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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

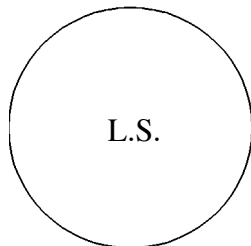
Fines Act 1996 No 99

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Fines Act 1996*, do, by this my Proclamation, appoint 1 September 2005 as the day on which clause 9 of Schedule 3 to that Act commences.

Signed and sealed at Sydney, this 17th day of August 2005.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,
Treasurer

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

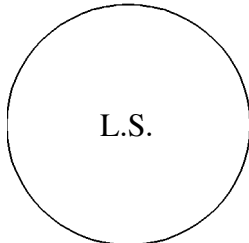
Legal Profession Act 2004 No 112

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 *Legal Profession Act 2004*, do, by this my Proclamation, appoint 1 October 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of August 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The provisions of the *Legal Profession Act 2004* commenced by this Proclamation include section 388. The commencement of section 388 brings about the commencement of Schedule 9 to the *Courts Legislation Amendment Act 2005* (see section 2 (2) of that Act). Schedule 9 amends the *Legal Profession Act 2004*.



New South Wales

Proclamation

under the

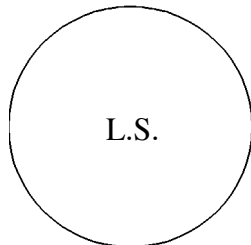
Legal Profession Amendment Act 2005 No 46

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 *Legal Profession Amendment Act 2005*, do, by this my Proclamation, appoint 1 October 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 17th day of August 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Regulations



New South Wales

Civil Procedure Amendment (Real Property Act) Regulation 2005

under the

Civil Procedure Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Procedure Act 2005*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to make provision of a transitional nature, in relation to writs registered under section 105 of the *Real Property Act 1900*, as a consequence of the amendment of that Act by the *Civil Procedure Act 2005*. The transitional provisions preserve the operation of the unamended Act in relation to writs registered before 15 August 2005 and apply the amended Act to writs registered on or after that date.

This Regulation is made under the *Civil Procedure Act 2005*, including clause 1 of Schedule 6 (the power to make regulations of a savings or transitional nature).

Clause 1 Civil Procedure Amendment (Real Property Act) Regulation 2005

Civil Procedure Amendment (Real Property Act) Regulation 2005

under the

Civil Procedure Act 2005

1 Name of Regulation

This Regulation is the *Civil Procedure Amendment (Real Property Act) Regulation 2005*.

2 Amendment of Civil Procedure Regulation 2005

The *Civil Procedure Regulation 2005* is amended by inserting at the end of clause 14 the following subclauses:

- (2) Sections 105, 105A, 105C and 105D of the *Real Property Act 1900*, as in force immediately before they were amended by Schedule 5.40 to the *Civil Procedure Act 2005*, continue to apply to a writ registered before 15 August 2005 as if those sections had not been amended.
- (3) Sections 105, 105A, 105C and 105D of the *Real Property Act 1900*, as amended by Schedule 5.40 to the *Civil Procedure Act 2005*, apply to a writ registered on or after 15 August 2005 regardless of when the writ was issued.



New South Wales

Coal Ownership (Restitution) Regulation 2005

under the

Coal Ownership (Restitution) Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Coal Ownership (Restitution) Act 1990*.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

Explanatory note

The object of this Regulation is to remake, with no substantive changes, the provisions of the *Coal Ownership (Restitution) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision with respect to the manner of making applications for the restitution of ownership of coal under the *Coal Ownership (Restitution) Act 1990* and the procedures for dealing with those applications.

This Regulation is made under the *Coal Ownership (Restitution) Act 1990*, including sections 5 (2) and 9 (the general regulation-making power).

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

Coal Ownership (Restitution) Regulation 2005

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Coal Ownership (Restitution) Regulation 2005

Clause 1

Coal Ownership (Restitution) Regulation 2005

under the

Coal Ownership (Restitution) Act 1990

1 Name of Regulation

This Regulation is the *Coal Ownership (Restitution) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Coal Ownership (Restitution) 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:

section 5 application means an application under section 5 of the Act to the Compensation Board for the Board to make a recommendation to the Minister for the restitution of ownership of coal.

the Act means the *Coal Ownership (Restitution) Act 1990*.

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

4 Applications for restitution of ownership of coal

(1) For the purposes of section 5 (2) (a) of the Act, a section 5 application:

(a) must be in writing signed by the applicant, and

(b) must be delivered, or sent by post, to the office of the Compensation Board in Sydney within 30 days after the relevant date or within such further period as the Board may allow.

(2) In this clause, **the relevant date** means the date on which a notice of determination of a claim made by the applicant was served on the applicant under clause 17 of the Compensation Arrangements.

5 Information to be contained in applications

For the purposes of section 5 (2) (b) of the Act, the information to be contained in a section 5 application is as follows:

(a) the full name and residential address of the applicant,

Clause 6 Coal Ownership (Restitution) Regulation 2005

- (b) a statement as to whether or not any dispute has arisen between the applicant and any other person, whether before, on or after 1 January 1982, in respect of:
 - (i) the coal to which the application relates, or
 - (ii) the land within which the coal is situated, or
 - (iii) any entitlement to compensation under the Compensation Arrangements, or
 - (iv) eligibility for restitution of ownership of the coal under the Act, and
- (c) if there is such a dispute—particulars of the dispute, including particulars sufficient to identify the other person.

6 Documents to accompany applications

For the purposes of section 5 (2) (c) of the Act, the prescribed documents to accompany a section 5 application are documents (including copies of any relevant will or letters of administration) that support the particulars referred to in clause 5 (c).

7 Preliminary evaluation of applications

- (1) The Compensation Board is to make a preliminary evaluation of each section 5 application and is to notify the applicant in writing of the results of the preliminary evaluation. The notification to an applicant must indicate whether or not the Board proposes to recommend that the application be granted.
- (2) If the notification indicates that the Compensation Board proposes to recommend that the application not be granted, the applicant has 30 days after the notification is given to the applicant to make submissions to the Board with respect to the preliminary evaluation.
- (3) Before the Compensation Board determines the application, it is to consider and take into account any submissions made by the applicant within that 30 days.

8 Procedure for determining applications

- (1) In determining a section 5 application, the Compensation Board:
 - (a) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit, and
 - (b) is to act according to equity, good conscience and the substantial merits of the application without regard to technicalities or legal forms.

-
- (2) When considering a section 5 application, the Compensation Board must have regard to any other section 5 application which, in its opinion, might have some relevance to the outcome of the firstmentioned application.

9 Factors to be taken into account when determining applications

The factors to be taken into account in determining a section 5 application are as follows:

- (a) whether or not the coal was subject to any trusts, leases, licences, obligations, estates, interests or contracts immediately before 1 January 1982,
- (b) whether or not there exists a dispute of the kind referred to in clause 5 (b),
- (c) whether or not the coal was within a colliery holding at any time during the period beginning on 1 January 1982 and ending on 1 January 1986,
- (d) whether or not the Crown would lose significant revenue were the coal to cease to be vested in the Crown.

10 Title deed following restitution of coal ownership

As soon as practicable after the Minister determines to grant coal to an eligible claimant, the Compensation Board must lodge with the Registrar-General, together with the appropriate fees:

- (a) a plan delineating the land within which the coal is located, and
- (b) an application under the *Real Property Act 1900* for the creation, in respect of the coal, of a folio in the Register kept under that Act.

11 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Coal Ownership (Restitution) Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.



New South Wales

Companion Animals Amendment (Penalty Notices) Regulation 2005

under the

Companion Animals Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Companion Animals Act 1998*.

KERRY HICKEY, M.P.,
Minister for Local Government

Explanatory note

The object of this Regulation is to amend the *Companion Animals Regulation 1999* for the following purposes:

- (a) to increase the prescribed penalty for certain penalty notice offences relating to dangerous dogs and restricted dogs,
- (b) to prescribe an offence under section 16 (1) of the *Companion Animals Act 1998* to be a penalty notice offence (that section makes the owner of a dog, or person in charge of a dog, guilty of an offence in certain circumstances if the dog rushes at, attacks, bites, harasses or chases any person or animal) and prescribe a penalty of \$550 for that offence if dealt with by penalty notice,
- (c) to remove redundant provisions of the Regulation relating to short descriptions of offences.

This Regulation is made under the *Companion Animals Act 1998*, including sections 92 and 96 (the general regulation-making power).

Clause 1 Companion Animals Amendment (Penalty Notices) Regulation 2005

Companion Animals Amendment (Penalty Notices) Regulation 2005

under the

Companion Animals Act 1998

1 Name of Regulation

This Regulation is the *Companion Animals Amendment (Penalty Notices) Regulation 2005*.

2 Amendment of Companion Animals Regulation 1999

The *Companion Animals Regulation 1999* is amended as set out in Schedule 1.

Companion Animals Amendment (Penalty Notices) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 35 Penalty notice offences

Omit “Column 3” from clause 35 (b). Insert instead “Column 2”.

[2] Clause 36 Short descriptions of offences

Omit the clause.

[3] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 35)

Column 1 Provision	Column 2 Penalty
Offence under the Act	
Section 8 (3)	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 8 (4)	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 9 (1)	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 10	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 10A	\$550 (in the case of a dangerous or restricted dog) or \$55 (in any other case)
Section 10B	\$550 (in the case of a dangerous or restricted dog) or \$55 (in any other case)
Section 11 (1) (a)	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 11 (4)	\$110
Section 12	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 13	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)

Companion Animals Amendment (Penalty Notices) Regulation 2005

Schedule 1 Amendments

Column 1	Column 2
Provision	Penalty
Section 14 (2)	\$1,320 (in the case of a dangerous or restricted dog) or \$110 (in any other case)
Section 15 (2)	\$110
Section 16 (1)	\$550
Section 20	\$220
Section 21 (5)	\$220
Section 29	\$55
Section 30 (2)	\$55
Section 31 (5)	\$110
Section 36 (1)	\$1,320
Section 51 (2)	\$1,320
Section 56 (2)	\$1,320
Section 60 (1)	\$110
Section 61 (1)	\$110
Section 62 (2)	\$440
Section 71 (4)	\$110
Section 76 (1)	\$110
Section 90 (2) (a)	\$220
Section 90 (2) (b)	\$220
Section 91	\$110
Offence under this Regulation	
Clause 7 (1)	\$220
Clause 7 (2)	\$110



New South Wales

Crimes (General) Regulation 2005

under the

Crimes Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes Act 1900*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, without any changes in substance except for the omission of a provision that is no longer appropriate, the provisions of the *Crimes (General) Regulation 2000* 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 forms for records concerning domestic violence (clause 4),
- (b) the forms for complaints and orders concerning apprehended violence (clause 5),
- (c) prescribing relevant professions, callings and vocations for the purposes of section 316 (4) of the *Crimes Act 1900*, which relates to the prosecution of certain persons for failing to disclose a serious offence committed by another person (clause 6).

This Regulation is made under the *Crimes Act 1900*, including sections 316 (4), 357G and 582 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

Crimes (General) Regulation 2005

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Crimes (General) Regulation 2005

Clause 1

Crimes (General) Regulation 2005

under the

Crimes Act 1900

1 Name of Regulation

This Regulation is the *Crimes (General) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Crimes (General) 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:
the Act means the *Crimes Act 1900*.
- (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 Forms for records concerning domestic violence

The forms referred to in the Table to this clause are prescribed for the purposes of the provisions of the Act so referred to.

Table

Section 357G (7)	Form 1
Section 357G (12)	Part 1 of Form 2
Section 357G (13) (a)	Part 2 of Form 2

5 Forms for complaints and orders concerning apprehended violence

For the purposes of Part 15A of the Act:

- (a) a complaint for an order may be made in a form approved by the Minister, and

Clause 6 Crimes (General) Regulation 2005

- (b) an application to vary or revoke an order may be made in a form approved by the Minister, and
- (c) a telephone interim order made under section 562H of the Act may be in a form approved by the Minister, and
- (d) a court may make an order in a form approved by the Minister.

6 Concealment of offences by certain persons

For the purposes of section 316 (4) of the Act, the following people practising professions, callings or vocations are prescribed:

- (a) a legal practitioner,
- (b) a medical practitioner,
- (c) a psychologist,
- (d) a nurse,
- (e) a social worker, including:
 - (i) a support worker for victims of crime, and
 - (ii) a counsellor who treats persons for emotional or psychological conditions suffered by them,
- (f) a member of the clergy of any church or religious denomination,
- (g) a researcher for professional or academic purposes,
- (h) if the serious indictable offence referred to in section 316 (1) of the Act is an offence under section 60E of the Act, a school teacher, including a principal of a school.

7 Savings

Any act, matter or thing that, immediately before the repeal of the *Crimes (General) Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

Crimes (General) Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

(Clause 3 (2))

Form 1 Record of complaint requesting the issue of a warrant to enter a dwelling-house to investigate a suspected domestic violence offence

(Crimes Act 1900)

(Section 357G (7))

I, the undersigned Magistrate, received a complaint (details overleaf) in person*/by telephone* (which was transmitted by [name] of [name of police station])* from [name] of [name of police station] (who is called the complainant in this form) alleging that the complainant had been denied entry to a dwelling-house at [address of premises] in which the complainant suspects or believes a domestic violence offence has been committed*/is being committed*/is imminent*/is likely to be committed* making it necessary to immediately enter the dwelling-house to investigate*/take action* and for which purpose the complainant requests I issue my warrant authorising such entry.

And being satisfied there were reasonable grounds for that suspicion or belief [give details]: on [date] at [time of grant] I granted my warrant authorising the complainant to enter the abovementioned dwelling-house pursuant to section 357G of the *Crimes Act 1900*, (subject to the following additional terms)* [state terms]:

Magistrate

* Delete if inapplicable

Details of incident

- 1 Names of persons involved (if known):
- 2 Location of incident (full address or description of dwelling-house):
- 3 Name of civilian informant and relationship (if any) to aggrieved person:
- 4 It is suspected that the offence of [name of offence] (a domestic violence offence) has been committed*/is being committed*/is imminent*/is likely to be committed* in the dwelling-house.
- 5 Other information obtained by investigating police:
 - (a) Personal observations by police (eg noise from the house etc):
 - (b) Resident's or neighbour's information:
 - (c) Other information:
- 6 Was the investigating police officer denied entry to the dwelling-house? yes*/no*.
- 7 Details of denial of entry (including anything said or done):

 Page 5

Crimes (General) Regulation 2005

Schedule 1 Forms

-
- 8** The complainant requests the grant of a warrant believing it is necessary to immediately enter the dwelling-house:
to investigate whether a domestic violence offence:
- *(a) has been committed
 - *(b) is being committed
- or to take action:
- *(c) to prevent the commission of a domestic violence offence
 - *(d) to prevent the further commission of a domestic violence offence.

* *Delete if inapplicable*

Form 2

(Crimes Act 1900)

(Section 357G (12))

Part 1 Record of grant of a warrant to enter a dwelling-house to investigate a suspected domestic violence offence

On *[date]* at *[time of grant]* *[name of Magistrate]* Magistrate, being satisfied there were reasonable grounds for doing so, granted a warrant authorising *[name]* of *[name of police station]* (who is called the complainant in this form) to enter the dwelling-house at *[address of premises the subject of the warrant]* after receiving a complaint that:

- 1 The complainant had been denied entry to the dwelling-house.
- 2 The complainant suspects or believes:
 - (a) a domestic violence offence has recently been committed*/ is being committed*/ is imminent*/ is likely to be committed* in the dwelling-house, and
 - (b) it is necessary to immediately enter the dwelling-house to investigate or take action in relation to the complaint.

* And the warrant was granted subject to the following additional terms *[state terms]*:

Signature of complainant
(Police Officer)

* *Delete if inapplicable*

Part 2 Important information for residents

- 1 A warrant has been granted by a Magistrate authorising the police to enter your home to investigate the matter referred to in paragraph 2 (a) above relating to a domestic violence offence.
- 2 If necessary, the police may use reasonable force to enter your home and any person attempting to prevent the police from entering could be prosecuted for that as a criminal offence.

Crimes (General) Regulation 2005

Forms

Schedule 1

-
- 3** The police are authorised by the warrant to remain in your home only as long as is reasonably necessary for them to do the following things:
- (a) to investigate whether a domestic violence offence has been committed,
 - (b) to prevent a domestic violence offence from being committed,
 - (c) to arrest a person for a domestic violence offence,
 - (d) to assist any person who is injured.



New South Wales

Drug Court Regulation 2005

under the

Drug Court Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Drug Court Act 1998*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

This Regulation replaces the *Drug Court Regulation 1999* which is repealed on 1 September 2005 under section 10 (2) of the *Subordinate Legislation Act 1989* and is remade without any changes in substance.

The object of this Regulation is to make provisions with respect to the operation of the *Drug Court Act 1998*. The Regulation deals with the following matters:

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

Drug Court Regulation 2005

Explanatory note

This Regulation is made under the *Drug Court Act 1998*, including section 32 (the general regulation-making power) and sections 5, 6, 7, 18 and 31.

