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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

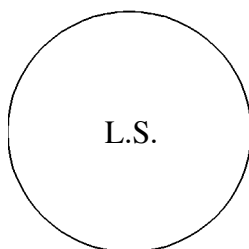
Criminal Assets Recovery Amendment Act 2005 No 32

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 *Criminal Assets Recovery Amendment Act 2005*, do, by this my Proclamation, appoint 1 August 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 27th day of July 2005.

By Her Excellency's Command,



CARL SCULLY, M.P.,
Minister for Police

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

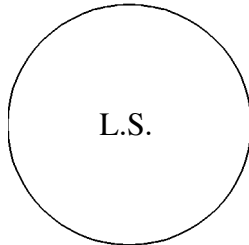
Health Legislation Amendment (Complaints) Act 2004 No 98

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Health Legislation Amendment (Complaints) Act 2004*, do, by this my Proclamation, appoint 1 August 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 27th day of July 2005.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Health Legislation Amendment (Complaints) Act 2004*. The provisions concerned include provisions relating to root cause analysis teams and the duties of chief executive officers to report certain conduct of visiting practitioners and employees.

Regulations



New South Wales

Charitable Fundraising Further Amendment (Exempt Religious Organisations) Regulation 2005

under the

Charitable Fundraising Act 1991

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

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

Explanatory note

Clause 7 of the *Charitable Fundraising Regulation 2003* prescribes religious bodies or organisations that are exempt from the application of the *Charitable Fundraising Act 1991* (apart from section 48 which deals with remuneration of board members of charitable organisations).

The object of this Regulation is to prescribe two further religious bodies or organisations: Coffs Coast Schools Ministry Incorporated and The Servants of Jesus Community Limited.

This Regulation repeals and replaces clause 7 to remove the numbering in that clause and to include the religious bodies or organisations described above.

This Regulation is made under the *Charitable Fundraising Act 1991*, including sections 7 (1) (b) and 55 (the general regulation-making power).

Clause 1 Charitable Fundraising Further Amendment (Exempt Religious Organisations) Regulation 2005

Charitable Fundraising Further Amendment (Exempt Religious Organisations) Regulation 2005

under the

Charitable Fundraising Act 1991

1 Name of Regulation

This Regulation is the *Charitable Fundraising Further Amendment (Exempt Religious Organisations) Regulation 2005*.

2 Amendment of Charitable Fundraising Regulation 2003

The *Charitable Fundraising Regulation 2003* is amended by omitting clause 7 and by inserting instead the following clause:

7 Religious organisations exempt from Act

For the purposes of section 7 (1) (b) of the Act, the following are prescribed as religious bodies or religious organisations to which the Act (apart from section 48) does not apply:

ACE Global Ministries Incorporated

Buddhist Council of New South Wales Incorporated

Christian Broadcasting Association Limited trading as FM103.2

Church Missionary Society—New South Wales Incorporated

Coffs Coast Schools Ministry Incorporated

Cornerstone Community Incorporated

Crystal Cathedral Ministries Australia Limited trading as Hour of Power

Far East Broadcasting Company, Australia

Gospel Patrons Society Foundation

Gospel Service Ministries Incorporated

In Network Australia Inc

Loyal Orange Institution of New South Wales

New South Wales Ecumenical Council Relief Institute Incorporated

Charitable Fundraising Further Amendment (Exempt Religious Organisations) Regulation 2005

Clause 2

NSW Auxiliary of the British and Foreign Bible Society
trading as Bible Society NSW
Open Doors with Brother Andrew (Australia) Inc.
Rose Mountain Incorporated
Shoalhaven Employers of Christian Education Teachers
Incorporated
The Servants of Jesus Community Limited
Voice of the Martyrs Limited



New South Wales

Confiscation of Proceeds of Crime Regulation 2005

under the

Confiscation of Proceeds of Crime Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Confiscation of Proceeds of Crime Act 1989*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Confiscation of Proceeds of Crime Regulation 1996*, which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- (a) the prescription of certain bodies and persons as appropriate officers in relation to certain functions (clause 4),
- (b) the recognition of interstate Acts as corresponding Acts (clause 5),
- (c) the recognition of interstate forfeiture orders (clause 6),
- (d) the recognition of interstate pecuniary penalty orders (clause 7),
- (e) the recognition of interstate restraining orders (clause 8),
- (f) the prescription of certain offences as serious offences (clause 9),
- (g) the giving of certain notices (clauses 10–13 and Schedule 1),
- (h) the prescription of fees (clause 14 and Schedule 2),
- (i) the exemption from filing fees for applications and other process (clause 15).

This Regulation is made under the *Confiscation of Proceeds of Crime Act 1989*, including sections 4, 7, 20, 41, 53 and 95 (the general regulation-making power).

This Regulation comprises or relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or of another State or Territory.

Confiscation of Proceeds of Crime Regulation 2005

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Confiscation of Proceeds of Crime Regulation 2005

Clause 1

Confiscation of Proceeds of Crime Regulation 2005

under the

Confiscation of Proceeds of Crime Act 1989

1 Name of Regulation

This Regulation is the *Confiscation of Proceeds of Crime Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Confiscation of Proceeds of Crime Regulation 1996* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

the Act means the *Confiscation of Proceeds of Crime Act 1989*.

the Australian Capital Territory Act means the *Confiscation of Criminal Assets Act 2003* of the Australian Capital Territory.

the Northern Territory Act means the *Criminal Property Forfeiture Act* of the Northern Territory.

the Queensland Act means the *Criminal Proceeds Confiscation Act 2002* of Queensland.

the South Australian Act means the *Criminal Assets Confiscation Act 1996* of South Australia.

the Tasmanian Act means the *Crime (Confiscation of Profits) Act 1993* of Tasmania.

the Victorian Act means the *Confiscation Act 1997* of Victoria.

the West Australian Act means the *Criminal Property Confiscation Act 2000* of Western Australia.

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

(3) Notes included in this Regulation do not form part of this Regulation.

Clause 4 Confiscation of Proceeds of Crime Regulation 2005

4 Appropriate officers: section 4

- (1) For the purposes of paragraph (d) of the definition of *appropriate officer* in section 4 (1) of the Act, the New South Wales Crime Commission is an appropriate officer in relation to the following functions, each of which is prescribed for the purposes of that paragraph:
- (a) applying for a forfeiture order under section 13 (2) of the Act,
 - (b) applying for an order under section 22 (1) of the Act pending forfeiture,
 - (c) applying for a restraining order under section 43 (1) of the Act in respect of property of a person who has been, or is about to be, charged with a drug trafficking offence,
 - (d) applying under section 45 (3) of the Act for an order that is ancillary to a restraining order made by the Supreme Court,
 - (e) applying for particulars of a restraining order to be recorded under section 49 (1) of the Act,
 - (f) applying for an order under section 50 (2) of the Act to set aside a disposition of, or dealing with, property in contravention of a restraining order made in respect of a person who has been, or is about to be, charged with a drug trafficking offence.
- (2) For the purposes of paragraph (d) of the definition of *appropriate officer* in section 4 (1) of the Act, the Commonwealth Director of Public Prosecutions is an appropriate officer in relation to all functions under the Act, all of which are prescribed for the purposes of that paragraph.

5 Corresponding laws: section 4

The following laws are declared to correspond to the Act for the purposes of the definition of *corresponding law* in section 4 (1) of the Act:

- (a) the Australian Capital Territory Act,
- (b) the Northern Territory Act,
- (c) the Queensland Act,
- (d) the South Australian Act,
- (e) the Tasmanian Act,
- (f) the Victorian Act,
- (g) the West Australian Act.

6 Interstate forfeiture orders: section 4

An order in force under any of the following provisions:

- (a) section 54, 59 or 67 of the Australian Capital Territory Act,
- (b) section 94, 96, 97, 99, 100 or 101 of the Northern Territory Act,
- (c) section 151 or 202 of the Queensland Act,
- (d) section 8 or 9 of the South Australian Act,
- (e) section 16 of the Tasmanian Act,
- (f) section 33, 38 or 39 of the Victorian Act,

is declared to be an order within the definition of *interstate forfeiture order* in section 4 (1) of the Act.

7 Interstate pecuniary penalty orders: section 4

An order in force under any of the following provisions:

- (a) section 84 or 85 of the Australian Capital Territory Act,
- (b) section 184 of the Queensland Act,
- (c) section 21 of the Tasmanian Act,
- (d) section 59 or 64 of the Victorian Act,

is declared to be an order within the definition of *interstate pecuniary penalty order* in section 4 (1) of the Act.

8 Interstate restraining orders: section 4

An order in force under any of the following provisions:

- (a) section 30 or 31 of the Australian Capital Territory Act,
- (b) section 43 or 44 of the Northern Territory Act,
- (c) section 122 of the Queensland Act,
- (d) section 15 of the South Australian Act,
- (e) section 26 of the Tasmanian Act,
- (f) section 14 of the Victorian Act,

is declared to be an order within the definition of *interstate restraining order* in section 4 (1) of the Act.

9 Serious offences: section 7

The following offences are prescribed for the purposes of paragraph (c) of the definition of *serious offence* in section 7 of the Act:

- (a) an offence under section 6, 7, 9, 17, 18, 27, 28, 30 or 37 of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* in respect of which the maximum penalty

Clause 10 Confiscation of Proceeds of Crime Regulation 2005

that may be imposed on an individual is 100 penalty units or more,

- (b) an offence under section 91H (3) or 578C of the *Crimes Act 1900*,
- (c) an offence under section 200 of the *Police Act 1990*.

10 Notice of application for recovery of interest in forfeited property: section 20

For the purposes of section 20 (4) of the Act, a notice is to be in or to the effect of Form 1 and is to be served on the following persons:

- (a) the Director of Public Prosecutions,
- (b) the Commissioner of Police, in the case of an application made to a Local Court,
- (c) the New South Wales Crime Commission, in the case of property forfeited following an application made by the Commission under section 13 (2) of the Act,
- (d) the Public Trustee, in the case of property controlled by the Public Trustee under an order under section 43 (2) (d) of the Act,
- (e) such other person (if any) as the court may direct.

11 Notice of application for return of or access to property: section 41

For the purposes of section 41 (6) of the Act, a notice is to be in or to the effect of Form 2 and is to be served on the following persons:

- (a) the Director of Public Prosecutions,
- (b) the Commissioner of Police,
- (c) such other person (if any) as the court may direct.

12 Giving of notices

- (1) A notice required to be given in proceedings under the Act is to be served personally or in such other manner as the court may direct.
- (2) Personal service of a notice is to be effected in accordance with the *Supreme Court Rules 1970*.

13 Forms generally

The forms prescribed by this Regulation are to be adapted so as to comply with such requirements as to format and formal matters as are provided for by the rules of court or regulations applicable to the respective courts in connection with which the forms are used.

Confiscation of Proceeds of Crime Regulation 2005

Clause 14

14 Fees payable to Public Trustee in relation to property taken under restraining order: section 53

For the purposes of section 53 of the Act, the fees that the Public Trustee is entitled to receive are those set out in Schedule 2.

15 Filing fees not payable

A filing fee is not to be charged for applications or other process under the Act.

16 Saving

Any act, matter or thing that, immediately before the repeal of the *Confiscation of Proceeds of Crime Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.

Confiscation of Proceeds of Crime Regulation 2005

Schedule 1 Forms

Schedule 1 Forms

(Clause 3 (2))

Form 1 Notice of application for recovery of interest in forfeited property

(Clause 10)

(Confiscation of Proceeds of Crime Act 1989)

(Section 20 (4))

To: *[name]*, *[address]**[Name and address of applicant]* claims an interest in the property specified in the Schedule below which was forfeited to the State by Order of the *[name of Court]* on *[date of Order]* following the conviction of *[name of convicted person]* for *[description of offence(s)]*.The applicant claims not to have been in any way involved in the commission of the offence(s) and has applied to the Court for an Order under section 20 of the *Confiscation of Proceeds of Crime Act 1989* declaring the nature, extent and value of the applicant's interest in the property.The application has been fixed for hearing on *[date]* at *[time]* at *[address of Court]*.**Schedule***[Description of property]*Filed: *[name of applicant or applicant's solicitor]***Form 2 Notice of application for return of or access to property**

(Clause 11)

(Confiscation of Proceeds of Crime Act 1989)

(Section 41 (6))

To: *[name]*, *[address]**[Name and address of applicant]* has applied to the *[name of Court]* for an Order under section 41 (5) of the *Confiscation of Proceeds of Crime Act 1989*, relating to the property specified in the Schedule below, directing:

- * that the property be returned to the applicant
- * that the applicant be allowed access to the property.
- * Delete whichever is inapplicable.

The property was seized on *[date of seizure]* pursuant to a warrant issued under Part 3 of that Act.The application has been fixed for hearing on *[date]* at *[time]* at *[address of Court]*.

Confiscation of Proceeds of Crime Regulation 2005

Forms

Schedule 1

Schedule

[*Description of property*]

Filed: [*name of applicant or applicant's solicitor*]

Confiscation of Proceeds of Crime Regulation 2005

Schedule 2 Fees payable to Public Trustee

Schedule 2 Fees payable to Public Trustee

(Clause 14)

- 1** Fees of the following amounts are payable to the Public Trustee in respect of all property under the control of the Public Trustee:

 - (a) for each calendar year during which the Public Trustee has control of the property (whether or not the property is controlled for the whole of the year)—an amount equal to 0.22% of the value of the property (as fixed by the Public Trustee) or \$220, whichever is the greater amount,
 - (b) an amount equal to the actual costs incurred and disbursements made in relation to the property by the Public Trustee while in control of the property, including the costs of legal representation, the costs of obtaining legal advice and any other legal costs, agents' fees, valuation fees and costs incurred in relation to the operation of any business associated with the property.
- 2** In addition to the fees set out in clause 1 of this Schedule, fees of the following amounts are payable to the Public Trustee in respect of property from which income is derived:

 - (a) an amount equal to 5.775% of the gross income (not including income referred to in paragraph (b)) derived from the property,
 - (b) if the income is received as rent and a cost has been incurred in respect of the income by the Public Trustee for agency charges—an amount equal to 2.75% of the income.
- 3** In addition to the fees set out in clauses 1 and 2 of this Schedule, a fee is payable to the Public Trustee, in respect of property that the Public Trustee is directed by a court to sell or dispose of, of an amount equal to 2.75% of the gross amount realised by the sale or disposition of the property.



New South Wales

Director of Public Prosecutions Regulation 2005

under the

Director of Public Prosecutions Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Director of Public Prosecutions Act 1986*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Director of Public Prosecutions Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes certain summary offences as *prescribed summary offences* for the purposes of the *Director of Public Prosecutions Act 1986* (since under the Act, the Director of Public Prosecutions may institute proceedings for summary offences, take over the prosecution of proceedings for summary offences, issue certain guidelines for the prosecution of summary offences and require prosecutors to provide certain information with respect to the prosecution of summary offences if the offences are prescribed summary offences) (clause 4), and
- (b) prescribes the form in which police officers investigating alleged indictable offences must disclose to the Director of Public Prosecutions relevant information, documents and things obtained during the investigation (clause 5 and Schedule 1).

This Regulation is made under the *Director of Public Prosecutions Act 1986*, including section 3 (1) (the definition of *prescribed summary offence*), section 15A and section 37 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Director of Public Prosecutions Regulation 2005

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Director of Public Prosecutions Regulation 2005

Clause 1

Director of Public Prosecutions Regulation 2005

under the

Director of Public Prosecutions Act 1986

1 Name of Regulation

This Regulation is the *Director of Public Prosecutions Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Director of Public Prosecutions Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

- (1) In this Regulation:
consent includes authorisation, sanction and any similar authority.
the Act means the *Director of Public Prosecutions Act 1986*.
- (2) A reference in this Regulation to a form is a reference to a form in Schedule 1.
- (3) Notes included in this Regulation do not form part of this Regulation.

4 Prescribed summary offences: section 3 (1)

- (1) All summary offences are prescribed summary offences for the purposes of the Act, other than those that may not be prosecuted except with the consent of a Minister or a person authorised by a Minister to grant consent on behalf of the Minister.
- (2) A summary offence that would not otherwise be a prescribed summary offence (because of the fact that it may not be prosecuted except with the consent of a Minister or a person authorised by a Minister to grant consent on behalf of that Minister) is a prescribed summary offence for the purposes of the Act:
 - (a) if the Minister concerned makes an order under section 11 (2) of the Act in relation to offences of that kind, or

Clause 5 Director of Public Prosecutions Regulation 2005

- (b) in relation to proceedings for a particular offence, if the Minister concerned refers the offence to the Director for prosecution.

5 Prescribed form for police officer disclosure: section 15A

Disclosures by a police officer to the Director of Public Prosecutions for the purposes of section 15A of the Act must:

- (a) be in Form 1, and
(b) be completed, signed and dated by the police officer in charge of the investigation, and
(c) be signed and dated by the police officer who holds the position of Brief Manager in NSW Police.

6 Savings

Any act, matter or thing that, immediately before the repeal of the *Director of Public Prosecutions Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

Director of Public Prosecutions Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

(Clause 3 (2))

Form 1 Disclosure certificate (for prosecutions and advisings)

(Clause 5)

(Director of Public Prosecutions Act 1986, section 15A)

Matter of:

Charge No(s): H

For indictable offence(s) of:

Acknowledgement

I am aware that as a police officer investigating an alleged indictable offence I have a duty, under section 15A of the *Director of Public Prosecutions Act 1986*, to disclose to the Director of Public Prosecutions (DPP) all relevant information, documents or other things obtained during the investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused person. I am aware that this duty continues until the DPP decides that the accused person will not be prosecuted for the alleged offence(s), the accused person is found guilty or acquitted, or the prosecution is terminated.

I am aware that my duty to disclose as outlined above is subject to bona fide claims of privilege, public interest immunity or statutory immunity and I am aware that such claims are to be directed through my Commander to the General Manager, Court and Legal Services of NSW Police.

Certification

1 Relevant sensitive material not contained in the brief to the DPP

There IS/IS NO [*cross out the word or words that do not apply*] sensitive material that is not contained in the brief of evidence provided to the DPP which might reasonably be expected to assist the case for the prosecution or the case for the accused person.

In this certificate, *sensitive material* means all relevant information, documents or other things obtained during the investigation that are subject to a bona fide claim of privilege, public interest immunity or statutory immunity.

2 Relevant non-sensitive material not contained in the brief to the DPP

I am aware that relevant material that is not sensitive material that is not contained in the brief is to be listed in the manner indicated in the Schedule to this Form and, unless it is impracticable, I am required to provide a copy to the DPP with this certificate. If it is impracticable to provide any or all of such material with this certificate, I am aware that I must retain the material for as long as the duty to disclose it exists and facilitate access to the material by the DPP.

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Director of Public Prosecutions Regulation 2005

Schedule 1 Forms

There IS/IS NO [*cross out the word or words that do not apply*] relevant material that is not sensitive material that is not contained in the brief of evidence provided to the DPP which might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Undertaking

I undertake to advise the DPP in writing, as soon as practicable, if I become aware of any additional information, documents or other things that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Signed (*OIC of case*):

Date:

Name:

Rank:

Received and noted by Brief Manager

Signed (*Brief Manager*):

Date:

Name:

Rank:

Schedule

Page of

Matter of:

Charge No(s): H

Schedule of relevant non-sensitive information, documents or other things
(*Not included in the brief of evidence*)

Description of information, document or other things (Accurately list all relevant material briefly)	Is the material attached? (Mark "YES" or "NO" against each)
---	--



New South Wales

Government and Related Employees Appeal Tribunal Regulation 2005

under the

Government and Related Employees Appeal Tribunal Act 1980

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Government and Related Employees Appeal Tribunal Act 1980*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the *Government and Related Employees Appeal Tribunal Regulation 2000*. The new Regulation merely prescribes certain forms for use in connection with the administration of the *Government and Related Employees Appeal Tribunal Act 1980*.

This Regulation is made under the *Government and Related Employees Appeal Tribunal Act 1980*, including sections 19 and 30, and section 60 (the general regulation-making power) and clause 8 of Schedule 2.

This Regulation relates to matters of a machinery nature.

Government and Related Employees Appeal Tribunal Regulation 2005

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Government and Related Employees Appeal Tribunal Regulation 2005

under the

Government and Related Employees Appeal Tribunal Act 1980

1 Name of Regulation

This Regulation is the *Government and Related Employees Appeal Tribunal Regulation 2005*.

2 Commencement

This Regulation commences on 1 August 2005.

3 Definitions

- (1) In this Regulation:
the Act means the *Government and Related Employees Appeal Tribunal Act 1980*.
- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.
- (3) Notes included in this Regulation do not form part of this Regulation.

4 Publication of notices

For the purposes of section 19 (1) of the Act, the prescribed form of notice of a decision to appoint or recommend the appointment of a person to a vacant office or position is:

- (a) Form 1, if the employer is a Department Head within the meaning of the *Public Sector Employment and Management Act 2002*, or
- (b) Form 2, in any other case.

5 Appointment of agents

For the purpose of section 30 (1) of the Act, the prescribed form of notice of appointment of an agent for the purpose of accepting service of notices and completing and lodging notices of appeal is Form 3.

6 Oaths

For the purposes of clause 8 (1) of Schedule 2 to the Act, the prescribed form of oath is as set out in Form 4.

Clause 7 Government and Related Employees Appeal Tribunal Regulation 2005

7 Repeals

The *Government and Related Employees Appeal Tribunal Regulation 2000* is repealed.

Government and Related Employees Appeal Tribunal Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

(Clause 3 (2))

Form 1 Appointments

(Clause 4)

(Government and Related Employees Appeal Tribunal Act 1980)

It has been decided to make the following appointments of officers to vacant positions.

- (A) Where the vacant positions have previously been circulated in the Public Service Notices and/or advertised outside the Service.

