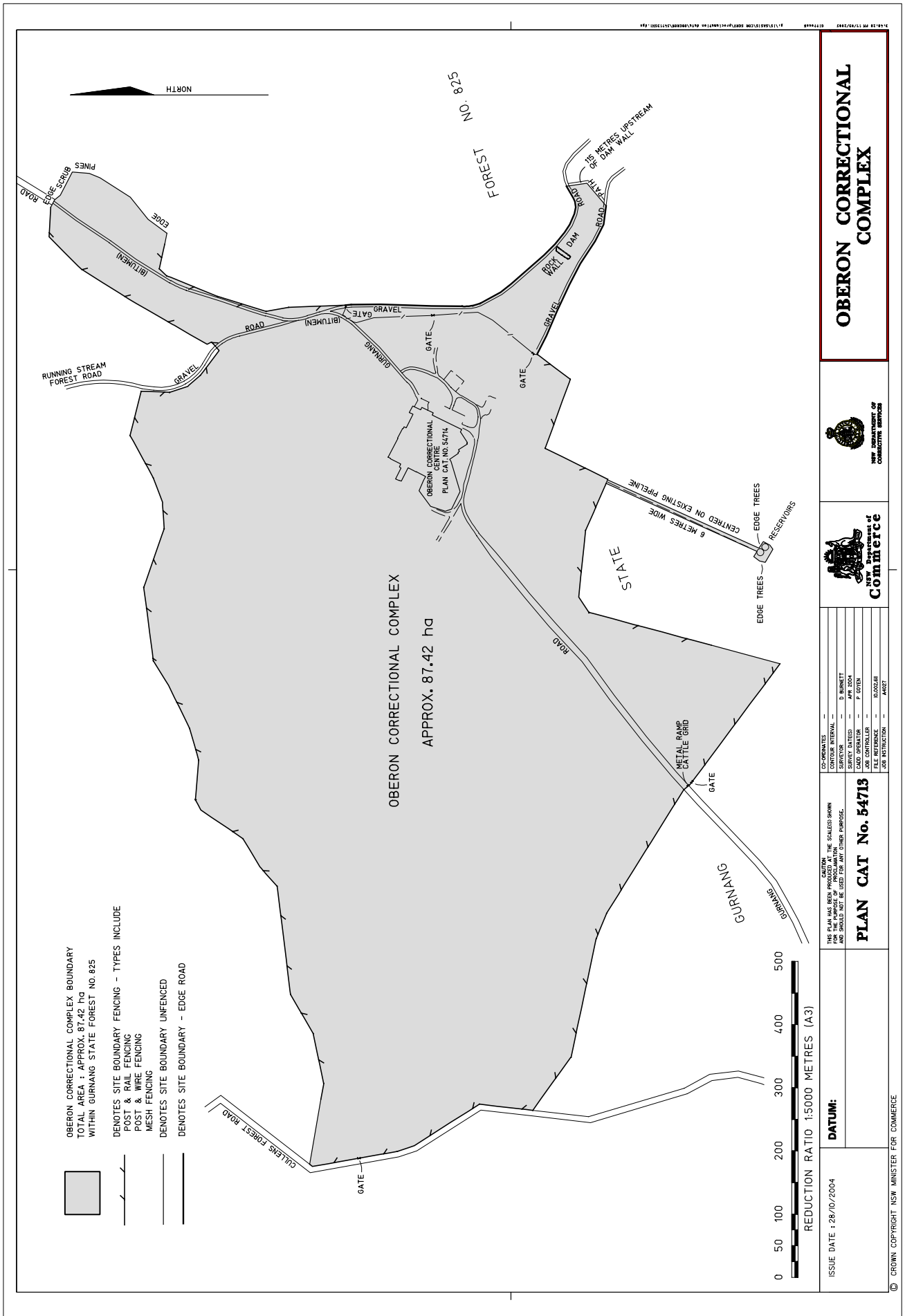
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command.

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

GOD SAVE THE QUEEN!



**OBERON CORRECTIONAL COMPLEX**



**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

## GOVERNOR

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(1) and 225(3) of the *Crimes (Administration of Sentences) Act 1999*, do, by this Proclamation, vary the Proclamation published in the Government Gazette of 19 December 2003 which declared Oberon Correctional Centre to be a correctional centre, and in variation thereof I declare Oberon Correctional Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz:

All that piece or parcel of land situate in the local government area of Oberon, Parish of Gurnang and County of Georgiana, being the part of Gurnang State Forest No 825 shown by dark shading as Oberon Correctional Centre on Plan Catalogue Number 54714 in the NSW Department of Commerce Plan Room reproduced hereunder and having an area of 1.150 hectares or thereabouts.

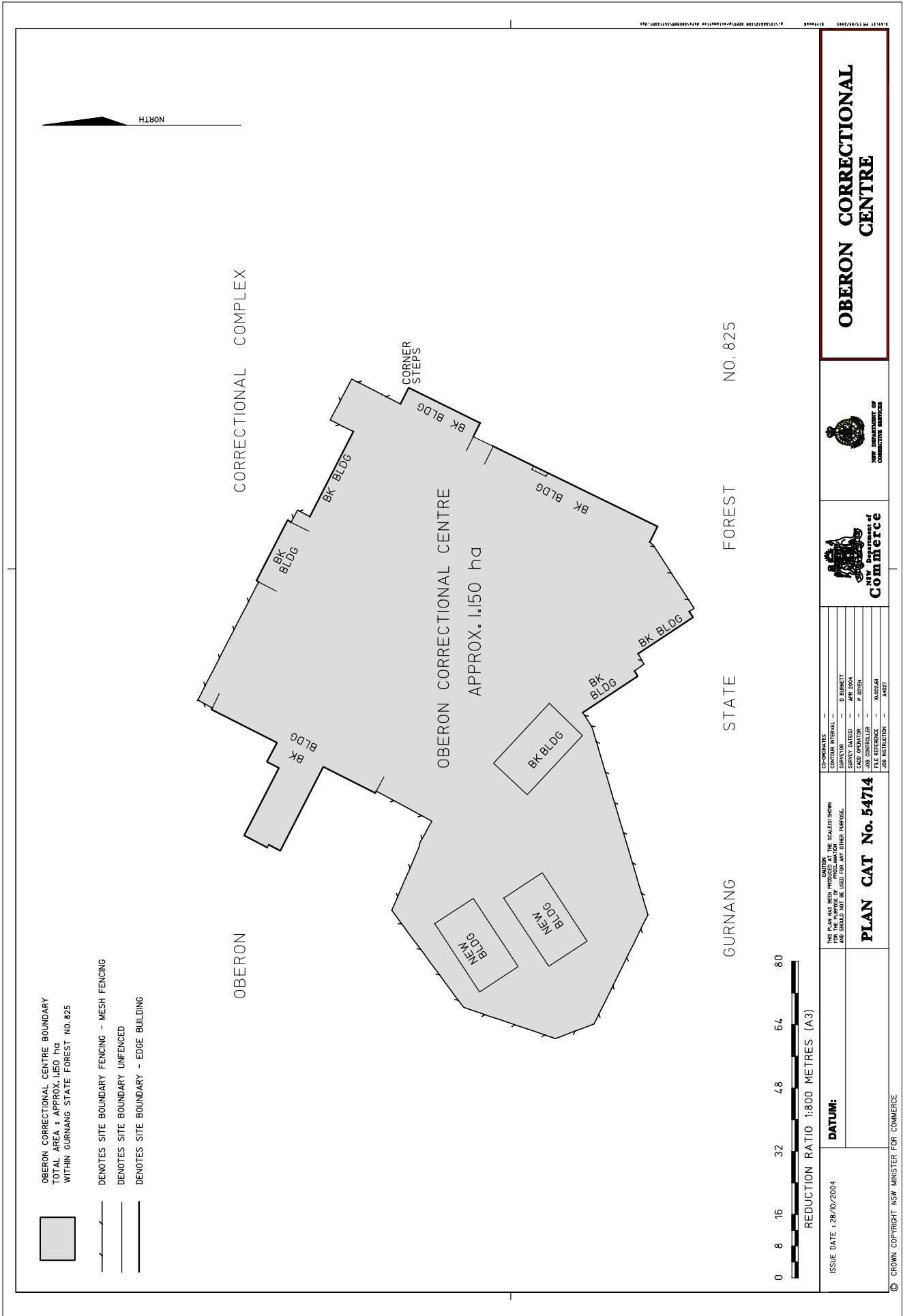
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 22nd day of June 2005.

By Her Excellency's Command.

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

GOD SAVE THE QUEEN!



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**ANNUAL REPORT AND DETERMINATION OF ADDITIONAL  
ENTITLEMENTS FOR MEMBERS OF THE PARLIAMENT OF  
NEW SOUTH WALES**

by the

**PARLIAMENTARY REMUNERATION TRIBUNAL**

pursuant to the

**Parliamentary Remuneration Act 1989**

**29 JUNE 2005**

**PARLIAMENTARY REMUNERATION ACT 1989  
REPORT PURSUANT TO SECTION 13(1) OF THE ACT**

**INTRODUCTION**

Section 11 of the Parliamentary Remuneration Tribunal Act 1989 ("the Act") prescribes that the Parliamentary Remuneration Tribunal ("the Tribunal") shall make an annual Determination as to the additional entitlements for Members and Recognised Office Holders (as defined under the Act) on or before 1 June in each year or on such later date as the President of the Industrial Relations Commission of New South Wales determines.

Section 13 (1) of the Act requires that the Tribunal make a report to the President of the Industrial Relations Commission of New South Wales for each Determination made by the Tribunal. The President is then required, as soon as practicable after receipt of the report, to forward it to the Minister (see section 13(2)).

On 7 March 2005 the Tribunal commenced proceedings in relation to the annual Determination required for the year 2005 by writing to all Members and inviting submissions. The Tribunal received submissions from the major political parties, individual Members, the Presiding Officers, the Auditor General and the Commissioner, Independent Commission Against Corruption.

Part One of this report will outline general matters raised as part of the annual review and any adjustments to additional entitlements. In regard to the general review, the Tribunal has made changes that are considered minor or of an administrative nature to the Determination without the need for detailed separate reasons being provided. The submissions have, however, also raised a number of substantive issues which, in the Tribunal's view, merit further consideration.

Part Two of the Report will comprise the Tribunal's review of the Sydney Allowance. The Tribunal's Sydney Allowance Special Reference has now been completed, in accordance with section 12 of the Act, and incorporated into the 2005 Annual Report and Determination

A summary of the 2005 Determination will appear at the end of the Report.



## **PART ONE**

### **GENERAL MATTERS RAISED**

#### **Additional Entitlements for Shadow Ministers**

The Tribunal has heard representations from Members of the Liberal and National Parties for the reinstatement of additional entitlements for Shadow Ministers.

The Tribunal continues to support the provision of additional entitlements for Shadow Ministers. Shadow Ministers perform an important role in our system of government and, to perform this role properly, require sufficient resources and support.

The Tribunal notes that an amendment to the Act is required. While this is a matter for the Government, the Tribunal would recommend again that the Act be amended to allow for additional entitlements to be provided to Shadow Ministers.

#### **Publication of Members' Additional Entitlements**

The Auditor-General in his Report to Parliament 2005 again recommended that Members' expenditure be published. As with the 2004 Report the Auditor-General considers that the publication of individual Members' spending of additional entitlements would increase transparency and accountability to the NSW public.

The Tribunal considered this matter as part of the 2004 annual review and found that the information available to both Members and the public in regard to additional entitlements was adequate. The Tribunal did indicate, however, that it was willing to further consider the issue during the 2005 annual review and welcomed submissions from the Auditor General and members in regard to this matter.

The Tribunal has received one submission in regard to the publication of members' expenditure from the Electorate Allowance. No submission has been received from the Auditor General in regard to this matter.

Based on the information provided the Tribunal remains of the view that the publication of individual Members' spending of additional entitlements, including the electoral allowance, is not necessary. Sufficient guidelines are provided to Members to encourage transparency and accountability to the NSW public.

#### **Definitions**

In March 2005, following a request from the Presiding Officers, the Tribunal made a Ruling in regard to the definition of the "approved relative". The previous definition implied that members with either a de facto spouse or partner could nominate either that person or another member of the immediate family as their approved relative. As this was not the intention of the Tribunal the definition has been amended to provide that where a member has a spouse or de facto spouse or partner, then entitlements are not available to any other person.

## REVIEW OF ADDITIONAL ENTITLEMENTS

### Electoral Allowance

The Tribunal has received a number of submissions seeking adjustments to the Electoral Allowance in line with movements in the Consumer Price Index (CPI) having particular regard to the high cost of fuel. The submissions sought an increase beyond the general CPI for this purpose.

While the Tribunal accepts that fuel costs have risen the Tribunal does not believe that it should pick and choose components of the CPI when determining a general increase. While motor vehicle costs are, for most Members, a significant component of the electoral allowance there are a range of other expenses included as well. For this review the Tribunal has adopted its standard approach and increased electoral allowance by the general CPI increase of 2.4 per cent.

### Sydney Allowance

The Tribunal's review of the Sydney Allowance is contained in Part 2 of this report.

### Logistic Support Allocation (LSA)

The Tribunal determines a list of items which may be funded from a Member's LSA. Based on the submission received from the Presiding Officers, the Tribunal has amended this list to broaden the number of electronic communication services which can be provided to Members and funded from this account. Broadband packaging now means that Members can bundle a range of telecommunication services (telephone, internet, fax) on the one line with one fee including rental. For administrative simplicity, home telephone rental costs have been incorporated into the LSA for Members of the Legislative Assembly and Legislative Council. Members can also use the LSA for internet and broadband access fees for official business. In doing so, Members may be able to make savings by combining more than one electronic communication service. Members of the Legislative Council who choose not to or cannot connect to Broadband services can continue to have their data line reimbursed at the rate of 100%.

For the 2005 review the Tribunal has provided an increase of 3.5% to the LSA. This amount comprises an adjustment in line with the CPI ie., 2.4% and an additional sum to cover additional expenses in the electronic communication component of the LSA.

### Committee Allowance

The purpose of this Allowance is to remunerate Members servings as Chairpersons on Committees for the extra time and effort required to carry out this role. In previous Determinations this allowance has been increased in line with Members' salary increases.

Member's salaries were increased from 1 July 2004 by 3.92 percent. In accordance with normal practice, therefore, the Committee Allowance will be increased by 3.92 percent.

### Electorate Mail-out Account (EMA)

The EMA has been adjusted to reflect recent enrolment statistics. In addition, a number of changes to the conditions have been made to address comments made by the Audit Office of NSW. The Tribunal endorses the Parliament's administrative guidelines in regard to the use of the EMA.

The Tribunal received one submission from a political party in the Legislative Council seeking the abolition of the EMA. The EMA is provided to all Members of the Legislative Assembly for the

express purpose of communicating with their constituents. The Tribunal can see no reason why the EMA should be abolished. The costs associated with the EMA are listed in the Determination. The money is not provided to Members, but rather Members expend money against the total amount. The Tribunal is informed that the content of the newsletters is reviewed by the Clerk of the Legislative Assembly to ensure it complies with the conditions.

The Tribunal has also received correspondence from the ICAC regarding the conditions applicable to the EMA. The Commission is concerned that the EMA could be misused by Members and considers that an additional condition be included which states that the EMA must not be used for electioneering or political campaigning.