Drug Court Regulation 2005

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Clause 1 Drug Court Regulation 2005

Drug Court Regulation 2005

under the

Drug Court Act 1998

1 Name of Regulation

This Regulation is the *Drug Court Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Drug Court Regulation 1999*, which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

facsimile means facsimile transmission, the internet or any other means of electronic transmission of information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

the Act means the *Drug Court Act 1998*.

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

4 Eligible persons: section 5

For the purposes of section 5 (1) (e) of the Act, the following criteria are prescribed as criteria that a person must satisfy in order to be an eligible person within the meaning of the Act:

- (a) the person's usual place of residence must be within one of the following local government areas, namely, Auburn, Bankstown, Baulkham Hills, Blacktown, Campbelltown, Fairfield, Hawkesbury, Holroyd, Liverpool, Parramatta or Penrith,
- (b) the person must not be suffering from any mental condition that could prevent or restrict the person's active participation in a program under the Act,
- (c) the person must be of or above the age of 18 years,

-
- (d) criminal proceedings against the person for the offence with which the person is charged must not be criminal proceedings that are within the Children's Court's jurisdiction to hear and determine.

5 Referring courts: sections 6 and 8AA

The following courts and proceedings are prescribed for the purposes of sections 6 (1) and 8AA (1) of the Act:

- (a) the District Court, in respect of all criminal proceedings brought before it in its sittings at Campbelltown, Liverpool, Parramatta or Penrith,
- (b) the Local Courts at Bankstown, Blacktown, Burwood, Campbelltown, Fairfield, Liverpool, Parramatta, Penrith, Richmond, Ryde and Windsor, in respect of all criminal proceedings brought before them.

6 Guidelines for facilities for the supervision and control of persons participating in Drug Court programs: sections 7 and 8AB

- (1) For the purposes of sections 7 (2) (c) and 8AB (2) (d) of the Act, the following guidelines are to be observed in determining the availability and allocation of facilities for the supervision and control of a referred person's participation in a program under the Act:
- (a) facilities are taken to be available in relation to a referred person:
- (i) if the person or body providing those facilities is willing to accept the referred person, and
- (ii) if it is reasonably likely that those facilities will be available to the referred person when they are needed, and
- (iii) if the registrar has received advice as to the treatment proposed to be provided to the referred person by means of those facilities,
- (b) facilities are to be allocated to referred persons in accordance with policies determined from time to time by the Drug Court.
- (2) In subclause (1), *referred person* means a person who has been referred to the Drug Court under section 6 of the Act.

7 Application of Criminal Procedure Act 1986: section 18

- (1) The provisions of section 265 (1) and (2) of the *Criminal Procedure Act 1986* are modified so as to provide that, in proceedings before the Drug Court under section 7, 8AB or 8AC of the Act, the obligations of the Drug Court and the prosecutor under those provisions are suspended in relation to a person charged if the person charged consents to their suspension.

Clause 8 Drug Court Regulation 2005

- (2) The suspension of those obligations ceases to have effect:
 - (a) on the person withdrawing consent under subclause (1), or
 - (b) on the person consenting to being dealt with by the Drug Court under section 8 of the Act, or
 - (c) on the Drug Court referring the person back to the referring court under section 8 of the Act, or
 - (d) on the person being dealt with by the Drug Court under section 8AD of the Act.

8 Provision of information to Drug Court: section 31

- (1) For the purposes of section 31 (1) of the Act, the following persons are prescribed, but only if they are involved in the administration of, or provide services in connection with, a drug offender's program:
 - (a) persons acting for or on behalf of the Sydney South West or Sydney West Area Health Services,
 - (b) persons acting for or on behalf of the toxicology unit of Pacific Laboratory Medicine Services (an administrative unit of the Northern Sydney Area Health Service),
 - (c) persons acting for or on behalf of Access Correctional Services (an administrative unit of the Department of Education and Training),
 - (d) persons acting for or on behalf of an organisation providing treatment to a drug offender in connection with the drug offender's program.
- (2) An organisation is referred to in subclause (1) by the name under which it is incorporated (in the case of a body corporate), the name under which it is constituted (in the case of an unincorporated body) or the name under which it trades (in either case).
- (3) For the purposes of section 31 (2) of the Act:
 - (a) information may be provided to the registrar:
 - (i) personally, or
 - (ii) by letter sent by post to the registrar or delivered to the offices of the registrar, or
 - (iii) by letter sent to the registrar by means of document exchange facilities, or
 - (iv) by message sent by facsimile or other electronic transmission, and
 - (b) information provided to the registrar otherwise than in writing must be confirmed in writing within 24 hours unless the registrar indicates otherwise.

9 Forms

- (1) Any form that may be used in respect of criminal proceedings before the District Court may also be used in respect of criminal proceedings before the Drug Court in its exercise of the criminal jurisdiction of the District Court.
- (2) Any form that may be used in respect of criminal proceedings before a Local Court may also be used in respect of criminal proceedings before the Drug Court in its exercise of the criminal jurisdiction of a Local Court.

10 Fees

- (1) Any fee that may be charged in respect of criminal proceedings before the District Court may also be charged in respect of criminal proceedings before the Drug Court in its exercise of the criminal jurisdiction of the District Court.
- (2) Any fee that may be charged in respect of criminal proceedings before a Local Court may also be charged in respect of criminal proceedings before the Drug Court in its exercise of the criminal jurisdiction of a Local Court.
- (3) The Drug Court may postpone, waive or remit any fee that may be charged under the Act, either unconditionally or subject to conditions.
- (4) The Drug Court's function under subclause (3) may be exercised by the registrar.

11 Referrals to Drug Court

A referral under section 6 or 8AA of the Act to the Drug Court by another court may be made by notifying the registrar by telephone or in writing or by facsimile of the other court's decision to so refer the matter.

12 Referral back by Drug Court

- (1) An order under section 8 of the Act referring a matter back to the referring court may be made by a Judge of the Drug Court in the absence of the public and without any attendance by or on behalf of any person.
- (2) The registrar may, by telephone or facsimile, notify a court of an order by the Drug Court to refer a person back to the referring court.

13 Savings

Any act, matter or thing that, immediately before the repeal of the *Drug Court Regulation 1999*, had effect under that Regulation continues to have effect under this Regulation.



New South Wales

Electronic Transactions Amendment (Legal Profession Act) Regulation 2005

under the

Electronic Transactions Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electronic Transactions Act 2000*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to omit references to the *Legal Profession Act 1987* in clauses 4 and 7 of the *Electronic Transactions Regulation 2001* and to replace them with references to the *Legal Profession Act 2004*.

This Regulation is made under the *Electronic Transactions Act 2000*, including section 15 (the general power to make regulations) and sections 7 and 12.

Clause 1 Electronic Transactions Amendment (Legal Profession Act) Regulation
 2005

Electronic Transactions Amendment (Legal Profession Act) Regulation 2005

under the

Electronic Transactions Act 2000

1 Name of Regulation

This Regulation is the *Electronic Transactions Amendment (Legal Profession Act) Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Electronic Transactions Regulation 2001

The *Electronic Transactions Regulation 2001* is amended by omitting the words "*Legal Profession Act 1987*" wherever occurring in clauses 4 and 7 and by inserting instead the words "*Legal Profession Act 2004*".



New South Wales

Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000 (the Principal Regulation)* to give legal force and effect to the Management Plan for the Sydney Opera House.

This Regulation inserts proposed clause 288 into the Principal Regulation to provide for two matters.

First, to the extent that any development that is to be carried out at the Sydney Opera House is development to which Part 4 (Development assessment) of the *Environmental Planning and Assessment Act 1979 (the Act)* applies, the provisions of the Management Plan for the Sydney Opera House are prescribed for the purposes of section 79C (1) (a) (iv) of the Act and are therefore a matter that must be taken into consideration by the relevant consent authority in determining a development application in respect of that development.

Second, to the extent that any development that is to be carried out at the Sydney Opera House is a project to which Part 3A (Major infrastructure and other projects) of the Act (as inserted into the Act by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*) applies, the Director-General's report that is required to be given to the Minister under section 75I of the Act in relation to the project must include the provisions of the Management Plan for the Sydney Opera House that are relevant to the carrying out of the development and advice as to the extent to which the project is consistent with the objectives of that Management Plan.

Section 75J (2) of the Act (as inserted into the Act by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*) requires the Minister to consider the Director-General's report (and the reports, advice and

Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005

Explanatory note

recommendations contained in it) when deciding whether or not to approve the carrying out of a project.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 75I, 75J, 79C and 157 (the general regulation-making power).

Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005

Clause 1

Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

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

Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 2)

Clause 288

Insert after clause 287:

288 Special provision relating to Sydney Opera House

- (1) To the extent that any development that is to be carried out at the Sydney Opera House is development to which Part 4 of the Act applies, the provisions of the Management Plan for the Sydney Opera House are prescribed for the purposes of section 79C (1) (a) (iv) of the Act as a matter that must be taken into consideration by the consent authority in determining a development application in respect of that development.
- (2) To the extent that any development that is to be carried out at the Sydney Opera House is a project to which Part 3A of the Act applies, the Director-General's report under section 75I of the Act in relation to the project must include:
 - (a) the provisions of the Management Plan for the Sydney Opera House that are relevant to the carrying out of the development, and
 - (b) advice as to the extent to which the project is consistent with the objectives of that Management Plan.

Note. Section 75J (2) of the Act requires the Minister to consider the Director-General's report (and the reports, advice and recommendations contained in it) when deciding whether or not to approve the carrying out of a project.

- (3) In this clause:

Management Plan for the Sydney Opera House means the management plan that relates to Sydney Opera House that has been approved by the Minister administering the *Sydney Opera House Act 1960* and published in the Gazette.

Sydney Opera House means the land identified on Map 1 to Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005*.



New South Wales

Evidence Regulation 2005

under the

Evidence Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Evidence Act 1995*.

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 *Evidence Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the form of notice to be given of an intention to adduce evidence of a “first-hand hearsay” representation where the maker of the representation will not be called as a witness (clause 4), and
- (b) sets out requirements relating to the content of notices of intention to adduce evidence of a person’s character, reputation or conduct, or of a tendency that the person has or had, so as to prove that a person has or had a tendency to act in a particular way or to have a particular state of mind (clause 5 (2)), and
- (c) sets out requirements relating to the content of notices of intention to adduce similar fact evidence to prove a fact by coincidence reasoning (clause 5 (3)), and
- (d) sets out the form of certificate that a court may give to a witness so that evidence given by the witness that may be self-incriminatory cannot be used in court against the witness (except in a criminal proceeding in respect of the falsity of the evidence) (clause 6 and Schedule 1), and
- (e) prescribes the forms of affidavits to be given by police fingerprint experts (clauses 7 and 8 and Schedule 1).

Evidence Regulation 2005

Explanatory note

This Regulation is made under the *Evidence Act 1995*, in particular sections 67 (2), 99, 179 (1) (a), 180 (1) (a) and 197 (the general regulation-making power).

This Regulation comprises matter arising under legislation that is substantially uniform with legislation of the Commonwealth.

Evidence Regulation 2005

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Clause 1 Evidence Regulation 2005

Evidence Regulation 2005

under the

Evidence Act 1995

1 Name of Regulation

This Regulation is the *Evidence Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Evidence 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:

address includes a private, business or official address.

notifying party, in relation to a notice, means the person giving the notice.

the Act means the *Evidence Act 1995*.

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

Note. Section 80 (1) and (2) of the *Interpretation Act 1987* provide as follows:

(1) If a form is prescribed by, or approved under, an Act or statutory rule, strict compliance with the form is not necessary but substantial compliance is sufficient.

(2) If a form prescribed by, or approved under, an Act or instrument requires the form to be completed in a specified manner, or requires specified information to be included in, attached to or furnished with the form, the form is not duly completed unless it is completed in that manner and unless it includes, or has attached to or furnished with it, that information.

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

4 Exceptions to hearsay rule—notices of previous representations

(1) This clause is made for the purpose of section 67 of the Act.

-
- (2) A notice of previous representation must state:
- (a) subject to subclause (6), the substance of evidence of a previous representation that the notifying party intends to adduce, and
 - (b) the substance of all other relevant representations made by the person who made that previous representation, so far as they are known to the notifying party, and
 - (c) particulars of:
 - (i) the date, time, place and circumstances at or in which each of the representations mentioned in paragraph (a) or (b) was made, and
 - (ii) the names of the persons by whom, and the persons to whom, each of those representations was made, and
 - (iii) in a civil proceeding—the address of each person so named, so far as they are known to the notifying party.
- (3) If a notifying party intends to rely on any of sections 63 (2) (a) or (b) or 65 (2) (a), (b), (c) or (d), 3 (a) or (b) or 8 (a) or (b) of the Act, the party's notice of previous representation must state particulars of the facts on the basis of which it is alleged that the person who made a representation referred to in the notice is not available to testify concerning the fact to be proved by adducing evidence of that representation.
- (4) If a notifying party intends to rely on section 64 (2) (a) or (b) of the Act, the party's notice of previous representation must state particulars of the facts that the party will rely on to establish the grounds specified in section 64 (2) of the Act.
- (5) If a notice of previous representation refers to a previous representation that is in writing:
- (a) a copy of the document, or of the relevant portion of the document, containing the representation must be attached to the notice, and
 - (b) the notice must identify the document unless:
 - (i) a copy of the document is attached to the notice, and
 - (ii) the identity of the document is apparent on the face of the copy.
- (6) If a copy of a document, or of a portion of a document, is attached to a notice it is a sufficient compliance for the purposes of subclause (2) (a) to specify in the notice, or in the copy of a document or portion of a document attached to the notice, the representation evidence of which the notifying party intends to adduce.

Clause 5 Evidence Regulation 2005

-
- (7) On the application of a party in a criminal proceeding, the court may make an order directing the notifying party to disclose the address of any person named in a notice given under this clause by whom, or to whom, a representation referred to in the notice was made.
- (8) The direction may be given on such terms as the court thinks fit.
- (9) In this clause:
notice of previous representation means a notice given under section 67 (1) of the Act.

5 The tendency rule and the coincidence rule—form of notices

- (1) This clause is made for the purpose of section 99 of the Act.
- (2) A notice given under section 97 (1) (a) of the Act (relating to the tendency rule) must state:
- (a) the substance of the evidence of the kind referred to in that subsection that the party giving the notice intends to adduce, and
 - (b) if that evidence consists of, or includes, evidence of the conduct of a person, particulars of:
 - (i) the date, time, place and circumstances at or in which the conduct occurred, and
 - (ii) the name of each person who saw, heard or otherwise perceived the conduct, and
 - (iii) in a civil proceeding—the address of each person so named, so far as they are known to the notifying party.
- (3) A notice given under section 98 (1) (a) of the Act (relating to the coincidence rule) must state:
- (a) the substance of the evidence of the occurrence of two or more related events that the party giving the notice intends to adduce, and
 - (b) particulars of:
 - (i) the date, time, place and circumstances at or in which each of those events occurred, and
 - (ii) the name of each person who saw, heard or otherwise perceived each of those events, and
 - (iii) in a civil proceeding—the address of each person so named, so far as they are known to the notifying party.
- (4) On the application of a party in a criminal proceeding, the court may make an order directing the notifying party to disclose the address of any person named in a notice given under this clause who saw, heard or otherwise perceived conduct or events referred to in the notice.

(5) The direction may be given on such terms as the court thinks fit.

6 Privilege against self-incrimination—form of certificate

- (1) A certificate under section 128 of the Act may be in accordance with Form 1.
- (2) A certificate is not liable to be called into question by reason of its non-compliance with Form 1.

7 Fingerprint evidence of identity—affidavits by State or Territory police officers

For the purposes of section 179 (1) (a) of the Act, the prescribed form of affidavit is Form 2.

8 Fingerprint evidence of identity—affidavits by Australian Federal Police officers

For the purposes of section 180 (1) (a) of the Act, the prescribed form of affidavit is Form 3.

9 Savings

Any act, matter or thing that, immediately before the repeal of the *Evidence Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.

Evidence Regulation 2005

Schedule 1 Forms

Schedule 1 Forms

(Clause 3 (2))

Form 1 Certificate under section 128 of the Evidence Act 1995

(Clause 6)

[Set out heading to action or matter]

This Court certifies under section 128 of the *Evidence Act 1995* of New South Wales that evidence in these proceedings by *[state name of witness]* on *[state date or dates]*, a record of which is attached to this certificate*, is evidence to which section 128 (7) of that Act applies.

* a transcript, or other record, of the evidence is to be attached to this certificate, and duly authenticated by the court or its proper officer.

Dated:

L.S.