Administrative Unit	Position	Maximum Salary \$	Date of Decision	Recommended Officer		
				Name Surname, Others	Salary \$	Administrative Unit

- (B) Where the vacant positions are to be otherwise filled.

Administrative Unit	Position	Maximum Salary \$	Date of Decision	Recommended Officer		
				Name Surname, Others	Salary \$	Administrative Unit

Form 2 Appointments

(Clause 4)

(Government And Related Employees Appeal Tribunal Act 1980)

It has been decided to make the following appointments to vacant positions.

Position	Maximum Salary \$	Date of Decision	Employee to be appointed	
			Name Surname, Others	Salary \$

Page 5

Government and Related Employees Appeal Tribunal Regulation 2005

Schedule 1 Forms

Form 3 Appointment of agent

(Clause 5)

(Government And Related Employees Appeal Tribunal Act 1980)

In accordance with section 30 (1) of the *Government and Related Employees Appeal Tribunal Act 1980*.I [*name of employee*] appoint [*name of agent*] to be my agent for the purpose of accepting service of notices or notifications referred to in section 30 (1) of that Act and completing and lodging a notice of appeal.

The address specified for the giving of notices or notifications under that Act and at which service of those notices or notifications will be accepted is:

[*Signature of employee*][*Date*]**Form 4 Oath of office**

(Clause 6)

Government And Related Employees Appeal Tribunal Act 1980

I, [*full name*] having been nominated as a member of the Government and Related Employees Appeal Tribunal, * do swear/* do solemnly, sincerely and truly declare and affirm that I will faithfully and impartially discharge the duties of my office as such member.

*So help me, God.

[*Signature*]

*Sworn

Affirmed and subscribed at [*place*] in the State of New South Wales, this [*date*], before me [*state capacity*—see Note]:

*Delete if inapplicable.

Note. This oath may be taken and subscribed before:

- (a) the Chief Justice or a Judge of the Supreme Court of New South Wales, or
- (b) a Judge of the District Court of New South Wales, or
- (c) the Senior Chairperson or a Chairperson of the Government and Related Employees Appeal Tribunal, or
- (d) any Justice of the Peace.



New South Wales

Health Administration Amendment (Root Cause Analysis Teams) Regulation 2005

under the

Health Administration Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Administration Act 1982*.

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Health Administration Regulation 2000*, as a consequence of the commencement of the provisions of the *Health Legislation Amendment (Complaints) Act 2004* dealing with root cause analysis teams, for the following purposes:

- (a) to prescribe certain statutory health corporations and affiliated health organisations as relevant health services organisations for the purpose of Division 6C (Root cause analysis teams) of Part 2 of the *Health Administration Act 1982*,
- (b) to prescribe an incident of a type set out in Appendix B to the document entitled *NSW Department of Health Policy Directive PD2005 604 Incident Management Policy* as a reportable incident for the purpose of Division 6C of Part 2 of the *Health Administration Act 1982*,
- (c) to authorise a person who is or was a member of a root cause analysis team to divulge or communicate information acquired by him or her as a member of a RCA team if the information is divulged or communicated to a specified committee that is authorised under section 23 (1) of that Act to conduct research or investigations into certain matters.

This Regulation is made under the *Health Administration Act 1982*, including the definitions of **relevant health services organisation** and **reportable incident** in section 20L and sections 20P and 34 (the general regulation-making power).

Clause 1 Health Administration Amendment (Root Cause Analysis Teams)
Regulation 2005

Health Administration Amendment (Root Cause Analysis Teams) Regulation 2005

under the

Health Administration Act 1982

1 Name of Regulation

This Regulation is the *Health Administration Amendment (Root Cause Analysis Teams) Regulation 2005*.

2 Commencement

This Regulation commences on 1 August 2005.

3 Amendment of Health Administration Regulation 2000

The *Health Administration Regulation 2000* is amended as set out in Schedule 1.

Health Administration Amendment (Root Cause Analysis Teams)
Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Part 2A

Insert after Part 2:

Part 2A Root cause analysis teams

11A Relevant health services organisation

- (1) Each of the following statutory health corporations is prescribed as a relevant health services organisation for the purpose of Division 6C (Root cause analysis teams) of Part 2 of the Act:
 - (a) Justice Health,
 - (b) The Royal Alexandra Hospital for Children.
- (2) Each of the following affiliated health organisations is prescribed as a relevant health services organisation for the purpose of Division 6C of Part 2 of the Act:
 - (a) Calvary Health Care Sydney Limited,
 - (b) Catholic Health Care Services Limited,
 - (c) Hope HealthCare Ltd,
 - (d) Karitane,
 - (e) Mercy Care Centre, Young,
 - (f) Mercy Health Care (Newcastle) Limited,
 - (g) Mercy Health Service Albury Limited,
 - (h) Royal Rehabilitation Centre Sydney,
 - (i) Royal Society for the Welfare of Mothers and Babies,
 - (j) Sacred Heart Hospice Limited,
 - (k) St Joseph's Hospital Ltd,
 - (l) St Vincent's Hospital Sydney Ltd,
 - (m) The Trustees of the Roman Catholic Church for the diocese of Lismore,
 - (n) Uniting Church in Australia.

Note. Section 62 (1) of the *Health Services Act 1997* provides that an organisation or institution whose name is included in column 1 of Schedule 3 to that Act is an affiliated health organisation in respect of any of its recognised establishments and recognised services (these being included in column 2 of Schedule 3 to that Act).

Health Administration Amendment (Root Cause Analysis Teams)
Regulation 2005

Schedule 1 Amendment

11B Reportable incident

For the purpose of Division 6C of Part 2 of the Act, a reportable incident means an incident of a type set out in Appendix B to the document entitled *NSW Department of Health Policy Directive PD2005_604 Incident Management Policy* published by the Department on 1 August 2005.

11C Disclosure of information

For the purposes of section 20P of the Act, a person who is or was a member of an RCA team may divulge or communicate information acquired by him or her as a member of an RCA team if the information is divulged or communicated to any of the following committees in connection with any research or investigation the committee is authorised to conduct under section 23 (1) of the *Health Administration Act 1982*:

- (a) Special Committee Investigating Deaths Under Anaesthesia (SCIDUA),
- (b) Special Committee Investigating Deaths Associated with Surgery (SCIDAWS),
- (c) The NSW Maternal and Perinatal Committee,
- (d) The NSW Mental Health Sentinel Events Review Committee.



New South Wales

Industrial Relations (General) Amendment (Fees) Regulation 2005

under the

Industrial Relations Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations Act 1996*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Industrial Relations (General) Regulation 2001* so as to enable new fees to be charged by the Industrial Relations Commission (***the Commission***) and to increase the fees that the Commission currently charges.

The new fees include fees for proceedings relating to unfair contracts and criminal proceedings. Fees for civil matters will differ between those charged to natural persons and those charged to corporations with a turnover of more than \$200,000, and will mirror fees currently charged in the Supreme Court for the hearing of civil matters.

Fees for applications under section 84 of the *Industrial Relations Act 1996* (unfair dismissal determinations) are increased, and new fees for appeal applications under section 197 of that Act (Local Court determinations) are introduced. There are also new fees relating to the issue of process, certification of orders and the provision of transcripts and recordings of Commission proceedings.

The Industrial Registrar will be able to approve the charging of a fee for services where a fee is not otherwise prescribed, and will continue to exercise the discretionary power to waive fees in cases of financial hardship.

Certain fees will not apply to industrial organisations, government departments or statutory bodies (other than the WorkCover Authority) whose expenditure is paid out of the Consolidated Fund.

This Regulation is made under the *Industrial Relations Act 1996*, including section 183 (Regulations relating to fees).

Clause 1 Industrial Relations (General) Amendment (Fees) Regulation 2005

Industrial Relations (General) Amendment (Fees) Regulation 2005

under the

Industrial Relations Act 1996

1 Name of Regulation

This Regulation is the *Industrial Relations (General) Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 August 2005.

3 Amendment of Industrial Relations (General) Regulation 2001

The *Industrial Relations (General) Regulation 2001* is amended as set out in Schedule 1.

Industrial Relations (General) Amendment (Fees) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

corporation has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.

hearing allocation fee means a fee for allocating a date for the hearing of proceedings.

hearing fee means a fee for the hearing of proceedings.

the IRC Rules means the *Industrial Relations Commission Rules 1996*.

[2] Clause 3 (2)

Insert “(other than those in Schedule 1)” after “text of this Regulation”.

[3] Clauses 21 and 22

Omit the clauses.

[4] Part 5A

Insert after Part 5:

Part 5A Commission fees

23A Amounts payable in relation to proceedings in the Commission

- (1) Subject to this Regulation, the fee that a person must pay in respect of a matter referred to in Column 1 of Schedule 1 is:
 - (a) except as provided by paragraph (b), the fee specified in respect of that matter in Column 2 of that Schedule, or
 - (b) if the person is a corporation and a fee is specified in respect of that matter in Column 3 of that Schedule, the fee so specified.
- (2) Despite subclause (1), the fee payable by a corporation that produces evidence, satisfactory to the Industrial Registrar:
 - (a) that its turnover, in the financial year of the corporation immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or

Industrial Relations (General) Amendment (Fees) Regulation 2005

Schedule 1 Amendments

- (b) if the corporation has not been in existence for a full financial year, that its turnover in its first financial year is likely to be less than \$200,000,
is the fee specified in Column 2 of Schedule 1.

23B Persons by and to whom fees are payable

- (1) Any fee imposed by Schedule 1 (other than a hearing allocation fee or hearing fee) is payable, by the person at whose request the relevant document is filed or service rendered, to the Industrial Registrar.
- (2) If a document is filed or service rendered at the request of a person acting as agent for another person, each of those persons is jointly and severally liable for payment of any such fee.

23C When fees become due

- (1) A fee imposed by Schedule 1 (other than a hearing allocation fee or hearing fee) becomes due when the document concerned is filed or the service concerned is rendered.
- (2) Despite subclause (1), the Industrial Registrar may require any fee for the document or service to be paid before the document is filed or the service rendered.

23D Payment of hearing allocation fees

- (1) A hearing allocation fee in relation to any proceedings is payable:
 - (a) except as provided by paragraph (b), by the applicant or appellant, or
 - (b) if the Commission or the Industrial Registrar makes any order as to the payment of the fee, by the parties and in the proportions so ordered.
- (2) If a person is acting as agent for a party to any proceedings, the person and the party are jointly and severally liable for payment of the hearing allocation fee.
- (3) A hearing allocation fee is not payable in relation to any interlocutory hearing.
- (4) A hearing allocation fee becomes payable:
 - (a) immediately after a date is allocated for hearing the proceedings, or

Industrial Relations (General) Amendment (Fees) Regulation 2005

Amendments

Schedule 1

-
- (b) when the Commission or the Industrial Registrar notifies the parties in writing of the Commission's or Industrial Registrar's intention to allocate a date for hearing the proceedings,
whichever first occurs.

23E Payment of hearing fees

- (1) A hearing fee in relation to any proceedings is payable:
- (a) except as provided by paragraph (b), by the applicant or appellant, or
 - (b) if the Commission or the Industrial Registrar makes any order as to the payment of the fee, by the parties and in the proportions so ordered.
- (2) If a person is acting as agent for a party to any proceedings, the person and the party are jointly and severally liable for payment of the hearing fee.
- (3) A hearing fee is not payable in relation to a hearing whose sole purpose is the delivery of a reserved judgment.
- (4) A hearing fee is not payable in respect of any day or part of a day (and, if paid, is to be remitted) if:
- (a) the hearing fails to take place on that day or part of a day, and
 - (b) the Industrial Registrar is satisfied that the hearing failed to take place due to circumstances beyond the control of the parties.
- (5) A hearing fee becomes payable when the Commission or the Industrial Registrar gives written notice to the person liable to pay the hearing fee of the amount of the fee payable.

23F General power to waive, postpone and remit

- (1) The Industrial Registrar may, by order in writing, direct that the whole or any part of any fee payable to the Industrial Registrar be postponed, waived or remitted on grounds of financial hardship, subject to such conditions (if any) as the Industrial Registrar thinks fit to impose.
- (2) The powers conferred by this clause are to be exercised in accordance with such guidelines as may from time to time be published by the Attorney General.

Industrial Relations (General) Amendment (Fees) Regulation 2005

Schedule 1 Amendments

23G Circumstances in which fees not chargeable

- (1) Fees under Schedule 1 are not payable by the Crown, or by any person (other than the WorkCover Authority) acting on behalf of the Crown, with respect to any proceedings to which any of the following persons or bodies (other than the WorkCover Authority) is a party:
 - (a) the Crown,
 - (b) any Minister of the Crown,
 - (c) any statutory body whose expenditure is paid out of the Consolidated Fund.
- (2) Subclause (1) does not prevent the recovery by the Crown or any such person or body of any fees that would, had they been paid by the Crown or any such person or body, have been so recoverable.
- (3) The Industrial Registrar may require evidence to be furnished for the purpose of deciding whether a statutory body's expenditure is paid out of the Consolidated Fund.
- (4) Fees under Schedule 1 are not payable by:
 - (a) any industrial organisation, or
 - (b) any association registered under Chapter 6 of the Act, unless Schedule 1 expressly so provides.

[5] Clause 44 Savings provisions

Insert at the end of the clause:

- (2) No hearing allocation fee or hearing fee is payable under this Regulation in respect of any proceedings before the Full Bench of the Commission on an application for leave to appeal if proceedings on the application were commenced before 1 August 2005.
- (3) No hearing allocation fee or hearing fee is payable under this Regulation in respect of any proceedings before the Full Bench of the Commission on an appeal if proceedings on the application for leave from which the appeal arises were commenced before 1 August 2005.
- (4) No hearing fee is payable under this Regulation in respect of any hearing in any other proceedings before the Commission if a date for the hearing was allocated before 1 August 2005.

Industrial Relations (General) Amendment (Fees) Regulation 2005

Amendments

Schedule 1

[6] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Commission fees

(Clause 23A)

Fees for proceedings before Commission in Court Session

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an application under Division 2 of Part 9 of Chapter 2 of the Act	\$638	\$1,276
2 Filing notice of leave to appeal to the Full Bench of the Commission under section 187 of the Act in relation to a decision of the Commission under Division 2 of Part 9 of Chapter 2 of the Act	\$708	\$1,416
3 Filing an application for an order under section 246 of the <i>Criminal Procedure Act 1986</i> in respect of an offence taken before the Commission:	\$638	\$1,276
(a) under section 397 (1) (b) of the <i>Industrial Relations Act 1996</i> , or		
(b) under section 105 (1) (b) of the <i>Occupational Health and Safety Act 2000</i>		
4 Filing notice of leave to appeal to the Full Bench of the Commission under section 197 (1) (a), (b) or (c) of the Act in respect of a decision of a Local Court	\$188	\$376
5 Filing a notice of motion under Rule 68 of the IRC Rules in any of the following proceedings:	\$147	\$294
(a) proceedings under Division 2 of Part 9 of Chapter 2 of the Act		
(b) proceedings on an appeal to the Full Bench of the Commission under section 187 of the Act in relation to a decision of the Commission under Division 2 of Part 9 of Chapter 2 of the Act		

Industrial Relations (General) Amendment (Fees) Regulation 2005

Schedule 1 Amendments

Fees for proceedings before Commission in Court Session

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(c) proceedings for an offence taken before the Commission:		
(i) under section 397 (1) (b) of the Act, or		
(ii) under section 105 (1) (b) of the <i>Occupational Health and Safety Act 2000</i>		
(d) proceedings on an appeal to the Full Bench of the Commission under section 197 (1) (a), (b) or (c) of the Act in respect of a decision of a Local Court		
6 For allocation of a date for hearing in relation to:	\$1,216	\$2,432
(a) proceedings under Division 2 of Part 9 of Chapter 2, or		
(b) proceedings on an appeal to the Full Bench of the Commission under section 187 of the Act in relation to a decision of the Commission under Division 2 of Part 9 of Chapter 2 of the Act		
7 For the hearing of proceedings under Division 2 of Part 9 of Chapter 2 of the Act, for each half day of hearing on or after the 11th day	\$227	\$454
Note. For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.		

Fees for proceedings before Commission otherwise than in Court Session

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an application under section 84 of the Act	\$54	—
2 Filing notice of leave to appeal to the Full Bench of the Commission under section 187 of the Act in relation to a decision of the Commission under Part 6 of Chapter 2 of the Act	\$188	\$376

Industrial Relations (General) Amendment (Fees) Regulation 2005

Amendments

Schedule 1

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Issuing a subpoena for production, or for production and to give evidence	\$55	\$110
2 Issuing a subpoena to give evidence	\$28	\$56
3 Opening or keeping open the registry or part of the registry:		
(a) on a Saturday, Sunday or public holiday, or	\$506	\$1,012
(b) on any other day:		
(i) before 8.30am or after 4.30pm	\$506	\$1,012
(ii) between 8.30am and 9.00am or between 4.00pm and 4.30pm	\$53	\$106
4 Furnishing a certified copy of a judgment or order, or of the written opinion or reasons for opinion of any member of the Commission or the Industrial Registrar Note. Fees under this item are not chargeable to any party to proceedings in respect of the first such copy that is supplied to that party.	\$55	\$110
5 Furnishing an uncertified copy of a judgment or order, or of the written opinion or reasons for opinion of any member of the Commission or the Industrial Registrar Note. Fees under this item are not chargeable to any party to proceedings in respect of the first such copy that is supplied to that party.	\$31	\$50
6 Making a copy of any document (otherwise than as provided for by items 4 and 5) Note 1. Fees under this item are not chargeable to any person in respect of whom the Director-General of the Department of Commerce, or the President of the Anti-Discrimination Board, has authorised the making of such a copy without charge. Note 2. Fees under this item are chargeable to an industrial organisation or association registered under Chapter 5 of the Act.	\$10, plus an additional \$2 per page after the first 5 pages	—

Industrial Relations (General) Amendment (Fees) Regulation 2005

Schedule 1 Amendments

Miscellaneous fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
7 Supplying a duplicate tape recording of sound-recorded evidence Note 1. Fees under this item are not chargeable to any person to whom the Director-General of the Department of Commerce, or the President of the Anti-Discrimination Board, has authorised the supply of such a recording without charge. Note 2. Fees under this item are chargeable to an industrial organisation or association registered under Chapter 5 of the Act.	\$36 per cassette	—
8 Supplying a copy of the transcript of any proceedings:		
(a) where the matter being transcribed is under 3 months old	\$66, plus an additional \$7.90 per page after the first 8 pages	—
(b) where the matter being transcribed is 3 months old or older	\$78, plus an additional \$9.00 per page after the first 8 pages	—
Note 1. Fees under this item are not chargeable to any person to whom the Director-General of the Department of Commerce, or the President of the Anti-Discrimination Board, has authorised the supply of such a copy without charge. Note 2. Fees under this item are chargeable to an industrial organisation or association registered under Chapter 5 of the Act.		
9 For retrieval from archives of any document or file	\$55	\$110
10 Providing any service for which a fee is not otherwise imposed by this Schedule Note. A fee may not be imposed under this item except with the approval of the Industrial Registrar.	\$30	\$60

Rules



New South Wales

Local Courts (Civil Procedure) Rules 2005

under the

Local Courts Act 1982

The Local Court (Civil Claims) Rule Committee made the following rules of court under section 79 of the *Local Courts Act 1982* on 15 July 2005.

Craig Cooke
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to make provision with respect to the practice and procedure of a Local Court when sitting in its Small Claims Division. These Rules supplement the *Uniform Civil Procedure Rules 2005* that come into operation on the commencement of section 9 of the *Civil Procedure Act 2005*. These Rules deal with the following matters:

- (a) transfers of proceedings between a Local Court's Small Claims Division and its General Division,
- (b) the conduct of trials and pre-trial reviews, including the use of telephones and audio-visual links,
- (c) orders as to costs,
- (d) the use of a Local Court's seal,
- (e) other minor, consequential and ancillary matters.

Local Courts (Civil Procedure) Rules 2005

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Local Courts (Civil Procedure) Rules 2005

Rule 1

Preliminary

Part 1

Local Courts (Civil Procedure) Rules 2005

under the

Local Courts Act 1982

Part 1 Preliminary

1 Name of Rules

These Rules are the *Local Courts (Civil Procedure) Rules 2005*.

2 Commencement

These Rules commence on the commencement of section 9 of the *Civil Procedure Act 2005*.

3 Definitions

(1) In these Rules:

the Act means the *Local Courts Act 1982*.

(2) Notes included in these Rules do not form part of these Rules.

4 Repeal

The *Local Courts (Civil Claims) Rules 1988* are repealed.

Rule 5 Local Courts (Civil Procedure) Rules 2005

Part 2 Proceedings in the Small Claims Division

Part 2 Proceedings in the Small Claims Division

Division 1 Preliminary

5 Application of Part

This Part applies to proceedings in a Court sitting in its Small Claims Division.

Division 2 Transfer of proceedings

6 Transfer of proceedings from Small Claims Division to General Division: jurisdictional limit exceeded

Proceedings are to be transferred to the Court's General Division if a cross-claim is made in the proceedings for an amount exceeding the jurisdictional limit of the Court's Small Claims Division.

Note. As at the commencement of these Rules, the jurisdictional limit of a Court sitting in its Small Claims Division was \$10,000.

7 Transfer of proceedings from Small Claims Division to General Division: complexity, difficulty or importance of matters in dispute

- (1) Proceedings are to be transferred to the Court's General Division if, at any time before judgment is given, the Court is of the opinion that the matters in dispute are so complex or difficult, or are of such importance, that the proceedings ought more properly to be heard in the Court's General Division.
- (2) Proceedings that have been transferred to a Court's General Division under subrule (1) may be transferred back to its Small Claims Division if the Court considers it appropriate to do so.
- (3) An application for proceedings to be transferred under subrule (1) or (2) may not be made by a party to the proceedings later than 28 days before the day fixed for the trial of the proceedings.