The Tribunal has considered this matter carefully but is not convinced that such a condition is warranted. It should be noted that the Tribunal's Guidelines clearly state that additional entitlements are provided to facilitate the efficient performance of parliamentary duties but that such duties exclude activities in the nature of direct electioneering or campaigning. The Tribunal is also aware that prior to publication of the newsletters to constituents Members are required to have the contents checked by the Clerk of the Legislative Assembly to ensure the above guidelines are not breached.

### **Reimbursement of Expenses for Charter Transport for Members of the Legislative Assembly**

In 2004 the Tribunal amended the provisions of the Charter Transport Allowance to enable eligible members to be able to access their closest charter transport provider whether that be located inside or outside of their electorate for travel within the Members' electorate. Further flexibility is now sought for the use of this entitlement.

Firstly, an amendment is sought to enable members to use their Charter Transport Allowance to attend regional meetings held outside their electorate. An example being where a government department arranges a meeting at a large regional centre and Members of Parliament from surrounding electorates are invited to attend. The Tribunal considers that the use of the entitlement in this manner is appropriate. Members should first seek approval to use this allowance to attend such meetings from the Presiding Officers. Members should be able to satisfy the Presiding Officers that the purpose of the journey relates to electorate business.

Secondly, an amendment has been sought to allow Members to use their Charter Transport Allowance to fly to an airfield located outside their electorate in circumstances where there is no suitable airfield located in the part of the electorate being visited by the Member. In these circumstances, the Tribunal determines that the Member, rather than drive long distance, flies to the relevant airfield outside his/her electorate and then drives back to the electorate to conduct electorate business.

### **Electorate to Sydney Travel Warrants**

Approval has been sought to extend the use of travel warrants to travel to adjoining electorates to connect to flights to and from Sydney where such services are more frequent. In doing so, Members have sought to extend the value of the warrant to include the cost of travel to and from the airport. For example, one warrant would be used to fund hire car costs for travel from the Members home to the airport and the price of a commercial flight to Sydney.

Under current arrangements Members are provided with warrants to travel to and from Sydney and their electorate/principal place of residence. The warrant covers the cost of air travel or the equivalent private/rental vehicle costs. If a Member is required to travel to an airport some distance from their home, any additional costs ie hire car/taxi/car parking must be paid from either the

Members' LSA or Electoral Allowance. It has also been suggested that Members in receipt of the Charter Transport Allowance use this allowance to pay for these additional costs.

At this time the Tribunal considers it appropriate that Members continue to use either their LSA or Electoral Allowance to fund any additional costs associated with electorate to Sydney travel. The Tribunal would be interested in receiving further information in regard to this issue for the 2006 annual review.

### **Travelling Allowances for Recognised Office Holders**

The Tribunal has undertaken a review of the travelling allowances paid to Recognised Office Holders. The Tribunal's Determination is based on those rates provided to NSW Public Servants and those deemed "reasonable" by the Australian Taxation Office (ATO). In both the NSW Public Sector and ATO guidelines, travel allowances are differentiated on the basis of destination and salary level of officer.

### **Staff**

The Tribunal has received a number of submissions in regard to the level of staffing provided to Members. Concern has been expressed that the number of staff employed in electorate offices is insufficient given the increased workloads and demands placed on these staff. Additionally the Tribunal has also received submissions that staffing for Recognised Office Holders, in particular the Whips, is inadequate.

Rather than make a determination at this time the Tribunal would prefer to consider the whole matter of staffing more fully. In this regard, the Tribunal intends to undertake a thorough review of the allocation of staff to all Members. On completion of the annual review the Tribunal will write to the Premier seeking a special reference to review all aspects of the allocation of staff. The Tribunal will seek further information from both Members and the Parliament at that time.

## **PART TWO - SYDNEY ALLOWANCE REVIEW**

### **INTRODUCTION**

The Tribunal, in its 2003 Annual Report highlighted the need for a major review of the Sydney Allowance. At the Tribunal's request, the Premier, the Hon Bob Carr MP, on 15 October 2003 issued a Special Reference pursuant to section 12 of the Parliamentary Remuneration Tribunal Act 1989 ("the Act") to review the Sydney Allowance. Section 12 of the Act provides that:

- "(1) The Minister may direct that a special determination be made as regards additional entitlements.*
- (2) Such a direction:*
  - (a) may relate to all or any additional entitlements or to any class of them, and*
  - (b) may relate to all or any individual members and recognised office holders or to any class of them.*
- (3) A special determination is to be made by such time as the Minister directs and is to take effect from such time as the Tribunal specifies in the determination."*

Prior to making its Report and Determination the Premier, in April 2004, wrote to the Tribunal advising of expenditure restrictions being imposed on the public sector and seeking the Tribunal's concurrence to defer making the determination for 12 months. The Tribunal agreed to the Premier's

request. The Premier extended the completion date of the Sydney Allowance review to 31 March 2005.

In February 2005 the Tribunal wrote to the Premier seeking a further extension to 31 May 2005 – coinciding with the completion of the Tribunal’s annual review of Members’ entitlements – to allow the Tribunal sufficient time to consult and examine more closely recommendations arising from the ICAC’s *Report on the investigation into the conduct of the Hon Peter Breen MLC* (the Breen Report). The Premier agreed to this request.

As a result, the Sydney Allowance Special Reference now forms part of the Tribunal’s 2005 annual report and determination into Members’ additional entitlements.

## 2. REVIEW

The Tribunal in October 2003 wrote to those Members currently in receipt of the Sydney Allowance as well as the Presiding Officers and the Auditor General. These matters were investigated in March 2004.

In March 2005 the Tribunal again wrote to those members and Presiding Officers seeking any additional comments and, in particular, any specific matters relating to the definition of ‘principal place of residence’ the Tribunal should consider. The Tribunal also wrote to the Auditor General and the Independent Commission Against Corruption (ICAC) seeking any views on matters the Tribunal should consider in developing a definition of ‘principal place of residence’.

### **Matters arising from March 2004 review**

The Tribunal received responses from the major parties, the Auditor General and some Members. The Presiding Officers, the administrators of the scheme, advised that they would not be making a submission but did give the Tribunal permission to obtain information from parliamentary officers.

The issues canvassed in the submissions requiring consideration were:

- (i) Whether the current number of overnight stays in Sydney is adequate for Members to carry out their parliamentary duties?
- (ii) Whether the daily rate is sufficient for Members to meet the cost of commercial accommodation, rents or mortgages on properties acquired as a result of having to spend a significant amount of time in Sydney on parliamentary duties?
- (iii) Whether the repayment provisions of the Annual Sydney Allowance should be removed thus restoring the annual entitlement to previous arrangements?
- (iv) Whether the Tribunal should develop a definition of ‘principal place of residence’?

### **Matters arising from the March 2005 Review.**

Submissions concerning various aspects of the Sydney Allowance were again received from the major parties, the Greens, the Auditor General and the ICAC. Most submissions confirmed issues raised as part of the 2004 review. Additional matters for consideration were the possible inclusion of Penrith as an eligible electorate for Sydney Allowance purposes and as well some procedural issues.

Submissions regarding principal place of residence included the suggestion that a time limit be imposed before Members relocating from Sydney to a non metropolitan location are eligible to receive Sydney Allowance. Another suggestion was the retention of the existing Election Form and Administrative Guidelines issued by the Parliament.

The Audit Office considers that the Tribunal should adopt a principle based approach when considering 'principal place of residence.' The ICAC advised that it had commented on this matter in the Breen Report and had no further comments to make. The Presiding Officers made no submission to the Tribunal on this matter.

The Tribunal also met with the representatives from the major parties and wishes to place on record its appreciation to those Members, party representatives and officers of the Parliament who have provided information to the Tribunal.

### 3. HISTORICAL BACKGROUND

#### 1975 to 1990

The decision to grant the Sydney Allowance (or, as it was previously known, "Special Expenses (Living Away from Home) Allowances") predates the creation of the Tribunal. Special expense allowances as fixed annual rates were first introduced for country Members of the Legislative Assembly, including Ministers and other Office Holders, on 1 July 1975 pursuant to the *Parliamentary Allowances Salaries (Amendment) Act 1975*. In his Second Reading Speech the then Premier and Treasurer, the Hon Mr Tom Lewis MP, stated the rationale for introducing this allowance in the following terms:

"The Government has given consideration to the difficulties of Members and Ministers representing outlying electorates who are involved in substantial additional expenditure because of the need for them to be away from their homes regularly to attend Parliament or for other Parliamentary duties."

Prior to 1975 there was no specific provision to assist Members of the Legislative Assembly with living away from home expenses. Members of the Legislative Council, however, were provided with a daily "living away from home" allowance presumably in recognition of the relatively low level of remuneration Members of the Legislative Council received at the time. Ministers in the Legislative Council who resided in country electorates were entitled to the annual rate of allowance.

The Tribunal first considered special expense allowances in its report and determination of 3 November 1975 where it was decided to maintain the existing structure of the allowances. Members who resided in those electorates closest to Sydney received a lower allowance than those residing in electorates further away from Sydney. The Tribunal was later to distinguish these electorates as Category 1 and Category 2 electorates. Category 1 electorates were those electorates which were far enough away from Parliament House to require an overnight stay in Sydney particularly when Parliament is sitting. Unlike Members living in the more remote Category 2 electorates, the Category 1 Members do not need to spend Monday nights and/or Thursday nights in Sydney. For this reason Category 1 Members received a lower annual entitlement.

In 1979 the Tribunal removed the distinction between annual "special expense allowances" payable to Members of the Legislative Assembly and daily "living away from home allowances" paid to Members of the Legislative Council. All Members received the annual rate (although the rates between the Legislative Council and Legislative Assembly differed).

At that time it was calculated that the Special Expenses Allowance was equivalent to:

- 61 days (Category 1 Electorate Members)
- 76 days (Category 2 Electorate Members)
- 92 days (Ministers and other Recognised Office Holders)

The Tribunal was satisfied that Members of the Legislative Assembly received the Allowance for purposes other than for sittings of Parliament. In 1978 Members of the Legislative Assembly's allowance equated to 76 days (Parliament sat for 49 days) whereas the Legislative Council received the allowance for actual sittings of Parliament (43 days plus any other visits to Sydney to attend meetings of Joint or Select Committees). The Tribunal set the rate for Legislative Council Members at 90 per cent of the rate for Legislative Assembly Members.

In 1985 the Tribunal determined that the rates for Members of both Houses should be equal. During this time the calculation of the rate was based predominantly on the changes to the costs of living (CPI), rental accommodation costs, etc., and the annual rate increased accordingly.

*The purpose of the allowance, as stated by the Tribunal in its various reports over the years, has been to assist Members with the cost of overnight accommodation whilst in Sydney or whilst in transit to and from Sydney. For this reason the Tribunal determined that this allowance would not apply to those Members who were accommodated at Parliament House.*

Because country Members would be spending a considerable amount of time in Sydney it was expected that they would make longer term accommodation arrangements at presumably cheaper rates. Indeed, in 1979 the Tribunal noted that:

"... it appears that it was envisaged that the Members would rent or buy permanent accommodation rather than stay at hotels and the allowance may have been pitched below the likely hotel, motel charges for this reason."

*Consistent with this assessment the rate of this allowance has consistently been struck at a significantly lower rate than the normal capital city travelling allowance rate available to public servants where the full cost of commercial and/or hotel/motel accommodation is included. The Federal and other State/Territory Remuneration Tribunals also adopt this approach.*

## 1990

In July 1990 the Tribunal wrote to the then Premier, the Hon Nick Greiner, seeking a special reference to review the allowance. On 26 October 1990 the Tribunal determined that living away from home allowance would only be provided to Members as a daily rate with a maximum number of overnight stays. It is understood that the Tribunal adopted this approach, in response to Members' submissions and to reflect practices in other states. The new daily rates were calculated on the basis that the total would be equivalent to the then annual rate (based on CPI increase).

This determination did not come into effect as the Premier did not direct a commencement date for this determination. The Premier sought a further review to examine whether Members could be provided with an option to receive the allowance either annually or daily. The Premier issued the Tribunal with another special reference to make a determination in regard to this matter by 31 March 1991. The matter was further reviewed and the Tribunal determined on 29 May 1991 that Members had the option to receive the allowance as either a daily rate or as an annual amount.

The Tribunal imposed an upper limit on the number of occasions when Members could claim the daily amount. Additional night stays were permitted and reimbursement of actual and reasonable

expenses, but not exceeding the daily rate was permitted. Any reimbursement was subject to the production of accommodation and other expense receipts.

The annual rate was calculated by multiplying the number of determined overnight stays by the daily rate. Members were required to make an election when entering Parliament and that election remained in force for the life of the Parliament.

The Tribunal also set out the three circumstances under which the allowance was payable, namely:

1. Sittings of Parliament and travel to and from Parliament for such sittings.
2. Meetings of a Member's Parliamentary Committee and travel to and from Sydney to attend such meetings.
3. Other parliamentary business.

The Tribunal also introduced, within the overall number of days, a limit on the number of occasions Members could claim an overnight stay for 'other parliamentary business'. This was expressed in brackets beside the number of overnight stays permitted, for example:

Office	Electorate/Residence	Overnight Stays p.a.
Minister, Speaker, President, Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140 (50)
Deputy Speaker, Chairman of Committees in the Legislative Assembly and Chairman of Committees in the Legislative Council.	Category 1 or 2	120(25)
Parliamentary Secretary	Category 1	90(25)
	Category 2	120(25)
Other Assembly/Council Members	Category 1	90(25)
	Category 2	120(25)

## 1995

In March 1995, the Special Expenses Allowance paid to the then Premier, the Hon John Fahey, was the subject of media reports. As the Premier and Member for Southern Highlands (a country electorate), Mr Fahey was receiving the annual Special Expenses Allowance of then \$19,600. At the same time Mr Fahey also had access to and benefited from the Premier's apartment at the State Office Block. The apartment's utility, maintenance and related expenses were met by the State. On 13 March 1995 the Tribunal was asked to consider entitlement to, and discretionary use of, the Special Expense Allowance.

The Tribunal produced an advisory opinion (as opposed to a determination) on 15 March 1995. The advising addressed the general purpose of the allowance and considered whether the allowance's application was limited to accommodation. The Tribunal found that the purpose of the allowance was to reimburse Members for costs incurred in living away from home. The Allowance's application was not limited to accommodation. The opinion indicated that the payments to the former Premier had been in accordance with the scheme. (The allowance is for living away from home and not exclusively for accommodation, although this may be the major cost component).



The Tribunal also found that (par 14):

*“the annual allowance is not affected by the nature of the accommodation used when the member is absent overnight from his/her home. For example it is immaterial under the determination as to whether the lodgings used for the overnight stay are a hotel, motel, flat, residence or a relative or friend etc.”*

In the Auditor General’s report to Parliament for 1995 (Volume 2, pp 21-26) the Auditor General undertook a special review of the Special Expenses Allowances. That review discussed the situation associated with Mr Fahey’s case and the PRT’s response to the matter. The Auditor General recommended that the Tribunal or the Government might wish to consider the appropriateness of Ministers or other Members of Parliament receiving two benefits for the one purpose.