(affix seal)

Judge or magistrate of the Court

Note. Section 128 (7) of the *Evidence Act 1995* provides as follows:

- (7) In any proceeding in a NSW court:
- (a) evidence given by a person in respect of which a certificate under this section has been given, and
 - (b) evidence of any information, document or thing obtained as a direct or indirect consequence of the person having given evidence,
- cannot be used against the person. However, this does not apply to a criminal proceeding in respect of the falsity of the evidence.

Form 2 Affidavit of member of State or Territory police force concerning fingerprints

(Clause 7)

(Section 179 (1) (a) of the Evidence Act 1995)

[Set out heading to action or matter]

I, *[name of deponent]* of *[address of deponent]*, a member of the police force of *[State or Territory]* make oath and say*/affirm*:

1. I am a fingerprint expert for the police force of *[State or Territory]*.
2. I have examined the fingerprint card marked for identification with the letter "A".
3. I have compared the fingerprints shown on that card with the fingerprints shown on the fingerprint card in the records held by the police force of *[State or Territory]* showing the fingerprints of *[name of person and alias, if any]*.
4. The fingerprints on those cards are identical.

Evidence Regulation 2005

Forms

Schedule 1

-
5. According to the records of the police force of [*State or Territory*], which I believe to be accurate, [*name of person*] was convicted in that State*/Territory* of the following offences [*state offences*]:
 6. Annexed to this affidavit and marked with the letters [*insert an alphabetical sequence of letters, commencing at "B", corresponding to the number of annexures*], are certified copies or certificates of conviction for each of those convictions.
 7. From an examination of the records referred to above, I believe that the person referred to in each annexed certified copy or certificate as having been convicted of the offence stated in it is identical with the person whose fingerprints are shown on the fingerprint cards referred to in paragraph 3 of this affidavit.

SWORN*/AFFIRMED*
by the deponent at [*place*]
Date:

Before me:

(signature)

(signature)

A Justice of the Peace*/notary public*/legal Deponent
practitioner*/person authorised to take
affidavits in New South Wales*

**delete as appropriate*

Form 3 Affidavit of member of Australian Federal Police concerning fingerprints

(Clause 8)

(Section 180 (1) (a) of the Evidence Act 1995)

[*Set out heading to action or matter*]

I, [*name of deponent*] of [*address of deponent*], a member*/special member*/staff member* of the Australian Federal Police, make oath and say*/affirm*:

1. I am a fingerprint expert for the Australian Federal Police.
2. I have examined the fingerprint card marked for identification with the letter "A".
3. I have compared the fingerprints shown on that card with the fingerprints shown on the fingerprint card in the records held by the Australian Federal Police showing the fingerprints of [*name of person and alias, if any*].
4. The fingerprints on those cards are identical.
5. According to the records of the Australian Federal Police, which I believe to be accurate, [*name of person*] was convicted of the following offences against a law of the Commonwealth [*state offences*]:

Page 9

Evidence Regulation 2005

Schedule 1 Forms

-
6. Annexed to this affidavit and marked with the letters [*insert an alphabetical sequence of letters, commencing at "B", corresponding to the number of annexures*], are certified copies or certificates of conviction for each of those convictions.
 7. From an examination of the records referred to above, I believe that the person referred to in each annexed certified copy or certificate as having been convicted of the offence stated in it is identical with the person whose fingerprints are shown on the fingerprint cards referred to in paragraph 3 of this affidavit.

SWORN*/AFFIRMED*
by the deponent at [*place*]

Date:

Before me:

(signature)

(signature)

A Justice of the Peace*/notary public*/legal Deponent
practitioner*/person authorised to take
affidavits in New South Wales*

**delete as appropriate*



New South Wales

Federal Courts (State Jurisdiction) Regulation 2005

under the

Federal Courts (State Jurisdiction) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Federal Courts (State Jurisdiction) Act 1999*.

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 *Federal Courts (State Jurisdiction) Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation prescribes the *Coal Industry (Industrial Matters) Act 1946* (previously entitled the *Coal Industry Act 1946*) as a relevant State Act for the purposes of the *Federal Courts (State Jurisdiction) Act 1999* (**the Act**). The Act provides that a decision made by the Federal Court or Family Court in exercise of jurisdiction purportedly conferred by a relevant State Act is taken to be a decision made by the Supreme Court of New South Wales. The Act was passed following the decision of the High Court in *Re Wakim; Ex parte McNally* [1999] HCA 27 in which it was held that a federal court could not be invested with State jurisdiction by a State Act.

The Regulation is made under the *Federal Courts (State Jurisdiction) Act 1999*, including paragraph (i) of the definition of **relevant State Act** in section 3 and section 16 (the general regulation-making power).

This Regulation comprises or relates to matters arising under legislation that is substantially uniform or complementary with legislation of other States.

Clause 1 Federal Courts (State Jurisdiction) Regulation 2005

Federal Courts (State Jurisdiction) Regulation 2005

under the

Federal Courts (State Jurisdiction) Act 1999

1 Name of Regulation

This Regulation is the *Federal Courts (State Jurisdiction) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Federal Courts (State Jurisdiction) Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Prescribed relevant State Act

For the purposes of paragraph (i) of the definition of *relevant State Act* in section 3 of the *Federal Courts (State Jurisdiction) Act 1999*, the *Coal Industry (Industrial Matters) Act 1946* (previously entitled the *Coal Industry Act 1946*) is prescribed.

4 Notes

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



New South Wales

Fines Regulation 2005

under the

Fines Act 1996

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

MORRIS IEMMA, M.P.,
Treasurer

Explanatory note

The object of this Regulation is to remake, without substantial alteration, the *Fines Regulation 1997*, which is to be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the following matters connected with the administration of the *Fines Act 1996* (**the Act**):

- (a) the enforcement costs relating to fines imposed by courts (Part 2),
- (b) matters relating to penalty notices (Part 3), including:
 - (i) the enforcement costs relating to fines imposed by penalty notices (clause 5), and
 - (ii) the fees for an application to annul a penalty notice enforcement order and for an application to review the State Debt Recovery Office's decision on such an application, and the time within which such an application for review may be made (clauses 6 and 7),
- (c) the forms that community service orders, warrants of commitment and periodic detention orders relating to fine defaulters are to take, and the forms of notices of those orders and warrants that are to be served on the fine defaulters concerned (Part 4 and Schedule 1),
- (d) the declaration of reciprocating courts for the purposes of the reciprocal enforcement of fines against bodies corporate (Part 5),
- (e) a savings provision (Part 6).

Fines Regulation 2005

Explanatory note

This Regulation also contains matters of a formal nature (Part 1).

This Regulation is made under the *Fines Act 1996*, including section 128 (the general regulation-making power) and the various other sections mentioned in the Regulation.

Fines Regulation 2005

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Clause 1	Fines Regulation 2005
Part 1	Preliminary

Fines Regulation 2005

under the

Fines Act 1996

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Fines Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Fines Regulation 1997* 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 *Fines Act 1996*.
- (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.

Fines Regulation 2005

Clause 4

Fines imposed by courts

Part 2

Part 2 Fines imposed by courts

4 Enforcement costs under court fine enforcement orders: section 16

- (1) The following enforcement costs are payable under a court fine enforcement order:
- (a) \$50 (or, if the fine defaulter concerned was under the age of 18 years at the time of the offence or alleged offence, \$25), payable to the State Debt Recovery Office on the making of the order,
 - (b) \$40, payable to the Roads and Traffic Authority if any enforcement action is taken by that Authority under Division 3 of Part 4 of the Act before payment is made under the order,
 - (c) \$50, payable into the Consolidated Fund if any enforcement action is taken by the Sheriff or other official under Division 4 of Part 4 of the Act before payment is made under the order.

Note. See section 102A of the *Fines Act 1996* in relation to the liability for enforcement costs for persons under the age of 18.

- (2) The enforcement costs referred to in subclause (1) (c):
- (a) apply to each of the following kinds of enforcement action:
 - (i) the making of a property seizure order against a fine defaulter, as referred to in section 72 (1) of the Act,
 - (ii) the making of a garnishee order against a fine defaulter, as referred to in section 73 (1) of the Act,
 - (iii) an application to register a fine enforcement order as a charge on land held by a fine defaulter, as referred to in section 74 (1) of the Act,
 - (iv) the issue of an examination summons against a fine defaulter, as referred to in section 75 (1) of the Act,
 - (v) the issue of a warrant for the apprehension of a fine defaulter who fails to attend in accordance with an examination summons, as referred to in section 75 (7) of the Act, and
 - (b) are to be paid to the State Debt Recovery Office for payment into the Consolidated Fund.

Clause 5 Fines Regulation 2005

Part 3 Penalty notices

Part 3 Penalty notices

5 Enforcement costs under penalty notice enforcement orders: section 44

- (1) The following enforcement costs are payable under a penalty notice enforcement order:
- (a) \$50 (or, if the fine defaulter concerned was under the age of 18 years at the time of the offence or alleged offence, \$25), payable to the State Debt Recovery Office on the making of the order,
 - (b) \$40, payable to the Roads and Traffic Authority if any enforcement action is taken by that Authority under Division 3 of Part 4 of the Act before payment is made under the order,
 - (c) \$50, payable into the Consolidated Fund if any enforcement action is taken by the Sheriff or other official under Division 4 of Part 4 of the Act before payment is made under the order.

Note. See section 102A of the *Fines Act 1996* in relation to the liability for enforcement costs for persons under the age of 18.

- (2) The enforcement costs referred to in subclause (1) (c):
- (a) apply to each of the following kinds of enforcement action:
 - (i) the making of a property seizure order against a fine defaulter, as referred to in section 72 (1) of the Act,
 - (ii) the making of a garnishee order against a fine defaulter, as referred to in section 73 (1) of the Act,
 - (iii) an application to register a fine enforcement order as a charge on land held by a fine defaulter, as referred to in section 74 (1) of the Act,
 - (iv) the issue of an examination summons against a fine defaulter, as referred to in section 75 (1) of the Act,
 - (v) the issue of a warrant for the apprehension of a fine defaulter who fails to attend in accordance with an examination summons, as referred to in section 75 (7) of the Act, and
 - (b) are to be paid to the State Debt Recovery Office for payment into the Consolidated Fund.

6 Applications for annulment of penalty notice enforcement orders: section 48

- (1) An application fee of \$50 is payable in relation to an application to the State Debt Recovery Office for annulment of a penalty notice enforcement order.

Fines Regulation 2005

Clause 7

Penalty notices

Part 3

-
- (2) The State Debt Recovery Office may waive, postpone or remit the application fee payable under this clause in such circumstances as it considers appropriate.

7 Applications to Local Court for redetermination of applications for annulment of penalty notice enforcement orders: section 50

- (1) An application fee of \$50 is payable in relation to an application under section 50 of the Act to have an application for annulment determined by a Local Court.
- (2) The registrar of the Local Court with which any such application is lodged may waive, postpone or remit the application fee payable under this clause in such circumstances as the registrar considers appropriate.

Clause 8	Fines Regulation 2005
Part 4	Fine enforcement action

Part 4 Fine enforcement action

8 Community service orders: section 79

- (1) A community service order under section 79 of the Act must be reduced to writing using Form 1.
- (2) For the purposes of section 80 (2) of the Act, the notice of a community service order is to be in Form 2.

9 Warrants of commitment: section 87

For the purposes of section 87 (2A) (a) of the Act, a warrant of commitment to imprisonment is to be in:

- (a) Form 3, where the imprisonment is to be served by way of full-time detention, or
- (b) Form 4, where the imprisonment is to be served by way of periodic detention.

10 Periodic detention orders: section 89

- (1) A periodic detention order under section 89 of the Act must be reduced to writing using Form 5.
- (2) For the purposes of section 89A (2) of the Act, the notice of a periodic detention order is to be in Form 6.

Fines Regulation 2005

Clause 11

Reciprocal enforcement of fines against bodies corporate

Part 5

Part 5 Reciprocal enforcement of fines against bodies corporate

11 Declaration of reciprocating court: section 106

For the purposes of section 106 of the Act, the following courts (or classes of courts) are declared to be reciprocating courts (or classes of reciprocating courts):

- (a) Magistrates Courts of Queensland,
- (b) Magistrates Courts of South Australia,
- (c) Magistrates Courts of Tasmania,
- (d) Magistrates Courts of Victoria,
- (e) Magistrates Courts of Western Australia,
- (f) Magistrates Courts of the Australian Capital Territory,
- (g) Courts of Summary Jurisdiction of the Northern Territory.

Clause 12 Fines Regulation 2005

Part 6 Miscellaneous

Part 6 Miscellaneous

12 Saving

Any Act, matter or thing that, immediately before the repeal of the *Fines Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

Fines Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

(Clause 3)

Form 1 Community service order

(Clause 8 (1))

(Fines Act 1996, section 79)

1 Offence details

Case/Penalty Notice* No:

Conviction/Issue* Date:

Convicting Court/Issuing Authority*:

Fine defaulter:

Date of Birth:

Offence:

* *Delete inappropriate words, depending on whether or not the relevant fine was imposed by a Court*

Particulars of community service imposed by State Debt Recovery Office

Number of hours' community service work: *[number]*

(to include *[number]* hours' participation in a personal development, educational or other program)*.

*The above sentence is to be served cumulatively on the sentence of *[number]* hours' community service work that commenced on *[date]*.

2 Standard conditions

Pursuant to section 79 (6) (b) of the *Fines Act 1996*, this order is subject to the conditions prescribed by the regulations under the *Crimes (Administration of Sentences) Act 1999*.

Note. A copy of the standard conditions must be attached to this order.

3 Additional conditions

The order is also subject to the following conditions: *[state conditions]*

Date of order:

Signed (Justice of the Peace):

Date:

* *Delete if not applicable*

Fines Regulation 2005

Schedule 1 Forms

Form 2 Notice of community service order

(Clause 8 (2))

(Fines Act 1996, section 80)

TO [name]

of [address]

WHEREAS a fine of \$ [amount] was imposed on you by Penalty Notice No [number] in respect of the following offence: [state offence],

AND WHEREAS a fine enforcement order was served on you on [date] in respect of that fine,

AND WHEREAS an amount of \$ [amount] remains unpaid in respect of that fine,

AND WHEREAS the State Debt Recovery Office has, under section 79 of the *Fines Act 1996*, made a community service order requiring you to work off the amount of the fine that remains unpaid by performing [number] hours' community service work (to include [number] hours' participation in a personal development, educational or other program)*,

YOU ARE HEREBY GIVEN NOTICE that you have been ordered to report in person to [place] at [date] in the State of New South Wales within the period of [number] days from the date of this notice for the purpose of enabling the administration of the order to be commenced.

Signed (Justice of the Peace):

Signature of fine defaulter:

Date:

* Delete if not applicable

Form 3 Warrant of commitment to correctional centre

(Clause 9 (a))

(Fines Act 1996, section 87)

TO THE GOVERNOR of the correctional centre at [address] in the State of New South Wales

WHEREAS a fine of \$ [amount] was imposed on [name] (**the fine defaulter**) of [address] by Penalty Notice No [number] in respect of the following offence: [state offence],

AND WHEREAS the State Debt Recovery Office has revoked a community service order under Division 5 of Part 4 of the *Fines Act 1996* in relation to the unpaid amount of the fine imposed in respect of that offence,

AND WHEREAS the State Debt Recovery Office has further determined that, for failing to comply with that order, the fine defaulter be imprisoned for a period of [state period], to commence on [date], in accordance with Division 6 of Part 4 of the *Fines Act 1996*,

Fines Regulation 2005

Forms

Schedule 1

YOU ARE HEREBY DIRECTED to receive the fine defaulter into your custody there and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to detain the fine defaulter there by way of full-time detention for that period.

Signed (Justice of the Peace):

Date:

TO ALL POLICE OFFICERS in the State of New South Wales

By virtue of section 87 of the *Fines Act 1996*, this warrant is sufficient authority for you to convey the fine defaulter named in this warrant to the correctional centre specified in this warrant and to deliver the fine defaulter into the custody of the governor of that correctional centre.

Signed (Justice of the Peace):

Date:

Form 4 Warrant of commitment to periodic detention centre

(Clause 9 (b))

(Fines Act 1996, section 87)

TO THE GOVERNOR responsible for the periodic detention centre at [address] in the State of New South Wales,

WHEREAS a fine of \$ [amount] was imposed on [name] (**the fine defaulter**) of [address] by Penalty Notice No [number] in respect of the following offence: [state offence],

AND WHEREAS the State Debt Recovery Office has revoked a community service order under Division 5 of Part 4 of the *Fines Act 1996* in relation to the unpaid amount of the fine imposed in respect of that offence,

AND WHEREAS the State Debt Recovery Office has further determined that, for failing to comply with that order, the fine defaulter be imprisoned for a period of [state period], to commence on [date], in accordance with Division 6 of Part 4 of the *Fines Act 1996*,

AND WHEREAS the Commissioner of Corrective Services has, under section 89 of the *Fines Act 1996*, ordered that the term of imprisonment be served by way of periodic detention,

YOU ARE HEREBY DIRECTED to receive the fine defaulter into your custody there and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to imprison the fine defaulter there by way of periodic detention for that period.