Division 3 Pre-trial review

8 Setting down for pre-trial review

- (1) Unless the Court otherwise orders, proceedings in which a defence is filed are to be listed for pre-trial review.
- (2) The registrar must cause notice of the date, time and place of the pre-trial review to be sent to the plaintiff and to each defendant who has filed a defence.

Local Courts (Civil Procedure) Rules 2005

Rule 9

Proceedings in the Small Claims Division

Part 2

-
- (3) Despite subrule (1), if a defendant has applied for the proceedings to be transferred to some other Court pursuant to rule 44.1 of the *Uniform Civil Procedure Rules 2005*, the proceedings are not to be listed for pre-trial review until after the application has been determined.

9 Conduct of pre-trial reviews

- (1) Subject to rule 13, in any pre-trial review of proceedings, each of the parties to the proceedings must be in attendance at the review, either in person or by a legal representative having general authority to negotiate a settlement of the proceedings.
- (2) In the pre-trial review, the Court:
- (a) must attempt to identify the matters in dispute between the parties and to bring the parties to a settlement that is acceptable to them, and
 - (b) for that purpose, may propose that the parties seek mediation under the *Community Justice Centres Act 1983*.
- (3) If the parties agree to seek mediation, the Court may make such orders as it thinks fit, including orders as to adjournment, so as to facilitate the mediation.
- (4) The Court may refuse to list proceedings for trial if it is satisfied that the parties have not made reasonable attempts to settle the matters in dispute between them.
- (5) If a party fails to attend the pre-trial review after having been given notice in accordance with rule 8 (2), the Court may adjourn the review to another date and direct that, not less than 5 days before that date, a further notice be given to the party in default advising:
- (a) if the party in default is the plaintiff, that the party's claim may be dismissed, either in whole or in part, or
 - (b) if the party in default is the defendant, that the party's defence may be struck out, either in whole or in part,
- if the party fails to attend the adjourned review.
- (6) If a party fails to attend the adjourned review after having been given notice in accordance with subrule (5), the Court may order:
- (a) if the party in default is the plaintiff, that the party's claim be dismissed, either in whole or in part, or
 - (b) if the party in default is the defendant, that the party's defence be struck out, either in whole or in part,
- and may make such other orders as it thinks fit.

Rule 10 Local Courts (Civil Procedure) Rules 2005

Part 2 Proceedings in the Small Claims Division

Division 4 Trial

10 Procedure generally

- (1) The procedure to be followed at a trial of any proceedings is to be determined by the Court.
- (2) Unless the Court orders otherwise, proceedings are to be heard and determined on the basis of written statements that have been filed in the Court and served on the plaintiff and on each of the defendants who has filed a defence.
- (3) Proceedings may be heard and determined by the Court even if one or more of the parties is absent.

11 Procedure regarding assessment of damages

In the case of proceedings in which default judgment has been entered in favour of the plaintiff but damages are yet to be assessed, the Court may, when listing the proceedings for trial, give directions as to the manner in which evidence as to damages is to be given.

Division 5 General

12 Applications

- (1) Unless the Court orders otherwise, applications are to be made orally before the Court.
- (2) Despite subrule (1):
 - (a) any application for the transfer of proceedings to the Court's General Division, or
 - (b) any application for the inspection of property, or
 - (c) any application in relation to proceedings made after the Court has given judgment in the proceedings (such as an application for a writ of execution), or
 - (d) any application to set aside a judgment or order of the Court, is to be made by motion in accordance with Part 18 of the *Uniform Civil Procedure Rules 2005*.

13 Use of telephones etc

In any proceedings, the Court may allow a person to appear or give evidence by telephone, audio-visual link or any other means of electronic communication.

Local Courts (Civil Procedure) Rules 2005

Rule 14

Proceedings in the Small Claims Division

Part 2

14 Costs

- (1) Subject to this rule, the Court may make orders for the payment of costs in any proceedings, including proceedings that are adjourned, discontinued or dismissed.
- (2) The only matters for which the Court may award costs are those for which fixed costs are prescribed under Part 11 of the *Legal Profession Act 1987*.
- (3) The amounts that the Court may award for such costs include not only the fixed costs so prescribed but also any disbursements properly incurred in relation to the matters for which those costs are prescribed.
- (4) Despite subrules (2) and (3), the maximum costs that may be awarded to a party:
 - (a) if proceedings are discontinued or dismissed, or a defence is struck out, at a pre-trial review or at a hearing, or
 - (b) if proceedings are adjourned as a consequence of a party's default or neglect, including a party's failure to comply with a direction of the Court, or
 - (c) if proceedings on a motion are heard by the Court, or
 - (d) if judgment is given after a trial of proceedings,are the costs allowable on entry of default judgment.

Rule 15	Local Courts (Civil Procedure) Rules 2005
Part 3	General

Part 3 General

15 Application of Part

This Part applies to proceedings in a Court sitting in either its General Division or its Small Claims Division.

16 Seal of the Court

- (1) The registrar is to cause the following documents to be sealed or stamped with the seal of the Court:
 - (a) any order, notice, warrant, certificate, judgment or process made, given or issued by the registrar (or any copy of such a document issued by the registrar),
 - (b) any other document issued by the registrar that rules of court require to be sealed.
- (2) Without limiting subrule (1), a document may be stamped with the seal of the Court by any of the following means:
 - (a) affixing the seal on the document by means of a rubber stamp,
 - (b) affixing an adhesive label on the document with a representation of the seal printed on it,
 - (c) printing a representation of the seal on the document by electronic or mechanical means.

OFFICIAL NOTICES

Appointments

EDUCATION ACT 1990

Notification of appointment to the Board of Studies

I, CARMEL TEBBUTT, Minister for Education and Training, in pursuance of schedule 1 clause 8 of the Education Act, 1990, appoint Mr Christiaan Jacob Sybren GOUDKAMP as a Member of the Board of Studies, being a nominee provided by section 100(3)(h) of the said Act, for a term commencing on and from 1 June 2005 until 31 May 2008.

CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training

Department of Infrastructure, Planning and Natural Resources

Natural Resources

WATER ACT 1912

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

An Application for a License under Section 10 of Part 2 of the Water Act, has been received as follows;

Lachlan River Valley

Maxwell John and Richard Patrick CORCORAN for a pump on the Ryans Creek on Lots 124 and 125 DP2493, Parish of Boorowa, County of King, for water supply for irrigation purposes, 19 hectares (grapes) – (New License -- allocation obtained by way of the Permanent Transfer Scheme – transferring from existing entitlement.) (GA2:466382) (Ref:70SL091045).

Richard Patrick CORCORAN for a pump on the Geegulalong Creek on Lot 1 DP789025, Parish of Congera, County of Monteagle, for water supply for irrigation purposes, 4 hectares – (warehousing). (New License -- allocation obtained by way of the Permanent Transfer Scheme – transferring from existing entitlement.) (GA2:466382) (Ref:70SL091046).

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

VIV RUSSELL,
Resource Access Manager
Central West Region

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

Department of Lands

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

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of Section 28A of the Western Lands Act 1901, the Western Lands Leases specified in the following Schedule have been granted.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1st April of each year.

The Conditions and Reservations annexed to the leases are those published in the Government Gazette of 18 February 2005, Folios 434 and 435.

All amounts due and payable to the Crown must be paid to the Department of Lands by the due date.

CRAIG KNOWLES MP,
Minister for Infrastructure and Planning
Minister for Natural Resources

*Administrative District – Walgett North;
LGA – Walgett;
Parish – Wallangulla;
County – Finch*

WLL No.	Name of Lessee	Lot	Deposited Plan	Folio Identifier	Area(m ²)	Term of Lease	
						From	To
WLL 14476	Robert William McNEILL	26	1066289	26/1066289	2455 m ²	26 July 2005	25 July 2025
WLL 14503	John Robert McPHAN and Malcolm John McPHAN	76	1073508	76/1073508	2464 m ²	26 July 2005	25 July 2025
WLL 14531	Robert George HEWLETT and Donna Elizabeth HEWLETT	21	1073508	21/1073508	2821 m ²	26 July 2005	25 July 2025
WLL 14534	Christine L THOMSON	124	1073508	124/1073508	2436 m ²	26 July 2005	25 July 2025
WLL 14540	Raymond Francis CHAPPLE	129	1073508	129/1073508	2042 m ²	26 July 2005	25 July 2025
WLL 14562	Desmond Kevin HANCOCK and June Noelene COWIN	166	1073508	166/1073508	2610 m ²	26 July 2005	25 July 2025

ADDITION TO A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of Section 35C of the Western Lands Act 1901, the land particularised hereunder has been added to the undermentioned Western Lands Lease.

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

Schedule

Western Lands Lease No. 13772
Name of Lessee: Neilpo Pastoral Company Pty Ltd

Area Added:

Lot 35 DP 756926 Parish of Avoca,
County of Wentworth of 123 ha
(Folio Identifier 35/756926)

Total Area Following
Addition:

Lots 6, 7, 5264 & 5265 DP 756964
and Lots 34 & 35 DP 756926 Parish
of Avoca, County of Wentworth of
2108 ha
(Folio Identifiers 6, 7, 5264 &
5265/756964 and 34 & 35/756926)

Date of Addition:

26 July 2005

Administrative District:

Wentworth

Shire:

Wentworth

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

COLUMN 1	COLUMN 2
Dareton Agricultural Research and Advisory Station Reserve Trust	Reserve No. 73508 Public Purpose: Horticultural Research Station Notified: 21 April 1950 File Reference: WL05R2/1

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to clause 4(3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

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

Schedule

COLUMN 1	COLUMN 2
Evans Flat Reserve Trust	Reserve No. 74478 Public Purpose: Public Recreation Notified: 14 September 1951 File Reference: WL92R18/1

Schedule

COLUMN 1	COLUMN 2
The Wentworth Rural Lands Protection Reserve Trust	Reserve No. 95908 Public Purpose: Pastures Protection Board Depot Notified: 27 April 1982 File Reference: WL86R118/1

Schedule

COLUMN 1	COLUMN 2
Homecare Building Reserve Trust	Dedication No. 1010768 Public Purpose: Local Government Purposes Notified: 20 December 1963 File Reference: WL86R183/1

ALTERATION OF CORPORATE NAME OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

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

Schedule 1

Weir Park Reserve Trust

Schedule 2

Reserve No. 35936
Public Purpose: Public Recreation
Notified: 13 June 1903
File Reference: WL00R6/1

Schedule 3

JV "Barbwire" Williamson Park Reserve Trust

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

COLUMN 1	COLUMN 2	COLUMN 3
Department of Primary Industries	Dareton Agricultural Research and Advisory Station Reserve Trust	Reserve No. 73508 Public Purpose: Horticultural Research Station Notified: 21 April 1950 File Reference: WL05R2/1

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

Schedule

COLUMN 1	COLUMN 2	COLUMN 3
Loretta Schuler (new member) Janelle Boyd (new member)	Garule Wali Education Reserve Trust	Reserve No. 230032 Public Purpose: Education Purposes Notified: 28 August 1987 File Reference: WL90R30

For a term commencing this day and expiring 15 April 2009.

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

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 Schedules hereunder are appointed, for the terms of office specified thereunder, 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 Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Donald Norman COLLETT (new member), David Charles HARRISON (new member), James Ernest DAWES (new member).	Araluen Recreation Reserve Trust.	Reserve No.: 81367. Public Purpose: Public recreation. Notified: 30 January 1959. File No.: GB80 R 235.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2008.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Erik Charles LEIHN (re-appointment).	Frogmore Hall and Recreation Reserve Trust.	Reserve No.: 43919. Public Purpose: Public recreation. Notified: 19 May 1909. Reserve No.: 53290. Public Purpose: Public recreation. Notified: 9 May 1919. Reserve No.: 53384. Public Purpose: Public hall. Notified: 11 July 1919. File No.: GB80 R 240.

Term of Office

For a term commencing the date of this notice and expiring 25 May 2010.

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 Schedules 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 reserve referred to in Column 3 of the Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Karen Gladys HEMBROW.	Cedar Point (R63033) Reserve Trust.	Reserve No.: 63033. Public Purpose: Public recreation. Notified: 13 November 1931. File No.: GF05 R 81.

For a term commencing the date of this notice and expiring
28 January 2006.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Karen Gladys HEMBROW.	Bean Creek Falls (R86624) Reserve Trust.	Reserve No.: 86624. Public Purpose: Public recreation. Notified: 9 February 1968. File No.: GF05 R 82.

For a term commencing the date of this notice and expiring
28 January 2006.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Karen Gladys HEMBROW.	Kyogle (R87232) Reserve Trust.	Reserve No.: 87232. Public Purpose: Public recreation. Notified: 20 June 1969. File No.: GF04 R 42.

For a term commencing 29 July 2005 and expiring
28 January 2006.

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

ERRATUM

IN the notice appearing in the *Government Gazette* No. 81 of 1 July 2005, Folio 3456 under the heading, "Notification of Closing of a Road" the notice is corrected by deleting "1081762" and inserting 1081782 in lieu thereof.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Land District – Lismore; Shire – Lismore.

Road Closed: Lot 1, DP 1080961, at Lismore, Parish Lismore, County Rous.

File No.: GF01 H 319.

Note: On closing, the land within Lot 1, DP 1080961 remains vested in the State of New South Wales as Crown Land.

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.

NOTIFICATION OF CLOSING OF ROAD

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

ANTHONY BERNARD KELLY, M.P.,
Minister for Lands

*Land District – Helensburgh;
LGA – Wollongong*

Lots 100 and 101, DP1078933 at Helensburgh, Parish Heathcote and County Cumberland (not being land under the Real Property Act). NA02H347.

Note: On closing, the land remains vested in the Crown as Crown land.

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

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

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

SCHEDULE

COLUMN 1

Forbes Shire Other Area Trust.

COLUMN 2

Reserve No.: 82064.
Public Purpose: Public recreation.
Notified: 2 October 1959.
File No.: OE81 R 13/1.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, 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

COLUMN 1

Forbes Shire Other Areas Reserve Trust.

COLUMN 2

Reserve No.: 82064.
Public Purpose: Public recreation.
Notified: 2 October 1959.
File No.: OE81 R 13/1.

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

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to Section 90(1) 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

COLUMN 1	COLUMN 2
Land District: Metropolitan Council: Hawkesbury Parish: Ham Common County: Cumberland Location: Richmond Reserve No.: 93532 Purpose: Future Public Requirements Date of Notification: 5 September 1980 File No.: MN05H68	The whole comprising Lot 130 DP 752032 containing 2.023 hectares

RESERVATION OF CROWN LAND

PURSUANT to Section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

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

COLUMN 1	COLUMN 2
Land District: Metropolitan Local Government Area: Pittwater Council Locality: Scotland Island Lot: 7116 D.P No.: 752046# Parish: Narrabeen County: Cumberland Area: 1002m2 File Ref.: MN98H13 Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.	Reserve No. 1010814 Public Purpose: Access

Schedule

COLUMN 1	COLUMN 2
Land District: Metropolitan Local Government Area: Pittwater Council Locality: Elvina Bay Lot: 7021 D.P No.: 752017# Parish: Broken Bay County: Cumberland Area: 429m2 File Ref.: MN98H13 Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.	Reserve No. 1010815 Public Purpose: Access

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

COLUMN 1	COLUMN 2
Elvina Bay North (R1010815) Reserve Trust	Reserve No. 1010815 Public Purpose: Access Notified: This Day File Ref.: MN98H13

Schedule

COLUMN 1	COLUMN 2
Elvina Bay North (R1010814) Reserve Trust	Reserve No. 1010814 Public Purpose: Access Notified: This Day File Ref.: MN98H13

Schedule

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

COLUMN 1	COLUMN 2	COLUMN 3
Pittwater Council	Elvina Bay North (R1010815) Reserve Trust	Reserve No. 1010815 Public Purpose: Access Notified: This Day File Ref.: MN98H13

Schedule

COLUMN 1	COLUMN 2	COLUMN 3
Pittwater Council	Eastern Wharf (R1010814) Reserve Trust	Reserve No. 1010814 Public Purpose: Access Notified: This Day File Ref.: MN98H13

Schedule

APPOINTMENT OF ADMINISTRATOR

PURSUANT to Section 117 of the Crown Lands Act, 1989, the person named in Column 1 of the Schedule hereunder is appointed to be the administrator of the reserve trusts named in Column 2, which are the trustees of the reserves referred to in Column 3 of the Schedule.

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

Schedule

COLUMN 1 Tasso TRICOS	COLUMN 2 Field of Mars Cemetery Uniting Church Portion Trust	COLUMN 3 Area at Ryde dedicated for the public purpose of general cemetery in the Gazettes of 29 April 1884; 17 September 1920 (addition) and 3 October 1969 (addition) Dedication No.: 500803 File No.: MN84R105
	Field of Mars Cemetery Baptist Portion Trust	Area at Ryde dedicated for the public purpose of general cemetery in the Gazette of 29 April 1884. Dedication No.: D500805 File No.: MN83R93

Term of Office:

For a term of 12 months expiring 15 December 2005.

NOTIFICATION OF CLOSING OF ROAD

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

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

Descriptions

*Land District – Penrith;
L.G.A. – Penrith*

Lot 32 and 33, DP 1082989 at Penrith, Parish Castlereagh
(Sheet 2), County Cumberland.

MN04H100.

Note: On closing, title for the land in lots 32 and 33 remain vested in Penrith City Council as operational land.

TAREE OFFICE

102-112 Victoria Street (PO Box 440), Taree NSW 2430

Phone: (02) 6552 2788 Fax: (02) 6552 2816

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	COLUMN 2
Land District: Gloucester	The Whole being
Local Government Area: Gloucester Council	Lot 118 DP753158
Locality: Craven	Lot 126 DP43056
Reserve No: 94636	Parish: Craven
Public Purpose: Access	County: Gloucester
Notified: 1 May 1981	Area: 3.53ha
File: TE80H2461	

ERRATUM

IN the notice appearing in Government Gazette No 44 on the 11TH March 1994, (folio 1117) under the heading "WITHDRAWAL OF RESERVE FROM CONTROL OF RURAL LANDS PROTECTION BOARD" in regard to Reserve 5722 the part withdrawn should read "The whole, being east of Portion (lot) 154 comprising about 0.4 hectares".
File No: TE90 H 26

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

Department of Primary Industries

Mineral Resources

NOTICE is given that the following application has been received:

EXPLORATION LICENCE APPLICATION

(05-230)

No. 2551, HILL END GOLD LIMITED (ACN 072 692 365), area of 48 units, for Group 1, dated 13 July 2005. (Orange Mining Division).

(05-231)

No. 2552, RESOURCE MANAGEMENT AND DEVELOPMENT PTY. LTD. (ACN 078 902 191), area of 20 units, for Group 1, dated 19 July, 2005. (Cobar Mining Division).

(05-232)

No. 2553, TURON GOLD PTY LTD (ACN 108 675 216), area of 40 units, for Group 1 dated 21 July 2005. (Sydney Mining District).

(05-233)

No. 2554, TURON GOLD PTY LTD (ACN 108 675 216), area of 58 units, for Group 1 dated 21 July 2005. (Sydney Mining District).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(04-658)

No. 2471, now Exploration Licence No. 6448, EZY LIME PTY LIMITED (ACN 102 219 367), County of Cunningham, Map Sheet (8431), area of 5 units, for Group 2, dated 12 July, 2005, for a term until 11 July, 2007.

(05-169)

No. 2488, now Exploration Licence No. 6447, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheets (7134 & 7133), area of 8 units, for Group 1, dated 13 July, 2005, for a term until 12 July, 2007.

(05-189)

No. 2508, now Exploration Licence No. 6446, VIDORO PTY LTD (ACN 094 217 482), County of Farnell, Map Sheets (7134 & 7135), area of 8 units, for Group 1, dated 12 July, 2005, for a term until 11 July, 2007.

(05-190)

No. 2509, now Exploration Licence No. 6449, BIG SKY HOLDINGS PTY LIMITED (ACN 108 476 384), Counties of Darling and Inglis, Map Sheet (9136), area of 28 units, for Group 1, dated 15 July, 2005, for a term until 14 July, 2007.

(05-192)

No. 2511, now Exploration Licence No. 6445, MOLY MINES LIMITED (ACN 103 295 521), Counties of Buccleuch, Clarendon and Harden, Map Sheets (8527 & 8528), area of 75 units, for Group 1, dated 12 July, 2005, for a term until 11 July, 2007.

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

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

(T87-1429)

Exploration Licence No. 3326, STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), area of 8 units. Application for renewal received 22 July, 2005.

(05-359)

Exploration Licence No. 4573, IVANPLATS SYERSTON PTY LIMITED (ACN 008 755 155), area of 19 units. Application for renewal received 22 July, 2005.

(T97-1209)

Exploration Licence No. 5341, MADSEN OPALS PTY LTD (ACN 002 394 005), area of 1 unit. Application for renewal received 19 July, 2005.

(T99-0079)

Exploration Licence No. 5614, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 7 units. Application for renewal received 11 July, 2005.

(T02-0366)

Exploration Licence No. 6106, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 69 units. Application for renewal received 28 June, 2005.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T03-1077)

Exploration Licence No. 2059, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), County of Bland, Map Sheet (8329), area of 14 units, for a further term until 22 August, 2006. Renewal effective on and from 29 June, 2005.

(T02-0100)

Exploration Licence No. 6018, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), Counties of Bland and Gipps, Map Sheet (8430), area of 57 units, for a further term until 30 October, 2006. Renewal effective on and from 20 July, 2005.

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

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(T02-0044)

Exploration Licence No. 5992, LIONHEARTED LIMITED (ACN 078 697 864), County of Westmoreland, Map Sheet (8830), area of 8 units. The authority ceased to have effect on 21 July, 2005.