In 1995 the Tribunal increased the number of occasions the allowance could be claimed for ‘other parliamentary business’ from 25 occasions to 35 occasions. The overall number of overnight stays remained the same.

In the 1996 annual report the Tribunal referred to the comments made by the Auditor General and undertook to review these matters during the 1997 annual review. This matter was then considered during the 1997 review when the Tribunal determined that Members who claimed the allowance were to certify that whilst in Sydney and in receipt of the allowance they were not utilising government owned or government funded accommodation. If the government funded accommodation was used during the course of the year the Members were required to undertake to repay to the Legislature a proportional amount of the allowance for each such occasion.

The structure of the “special expense allowances” payable to Members remained largely unchanged until the Tribunal’s first determination following the 1998 amendments to the Act. This determination was called the Initial Determination.

### 1999 – 2003

In the Initial Determination the Tribunal introduced the new name of “the Sydney Allowance” to more clearly reflect the nature of the allowance. Members continued to receive the Sydney Allowance towards the costs associated with living away from home whilst in Sydney on parliamentary business or in transit to and from Sydney. In 1999 the Initial Determination retained the number of overnight stays but removed the limit on the number of occasions that could be claimed for other parliamentary business.

In 2001, at the request of the Legislature, the Tribunal amended the conditions by providing that Members in receipt of the daily allowance who exceeded the number of overnight stays would need to substantiate each such occasion.

The new scheme retained a Member’s discretion as to how this allowance was expended provided always that it was used to meet the additional costs associated with travelling to and staying in Sydney for sittings of Parliament, participation in Parliamentary Committees or other parliamentary business.

The option of choosing between the daily and annual equivalent was retained.

### Daily Allowance

Where a Member chose to receive the daily rate of allowance, the Member was not required to substantiate to the Parliament expenses up to the daily rate. Where daily costs exceeded the daily rate, full substantiation was required for each such occasion.

The daily rate was provided for a specified number of days per annum. When Members' stays exceeded the annual maximum limit they could claim additional days upon certification to the Parliament.

#### Annual Allowance

When in receipt of the annual allowance Members were required to certify at the end of the financial year the number of occasions they were in Sydney and that on each occasion the stay was for parliamentary business.

Those in receipt of the annual allowance also needed to retain such documentary evidence. Those Members whose overnight stays were less than the number provided for by the annual allowance were required to reimburse the difference to Parliament for the re-credit of the Consolidated Fund. Members were not required to acquit the daily rate of expenditure.

Irrespective of which allowance was received, Members had to substantiate the receipt of this entitlement. In addition to certifying the purpose of the visit to Sydney, it was necessary for Members to retain boarding passes or other documentary evidence for the occasions they were staying in Sydney for parliamentary business.

The Tribunal required that the Sydney Allowance be audited annually for compliance. In addition to any internal audit conducted by the Parliament, the Sydney Allowance was to be the subject of an external audit conducted by the Auditor-General of NSW.

#### **Current entitlement**

Approximately 50 percent of Members receive the Sydney Allowance.

The Tribunal determines the Sydney Allowance annually. In 2004 for the purpose of this allowance, the non-metropolitan electorates (Groups 2-8) were divided into two categories based on distance from Sydney. Members whose principal place of residence was in either Category 1 or Category 2 electorates, as specified in Schedule 2 of the determination, were eligible to receive the Sydney Allowance.

#### **2004 Determination**

	Residence	Daily Rate			Annual amount
		Overnight Stays p.a.	Overnight in Sydney	Overnight in Transit to and from Sydney	
Minister, Speaker, President, Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$180	\$139	\$24,500
Deputy Speaker, Chairman of Committees in the Legislative Assembly and Chairman of Committees in the Legislative Council.	Category 1 or 2	120	\$180	\$139	\$21,000
Parliamentary Secretary/Shadow Minister	Category 1	90	\$180	\$139	\$15,750
	Category 2	120	\$180	\$139	\$21,000
Other Assembly/Council Members	Category 1	90	\$180	\$139	\$15,750
	Category 2	120	\$180	\$139	\$21,000

#### 4. MATTERS FOR CONSIDERATION

##### Retention of the Annual Allowance

Submissions to the Tribunal from the major political parties have sought a return to the former arrangements whereby the annual Sydney Allowance is retained by Members and acquitted to the Australian Taxation Office ("ATO"). This, it was argued, would provide administrative simplicity for both Members and the Legislature. As a result of the repayment provisions more and more Members were electing to receive the daily rate because it was simpler and because Members were able to claim for the actual number of days in Sydney even if they exceeded the number determined by the Tribunal.

It was further put to the Tribunal that the allowance should not only recognise the costs associated with living and staying in Sydney but also for the dislocation factor requiring Members to be away from their families for a significant period of time each year on parliamentary duties.

The Clerks of the Parliament have provided the Tribunal with data showing Members' election patterns for the Sydney Allowance for those years where figures are complete. These are set out hereunder.

Year*	Annual	Daily
1999/2000	59	8
2001/02	41	29
2003/04	26	43

\*2002/03 was not used because it was an election year.

The figures above are very instructive. In 1999/2000 prior to the changes introduced by the Initial Determination, Members overwhelmingly elected to receive the annual allowance. Members in receipt of the annual allowance were able to retain the total amount advanced without substantiation. Expenditure was acquitted with the ATO.

The annual allowance was preferred because of its simplicity and because there was no requirement to acquit. Because it was paid monthly to Members it provided income over a twelve-month period which assisted those Members who had made annual rental/lease arrangements or had mortgaged properties.

The Tribunal has in the past determined either 90 or 120 nights per annum for ordinary Members to be in Sydney on parliamentary business as being reasonable (the number of overnight stays will be discussed below). This equates to approximately 3-4 months and because of House sitting patterns this 3-4 months is spread across an 11-month period each year.

Members have argued, and the Tribunal accepts, that it is difficult to rent properties regularly for this period of time. Most landlords would expect long term leases of at least 12 months and certainly not less than 6 months. Thus, while Members are provided with an annualised allowance which recognises that they will be in Sydney between 3-4 months of the year, those Members renting properties would need to pay rent for periods in excess of the amount provided.

A similar situation exists for those Members who purchase suitable accommodation near Parliament. Such Members are required to make monthly mortgage payments over a twelve-month period. In addition, such Members would have quarterly utility payments (gas, electricity, water) as well as strata levies.

The former annual arrangements provided a stream of income over a twelve-month period which assisted Members in meeting standing expenses on accommodation, irrespective of whether the Member was in Sydney.

The repayment provisions for the annual allowance were introduced in the Initial Determination which took effect on and from 1 January 2000. The decline in the number of Members electing to receive the annual allowance supports the views put to the Tribunal about the resultant lack of certainty as to the actual amount Members will ultimately receive in a 12-month period and the increased record keeping associated with the repayment provisions.

There were, however, clear reasons why the repayment provisions were introduced. These have to do with the 1998 Amendments to the Act and the subsequent legal advice provided by the Crown Solicitor which stated, if effect, that Members could not gain a private benefit from the additional entitlements provided under the legislation.

At the centre of the problem lies the question of the status of the unspent portion of the entitlement. The Tribunal in the 2000 Report and Determination discussed this matter at length. As part of that review the Tribunal asked the Crown Solicitor a number of questions regarding the obligations arising from the legislation concerning the unspent portions of entitlements. The relevant questions and the Crown Solicitor's answers are set out hereunder. They have been included because of their relevance to the Sydney Allowance.

The questions asked of the Crown Solicitor were:

1. *Assuming no determination is made by the Tribunal requiring the repayment of the unused portion of an additional entitlement does the legislation by its own operation prevent members from retaining the unused portion of any additional entitlement (in particular the electoral allowance) or require the repayment or same.*
2. *Having regard to 1, does the legislation prevent the Tribunal from determining that the unused portion of an additional entitlement may be retained by a Member (for whatever reason).*
3. *Is there any impediment in the legislation to the Tribunal leaving silent or unanswered the question of the repayment of the unused portion of allowance in any further determination (if any is made).*

The Crown Solicitors advice was as follows:

***"1. Advice as to question 1***

*1.1 The Parliamentary Remuneration Act 1989 (the legislation) does not address the retention or repayment by members of the unused portion of any additional entitlement.*

*1.2 The legislation does make provision with respect to the reversion of payments of additional allowances (which I take it are additional entitlements in the form of allowances as referred to in s. 10(3)) not drawn upon by members. Section 15(6) provides that any payment of additional allowances to which a person is entitled under the legislation, or any part of any such payment, not drawn by the person or on the person's behalf within 28 days after the payment becomes due and payable reverts to the Treasury and becomes part of the Consolidated Fund.*

*The legislation is so drafted that it is open to the Tribunal to provide for what is to happen in relation to the unused proportion of an additional entitlement. A determination may fix conditions on which an additional entitlement is to be provided (and may specify the form of the substantiation (if any) that is required for particular kinds of additional entitlements) (s. 10(4)(a)). Additional allowances are payable in such manner, and subject to such provisions, as may be specified in a determination that is in force (s. 15(2)).*

1.4 An additional entitlement is not paid as personal income (contrast statutory salaries and statutory additional salaries which s. 2A(1)(a) and (b) expressly recognise are paid as personal income). It is an entitlement determined by the Tribunal giving effect to the principle that it is provided for the purpose of facilitating the efficient performance of the parliamentary duties of members (s. 10(1)(a)). Members are only entitled to additional entitlements in accordance with the provisions of applicable determinations (s. 10(8)). As the statutory entitlement is to an allowance, service etc for the specific purpose of facilitating the performance of parliamentary duties, there was, presumably, seen to be no need for the legislation to make express provision precluding use for other purposes and providing for unexpended amounts. It would, of course, as I have said, be open for a determination to fix appropriate conditions to provide for what is to happen to amounts which are not expended by a member to facilitate the efficient performance of parliamentary duties. However, a member does not acquire an entitlement to use such amounts for some other purpose because a determination does not in fact fix conditions relating to unexpended amounts. A member who chooses to retain unexpended amounts and expend them for some other purpose would do so without any statutory entitlement and would be at risk of civil proceedings for recovery of such amounts and, in some circumstances, could commit a criminal offence in doing so.

## **2. Advice as to question 2.**

2.1 In my opinion, the legislation does prevent the Tribunal from determining that the unused proportion of an additional entitlement may be retained by a member (for whatever reason). By this I take it you mean to ask whether the Tribunal may determine that an amount not expended to facilitate the efficient performance of parliamentary duties in accordance with a determination may be retained by a member and expended for some other purpose, including, presumably, a private purpose of the member.

2.2 At present, in making determinations, the Tribunal must give effect to the principle that additional entitlements are to be provided for the purpose of facilitating the efficient performance of the parliamentary duties of members (s. 10(1)(a)). As presently defined, "parliamentary duties" would not include private activities and such activities have not been prescribed to be parliamentary duties (whether a regulation could validly prescribe such activities to be parliamentary duties would be a matter for the Parliamentary Counsel to advise upon). Furthermore, as I have said, s. 2A(1) recognises that, unlike statutory salaries and statutory additional salaries, additional allowances and other entitlements are not "paid as personal income". That being the case, I consider that the legislation does prevent the Tribunal from determining that an amount not expended to facilitate the efficient performance of parliamentary duties in accordance with a determination may be retained and expended by the member for some other purpose.

## **3. Advice as to question 3**

3.1 The legislation does not expressly require the Tribunal to make provision in a determination for the repayment of amounts not expended to facilitate the efficient performance of parliamentary duties in accordance with a determination. While it would be open to the Tribunal pursuant to s. 10(4)(a), as a matter of discretionary power, to fix appropriate conditions on which the additional entitlement is to be provided, the legislation appears to impose no obligation or duty upon the Tribunal to do so. As I have said, the fact that no such conditions are fixed does not alter the nature of the entitlement conferred upon a member.

In summary, the Crown Solicitor advised that the legislation, by itself, did not prevent Members from retaining the unspent portions of entitlements; the legislation did prevent the Tribunal from determining that the unspent portion of additional entitlements may be retained; and thirdly, that there was no impediment to the Tribunal leaving silent or unanswered the question of repayment of the unused portions of additional entitlements.

The Tribunal went on to discuss the implications of the Crown Solicitor's advice as well as submissions received on this issue as they related to the Electoral Allowance. The Tribunal concluded [p26]:

*"The Crown Solicitor has made clear that the obligations which arise with respect to Members use of electoral allowances derives directly from the Act, without any requirement or particular need for the Tribunal to*

*regulate the question by determination. Having regard to that opinion, and given the somewhat vexed legal issue arising in these proceedings there is much to be said for the Tribunal not providing any interpretation of the statute as may be ordinarily contemplated in proceedings for declaratory relief. Rather the statute itself will speak to the obligations of Members. The Tribunal should regulate allowances for Members by prescribing the circumstances under which the allowances may be used. The draft determination reflects such an approach. It is an approach which will ensure that any obligations as to repayment of the unspent portion of allowances falling on Members will be confined to those specifically deriving from the statute. The Tribunal did not intend in its initial determination, and will now avoid by this approach, any superimposed (and additional) obligations arising out of any determination made by the Tribunal over those created by statute (which may have the potential of creating unintended adverse consequences).*

*In these circumstances the conditions for the payment of electoral allowances have been reviewed and the allowances simply adjusted from its present levels having regard to the cost of living and any other relevant considerations (which considerations were discussed in the initial determination)."*

To overcome the uncertainty regarding the unspent portion of the Electoral Allowance the Act was amended to provide that the Electoral Allowance was provided as compensation in respect of all incidents of the performance of parliamentary duties. Thus, it is clear that the Electoral Allowance may only be expended for purposes related to the performance of parliamentary duties.

Unlike the Electoral Allowance, the Sydney Allowance has a strictly limited purpose and that is to cover daily costs associated with staying in Sydney for parliamentary business. A reasonable daily rate is determined by the Tribunal from time to time to meet these costs. It is acknowledged that Members sacrifice a great deal in representing their constituents. Country Members even more so because of the amount of time they are required to spend in Sydney on parliamentary business. There may be grounds for liberalising the conditions associated with claiming the Sydney Allowance in the future and, indeed, some proposals in this regard were put to the Tribunal. However, given the current purpose of the Sydney Allowance, the need for strict accounting of the spending of public funds by Members and in the absence of any sound basis to do otherwise, the Tribunal considers that any unspent portion of the Sydney Allowance must be repaid.

Given that the Tribunal will require the repayment of the unspent portion of the annual Sydney Allowance and given that most Members entitled to the Allowance opt for the daily rate, the further question arises as to whether the Annual Allowance should be abolished.

That the Annual Allowance has lost its appeal is clear from the figures provided by the Legislature. It would have been desirable to have the views of the Presiding Officers on the extent of the administrative difficulties faced by the Legislature and any possible remedies which may assist them. It is unfortunate that they chose not to provide a submission for this Review.

Representatives from the major political parties advised the Tribunal of the administrative difficulties and the increased record keeping required of Members to comply with the repayment provisions of the Sydney Allowance.

The Auditor General articulated some of his findings in his submission to the Tribunal. These essentially mirror the findings contained in Volume 6 of the Auditor General's 2002 and Volume 1 of the 2004 Reports to Parliament in respect of the Sydney Allowance. These findings include:

Some Members fail to submit their certification for the Sydney Allowance within the timeframe specified by the Determination.