Signed (Justice of the Peace):

Date:

Fines Regulation 2005

Schedule 1 Forms

Form 5 Periodic detention order

(Clause 10 (1))

(Fines Act 1996, section 89)

1 Offence details

Case/Penalty Notice* No:

Conviction/Issue* Date:

Convicting Court/Issuing Authority*:

Fine defaulter:

Date of Birth:

Offence:

* *Delete inappropriate words, depending on whether or not the relevant fine was imposed by a Court*

Particulars of imprisonment imposed by State Debt Recovery OfficeTerm of: [*state term*]to commence on: [*date*]

It is hereby ordered that the above term of imprisonment is to be served by way of periodic detention in accordance with the *Crimes (Administration of Sentences) Act 1999*.

Date of order:

Signed (Commissioner of Corrective Services):

Date:

* *Delete if not applicable***Form 6 Notice of periodic detention order**

(Clause 10 (2))

(Fines Act 1996, section 89A)

TO [*name*]of [*address*]

WHEREAS a fine of \$ [*amount*] was imposed on you by Penalty Notice No [*number*] in respect of the following offence: [*state offence*],

AND WHEREAS a fine enforcement order was served on you on [*date*] in respect of that fine,

AND WHEREAS an amount of \$ [*amount*] remains unpaid in respect of that fine,

AND WHEREAS the State Debt Recovery Office has, under section 79 of the *Fines Act 1996*, made a community service order requiring you to work off the amount of that fine that remains unpaid by performing [*number*] hours' community service work,

Fines Regulation 2005

Forms

Schedule 1

AND WHEREAS the State Debt Recovery Office has revoked the community service order under Division 5 of Part 4 of the *Fines Act 1996* in relation to that unpaid amount of that fine,

AND WHEREAS the State Debt Recovery Office has further determined that, for failing to comply with that order, you be imprisoned for a period of [*state period*], to commence on [*date*], in accordance with Division 6 of Part 4 of the *Fines Act 1996*,

AND WHEREAS the Commissioner of Corrective Services has, under section 89 of the *Fines Act 1996*, ordered that the term of imprisonment be served by way of periodic detention,

YOU ARE HEREBY GIVEN NOTICE that you have been ordered to report in person to the officer in charge of the periodic detention centre at [*address*] in the State of New South Wales at [*address*] on [*date*] and (subject to the *Crimes (Administration of Sentences) Act 1999* and to any order under that Act) to the same place at [*address*] on [*date*] each subsequent week during the term of your sentence.

Signed (Commissioner of Corrective Services):

Signature of fine defaulter:

Date:



New South Wales

Guardianship Regulation 2005

under the

Guardianship Act 1987

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

JOHN DELLA BOSCA, M.L.C.,
Minister for Disability Services

Explanatory note

This Regulation makes provision for general matters under the *Guardianship Act 1987* (*the Act*). In particular, the Regulation:

- (a) prescribes the form of instrument by which a person is appointed as an enduring guardian, the instrument that revokes such an appointment and the instrument by which a person may resign as an enduring guardian, and
- (b) prescribes certain instruments made under the laws of other States and Territories to enable persons appointed under those instruments to be recognised in this State as enduring guardians, and
- (c) declares certain treatment to be medical treatment, and certain other treatment to be dental treatment, for the purposes of Part 5 of the Act, and
- (d) declares certain treatment to be special medical treatment, and certain other medical treatment to be major medical treatment, for the purposes of Part 5 of the Act, and
- (e) provides for the keeping of clinical records in relation to the carrying out of such treatment, and
- (f) declares certain laws to be corresponding laws for the purposes of Part 5A of the Act (which provides for the recognition of guardians and managers appointed under such laws), and
- (g) provides that all decisions made by the Public Guardian in connection with the exercise of the Public Guardian's functions as a guardian under the Act are reviewable by the Administrative Decisions Tribunal.

Guardianship Regulation 2005

Explanatory note

This Regulation replaces the *Guardianship Regulation 2000* which is repealed on 1 September 2005 under section 10 (2) of the *Subordinate Legislation Act 1989* and is remade without any changes in substance.

This Regulation is made under the *Guardianship Act 1987*, in particular section 108 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of statutory rules under Part 3 of the *Subordinate Legislation Act 1989*.

Guardianship Regulation 2005

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Clause 1	Guardianship Regulation 2005
Part 1	Preliminary

Guardianship Regulation 2005

under the

Guardianship Act 1987

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Guardianship Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

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

3 Definitions

(1) In this Regulation:

drug of addiction means a substance that is specified in Schedule 8 to the Poisons List under the *Poisons and Therapeutic Goods Act 1966*.

restricted substance means a substance that is specified in Schedule 4 to the Poisons List under the *Poisons and Therapeutic Goods Act 1966*.

simple sedation means a technique in which the use of a drug or drugs produces a state of depression of the central nervous system enabling treatment to be carried out, and in which:

- (a) verbal contact with the patient is maintained throughout the period of sedation, and
- (b) the drugs and techniques used have a margin of safety wide enough to render unintended loss of consciousness unlikely.

the Act means the *Guardianship Act 1987*.

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

Guardianship Regulation 2005

Clause 4

Enduring guardians

Part 2

Part 2 Enduring guardians

4 Appointment of enduring guardian

For the purposes of section 6C (1) (a) of the Act, the form set out in Schedule 1 is the prescribed form of instrument appointing a person as an enduring guardian.

5 Revocation of appointment of enduring guardian

For the purposes of section 6H (2) (b) of the Act, the form set out in Schedule 2 is the prescribed form of instrument revoking the appointment of a person as an enduring guardian.

6 Resignation of appointment as enduring guardian

For the purposes of section 6HB (2) (a) of the Act, the form set out in Schedule 3 is the prescribed form for a written notice of resignation of an appointment as an enduring guardian.

7 Interstate enduring guardians

For the purposes of the definition of *interstate enduring guardian* in section 6O (5) of the Act, the following instruments are prescribed:

- (a) a power of attorney created under Division 2.2 of Part 2 of the *Medical Treatment Act 1994* of the Australian Capital Territory,
- (b) an enduring power of attorney created under section 12 of the *Powers of Attorney Act 1956* of the Australian Capital Territory,
- (c) an enduring power of attorney made under Part 2 of Chapter 3 of the *Powers of Attorney Act 1998* of Queensland,
- (d) an advance health directive made under Part 3 of Chapter 3 of the *Powers of Attorney Act 1998* of Queensland,
- (e) a medical power of attorney made under Division 3 of Part 2 of the *Consent to Medical Treatment and Palliative Care Act 1995* of South Australia,
- (f) an appointment of an enduring guardian made under Part 3 of the *Guardianship and Administration Act 1993* of South Australia,
- (g) an appointment of an enduring guardian made under Division 5A of Part 4 of the *Guardianship and Administration Act 1986* of Victoria,
- (h) an enduring power of attorney (medical treatment) made under Part 2 of the *Medical Treatment Act 1988* of Victoria,
- (i) an appointment of an enduring guardian made under Part 5 of the *Guardianship and Administration Act 1995* of Tasmania.

Clause 8 Guardianship Regulation 2005

Part 3 Medical and dental treatment

Part 3 Medical and dental treatment

8 Special medical treatment

The following medical treatment is declared to be special treatment for the purposes of Part 5 of the Act:

- (a) any treatment that involves the administration of a drug of addiction (other than in association with the treatment of cancer or palliative care of a terminally ill patient) over a period or periods totalling more than 10 days in any period of 30 days,
- (b) any treatment that is carried out for the purpose of terminating pregnancy,
- (c) any treatment in the nature of a vasectomy or tubal occlusion,
- (d) any treatment that involves the use of an aversive stimulus, whether mechanical, chemical, physical or otherwise.

9 Experimental special medical treatment to which Tribunal may consent

The following medical treatment is prescribed special treatment for the purposes of section 45 (3) (b) of the Act:

- (a) any treatment that involves the administration to a patient of one or more restricted substances for the purpose of affecting the central nervous system of the patient, but only if the dosage levels, combinations or the numbers of restricted substances used or the duration of the treatment are outside the accepted mode of treatment for such a patient,
- (b) any treatment that involves the use of androgen reducing medication for the purpose of behavioural control.

10 Major medical treatment

The following medical treatment (not including any special treatment) is declared to be major treatment for the purposes of Part 5 of the Act:

- (a) any treatment that involves the administration of a long-acting injectable hormonal substance for the purpose of contraception or menstrual regulation,
Note. An example of such a substance is medroxyprogesterone acetate, in suspension, commonly known as Depo-Provera.
- (b) any treatment that involves the administration of a drug of addiction,
- (c) any treatment that involves the administration of a general anaesthetic or other sedation, but not treatment involving:
 - (i) sedation used to facilitate the management of fractured or dislocated limbs, or

Guardianship Regulation 2005

Clause 11

Medical and dental treatment

Part 3

-
- (ii) sedation used to facilitate the insertion of an endoscope into a patient's body for diagnostic purposes unless the endoscope is inserted through a breach or incision in the skin or a mucous membrane,
 - (d) any treatment used for the purpose of eliminating menstruation,
 - (e) any treatment that involves the administration of a restricted substance for the purpose of affecting the central nervous system, but not a treatment:
 - (i) involving a substance that is intended to be used for analgesic, antipyretic, antiparkinsonian, anticonvulsant, antiemetic, antinauseant or antihistaminic purposes, or
 - (ii) that is to be given only once, or
 - (iii) that is a PRN treatment (that is, given when required, according to the patient's needs) that may be given not more than 3 times a month, or
 - (iv) given for sedation in minor medical procedures,
 - (f) any treatment that involves a substantial risk to the patient (that is, a risk that amounts to more than a mere possibility) of:
 - (i) death, or
 - (ii) brain damage, or
 - (iii) paralysis, or
 - (iv) permanent loss of function of any organ or limb, or
 - (v) permanent and disfiguring scarring, or
 - (vi) exacerbation of the condition being treated, or
 - (vii) an unusually prolonged period of recovery, or
 - (viii) a detrimental change of personality, or
 - (ix) a high level of pain or stress,
 - (g) any treatment involving testing for the human immuno-deficiency virus (HIV).

11 Major dental treatment

The following dental treatment is declared to be major treatment for the purposes of Part 5 of the Act:

- (a) any treatment involving the administration of a general anaesthetic or simple sedation,
- (b) any treatment intended, or likely, to result in the removal of all teeth,

Clause 12 Guardianship Regulation 2005

Part 3 Medical and dental treatment

- (c) any treatment likely to result in the patient's ability to chew food being significantly impaired for an indefinite or prolonged period.

12 Requests for consent to the carrying out of medical or dental treatment

- (1) A request under section 40 of the Act for consent to the carrying out of minor medical treatment or dental treatment is to be made in writing. However, the request may be made orally if:
 - (a) it is not practicable to make the request in writing, or
 - (b) the person whose consent is sought does not require it to be made in writing.
- (2) A request under section 40 of the Act for consent to the carrying out of major medical treatment is to be made in writing. However, the request may be made orally if it is not practicable to make the request in writing because of the need to provide the treatment quickly.
- (3) A person who requests a consent referred to in this clause must give written confirmation of the request to the person whose consent is sought if the request was made orally and:
 - (a) sought consent to major treatment, or
 - (b) the person whose consent is sought requires the written confirmation.

13 Consents to the carrying out of medical or dental treatment

- (1) A consent under section 40 of the Act to the carrying out of minor medical treatment or dental treatment is to be given in writing. However, the consent may be made orally if:
 - (a) it is not practicable to give the consent in writing, or
 - (b) the person by whom the treatment is to be carried out does not require it to be given in writing.
- (2) A consent under section 40 of the Act to the carrying out of major medical treatment is to be given in writing. However, the consent may be given orally if it is not practicable to do so in writing because of the need to provide the treatment quickly.
- (3) A person who gives an oral consent as referred to in this clause must give written confirmation of the consent to the person who requested the consent if:
 - (a) the consent related to the carrying out of major treatment, or
 - (b) the person who requested consent requires the written confirmation.

Guardianship Regulation 2005

Clause 14

Medical and dental treatment

Part 3

14 Clinical records

- (1) A person by whom medical or dental treatment is carried out pursuant to a consent given under Part 5 of the Act is to keep a written record of:
 - (a) the name and address of the person by whom the consent was given, and
 - (b) the date on which the consent was given, and
 - (c) the conditions (if any) on which the consent was given, and
 - (d) the nature of the treatment carried out,and if the consent was given in writing, is to keep a copy of the consent together with the written record.
- (2) A person by whom such a record is kept must allow the record, and any copy of consent kept with the record, to be inspected at any reasonable time by an authorised officer.
- (3) Nothing in this clause requires a person to retain a record of any medical or dental treatment carried out by the person for a period of more than 7 years after the date on which the treatment is carried out.

Clause 15 Guardianship Regulation 2005

Part 4 Reciprocal arrangements

Part 4 Reciprocal arrangements

15 Corresponding laws

For the purposes of the definition of *corresponding law* in section 48A of the Act, the following laws are declared to be corresponding laws for the purposes of Part 5A of the Act:

- (a) *Guardianship and Administration Act 1986* of Victoria,
- (b) *Guardianship and Administration Act 1993* of South Australia,
- (c) *Adult Guardianship Act 1988* of the Northern Territory,
- (d) *Aged and Infirm Persons' Property Act 1979* of the Northern Territory,
- (e) *Guardianship and Administration Act 1990* of Western Australia,
- (f) *Guardianship and Administration Act 1995* of Tasmania,
- (g) *Guardianship and Management of Property Act 1991* of the Australian Capital Territory,
- (h) *Guardianship and Administration Act 2000* of Queensland,
- (i) *Protection of Personal and Property Rights Act 1988* of New Zealand.

Guardianship Regulation 2005

Clause 16

Miscellaneous

Part 5

Part 5 Miscellaneous

16 Service of notices and other instruments

- (1) For the purposes of section 98 (1) (c) of the Act, a notice or other instrument may be published in a daily newspaper circulating generally throughout the Sydney Metropolitan Area.
- (2) For the purposes of section 98 (2) (b) of the Act, a notice or other instrument published in accordance with this clause is to be taken to have been served at the end of 7 days after it was published.

17 Review by ADT of guardianship decisions of Public Guardian

All decisions made by the Public Guardian in connection with the exercise of the Public Guardian's functions under the Act as a guardian are prescribed for the purposes of section 80A of the Act.

18 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Guardianship Regulation 2000*, had effect under that Regulation, is taken to have effect under this Regulation.

Guardianship Regulation 2005

Schedule 1 Form of appointment of enduring guardian

Schedule 1 Form of appointment of enduring guardian

(Clause 4)

Appointment of one person as an enduring guardian (or appointment of 2 or more people as enduring guardians with the same functions)

I [*insert your name, address and occupation*], appoint [*insert the name, address and occupation of your proposed enduring guardian or, if you want to appoint more than one guardian with the same functions, insert the name, address and occupation of each of your proposed enduring guardians*] to be my guardian (or guardians) if because of a disability I am partially or totally incapable of managing my person.

I appoint my enduring guardians to act jointly/severally/jointly and severally.

The death, resignation or incapacity of one or more of my joint enduring guardians does not operate to terminate the appointment of any other of my joint enduring guardians.

Note. The above 2 sentences relate to the appointment of 2 or more people as enduring guardians. They may be crossed out if you are appointing only one enduring guardian.

If you want to appoint more than one enduring guardian and you want your enduring guardians to have the same functions, then you should fill out this form by inserting the names of all your proposed enduring guardians in the place indicated. Each person must sign this form to show that he or she accepts the appointment.

You should also indicate whether the enduring guardians are to act jointly, severally or jointly and severally. If you specify that they are to act jointly, they will only be able to act if they all agree on the course of action. If you specify that they are to act severally or jointly and severally, they will be able to act independently of each other. If you appoint the enduring guardians to act jointly, you may also specify that the death, resignation or incapacity of one of the joint enduring guardians will not terminate the appointment of the other joint enduring guardians.

However, if you want your enduring guardians to have different functions and to act separately, you should fill out a different form for each proposed enduring guardian.

(You need to put your initials beside any writing that you have crossed out.)

I authorise my enduring guardian (or each of my enduring guardians) to exercise the following functions:

- (a) to decide where I live,
- (b) to decide what health care I receive,
- (c) to decide what other kinds of personal services I receive,
- (d) to consent to the carrying out of medical or dental treatment on me (in accordance with Part 5 of the *Guardianship Act 1987*).

Note. You can cross out any or all of the above functions if you do not want your enduring guardian or enduring guardians to exercise any or all of them.

(You need to put your initials beside any writing that you have crossed out. If you cross out all of the functions, you need to list the functions that you want your enduring guardian or enduring guardians to exercise.)

If you would prefer, you can give your enduring guardian or enduring guardians power to exercise only part of any function.