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

TRANSFER

(05-3434)

Mining Lease No. 1358 (Act 1992), formerly held by HUNTER VALLEY ENERGY COAL LIMITED (ACN 062 894 464) AND COAL OPERATIONS AUSTRALIA PTY LIMITED (ACN 093 586 362) has been transferred to HUNTER VALLEY ENERGY COAL LIMITED (ACN 062 894 464). The transfer was registered on 13 July, 2005.

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

ERRATUM

IN the notice which appeared in the Government Gazette No. 81 for the 1 July 2005 under the heading of Renewal Of Certain Authorities – Authorisation No 397 the notice refers to the renewal being effective on and from 20 December 2009. The notice is hereby corrected as follows;

(C87-0076)

Authorisation No. 397, ENDEAVOUR COAL PTY LTD (ACN 099 830 476), County of Cumberland, Map Sheet (9029), area of 400 hectares, for a further term until 27 June, 2009. Renewal effective on and from 20 December, 2004.

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

GRANT OF A CONSOLIDATED MINING LEASE

(T84-0231)

Consolidated Mining Lease No. 11 (Act 1992) was granted on 18 May, 2005 to BORAL LIMITED (ACN 008 421 761), Parish of Cullen Bullen, County of Roxburgh, Map Sheet (8831-2N), area of about 70.06 hectares, to mine for agricultural lime, clay/shale, limestone and structural clay, for a term until 31 December, 2015.

In accordance with Section 98 (2) of the Mining Act 1992, Mineral Lease No. 195 (Act 1906), Mineral Lease No. 306 (Act 1906), Mining Lease No. 410 (Act 1973), Mining Lease No. 411 (Act 1973), Mining Lease No. 804 (Act 1973), Mineral Lease No. 2806 (Act 1906), Mineral Lease No. 2851 (Act 1906), Mineral Lease No. 2906 (Act 1906), Mineral Lease No. 2941 (Act 1906), Mineral Lease No. 2949 (Act 1906), Mineral Lease No. 3177 (Act 1906), Mineral Lease No. 3208 (Act 1906), Mineral Lease No. 3209 (Act 1906), Mineral Lease No. 3263 (Act 1906), Mineral Lease No. 5673 (Act 1906), Private Lands Lease No. 953 (Act 1894) and Private Lands Lease No. 3576 (Act 1906) are taken to have been cancelled on 18 May, 2005.

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

Roads and Traffic Authority

ROADS ACT 1993

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

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

GEORGE STAMATAKOS,
Acting Manager-Engineering,
Auburn Council
(by delegation from the Minister for Roads)
7 July 2005

SCHEDULE

1. Citation

This Notice may be cited as the Auburn Council B-Doubles Notice No. 2/2005.

2. Commencement

This Notice takes effect on the date of the gazettal.

3. Effect

This Notice remains in force until 31 December 2008, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Auburn Council area.

Type	Road Name	Starting Point	Finishing Point
25	Holker Street, Newington	Newington Road	Hill Street

ROADS ACT 1993

Notice Under the Road Transport (Mass, Loading and Access) Regulation 1996

AUBURN COUNCIL, in pursuance of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, makes the amendment in the Schedule of the routes and areas previously specified on or in which B-Doubles may be used.

RAY BROWNLEE,
General Manager,
Auburn Council
(by delegation from the Minister for Roads)
13 July 2004

SCHEDULE

1. Citation

This notice may be cited as Auburn Council B-Double Route amendment Notice 8/2004.

2. Commencement

This Notice takes effect on the sate of Gazettal.

3. Amendments

The Auburn Council B-Double Notice dated March 1993, is amended by inserting the following condition:

Type	Road Name	Start Point	End Point	Conditions
25	South Parade, The Crescent, Manchester Road	Rawson Street, Auburn	Manildra Mills, Steelmark at Auburn	Right turn only from Rawson Street and right turn only into Rawson Street

ROADS ACT 1993

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

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

DAVID L. RAWLINGS,
General Manager,
Bombala Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Bombala Council B-Doubles Notice No. 1/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Bombala Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25	000	Tayfield Road, Coolangubra State Forest	Burrumbucco Road	Saucy Creek	

ROADS ACT 1993

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

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

IAN McCALLUM,
General Manager,
Narrabri Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Narrabri Shire Council B-Doubles Notice No. 399/2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Narrabri Shire Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25	SR2	Berrigal Road, (Narrabri)	Newell Highway (SH17)	Shire Boundary (13.3km from Newell Hwy)	

ROADS ACT 1993

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

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

IAN McCALLUM,
General Manager,
Narrabri Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Narrabri Shire Council B-Doubles Notice No. 397/2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Narrabri Shire Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25	SR157	Hoad Lane, (Narrabri)	Intersection SR157 and Whitehaven Coal Mine Access Road	Shire Boundary (1.3km from Whitehaven Coal Mine Access Road)	

ROADS ACT 1993

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

MOREE PLAINS SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the roads and road related areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

DAVID ABER,
General Manager,
Moree Plains Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Moree Plains Shire Council Road Train Notice No. 1/2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

4. Application

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

5. Routes

Road Train routes within the Moree Plains Shire Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
RT		Gwydir Street, Moree	Coolibah Road	Balo Street	
RT		Coolibah Road, Moree	Greenbah Road	Gwydir Street	
RT		Edward Street, Moree	Heber Street	Gwydir Street	

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

Notice of Compulsory Acquisition of Land at North Ryde, Cheltenham and Epping in the Ryde City and Hornsby Shire Council areas

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of Crown land situated in the Ryde City Council area, Parish of Hunters Hill and County of Cumberland, shown as Lot 29 Deposited Plan 841065, being part of the land in Reserve No 89885 for Public Recreation notified in Government Gazette No 99 of 6 August 1976 on page 3381.

ALSO, all those pieces or parcels of Crown land situated in the Hornsby Shire Council area, Parish of Field of Mars and County of Cumberland, shown as:

Lots 17 and 19 Deposited Plan 871807;

Lot 19 Deposited Plan 1024853; and

Lots 8, 10 and 20 to 23 inclusive Deposited Plan 1024862.

AND ALSO, all those pieces or parcels of land situated in the Hornsby Shire Council area, Parish of Field of Mars and County of Cumberland, shown as:

Lot 1 Deposited Plan 843274 unlimited in height and depth, being the whole of the land in Certificate of Title 1/843274 and Crown land, and said to be in the possession of the Roads and Traffic Authority of New South Wales and the Crown; and

Lots 6 Deposited Plan 843274 unlimited in height and depth, being the whole of the land in Certificate of Title 6/843274 and Crown land, and said to be in the possession of the Roads and Traffic Authority of New South Wales and the Crown.

(RTA Papers FPP 5M2163; RO F2/387.11090 and F2/201.12303)

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

Notice of Compulsory Acquisition of Land at Woonona and Russell Vale in the Wollongong City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Woonona and County of Camden, shown as:

Lot 110 Deposited Plan 1077356, being part of the land in Certificate of Title 90/35896;

Lot 111 Deposited Plan 1077356, being part of the land in Certificate of Title 91/35896;

Lot 112 Deposited Plan 1077356, being part of the land in Certificate of Title 92/35896; and

Lot 8 Deposited Plan 1073151, being part of the land in Certificate of Title 1/217179.

The land is said to be in the possession of Wollongong City Council.

(RTA Papers FPP 5M2051)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Bellingen in the Bellingen 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 Bellingen Shire Council area, Parish of South Bellingen and County of Raleigh, shown as Lot 52 Deposited Plan 1068329.

(RTA Papers: FPP5M2472; RO 33.1332)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at
Maidenhead and Mingoola in the Tenterfield 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 Tenterfield Shire Council area, Parishes of Perth and Dumaresq, County of Clive, shown as:

Lots 3 and 7 Deposited Plan 252576;

Lot 3 Deposited Plan 585094; and

Lot 4 Deposited Plan 584689.

(RTA Papers: 16/430.1305)

ROADS ACT 1993

Order - Section 31

Fixing or Vary Levels of part of the Golden Highway
in the Dubbo City Council area

THE Roads and Traffic Authority of New South Wales by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of part of State Highway No 27 – Golden Highway in the vicinity of the Plain Creek between 68.62kms and 70.195kms West of Dunedoo, as shown on Roads and Traffic Authority plan No 0027.125.RC.0002.

P J Dearden
Project Services Manager
Roads and Traffic Authority of New South Wales
51 – 55 Currajong Street
PARKES NSW 2870

(RTA Papers: FPP125.5357; RO 27/125.1253)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Wyoming
in the Gosford City 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 Gosford City Council area, Parish of Gosford and County of Northumberland, shown as:

Lots 24 to 27 inclusive Deposited Plan 1082445;

Lots 105 and 106 Deposited Plan 1015860;

Lot 15 Deposited Plan 255022; and

Lot 21 Deposited Plan 1019402.

(RTA Papers: 10/184.1240)

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

Notice of Compulsory Acquisition of Land at Liverpool
in the Liverpool City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Liverpool City Council area, Parish of St Luke and County of Cumberland, shown as:

Lot 24 Deposited Plan 1050036, being part of the land in Certificate of Title 2/38499.

The land is said to be in the possession of Colin Geoffrey Borthwick and Janelle Marie Mawson (registered proprietors) and I M B Limited (mortgagee).

(RTA Papers FPP 5M2321; RO 259.12391)

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

Notice of Compulsory Acquisition of Land at
Goondiwindi in the Moree Plains Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Moree Plains Shire Council area, Parish of Boggabilla and County of Stapylton, shown as Lot 2 Deposited Plan 1057009, being part of the land in Travelling Stock and Camping Reserve No 34380 notified in Government Gazette of 26 April 1902 on page 3159.

The land is said to be in the possession of the Crown and NSW Department of Primary Industries.

(RTA Papers FPP 4M5579; RO 04M281)

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

Notice of Compulsory Acquisition of Land at Winston Hills, Baulkham Hills and North Rocks in the Baulkham Hills Shire and Parramatta City Council areas

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of Crown road situated in the Baulkham Hills Shire Council area, Parishes of Castle Hill and Field of Mars and County of Cumberland, shown as:

Lot 9 Deposited Plan 871024;

Lot 5 Deposited Plan 875380; and

Lot 32 Deposited Plan 880779.

ALSO, all that piece or parcel of Crown road situated in the Parramatta City Council area, Parish of St John and County of Cumberland, shown as Lot 10 Deposited Plan 871024.

(RTA Papers FPP 5M2064; RO F2/31.12365)

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable Andrew Refshaug MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew Boucher as Administrator to the Condobolin Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$60,000.00 dollars (plus GST).

Signed and sealed this 25th day of July 2005.

ANDREW REFSHAUGE, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of remediation site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21077 Area Number 3204

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

Lot 1 DP225720 commonly known as at the date of this declaration as the Incitec site, Main Road, Boolaroo NSW 2284.

A map of the site is available for inspection at the offices of the Department of the Environment and Conservation, Level 14, 59-61 Goulburn Street, Sydney, NSW.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"): metals in particular zinc, lead and nickel in fill and groundwater on the site. Investigations indicate that the contaminants are predominantly derived from leaching from fill material placed on the site in the past, particularly in an infilled gully area on the site. It also appears that the infilled gully is acting as a preferential pathway for the contaminants with the upgradient freshwater dam above the site providing a hydraulic head.

3. Nature of harm that the contaminants may cause

The EPA has considered the matters in s.9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to the environment:

- Groundwater at the site is contaminated with metals (in particular zinc, lead and nickel) at concentrations significantly exceeding the relevant Australian and

New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) trigger levels, with zinc in particular being present in groundwater at levels 2 to 3 orders of magnitude above the ANZECC 2000 levels;

- The contaminated groundwater is migrating from the site and through the adjacent former smelting facility site towards Cockle Creek, with zinc at concentrations approximately two orders of magnitude above the relevant ANZECC 2000 trigger level.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites
Department of Environment and Conservation
PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to 02 9995 5930
by not later than 29 August 2005.

CAROLYN STRANGE,
Director Contaminated Sites
Department of Environment and Conservation

Date: 22 July 2005.

NOTE:

Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment

Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

CO-OPERATIVES ACT 1992

Notice under section 601AA of The Corporations Law as applied by section 325 of The Co-Operatives Act 1992

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

NORTHERN BEACHES ORGANIC CO-OPERATIVE LIMITED

Dated this twenty seventh day of July 2005.

C. GOWLAND,
Delegate of The Registrar of Co-Operatives

LOCAL GOVERNMENT ACT 1993

Investment Order

(Relating to investments by councils)

I, David Campbell, MP, Acting Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or Government stock or Government securities of the Commonwealth or any State of the Commonwealth;
- (b) any debentures or securities guaranteed by the Government of New South Wales;
- (c) any debentures or securities, issued by a public or local authority, or a statutory body representing the Crown, constituted by or under any law of the Commonwealth, of any State of the Commonwealth or of the Northern Territory or of the Australian Capital Territory and guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- (d) any debentures or securities issued by a Territory and guaranteed by the Commonwealth;
- (e) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993);
- (f) mortgage of land in any State or Territory of the Commonwealth;
- (g) purchase of land (including any lot within the meaning of the Strata Schemes Management Act 1996) in any State or Territory of the Commonwealth;
- (h) interest bearing deposits in a bank authorised to carry on the business of banking under any law of the Commonwealth or of a State or Territory of the Commonwealth;

- (i) interest bearing deposits with a building society or credit union.
- (j) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank, building society or credit union as the acceptor or endorser of the bill for an amount equal to the face value of the bill;
- (k) any securities which are issued by a body or company (or controlled parent entity either immediate or ultimate) with a Moody's Investors Service, Inc. credit rating of ``Aaa'', ``Aa1'', ``Aa2'', ``Aa3'', ``A1'' or ``A2'' or a Standard & Poor's Investors Service, Inc credit rating of ``AAA'', ``AA+'', ``AA'', ``AA-''; ``A+''; or ``A'' or a Fitch Rating credit rating of ``AAA'', ``AA+'', ``AA'', ``AA-''; ``A+'' or ``A'';
- (l) any securities which are given a Moody's Investors Service Inc credit rating of ``Aaa'', ``Aa1'', ``Aa2'', ``Aa3'', ``A1'', ``A2'' or ``Prime-1'' or a Standard and Poor's Investors Service, Inc credit rating of ``AAA'', ``AA+'', ``AA'', ``AA-''; ``A+''; ``A''; ``A1+'' or ``A1'' or a Fitch Rating credit rating of ``AAA'', ``AA+'', ``AA'', ``AA-''; ``A+'' or ``A'';
- (m) any debentures or securities issued by a bank, building society or credit union;
- (n) a deposit with the Local Government Investment Service Pty Ltd;
- (o) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Dated this 15th day of July 2005.

Hon DAVID CAMPBELL, M.P.,
Acting Minister for Local Government

LOCAL GOVERNMENT ACT 1993

Section 548 Instrument

I, David Campbell MP, Acting Minister for Local Government, in pursuance of section 548 of the Local Government Act 1993, determine that the percentage by which a council, with prior Ministerial approval for a minimum amount of an ordinary rate above that specified in clause 10 of the Local Government (Rates and Charges) Regulation 1999, may increase the minimum amount of such an ordinary rate is 3.5% above that for 2004/2005.

Dated this 15th day of July 2005.

Hon DAVID CAMPBELL, M.P.,
Acting Minister for Local Government

MENTAL HEALTH ACT 1990

Order Under Section 114

I, ROBYN KRUK, Director-General of the NSW Department of Health, in pursuance of the provisions of section 114 of the Mental Health Act 1990 and section 43 of the Interpretation Act 1987, DO HEREBY REVOKE the order published at page 163 in *Government Gazette* No. 7 of 17 January 1997, declaring Glebe Community Mental Health Centre to be a health care agency for the purposes of the Mental Health Act 1990.

Signed, this 7th day of January 2005.

ROBYN KRUK,
Director-General

MENTAL HEALTH ACT 1990

Order Under Section 114

I, ROBYN KRUK, Director-General of the NSW Department of Health, in pursuance of the provisions of section 114 of the Mental Health Act 1990 and section 43 of the Interpretation Act 1987, DO HEREBY REVOKE the order published at page 8688 in *Government Gazette* No. 150 of 20 December 1996, declaring Ashfield Community Mental Health Service to be a health care agency for the purposes of the Mental Health Act 1990.

Signed, this 7th day of January 2005.

ROBYN KRUK,
Director-General

MENTAL HEALTH ACT 1990

Order Under Section 208

I, ROBYN KRUK, Director-General of the NSW Department of Health, in pursuance of section 208 of the Mental Health Act 1990 and section 43 of the Interpretation Act 1987, do hereby REPEAL all previous orders made or taken to have been made in respect of premises at the St George Hospital, Kogarah, as a "hospital" for the purposes of section 208 of the Mental Health Act 1990, and do hereby DECLARE the "St George Hospital", composed of the premises known as the St George Mental Health Unit and the St George Psychiatric Emergency Care Centre, to be a hospital for the purposes of the Mental Health Act 1990.

Signed, this 20th day of July 2005.

ROBYN KRUK,
Director-General

**PARENTS AND CITIZENS' ASSOCIATIONS
INCORPORATION ACT, 1976**

Incorporation of Parents and Citizens' Associations

THE following associations are hereby incorporated under the Parents and Citizens' Associations Incorporation Act, 1976.

1. Bankstown Girls High School
2. Beauty Point Public School
3. Bermagui Public School
4. Cambridge Park High School
5. Claremont Meadows Public School
6. Cudgegong Valley Public School
7. Glenbrook Public School
8. Johns River Public School
9. Macquarie Fields High School
10. Macquarie Fields Public School
11. Moss Vale High School
12. Nambucca Heads High School

13. Oatley Public School
14. Quirindi High School
15. Russell Lea Infants School
16. Tabulam Public School
17. Trangie Central School
18. Wentworthville Public School

CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training

PARLIAMENTARY REMUNERATION ACT 1989

Addendum

THE Annual Report and Determination of Additional Entitlements for Members of the Parliament of NSW by the Parliamentary Remuneration Tribunal of 29 June 2005 is amended as set out hereunder

The conditions for the Sydney Allowance are amended as follows (page 44 of the determination).

Sydney Allowance condition 6 should read as follows:

Members in receipt of the Sydney Allowance 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.

The Honourable Justice R. BOLAND,
The Parliamentary Remuneration Tribunal

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to Section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager Dangerous Goods
Environment Protection Authority
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr DUNCAN RENDALL SUTHERLAND 63 HICKORY ST INNISFAIL QLD 4860	21 July 2005

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to Section 48(4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager Dangerous Goods
Environment Protection Authority
by delegation

SCHEDULE

Aircraft (Pesticide Applicator) Licence

Name and address of Licensee *Date of Granting of Licence*
 HELISERVICES QUEENSLAND 21 July 2005
 PTY LTD
 LEVEL 18, 300 QUEEN ST
 BRISBANE QLD 4000

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
 Compulsory Acquisition – Lismore Police Station

THE Minister for Commerce, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for a public work, public offices and public buildings.

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

JOHN DELLA BOSCA, M.L.C.,
 Minister for Commerce

SCHEDULE

LAND

Lot 1 in Deposited Plan 783024 excluding the following unregistered interests in respect of the land or part of the land:

- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and John Bernard Plunkett as tenant in an agreement made under the Residential Tenancies Act of premises known as 1/5 Zadoc Street, Lismore made 14 May 2004 and expiring 12 November 2004 but being continued in accordance with the Residential Tenancies Act.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Stephen Williams as tenant in an agreement made under the Residential Tenancies Act of premises known as 2/5 Zadoc Street, Lismore made 25 January 2005 and expiring 24 July 2005.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and David Bonham and Robert Morris as tenants in an agreement made under the Residential Tenancies Act of premises known as 3/5 Zadoc Street, Lismore made 1 October 2004 and expiring 22 August 2005.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and John Gale as tenant in an agreement made under the Residential Tenancies Act of premises known as 4/5 Zadoc Street, Lismore made 1 July 2004 and expiring 9 January 2005 but being continued in accordance with the Residential Tenancies Act.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Shane Peebles as tenant in an agreement made under the Residential Tenancies Act of premises known as 5/5 Zadoc Street, Lismore made 6 October 2004 and expiring 8 March 2004 but being continued in accordance with the Residential Tenancies Act.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Kyrstie Smith as tenant in an agreement made under the Residential Tenancies Act of premises known as 6/5 Zadoc Street, Lismore made 16 November 2004 and expiring 15 May 2005 but being continued in accordance with the Residential Tenancies Act.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Susan Morgan as tenant in an agreement made under the Residential Tenancies Act of premises known as 7/5 Zadoc Street Lismore made 15 January 2005 and expiring 14 July 2005 but being continued in accordance with the Residential Tenancies Act;
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Peter Elwell and Naomi-Lee Mackenzie as tenants in an agreement made under the Residential Tenancies Act of premises known as 8/5 Zadoc Street, Lismore made 18 March 2005 and expiring 17 September 2005.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Joanne Reid as tenant in an agreement made under the Residential Tenancies Act of premises known as 9/5 Zadoc Street, Lismore made 3 June 2005 and expiring 2 December 2005.
- between Stephen Charles Fowler and Janet Hilda Fowler as landlords and Thomas Guppy and Chenoa Adams-Mayo as tenants in an agreement made under the Residential Tenancies Act of premises known as 10/5 Zadoc Street, Lismore made 10 June 2005 and expiring 9 December 2005.

DoC Reference 285

POISONS AND THERAPEUTIC GOODS ACT, 1966

Restoration of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002, a direction has been issued that the order prohibiting Ms Rowena Pierce of 1231-1237A Elizabeth Drive, Mount Vernon, 2171, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation shall cease to operate from Wednesday 3 August 2005

ROBYN KRUK,
 Director-General

Department of Health, New South Wales
 Sydney, Friday 29 July 2005.