The Legislature returned a number of certifications to Members due to inadequate supporting documentation.

Some Members had difficulty determining their principal place of residence.

The Legislature and some Members experience difficulty in agreeing on any refund from members.

For the above reasons, the Legislature is unable to complete reconciliations and recoup overpayments of the Sydney Allowance on a timely basis. It should be noted that the most recent audit of the Sydney Allowance by the Auditor General reveals that on time reconciliations are improving (Auditor General's Report 2005 Volume 2)

It is clear from the above that the changes to the annual Sydney Allowance require a higher degree of record keeping and administrative diligence on the part of Members and the Legislature than was previously the case. This is understandable when the desired result is accountability and transparency.

The Tribunal does not believe that an entitlement should be abolished because it is difficult to administer or requires greater effort by Members and the Legislature to achieve administrative efficiency. The problems cited to the Tribunal are not insurmountable. The challenge for the administrators and the users of the scheme is to develop new policies and guidelines that will overcome the problems currently being experienced.

In addition, while the number of Members electing to take the annual entitlement has decreased significantly, 30 per cent of Members still prefer to receive this Allowance on an annual basis. These Members may have made long term commitments based on the genuine assumption that steady income from the Sydney Allowance would meet their particular needs. It would be inappropriate to remove these arrangements for no other reason than to overcome administrative obstacles.

The Tribunal, therefore, will retain the option for Members to receive the Allowance on an annual basis under existing arrangements. If the Legislation is amended these conditions will be reviewed at that time. As the Tribunal has stated in the past, it remains ready to assist the Legislature in minimising any potential problems associated with the administration of this or any other additional entitlement.

### Number of overnight stays

Set out below is the current number of overnight stays that each Member or Recognised Office Holder is entitled to under the Sydney Allowance. They were set in 1990.

Office	Electorate/Residence	Overnight Stays p.a.
Minister, Speaker, President, Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140
Deputy Speaker, Chairman of Committees in the Legislative Assembly and Chairman of Committees in the Legislative Council.	Category 1 or 2	120
Parliamentary Secretary/Shadow Minister	Category 1	90
	Category 2	120
Other Assembly/Council Members	Category 1	90
	Category 2	120

Submissions to the Tribunal have sought an increase in the number of overnight stays. All major political parties have recommended that the number of overnight stays be increased to more accurately reflect the increased time Members are required to spend in Sydney on parliamentary business. They have suggested the following:

Group	Officer	No. of overnight stays
Group 1	Premier, Ministers, President, Speaker, Leader of the Opposition (LA & LC), Deputy Leader of the Opposition (LA), Leader of third party in LA with not less than 10 Members	200
Group 2	Deputy Speaker, Chairman of Committees (LA & LC), Government Whip and Deputy Whip, Opposition Whips (LA & LC), Deputy Leader of the Opposition (LC) and Deputy Leader of Third Party in LA while not less than 10 Members	180
Group 3	Council Members, Chairs of Standing/Select Committees	160
Group 4	Members of Standing/Select Committees (LA)	140
Group 5	Assembly Members	120

It was argued that the Tribunal should recognise that while Parliamentary Sitting Days have not increased significantly since 1989 there has been a significant increase in the Parliamentary Committee system involving Members of both Houses. In particular, there has been an increase in the number of Legislative Council General Purpose Standing Committees. Additional responsibilities of office holders means that all country based Legislative Council Members and Legislative Assembly office-holders are in Sydney for in excess of 120 days per annum.

As noted above, Members are required to travel and stay in Sydney on parliamentary business. Until the 1998 amendments to the Act there was never a definition of what constituted parliamentary business. The Tribunal, for the purposes of this Allowance, identified two main areas of activity i.e., sittings of Parliament and sittings of Parliamentary Committees. The third area i.e., 'other parliamentary duties' was intended to cover a diverse range of duties which would be at the discretion of the Presiding Officers to approve.

The 1998 amendments to the Act included for the first time a definition of parliamentary duties ie

*"parliamentary duties of a member or recognised office holder means the duties that attach to the office of a member or recognised office holder, and includes the duties that a member or recognised office holder is ordinarily expected to undertake, including participation in the activities of recognised political parties, and includes any duties prescribed as being within this definition, but does not include any duties prescribed as being outside this definition."*

The Tribunal has no doubt that Members are required to spend more time in Sydney attending to parliamentary duties. A number of facts support this view.

The Legislative Council's 2004 Annual Report lists nine Committees. Nearly all Members of the Legislative Council sit on these Committees. Most Committees sit or conduct hearings on non-Parliamentary sitting days. The Legislative Council Standing Order 209 provides that Committees sit only when the House is adjourned. There is a similar provision (Standing Order 328) in the Legislative Assembly which allows Committees to meet when the House is not sitting.



Attendance and membership of the Committees varies. Some Members sit on more than one Committee. It is also understood that different Committees can sometimes sit on the same day.

The overall conclusion drawn from the above is that while there has been an increase in the number of occasions Members have to spend in Sydney to attend Committee meetings and hearings there is no clear pattern of attendance frequency. Some members spend over 70 days on Committee meetings while some attend less than 10 days. This point is made only to emphasise the difficulty the Tribunal faces in its attempt to quantify this aspect of Members' attendance.

Members' entitlements, applied as they are uniformly to Members of both Houses, cannot always meet the specific needs of every Member. There are Members who utilise all their entitlements and there are those who under-utilise these entitlements. In the end the Tribunal can only make an assessment on what is reasonable for the majority of Members and provide sufficient flexibility to best meet their needs.

The Tribunal has obtained figures from the Legislative Council's annual reports over the four year electoral cycle to determine average number of days spent by Legislative Council Members on Committee attendance. These figures show that Members in receipt of the Sydney allowance spent an average of 21 days on Committee participation. For the same four year period the Legislative Council sat for an average of 48 days per parliamentary year.

Based on the above the Tribunal considers that, on average, Members of the Legislative Council would spend a total of 69 days attending sittings of Parliament and Committee participation.

Members also undertake other parliamentary business in Sydney (meetings with constituents and or lobby groups, attendance at meetings of political parties, attending functions, etc). Historically, the Tribunal has allowed 35 overnight stays for such purposes. If added to the total number of overnight stays for sittings of Parliament and Committee participation this would increase overnight stays for an ordinary Member in the Legislative Council to a minimum of 104 occasions. This represents a minimum increase of 14 nights for a Member of the Legislative Council who is currently entitled to 90 overnight stays.

In addition, Members of the Legislative Council have advised that, unlike their Legislative Assembly counterparts, who are provided with an electorate office, they have only one office at Parliament House. This is also where Members' staff are located as well. It is, therefore, necessary for the Legislative Council Members to spend additional time in Sydney undertaking normal day to day activities in Parliament House.

In the case of Ministers and Leaders of the Opposition and the other Recognized Office Holders, while they may not participate in committee work, they would be required to spend more time in Sydney because of portfolio or Party obligations.

Given all the circumstances, the Tribunal considers that an increase in the maximum number of overnight stays is warranted. The Tribunal is however, not prepared to differentiate entitlements between Members. The Tribunal has for many years adopted the principle that entitlements for Members should be consistent for both Houses as this provides the most equitable approach to remuneration setting. In the current case, for example, Legislative Council Members may have to spend more time in Sydney attending Committee meetings but Members of the Legislative Assembly spend more time in Sydney attending sittings of Parliament.

The Tribunal has also broadened the Recognised Office Holders eligible to claim higher levels of Sydney Allowance. The new maximum overnight stay arrangements are as set out hereunder:

Office	Electorate/Residence	Overnight Stays p.a.
Minister, Speaker, President, Leader and Deputy Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	180
Deputy Speaker, Chairman of Committees (Assembly and Council). Whip and Deputy Whip (Assembly and Council) Parliamentary Secretary. Deputy Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140
Chairs of Standing/Select Committees;	Category 1 or 2	140
Council Members	Category 2	135
Council Members	Category 1	105
Assembly Members	Category 2	135
Assembly Members	Category 1	105

These increases are the maximum number of overnight stays Members and Recognised Office Holders will be entitled to without the need to substantiate the daily rate of allowance. Each overnight stay beyond the maximum will need to be acquitted to the Legislature in accordance with the relevant provisions.

Members will still be required to provide evidence of being in Sydney on parliamentary business. For those occasions when Parliament is sitting, or Members' Committees are meeting, it will not be necessary to provide specific evidence of attendance as the Parliamentary record will be sufficient.

On other occasions when Members are in Sydney on parliamentary business, however, it will be necessary for the Member to sign the Parliamentary attendance register as proof of being in Sydney on parliamentary business. Given that Members of the Legislative Council, in particular, have their parliamentary offices and staff in Parliament House it seems reasonable that most of their parliamentary business would be conducted in the House.

For those occasions where Members are required to be in Sydney but are not required to attend Parliament House e.g., attending functions, meetings of parliamentary political parties, then sufficient documentary evidence should be provided to the Presiding Officers of each such occasion.

Members who are required to attend Sydney beyond the maximum number of overnight stays will need to provide documentary proof of each such stay as well as a costing for each occasion up to the maximum daily rate.

To ensure greater equity with the Members who are in receipt of the capped annual rate, Members will only be allowed to claim actual expenses, up to the maximum daily rate for each such occasion.

### The daily rate

As part of this Review the Tribunal sought from Members broad details of the type of accommodation they use while in Sydney. From the responses, it is clear that Members use three main forms of accommodation, i.e., rent/lease, mortgage and commercial accommodation, in roughly equal numbers.

This is not surprising given that each Member makes arrangements that suit the particular needs of the Member. To ensure that the methodology used to assess a reasonable daily rate is a valid guide the Tribunal has examined not only the commercial accommodation rates but looked at rents for inner city accommodation. Mortgages are much more difficult to quantify given that each Member's circumstances will vary according to the cost of the property, the level of mortgage, the amount of repayment, etc. For this reason the Tribunal has only used the rentals and commercial hotel rates as the basis of assessing accommodation costs.

The daily rate has historically been set at a lower rate than the *ad hoc* travel rate because of the intention that Members make long term accommodation arrangements. The current rate is \$180 per overnight stay in Sydney. By way of comparison, Federal Parliamentarians receive \$170 per overnight stay.

When compared with Canberra, rents in Sydney are generally higher. Figures provided by the Real Estate Institute of Australia on rental accommodation for a one bedroom Unit near Parliament House in Inner Sydney and Inner Central Canberra are set out in the following table:

Source	Sydney (1 Bedroom Unit) median cost	Canberra (1 Bedroom Unit) median cost
Real Estate Institute (Dec 04)	\$300	\$260

Rents for 2 bedroom dwellings in Sydney and Canberra also show a reduced cost difference as noted in the following table..

Source	Sydney (2 Bedroom Dwelling) median cost	Canberra (2 Bedroom Dwelling) median cost
Real Estate Institute (Dec 04)	\$290	\$270

On the basis of these figures there is a moderate difference in the cost of rental accommodation between Sydney rents and Canberra rents. As noted above, Members renting accommodation would find it difficult to rent on an 'as needed' basis. Most landlords would require a lease of at least 12 months or at the very least 6 months. Advice to the Tribunal was that Members who rented generally had to rent for 12 months whether they were occupying the residence or not. Members renting properties would also be responsible for some utility costs e.g., electricity, telephone, etc.

Members with mortgages would have monthly mortgage repayments as well as quarterly utility costs (water, telephone, electricity) as well as strata levies.

The Tribunal has also received advice that the Government rate for accommodation at hotels near Parliament House and in which some Members stay, range from \$100 per night to \$140 per night including breakfast.

To the accommodation costs must be added the cost of meals and incidentals. Meals at Parliament House range between \$30 and \$40 for lunch and dinner. Thus, a Member having two meals a day would be required to pay between \$60 and \$80 per day including breakfast. The current public service total lunch and dinner rate for Sydney is \$56 per day.

The above figures suggest an increase in the daily rate is warranted. After considering all of the above the Tribunal considers that a daily rate of \$200 per overnight stay is reasonable.

The Tribunal notes the various accommodation arrangements made by Members. The Tribunal, in formulating the rate of \$200, has adopted the principle that while this rate may be generous to some Members but not others it is, in the Tribunal's view, reasonable for the majority of Members to be able to meet reasonable expenses incurred while in Sydney on parliamentary business.

The Tribunal will not be providing annualised figures for those Members who prefer the annual rate. Members who make the election to receive the annual amount will have the amount calculated by the Financial Controller using the traditional methodology (i.e., maximum number of occasions x the daily rate applicable to the Member or Recognised Office Holder).

The 'In Transit' rate currently provides a lower rate than the Sydney Allowance. It is provided particularly for those Members who live in the more remote areas of the State and who are required to make an overnight stay in a country location on their way to or on their way home from Sydney.

Members living in Category 2 electorates, i.e., those furthest from Sydney, are able to fly to Sydney in the same day. Most of these Members, because of airline timetables, arrive in Sydney either on the day before a sitting of Parliament and leave the day after Parliament rises. In either case, there is no longer a real need for Members to make an overnight stay on the way to or on the way home from Sydney.

On such occasions and consistent with public sector rules for non award employees, Members will be able to claim reasonable meal and incidental expenses up to a daily maximum on such trips to and from Sydney.

## PRINCIPAL PLACE OF RESIDENCE

At the time of the 2003 review the Tribunal indicated that it might need to assess the definition of "principal place of residence."

In July 2003, the Independent Commission Against Corruption (ICAC) issues its *Report on the investigation into the conduct of the Hon Malcolm Jones MLC* (the Jones Report).

This investigation centred on the use of the Sydney Allowance by Malcolm Jones and the issue of principal place of residence was raised. In respect of this matter the ICAC noted that the PRT had not provided a definition of principal place of residence but that the Legislature had developed guidelines to help Members determine the issue. The ICAC concluded:

*"The draft administrative guideline prepared by the parliamentary administration will assist Members to work through their personal circumstances in order to differentiate between their places of residence and determine which of them would be their 'principal place of residence.' Both the Auditor General and the Commission have been consulted about this guidance document. Its implementation will assist in clarifying the matter and it will increase the level of control with respect to the administration of the Allowance."*

The ICAC recommended:

*"...that the parliamentary administration implement its draft Sydney Allowance Guidelines about determining 'principal place of residence' as soon as possible."*

In December 2004 the ICAC issued its *“Report on the investigation into the conduct of the Hon Peter Breen MLC.”*

This investigation also centred on the use of the Sydney Allowance by the Hon Peter Breen MLC. As part of this Report the ICAC recommended that:

*“...the Parliamentary Remuneration Tribunal should review and define the term “principal place of residence”. In doing so, the Tribunal should consider systems used in other jurisdictions for compensating non-metropolitan Members for the travel and accommodation costs of attending Parliament.”*

The Tribunal’s investigations have revealed that in most jurisdictions a strict definition is not provided. Most jurisdictions either accept the Member’s nomination of the principal place of residence or employ a checklist similar to the one adopted by the NSW Legislature to determine a Member’s principal place of residence. In the New Zealand model it is the Presiding Officer who determines a Member’s principal place of residence based on information provided by the Member.

Having regard to the above, the Tribunal considers that a Member’s principal place of residence is that place where the member normally returns and resides when not in Sydney on parliamentary business.