Guardianship Regulation 2005

Form of appointment of enduring guardian

Schedule 1

I also authorise my enduring guardian (or each of my enduring guardians) to exercise the following additional functions: *[you can add any additional functions here or leave this blank by crossing it out and putting your initials beside it]*.

I require that my enduring guardian (or each of my enduring guardians) exercise his or her functions subject to the following directions: *[you can add any specific requirements or limitations here or leave this blank by crossing it out and putting your initials beside it]*.

I also appoint *[insert the name, address and occupation of your proposed alternative enduring guardian]* to be an alternative enduring guardian.

Note. If you appoint an alternative enduring guardian, he or she will be authorised to exercise the functions of your enduring guardian should the enduring guardian die, resign or become incapacitated. An alternative enduring guardian is not authorised to exercise those functions until (and unless) that happens. Cross the above statement out if you do not wish to appoint an alternative enduring guardian.

(You need to put your initials beside any writing that you have crossed out.)

Signature:

I directed *[insert the name and address of person signing on your behalf]* to sign this document on my behalf.

Note. The above details should be completed if a person signs this document on your behalf. A person can sign on your behalf if the person is at least 18 years of age, is not a witness to this instrument and is not being appointed as an enduring guardian or alternative enduring guardian. You should direct the person to sign on your behalf in the presence of the person who witnesses the signature. You can cross out the above statement if it is not applicable to you.

(You need to put your initials beside any writing that you have crossed out.)

Date:

Acceptance of appointment

I accept my appointment as enduring guardian/alternative enduring guardian.

Signature of enduring guardian/alternative enduring guardian (or of each guardian):

Date:

Note. Cross out anything that is not applicable to you.

(You need to put your initials beside any writing that you have crossed out.)

Certificate of witness

I, *[Name]* of *[Address]* being a NSW barrister/NSW solicitor/interstate legal practitioner/Registrar of a Local Court/prescribed person certify that:

- (a) I witnessed the execution of this instrument by or for *[insert the name or names of the persons concerned]*, and
- (b) this/these person(s) executed the instrument voluntarily and that each appeared to understand the effect of the instrument, and
- (c) the appointor in my presence instructed the person named in this instrument to sign the instrument on the appointor's behalf.

Signature of witness:

State or Territory where signatures witnessed (if witnessed outside New South Wales):

Date:

Note. A person may witness both the signatures of the appointor (the person appointing an enduring guardian) and appointees (the persons who are appointed as enduring guardians). However, where the signatures of the appointor and appointees are witnessed by different persons, each witness should sign a certificate in respect of the signatures they have witnessed. If an appointor has instructed another person

Guardianship Regulation 2005

Schedule 1 Form of appointment of enduring guardian

to sign the instrument on the appointor's behalf, the witness also needs to certify the matter referred to in paragraph (c). The witness should also cross out any other matter that is not applicable to the witness. (You need to put your initials beside any writing that you have crossed out.)

Guardianship Regulation 2005

Form of revocation of appointment of enduring guardian

Schedule 2

Schedule 2 Form of revocation of appointment of enduring guardian

(Clause 5)

Revocation of appointment of enduring guardian

I, *[insert your name, address and occupation]* revoke the appointment of *[insert the name of your enduring guardian or enduring guardians]* as my enduring guardian.

I understand that this revocation will not be effective unless the enduring guardian is or has been given written notice of the revocation.

Signature:

I directed *[insert the name and address of person signing on your behalf]* to sign this document on my behalf.

Note. The above details should be completed if a person signs this document on your behalf. A person can sign on your behalf if the person is at least 18 years of age, is not a witness to this instrument and is not your enduring guardian or alternative enduring guardian. You should direct the person to sign on your behalf in the presence of the person who witnesses the signature. You can cross out the above statement if it is not applicable to you.

(You need to put your initials beside any writing that you have crossed out.)

Date:

Certificate of witness

I, *[Name]* of *[Address]* being a NSW barrister/NSW solicitor/interstate legal practitioner/Registrar of a Local Court/prescribed person certify that:

- (a) I witnessed the execution of this instrument by or for the appointor revoking the appointment in my presence, and
- (b) the appointor executed the instrument voluntarily and appeared to understand the effect of the instrument, and
- (c) the appointor in my presence instructed the person named in this instrument to sign the instrument on his or her behalf.

Signature of witness:

State or Territory where signature witnessed (if witnessed outside New South Wales):

Date:

Note. If an appointor (the person appointing an enduring guardian) has instructed another person to sign the instrument on the appointor's behalf, the witness also needs to certify the matter referred to in paragraph (c). The witness should also cross out any other matter that is not applicable to the witness.

(You need to put your initials beside any writing that you have crossed out.)

Guardianship Regulation 2005

Schedule 3 Form of notice of resignation of appointment as enduring guardian or alternative enduring guardian

Schedule 3 Form of notice of resignation of appointment as enduring guardian or alternative enduring guardian

(Clause 6)

Notice of resignation of appointment of enduring guardian/alternative enduring guardian

I, [*insert your name, address and occupation*] resign my appointment as an enduring guardian/alternative enduring guardian of [*insert the name and address of appointor*].

Note. You may resign your appointment as an enduring guardian or alternative enduring guardian by giving written notice to the person who appointed you. However, you may only do so if that person is not in need of a guardian at the time you give this notice. If the person is in need of a guardian at that time, you may resign only with the approval of the Guardianship Tribunal. You can cross out any matter that is not applicable to you.

(You need to put your initials beside any writing that you have crossed out.)

Signature:

I directed [*insert the name and address of person signing on your behalf*] to sign this document on my behalf.

Note. The above details should be completed if a person signs this document on your behalf. A person can sign on your behalf if the person is at least 18 years of age and is not a witness to this instrument. You should direct the person to sign on your behalf in the presence of the person who witnesses the signature. You can cross out the above statement if it is not applicable to you.

(You need to put your initials beside any writing that you have crossed out.)

Date:

Certificate of witness

I, [*Name*] of [*Address*] being a NSW barrister/NSW solicitor/interstate legal practitioner/Registrar of a Local Court/prescribed person certify that:

- (a) I witnessed the execution of this instrument by or for the person resigning the appointment in my presence, and
- (b) the person in my presence instructed the person named in this instrument to sign the instrument on his or her behalf.

Signature of witness:

State or Territory where signature witnessed (if witnessed outside New South Wales):

Date:

Note. If an appointee (the person who is appointed as an enduring guardian) has instructed another person to sign the instrument on the appointee's behalf, the witness also needs to certify the matter referred to in paragraph (b). The witness should also cross out any other matter that is not applicable to the witness.

(You need to put your initials beside any writing that you have crossed out.)



New South Wales

Legal Profession Regulation 2005

under the

Legal Profession Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 2004*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to provide a set of provisions contemplated by the *Legal Profession Act 2004*, as amended by the *Courts Legislation Amendment Act 2005* and the *Legal Profession Amendment Act 2005*, for inclusion in regulations under that legislation. The *Legal Profession Act 2004*, as so amended, is referred to in this explanatory note as the *new Act*.

This Regulation includes the following provisions:

- (a) provisions that adopt model regulations prepared in accordance with approvals by the Standing Committee of Attorneys-General,
- (b) provisions carried over from the *Legal Profession Regulation 2002* made under the *Legal Profession Act 1987*, which is repealed by the new Act,
- (c) other provisions of a machinery nature that are necessary or appropriate to implement the new Act.

The provisions that have been adopted or carried over contain adjustments that are necessary or appropriate for their application under the new Act in this State.

This Regulation is made under the *Legal Profession Act 2004*, including section 738 (the general power to make regulations), clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature) and various other provisions referred to in the Regulation.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters of a machinery nature and matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

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Clause 1 Legal Profession Regulation 2005

Part 1 Preliminary

Legal Profession Regulation 2005

under the

Legal Profession Act 2004

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Legal Profession Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Definitions

(1) In this Regulation:

DX box means an exchange box in a document exchange of Australian Document Exchange Pty Limited.

entity means a person or body.

excluded offence—see clause 4.

named month means one of the 12 named months of the year, starting with January.

Sydney Metropolitan Area means the area that includes the following:

- (a) the County of Cumberland,
- (b) the City of Blue Mountains,
- (c) such part of the City of Wollongong as comprises postcode areas 2508 and 2515,
- (d) such part of the City of Hawkesbury as comprises Main Road No 184 (Bells Line of Road) and the land lying between that road and the City of Blue Mountains.

the Act or ***the new Act*** means the *Legal Profession Act 2004*.

the old Act means the *Legal Profession Act 1987*.

(2) A reference in this Regulation to a form followed by a number is a reference to the form of that number in Schedule 5.

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

Legal Profession Regulation 2005

Clause 4

Preliminary

Part 1

4 Definition of “excluded offence”

(1) In this Regulation:

excluded offence means any of the following offences:

- (a) any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) other than the following:
 - (i) any offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road related area if the person concerned is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (ii) any offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public,
 - (iii) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name and home address, or stating a false name and home address),
 - (iv) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
 - (v) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed and other relevant matters),
 - (vi) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop and give assistance after an accident),
 - (vii) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in a person’s blood),
 - (viii) any offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
 - (ix) any other offence under the road transport legislation if the court orders the disqualification of the person concerned from holding a driver licence,

Clause 4 Legal Profession Regulation 2005

Part 1 Preliminary

- (b) any offence relating to the parking of motor vehicles.
- (2) For the purposes of the definition of *excluded offence* in subclause (1):
 - (a) a reference to an offence under the road transport legislation includes a reference to an offence under the *Traffic Act 1909*, or the regulations under that Act, as previously in force, and
 - (b) a reference to an offence under a provision of an Act specified in paragraph (a) of that definition includes a reference to an offence under a corresponding provision of the *Traffic Act 1909*, or the regulations under that Act, as previously in force.

Legal Profession Regulation 2005

Clause 5

Interpretation—Part 1.2 of the Act

Part 2

Part 2 Interpretation—Part 1.2 of the Act

5 Definition of “corresponding law”—section 4 of the Act

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

- (a) the *Queensland Law Society Act 1952*, the *Trust Accounts Act 1973* and the *Legal Profession Act 2004* of Queensland,
- (b) the *Legal Practitioners Act 1981* of South Australia,
- (c) the *Legal Profession Act 1993* of Tasmania,
- (d) the *Legal Practice Act 1996* and the *Legal Profession Act 2004* of Victoria,
- (e) the *Legal Practice Act 2003* of Western Australia,
- (f) the *Legal Practitioners Act 1970* of the Australian Capital Territory,
- (g) the *Legal Practitioners Act* of the Northern Territory.

6 Definition of “associate of a law practice”—section 7 of the Act

Pursuant to section 7 (1) (e) of the Act, an Australian-registered foreign lawyer has a prescribed relationship with a law practice if he or she is an employee of the practice.

7 Default determination of associate’s home jurisdiction—section 8 of the Act

- (1) This clause applies to an associate of a law practice who is neither an Australian legal practitioner nor an Australian-registered foreign lawyer, where:
 - (a) section 8 (4) (b) of the Act is applicable to the associate, and
 - (b) the home jurisdiction for the associate can be determined under neither subparagraph (i) nor subparagraph (ii) of that paragraph.
- (2) For the purposes of section 8 (4) (b) (iii) of the Act, the home jurisdiction for the associate is to be determined in accordance with the following criteria:
 - (a) the jurisdiction of the associate’s place of residence in Australia,
 - (b) if the associate does not have a place of residence in Australia, the jurisdiction of the associate’s last place of residence in Australia.

Clause 8 Legal Profession Regulation 2005

Part 3 Reservation of legal work and legal titles—Part 2.2 of the Act

Part 3 Reservation of legal work and legal titles—Part 2.2 of the Act

8 Presumptions about taking or using certain names, titles or descriptions specified in regulations—section 16 of the Act

For the purposes of section 16 (2) of the Act, the kinds of persons specified in Column 2 of Schedule 1 are persons who are entitled, in the circumstances specified opposite in Column 3 of that Schedule, to take a name, title or description specified opposite in Column 1 of that Schedule.

Legal Profession Regulation 2005

Clause 9

Admission of local lawyers—Part 2.3 of the Act

Part 4

Part 4 Admission of local lawyers—Part 2.3 of the Act

9 Agreed admission standards—section 24 of the Act

For the purposes of section 24 of the Act, the agreed standards referred to in section 24 (5) of the Act are the standards established from time to time by the Law Admissions Consultative Committee, being a committee constituted under the auspices of the Council of Chief Justices.

10 Roll of local lawyers—section 32 of the Act

For the purposes of section 32 of the Act, the following information is to be included in the local roll in relation to each person who is admitted as a lawyer under the Act:

- (a) the lawyer's name,
- (b) the lawyer's date of birth,
- (c) the lawyer's signature,
- (d) the lawyer's date of admission,
- (e) a unique identifying number for the lawyer,
- (f) such other information as the Supreme Court considers appropriate to include in the roll in relation to the lawyer.

Clause 11 Legal Profession Regulation 2005

Part 5 Legal practice by Australian legal practitioners—Part 2.4 of the Act

Part 5 Legal practice by Australian legal practitioners—Part 2.4 of the Act

Division 1 General matters

11 Manner of application for local practising certificate—section 46 of the Act

- (1) An application for the grant or renewal of a local practising certificate must be in a form that is approved by the appropriate Council, and signed by the applicant, and must provide or be accompanied by the following:
- (a) the name of the applicant, together with the applicant's residential address and personal telephone number,
 - (b) the name of any law practice of which the applicant is an associate,
 - (c) particulars of any incorporated legal practice of which the applicant is an officer or employee, including its Australian Company Number (ACN) and the names of the directors of the incorporated legal practice,
 - (d) the address of the office or offices at which the applicant practises or provides legal services and, if more than one office, an indication as to which of those addresses is that of the principal office,
 - (e) in the case of an applicant who is a member of, or employed by, a partnership or is an officer or employee of an incorporated legal practice—the address of the office or offices at which the partnership or incorporated legal practice practises or provides legal services and, if more than one office, an indication as to which of those addresses is that of the principal office,
 - (f) in the case of an applicant who is employed otherwise than by a partnership or incorporated legal practice—the name of the employer and the address of the principal office of the employer,
 - (g) the telephone number, facsimile number (if any) and email address (if any) of the applicant at the office or offices at which the applicant practises or provides legal services,
 - (h) the number of the DX box (if any) that is used by the applicant,
 - (i) if the applicant does not have a DX box in New South Wales, the name of the applicant's Sydney agent (if any),
 - (j) if the applicant has been convicted of any offence (other than an excluded offence)—the nature of the offence,

Legal Profession Regulation 2005

Clause 11

Legal practice by Australian legal practitioners—Part 2.4 of the Act

Part 5

-
- (k) if a show cause event has happened in relation to the applicant—details of the event,
 - (l) if a pre-admission event has happened in relation to the applicant—details of the event,
 - (m) if:
 - (i) the applicant is a legal practitioner director of an incorporated legal practice, and
 - (ii) a financial report and director's report is required to be prepared in respect of the incorporated legal practice under section 292 of the *Corporations Act 2001* of the Commonwealth,

a copy of those reports (being the reports most recently lodged with the Australian Securities and Investments Commission),
 - (n) the date of the applicant's admission as an Australian lawyer and the jurisdiction in which the applicant was admitted.
- (2) Subclause (1) (j):
- (a) applies to an offence committed in New South Wales or to an offence committed outside New South Wales (so long as it would have been an offence, other than an excluded offence, if committed in New South Wales), and
 - (b) applies to a conviction even if other persons are prohibited from disclosing the identity of the offender, and
 - (c) extends to an indictable offence committed before 1 October 2005 (and so extends whether the conviction occurred before, on or after that date), and
 - (d) extends to an offence (other than an indictable offence) committed after 8 March 1991, and
 - (e) does not apply to a conviction previously disclosed to the appropriate Council:
 - (i) under section 55 (Statutory condition regarding notification of offence) of the Act, or
 - (ii) under Division 7 (Special powers in relation to local practising certificates—show cause events) of Part 2.4 of the Act, or
 - (iii) in an application for a practising certificate under the new Act or the old Act, or
 - (iv) under clause 133 (Duty to report offences) of the former *Legal Profession Regulation 2002*.

Clause 12	Legal Profession Regulation 2005
Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

- (3) Neither paragraph (k) or (l) of subclause (1) requires the disclosure of any information previously disclosed to the appropriate Council:
 - (a) under Division 7 (Special powers in relation to local practising certificates—show cause events) of Part 2.4 of the Act, or
 - (b) in an application for a practising certificate under the new Act or the old Act, or
 - (c) under clause 134 (Duty to report bankruptcy) of the former *Legal Profession Regulation 2002*.
- (4) Both paragraphs (k) and (l) of subclause (1) apply to events whether occurring before or after the commencement of this clause.
- (5) In this clause, *offence* includes a tax offence.