POISONS AND THERAPEUTIC GOODS ACT 1966

Authorisation to Supply Poisons and Restricted Substances

PURSUANT to clauses 166 and 167 of the Poisons and Therapeutic Goods Regulation 2002, I, JOHN LUMBY, Chief Pharmacist, a duly appointed delegate of the Director-General of the Department of Health, do hereby grant AUTHORITY to registered nurses, hereby specified as a class of persons, to supply those poisons and restricted substances listed in the Schedule hereunder either singly or in combination, pursuant to clauses 16 and 52 of that Regulation and subject to the following conditions:

- (1) the nurse is employed in connection with a vaccination program in a health service or a place of work; and
- (2) the nurse administers a vaccine only in connection with that vaccination program; and
 - (a) the New South Wales Health Department Immunisation Accreditation Program for Registered Nurses, prior to 2001; and/or
 - (b) the immunisation education program administered by the New South Wales College of Nursing, from 2001; and/or
 - (c) an interstate or overseas immunisation education program that conforms to the National Guidelines for Immunisation Education for Registered Nurses and as approved by the New South Wales Health Department; and
- (4) the nurse administers tuberculin purified protein derivative for tuberculosis skin testing and tuberculosis vaccine only if they have completed additional education in the use of these substances and only if the nurse's record of education states that this additional education has been completed; and
- (5) the storage, pre-vaccination assessment and administration of each vaccine is at all times undertaken in accordance with the procedures specified in the National Health and Medical Research Council's The Australian Immunisation Handbook, as in force from time to time; and
- (6) during each vaccination program the nurse carries adrenaline for use in the treatment of anaphylaxis; and
- (7) administration of adrenaline is at all times undertaken in accordance with the procedures specified in the National Health and Medical Research Council's The Australian Immunisation Handbook, as in force from time to time; and
- (8) the nurse reports an Adverse Event Following Immunisation (AEFI) to the local Public Health, as required under the NSW Public Health Act 1991; and
- (9) the nurse ensures that a medical practitioner is contactable for medical advice at all times during the vaccination program; and
- (10) to maintain authority to immunise, the nurse annually reviews best practice policy for immunisation by attending a seminar or update on current practices and obtains a statement of proficiency in cardio-pulmonary resuscitation.

Schedule

adrenaline
 diphtheria vaccine
 haemophilus influenzae Type B (Hib) vaccine
 hepatitis A vaccine
 hepatitis B vaccine
 influenza vaccine
 measles-mumps-rubella vaccine
 meningococcal vaccine
 pertussis vaccine
 pneumococcal vaccine
 poliomyelitis vaccine
 rubella vaccine
 tetanus vaccine
 tuberculin purified protein derivative
 tuberculosis vaccine

varicella vaccine

Previous authorisations to supply restricted substances dated 15 July 1997, 7 September 2000, and 12 October 2001 published in the New South Wales Government Gazette Nos. 4, 121 and 156 respectively, are hereby revoked.

JOHN LUMBY,
Chief Pharmacist

Department of Health, New South Wales
 Sydney, 15 July 2005

**PROTECTION OF THE ENVIRONMENT
 OPERATIONS (WASTE) REGULATION 1996**

General approval of the Immobilisation of Contaminants
 in Waste

PURSUANT to the provisions in Clause 28 of the Protection of the Environment Operations (Waste) Regulation 1996 the New South Wales Environment Protection Authority ('the EPA') has made the following general approval for the immobilisation of the following contaminants in waste. The EPA is part of the Department of Environment and Conservation (NSW).

DEFINITIONS

SCC - Specific Contaminant Concentration, see Waste Guidelines for details.

SCC2 & SCC3 - see Table A4 of the Waste Guidelines

TCLP - Leachable Concentration assessed by the Toxicity Characteristics Leaching Procedure, see Waste Guidelines for details.

Unconfined Compressive Strength - for details, refer to the standard methods for determining Unconfined Compressive Strength specified in condition 3.5.

Waste Guidelines - Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes issued by the EPA and in force as at 1 July 1999.

A) APPROVAL NUMBER

2005/14

B) PERIOD OF VALIDITY

This approval commences on the 29 July 2005 and is effective until revoked or varied by the EPA.

C) WASTE TO WHICH THIS APPROVAL APPLIES

This approval applies to coal tar contaminated soil from former gasworks sites which has been treated in accordance with the conditions of this approval.

In this approval:

- untreated waste is coal tar contaminated soil from former gasworks sites.
- treated waste is the untreated waste which has been stabilised by treatment with calcium or magnesium oxide based cement in accordance with the conditions of this approval.

D) CONTAMINANTS TO WHICH THIS APPROVAL APPLIES ("THE CONTAMINANTS")

The following contaminants are covered by this Approval, provided that the concentration in the untreated waste does not exceed the following limits:

- Polycyclic aromatic hydrocarbons (PAHs) – 13,000 mg/kg

- Benzo(a)pyrene (BaP) – 500 mg/kg
- Non-halogenated phenols – 2,000 mg/kg
- Total cyanide – 4,000 mg/kg

All other contaminants must be assessed in accordance with the procedures specified in the Waste Guidelines.

E) RESPONSIBLE PERSON

The persons or class of persons to whom this general approval applies are the persons who carry out the assessment and classification of the treated waste for the purpose of this approval. Responsible persons must comply with all of the conditions of this approval.

F) CONDITIONS OF APPROVAL

The responsible person may only use this approval to classify treated waste for disposal if all of the conditions of the approval have been satisfied.

1. Treatment Requirements

- 1.1. The treatment of the untreated waste must be carried out so as not to cause adverse impacts on human health or amenity or pollution of the environment.
- 1.2. The reagents which must be used to immobilise the Contaminants are calcium or magnesium oxide based cement. Enhancers, substances designed to enhance the set/cure time and/or the compressive strength of the stabilised matrix or substances designed to reduce the leachability of contaminants from the matrix, may be added to the reagent provided that those substances do not affect the classification of the treated waste within the meaning of the Waste Guidelines.
- 1.3. The ratio of reagent (including any enhancers) to untreated waste must not exceed 2:1 (ie 2 parts by mass of the reagent to one part by mass of the untreated waste).
- 1.4. The mixing of the untreated waste and the reagents must be sufficient to ensure that all of the Contaminants become microencapsulated.
NOTE: The waste may only be treated at a premises which is lawfully able to treat the waste.
- 1.5. The Unconfined Compressive Strength of the treated waste must be 1 MPa or greater prior to disposal.

2. Quality Control

- 2.1. The responsible person must implement a quality control program to ensure compliance with the conditions of this approval. The program must include a sampling program appropriate to the quantity of treated waste generated and a testing plan for the analysis of the samples. The procedures used by the responsible person for the acceptance and rejection of treated waste must be appropriate to ensure that once treatment has taken place, only treated waste which satisfies all of the requirements of this approval is disposed of off site to a landfill that can lawfully receive that type of waste.
- 2.2. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform the particular test.
- 2.3. The following parameters must be monitored and recorded as part of the testing plan:

- 2.3.1. total concentration of each of the Contaminants in the untreated waste;
- 2.3.2. total concentration of each of the Contaminants in the treated waste;
- 2.3.3. leachable concentration of each of the Contaminants in the treated waste;
- 2.3.4. Unconfined Compressive Strength of the treated waste;
- 2.3.5. the composition of the reagent(s) used; and
- 2.3.6. the ratio of reagent to untreated waste (mass/mass) used in treatment.

3. Sampling and test methods to be used under condition 2

- 3.1. Sampling of untreated waste in order to comply with condition 2 must be in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 ('the Contaminated Sites NEPM').

NOTE: Schedule B(2) to the Contaminated Sites NEPM (Guideline on Data Collection, Sample Design and Reporting) provides relevant guidance for sampling soil from former gaswork sites.

- 3.2. Sampling of treated waste in order to comply with condition 2 must be by means of a statistically valid sampling program which is consistent with the acceptance/rejection procedures adopted for treated waste.

NOTE: The sampling program for the treated waste will depend on a number of factors including the quantity and variability of material to be treated.

- 3.3. The total concentration of each contaminant must be measured as Specific Contaminant Concentration (SCC) in accordance with the method specified in the Waste Guidelines.
- 3.4. The leachable concentration of each contaminant must be measured using the Toxicity Characteristics Leaching Procedure (TCLP) as specified in the Waste Guidelines.
- 3.5. The Unconfined Compressive Strength (UCS) must be measured in accordance with the NSW Roads & Traffic Authority Test Method T131, Determination of Unconfined Compressive Strength of Road Materials Stabilised or Modified with Proportions of Cement, Lime or Other Cementitious Materials, or Test Method T116, Determination of Unconfined Compressive Strength of Remoulded Road Materials which are Self Cementing. An equivalent method may be used provided that prior written approval is obtained from the EPA.
- 3.6. SCC and TCLP test results used for assessing compliance with the conditions of this approval must be at the 95% upper confidence limit (UCL). UCS test results used for assessing compliance with the conditions of this approval should be at the 95% lower confidence limit (LCL).

4. Waste Assessment Requirements

NOTE: Refer to Technical Appendices 1 and 2 of the Waste Guidelines for more information about waste classification including SCC and TCLP limit values for the Contaminants.

- 4.1. The untreated waste must be classified in accordance with the procedures in the Waste Guidelines.
 - 4.2. The total concentration (SCC) limits for the Contaminants do not apply to the classification of the treated waste provided that the treatment complies with all of the conditions of this Approval.
 - 4.3. With respect to BaP, non-halogenated phenols and cyanide, treated waste which complies with all of the conditions of this Approval may be classified according to the leachable concentration (TCLP) value alone.
 - 4.4. With respect to PAH, treated waste which complies with all of the conditions of this Approval may be classified as solid waste.
 - 4.5. All other contaminants in the treated waste apart from the Contaminants must be assessed in accordance with the procedure in Technical Appendix 1 of the Waste Guidelines, namely that both total concentrations and leachable concentrations (where specified) apply.
5. *Disposal Restrictions*
- 5.1. Treated waste that complies with all of the conditions of this approval and that satisfies the requirements of the Waste Guidelines for classification as inert waste or solid waste may only be disposed of at solid waste landfills or industrial waste landfills which have currently operating leachate management systems and which are licensed by the EPA to accept that particular type of waste.
 - 5.2. Treated waste that complies with all of the conditions of this Approval and that satisfies the requirements of the Waste Guidelines for classification as industrial waste may only be disposed of at industrial waste landfills which have currently operating leachate management systems and which are licensed by the EPA to accept that particular type of waste
 - 5.3. The responsible person must ensure that the landfill receiving the treated waste:
 - 5.3.1. has a licence that allows the landfill to receive waste subject to immobilisation approvals with this type of disposal restriction; and
 - 5.3.2. monitors landfill leachate and groundwater for PAH (or BaP as an indicator of PAH), if the total concentration of the PAH/BaP in the treated waste exceeds SCC2, for solid waste landfills, or SCC3, for industrial waste landfills.
 - 5.4. The responsible person must advise the disposal facility in writing that the treated waste to be disposed of has been treated and classified in accordance with all of the conditions of this approval.
6. *Notification and record keeping requirements*
- 6.1. The responsible person must notify the EPA in writing of its intention to have the coal tar contaminated soil treated for disposal under this approval at least 28 days before it commences treatment of the waste. The notification must include details of the reagent to be used, any substances to be added to the reagent, the amount of coal tar contaminated soil proposed to be treated and the premises at which treatment will take place.
 - 6.2. For treated waste disposed of under this approval, the responsible person is required to keep all test results and disposal documentation for a period of at least 3 years from the date on which the treated waste is disposed of off site.
 - 6.3. The responsible person is required to notify the EPA in writing within 48 hours of becoming aware of a test result which shows that the treated waste does not meet the requirements for disposal under this approval.

NOTIFICATIONS OR REPORTS AS REQUIRED BY THIS APPROVAL MUST BE SENT TO:

Manager, Hazardous Waste Regulatory Unit
 Department of Environment and Conservation
 PO Box A290
 Sydney South NSW 1232
 Fax: 902) 9995 5930

NOTES

It is an offence for the responsible person not to comply with the conditions to which the approval is subject [clause 28 [11] of the Waste Regulation]. Maximum penalty for a corporation is 200 penalty units and for individuals 100 penalty units.

This approval may be amended or revoked by the EPA by way of written notice in the Gazette.

The responsible person must also ensure that all other legislative requirements relating to the waste are complied with including, for example, the use of a licensed waste transporter in circumstances where one must be used.

Environment Protection Authority
 Per: Mark Gorta
 Director Waste Management
 By Delegation

TRANSPORT ADMINISTRATION ACT 1988 NO 109

THE Minister for Transport has approved of the closure of the following railway level crossing under section 99 B of the Transport Administration Act 1998 No 109:

Pedestrian Level Crossing at Antiene on
 the Main Northern Rail Line at rail
 kilometres 273.951

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
 Minister for Transport

TRANSPORT ADMINISTRATION ACT 1988 NO 109

THE Minister for Transport has approved of the closure of the following railway level crossing under section 99 B of the Transport Administration Act 1998 No 109:

Railway Level Crossing at Eumungerie on
 the Dubbo to Coonamble Branch Line at rail
 kilometres 497.971

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
 Minister for Transport

TRANSPORT ADMINISTRATION ACT 1988**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Interest in Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the interest in land described in Schedule 1 of this notice as amended in Schedule 2 of this notice in the land described in Schedule 3 of this notice is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988, being for the Epping to Chatswood Rail Line.

The Minister responsible for the Transport Infrastructure Development Corporation of New South Wales is satisfied that the Transport Infrastructure Development Corporation of New South Wales requires immediate vacant possession of the land described in the Schedules.

Dated this 20th day of July 2005.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE 1

(Interest in Orchard Road, Chatswood)

A lease on the terms set out in Memorandum 8708752 commencing on the date on which the notice of acquisition is published in the *New South Wales Government Gazette*. The Lease shall be between the registered proprietors of the parcels of land described in Schedule 3 (as lessors) and the Transport Infrastructure Development Corporation (as lessee).

SCHEDULE 2

For the purposes of this notice Memorandum 8708752 is amended as follows:

- (a) all references throughout the Memorandum to "State Rail Authority of New South Wales" are deleted and replaced with "Transport Infrastructure Development Corporation";
- (b) in Clause 1.1 Definition, the definition of "Terminating Date" is amended by deleting the word "six" in subparagraph (a) and replacing it with "three";
- (c) in Clause 5, add additional paragraph after (h) as follows: "The Authority may during the term use the Land for the Developer's CTI Infrastructure Activities as defined in the CTI Development Deed dated 24 June 2005."

SCHEDULE 3

All that piece or parcel of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being that part of Orchard Road shown in the Department of Lands Plan R15816 1603 and also part of road formerly known as Cambridge Lane shown in blue on the plan registered number PRL – SK 3862 available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 970 square metres.

TRANSPORT ADMINISTRATION ACT 1988**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Interest in Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the interest described in Schedule 2 of this notice in land described in Schedule 1 of this notice is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988, being for the Epping to Chatswood Rail Line.

The Minister responsible for the Transport Infrastructure Development Corporation of New South Wales is satisfied that the Transport Infrastructure Development Corporation of New South Wales requires immediate vacant possession of the land described in the Schedules.

Dated this 20th day of July 2005.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE 1

(Land burdened by easement for permanent rock anchors)

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 24, DP 819522 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Rail Corporation and under lease to Valad Pty Ltd.

SCHEDULE 2

(Interest to be acquired)

Easement for Permanent Rock Anchors

1. Easement summary
This easement provides a right to install the Permanent Works on the Lot Burdened and to have the Permanent Works remain on the Lot Burdened until the expiration of this easement pursuant to clause 4.
2. Terms of the easement
Full, free and unimpeded right for the Authority and its Authorised Users to:
 - (a) subject to Clause 3, enter on, pass and repass over the Lot Burdened, together with any Equipment necessary for the purpose and for a reasonable time, to install and maintain the Permanent Works on the Lot Burdened prior to the date of expiry referred to in clause 4; and
 - (b) subject to clause 4, have the Permanent Works remain on the Easement Site until expiration of the easement under clause 4.
3. Access under this easement
The Authority and its Authorised Users will access the Lot Burdened:
 - (a) only from the adjoining land;

- (b) only below the existing improvements erected on the Lot Burdened; and
 - (c) without passing or re-passing on or over the surface of the Lot Burdened.
4. Expiry of easement
- This easement expires on the date the Authority advises the Proprietor of the Lot Burdened that it no longer requires the benefit of the Permanent Works, at which time this easement immediately expires. The Proprietor of the Lot Burdened and the Authority must take all reasonable steps to remove this easement from the title of the Lot Burdened as soon as practicable after the relevant date, including but not limited to preparing and executing all necessary documents and producing the relevant certificates of title at Land and Property Information NSW.
5. Works to remain
- (a) On or prior to the date of expiry referred to in Clause 4, the Authority or its Authorised Users must destress the Permanent Works.
 - (b) Despite any other provision in this easement, including Clause 4, the Proprietor of the Lot Burdened is not entitled to require the Authority or its Authorised Users to remove the Permanent Works from the Lot Burdened.
 - (c) The Proprietor of the Lot Burdened may cut into or remove the Permanent Works on and from the date of expiry referred to in Clause 4.
6. Definitions

In the above easement:

Authorised User means successors, assigns, transferees, contractors, licensees, representatives, invitees, employees and agents and any person duly authorised by any of them.

Authority means Transport Infrastructure Development Corporation, as constituted from time to time, and includes its successors and assigns any administrator thereof or other person appointed by or on behalf of the New South Wales Government or any Minister thereof or any body in which the Authority is merged or which as at the relevant time substantially fulfils the functions of the Authority.

Easement Site means the area as shown on the attached plan.

Equipment means all necessary tools, implements, materials, machinery and vehicles.

Lot Burdened means the servient tenement.

Permanent Works means permanent rock anchors, underground rods or cables of metal or other composition and rock bolts and all ancillary works required in relation thereto the area beneath the existing improvements on the Lot Burdened.

Proprietor of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Interest in Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the interest described in Schedule 2 of this notice in land described in Schedule 1 of this notice is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988, being for the Epping to Chatswood Rail Line.

The Minister responsible for the Transport Infrastructure Development Corporation of New South Wales is satisfied that the Transport Infrastructure Development Corporation of New South Wales requires immediate vacant possession of the land described in the Schedules.

Dated this 20th day of July 2005.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE 1

(Land burdened by easement for temporary rock anchors)

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 6 in Deposited Plan 530717 said to be in the possession of Chino Pty Limited identified in plan PR-SK9P2 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 8 in Deposited Plan 531274 said to be in the possession of United Six Pty Limited identified in plan PR-SK9P2 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 13 in Deposited Plan 817116 said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 10 in Deposited Plan 1047339 said to be in the possession of Guide Dog Association of NSW & ACT as indicated on plan PR-SK4P2 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 724850 said to be in the possession of Telstra Corporation Limited as indicated on plans PR-SK2P1, PR-SK3P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 790011 said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 39 in Deposited Plan 2983 said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 38 in Deposited Plan 2983 said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 917815 said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 917107 said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Pt Lot 1 in Deposited Plan 790011 dedicated as Road and said to be in the possession of Willoughby City Council as indicated on plans PR-SK1P2, PR-SK2P2, PR-SK3P2, PR-SK4P2, PR-SK5P2, PR-SK8P2, PR-SK9P2, PR-SK10P3, PR-SK14P1 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Victoria Mall shown in the Department of Lands Plan W18-2005 and shown in the plan marked and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 344 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Victoria Road (West) shown in the Department of Lands Plan W18-2005 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 258 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Thomas Street shown in the Department of Lands Plan W47-2005 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 267 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Thomas Lane shown in the Department of Lands Plan 6995-3000 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 5 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Post Office Lane shown in the Department of Lands Plan 15667-1603 and Road widening in Lot 7, DP 530717; Lot 9, DP 531274 and Lot 11, DP 530505 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 105 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 24, DP 819522 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Rail Corporation and under lease to Valad Pty Ltd.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 1, DP 8790011 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and under lease to Perpetual Trustee Company Ltd.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 13, DP 817116 and on the CTI Extent of rock anchors plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and under lease to Sydney Water.

SCHEDULE 2

(Interest to be acquired)

Easement for Temporary Rock Anchors

1. Easement summary

This easement provides a right to install the Temporary Works on the Lot Burdened and to have the Temporary Works remain on the Lot Burdened until the expiration of this easement pursuant to Clause 4.

2. Terms of the easement

Full, free and unimpeded right for the Authority and its Authorised Users to:

- (a) subject to Clause 3, enter on, pass and repass over the Lot Burdened, together with any Equipment necessary for the purpose and for a reasonable time, to install and maintain the Temporary Works on the Lot Burdened prior to the date of expiry referred to in Clause 4; and
- (b) subject to Clause 4, have the Temporary Works remain on the Easement Site until expiration of the easement under Clause 4.

3. Access under this easement

The Authority and its Authorised Users will access the Lot Burdened:

- (a) only from the adjoining land;
- (b) only below the existing improvements erected on the Lot Burdened; and
- (c) without passing or repassing on or over the surface of the Lot Burdened.

4. Expiry of easement

This easement expires on the earlier of 31 December 2007 and the date the Authority advises the Proprietor of the Lot Burdened that it no longer requires the benefit of the Temporary Works prior to 31 December 2007, at which time this easement immediately expires. The Proprietor of the Lot Burdened and the Authority must take all reasonable steps to remove this easement from the title of the Lot Burdened as soon as practicable after the relevant date, including but not limited to preparing and executing all necessary documents and producing the relevant certificates of title at Land and Property Information NSW.

5. Works to remain

- (a) On or prior to the date of expiry referred to in Clause 4, the Authority or its Authorised Users must destress the Temporary Works.
- (b) Despite any other provision in this easement, including Clause 4, the Proprietor of the Lot Burdened is not entitled to require the Authority or its Authorised Users to remove the Temporary Works from the Lot Burdened.