Members nominate this residence to the Clerk. There are a number of tests to establish the accuracy of this nomination eg mail delivery, electorate enrolment, family, possessions etc. The checklist adopted by the Legislature provides sufficient tests to establish the accuracy of a Member’s nomination. While quite comprehensive the Tribunal considers that additional forms of proof such as the address shown on a Member’s driver’s licence or the telephone accounts for the nominated principal place of residence also be used as a further test. The Legislature may also wish to consider which property the Member has nominated for Land Tax purposes in establishing the principal place of residence.

The Tribunal maintains its view that ultimately it is the Member’s responsibility to nominate his/her principal place of residence for Sydney Allowance purposes. As such Members, after completing the Parliament Checklist, should certify that the nominated residence for Sydney Allowance purposes is their principal place of residence.

The conditions pertaining to the Sydney Allowance have been amended to reflect the above additional requirements.

The Tribunal was also asked to consider including the electorate of Penrith in Category 1 for Sydney Allowance purposes. No evidence has been provided to support this request and at this point in time the Tribunal is not convinced that such an inclusion is warranted. The whole issue of which electorates within the Sydney metropolitan area should or should not be included is a matter best left for consideration when the new electoral boundaries come into effect at the time of the 2007 election.

The Tribunal does not support the suggestion that a time limit be imposed on Members who relocate from Sydney to a non metropolitan residence. In a democracy, citizens have the right to move freely without penalty. The same right should be extended to Members of Parliament. What is important is whether the Members new location is his or her principal place of residence. If this is genuinely established then the Member should be eligible for the Allowance.

**PART 3****SUMMARY OF 2005 DETERMINATION**

Electoral Allowance	2.4 percent increase
Sydney Allowance	11 percent increase
Logistic Support Allocation	3.5 percent increase
Electorate Mailout Account	No increase
Committee Allowance	3.92 percent increase
Electorate Charter Allowance	No increase
Travel Allowances	Increase generally to public sector rates.

Dated this 29<sup>th</sup> day of June 2005

The Honourable Justice R Boland  
THE PARLIAMENTARY REMUNERATION TRIBUNAL

## THE DETERMINATION OF THE PARLIAMENTARY REMUNERATION TRIBUNAL

### THE DETERMINATION

Pursuant to section 10(2) and 11(1) of the Parliamentary Remuneration Act, 1989 ("the Act"), the Tribunal makes the Determination appearing hereunder.

With effect on and from 1 July 2005, and pursuant to section 10(6) of the Act, all previous Determinations of the Tribunal are revoked. This Determination shall constitute the annual Determination and shall operate on and from 1 July 2005.

### DEFINITIONS

"Member" or "Members" refers to a duly elected Member or Members of the Parliament of New South Wales (referred to hereinafter in this Determination as "the Parliament").

In this Determination the expression "additional entitlements" is to be understood in the sense used in Part 3 of the Act.

"Parliamentary duties" has the meaning attributed to it by section 3 of the Act,

"Electoral groups" are the groups of electorates specified in Schedule 1.

For the purpose of the Additional Entitlements Account for Members of the Legislative Council, "Zones" shall be those areas described in Schedule 2A.

"Approved relative" is a person who meets one of the following criteria;

Wife or husband of the member. If a member has a spouse no other person may be nominated to use this entitlement.

De facto spouse or partner who is living with a member in a bona fide domestic relationship. If a member has a de facto spouse or partner no other person may be nominated to use this entitlement.

Single or widowed members may nominate a member of their immediate family (parents, siblings, children who are not minors i.e. below 16 years of age) as an approved relative.

Under special circumstances a member may apply through the Presiding Officers to the Tribunal for an exception to the criteria. This will need to be based on the ability of the member to meet their parliamentary duties and individual circumstances that apply at the time.

## GUIDELINES AND GENERAL CONDITIONS REGARDING ADDITIONAL ENTITLEMENTS FOR MEMBERS IN CONNECTION WITH PARLIAMENTARY DUTIES.

### 1. Guidelines

Every class of "additional entitlements" described in this Determination is provided pursuant to section 10 (1) (a) of the Act "for the purpose of facilitating the efficient performance of the Parliamentary duties of Members." The following guidelines shall apply to the receipt, use and operation of additional entitlements.

Circumstances upon which the additional entitlements may be used for Parliamentary Duties.

Additional entitlements are provided to facilitate the efficient performance of the following particular Parliamentary duties of Members as follows:

Activities undertaken in representing the interests of constituents, but excluding activities of a direct electioneering or political campaigning nature.

Performing electorate work for a Member's electorate and participation in official and community activities to which the Member is invited because of the Member's status as a Parliamentary representative.

Attending and participating in sessions of Parliament.

Participation in the activities of Parliamentary committees.

Attending Vice-Regal, Parliamentary and State ceremonial functions.

Attending State, Commonwealth and Local Government functions.

Attending official functions to which a Member is invited because of the Member's status as a Parliamentary representative, eg. receptions and other community gatherings hosted by members of the diplomatic corps, educational and religious institutions, community and service organisations, business associations, sporting bodies or other special interest groups.

Participation in the activities of recognised political parties, including participation in national, State and regional conferences, branch meetings, electorate council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.

*For a Member elected to the Parliament as an independent, participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.*

A Member who is elected to the Parliament as a representative of a recognised political party and who subsequently resigns from that party membership and thereafter sits as an independent Member, howsoever described, shall continue to receive the same entitlements as they received as a Member of the party prior to resignation and not the additional entitlements provided to elected independents. The Member is also not entitled to the benefit of the rule in Clause 1.1.9 above.

Participation within Australia in the activities of the Commonwealth Parliamentary Association as well as activities outside Australia organised by the Commonwealth Parliamentary Association provided such activities arise directly from Membership of the New South Wales Branch and officially endorsed by the Branch (exclusive of air travel).

Participation in a Parliamentary Group such as the Asia Pacific Friendship Group; provided that, such group is approved in writing by the President of the Legislative Council and the Speaker of the Legislative Assembly. Such written approval shall be forwarded to the Tribunal.

Where any additional entitlement fixed by this Determination is to be used for the purpose of facilitating Members' participation in the activities of recognised political parties, the Tribunal sets out the following guidelines as to the use of that additional entitlement:

Parties registered under the *Parliamentary Electorates and Elections Act 1912*, and included in the register of parties maintained by the Electoral Commissioner, are to be treated as recognised political parties.

2.2 Additional entitlements should not be used to fund:  
activities such as those associated with party Membership drives;  
mail distributions for non-electorate or non-Parliamentary activities;  
costs associated with election campaigning for an individual Member;  
fund raising for other party political Members (such as the purchase of raffle tickets, raffle prizes or tickets to attend functions, etc); and  
costs previously borne by political parties which are not principally related to a Member's Parliamentary or electorate duties.

2.3 The electorate office provided for a Member of the Legislative Assembly is not to be used as an election campaign office.

The Tribunal sets out the following additional and general guidelines:

3.1 Some intermingling of a Member's Parliamentary duties and private activities is in practical terms not always easily avoided, but the onus is always on the Member to show that any



expenditure or any claim for reimbursement relates to Parliamentary duties, or to the Parliamentary duties component of costs incurred for intermingled Parliamentary duties and private purposes.

*In the case of electorate work, any activities within the electorate, and in respect of which a Member's involvement may reasonably be regarded as deriving from the Member's status as the Parliamentary representative for the electorate, should be treated as Parliamentary duties.*

3.3 *In the case of Parliamentary work, any activities in which a Member's involvement may reasonably be regarded as deriving from the Member's responsibilities as a Parliamentary representative should be treated as Parliamentary duties.*

3.4 In the case of a Member's activities within the broader community outside the Member's electorate, activities that may reasonably be regarded as deriving from the Member's status as a Parliamentary representative should be treated as Parliamentary duties.

## **2. Conditions**

The following general conditions will apply to all additional entitlements determined hereunder. These conditions are in addition to any special conditions attaching to the provision of allowances or other benefits (as specified later in this Determination):

All procurement by Members will be in accordance with the Parliament's purchasing policies.

Members must ensure that they have sufficient funds to meet the costs associated with their Parliamentary duties.

Each Member shall have, in addition to payments of the Electoral and Sydney Allowance, an account entitled the "Logistic Support Allocation" which shall cover expenditure in the areas of transport (excepting for electorate to Sydney travel), communications, printing and stationery and office supplies.

The Logistic Support Allocation shall be established and maintained by the Clerks of the Parliament. Members should be advised by the Clerks each month as to the balance of their Logistic Support Allocation

The funds in the Logistic Support Allocation shall only be used by the Member to carry out the purpose for which the allowance is established, but otherwise may, subject to these conditions, manage the funds as he/she thinks appropriate.

Nothing shall prevent the use of the Electoral Allowance for legitimate electorate expenses which might also fall within the categories of expenses covered by the Logistic Support Allocation.

All accounts and Members' claims must be submitted to the Legislature for payment within 60 days of receipt or occurrence of the expense.

All Members' additional entitlements in the nature of fixed allocations and Sydney allowance provided to Members shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements in the nature of fixed allocations and the Sydney allowance provided to Members shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any audit shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure for the purpose of any audit.

Expenditure is only to be incurred in connection with the Parliamentary duties of Members (and in this respect the Member should refer to the guidelines in this Determination).

The various allowances determined here, as well as the Logistic Support Allocation are for the sole use of the Member and are not to be transferred to other persons or organizations including Members. The Member may use his/her entitlements to meet official costs of the approved relative and/or staff employed by the Parliament when that expenditure is in connection with official Parliamentary duties.

Benefits accrued by a Member by way of loyalty/incentive schemes such as frequent flyers, as a consequence of the Member using his or her additional entitlements, are to be used only for Parliamentary duties and not for private purposes. Any outstanding benefits of this nature, when the Member ceases to be a Member, are to be forfeited.

#### ADDITIONAL ENTITLEMENTS IN THE NATURE OF ALLOWANCES

##### 1. Electoral Allowance

###### Purpose and Operation of the Provision

The allowance is based upon those factors which have historically been taken into account in assessing the quantum of the allowance (including the additional costs associated with the performance by Members of their Parliamentary duties in their electorates) and such other factors as may be determined from time to time as appropriate to be taken into account by the Tribunal under the Act.

###### Entitlement

The allowances shall be paid as follows:

Each Member of the Legislative Assembly and the Legislative Council shall receive an electoral allowance. The quantum of that allowance shall be fixed in accordance with the electoral grouping for the electorate of the Member.

The allowance payable per annum for each electorate group shall be as follows:

Electorate Group	Allowance
Group 1	\$35,570
Group 2	\$41,655
Group 3	\$49,090
Group 4	\$53,590
Group 5	\$57,005
Group 6	\$62,495
Group 7	\$65,615
Group 8	\$73,090

The electoral allowance for each Member of the Legislative Council shall be \$41,655 per annum.

## 2. Sydney Allowance

### Purpose and Operation of the Provisions

The Sydney allowance is provided to Members who reside in non-metropolitan electorates to compensate for the additional costs including commercial accommodation, meals and incidental costs associated with staying in Sydney to attend sessions of Parliament, meetings of Parliamentary committees or other Parliamentary business.

For the purpose of this allowance the non-metropolitan electorates (Electorate Groups 2-8) have been divided into two categories based on distance from Sydney. Members whose principal place of residence is in either Category 1 or Category 2 electorates, as specified in Schedule 2, are eligible to receive the Sydney allowance.

The Tribunal considers the Member's principal place of residence to be that residence where the Member would normally return and reside when not attending Sydney on parliamentary duties.

To establish the principal place of residence each Member will be required to complete the Parliament's checklist and certify that the residence nominated is the principal place of residence.

### Entitlement

The daily rate (including the number of overnight stays) for the Sydney allowance for categories 1 and 2 shall be in accordance with Table 1 below. Where a Member elects for a daily rate, he/she shall be entitled to the daily rate for the number of overnight stays per annum specified in that Table, except as provided in conditions 5.

TABLE 1

Office	Principal Place of Residence	Overnight Stays p.a.	Overnight in Sydney where accommodation costs are incurred	In transit to and from Sydney where no over night stay is involved
Minister, Speaker, President, Leader and Deputy Leader of the Opposition (Assembly and Council), Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	180	\$200	Actual reasonable expenses for meals and incidentals up to a maximum of \$74.35 per day
Deputy Speaker, Chairman of Committees (Assembly and Council), Whip and Deputy Whip (Assembly and Council), Parliamentary Secretary. Deputy Leader of Third Party in Assembly with not less than 10 Members.	Category 1 or 2	140	\$200	As above
Chairs of Standing/Select Committees	Category 1 or 2	140	\$200	As above
Legislative Council Members	Category 2	135	\$200	As above
	Category 1	105	\$200	As above
Legislative Assembly Members	Category 2	135	\$200	As above
	Category 1	105	\$200	As above

The following conditions apply to the Sydney allowance:

A Member can choose to receive the Sydney allowance as either an annual fixed allowance or a daily rate. The election is to be made at the commencement of each financial year.

If a Member chooses to receive the annual fixed allowance the Financial Controller of the Legislature will calculate the annual entitlement by multiplying the number of overnight stays for the particular Member or Recognised Office Holder by the daily rate.

In order to receive the Allowance each Member must certify to the Clerk of the Legislative Assembly or the Parliaments, as the case may be, their principal place of residence.

Where a Member chooses to receive the daily rate of allowance the Member shall receive the overnight daily rate as specified in Table 1. The Member is entitled to the number of overnight stays per annum specified in Table 1 without the need to substantiate to the Parliament expenses up to the daily rate.

Where a Member chooses to receive the daily rate of allowance and the Member exceeds the number of overnight stays Members will be reimbursed actual costs, up to the daily maximum upon the production of tax invoices/receipts for each such occasion.

Members in receipt of the daily rate when travelling to Sydney for parliamentary business or home from Sydney and where there is no overnight stay required will be entitled to reasonable actual expenses to the maximum provided in the "In transit...." Column of Table 1 above.

When in receipt of the annual allowance Members are required to certify at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for Parliamentary business. Members who nominate to receive the annual allowance cannot claim for additional overnight stays in excess of those specified in Table 1.

Members will need to maintain records or other relevant evidence that clearly document the occasions they stayed in Sydney in connection with their Parliamentary duties. Members will need to sign in and out of the Parliamentary Register as proof of being in Sydney on parliamentary business when Parliament is not sitting. On those occasions where Members are in Sydney on parliamentary business but are not required to attend Parliament House eg, attending a function, then the Member must provide sufficient proof to the Clerks to substantiate each such occasion. It will be sufficient for Ministers to provide evidence from their diaries or other forms of documentary evidence acceptable to the Clerks to certify as evidence of their attendance in Sydney.

Members in receipt of the annual amount will be required to return to Parliament the unspent portion of the Allowance for re-credit of the Consolidated Fund.

### **3. Committee Allowances**

#### Purpose and Operation of the Provision

Committee Allowances are paid to Chairpersons of Joint, Select and Standing Committees in recognition of the additional responsibilities of the office. Because of the statutory nature of the Public Accounts Committee and its role in Government activities, an annual rate of allowance is payable to Members of the Public Accounts Committee.