12 Timing of application for renewal of local practising certificate—section 47 of the Act

- (1) For the purposes of section 47 (1) of the Act:
 - (a) the period prescribed as the standard renewal period for making an application for renewal of a local practising certificate for a barrister is the period commencing on 1 April and ending on 7 June before the current local practising certificate expires, and
 - (b) the period prescribed as the late fee period for making such an application is the period commencing on 8 June and ending on 30 June before the current local practising certificate expires.
- (2) For the purposes of section 47 (1) of the Act:
 - (a) the period prescribed as the standard renewal period for making an application for renewal of a local practising certificate for a solicitor is the period commencing on 1 April and ending on 15 May before the current local practising certificate expires, and
 - (b) the period prescribed as the late fee period for making such an application is the period commencing on 16 May and ending on 30 June before the current local practising certificate expires.

13 Completion of periods of supervised legal practice—sections 53 and 102 of the Act

- (1) For the purposes of sections 53 and 102 of the Act, completion by a person of a period or periods of supervised legal practice equivalent to the required period of 18 months or 2 years is to be worked out by satisfying the requirements of this clause.

Legal Profession Regulation 2005

Clause 14

Legal practice by Australian legal practitioners—Part 2.4 of the Act

Part 5

- (2) The person satisfies the requirements of this clause if the person completes:
- (a) one period of supervised legal practice, worked on a full-time basis, that is equal to the required period, or
 - (b) one period of supervised legal practice, worked on a part-time basis, that is equivalent to the required period, or
 - (c) two or more periods of supervised legal practice, worked on either or both of those bases, that together are equal or equivalent to the required period.
- (3) For the purposes of this clause:
- (a) public holidays during a relevant period are to be included as days of supervised legal practice, whether or not the person engaged in legal practice on those days, and
 - (b) normal periods of leave taken during a relevant period by the person are to be included as periods of supervised legal practice.

14 Surrender of local practising certificate—section 79 of the Act

- (1) The appropriate Council may accept from the holder of a current local practising certificate the surrender of the certificate and an application for a new certificate and, in that event, must issue a new practising certificate for the rest of the term of the surrendered certificate.
- (2) The appropriate Council may also accept from the holder of a current local practising certificate the surrender of the certificate if:
- (a) the Council is satisfied that there is good reason for the surrender of the certificate (for example, that the holder is retiring from practice as a barrister or solicitor in this jurisdiction), and
 - (b) the Council is not aware of any circumstances that would give rise to the conducting of an investigation, or the taking of disciplinary action, under the Act.
- (3) The appropriate Council may, by notice in writing served on the holder of a practising certificate, require the certificate to be surrendered to the Council within a period specified in the notice.
- (4) A person must not fail to comply with a requirement made under subclause (3).
Maximum penalty: 10 penalty units.
- (5) The appropriate Council may require a certificate to be surrendered under subclause (3) only if satisfied that the holder of the certificate is not entitled to continue practising as a barrister or solicitor.

Clause 15	Legal Profession Regulation 2005
Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

- (6) The Council may refund the whole or a part of the fee paid in respect of a certificate surrendered under this clause if the Council considers that the refund should be made.

15 Fee for practising certificate for barristers—section 91 of the Act

- (1) For the purposes of section 91 of the Act, the following costs of the Bar Association (including any ancillary costs and costs of an administrative nature) may be recovered by the charging of practising certificate fees (in addition to the costs of or associated with the regulatory functions of the Bar Council or Bar Association):
- (a) the costs associated with the maintenance and operation of the library of the Bar Association, but only if the library service is available to all barristers,
 - (b) the costs associated with providing or assisting in providing any scheme under which legal services (including referral services) are provided to the public pro bono or at reduced rates, or are provided to a court or tribunal, but only if the scheme does not provide any greater benefit to barristers who are members of the Bar Association than it does to other barristers and the costs are not otherwise recoverable by the Bar Association,
 - (c) the costs associated with providing or assisting in providing any information, scheme or program relating to the law, legal practice or conflict resolution that is provided for the information or education of the public, but only if the information, scheme or program does not provide any greater benefit to barristers who are members of the Bar Association than it does to other barristers and the costs are not otherwise recoverable by the Bar Association,
 - (d) the costs associated with assisting the State or Commonwealth Government or a Parliamentary Committee of the State or Commonwealth with law reform initiatives, activities and programs, but only if the Attorney General is satisfied that the assistance is provided for the public benefit.
- (2) In this clause, *barrister* means a local legal practitioner who holds a current local practising certificate to practise as a barrister.

16 Fee for practising certificate for solicitors—section 91 of the Act

- (1) For the purposes of section 91 of the Act, the following costs of the Law Society (including any ancillary costs and costs of an administrative nature) may be recovered by the charging of practising certificate fees (in addition to the costs of or associated with the regulatory functions of the Law Society Council or Law Society):

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Legal practice by Australian legal practitioners—Part 2.4 of the Act	Part 5

-
- (a) the costs associated with the maintenance and operation of the library of the Law Society, but only if the library service is available to all solicitors,
 - (b) the costs associated with providing or assisting in providing any scheme under which legal services (including referral services) are provided to the public pro bono or at reduced rates, but only if the scheme does not provide any greater benefit to solicitors who are members of the Law Society than it does to other solicitors and the costs are not otherwise recoverable by the Law Society,
 - (c) the costs associated with providing or assisting in providing any information, scheme or program relating to the law, legal practice or conflict resolution that is provided for the information or education of the public, but only if the information, scheme or program does not provide any greater benefit to solicitors who are members of the Law Society than it does to other solicitors and the costs are not otherwise recoverable by the Law Society,
 - (d) the costs associated with assisting the State or Commonwealth Government or a Parliamentary Committee of the State or Commonwealth with law reform initiatives, activities and programs, but only if the Attorney General is satisfied that the assistance is provided for the public benefit.
- (2) In this clause, *solicitor* means a local legal practitioner who holds a current local practising certificate to practise as a solicitor and barrister.

17 Late fee—sections 92 and 92A of the Act

- (1) For the purposes of section 92 of the Act, the late fee is an amount determined by the appropriate Council.
- (2) The appropriate Council may determine a scale of late fees in respect of applications, so that the greater the time that has elapsed since the end of the prescribed period the higher the late fee.
- (3) For the purposes of section 92A of the Act, the fee that may be required as a condition of acceptance of an application for the grant of a local practising certificate, where the applicant was the holder of a local practising certificate in respect of the previous financial year, is an amount determined by the appropriate Council.

18 Requirements for professional indemnity insurance for interstate legal practitioners—section 98 of the Act

- (1) For the purposes of section 98 (a) (ii) of the Act, the prescribed requirements for professional indemnity insurance for an interstate legal practitioner engaging in legal practice in this jurisdiction are that:

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Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

- (a) the insurance is for at least \$1.5 million (inclusive of any legal costs arising from claims under the insurance), and
 - (b) the insurance has been approved as an approved policy of insurance in a corresponding jurisdiction.
- (2) Subclause (1) (a) does not apply to an interstate legal practitioner who is a barrister.

19 Protocols—section 104 of the Act

For the purposes of section 104 (4) of the Act, a document is identified as a protocol if the document describes itself as a protocol and is executed by or on behalf of either or both of the Councils and by or on behalf of one or more regulatory authorities of other jurisdictions.

20 Register of local practising certificates—section 106 of the Act

- (1) For the purposes of section 106 (2) (b) of the Act, the particulars referred to in subclauses (2) and (3) are prescribed as information to be included in the register kept under section 106 of the Act in relation to a local legal practitioner, except where the appropriate Council is required by subclause (6) not to include them in the register.
- (2) The particulars to be included in the register are as follows:
- (a) the name of the local legal practitioner,
 - (b) the type of local practising certificate held by the practitioner,
 - (c) the contact details of the office of the practitioner in this jurisdiction,
 - (d) any other particulars about the practitioner that the appropriate Council considers should be included.
- (3) In the case of a local legal practitioner who is a solicitor, the register must also contain the following particulars:
- (a) the name of the law practice of which the solicitor is an associate or, if the solicitor is not an associate of a law practice, the name of the entity of which the solicitor is a director, officer or employee or with which the solicitor is otherwise engaged in legal practice,
 - (b) by way of a separate additional entry, the name of the law practice or other entity and the contact details of the office of the law practice or other entity:
 - (i) in this jurisdiction, and
 - (ii) in any other jurisdictions in which it has an office, except where the appropriate Council considers those particulars

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Clause 21

Legal practice by Australian legal practitioners—Part 2.4 of the Act

Part 5

need not be included in respect of an entity that is not a law practice,

- (c) any other particulars about the law practice or other entity that the appropriate Council considers should be included.
- (4) Contact details of an office are the following:
 - (a) its street address (the address where the office is physically located),
 - (b) its postal address (a post office box number and the location and postcode of the post office), if any,
 - (c) its DX address (the number of its DX box), if any.
- (5) A local legal practitioner may, by notice in writing to the appropriate Council, request the Council not to include any or any specified particulars about the practitioner, law practice or other entity in the register, on the ground that special circumstances warrant the particulars not being publicly available (for example, if the safety or well-being of a person would be substantially affected by making the particulars publicly available).
- (6) If the appropriate Council is satisfied that those special circumstances exist, the Council is required not to include the particulars concerned in the register unless the Council considers that the public interest in maintaining public access to the particulars outweighs any individual interest in the particulars not being publicly available.

21 Notification of change in particulars

- (1) A local legal practitioner must notify the appropriate Council, in writing, of any change in the particulars relating to the practitioner (as disclosed in the practitioner's last application for a local practising certificate) within 7 days after the change occurs.
- (2) A local legal practitioner must also notify the appropriate Council, in accordance with any request from that Council, of the following particulars:
 - (a) particulars relating to any change to or dissolution of a partnership, formation of a new partnership, or acquisition of the practice of an Australian legal practitioner, by the practitioner,
 - (b) particulars relating to the formation of an incorporated legal practice, or the commencement of the provision of legal services by an incorporated legal practice, or any change to or winding up of an incorporated legal practice, including any change in the directors of the incorporated legal practice.
- (3) The request must be in the form of a notice served on the local legal practitioner and must specify which particulars are requested.

Clause 22	Legal Profession Regulation 2005
Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

22 Application for practising certificate by Crown Solicitor requires report by Auditor-General

- (1) An application by the Crown Solicitor for a practising certificate must be accompanied by a report of the Auditor-General stating:
 - (a) that the Auditor-General has inspected the records kept under clause 106 during the year that ended on the last preceding 31 March, and
 - (b) whether the Auditor-General is of the opinion that the records have been kept as directed under clause 106.
- (2) A report under this clause may be provided by the Deputy Auditor-General or an Assistant Auditor-General if the Auditor-General so approves.

Division 2 Promotion of personal injury legal services

Subdivision 1 Preliminary

23 Definitions

In this Division:

advertisement means any communication of information (whether by means of writing, or any still or moving visual image or message or audible message, or any combination of them) that advertises or otherwise promotes a product or service, whether or not that is its purpose or only purpose and whether or not that is its effect or only effect.

personal injury includes pre-natal injury, impairment of a person's physical or mental condition, and disease.

publish means:

- (a) publish in a newspaper, magazine, journal, periodical, directory or other printed publication, or
- (b) disseminate by means of the exhibition or broadcast of a photograph, slide, film, video recording, audio recording or other recording of images or sound, either as a public exhibition or broadcast or as an exhibition or broadcast to persons attending a place for the purpose of receiving professional advice, treatment or assistance, or
- (c) broadcast by radio or television, or
- (d) display on an internet website or otherwise publicly disseminate by means of the internet, or

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Part 5

- (e) publicly exhibit in, on, over or under any building, vehicle or place or in the air in view of persons in or on any street or public place, or
- (f) display on any document (including a business card or letterhead) gratuitously sent or gratuitously delivered to any person or thrown or left on any premises or on any vehicle, or
- (g) display on any document provided to a person as a receipt or record in respect of a transaction or bet.

solicitor includes the following:

- (a) a partnership of which a solicitor is a member (but only if the business of the partnership includes business of a kind ordinarily conducted by a solicitor),
- (b) a solicitor corporation,
- (c) an incorporated legal practice.

Subdivision 2 Advertising by barristers and solicitors

24 Restriction on advertising personal injury services

- (1) A barrister or solicitor must not publish or cause or permit to be published an advertisement that promotes the availability or use of a barrister or solicitor to provide legal services if the advertisement includes any reference to or depiction of any of the following:
 - (a) personal injury,
 - (b) any circumstance in which personal injury might occur, or any activity, event or circumstance that suggests or could suggest the possibility of personal injury, or any connection to or association with personal injury or a cause of personal injury,
 - (c) a *personal injury legal service* (that is, any legal service that relates to recovery of money, or any entitlement to recover money, in respect of personal injury).

Maximum penalty: 100 penalty units.

- (2) A contravention of this clause by a barrister or solicitor is declared to be professional misconduct.

Note. A contravention of clause 75 of the *Workers Compensation Regulation 2003* can also be a contravention of this clause.
- (3) Evidence that a barrister or solicitor has been convicted of an offence under this clause or under clause 75 of the *Workers Compensation Regulation 2003* is sufficient evidence of a contravention of this clause by the barrister or solicitor for the purposes of any proceedings under Chapter 4 (Complaints and discipline) of the Act.

Clause 25	Legal Profession Regulation 2005
Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

25 Exception for advertisements about domestic violence and discrimination—community legal centres

This Subdivision does not apply to the publication by or on behalf of a complying community legal centre of an advertisement that would constitute a contravention of clause 24 by reason only that it advertises or promotes services provided by the community legal centre in connection with domestic violence or discrimination.

26 Exception for advertising specialty

(1) This Subdivision does not prevent the publication of an advertisement that advertises a barrister or solicitor as being a specialist or offering specialist services, but only if the advertisement is published by means of:

- (a) an entry in a practitioner directory that states only the name and contact details of the barrister or solicitor and any area of practice or accredited specialty of the barrister or solicitor, or
- (b) a sign displayed at a place of business of the barrister or solicitor that states only the name and contact details of the barrister or solicitor and any accredited specialty of the barrister or solicitor, or
- (c) an advertisement on an internet website operated by the barrister or solicitor the publication of which would be prevented under this Subdivision solely because it refers to personal injury or personal injury legal services in a statement of accredited specialty of the barrister or solicitor.

(2) In this clause:

accredited specialty of a barrister or solicitor means a specialty in which the barrister or solicitor is accredited under an accreditation scheme conducted or approved by the appropriate Council.

practitioner directory means a printed publication, directory or database that is published by a person in the ordinary course of the person's business (and not by the barrister or solicitor concerned or a partner, employee or member of the practice of the barrister or solicitor).

27 Other exceptions

This Subdivision does not prevent the publication of an advertisement:

- (a) to any person who is already a client of the barrister or solicitor (and to no other person), or
- (b) to any person on the premises of a place of business of the barrister or solicitor, but only if the advertisement cannot be seen from outside those premises, or

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Clause 28

Legal practice by Australian legal practitioners—Part 2.4 of the Act

Part 5

- (c) in accordance with any order by a court, or
- (d) pursuant to a disclosure made by a law practice under Division 3 (Costs disclosure) of Part 3.2 of the Act, or
- (e) to the extent to which it relates only to the provision of legal aid or other assistance by an agency of the Crown and is published by or on behalf of that agency, or
- (f) to the extent to which it relates only to legal education and is published to members of the legal profession by a person in the ordinary course of the person's business or functions as a provider of legal education, or
- (g) in accordance with any requirement imposed by or under a written law of the State.

28 Responsibility for employees and others

For the purposes of this Subdivision, evidence that a person who is an employee of a barrister or solicitor, or a person otherwise exercising functions in the barrister's or solicitor's practice, published or caused to be published an advertisement is evidence (in the absence of evidence to the contrary) that the barrister or solicitor caused or permitted the publication of the advertisement.

29 Responsibility for advertisements published by others

- (1) For the purposes of this Subdivision, an advertisement is taken to have been published or caused to be published by a barrister or solicitor if:
 - (a) the advertisement advertises or otherwise promotes the availability or use of the barrister or solicitor (either by name or by reference to a business name under which the barrister or solicitor practises) for the provision of legal services in connection with the recovery of money, or an entitlement to recover money, in respect of personal injury, or
 - (b) the barrister or solicitor is a party to an agreement, understanding or other arrangement with the person who published the advertisement or caused it to be published that expressly or impliedly provides for the referral of persons to the barrister or solicitor for the provision of legal services in connection with the recovery of money, or an entitlement to recover money, in respect of personal injury, or
 - (c) the barrister or solicitor is a party to an agreement, understanding or other arrangement with the person who published the advertisement or caused it to be published that expressly or impliedly provides for the person to advertise on behalf of the barrister or solicitor.

Clause 30	Legal Profession Regulation 2005
Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

- (2) This clause does not apply to an advertisement if the barrister or solicitor proves that the barrister or solicitor took all reasonable steps to prevent the advertisement being published.