- (c) The Proprietor of the Lot Burdened may cut into or remove the Temporary Works on and from the date of expiry referred to in Clause 4.

6. Definitions

In the above easement:

Authorised User means successors, assigns, transferees, contractors, licensees, representatives, invitees, employees and agents and any person duly authorised by any of them.

Authority means Transport Infrastructure Development Corporation, as constituted from time to time, and includes its successors and assigns any administrator thereof or other person appointed by or on behalf of the New South Wales Government or any Minister thereof or any body in which the Authority is merged or which as at the relevant time substantially fulfils the functions of the Authority.

Easement Site means the area as shown on the attached plan.

Equipment means all necessary tools, implements, materials, machinery and vehicles.

Lot Burdened means the servient tenement.

Proprietor of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened.

Temporary Works means temporary rock anchors, underground rods or cables of metal or other composition and rock bolts and all ancillary works required in relation thereto the area beneath the existing improvements on the Lot Burdened.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Interest in Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the interest described in Schedule 2 in the land described in Schedule 1 of this notice is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988, being for the Epping to Chatswood Rail Line.

The Minister responsible for the Transport Infrastructure Development Corporation of New South Wales is satisfied that the Transport Infrastructure Development Corporation of New South Wales requires immediate vacant possession of the land described in the Schedules.

Dated this 20th day of July 2005.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE 1

(Land burdened by easement for temporary crane swings)

Part A – 31 August 2006

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 13 in Deposited Plan 1074689 said to be in the possession of Chatswood RSL Club Limited which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 724850 said to be in the possession of Telstra Corporation Limited which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 39 in Deposited Plan 2983 said to be in the possession of Willoughby City Council which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Victoria Road (West) shown in the Department of Lands Plan W18-2005 which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 45 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Thomas Street shown in the Department of Lands Plan W47-2005 which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 380 square metres.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Post Office Lane shown in the Department of Lands Plan 15667-1603 and Road widening in Lot 7, DP 530717; Lot 9, DP 531274 and Lot 11, DP 530505 which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 185 square metres.

Part B – 30 September 2007

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 12 in Deposited Plan 817116 said to be in the possession of Willoughby City Council which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 6 in Deposited Plan 530717 said to be in the possession of Chino Pty Limited which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 8 in Deposited Plan 531274 said to be in the possession of United Six Pty Limited which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 10 in Deposited Plan 530505 said to be in the possession of Letiso Pty Ltd which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 314827 said to be in the possession of Yin-Fun Tang & Choi-Ping Luk which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being Lot 13 in Deposited Plan 817116 said to be in the possession of Willoughby City Council which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 13, DP 817116 which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and under lease to SydneyWater.

That part of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Victoria Mall shown in the Department of Lands Plan W18-2005 which is identified on the CTI Crane Swings plan dated 8 July 2005, available at the office of Transport Infrastructure Development Corporation said to be in the possession of Willoughby City Council and being approximately 48 square metres.

SCHEDULE 2

(Interest to be acquired)

Temporary Easement for Crane Swings

1. Easement summary

This easement provides a right to have cranes operate and encroach in the Easement Site at all times until the expiration of the easement pursuant to Clause 3.

2. Terms of the easement

Full, free and unimpeded right for the Authority and its Authorised users to have cranes established outside of the Easement Site operate in the Easement Site and for booms of those cranes to remain in the Easement Site at all times of the day and night.

3. Expiry of easement

The easements referred to in Part A of Schedule 1 expire on 31 August 2006 and those referred to in Part B of Schedule 1 expire on 30 September 2007, unless the Authority gives notice prior to these respective dates. The Authority may terminate one or more of the easements earlier by giving written notice to the Proprietor of the Lot Burdened, and the Proprietor of the Lot Burdened and the Authority must take all reasonable steps to remove this easement from the title of the Lot Burdened as soon as practicable, including but not limited to preparing and executing all necessary documents and producing the relevant certificates of title at Land and Property Information NSW.

4. Definitions

In the above easement:

Authorised User means successors, assigns, transferees, contractors, licensees, representatives, invitees, employees and agents and any person duly authorised by any of them.

Authority means Transport Infrastructure Development Corporation, as constituted from time to time, and includes its successors and assigns any administrator thereof or other person appointed by or on behalf of the New South Wales Government or any Minister thereof or any body in which the Authority is merged or which as at the relevant time substantially fulfils the functions of the Authority.

Easement Site means the area as shown on the attached plan.

Lot Burdened means the servient tenement.

Proprietor of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened.

The Minister responsible for the Transport Infrastructure Development Corporation of New South Wales is satisfied that the Transport Infrastructure Development Corporation of New South Wales requires immediate vacant possession of the land described in the Schedules.

Dated this 27th day of July 2005.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE 1

(Willoughby City Council Stratum Parcels)

All of that piece or parcel of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 12 in Deposited Plan 817116 and shown as area "A" in stratum limited in depth to a level plane at RL 101.3 and limited in height to a level plane at RL 101.7 on the plan registered number C220-018a.dwg and marked attachment A, in the office of Transport Infrastructure Development Corporation and said to be in the possession of Willoughby City Council excluding the leasehold interest registered as dealing E416369 to Chino Pty Limited as lessee by Transfer of Lease registered as dealing E701495.

All that piece or parcel of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 13 in Deposited Plan 817116 and shown as area "B" in stratum unlimited in depth and limited in height to a regular inclined plane from RL 97.4 to RL 96.9 on the plan registered number C220-018a.dwg and marked attachment A, in the office of Transport Infrastructure Development Corporation and said to be in the possession of Willoughby City Council.

All that piece or parcel of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 13 in Deposited Plan 817116 and shown as area "C" in stratum limited in depth to a level plane at RL 100.5 and limited in height to a level plane at RL 104 on the plan registered number C220-018a.dwg and marked attachment A, in the office of Transport Infrastructure Development Corporation and said to be in the possession of Willoughby City Council.

All that piece or parcel of land situate at Chatswood in the Local Government Area of Willoughby, Parish of Willoughby, County of Cumberland and State of New South Wales, being part of Lot 13 in Deposited Plan 817116, part of Lot 1 in DP790011 and part of Orchard Road and shown as area "D" in stratum limited in depth to a level plane at RL 98.5 and limited in height to a level plane at RL 105 on the plan registered number C220-018a.dwg and marked attachment A, in the office of Transport Infrastructure Development Corporation and said to be in the possession of Willoughby City Council.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

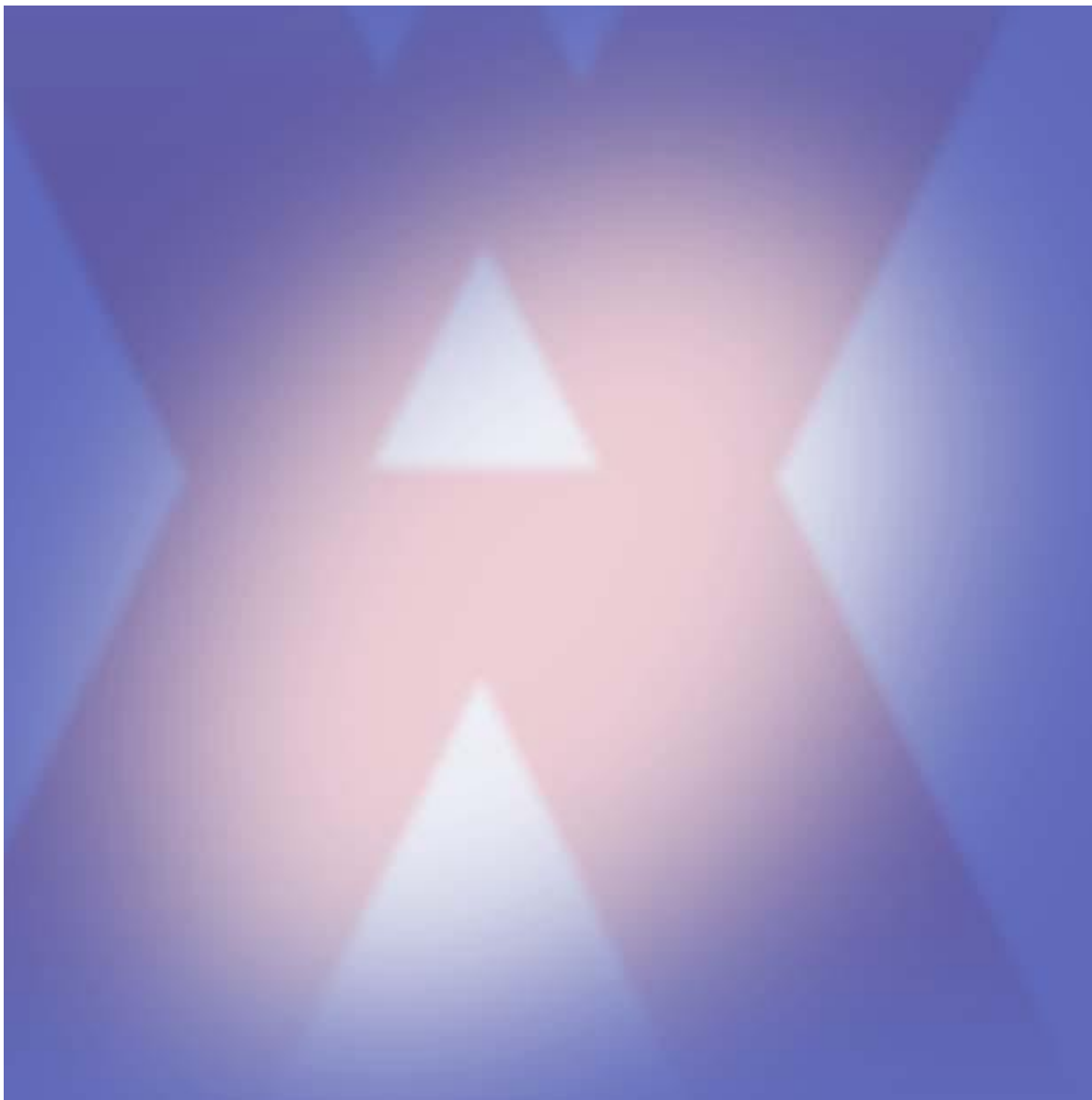
Notice of Compulsory Acquisition of Interest in Land for the Purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor, declares that the interest in land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act 1988, being for the Epping to Chatswood Rail Line.



COLLECTION OF DOMESTIC WASTE

CODE OF PRACTICE



WorkCover. **Watching out for you.**

Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and Safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.legislation.nsw.gov.au or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

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Preface

The objectives of this code of practice are to:

- (a) promote the health, safety and welfare of all persons engaged in or affected by domestic waste collection
- (b) provide guidance on the identification of risks to be provided by those who provide collection of domestic waste (CDW) services
- (c) ensure that risks to health and safety in the CDW are identified, assessed and eliminated or controlled according to the Regulation
- (d) promote consultation and cooperation between employers, employees, contract principals, contractors and subcontractors and/or their representatives, according to the Act
- (e) protect people against risks to health and safety arising from the use of plant, equipment and substances that may affect public health and safety.

This code applies to the work practices involved in waste and recycling collections in urban and regional areas occupied and used by the community.

What is an industry code of practice?

An approved industry code of practice is a practical guide to achieving the standard of safety required by the *Occupational Health and Safety Act 2000* (the Act) and *Occupational Health and Safety Regulation 2001* (the Regulation) for a particular area of work.

An approved industry code of practice should be followed unless there is an alternative course of action that achieves the same or better standard of health and safety in the workplace.

An industry code of practice is approved by the Minister for Commerce. It takes effect on the day specified in the code or if no day is specified, on the day it is published in the NSW Government Gazette.

An approved industry code of practice is designed to be used in conjunction with the Act and the Regulation but does not have the same legal force. A person or company cannot be prosecuted only because of failure to comply with an approved industry code of practice.

However, in proceedings under the Act or Regulation, failure to observe a relevant approved industry code of practice can be used as evidence that a person or company has contravened or failed to comply with the provisions of the Act or Regulation.

A WorkCover NSW inspector can cite an approved industry code of practice in a direction or in an improvement or prohibition notice, indicating the measures that should be taken to remedy an alleged contravention or non-compliance. Failure to comply with a requirement in an improvement or prohibition notice is an offence.

In summary, an approved **INDUSTRY CODE OF PRACTICE**:

- gives practical guidance on how the required standard of health, safety and welfare can be achieved in an area of work
- should be followed, unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace
- can be used in support of the preventive enforcement provisions of the Act
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

CHAPTER 1 – ESTABLISHMENT

1.1 Title

This is the *Code of Practice for the Collection of Domestic Waste*.

1.2 Purpose

The purpose of this industry code of practice is to provide practical guidance to employers and others who have duties under Part 2 of the Act with respect to occupational health and safety and welfare.

This code of practice provides guidance to prevent injury and illness to persons engaged in, and persons affected by, the collection of domestic waste in NSW. It also provides practical guidance on implementing the requirements of the Act and the Regulation.

1.3 Scope

This code of practice applies to employers, employees, self employed, contract principals, contractors, subcontractors and visitors to workplaces across NSW whose work involves, includes or is in connection with the collection and/or transportation of domestic waste for or by bodies formed under the *Local Government Act 1993*.

1.4 Commencement

This code of practice will take effect on 29 July 2005.

1.5 Authority

This is an industry code of practice approved by the Minister for Commerce under section 43 of the Act on the recommendation of the WorkCover Authority.

1.6 What do the symbols in the code of practice mean?

To help you work out what you are required to do a number of symbols are used to highlight things you need to take into account and the tools to help you do the job.



Assess the risks in your workplace



Consult and communicate with employees



Tools that can help you work out your plan



Legal obligations that must be followed



The process of finding things that cause harm

1.7 Interpretation

Recommended practices

Words such as “should” indicate recommended courses of action. “Consider” indicates a possible course of action that the code is indicating the duty holder should consider. However, you may choose an alternative and equally effective or better method of achieving safe workplaces.

Legal requirements

Words such as “must”, “requires” or “mandatory” indicate that legal requirements exist which must be complied with.

1.8 Definitions

Definitions are taken from the OHS Act or the OHS Regulation, or from other relevant legislation or Australian Standards. Where developed specifically for this code of practice, this is indicated in a note. The following terms used in this code of practice have these meanings:

collection of domestic waste means any contracted or council day labour service whereby a person or persons collect and/or transport by motor vehicle, domestic waste or recyclable material of all descriptions within NSW.

[Note: This definition has been developed for this specific code of practice.]

community sharps are sharps that have been generated in a non-clinical setting, and include needles, syringes and lancets used by people with diabetes and other medical conditions requiring self-injection in the home, and syringes used by injecting drug users in the home or in public places.

[Note: This is as defined by the NSW Department of Health.]

competent person for any task means a person who has acquired through training, qualification or experience, or a combination of them, the knowledge and skills to carry out that task.

contractor means the person bound to carry out and complete work under a CDW contract.

[Note: This definition has been developed for this specific code of practice.]

controller of premises means a person who has control of premises used by people as a place of work, including a person who has:

- only limited control of the premises
- under any contract or lease, an obligation to maintain or repair the premises.

council shall mean a municipal, city, shire, county council or council within NSW as defined in the *Local Government Act 1993*.

domestic waste means waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled, but does not include sewage.

[Note: This is as defined in the *Local Government Act 1993* Schedule 99.]

employee means an individual who works under a contract of employment or apprenticeship.

employer means a person who employs persons under contracts of employment or apprenticeship.

[Note: Chapters 2, 4, 5, 6, 7 and 8 of the Regulation also refer to self-employed persons.]

incident means any incident prescribed in clauses 341 and 344 of the Regulation.

noise includes sound and vibration for the purposes of this code.

personal protective equipment (PPE) means any equipment or substance (such as sun protection cream) used to protect health and safety.

safe work method statement (SWMS) means a statement that:

- describes how work is to be carried out
- identifies the work activities assessed as having safety risks
- identifies the safety risks
- describes the control measures that will be applied to the work activities, and includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.

subcontractor means the person bound to carry out work under a subcontract with a contractor, where that work is part of work under a CDW contract the contractor is engaged to undertake for a council. For the purposes of this code the term *subcontracting* has the same meaning as in section 127 of the *Industrial Relations Act 1996*.

CHAPTER 2 – CONSULTATION AND RISK MANAGEMENT



The *OHS Act 2000*, Division 2 and the *OHS Regulation 2001* chapters 2 and 3 require employers to address workplace health and safety through a process of risk management and consultation.

Under the Act and the Regulation, councils have an obligation to ensure the health, safety and welfare of employees at work and that other people are not exposed to risks to their health and safety. When contracting out CDW work, councils should ensure that contractors are planning and carrying out work in a safe manner and according to this code of practice at both the tendering phase and during the conduct of the work.

To effectively implement this code, employers need to be aware of these requirements and have procedures in place to apply them. Employees, self-employed persons (subcontractors/owner-drivers) and controllers of premises, plant and substances also have responsibilities under OHS legislation. Each individual should ensure that they work safely and that their work does not expose others to health and safety risks.

Employers are advised to consult the Act and the Regulation as well as the *Code of practice: OHS Consultation*, and the *Code of practice: Risk Assessment* for details of these requirements and how they can be met. The following information is designed to provide an overview.

2.1 Consultation

In order to consult with employees, employers are required to set up consultation arrangements and develop consultation procedures.

2.1.1 Consultation arrangements

The Act provides three options for consultation arrangements:

Arrangement	Number of employees	Requirement
OHS committee	20 or more employees	Requested by a majority of employees or direction by WorkCover
OHS representative	Any number	At least one employee requests an election or directed by WorkCover
Other agreed arrangements	Any number	Agreed to by both the employer and employees (in a small workplace it may be a regular safety meeting with employees)

Before using this code an employer should ensure that consultation arrangements are in place. An employer may initiate the establishment of an OHS committee or the election of an OHS representative if the employees have not made such a request. When the consultation arrangements have been decided employers are required to record them and advise all existing employees and any new employees.

2.1.2 Consultation procedures

After setting up the consultation arrangements employers need to consider when and how these consultation arrangements need to be applied.

2.1.3 When should consultation be undertaken?

Under the Act, employers have the general duty to consult employees when decisions are being considered that may affect their employees' health, safety and welfare. Therefore, employers are required to consult with their OHS committee, OHS representative or other agreed arrangement when such decisions are being considered. Decisions which could affect health and safety include:

- assessing, reviewing and monitoring risks to health and safety
- eliminating or controlling risks to health and safety
- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements.

Note: Any procedures that are developed to encompass these activities should incorporate consultation.

It may not be practical or reasonable to involve the OHS committee or the OHS representative in every purchase decision or task change, however, the employers and committee or representative should agree on what process is needed to ensure that affected employees are consulted.

2.1.4 How should consultation be undertaken?

When engaged in consultation, the Act requires employers to:

- Share all relevant information with employees – for example, if an employer is going to change a work task employees need to be told of any risk to health and safety that may arise and what will be done to eliminate or control these risks.
- Give employees reasonable time to express their views – employees need adequate time to assess the information given to them, obtain relevant safety information and consult with fellow employees to enable them to form their views.
- Value the views of employees and take them into account when the decision is made to resolve the matter – in many cases agreement will be reached on how the safety issues are to be addressed. When agreement cannot be reached the employer should explain how the employees' concerns have been addressed.

2.2 Risk management



Employers, controllers of premises and self-employed persons must identify any foreseeable hazards, assess their risks and take action to eliminate or control them
– *OHS Regulation 2001 chapter 2*

To address health and safety issues the following risk management processes must be implemented.

2.2.1 Identify hazards

To ensure a safe and healthy workplace identify all the foreseeable health and safety hazards which could harm employees or other persons in the workplace. Hazards may arise from the work process, the equipment and materials in use, the work environment or other people involved.

2.2.2 Assess risks

Once hazards have been identified the risks they pose to health and safety need to be assessed. Some hazards pose a greater risk than others do, and the frequency and duration of exposure can also affect the risk. Risk assessment involves considering the likelihood and severity of injury or illness being caused by exposure to the risk. Therefore the factors that need to be considered in a risk assessment should include the:

- harm that can be caused by exposure to the hazard
- number of people exposed and how often and how long they are exposed to the hazard
- capability, skill and experience of people exposed to the hazard.

The risk assessment process provides information on the factors which contribute to the risk. This information will assist in determining what needs to be done to eliminate or control the hazard.

2.2.3 Eliminate or control the risk

The first responsibility is to investigate how the risk can be eliminated. Before implementing the control measures described in this Code investigate possible strategies for eliminating each hazard from the work system.

If it is not reasonably practicable to eliminate hazard, the risks associated with the hazard must be controlled. This Code has been developed to provide advice on the most effective control measures.

2.2.4 Review risk assessment and control measures

Control measures should be reviewed on a regular basis. The frequency of their review should be determined according to the significance of the risks associated with the hazard. However, a review should be undertaken when:

- new information is made available about the risks associated with the hazard
- an incident occurs
- significant changes are proposed to the workplace or work system.

2.2.5 When to implement risk management?

Risk management is a process that should be integrated into the whole system of work associated with the employer's undertaking. Examples of when the process should be incorporated into procedures include:

- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements.

These are also activities on which employers are required to consult with employees.

Procedures that are developed to incorporate these activities should involve risk management and consultation.

2.2.6 Strategies for developing effective risk management procedures

When risk management activities are undertaken the following strategies should be considered to inform the process:

- visual checks through workplace inspections
- analysing the types of work being performed and the way work is performed
- inspections of plant and equipment
- analysing workplace records on incidents and 'near misses'
- risk management information provided by suppliers or manufacturers of equipment or, in the case of hazardous substances, Material Safety Data Sheets
- industry codes of practice for particular hazards or work processes
- Australian Standards which address safety standards for a range of equipment products and materials
- guidance material from WorkCover or industry or professional organisations.

Further advice is provided in the *Code of practice: Risk Assessment*.