Entitlement

The allowances shall be paid as follows:

Members of the Legislative Council and the Legislative Assembly serving as Chairpersons of Joint Committees, Select Committees and Standing Committees shall be paid the sum of \$145.00 for each day upon which they attend a meeting or an official visit of inspection if that day is one upon which the Legislative Council (so far as a Member of the Council is concerned) or the Legislative Assembly (so far as a Member of the Assembly is concerned) is not sitting. This allowance is not payable to Chairpersons in receipt of a salary of office as specified in Schedule 1 of the Parliamentary Remuneration Act 1989.

Members of the Public Accounts Committee, other than the Chairperson, shall each receive a committee allowance of \$3,295 per annum.

**ADDITIONAL ENTITLEMENTS IN THE NATURE OF FIXED ALLOCATIONS****1. Electorate to Sydney Travel**Purpose and Operation of the Provisions

Members of the Legislative Assembly who reside in electorate groups 2 to 8 and Members of the Legislative Council who reside in zones 2 or 3 qualify for return air travel warrants between their electorates/zones and Sydney.

These entitlements are provided for the performance of Parliamentary duties.

All eligible Members shall receive one hundred and four (104) single economy class journeys per annum between electorate/zone and Sydney.

Where eligible, each of the below mentioned recognised office holders shall be entitled to the following additional electorate to Sydney travel entitlements per annum.

Entitlement

Office holder	Electorate to Sydney travel entitlement
Minister of the Crown	32 single journey entitlements
Speaker of the Legislative Assembly	32 single journey entitlements
President of the Legislative Council	32 single journey entitlements
Leader of the Opposition Assembly and Council	32 single journey entitlements
Leader of Party (not less than 10 Members in the Legislative Assembly)	32 single journey entitlements
Chairman of Committees Legislative Assembly and Legislative Council	32 single journey entitlements.
Deputy Speaker	32 single journey entitlements
Deputy Leader of the Opposition Assembly and Council	16 single journey entitlements
Deputy Leader of Party (not less than 10 Members in the Legislative Assembly)	16 single journey entitlements

### Conditions

All electorate to Sydney travel and return is restricted to economy class.

Warrants may be used to meet the cost of using a private motor vehicle or rental vehicle in lieu of electorate to Sydney air travel. The amount to be reimbursed for this purpose is not to exceed the commercial airfare for an equivalent distance flight.

A minimum of one warrant is required to be surrendered for each single journey; a return trip will require the surrender of at least two warrants.

Warrants are not transferable between Members, or approved relatives, or Members' staff.

Where the Determination refers to warrants, the expression is intended to include a reference to the existing system for electorate to Sydney travel used for the Legislative Council.

Members may use electorate to Sydney warrants to defray part of the cost of intrastate and interstate Parliamentary travel when such travel is via Sydney.

Members may charter a plane in lieu of travelling on commercial flights provided that travel is for electorate and/or Parliamentary business and that sufficient warrants based on the equivalent commercial cost of each person travelling are surrendered. The cost of Member's approved relative travelling on the charter is to be met from the Member's Logistic Support Allocation. It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is sent for payment.

A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel booking agent not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service may be made directly with the transport provider.

Members will need to maintain records or other relevant evidence that clearly document the occasions they travelled to Sydney in connection with their Parliamentary duties. A copy of this documentation is to be supplied to the Parliament's administration. When travelling by commercial air flights, copies of airline boarding passes are to be supplied to the Parliament when issued for arrival and departure from Sydney.

## **2. Logistic Support Allocation**

### Purpose and Operation of the Provision

The Clerks of the Parliament will establish a Logistic Support Allocation Account for each Member. Each Member's Logistic Support Allocation Account may be applied for the following purposes:

All interstate and intrastate transport for Parliamentary business (any mode) excepting electorate to Sydney travel unless that entitlement is exhausted

Taxi travel

Staff travel costs (training excluded)

Airport parking

Transport expenses for Members' approved relative

Home telephone, facsimile and internet call charges for official business

Home telephone rental costs  
 Internet access fees for official business  
 Broadband access fees for official business  
 Mobile telephone call charges and network access fees  
 Mail distribution and postal delivery services  
 Post Office box rental  
 Fax Post, Express Post and Lettergram services  
 Postage stamps  
 All stationery costs  
 Courier and freight charges for delivery of stationery or equipment to electorate or home office  
 Costs associated with photocopying  
 Printing (both Parliament House and external providers)  
 Publication services at Parliament House  
 Developing and hosting a web page for individual Member  
 Office equipment purchases up to \$2,500 (excluding GST)  
 Any maintenance charges relating to minor equipment purchases  
 Computer software  
 Computer hardware and peripheral devices not exceeding \$4,999

It is intended that the above list be used as a guide as to the types of items Members can spend against their Logistic Support Allocation. The Presiding Officers may exercise their discretion in permitting expenditure for items not on the "List". There must be sufficient funds in the Member's Logistic Support Allocation, the items must not duplicate services already provided to Members by the Parliament and the expenditure must be consistent with the guidelines and general conditions in this Determination.

#### Entitlement

Each Member and Recognised Office Holder of the Legislative Assembly who resides in one of the following electorate groups will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Electorate Group</u>	<u>Entitlement</u>
Group 1	\$27,935
Group 2	\$31,260
Group 3	\$33,440
Group 4	\$33,440
Group 5	\$33,440
Group 6	\$33,440
Group 7	\$35,620
Group 8	\$35,620

Each Member and Recognised Office Holder of the Legislative Council who resides in one of the following zones will be entitled to an annual allocation for the Logistic Support Allocation as follows:

<u>Zone</u>	<u>Entitlement</u>
Zone 1 Electorates	\$18,945
Zone 2 Electorates	\$19,510
Zone 3 Electorates	\$28,905

**Recognised Office Holders are entitled to further additional entitlements as specified in Schedule 3.**

**General Conditions**

The following general conditions shall apply to the Logistic Support Allocation Account:

Subject to these conditions, each Member shall determine at his/her own discretion the use of the funds within this Account for the purpose and operations specified above.

It is the primary responsibility of Members to ensure that they manage their Logistic Support Allocation Account to ensure that they do not over-expend their budgets. No supplementation of this Allocation will be allowed by the Tribunal. However, the Logistic Support Allocation is not intended to restrict the proper use of the electoral allowance, which may be used to meet any expense referred to in the 'purpose and operations' section of this clause.

Members may not use their Logistic Support Allocation to procure goods or services to be used for direct electioneering purposes or political campaigning.

Any unused funds remaining in the Member's account at the end of the financial year within the four year Parliamentary term shall be carried over to the following financial year. At the end of each 4 year Parliamentary term or the earlier dissolution of the Legislative Assembly, any balance remaining in the Member's account is to be relinquished to the Consolidated Fund.

Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

Members must personally authorise expenditure from their Logistic Support Allocation. Whilst, subject to the further conditions, Members may determine at their discretion the use of the funds available for any purpose and operation specified in this clause, the following table outlines the basis upon which the Tribunal has established the quantum of the account for future assessment. The table shall be used for the future assessment of the Allocation and for particular purposes such as the calculation of additional entitlements for Recognised Office Holders.

Electorate Group or Zone	Transport	Communication -electronic	Communication -non- electronic	Printing and Stationery and Office Supplies	Total Logistic Support Allowance
<b>Legislative Assembly</b>					
Group 1	\$4,360	\$3,810	\$12,835	\$6,930	\$27,935
Group 2	\$6,545	\$4,950	\$12,835	\$6,930	\$31,260
Group 3	\$8,725	\$4,950	\$12,835	\$6,930	\$33,440
Group 4	\$8,725	\$4,950	\$12,835	\$6,930	\$33,440
Group 5	\$8,725	\$4,950	\$12,835	\$6,930	\$33,440
Group 6	\$8,725	\$4,950	\$12,835	\$6,930	\$33,440
Group 7	\$10,905	\$4,950	\$12,835	\$6,930	\$35,620
Group 8	\$10,905	\$4,950	\$12,835	\$6,930	\$35,620
<b>Legislative Council</b>					
Zone 1 Electorates	\$4,360	\$4,385	\$3,270	\$6,930	\$18,945
Zone 2 Electorates	\$4,360	\$4,950	\$3,270	\$6,930	\$19,510
Zone 3 Electorates	\$10,905	\$7,800	\$3,270	\$6,930	\$28,905



**Particular Conditions.**Transport (Other than Electorate or Electorate to Sydney transport)

A Member may use any form of transport within Australia subject to the requirement that the transport was used for Parliamentary or electorate duties and that the cost was reasonable.

A Member may travel to any place in Australia, subject to the requirement that all such travel must be for Parliamentary duties and that there must be, at the time of the making of the relevant reservation, sufficient funds in that Member's Account to pay for the expenses involved.

All transport costs associated with approved relative or Members' staff travel (excluding travel costs associated with staff training) are to be provided from the Logistic Support Allocation Account. Staff training costs are to be met by the Legislature.

Members and their approved relatives, when travelling in connection with their Parliamentary duties, may claim reasonable actual accommodation and meal expenses from the Members' Logistic Support Allocation. The reimbursement of these expenses may not exceed the travel allowance rates as determined for Group 2 in Table 2 hereunder. Staff employed by the Parliament who travel with their Member or separately for Parliamentary business purposes may be paid travel allowances in accordance with appropriate Public Service Award conditions.

A Member and his or her approved relative may travel together or separately in connection with attendance at a function in the course of Parliamentary duties.

A Member, his or her approved relative and staff employed by the Parliament may use taxis or hire cars for Parliamentary duties.

A Member's air transport bookings for Parliamentary duties are to be made through the booking agent nominated in the NSW government travel contract, for all types of transport covered by the contract. Should the official NSW government travel booking agent not offer a booking service required by a Member for Parliamentary duties, the Member's transport bookings for that service may be made directly with the transport provider.

Members should ensure that records are maintained that clearly document the occasions that staff employed by the Parliament stayed in Sydney or other locations when travelling in connection with the Member's Parliamentary duties. Such documentation may include airline boarding passes for arrival and departure or other documentary evidence of having travelled and stayed in accommodation.

A Member may use charter transport in connection with Parliamentary duties, but only within the limits of the Member's individual Logistic Support Allocation. No passenger, except the Member's approved relative and staff employed by the Parliament accompanying the Member on Parliamentary duties, may be carried at the cost of the Member's Logistic Support Allocation entitlement. Where more than one Member is travelling on the air charter, the total air charter costs should be shared equally between the Members travelling.

It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.

Members together with their approved relative will need to maintain records or other relevant evidence that clearly document the occasions they travelled in connection with their Parliamentary duties. A copy of this documentation is to be supplied to the Parliament's administration. When travelling by commercial air flights, copies of boarding passes are also to be supplied.

Communication – electronic

The Tribunal accepts that there will be some private usage in connection with mobile telephones supplied by the Parliament and electronic communication equipment installed at public expense in a Member's principal place of residence. To ensure the Legislature does not pay Fringe Benefits Tax for the private usage of electronic equipment, the Financial Controller will undertake a survey over an appropriate period of time to ascertain public/private percentage use of Members' home telecommunication services. Once established Members will be reimbursed the Parliamentary business cost of each home telecommunication call or usage account and an adjustment shall be made to previous accounts reimbursed from the effective date of this Determination on or from the date of election, whichever is the later.

The Parliamentary business use component of the following telecommunication services are eligible for reimbursement:

Directory assistance charges (only applies to business lines)  
Call connect charges (extension of directory assistance)  
Messagebank  
Call waiting  
Call forwarding/diversion  
Last unanswered call recall  
Telephone directory charges for home telephone listings (which are in addition to standard free entry)  
Internet services  
Broadband services

The following Recognised Office Holders shall be entitled to 100 per cent reimbursement for electronic-communication costs including overseas calls for Parliamentary business.

Ministers  
Presiding Officers  
Leader of the Opposition (Assembly and Council)  
Leader of a Party not less than 10 Members in the Legislative Assembly  
Chairman of Committees (Assembly and Council)  
Deputy Speaker  
Deputy Leader of the Opposition (Assembly and Council)  
Deputy Leader of a Party with not less than 10 Members in the Legislative Assembly  
Parliamentary Secretaries (Assembly and Council)  
Government and Opposition Whips (Assembly and Council)  
Whip of a third party with not less than 10 Members (Legislative Assembly)  
Deputy Whips (Legislative Assembly).

A fax line installed at Legislative Council Members' home offices continue to be reimbursed at the rate of 100 per cent.

Call charges pertaining to a data line installed at Legislative Council Members' home offices be reimbursed at the rate of 100 per cent where Members do not have a broadband service connected, subject to the line being used for Parliamentary duties.

Members will be required to meet the cost of all overseas calls, other charged information/service calls, reverse charge calls and home-link and Telecard calls.

Accounts will be paid either directly by the Parliament and debited to a Member's account or paid in the first instance by the Member who would then seek reimbursement from the Parliament.

### Communication - non-electronic

Members are permitted to purchase postage stamps or other mail distribution and delivery services and make arrangements for payment direct by the Parliament or obtain reimbursement by providing substantiation in accordance with the requirements of the Parliament's administration.

### Printing, Stationery and Office Supplies

Members may only use the printing, stationery and office supplies entitlement for Parliamentary duties.

The entitlement may be used to purchase printing, stationery and office supplies from the Parliament or other providers and in accordance with Parliamentary procurement policies and practices.

A Member may not use their printing, stationery and office supplies allowances to procure goods or services to be used for direct electioneering purposes or political campaigning.

The purchase of computer software from the Logistic Support Allocation is subject to the following conditions:

The software will not be supported by the Parliament's I.T. Section.

The software is required to be removed from the computers supplied by the Parliament if there is any conflict with the Parliament's computer network.

The software is not to be used for political campaigning or electioneering purposes.

### **3. Electorate Mailout Account**

Each Member of the Legislative Assembly will be provided with an amount as specified in Schedule 4 for the specific purpose of preparing and distributing letters/newsletters to each constituent in his/her electorate. Members are provided with an annual amount based on the cost of issuing two newsletters/letters per enrolled voter per annum. Members may issue additional newsletters/letters subject to available funds in their Electorate Mail-Out Account and the Legislative Assembly's administrative guidelines.

#### **Conditions**

The Electorate Mailout Account shall be established and maintained by the Clerk of the Legislative Assembly. Members should be advised by the Clerk each month as to the balance of their Account.

Members are to fund the cost of preparing, printing and distributing letters/Newsletters to each constituent in his/her electorate and for no other purpose.

All procurement by Members will be in accordance with the Parliament's purchasing policies.

No supplementation to the allocation will be considered. Any additional costs are to be met from the Member's Logistic Support Allocation.

Unused funds are to be returned to the Consolidated Fund at the end of each financial year.

All accounts must be submitted to the Legislature for payment within 60 days of receipt.

Printing and distribution of newsletters/letters from the Electorate Mail-Out Account is to be in accordance with the Parliament's administrative guidelines.

#### 4. Electorate Charter Transport for Members of the Legislative Assembly

##### Purpose and operation of the provision

Members of the largest electorates (Electoral Groups 5-8) shall be provided with an allowance from which are met charter transport costs incurred within their electorates. For the purposes of this allowance "charter transport" means charter transport used with and for the service of the Member's electorate and includes charter aircraft, drive yourself vehicles and any other mode of charter transport that may be deemed appropriate in the circumstances by the Speaker of the Legislative Assembly.