30 Double jeopardy

A person who has been convicted of an offence under Part 18 of the *Workers Compensation Regulation 2003* is not, if that offence would constitute an offence under this Subdivision in respect of the publication of an advertisement, liable to be convicted of an offence under this Subdivision in respect of that publication.

31 Transitional provisions

- (1) Anything that, immediately before 1 October 2005, had effect under Division 2 of Part 14 of the *Legal Profession Regulation 2002* has effect for the purposes of this Subdivision.
- (2) In particular, this Subdivision does not prevent the publication of an advertisement in a printed publication the contents of which were finalised (by the publisher of that publication) before 9 May 2003.

Subdivision 3 Advertising by persons other than barristers and solicitors

32 Application of Subdivision

This Subdivision does not apply to conduct of a barrister or solicitor.

33 Definition of “personal injury advertisement”

In this Subdivision, *personal injury advertisement* means an advertisement that includes any reference to or depiction of:

- (a) personal injury, or
- (b) any circumstance in which personal injury might occur, or any activity, event or circumstance that suggests or could suggest the possibility of personal injury, or any connection to or association with personal injury or a cause of personal injury.

34 Restrictions on personal injury advertisements

- (1) A person must not publish or cause or permit to be published a personal injury advertisement if the advertisement:
- (a) advertises or otherwise promotes the availability or use of a barrister or solicitor (whether or not a particular barrister or solicitor) to provide legal services, whether or not that is its purpose or only purpose and whether or not that is its effect or only effect, or

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Clause 35

Legal practice by Australian legal practitioners—Part 2.4 of the Act

Part 5

- (b) includes any reference to or depiction of the recovery of money or a claim for money, or any entitlement to recover money or claim money, in respect of personal injury.

Maximum penalty: 100 penalty units.

- (2) A person must not publish or cause or permit to be published a personal injury advertisement if the person is engaged in a practice involving, or is a party to an agreement, understanding or other arrangement that provides for, the referral of persons to one or more barristers or solicitors for the provision of legal services in connection with the recovery of money, or an entitlement to recover money, in respect of personal injury.

Maximum penalty: 100 penalty units.

- (3) A person who is a member of a partnership or a director or officer of a body corporate must not expressly, tacitly or impliedly authorise or permit a contravention of subclause (1) or (2) by the partnership or body corporate or by an employee or agent of the partnership or body corporate on behalf of the partnership or body corporate.

Maximum penalty: 100 penalty units.

35 Exception for advertisements about domestic violence and discrimination—community legal centres

This Subdivision does not apply to the publication by or on behalf of a community legal centre of a personal injury advertisement by reason only that it advertises or promotes services provided by the community legal centre in connection with domestic violence or discrimination.

36 Exception for advertising specialty

- (1) This Subdivision does not prevent the publication of an advertisement that advertises a barrister or solicitor as being a specialist or offering specialist services, but only if the advertisement is published by means of:
- (a) an entry in a practitioner directory that states only the name and contact details of the barrister or solicitor and any area of practice or accredited specialty of the barrister or solicitor, or
 - (b) a sign displayed at a place of business of the barrister or solicitor that states only the name and contact details of the barrister or solicitor and any accredited specialty of the barrister or solicitor, or

Clause 37	Legal Profession Regulation 2005
Part 5	Legal practice by Australian legal practitioners—Part 2.4 of the Act

- (c) an advertisement on an internet website operated on behalf of the barrister or solicitor the publication of which would be prevented under this Subdivision solely because it refers to personal injury or legal services in a statement of accredited specialty of the barrister or solicitor.

- (2) In this clause:

accredited specialty of a barrister or solicitor means a specialty in which the barrister or solicitor is accredited under an accreditation scheme conducted or approved by the appropriate Council.

practitioner directory means a printed publication, directory or database that is published by a person in the ordinary course of the person's business (and not by the barrister or solicitor concerned or a partner, employee or member of the practice of the barrister or solicitor).

37 Other exceptions

This Subdivision does not apply to the publication of an advertisement:

- (a) in accordance with any order by a court, or
- (b) to the extent to which it relates only to the provision of legal aid or other assistance by an agency of the Crown and is published by or on behalf of that agency, or
- (c) to the extent to which it relates only to legal education and is published to members of the legal profession by a person in the ordinary course of the person's business or functions as a provider of legal education, or
- (d) by an industrial organisation (within the meaning of the *Industrial Relations Act 1996*) if the advertisement (or so much of it as would otherwise contravene clause 34) relates only to the provision of advice or services by that organisation and states only the name and contact details of the industrial organisation along with a description of the services that it provides, or
- (e) by a person in the ordinary course of the person's business as an insurer or insurance agent or broker, to the extent only that it includes a reference to or depiction of the recovery of money under a policy of insurance, or
- (f) in accordance with any requirement imposed by or under a written law of the State.

Legal Profession Regulation 2005	Clause 38
Legal practice by Australian legal practitioners—Part 2.4 of the Act	Part 5

38 Protection of publishers

A contravention of clause 34 by a person who publishes an advertisement in the ordinary course of the person's business as a publisher does not constitute an offence under this Subdivision (but is still a contravention of that clause for the purposes of section 85 of the Act).

Note. Section 85 provides for the giving of directions to persons to prevent contraventions of this Subdivision. A publisher who contravenes a direction not to publish a particular advertisement will commit an offence.

39 Double jeopardy

A person who has been convicted of an offence under Part 18 of the *Workers Compensation Regulation 2003* is not, if that offence would constitute an offence under this Subdivision in respect of the publication of an advertisement, liable to be convicted of an offence under this Subdivision in respect of that publication.

40 Transitional provisions

- (1) Anything that, immediately before 1 October 2005, had effect under Division 3 of Part 14 of the *Legal Profession Regulation 2002* has effect for the purposes of this Subdivision.
- (2) In particular, this Subdivision does not prevent the publication of an advertisement in a printed publication if the contents of the publication were finalised (by the publisher of that publication) before 15 June 2005.

Clause 41	Legal Profession Regulation 2005
Part 6	Incorporated legal practices and multi-disciplinary partnerships—Part 2.6 of the Act

Part 6 Incorporated legal practices and multi-disciplinary partnerships—Part 2.6 of the Act

41 Exempt corporations—section 134 of the Act

For the purposes of section 134 (2) (d) of the Act, the following corporations are not incorporated legal practices:

- (a) the Law Society,
- (b) the Bar Association.

Note. Complying community legal centres are exempt by virtue of section 134 (2) (c) of the Act.

42 Notice of termination of provision of legal services—section 139 of the Act

- (1) For the purposes of section 139 (1) of the Act, the prescribed period within which a corporation must give a notice under that subsection is 14 days after it ceases to engage in legal practice in this jurisdiction.
- (2) For the purposes of section 139 (2) of the Act, a corporation ceases to engage in legal practice if and when it has not provided legal services, or offered to provide legal services, in this jurisdiction for 6 months.

43 Disqualifications and prohibitions—sections 153, 154 and 179 of the Act

- (1) This clause applies to:
 - (a) an order made under section 153 of the Act disqualifying a corporation from providing legal services in this jurisdiction, or
 - (b) an order made under section 154 of the Act disqualifying a person from managing a corporation that is an incorporated legal practice, or
 - (c) an order made under section 179 of the Act prohibiting an Australian legal practitioner from being a partner of a specified person,
 being an order made on the application of the Law Society Council or the Regulator.
- (2) The Law Society Council or the Regulator or both of them may publicise an order in any manner the Council or Regulator thinks fit.
- (3) The applicant for an order:
 - (a) must, as soon as practicable after the order is made, give written notice of the order to the corresponding authority of every other jurisdiction, and

Legal Profession Regulation 2005

Clause 43

Incorporated legal practices and multi-disciplinary partnerships—Part 2.6 of
the Act

Part 6

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- (b) may give written notice of the order to any other regulatory authority of any jurisdiction.
- (4) The notice under subclause (3) for an order made under section 153 of the Act:
- (a) must state:
- (i) the corporation's name, and
 - (ii) the Australian Company Number (ACN) of the corporation, and
 - (iii) the office or business address of the corporation, as last known to the applicant for the order, and
 - (iv) the date of the order, and
- (b) may contain other relevant information, and
- (c) may be accompanied by a copy or summary of, or extract from, the order.
- (5) The notice under subclause (3) for an order made under section 154 or 179 of the Act:
- (a) must state:
- (i) the person's name, and
 - (ii) the person's address, as last known to the applicant for the order, and
 - (iii) the date of the order, and
- (b) may contain other relevant information, and
- (c) may be accompanied by a copy or summary of, or extract from, the order.
- (6) No liability is incurred by a protected person in respect of anything done or omitted to be done in good faith for the purpose of this clause.
- (7) In this clause, *protected person* means:
- (a) the State, or
 - (b) the Law Society Council, or
 - (c) the Regulator, or
 - (d) a person responsible for keeping the whole or any part of a register or any similar record in or by which an order is publicised, or
 - (e) an internet service provider or internet content host, or
 - (f) a person acting at the direction of the State or of any person or body referred to in this definition.

Clause 44	Legal Profession Regulation 2005
Part 7	Legal practice by foreign lawyers—Part 2.7 of the Act

Part 7 Legal practice by foreign lawyers—Part 2.7 of the Act

44 Scope of practice—section 188 of the Act

- (1) For the purposes of section 188 (1) (b) of the Act, the following kinds of arbitration proceedings are prescribed as kinds of arbitration proceedings in relation to which an Australian-registered foreign lawyer may provide legal services (including appearances):
 - (a) arbitration proceedings in which:
 - (i) the arbitrator is not required to apply the rules of evidence, and
 - (ii) knowledge of Australian law is not essential, and
 - (b) proceedings for the arbitration of industrial disputes in accordance with Chapter 3 of the *Industrial Relations Act 1996*.
- (2) For the purposes of section 188 (1) (d) of the Act, all forms of dispute resolution are prescribed as kinds of dispute resolution in relation to which an Australian-registered foreign lawyer may provide legal services, except to the extent to which:
 - (a) the provisions of other legislation applying to dispute resolution, or
 - (b) the requirements of a body responsible for dispute resolution, or
 - (c) the provisions of a contract that provides for dispute resolution, restrict participation in dispute resolution to persons of a specified class that does not include Australian-registered foreign lawyers.
- (3) In this clause, **dispute resolution** means conciliation, mediation and other forms of consensual dispute resolution, and includes:
 - (a) the conciliation of industrial disputes undertaken in accordance with Chapter 3 of the *Industrial Relations Act 1996*, and
 - (b) mediation and neutral evaluation undertaken in accordance with Part 4 of the *Civil Procedure Act 2005* or Part 5A of the *Land and Environment Court Act 1979*.

45 Trust money and trust accounts—section 195 of the Act

For the purposes of section 195 of the Act:

- (a) the provisions of Part 3.1 (Trust money and trust accounts) of the Act, and

Legal Profession Regulation 2005

Clause 46

Legal practice by foreign lawyers—Part 2.7 of the Act

Part 7

(b) any other provisions of the Act (other than Part 3.4 (Fidelity cover) of the Act) relating to trust money and trust accounts, apply to Australian-registered foreign lawyers, and so apply as if a reference in those provisions to a law practice were a reference to an Australian-registered foreign lawyer.

46 Professional indemnity insurance—section 196 of the Act

- (1) For the purposes of section 196 of the Act, an Australian-registered foreign lawyer who engages in legal practice in this jurisdiction:
 - (a) must have professional indemnity insurance that conforms with the requirements for professional indemnity insurance applicable to local legal practitioners or interstate legal practitioners, or
 - (b) must have some other professional indemnity insurance in respect of the practice of foreign law in this jurisdiction.
- (2) An Australian-registered foreign lawyer may not engage in legal practice in this jurisdiction in reliance on subclause (1) (a) unless he or she has satisfied the Law Society Council that he or she has the professional indemnity insurance referred to in that paragraph.
- (3) An Australian-registered foreign lawyer may not engage in legal practice in this jurisdiction on behalf of a client in reliance on subclause (1) (b) unless he or she has provided the client with a disclosure statement in respect of the professional indemnity insurance referred to in that paragraph.
- (4) A disclosure statement under subclause (3) is not valid unless:
 - (a) it is in writing, and
 - (b) it is in English or, if the client does not have a reasonable understanding of English, in some other language of which the client has a reasonable understanding, and
 - (c) it states that the lawyer is covered by professional indemnity insurance, but that the insurance does not conform with the requirements for professional indemnity insurance applicable to local legal practitioners or interstate legal practitioners, and
 - (d) if the insurance covers the lawyer for less than \$1,500,000 (inclusive of any legal costs arising from claims under the insurance), it specifies the limit or limits of the insurance cover, and
 - (e) it specifies the insurer by whom the insurance cover is provided, and
 - (f) it indicates whether or not the insurance is provided in conformity with the requirements of a corresponding foreign law or the requirements of a foreign registration authority.

Clause 47	Legal Profession Regulation 2005
Part 7	Legal practice by foreign lawyers—Part 2.7 of the Act

47 Fidelity cover (contributions)—section 197 of the Act

- (1) This clause applies to a locally registered foreign lawyer practising foreign law in this jurisdiction as an associate of a law practice.
- (2) A foreign lawyer to whom this clause applies must, when his or her application for the grant or renewal of registration as a foreign lawyer under the Act is granted by the domestic registration authority (being the Law Society Council) pay to the Law Society on account of the Fidelity Fund the appropriate contribution to the Fidelity Fund for the year ending on 30 June during which the registration is to be in force.
- (3) The amount of a contribution to the Fidelity Fund is the amount determined by the Law Society Council and approved by the Attorney General in accordance with section 430 (3) of the Act in respect of solicitors (other than solicitors who are interstate legal practitioners).
- (4) The Law Society Council may permit a contribution to be paid by instalments under an arrangement approved by the Council.
- (5) If the foreign lawyer is registered after 31 December in a year ending on 30 June, the amount of the contribution that would otherwise be payable for that year is reduced by one-half.
- (6) If a foreign lawyer to whom this clause applies has paid a contribution for a year ending on 30 June and ceases to practise as a locally registered foreign lawyer at any time before 30 June in that year, the Law Society may refund a part of the contribution at a rate determined by the Law Society Council.

48 Fidelity Fund (levies)—section 197 of the Act

Section 431 of the Act applies to a locally registered foreign lawyer practising in this jurisdiction as an associate of a law practice in the same way as it applies to a local legal practitioner.

49 Fidelity Fund (failure to pay contribution or levy)—section 197 of the Act

- (1) Section 432 of the Act applies to a locally registered foreign lawyer practising foreign law in this jurisdiction as an associate of a law practice in the same way as it applies to a local legal practitioner, with the modification made by subclause (2).
- (2) Section 432 of the Act applies under this clause as if a reference in that section to a contribution required under section 430 of the Act were a reference to a contribution required under clause 47 of this Regulation.

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Clause 50

Legal practice by foreign lawyers—Part 2.7 of the Act

Part 7

50 Locally registered foreign lawyers not covered by Fidelity Fund

- (1) This clause applies to a locally registered foreign lawyer practising foreign law in this jurisdiction otherwise than as an associate of a law practice.
- (2) A foreign lawyer to whom this clause applies may not practise foreign law in this jurisdiction on behalf of a client unless he or she has provided the client with a disclosure statement in respect of his or her lack of cover by the Fidelity Fund.
- (3) A disclosure statement under subclause (2) is not valid unless:
 - (a) it is in writing, and
 - (b) it is in English or, if the client does not have a reasonable understanding of English, in some other language of which the client has a reasonable understanding, and
 - (c) it states that the foreign lawyer is not covered by the Fidelity Fund with respect to the practice of foreign law in this jurisdiction, and
 - (d) it states that Australian legal practitioners generally are covered by the Fidelity Fund.

51 Grounds for amending, suspending or cancelling local registration—section 208 of the Act

- (1) The period of 3 months after the person concerned was granted registration is prescribed as the period for the purposes of section 208 (1) (h) of the Act.
- (2) The period of 3 months after the person concerned ceased to have an office in this jurisdiction is prescribed as the period for the purposes of section 208 (1) (i) of the Act.