CHAPTER 3 – MANAGING RISKS IN THE COLLECTION OF DOMESTIC WASTE

Safe performance of the work is paramount. Methods of service delivery that eliminate or control exposure to health and safety risks take precedence.

The considerations outlined in this code of practice apply to both council labour and contractor operations, for both existing and planned contracts. In the event of a council contracting out CDW work, the council, as part of managing its OHS and contract risks, should verify that the CDW contractor is competent to manage the work in a manner that conforms with all aspects of this code of practice.

3.1 Planning

3.1.1 Tender preparation

Councils have a responsibility to ensure that the work performed for them under a CDW contract is safe and conforms with this code of practice. Any methods of service delivery that the council specifies in tender documents for CDW work should be supported by a risk assessment in accordance with this Code. The risk assessment should demonstrate that the methods of service delivery specified will minimise exposure to hazards. Copies of these risk assessments should be provided in the tender documents supplied to bidders.

Contract disputes have arisen where the methods of service delivery specified in contracts have been incompatible with the safe work methods determined by risk assessment. This Code provides procedures for resolving such disputes in section 3.7. Other responsibilities of councils are detailed in Appendix 2: Other Legal Obligations.

There are typically three participants in the collection of waste: the residents, the CDW workers and the council. Councils receive complaints and other information from members of the public regarding CDW work. Where this information is OHS-related, it is an essential input into a contractor's management of work safety. A contract for CDW work should provide for a process for the exchange of OHS information with the contractor and for managing the relationships between the contractor, the council and residents. This process should be included in the tender documents.

Assessment criteria that are suitable for evaluating a variety of methods of service delivery should be specified in the tender documents. Councils should assess the bids against these criteria to ensure that services, resources and methods are appropriate and adequate.

The tender documents should:

- only specify methods, processes or times of service when these are supported by risk assessments
- include the relevant risk assessments
- include details of identified hazards (for example, the location of schools, traffic hazards, access problems, clearways, noise-sensitive land uses)
- include requirements for each bidder to detail how work will be performed and their supporting risk assessments
- include processes for the exchange of OHS information that council receives from members of the public
- include evaluation criteria that are designed to assess different methods of service delivery.

3.1.2 Tender assessment

The bids are likely to specify various methods of service delivery. In addition to commercial considerations, councils should assess the bids to ensure that the proposed management of the work, methods of service delivery, resources and other obligations are adequate and in accordance with this Code. The checklist in Appendix 4 may assist.

3.1.3 Contract performance phase

Council should ensure that regular reporting mechanisms are in place to verify that contractors are performing CDW work in accordance with this code of practice. Information that can be used to monitor a contractor's performance includes:

- operators' daily job records, indicating mass per load, loads per day and bins per load
- vehicle loads, as recorded at waste disposal, recycling or transfer facilities
- driver records, indicating loads per day, work periods and rest periods
- hazard and incident reports
- incident investigation reports
- employee consultation records, such as minutes of OHS committee meetings
- equipment maintenance programs and records.

3.2 Common hazards and risk control in CDW work



CDW operations occur within urban and rural communities. Operations may, for example, need to be conducted around schools and in heavy traffic. Operations should be planned and executed to minimise the impact on the community, without compromising to the health and safety of CDW workers.

Preventing injuries to CDW workers and others affected by the collection of domestic waste should be a priority in planning for CDW work. Managing risks requires effective hazard identification, assessment and control in all aspects of CDW operations.

Ways of identifying hazards include but are not limited to the following:

- consulting incident or injury records
- consulting employees who perform the CDW work
- conducting CDW site assessments
- conducting a survey of the route
- testing vehicles and equipment
- observing systems of work
- determining levels of training, experience and competence needed to perform the tasks
- consulting with CDW clients, industry associations, government bodies and residents where practicable.

The hazards that may exist should be identified in all aspects of operations. These should include but are not limited to the following:

- work methods
- plant and equipment
- working environment
- time of day
- wastes handled
- fatigue and fitness for work.

Examples of some common hazards and risk controls in CDW work are listed on the following pages.

Incidents which have resulted in fatalities in the past include:

- vehicles reversing over runners
- vehicles reversing into members of the public
- runners falling from the back of moving vehicles
- a worker's head caught between moving parts of a vehicle
- a runner colliding with a power pole while riding on the rear of a vehicle.



Control measures must be implemented in accordance with the hierarchy of controls. Try to ensure that hazards are 'designed out' when new materials, equipment and work systems are being planned for the workplace.

Where it is not reasonably practicable to eliminate the risk, measures must be taken to minimise the risk. The hierarchy of control measures is listed below in order of effectiveness. Select the highest level reasonably practicable to develop each control measure for each identified risk. In some instances a combination of measures may be necessary.

- (1) Remove the hazard or substitute less hazardous plant, equipment or substances.
- (2) Adopt a safer process. Alterations to tools, equipment or work systems can often make them much safer.
- (3) Enclose or isolate the hazard through the use of guards or remote handling techniques.
- (4) Establish appropriate administrative procedures such as:
 - job rotation to reduce exposure or fatigue, or timing the job so that fewer workers are exposed to hazards
 - routine maintenance and housekeeping procedures
 - training on hazards and correct work procedures.
- (5) Provide suitable and adequately maintained personal protective equipment.

Examples of common hazards and risk control in CDW work

Areas for hazard identification in CDW work	Some factors to consider in assessing the risk	Examples of control measures
Work methods	<ul style="list-style-type: none"> ✓ Whether collection is manual or fully automated ✓ Whether bins are 'parked in' by cars ✓ Whether trucks are staffed by a driver only or with driver and runners ✓ If bags are likely to break ✓ If bins are overloaded ✓ Council cleanups ✓ Slip and trip hazards getting into and out of vehicle and for runners in two person operations 	<ul style="list-style-type: none"> ✓ If wheeled bins are manually handled, push with both hands rather than pull bins one handed ✓ Provide manual handling training for runners ✓ Educate residents to not overfill bins ✓ CDW workers should take extra care if pushing or pulling bins across steps and kerbs ✓ CDW workers should seek assistance if having trouble moving bins or bags, particularly if moving it across steps and kerbs ✓ Provide mechanical assistance when lifting heavy items and use vehicles with low bowl height, so that CDW workers can avoid lifting items above shoulder height ✓ Maintain adequate and consistent communication between drivers and runners ✓ Provide and ensure use of grab handles for getting into and out of truck cabins ✓ Never use hoses as handholds when mounting or dismounting.
Plant and equipment	<ul style="list-style-type: none"> ✓ Vehicles ✓ Plant operation ✓ Manual handling ✓ Pinch points in plant and equipment ✓ Cleaning and maintenance of CDW vehicles and equipment 	<ul style="list-style-type: none"> ✓ Vehicle design should meet relevant Australian Design Rules ✓ Conduct daily safety checks and regular inspections of vehicles ✓ Where wastes are manually collected, use vehicles with low bowl height, so that CDW workers can avoid lifting bags/bins above shoulder height ✓ Train plant operators in the use of each vehicle and piece of equipment that they are required to use ✓ Ensure that all persons are clear of the equipment before activating any packing or tipping off controls ✓ Keep head, body, fingers and other limbs clear of any pinch points on equipment.

Areas for hazard identification in CDW work	Some factors to consider in assessing the risk	Examples of control measures
		<ul style="list-style-type: none"> ✓ Maintain adequate and consistent communication between drivers and runners ✓ Never enter the vehicle body unless the engine is switched off, ignition key removed, safety prop is in position and the vehicle body is adequately ventilated ✓ Ensure that CDW workers required to clean or otherwise maintain trucks are trained in and follow safe work methods ✓ If working at heights above two metres from the ground ensure safe access and fall protection systems are in place
Working environment	<ul style="list-style-type: none"> ✓ Members of the public ✓ Wet weather ✓ Overhanging trees ✓ Overhead power lines ✓ One way streets ✓ Noise generated by CDW work ✓ Conditions at the waste transfer station/disposal site ✓ Parking ✓ Location of bins 	<ul style="list-style-type: none"> ✓ Schedule CDW work for the least hazardous times of day, as indicated by a risk assessment ✓ Allow extra time for collection in wet weather ✓ Educate residents about the correct location of bins so that they aren't placed underneath tree branches. ✓ Council should keep street trees adequately trimmed ✓ Vehicles with runners should work on the same side of the road unless a risk assessment indicates it is safe to collect from both sides ✓ Train CDW workers appropriately in the hazards of working near overhead power lines and the dangers posed by travelling too close to power poles ✓ Maintain plant and equipment in accordance with the manufacturer's instructions and fit noise dampers to plant where practicable ✓ Assess the noise impact on residents along with other factors when undertaking initial risk assessment of CDW routes ✓ Provide CDW workers with adequate information about safe procedures for work at the transfer station

Areas for hazard identification in CDW work	Some factors to consider in assessing the risk	Examples of control measures
The time of day that work is performed	<ul style="list-style-type: none"> ✓ Light and darkness ✓ Pedestrians ✓ Other traffic 	<ul style="list-style-type: none"> ✓ Time collections so that visibility is adequate ✓ Watch for other vehicles in conditions of poor lighting or limited line of sight ✓ Minimise waste collection in school hours and peak hour if a risk assessment indicates increased risks ✓ Develop safe work procedures for CDW work in one way streets
The wastes handled	<ul style="list-style-type: none"> ✓ Whether residents are aware of the hazards of placing chemicals and flammable materials in waste ✓ Whether collection is manual or fully automated. If manual handling of bins or bags is required, there is the potential for contact with unknown hazardous substances ✓ Cuts and lacerations from inappropriate disposal of community sharps and glass ✓ Biological hazards, that can cause infections or diseases such as gastroenteritis, tetanus and hepatitis 	<ul style="list-style-type: none"> ✓ Educate residents about safe disposal of chemicals and other substances ✓ Ensure that CDW workers are informed about and trained in safe procedures for dealing with unknown substances ✓ Educate residents about safe disposal of wastes. ✓ Provide appropriate PPE to CDW workers to avoid lacerations and infections and to assist in gripping and moving waste and waste containers ✓ Educate residents about safe disposal of community sharps ✓ Wear appropriate gloves whenever it is necessary to handle waste or waste containers ✓ Don't attempt to dislodge any materials above waist height unless wearing eye protection
Fatigue and fitness for work	<ul style="list-style-type: none"> ✓ The number of bins to be collected on a run ✓ Scheduled rest breaks ✓ CDW workers affected by alcohol or prescription or other drugs 	<ul style="list-style-type: none"> ✓ Ensure that the resources allocated are adequate for the number of bins collected by undertaking a risk assessment ✓ Ensure that CDW workers take scheduled rest breaks ✓ CDW operators should develop and communicate clear policies about drug and alcohol use and CDW work

3.3 Development of safe work method statements



Safe work methods statements should be developed and documented based on the risk assessment and identified control measures. These should be developed in consultation with employees and/or others conducting the CDW work and should set out who is responsible for each task.

A safe work method statement (SWMS) requires the work to be presented in a logical sequence. The hazards associated with each process are to be identified and the measures for controlling these hazards specified. The SWMS should nominate the resources required to safely do the task(s). Safety and/or skills training provided or required prior to commencing work should be identified. The SWMS should specify the type/capacity and description of plant that is to be used.

Safe work methods statements should include but are not limited to:

- clearly defined and communicated roles and duties of CDW worker
- pre-start checklists for vehicles and equipment
- appropriate and regular testing of all safety features such as interlocks, emergency stops and communication devices
- regular checks and maintenance of the vehicles and personal protective equipment and other equipment used
- procedures to defer pick ups, or make arrangements for back up, in instances where potential hazards have been identified at a site
- procedures in the event of vehicle collision or 'near misses'
- procedures for other industry specific hazards (for example: needle stick injuries, fire, risk of explosion, spills and leakages and equipment breakdown)
- hazard and incident reporting procedures
- manual handling procedures
- procedures to address fatigue and fitness for work
- regular audits of systems and procedures.

3.4 Allocation of appropriate resources

3.4.1 Resource levels

The appropriate ratios of vehicles, drivers, runners and supervisory staff used in CDW operations should be determined according to a risk assessment.

3.4.2 Selection of appropriate equipment

Vehicles and associated equipment should be selected following a risk assessment and should:

- be fit for the purpose
- conform to relevant Australian Design Rules and Australian Standards
- be serviced and maintained according to the manufacturers' instructions to ensure continued user safety.

Repairs, alterations and maintenance must be carried out by a competent person, according to the requirements of the designer or manufacturer. Any defects in equipment which may affect safety should be reported immediately to the person responsible for maintaining such equipment. That person should act on and document the defect and sign off repairs before the equipment is returned to service.

3.5 Instruction, training, information and supervision



The *OHS Regulation 2001* section 13 requires employers to provide such information, instruction, training and supervision as may be necessary to ensure the health, safety and welfare of their employees while at work. An employer must also ensure that any person who may be exposed to a risk to health or safety is informed of the risk and is provided with the instruction, training, information and supervision necessary to ensure the person's health and safety.

3.5.1 Instruction and training

CDW work should not be performed unless those performing the work have received appropriate and adequate instruction and training. All training should be conducted by a competent person.

Employees and subcontractors/owner drivers undertaking CDW work should only be engaged for duties consistent with their qualifications and training, and appropriate supervision should be provided to ensure that they carry out their duties in a lawful and competent manner.

3.5.2 Who should receive training?

The target groups for training at a workplace include but are not limited to:

- employees, subcontractors/owner drivers undertaking the CDW work, including employees of labour hire organisations
- managers and supervisors of employees and/or other persons undertaking the CDW work considered at risk of injury and/or who have responsibility for implementing safe operating procedures
- occupational health and safety committees and OHS representative(s)
- staff responsible for the purchasing and maintenance of plant, PPE and for designing, scheduling and organisation of work activities
- all persons undertaking risk assessment.

The needs of each target group are different, and the content and methods of presenting training material should be tailored to meet the specific needs of each group.

3.5.3 Training topics

Employers should include at least the following list of topics in a training program:

- (a) hazards and risks prevalent in CDW work
- (b) the statutory responsibilities of employers, employees and others at work
- (c) hazard and incident reporting systems which include, but are not limited to, the arrangements for reporting, addressing and maintaining records for:
 - defects in plant or equipment used for CDW work
 - any other hazards which may present a risk to health and safety.

(d) safe operating policies, procedures and other measures which are necessary to safely perform each employee's own job. These should include, but are not limited to, instruction on:

- departure, arrival and onsite procedures
- route familiarisation
- appropriate resource levels for the work being performed
- communication systems
- safety features in the use and operation of vehicles and associated equipment
- other plant and associated equipment
- handling of waste containers
- the kind of wastes being handled
- when and how to use PPE including the selection, fitting, proper care and maintenance of PPE
- how to access health and safety information (for example, the names of OHS representatives and the location of written information)
- procedures to be adopted in the event of an emergency, vehicle collision, breakdown, near miss and/or other type of incident.

(e) general and job specific inductions.

All training should be documented and records kept.

Further guidance material on inducting and training employees is available from WorkCover NSW and the Roads and Traffic Authority.

3.5.4 Provision of information

Information may include:

- the results of any applicable risk assessment
- safe work method statements
- a review of such a risk assessment and/or safe work method statement operating procedure
- complaints and other OHS information received by council from members of the public
- any other relevant OHS information.

Employees and other CDW workers should always have, on request, access to risk assessments and safe work method statements at the CDW worker's base.

Employers should brief each employee as to the contents of risk assessments and safe work method statements when each employee and/or other person first begins to perform CDW work, at regular intervals thereafter, and whenever there are changes to risk assessments or new information about health and safety risks becomes available.

Information should also be provided to residents to inform and educate them on the correct use and placement of bins and any other aspects of CDW operations, as may be indicated in a risk assessment.

3.5.5 Supervision



The *OHS Regulation 2001* section 14 requires employers to ensure that employees are provided with reasonable supervision necessary to ensure the health and safety of the employees and any other persons at the employer's workplace. Supervision must be undertaken by a competent person and should take into account the competence, experience and age of each employee.

Employers should provide the supervision necessary to ensure the health and safety of employees and/or others at work.

Supervisors should:

- ensure that employees and/or others performing CDW work hold appropriate licenses
- ensure that those employees and others have acquired the knowledge and skills needed to perform the CDW work through approved competency training, and/or experience
- ensure that adequate OHS management systems are in place and operating so that the safe work practices that have been adopted are followed.

3.6 Incident reporting

Hazards and OHS problems should be reported as soon as they are noticed so that the risks can be assessed and addressed as quickly as possible. Records of reported hazards should be kept and should include details of the action taken to remove the hazard or control the risk arising from the hazard.

CDW operators have responsibilities to have systems in place to enable CDW workers and others to report workplace hazards and incidents (for example, faulty equipment) and for those hazards and incidents to be recorded. These should be developed and implemented in consultation with employees and/or other persons undertaking the CDW work. Details to be recorded about an incident include where it happened, why it occurred, who was involved and the course of action to be taken to prevent a recurrence of the incident.

The Regulation (clauses 341 and 344) prescribes a number of incidents that must be reported to WorkCover.

3.7 Monitor and review



The *OHS Regulation 2001* section 12 states that employers must review risk assessments and measures adopted to control risks whenever:

- (a) there is evidence that the risk assessment is no longer valid;
- (b) an injury or illness results from exposure to a hazard to which the risk assessment relates; or
- (c) a significant change is planned to the place of work, work practices or work procedures.

Management of risks is an ongoing process. It is a fundamental part of business management and just like other business activities should be checked and reviewed. To ensure that a workplace stays safe an employer should review and monitor the systems of work and control measures and, where appropriate, should provide refresher training to ensure those systems and safe work methods are being followed.

Risk assessments and any measures adopted to control risks should be reviewed after the occurrence of an incident or near miss. The occurrence of such an incident is an indicator of a further risk to employees and others and as such should be identified, assessed and controlled in consultation with employees and/or others conducting the CDW work. It is critical to analyse the incident and incorporate new information into the safe work method statement to prevent a recurrence of the incident.

3.8 Procedures for resolving health and safety matters in the collection of domestic waste



The *OHS Regulation 2001* section 29 requires that if a health and safety matter cannot be resolved by the OHS committee or representative(s):

- (a) the matter must be referred to the employer;
- (b) the employer is to respond to the matter in a timely manner; and
- (c) if the employer has not resolved the matter within a reasonable time, the OHS representative(s) or the Chairperson of the OHS committee may request an investigation of the matter by a WorkCover Authority inspector.

This means that where employees (including employees of labour hire organisations) and/or subcontractors/owner drivers undertaking the CDW work believe that the results of a risk assessment are inconsistent with the safe performance of work, or any other health and safety matters are in dispute, there should be consultation between employees and employers about the matter. This can include employee representatives such as OHS committee members, OHS representatives, delegates or officials of the relevant union, managers, specialist support staff, or other representatives as agreed by the parties.

Where the council carries out the CDW work, the employer means the council. Where the council contracts out the CDW work, the employer shall be taken to mean the contractor and not the council. Nothing in this code negates a council's obligations for ensuring safe workplaces.

Where a council or contractor and their employees (or their representatives) are in dispute over a matter concerning the health or safety of employees or other persons in the workplace, the council or contractor should take all reasonable steps to resolve the dispute within a timely period.

If a contractor and their employees (or their representatives) are unable to resolve a dispute concerning OHS, the contractor should advise the council in writing. The council should respond to the matter in a timely manner. At all times, the council and the contractor should act in good faith with fundamental consideration being given to the method by which the collection and recycling of waste can be safely performed. The council should not unreasonably refuse a request by the contractor to change its work arrangements where it is demonstrated that adopting a different arrangement can better control the risk to health and safety of employees and other persons at the workplace. *Demonstrated* means going through the procedures in Chapter 2 for both the existing work arrangements and the proposed different arrangements. Evidence that the proposed different arrangements are better at controlling the risks to health and safety of employees and other persons at the workplace should then be presented to council.



An employer must not dismiss an employee or alter his or her position to his or her detriment because he or she:

- (a) makes a complaint about a matter they consider to be a health and safety risk;**
- (b) is a member of an OHS committee or is an OHS representative;**
- (c) exercises any of his or her functions as an OHS committee member or representative.**

– OHS Act section 23

An employee has a common law right to refuse to perform work if they believe that by doing such work they will be placed in imminent danger, or that they will be placing someone else in imminent danger. Such belief should be reasonable in the circumstances. In such cases, the employee should promptly notify their immediate supervisor and the procedures in 3.7 should be followed. Note that it is an offence under the Act to disrupt a workplace by unreasonably creating health or safety fears.

Note: Under section 298 of the *Industrial Relations Act 1996*, an officer of an industrial organisation of employees (i.e. a union) may be authorised to enter a workplace to investigate breaches of legislation. This includes OHS matters. Generally, at least 48 hours notice should be given to the employer but authorised officers have the power of entry, without prior notice, into premises officers believe is a workplace where union members (or potential members) work, in order to investigate suspected breaches of occupational health and safety legislation.

CHAPTER 4 – ADDITIONAL CONSIDERATIONS FOR ACHIEVING SAFE WORKPLACES IN THE COLLECTION OF DOMESTIC WASTE

4.1 Manual handling



The *OHS Regulation 2001* section 80 requires employers to design all objects, tasks and work environments so that manual handling risks are eliminated as far as reasonably practicable, or controlled.

An employer must assess the risks involved in carrying out manual handling tasks and implement control measures. This must be done in consultation with the employees who are required to carry out the work.

In the first instance, steps should be taken to eliminate the risk. If the risk cannot be eliminated, control measures should be included in the work method statement, describing the sequence of work tasks and activities and how the work is to be done safely.

Where the nature of the work activities or manual handling tasks are constantly changing, training and the risk assessment and control process, should be conducted on an ongoing basis.

Guidance on identifying, assessing and controlling manual handling risks can be found in the Regulation and the *National Code of Practice for Manual Handling* [NOHSC: 2005 (1990)].