##### Entitlement

Members of the Legislative Assembly in the following Electorate Groups shall be entitled to Charter Transport Allowance up to the maximum amount shown below:

<u>Electorates</u>	<u>Entitlement</u>
Group 8	\$21,080
Group 7	\$13,980
Group 6	\$11,400
Group 5	\$6,980

##### Conditions

The following conditions shall apply in respect of Charter Transport Allowance:

This Allowance shall only be used in connection with Parliamentary duties within the Member's electorate and shall not be used during election campaigns or for other electioneering or party political activities.

Only the cost of the Member's approved relative or Member of staff accompanying the Member may be met from this Allowance.

It is a condition of all air transport charters that the Member responsible for organising the charter obtain a passenger manifest from the charter operator and attach it to the invoice when it is submitted for payment to the Legislature.

Members are to meet the cost of the air charter and seek reimbursement from the Financial Controller with appropriate certification as to the purpose of the charter.

The charter transport shall only be used within and for the service of the Member's electorate. Where the closest source of available charter transport to the Member's electorate, electorate office or principal place of residence is outside the boundaries of the electorate, the reasonable additional expenses consequently incurred may be included in the reimbursement available under this Determination.

Members may use their Charter Transport Allowance to fly to an airfield located outside their electorate in circumstances where there is no suitable airfield located in the part of the electorate being visited by the Member. In these circumstances the Member would fly to the relevant airfield outside his/her electorate and then drive back to the electorate to conduct electorate business.

Members may also use the Charter Transport Allowance to attend regional or other meetings within an adjoining electorate relating to matters affecting their electorate. Members should first seek approval to use this Allowance in such a manner from the Presiding Officers. Members should be able to satisfy the Presiding Officers that the purpose of the journey relates to electorate business.

These additional entitlements shall be audited annually for compliance. In addition to any internal audit conducted by the Parliament, Members' additional entitlements shall be the subject of an external audit conducted by the Auditor-General of NSW. The cost of any auditing shall be met by the Parliament. Members should ensure they maintain appropriate records of expenditure.

## 5. Travelling Allowances for Recognised Office Holders

Table 2 – Indicative Upper Limits for Travel Expenditure

Office Holders	Capital Cities		Other Areas	Where no overnight stay is required
	Melbourne,	Adelaide, Brisbane, Canberra, Darwin, Hobart, Perth,		
Group 1	\$401.75	\$331.75	\$282.75	Actual reasonable meal expenses
Group 2	\$280.00	\$263.00	\$185.50	Actual reasonable meal expenses

Recognised Office Holders are classified into one of the following two groups.

### Group 1

Premier,  
Deputy Premier,  
Senior and Other Ministers,  
President of the Legislative Council and Speaker of the Legislative Assembly,  
Chairman of Select, Joint Standing, Standing and Public Accounts Committees,  
Leader of the Opposition in the Legislative Assembly and Legislative Council,  
Deputy Leader of the Opposition in the Legislative Assembly  
Deputy Speaker in the Legislative Assembly

### Group 2

Deputy Leader of the Opposition in the Legislative Council,  
Deputy Leader in the Legislative Council (other than the Leader or Deputy Leader of the Opposition) of a recognised political party not fewer than 9 members of which are members of the Legislative Council and of which no member is a Minister,  
Leader and Deputy Leader of a Recognised Political Party of which not less than ten Members are Members of the Legislative Assembly,  
Government and Opposition Whips,  
Deputy Government and Deputy Opposition Whips,  
Parliamentary Secretary,  
Whip in the Legislative Assembly of a recognised political party, not fewer than 10 members of whom are members of the Legislative Assembly,  
Deputy Whip in the Legislative Assembly of a recognised political party not fewer than 40 members of which are members of the Legislative Assembly,  
Members of Select, Joint Standing, Standing and Public Accounts Committees.  
The following conditions shall apply in respect of this allowance:

Recognised Office Holders are eligible to claim reasonable actual travelling expenses for overnight absences from Sydney or their electorate/principal home residence. Where no overnight absence is involved Recognised Office Holders may claim reasonable actual meal expenses. Indicative upper limits for travel expenditure are outlined in Table 2.

The payment of actual travelling expenses will be paid subject to the production of tax invoices/receipts relating to accommodation, meal and other incidental expenses by the Recognised Office Holder concerned.

A Recognised Office Holder whose approved relative accompanies him or her to a State or other official function and who consequently incurs expenses in respect of meals and accommodation exceeding the allowance to which he or she is entitled, shall be entitled to be reimbursed the additional expenses associated with the approved relative.

Those Recognised Office Holders for whom non-Parliamentary funded budgets are provided are to meet travel allowance costs from those budgets and not from the Parliament.

## **6. Equipment, Services and Facilities**

Members of the Legislative Assembly and the Legislative Council shall be provided by the Parliament with the equipment, services and facilities necessary to perform their Parliamentary duties as follows:

All Members shall receive at the Parliament House, Sydney, a fitted out, equipped and maintained office, and secretarial services.

Each Member of the Legislative Assembly shall receive a fitted out, equipped and maintained Electorate Office to an appropriate standard. The Member for Murray-Darling is to be provided with an additional electorate office.

Each Member shall be supplied equipment and ancillary services in the Member's private residence (or if the Member has more than one private residence then in the Member's principal private residence) including a telephone and a facsimile machine, for the performance by the Member of Parliamentary duties.

Each Member shall receive portable equipment to supplement the provision of equipment as referred to in clauses 1, 2 and 3 above, except where such equipment is already provided by the Executive Government. This portable equipment shall include, but is not limited to, a mobile telephone and a notebook computer.

Each Member of the Legislative Council shall have a separate facsimile line installed in their home. A separate data line shall also be installed to provide access to the Parliament's secure computer network unless Members elect to connect to a broadband service.

The Presiding Officers are to provide administrative support to each Member in accordance with the following:

Subject to (ii), each Member of the Legislative Assembly shall have two staff Members employed at each electoral office.

Each Member of the Legislative Assembly elected as an Independent shall have an additional staff Member employed at his/her electoral office.

Each Member of the Legislative Council, who is not a Minister, shall be entitled to one staff Member. When the staff Member is on annual recreation leave or other extended period of leave, a relief staff member may be employed for the period of absence.

Each Member of the Legislative Council, who is not a Minister, and who is elected as a cross bench Member shall be entitled to two staff Members.

Ministers shall receive a reasonable allocation of staff Members.

This provision specifies the minimum staffing required in electorate offices. Nothing in this Determination removes from the employer of staff the obligations arising under the Occupational Health and Safety Act 2000.

Dated this 29<sup>th</sup> day of June 2005

The Honourable Justice R Boland  
THE PARLIAMENTARY REMUNERATION TRIBUNAL

## ELECTORAL GROUPS

## SCHEDULE 1

Group 1 Electorates		
Auburn	Granville	North Shore
Bankstown	Heffron	Parramatta
Baulkham Hills	Hornsby	Penrith
Blacktown	Kogarah	Pittwater
Bligh	Ku-ring- gai	Port Jackson
Cabramatta	Lakemba	Riverstone
Campbelltown	Lane Cove	Rockdale
Canterbury	Liverpool	Ryde
Coogee	Macquarie Fields	Smithfield
Cronulla	Manly	Strathfield
Davidson	Maroubra	The Hills
Drummoyne	Marrickville	Vaucluse
East Hills	Menai	Wakehurst
Epping	Miranda	Wentworthville
Fairfield	Mount Druitt	Willoughby
Georges River	Mulgoa	
Group 2 Electorates		
Blue Mountains	Illawarra	Peats
Camden	Keira	Swansea
Charlestown	Kiama	The Entrance
Gosford	Lake Macquarie	Wallsend
Hawkesbury	Londonderry	Wollongong
Heathcote	Newcastle	Wyong

**SCHEDULE 1**

Group 3 Electorates		
Ballina Cessnock Coffs Harbour Maitland	Myall Lakes Port Macquarie Port Stephens	South Coast Southern Highlands Tweed
Group 4 Electorates		
Albury Bathurst Bega	Dubbo Lismore Orange	Oxley Tamworth Wagga Wagga
Group 5 Electorates		
Burrinjuck Clarence Monaro Northern Tablelands		
Group 6 Electorates		
Lachlan Murrumbidgee Upper Hunter		
Group 7 Electorates		
Barwon		
Group 8 Electorates		
Murray-Darling		

**SYDNEY ALLOWANCE GROUPINGS****SCHEDULE 2**

Category 1		
Blue Mountains Camden Campbelltown Charlestown Gosford Hawkesbury	Heathcote Illawarra Keira Kiama Lake Macquarie Londonderry	Newcastle Peats Swansea The Entrance Wallsend Wollongong Wyong

Category 2		
Albury Ballina Barwon Bathurst Burrinjuck Bega Cessnock Clarence Coffs Harbour Dubbo	Lachlan Lismore Maitland Monaro Murray-Darling Murrumbidgee Myall Lakes Northern Tablelands Orange	Oxley Port Macquarie Port Stephens South Coast Southern Highlands Tamworth Tweed Upper Hunter Wagga Wagga



## LEGISLATIVE COUNCIL ZONES

## SCHEDULE 2A

Zone 1 Electorates		
Auburn	Granville	North Shore
Bankstown	Heffron	Parramatta
Baulkham Hills	Hornsby	Penrith
Blacktown	Kogarah	Pittwater
Bligh	Ku-ring- gai	Port Jackson
Cabramatta	Lakemba	Riverstone
Campbelltown	Lane Cove	Rockdale
Canterbury	Liverpool	Ryde
Coogee	Macquarie Fields	Smithfield
Cronulla	Manly	Strathfield
Davidson	Maroubra	The Hills
Drummoyne	Marrickville	Vaucluse
East Hills	Menai	Wakehurst
Epping	Miranda	Wentworthville
Fairfield	Mount Druitt	Willoughby
Georges River	Mulgoa	
Zone 2 Electorates		
Blue Mountains	Illawarra	Peats
Camden	Keira	Swansea
Charlestown	Kiama	The Entrance
Gosford	Lake Macquarie	Wallsend
Hawkesbury	Londonderry	Wollongong
Heathcote	Newcastle	Wyang

## LEGISLATIVE COUNCIL ZONES

## SCHEDULE 2A

Zone 3 Electorates		
1. Albury	11. Lachlan	21. Port Macquarie
2. Ballina	12. Lismore	22. Port Stephens
3. Barwon	13. Maitland	23. South Coast
4. Bathurst	14. Monaro	24. Southern Highlands
5. Bega	15. Murrumbidgee	25. Tamworth
6. Burrinjuck	16. Murray-Darling	26. Tweed
7. Cessnock	17. Myall Lakes	27. Upper Hunter
8. Clarence	18. Northern Tablelands	28. Wagga Wagga
9. Coffs Harbour	19. Orange	
10. Dubbo	20. Oxley	

**RECOGNISED OFFICE HOLDER AND  
OTHER MEMBER ENTITLEMENTS**
**SCHEDULE 3**

Recognised Office Holder	Transport	Communication (electronic)	Communication (non-electronic)	Printing & Stationery
Presiding Officer	30%		55%(A) 175%(C)	40%
Minister				40%
Deputy Speaker, Chair of Committees				40%
Leader of the Opposition	20%(A)		140%(A) 175%(C)	40%
Deputy Leader of the Opposition	10%		15%(C)	40%
Whips			15%(C)	40%
Party Leader (not less than 10 Members)	15%			40%
Deputy Party Leader (not less than 10 Members LA or 9 Members LC)	10%			40%
Leader of the National Party (in Opposition with not less than 10 Members in LA)	15%		15%	40%
Other Recognised Office Holders				40%
Independent Members				20%

Recognised Office Holders and Members referred to in schedule 3 may only receive additional entitlements for one office; that office being the office which attracts the greater level of entitlement.

Where entitlements formerly provided for the recognised office holder's approved relative these have been included in the allocation.

Where an entitlement is followed by (A) or (C) it applied only to the office holder in either the Assembly or the Council.

## ELECTORATE MAILOUT ACCOUNT

## SCHEDULE 4

ELECTORAL DISTRICT	CURRENT ENTITLEMENT (31 March 2005) As provided by the State Electoral Office	ANNUAL ENTITLEMENT
1. ALBURY	44,031	\$57,240
2. AUBURN	48,109	\$62,542
3. BALLINA	48,041	\$62,453
4. BANKSTOWN	45,740	\$59,462
5. BARWON	40,631	\$52,820
6. BATHURST	45,292	\$58,880
7. BAULKHAM HILLS	46,838	\$60,889
8. BEGA	50,418	\$65,543
9. BLACKTOWN	47,275	\$61,458
10. BLIGH	50,814	\$66,058
11. BLUE MOUNTAINS	46,839	\$60,891
12. BURRINJUCK	45,245	\$58,819
13. CABRAMATTA	43,821	\$56,967
14. CAMDEN	56,919	\$73,995
15. CAMPBELLTOWN	44,329	\$57,628
16. CANTERBURY	44,851	\$58,306
17. CESSNOCK	45,716	\$59,431
18. CHARLESTOWN	44,919	\$58,395
19. CLARENCE	45,385	\$59,001
20. COFFS HARBOUR	47,366	\$61,576
21. COOGEE	42,785	\$55,621
22. CRONULLA	45,156	\$58,703
23. DAVIDSON	45,187	\$58,743
24. DRUMMOYNE	50,300	\$65,390
25. DUBBO	44,122	\$57,359
26. EAST HILLS	44,720	\$58,136
27. EPPING	45,204	\$58,765
28. FAIRFIELD	44,989	\$58,486
29. GEORGES RIVER	46,418	\$60,343
30. GOSFORD	50,277	\$65,360
31. GRANVILLE	44,272	\$57,554
32. HAWKESBURY	50,534	\$65,694
33. HEATHCOTE	45,682	\$59,387
34. HEFFRON	46,677	\$60,680
35. HORNSBY	47,438	\$61,669
36. ILLAWARRA	46,618	\$60,603
37. KEIRA	44,200	\$57,460
38. KIAMA	50,262	\$65,341
39. KOGARAH	45,873	\$59,635
40. KU-RING-GAI	44,632	\$58,022
41. LACHLAN	44,478	\$57,821
42. LAKE MACQUARIE	47,680	\$61,984
43. LAKEMBA	43,138	\$56,079
44. LANE COVE	45,133	\$58,673
45. LISMORE	43,911	\$57,084
46. LIVERPOOL	49,169	\$63,920
47. LONDONDERRY	44,436	\$57,767
48. MACQUARIE FIELDS	53	\$74,299
49. MAITLAND	52,781	\$68,615
50. MANLY	44,186	\$57,442

## ELECTORATE MAILOUT ACCOUNT

## SCHEDULE 4

ELECTORAL DISTRICT	CURRENT ENTITLEMENT (31 March 2005) As provided by the State Electoral Office	ANNUAL ENTITLEMENT
51. MAROUBRA	44,392	\$57,710
52. MARRICKVILLE	46,405	\$60,327
53. MENAI	48,996	\$63,695
54. MIRANDA	43,389	\$56,406
55. MONARO	49,518	\$64,373
56. MOUNT DRUITT	46,902	\$60,973
57. MULGOA	49,778	\$64,711
58. MURRAY-DARLING	40,413	\$52,537
59. MURRUMBIDGEE	43,804	\$56,945
60. MYALL LAKES	48,882	\$63,547
61. NEWCASTLE	46,038	\$59,849
62. NORTH SHORE	46,916	\$60,991
63. NORTHERN TABLELANDS	43,242	\$56,215
64. ORANGE	44,812	\$58,256
65. OXLEY	45,701	\$59,411
66. PARRAMATTA	46,675	\$60,678
67. PEATS	45,418	\$59,043
68. PENRITH	44,267	\$57,547
69. PITTWATER	46,039	\$59,851
70. PORT JACKSON	55,683	\$72,388
71. PORT MACQUARIE	49,304	\$64,095
72. PORT STEPHENS	48,588	\$63,164
73. RIVERSTONE	56,590	\$73,567
74. ROCKDALE	44,578	\$57,951
75. RYDE	45,848	\$59,602
76. SMITHFIELD	47,155	\$61,302
77. SOUTH COAST	50,385	\$65,501
78. SOUTHERN HIGHLANDS	49,179	\$63,933
79. STRATHFIELD	47,547	\$61,811
80. SWANSEA	48,126	\$62,564
81. TAMWORTH	45,250	\$58,825
82. THE ENTRANCE	46,818	\$60,863
83. THE HILLS	59,891	\$77,858
84. TWEED	51,948	\$67,532
85. UPPER HUNTER	42,628	\$55,416
86. VAUCLUSE	43,326	\$56,324
87. WAGGA WAGGA	44,603	\$57,984
88. WAKEHURST	45,664	\$59,363
89. WALLSEND	49,058	\$63,775
90. WENTWORTHVILLE	44,730	\$58,149
91. WILLOUGHBY	47,908	\$62,280
92. WOLLONGONG	43,447	\$56,481
93. WYONG	52,565	\$68,335

**Advice of the Secretary of Treasury Pursuant to Section 12(A) of the *Parliamentary Remuneration Act, 1989***

The following comments on the Parliamentary Remuneration Tribunal's 2005 annual determination are made pursuant to Section 12 (A) of the *Parliamentary Remuneration Act, 1989* by the Secretary of the Treasury.

### Financial Implications

The 2005 annual determination is fundamentally consistent with the previous determination and the methodology used to prepare the NSW Budget, except for the Sydney Allowance, which has effectively increased by 29 percent following a special reference as part of the 2005 determination.

The table below shows the variation in entitlements over the 2004 determination.

For the purpose of calculating the costs, the estimates are based on the 2004 composition of the Legislative Assembly and the Council membership. It is also assumed that there were no changes to the electorate groupings. Estimates have not been provided where the maximum remuneration limits for the particular allowances are not defined. The Sydney Allowance is calculated on the annual amount allocated to members.

ENTITLEMENT	2004 DET.	2005 DET.	CHANGE
Electoral Allowance	\$ 5,564,936	\$ 5,698,494	\$ 133,558 (2.4%)
Sydney allowance*	\$ 1,452,815	\$ 1,879,000	\$ 426,185 (29%)
Committee Allowance**	\$ 15,860	\$ 16,482	\$ 622 (3.9%)
Logistic Support Allocation	\$ 3,601,344	\$ 3,727,391	\$ 126,047 (3.5%)
Electorate Mail-out Account	\$ 5,600,000	\$ 5,600,000	NIL
Electorate Charter Transport Allowance - LA Members	\$ 97,178	\$ 97,178	NIL
Travelling Allowance for Recognised Office Holders	Not Estimated	Not Estimated	Increased***
Recognised Office Holder & Other Member Entitlement	Not defined	Not defined	Minor increase
<b>TOTAL MINIMUM EXPENDITURE</b>	<b>\$16,332,133</b>	<b>\$17,018,545</b>	<b>\$ 686,412 (4%)</b>

- \* Calculated on annual amount allocated to Members
- \*\* Includes members of Public Account Committee only
- \*\*\* Adjusted in line with movements in public sector rates

Member entitlements have increased by a minimum of **\$686,412** over the 2004 determination, which represents a rise of 4 percent.

Sydney Allowance which contributed most towards the increase, has been boosted by 11 percent and at the same time, Members have been granted more overnight stays in Sydney which effectively takes the overall increase to 29 percent.

The increase in Electoral Allowance and Logistic Support Allocation (averaging 3 percent) is in line with the projected **Sydney CPI of 3.0 percent** for year 2005-06 and a **3.9 percent** increase granted to Committee Allowance reflects increases in Members' salaries. While the Electorate Mailout Account and the Charter Transport Allowance have not been increased, the increases to the Travel Allowance to Recognised Office Holders and Recognised Office Holders may drive up the expenditure slightly.

*The increase in entitlement is supported. However considering the Government's tight fiscal position, the increase should largely be met from the \$2.7 million in escalation (based on projected 3 percent CPI) provided in the Legislature's 2005-06 Budget. If necessary, Treasury will consider the remaining 1 percent increase of up to \$200,000 after assessing the actual Members' Allowance expenditure at the end of the year.*

### Accountability and Control

While retaining flexibility, the Parliamentary Remuneration Tribunal has maintained strict guidelines to ensure greater accountability and transparency over the use of entitlements by Members.

John Pierce  
Secretary

# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BAULKHAM HILLS SHIRE COUNCIL

Roads Act 1993, Section 39

Closure of Temporary Public Road

Linking Chepstow Drive to Castlegate Place, Castle Hill

THE Baulkham Hills Shire Council hereby advises that pursuant to section 39 of the Roads Act 1993, it intends to close to vehicular traffic the temporary public road linking Chepstow Drive to Castlegate Place, Castle Hill. The temporary public road is situated on Lot 15, 17 and 18, DP 1050744. On publication of this notice the temporary public road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. Dated at Castle Hill this 1st Day of July 2005. DAVE WALKER, Acting General Manager, Baulkham Hills Shire Council, PO Box 75, Castle Hill NSW 1765. [1419]

### BAULKHAM HILLS SHIRE COUNCIL

Light Traffic Thoroughfare

Harrington Avenue, Castle Hill

THE Council hereby advises that pursuant to Section 112 of the Roads Act 1993 and in accordance with the authority delegated to it by the Roads & Traffic Authority of New South Wales, it proposes to impose a maximum load limit of three tonnes over the full length of:

St Pauls Avenue and Harrington Avenue, Castle Hill

It should be noted that the load limits do not apply to buses or commercial vehicles in excess of the limit -

- (a) who wish to gain access to properties in the streets defined above, or
- (b) who must use the street, there being no other access to the desired street.

A period of 28 days from the date of this notice is allowed for persons to lodge a written objection to the proposal to impose the load limits.

Further information regarding the proposal can be gained by contacting Council's Traffic Engineer, Michael Doyle on 9843-0243. [1425]

### CESSNOCK CITY COUNCIL

Erratum

THE Cessnock City Council notice which appeared in the *Government Gazette* of the 24 June 2005 No 77 on page 3175 was published containing an error. The words "Dixon tree" are now replaced with "Dixon Street and Wallace Place". This erratum now amends that error. [1429]

### COOTAMUNDRA SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Road – Cootamundra Shire

NOTICE is hereby given that Cootamundra Shire Council, pursuant to section 162 of the Roads Act 1993 has named the following roads in the Cootamundra Shire. DAVID HUME,

Acting Director – Engineering Services, Cootamundra Shire Council.

*Description*

*Name*

Newly created road in the new Subdivision off Boundry Road (Dunwill Park Estate).

Matilda Avenue

Newly created road in the Industrial Estate at the end of Fuller Drive.

Barrett Street

[1433]

### GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder. KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster, NSW 2428.

*Description*

*Name*

The road that runs west off Fords Road, Limeburners Creek

Jays Road,  
Limeburners Creek

[1427]

### HAWKESBURY CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, Hawkesbury City Council dedicates land owned by Council as described in the Schedule below, as public road. The subject land is situated at Grose Wold Road, Grose Wold. G.FAULKNER, General Manager, Hawkesbury City Council, PO Box 146, Windsor NSW 2756

#### SCHEDULE

Lot X Deposited Plan 1028974.

[1431]

### TENTERFIELD SHIRE COUNCIL

Roads Act 1993, Section 162

Road Re-Naming

NOTICE is hereby given that Tenterfield Shire Council, in accordance with section 162 of the Roads Act 1993, has renamed the following roads located within Tenterfield Shire. MARK ARNOLD, General Manager, Tenterfield Shire Council, PO Box 214, Tenterfield NSW 2372.

*Current*

*New Road*

*Location*

*Road*  
*Name*

*Name*

Tenterfield  
Woodenbong  
Road  
(MR622)

Mount Lindesay  
Road

From New England Highway (SH 9) intersection at Tenterfield to Kyogle Shire Boundary (Tooloom Creek), Woodenbong via Liston and Legume

Stanthorpe Amosfield Branch Road (MR189)	Liston Road	From MR 189 junction at Amosfield northeast to MR 622 junction at Liston
Tabulam Woodenbong Road (MR 361)	Clarence Way	From Kyogle Shire Boundary south of Urbenville to Kyogle Shire Boundary north of Urbenville
Stannum Deepwater Road	Torrington Road	From Severn - Glen Innes Shire Boundary east of Deepwater west to Silent Grove Road junction at Torrington
Guest's Road	Mount Clunie Road	From MR 622 junction approx 10.5 km south of Urbenville north to Mount Clunie National Park boundary

[1432]

**WYONG SHIRE COUNCIL**

Local Government Act 1993

## Notice of Compulsory Acquisition of Land

WYONG 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, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 (resale). K. YATES, General Manager, PO Box 20, Wyong NSW 2259.

## SCHEDULE

Lots 1 and 2 of DP 1066999.

[1428]

**ESTATE NOTICES**

IN the Supreme Court of New South Wales, Sydney Registry, Equity Division.—After 14 days from publication of this notice an application for Letters of Administration in respect of the estate of ANNE MAREE STUBBS, late of 20/3 Princess Street, Brighton-Le-Sands NSW 2216, deceased, Administrator, will be made by Peter Stubbs the brother of the Deceased. Creditors are required to send particulars of their claims upon her Estate to GALILEE SOLICITORS, Level 4, 17 Castlereagh Street, Sydney NSW 2000 (DX 320, Sydney), tel.: (02) 8258 9004, Fax: (02) 8258 9054. Reference: RG:Nf:357284.

[1418]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARY LOUISA CAMPBELL, late of Myrtle Street, Marrickville, in the State of New South Wales, who died on 24th April 1928, must send particulars of his/her/their claim to the trustees, Richard John William d'Apice and William Reginald d'Apice, Solicitors, Level 12, 135 King Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the trustees may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. The trustees were appointed by a Deed of Appointment dated 16th March 1989. MAKINSON & d'APICE, Solicitors, 135 King Street, Sydney NSW 2000 (DX 296, Sydney), tel.: (02) 9233 7788.

[1420]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of RAYMOND JOSEPH WOTTON, late of 55 Currawong Street, Ingleburn, in the State of New South Wales, professional driver, who died on 10th November 2004, must send particulars of his/her claim to the administrators, Judith Gai Wotton, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the administrator has notice. Letters of Administration were granted in New South Wales on 20th June 2005. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, tel.: (02) 9601 7300.

[1426]

NOTICE of intended distribution of estate.— Any person having any claim upon the estate of NANCYE CONSTANCE HENNESSEY late of 11 Hampden Street, Paddington, Retired, who died on 18 December 2004 must send particulars of the claim to the executors, James Carroll Hennessey and Lynette Ellen Holmes care of Djekovic, Hearne & Walker Solicitors, 266A Oxford Street, Paddington NSW 2021, DX 225 Sydney, ref: S.M. Hearne within one calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 14 March 2005. DJEKOVIC, HEARNE & WALKER Solicitors, 266A Oxford Street, Paddington NSW 2021, DX 225 Sydney, tel.: (02) 9331 1933.

[1430]

**COMPANY NOTICES**

NOTICE of final meeting of members.—FASHION LODGE PTY LTD, ACN 002 362 530 (in voluntary liquidation).—Notice is hereby given that in terms of section 509 of the Corporations Law a final general meeting of the company will be held at the offices of the liquidator, 1st Floor, 203 Castlereagh Street, Sydney, on Monday, 8th August 2005, at 10:00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the property of the company disposed of. Dated 6th July 2005. P. J. COMINO, Liquidator, c.o. P. J. Comino & Co., Chartered Accountants, PO Box A577, Sydney South NSW 1235, tel.: (02) 9264 1468.

[1421]

NOTICE of voluntary liquidation.—WYNJON PTY LIMITED, ACN 008 422 820.—Notice is hereby given that at an extraordinary general meeting of the members of the abovenamed company duly convened and held on the 22nd day of June 2005, a special resolution was passed that the company be placed in voluntary liquidation and that F. MacDonald be appointed liquidator. Dated this 30th June 2005. F. MacDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521.

[1423]



NOTICE of voluntary liquidation.—NAROMA PTY LIMITED, ACN 000 344 614.—Notice is hereby given that at an extraordinary general meeting of the members of the abovenamed company duly convened and held on the 28th day of June 2005, a special resolution was passed that the company be placed in voluntary liquidation and that F. MacDonald be appointed liquidator. Dated this 30th June 2005. F. MacDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521. [1424]

### OTHER NOTICES

DIOCESE of Newcastle.—In pursuance of the provisions of section 6 of the Anglican Church of Australia Trust Property Act 1917, it is hereby notified that the Right Reverend Brian George Farran, B.A., B.Litt.[Hons], Th.L.[Hons], D.Min. Studs., by virtue of his enthronement as Bishop of Newcastle on Friday, 24th June 2005, became a member of the Trustees of Church Property for the Diocese of Newcastle, in lieu of the Right Reverend Roger Adrian Herft, B.D., B.Th., resigned. BRIAN FARRAN, Bishop of Newcastle. M. S. Campbell, Diocesan Business Manager, Diocese of Newcastle. [1422]

### SHIRE OF HAY

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates and Charges

NOTICE is hereby given to the persons named hereunder that the Council of the Shire of Hay has resolved in pursuance to Division 5 (section 713) of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which may appear to have an interest and in which the amount of rates and charges stated in each case, as at 31st May 2005, is due:

Owner or Persons having an Interest in the Land (a)	Description of Land (b)	Amount of Rates (incl. Extra Charges) Overdue for more than 5 Years (c)	Amount of all others Rates (incl. Extra Charges) Due in Arrears (d)	Total (e)
L. R. and D. F. EDWARDS	Lot 1, DP 758507, 380 Church Street, Hay	\$272.25	\$7,733.15	\$8,005.40
V. M. and W. A. FILMER	Lot A, DP 163228, 386 Russell Street, Hay	\$445.77	\$6565.82	\$7011.59
W. B. HODGSON	Lot 2, DP 715725, Maude (leasehold)	\$803.21	\$2,344.26	\$3,147.47

In default of payment to the Council of the amount stated in column (e) above and any other rates (including extra charges) now being due and payable after publication of this notice before the time fixed for the sale, the said land will be offered for sale by public auction at the Council Chambers on 3rd December 2005, at 11:00 a.m. ROBERT BEHL, General Manager, Shire of Hay, 134 Lachlan Street, Hay NSW 2711. [1417]

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