4.2 Hazardous substances

A hazardous substance may be in the form of a solid, liquid or gas, and may generate vapours, fumes, dusts and/or mists that are harmful to the health of persons at a workplace. CDW workers may inadvertently collect unknown hazardous substances. CDW operators should develop procedures to deal with unknown hazardous substances and CDW workers confronted with suspected hazardous substances should immediately report to their base so that appropriate action can be taken.

4.3 Personal protective equipment (PPE)



The *OHS Regulation 2001* section 15 requires that if measures taken by an employer to control a risk include the use of personal protective equipment (PPE), the employer must provide each person at risk with such equipment.

The use of PPE to control hazards and risks should only be used when other risk eliminating or risk reducing measures are impracticable or when, after implementing such other controls, a residual risk remains.

PPE and any other equipment provided to employees and/or other persons conducting the CDW work should be selected according to the risk assessment and should:

- conform to Australian Standards (where applicable)
 - be fit for the purpose
 - be maintained according to the manufacturer's instructions to ensure continued user safety.
- Appropriate training of workers in the use of PPE is required.

4.4 First aid



The *OHS Regulation 2001* section 20 requires employers to provide first aid facilities that are adequate for the immediate treatment of injuries and illnesses that may arise at that place of work, and, if more than 25 persons are employed, personnel trained in first aid.

Procedures for the appropriate medical treatment of injured persons, administration of first aid and contents of first aid kits should be determined according to the risk assessments and detailed in the safe operating procedures manual. The Regulation prescribes minimum contents for first aid kits (clause 20).

4.5 Fatigue and fitness for work

Fatigue may occur due to workload and organisational factors at work, and individual and life away from work factors. Workers suffering from fatigue are more likely to be involved in incidents and injuries due to lapses in concentration and slower reaction times. CDW operators/owners and drivers can both be liable for driver fatigue related accidents. Further information about the requirements for heavy vehicle drivers and rest breaks can be found in the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999*. Where fatigue is identified at work, an employer should assess the health and safety risks and implement appropriate controls.

CDW workers should not use plant while they are under the influence of alcohol or any drug or other substance (including prescription or non-prescription medication) that might affect their ability to operate plant safely. The *Road Transport (Safety and Traffic Management) Act 1999* requires that heavy vehicle drivers must stay under a blood alcohol limit of 0.02. This effectively means zero alcohol.

4.6 Noise



Employers must ensure that appropriate control measures are taken if a person is exposed to noise levels that exceed an 8 hour noise level equivalent of 85 dB(A), or peak at more than 140 dB(C).
– OHS Regulation section 49

Noise is an issue for the CDW industry in the collection, transfer and sorting of waste. Councils and CDW operators must ensure compliance with the noise management provisions of the Regulation, so that noise levels from machinery or equipment do not become a risk to hearing or health. The *Code of practice for noise management and protection of hearing at work* provides practical guidance on managing noise levels at the workplace.

The risk of causing permanent hearing damage is related to both loudness of the noise and the duration and frequency of exposure. For example, two minutes working in noise levels of 114 dB(A) may have the same effect as eight hours working in 85 dB(A). Other site factors, such as the extent of noise reflection may influence the level and effect of noise. All persons in the vicinity of a noise source can be affected by noise and the impact of noise generated by CDW work on residents should be taken into account in the risk assessment process.

4.7 Amenities

The Regulation requires employers to ensure that appropriate amenities are available for employees while they are at work.

Readers may refer to the *Code of Practice: Workplace Amenities* which is available from WorkCover NSW.

Appendices

Appendix 1: Workers compensation insurance



Anyone who employs workers, and in some cases engages contractors, must maintain a current workers compensation insurance policy. Penalties apply for failing to have a current policy in place.

All employers have a legal liability to pay workers compensation to workers who are injured in the course of their work, and employers are required by law to hold a workers compensation insurance policy from a licensed WorkCover insurer to cover that liability.

– *Workers Compensation Act 1987* section 155

For workers compensation insurance purposes the *Workplace Injury Management and Workers Compensation Act 1998* defines a worker, subject to certain specified exceptions to mean:

A person who has entered into or works under a contract of service or a training contract with an employer (whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, and whether the contract is oral or in writing.

In addition, the Act deems certain other persons to be workers for workers compensation purposes, e.g. some types of contractors.

For assistance in clarifying your workers compensation obligations, contact your insurer or the WorkCover Assistance Service on **13 10 50**.

Appendix 2: Other legal obligations

This code of practice is approved under the Act. The Act places strong obligations on employers, employees, contractors, self-employed people and controllers of work premises, plant and substances. Similar obligations also apply to designers, manufacturers and suppliers of plant and substances. The code provides the minimum OHS requirements and processes for tenders, contracts and work practices. Councils should ensure that these minimum requirements at least are met in all CDW contracts and operations in which they are involved.

Other legislation that is relevant to the CDW industry includes:

- *Protection of the Environment Operations Act 1997*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Local Government Act 1993*
- *Road Transport (General) Act 1999*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999.*

Appendix 3: Useful publications

Additional information can be obtained from:

Electrical Hazard Awareness for Operations of High Machinery, Electricity Supply Association of Australia ESAA and WorkCover NSW

Health and Safety at Work: Waste Management and Recycling Industry, February 2000, WorkCover NSW and Victorian WorkCover

Heavy Vehicle Driver Fatigue: Draft Code of Practice, National Transport Commission, July 2003

Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste and Recycling Materials, WorkSafe Victoria, June 2003

WorkCover guides

- First aid in the workplace guide
- Guidelines for writing Work Method Statements in plain English
- HazPak
- High visibility clothing guide (web only available)
- Plant Guide
- Skin cancer and outdoor workers – a guide for workers
- Skin cancer and outdoor workers – a guide for employers
- Subby Pack

WorkCover codes of practice

- *Code of practice: Workplace Amenities*
- *Code of practice for control of workplace hazardous substances*
- *Code of practice: OHS and Consultation*
- *Code of practice: Noise management and protection of hearing at work*
- *Code of practice: Risk assessment*
- *Code of practice: Technical guidance*

National Occupational Health and Safety Commission publications

- *National Code of Practice for the Control of Work-related Exposure to Hepatitis and HIV (blood-borne) Viruses* [NOHSC: 2010 (2003) 2nd Edition]
- *National Code of Practice for Manual Handling* [NOHSC: 2005 (1990)]

Australian Standards

Standards may be obtained directly from Standards Australia.

AS 1657: 1992	Fixed platforms, walkways, stairways and ladders – Design, construction and installation (Adopted as an approved industry code of practice in NSW)
AS/NZS 1336: 1992	Recommended practices for occupational eye protection
AS/NZS 1337: 1992	Eye protectors for industrial applications
AS/NZS 1338.1: 1992	Filters for eye protectors – Filters for protection against radiation generated in welding and allied operations
AS/NZS 1338.2: 1992	Filters for eye protectors – Filters for protection against ultraviolet radiation
AS/NZS 1338.3: 1992	Filters for eye protectors – Filters for protection against infra-red radiation
AS 1269.3: 1998	Occupational noise management – Hearing protector program
AS 1270: 2002	Acoustics – Hearing protectors (Adopted as an approved industry code of practice in NSW)
AS/NZS 1715: 1994	Selection, use and maintenance of respiratory protective devices
AS/NZS 1716: 2003	Respiratory protective devices (Adopted as an approved industry code of practice in NSW)
AS1891.4: 2000	Industrial fall-arrest systems and devices – Selection, use and maintenance (Adopted as an approved industry code of practice in NSW)
AS/NZS 4602: 1999	High visibility safety garments
AS/NZS 2161.2: 1998	Occupational protective gloves – General requirements
AS/NZS 2161.3: 1998	Occupational protective gloves – Protection against mechanical risks
AS/NZS 2161.5: 1998	Occupational protective gloves – Protection against cold
AS 2225: 1994	Insulating gloves for electrical purposes
AS/NZS 2604: 1998	Sunscreen products – Evaluation and classification
AS 2865: 2001	Safe working in a confined space
AS 3765: 1990	Clothing for protection against chemicals

Appendix 4: Example of tender preparation, assessment and contract performance criteria

Councils and others intending to contract out CDW should prepare tender specifications, assess tenders and monitor contract performance in accordance with broad criteria to ensure that the proposed methods of work, resources and other obligations stipulated in this code of practice are clearly considered in the tender.

Factors to be considered in the preparation of tender specifications include but are not limited to:	
<input type="checkbox"/>	Have the details of the streets to be serviced, any access problems and the number of single and multi-occupancy dwellings in each street been provided?
<input type="checkbox"/>	Have details of identified OHS hazards been included in the tender documents (for example the location of schools, traffic hazards, access problems, clearways, noise sensitive land uses)?
<input type="checkbox"/>	Are any service times for particular properties/streets supported by risk assessments?
<input type="checkbox"/>	Have criteria suitable for evaluating OHS in a variety of services, resources and methods of service delivery been provided?
<input type="checkbox"/>	Has a method for communicating OHS information between council, CDW operators and CDW workers been specified?

Factors to be considered in the tender assessment process include:	
<input type="checkbox"/>	Have detailed descriptions of the proposed methods of service delivery been provided?
<input type="checkbox"/>	Are the proposed number of compactors and their configurations listed?
<input type="checkbox"/>	Have copies of preliminary risk assessments been provided for the contract workplaces?
<input type="checkbox"/>	Have hazards been identified and appropriate measures to eliminate or control hazards been specified?
<input type="checkbox"/>	Is there evidence that methods of incident reporting and safe work method statements previously implemented in other contracts performed by the contractor's operations were effective?
<input type="checkbox"/>	Are records of staff induction and consultation kept as part of other operations conducted by the contractor?
<input type="checkbox"/>	Has the contractor supplied evidence of an adequate and current workers compensation policy by providing a certificate of currency and a <i>Subcontractor's Statement Regarding Workers Compensation, Payroll Tax and Remuneration</i> ?

Factors to be considered in the contract performance phase include:	
<input type="checkbox"/>	Is the method for communicating OHS information between council, CDW operators and CDW workers operating effectively?
<input type="checkbox"/>	Have the risk assessments for service times been reviewed and modified if required?
<input type="checkbox"/>	Are the ratios of vehicles, drivers, runners and supervisory staff used in CDW operations supported by risk assessments?
<input type="checkbox"/>	Is there evidence that employees have been consulted regarding work methods and risk controls in accordance with the Act and Regulation?
<input type="checkbox"/>	Is there adequate supervision, to ensure the performance of work in accordance with the safe work methods statement?
<input type="checkbox"/>	Is there evidence such as daily job sheets and driver logs to verify tonnage per load, loads per day, bin quantities and driver rest periods?
<input type="checkbox"/>	Is there evidence of hazard and incident reporting, recording and investigation?
<input type="checkbox"/>	Is there evidence that equipment is adequately maintained and repaired?

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TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

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PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

THE COUNCIL OF CAMDEN

Roads Act 1993

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated to the public as a road. Dated 30th May 2005. Greg Wright, General Manager, 37 John Street, Camden NSW 2570.

SCHEDULE

Lot 2 in Deposited Plan 526782 being the entrance road to Larkin Place Carpark, off John Street, Camden. [1466]

FORBES SHIRE COUNCIL

Roads Act 1993

Notification of Closing of Road

IN pursuance of section 10 of the Roads Act 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. C. DEVITT, General Manager, Forbes Shire Council, Court Street (PO Box 333), Forbes NSW 2871.

Description

Land District and Shire – Forbes

Road Closed: Lot 3, DP 1011520, Parish of Cumbijowa, County of Forbes.

Note: On closing, title for the land comprised in Lot 3, DP 1011520, remains vested in the Forbes Shire Council as operational land.

Council's Reference: PCS.JCC.R25/138. [1467]

GREAT LAKES COUNCIL

ERRATUM

THE Great Lakes Council notice which appeared in Government Gazette No. 92 on 22nd July 2005, Folio 3904, contained an error. The road name "Carrinda" should have read "Carinda". This erratum now amends that error. [1473]

OBERON COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that Council, in pursuance of section 162 of the Roads Act 1993, resolved to name the road as shown hereunder:

Description	New Road Name
Street running north off Albion Street east of Sirius Street.	Hawken Street.
Street running east off Hawken Street.	Maher Drive.

Authorised by resolution of Council on 12th April 2005. BRUCE FITZPATRICK, General Manager, Oberon Council, PO Box 84, Oberon NSW 2787. [1470]

RICHMOND VALLEY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

RICHMOND Valley Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of waste disposal. Dated at Casino, this 21st July 2005, B. A. WILKINSON, General Manager, Richmond Valley Council, Locked Bag 10, Casino NSW 2470.

SCHEDULE

Lot 10, DP 1075394. [1463]

SUTHERLAND SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Naming of Roads at Bundeena and Heathcote

NOTICE is hereby given that Sutherland Shire Council, has pursuant to section 162 of the Roads Act 1993 and Part 2 of the Roads (General) Regulation 2000, notified the proponents by way of advertisement and written correspondence, for a period not less than one (1) month, of the intention to name the following roads:

The unnamed lane that runs off The Avenue, Heathcote adjoining number 70 The Avenue to Bangalay Lane, Heathcote.

The unnamed pathway that runs between 15-17 Eric Street and 40-42 Loftus Street, Bundeena to Vic Leuliette Walkway.

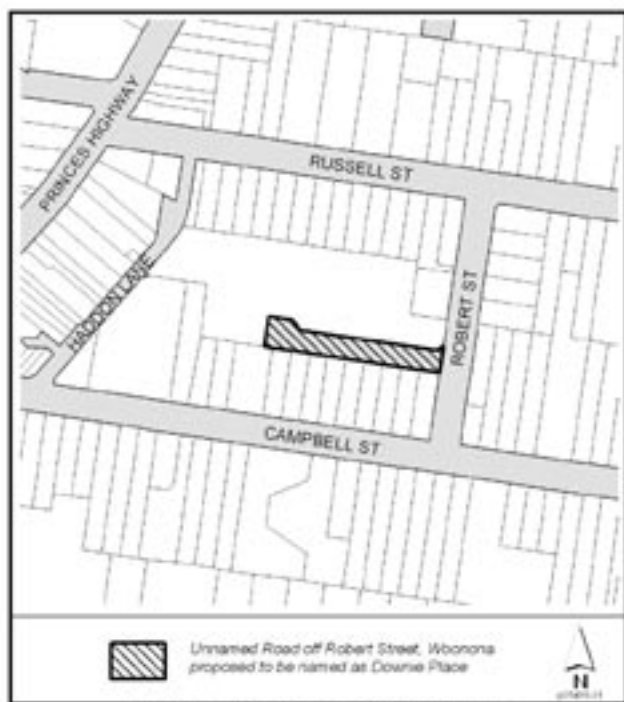
Having given due consideration to all submissions, the General Manager under delegated authority approved the above mentioned road name/s for gazettal. J. W. RAYNER, General Manager, Sutherland Shire Council, PO Box 17, Sutherland NSW 1499. [1481]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Notice of Road Naming

Notice is hereby given that Wollongong City Council has named an unnamed road located off Robert Street, Woonona, as "Downie Place" as shown hatched on the accompanying plan.



ROD OXLEY, General Manager, Wollongong City Council, Locked Bag 8821, South Coast Mail Centre NSW 2521. [1480]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELLEN MARY CLARKE, late of 5/28 Browning Street, Campsie, retired school teacher, who died on 2nd June 2005, must send particulars of their claims to the executor, John William Francis Brennan, at PO Box 286, Lindfield, NSW 2070, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the date of distribution he has notice. Probate was granted in New South Wales on 19th July 2005, as number 110959/05. JOHN BRENNAN, 8 Beaconsfield Parade, Lindfield NSW 2070 (PO Box 286, Lindfield 2070), tel.: (02) 9416 2427. [1472]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BARBARA MARION HALL, late of 45 Crammond Boulevard, Caringbah, in the State of New South Wales, widow, who died on 24th July 2004, must send particulars of his claim to the executors, Adele Barbara Elaine Matrljan and Shane Troy Hall, c.o. Steve Masselos & Co., Solicitors, 114-120 Castlereagh Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 14th July 2005, as number 110724/05. STEVE MASSELOS & CO., Solicitors, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South 1235), (DX 305, Sydney), tel.: (02) 9264 7022. [1464]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NEVILLE ALEXANDER WHITFIELD, late of Belrose, in the State of New South

Wales, financial controller, who died on 4th May 2005, must send particulars of their claim to the executor, Vivien Faith Whitfield, c.o. Truman Hoyle Lawyers, Level 18, 68 Pitt Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate and the property 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 21st July 2005. TRUMAN HOYLE LAWYERS, Level 18, 68 Pitt Street Sydney NSW 2000, (DX 263, Sydney), tel.: (02) 9232 5588. Reference: TFE(SR)4505. [1471]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARION ANN O'CONNOR, late of Umina, in the State of New South Wales, retired, who died on 9th March 2005, must send particulars of his claim to the executor, Anthony Thomas O'Connor, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy NSW 2256, within one (1) calendar month from the publication of this notice. After that time the assets may be conveyed and distributed having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 13th July 2005. PENINSULA LAW, Solicitors, 103-105 Blackwall Road (PO Box 162), Woy Woy NSW 2256 (DX 8806, Woy Woy), tel.: (02) 4342 1111. [1474]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ERIC ALLAN HETHERINGTON, late of Campsie, in the State of New South Wales, retired, who died on 1st May 2005, must send particulars of the claim to the executors, c.o. Mervyn Finlay, Thorburn & Marshall, Solicitors, Level 2, 225 Macquarie Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors have notice. Probate was granted in New South Wales on 13th July 2005. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, Level 2, "Windeyer Chambers" 225 Macquarie Street, Sydney NSW 2000, (DX 796, Sydney), tel.: (02) 9223 6544. Reference: DLT:LI:221705. [1475]

COMPANY NOTICES

NOTICE of voluntary winding up.—LEWRONA PTY LIMITED, ACN 000 344 454.—Notice is hereby given pursuant to the Corporations Law that at a meeting of shareholders of the company held on 20th July 2005, the following resolution was passed as a special resolution: "That pursuant to the making of a declaration of solvency by a majority of the Directors by unanimous resolution on 29th June 2005, the company be wound up voluntarily and that Bruce A. McDonald, Accountant, be appointed liquidator". BRUCE A McDONALD, Liquidator, Suite D, Six River Street (PO Box 400), Maclean NSW 2463, tel.: (02) 6645 1011. [1465]

NOTICE of final meeting.—SPOTTER INVESTMENTS PTY LIMITED, ACN 001 340 503 (in voluntary liquidation).—A general meeting of the company being the final meeting will be held at the offices of Stewart Brown & Co., Level 4, 495

Victoria Avenue, Chatswood NSW 2067, on 31st August 2005, at 10:00 a.m., for presentation of the final accounts of the company. R. M. BARNES, Liquidator, c.o. Stewart Brown & Co., Chartered Accountants, Level 4, 495 Victoria Avenue, Chatswood NSW 2067 (PO Box 5515, Chatswood West 1515), tel.: (02) 9412 3033. [1468]

NOTICE of voluntary winding up.—AUSLIN PTY LTD, ACN 001 750 867.—Notice is hereby given pursuant to the Corporations Law that at a general meeting of the abovenamed company duly convened and held at Level 6, 12-14 Ormonde Parade, Hurstville NSW 2220, on 8th July 2005, the following resolutions were duly passed: Special Resolution “That it has been proved to the satisfaction of this meeting of members of the abovenamed company, that the company cannot by reason of its liabilities continue in business and it is advisable to wind up same and accordingly that the company be wound up voluntarily”. Ordinary Resolution “That Geoffrey Stewart Turner, Chartered Accountant of 6th Floor, 12-14 Ormonde Parade, Hurstville NSW 2220, be appointed Liquidator for the purpose of winding up the company”. Dated this 8th day of July 2005. HUSSEIN KURT, Director, c.o. G. S. Turner & Co., Chartered Accountant, Level 6, 12-14 Ormonde Parade, Hurstville NSW 2220. [1469]

NOTICE of final meeting.—FROVILLE PTY LIMITED, ACN 002 325 162 (in voluntary liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, that the final meeting of members of the abovenamed company will be held at 10:00 a.m., on 30th August 2005, at the offices of Casey Bates, Suite 2, Level 6, 20 Smith Street, Parramatta NSW 2124, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated this 27th day of July 2005. ROBERT GEORGE BATES, Liquidator, c.o. Casey Bates, Chartered Accountants, Suite 2, Level 6, 20 Smith Street (PO Box 3373), Parramatta NSW 2124, tel.: (02) 9891 1155. [1476]

NOTICE of final meeting.—WESTERN M & C PTY LTD, ACN 002 937 091 (in voluntary liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, that the final meeting of members of the abovenamed company will be held at 1:00 p.m., on 30th August 2005, at the offices of Casey Bates, Suite 2, Level 6, 20 Smith Street, Parramatta NSW 2124, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated this 27th day of July 2005. ROBERT GEORGE BATES, Liquidator, c.o. Casey Bates, Chartered Accountants, Suite 2, Level 6, 20 Smith Street (PO Box 3373), Parramatta NSW 2124, tel.: (02) 9891 1155. [1477]

NOTICE of final meeting.—KATHY BOWLER REAL ESTATE PTY LIMITED, ACN 002 069 057 (in voluntary liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, that the final meeting of members of the abovenamed company will be held at 3:00 p.m., on 30th August 2005, at the offices of Casey Bates, Suite 2, Level 6, 20 Smith Street, Parramatta NSW 2124, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated this 27th day of July 2005. ROBERT GEORGE BATES, Liquidator, c.o. Casey Bates, Chartered Accountants, Suite 2, Level 6, 20 Smith Street (PO Box 3373), Parramatta NSW 2124, tel.: (02) 9891 1155. [1479]

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