52 Register of locally registered foreign lawyers—section 232 of the Act

- (1) For the purposes of section 232 (2) (b) of the Act, the particulars referred to in subclauses (2) and (3) are prescribed as particulars to be included in the register kept under section 232 of the Act in relation to a locally registered foreign lawyer, except where the domestic registration authority is required by subclause (6) not to include them in the register.
- (2) The particulars to be included in the register are as follows:
 - (a) the name of the foreign lawyer,
 - (b) the contact details of the office of the foreign lawyer in this jurisdiction,

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Part 7	Legal practice by foreign lawyers—Part 2.7 of the Act

- (c) any other particulars about the lawyer that the domestic registration authority considers should be included.
- (3) In the case of a foreign lawyer who practises in the manner of a solicitor, the register must also contain the following particulars:
 - (a) the name of the partnership of which the lawyer is a member or employee or, if the lawyer is not a member or employee of a partnership, the name of the entity of which the lawyer is a director, officer or employee or with which the lawyer is otherwise engaged in legal practice,
 - (b) by way of a separate additional entry, the name of the partnership or other entity and the contact details of the office of the partnership or other entity:
 - (i) in this jurisdiction, and
 - (ii) in any other jurisdictions in which it has an office, except where the domestic registration authority considers those particulars need not be included in respect of an entity that is not a law practice,
 - (c) any other particulars about the partnership or other entity that the domestic registration authority considers should be included.
- (4) Contact details of an office are the following:
 - (a) its street address (the address where the office is physically located),
 - (b) its postal address (a post office box number and the location and postcode of the post office), if any,
 - (c) its DX address (the number of its DX box), if any.
- (5) A locally registered foreign lawyer may, by notice in writing to the domestic registration authority, request the authority not to include any or any specified particulars about the lawyer, partnership or other entity in the register, on the ground that special circumstances warrant the particulars not being publicly available (for example, if the safety or well-being of a person would be substantially affected by making the particulars publicly available).
- (6) If the domestic registration authority is satisfied that those special circumstances exist, the authority is required not to include the particulars concerned in the register unless the authority considers that the public interest in maintaining public access to the particulars outweighs any individual interest in the particulars not being publicly available.

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Clause 53

Trust money and trust accounts—Part 3.1 of the Act

Part 8

Part 8 Trust money and trust accounts—Part 3.1 of the Act

Division 1 Preliminary

53 Operation of this Part

- (1) This Part has effect for the purposes of Part 3.1 of the Act, and accordingly applies to a law practice in respect of:
- (a) trust money received by the practice in this jurisdiction, unless the practice has an office in one or more other jurisdictions but not in this jurisdiction, and
 - (b) trust money received by the practice in another jurisdiction, if the practice has an office in this jurisdiction but in no other jurisdiction, and
 - (c) trust money received by the practice in another jurisdiction, if the practice has an office in:
 - (i) this jurisdiction, and
 - (ii) one or more other jurisdictions, but not in the jurisdiction in which the money was received,
 unless the money is dealt with in accordance with the corresponding law of a jurisdiction in which the practice has an office.
- (2) This Part (apart from clause 106) does not apply to the Crown Solicitor.

54 Definitions

In this Part:

BSB number (Bank State Branch number) means the number assigned to identify a particular branch of a particular ADI.

deposit record includes a deposit slip.

matter description means a brief phrase or expression assigned by a law practice to describe a matter.

matter reference means a number or other reference assigned by a law practice to identify a matter.

trust money means trust money in respect of which this Part for the time being applies, as mentioned in clause 53 (1).

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Part 8 Trust money and trust accounts—Part 3.1 of the Act

Division 2 Computerised accounting systems

55 Application of Division

This Division applies where a law practice maintains trust records (including records relating to controlled money) by means of a computerised accounting system.

56 Copies of trust records to be printed

- (1) The law practice must cause a paper copy of trust records to be printed as follows:
 - (a) trust account cash books are to be printed monthly as at the end of each named month, unless a copy of the books as at the end of the named month is retained in electronic form that is readable or reportable on demand,
 - (b) reconciliation statements prepared under clause 72 (Reconciliation of trust records) are to be printed as at the end of each named month,
 - (c) trust ledger trial balances are to be printed monthly as at the end of each named month,
 - (d) lists of controlled money accounts and their balances are to be printed monthly as at the end of each named month,
 - (e) trust ledger accounts, the register of controlled money and the trust account transfer journal are to be printed before they are archived or deleted from the system,
 - (f) trust ledger account and controlled money account details are to be printed on request by and provided to an investigator as defined in section 658 of the Act.
- (2) The trust records printed monthly as at the end of a named month under subclause (1) (a)–(d) must be printed within 15 working days after the named month.
- (3) The paper copies printed under subclause (1) are to be retained by the law practice, except where they are printed on request under that subclause.
- (4) The electronic copy of the trust account cash books under subclause (1) (a) is to be retained by the law practice.

57 Chronological record of information to be made

- (1) The law practice must maintain a record, compiled in chronological sequence, of the creation, amendment or deletion of information in its computerised accounting system in relation to the following:
 - (a) client name,

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Trust money and trust accounts—Part 3.1 of the Act

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- (b) client address,
 - (c) matter reference,
 - (d) matter description,
 - (e) ledger account number.

(2) The record is to be retained by the law practice.

58 Requirements regarding computer accounting systems

- (1) The law practice must ensure that its computerised accounting system is not capable of accepting, in respect of a trust ledger account, the entry of a transaction resulting in a debit balance to the account, unless a contemporaneous record of the transaction is made in a manner that enables the production in a permanent form, on demand, of a separate chronological report of all occurrences of that kind.
- (2) The law practice must ensure that the system is not capable of deleting a trust ledger account unless:
 - (a) the balance of the account is zero and all outstanding cheques have been presented, and
 - (b) when the account is deleted, a copy of the account is retained in a permanent form.
- (3) The law practice must ensure that any entry in a record produced in a permanent form appears in chronological sequence.
- (4) The law practice must ensure that each page of each printed record is numbered sequentially or is printed in such a way that no page can be extracted.
- (5) The law practice must ensure that its computerised accounting system is not capable of amending the particulars of a transaction already recorded otherwise than by a transaction separately recorded that makes the amendment.
- (6) The law practice must ensure that its computerised accounting system requires input in every field of a data entry screen intended to receive information required by this Part to be included in trust records.

59 Back-ups

The law practice must ensure that:

- (a) a back-up copy of all records required by this Part is made not less frequently than once each month, and
- (b) each back-up copy is retained by the law practice, and

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- (c) a complete set of back-up copies is kept in a separate location so that any incident that may adversely affect the records would not also affect the back-up copy.

Division 3 General trust accounts

60 Establishment of general trust account

- (1) A law practice may at any time open a general trust account that satisfies the requirements of this clause, but must, as soon as practicable after receiving trust money that is required to be paid into a general trust account, establish a general trust account that satisfies those requirements if the practice does not already have such a general trust account.
- (2) A general trust account satisfies the requirements of this clause if:
 - (a) the account is established in this jurisdiction, before, on or after 1 October 2005, with an approved ADI, and
 - (b) the account is and is to be maintained in this jurisdiction, and
 - (c) the name of the account includes:
 - (i) the name of the law practice or the business name under which the law practice engages in legal practice, and
 - (ii) the expression “law practice trust account” or “law practice trust a/c”, and
 - (d) the account is of a kind that is for the time being approved by the Law Society Council.
- (3) Subclause (2) (c) does not apply to an account established in this jurisdiction before 1 October 2005.
- (4) Subclause (2) (c) (ii) does not require the repetition of the words “law practice” if those words form part of the name or business name of the law practice.

61 Receipt of trust money generally

- (1) This clause applies if a law practice receives trust money that is required to be paid into a general trust account.
- (2) After receiving the trust money, the law practice must cause a receipt to be made out.
- (3) The receipt must be made out as soon as practicable:
 - (a) after the trust money is received, or
 - (b) in the case of trust money received by direct deposit—after the law practice receives or can access notice or confirmation (in

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written or electronic form) of the deposit from the ADI concerned.

- (4) The receipt, containing the required particulars, must be made out in duplicate, whether by way of making a carbon copy or otherwise, unless at the time the receipt is made out those particulars are recorded by computer program in the trust account receipts cash book.
- (5) For the purposes of subclause (4), the *required particulars* are as follows:
 - (a) the date the receipt is made out and, if different, the date of receipt of the money,
 - (b) the amount of money received,
 - (c) the form in which the money was received,
 - (d) the name of the person from whom the money was received,
 - (e) details clearly identifying the name of the client in respect of whom the money was received and the matter description and matter reference,
 - (f) particulars sufficient to identify the purpose for which the money was received,
 - (g) the name of the law practice, or the business name under which the law practice engages in legal practice, and the expression “trust account” or “trust a/c”,
 - (h) the name of the person who made out the receipt,
 - (i) the number of the receipt.
- (6) The original receipt is to be delivered, on request, to the person from whom the trust money was received.
- (7) Receipts must be consecutively numbered and issued in consecutive sequence.
- (8) If a receipt is cancelled or not delivered, the original receipt must be retained.

62 Receipt of trust money otherwise than by direct deposit

- (1) This clause applies if a law practice receives trust money that is required to be paid into a general trust account but is not paid to a general trust account by direct deposit.
- (2) A deposit record must be produced to the approved ADI at the time the deposit is made.
- (3) The following particulars must be recorded on the deposit record:
 - (a) the date of the deposit,

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- (b) the amount of the deposit,
- (c) whether the deposit consists of cheques, notes or coins (and the amount of each),
- (d) for each cheque:
 - (i) the name of the drawer of the cheque, and
 - (ii) the name and branch (or BSB number) of the ADI on which the cheque is drawn, and
 - (iii) the amount of the cheque.
- (4) The deposit record must be made out in duplicate, whether by way of making a carbon copy or otherwise.
- (5) The duplicate deposit record must be retained for each deposit to the general trust account and must be retained in a deposit book or be otherwise securely filed in the order in which the deposits were made.

63 Deposit of trust money—section 254 (3) of the Act

For the purposes of section 254 (3) of the Act, the prescribed period for which a written direction referred to in section 254 (1) (a) of the Act is to be kept is 7 years after the direction is received by the law practice.

64 Manner of withdrawal of trust money

- (1) Trust money may be withdrawn from a general trust account:
 - (a) by cheque, in accordance with clause 65, or
 - (b) by electronic funds transfer, in accordance with clause 66, and not otherwise.
- (2) The following are specifically prohibited:
 - (a) cash withdrawals,
 - (b) ATM withdrawals or transfers,
 - (c) telephone banking withdrawals or transfers.

65 Payment by cheque

- (1) This clause applies to the withdrawal of trust money from a general trust account of a law practice by cheque.
- (2) A cheque:
 - (a) must be made payable to or to the order of a specified person or persons and not to bearer or cash, and
 - (b) must be crossed “not negotiable”, and

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- (c) must include:
- (i) the name of the law practice or the business name under which the law practice engages in legal practice, and
 - (ii) the expression “law practice trust account” or “law practice trust a/c”.
- (3) A cheque must be signed:
- (a) by an authorised principal of the law practice, or
 - (b) if a principal referred to in paragraph (a) is not available:
 - (i) by an authorised legal practitioner associate, or
 - (ii) by an authorised Australian legal practitioner who holds an unrestricted practising certificate authorising the receipt of trust money, or
 - (iii) by two or more authorised associates jointly.
- (4) A written record of the required particulars (which may be in the form of a cheque butt) must be kept of each payment made by cheque, whether by way of making a carbon copy or otherwise, unless at the time the cheque is issued those particulars are recorded by computer program in the trust account payments cash book.
- (5) If at the time the cheque is issued the required particulars are recorded by computer program in the trust account payments cash book, a written record must be kept that is sufficient to enable the accuracy of the particulars recorded by the computer program to be verified.
- (6) For the purposes of subclauses (4) and (5), the *required particulars* are as follows:
- (a) the date and number of the cheque,
 - (b) the amount ordered to be paid by the cheque,
 - (c) the name of the person to whom the payment is to be made or, in the case of a cheque made payable to an ADI, the name of the ADI and the name of the person receiving the benefit of the payment,
 - (d) details clearly identifying the name of the person on whose behalf the payment was made and the matter reference,
 - (e) details clearly identifying the ledger account to be debited,
 - (f) particulars sufficient to identify the purpose for which the payment was made.
- (7) Written records relating to payments by cheque (including cheque requisitions) must be stored in the order in which the cheques were issued.

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- (8) Subclause (2) (c) (ii):
- (a) does not require the repetition of the words “law practice” if those words form part of the name or business name of the law practice, and
 - (b) does not apply to an account established in this jurisdiction before 1 October 2005.
- (9) In this clause:
- associate* means an associate of the law practice.
- authorised* means authorised by the law practice to sign cheques drawn on the general trust account.

66 Payment by electronic funds transfer

- (1) This clause applies to the withdrawal of trust money from a general trust account of a law practice by electronic funds transfer.
- (2) An electronic funds transfer must be effected by or under the direction or with the authority of:
 - (a) an authorised principal of the law practice, or
 - (b) if a principal referred to in paragraph (a) is not available:
 - (i) an authorised legal practitioner associate, or
 - (ii) an authorised Australian legal practitioner who holds an unrestricted practising certificate authorising the receipt of trust money, or
 - (iii) two or more authorised associates jointly.
- (3) A written record of the required particulars must be kept of each payment unless at the time the electronic funds transfer is effected those particulars are recorded by computer program in the trust account payments cash book.
- (4) If at the time the electronic funds transfer is effected the required particulars are recorded by computer program in the trust account payments cash book, a written record must be kept that is sufficient to enable the accuracy of the particulars recorded by the computer program to be verified.
- (5) For the purposes of subclauses (3) and (4), the *required particulars* are as follows:
 - (a) the date and number of the transaction,
 - (b) the amount transferred,
 - (c) the name and number of the account to which the amount was transferred and relevant BSB number,

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- (d) the name of the person to whom the payment was made or, in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment,
 - (e) details clearly identifying the name of the person on whose behalf the payment was made and the matter reference,
 - (f) details clearly identifying the ledger account to be debited,
 - (g) particulars sufficient to identify the purpose for which the payment was made.
- (6) Written records relating to payments by electronic funds transfer (including transfer requisitions) must be stored in the order in which the transfers were effected.
 - (7) In this clause:
 - associate* means an associate of the law practice.
 - authorised* means authorised by the law practice to effect, direct or give authority for an electronic funds transfer from the general trust account.

67 Recording transactions in trust account cash books

A law practice that maintains a general trust account must keep the following trust account cash books:

- (a) a trust account receipts cash book in accordance with clause 68,
- (b) a trust account payments cash book in accordance with clause 69.

68 Trust account receipts cash book

- (1) The following particulars must be recorded in a law practice's trust account receipts cash book in respect of each receipt of trust money:
 - (a) the date a receipt was made out for the money and, if different, the date of receipt of the money,
 - (b) the receipt number,
 - (c) the amount of money received,
 - (d) the form in which the money was received,
 - (e) the name of the person from whom the money was received,
 - (f) details clearly identifying the name of the client in respect of whom the money was received and the matter description and matter reference,
 - (g) particulars sufficient to identify the purpose for which the money was received,
 - (h) details clearly identifying the ledger account to be credited.

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- (2) The date and amount of each deposit in the general trust account must be recorded in the trust account receipts cash book.
- (3) The particulars in respect of receipts must be recorded in the order in which the receipts are made out.
- (4) The particulars in respect of a receipt must be recorded within 5 working days counting from and including the day the receipt was made out.

69 Trust account payments cash book

- (1) The following particulars must be recorded in a law practice's trust account payments cash book in respect of each payment of trust money by cheque:
 - (a) the date and number of the cheque,
 - (b) the amount ordered to be paid by the cheque,
 - (c) the name of the person to whom the payment is to be made or, in the case of a cheque made payable to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment,
 - (d) details clearly identifying the name of the person on whose behalf the payment was made and the matter reference,
 - (e) details clearly identifying the ledger account to be debited,
 - (f) particulars sufficient to identify the purpose for which the payment was made.
- (2) The following particulars must be recorded in a law practice's trust accounts payments cash book in respect of each payment of trust money by electronic funds transfer:
 - (a) the date and number of the transaction,
 - (b) the amount transferred,
 - (c) the name and number of the account to which the amount was transferred and the relevant BSB number,
 - (d) the name of the person to whom the payment was made or, in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment,
 - (e) details clearly identifying the name of the person on whose behalf the payment was made and the matter reference,
 - (f) details clearly identifying the ledger account to be debited,
 - (g) particulars sufficient to identify the purpose for which the payment was made.

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- (3) The particulars in respect of payments must be recorded in the order in which the payments are made.
 - (4) The particulars in respect of a payment must be recorded within 5 working days counting from and including the day the payment was made.

70 Recording transactions in trust ledger accounts

- (1) A law practice that maintains a general trust account must keep a trust account ledger containing separate trust ledger accounts in relation to each client of the practice in each matter for which trust money has been received by the practice.
- (2) The following particulars must be recorded in the title of a trust ledger account:
 - (a) the name of the person for or on behalf of whom the trust money was paid,
 - (b) the person's address,
 - (c) particulars sufficient to identify the matter in relation to which the trust money was received.
- (3) Details of any changes in the title of a trust ledger account must be recorded.
- (4) The following particulars must be recorded in the trust ledger account in respect of each receipt of trust money for the matter:
 - (a) the date a receipt was made out for the money and, if different, the date of receipt of the money,
 - (b) the receipt number,
 - (c) the amount of money received,
 - (d) the name of the person from whom the money was received,
 - (e) particulars sufficient to identify the purpose for which the money was received.
- (5) The following particulars must be recorded in the trust ledger account in respect of each payment of trust money by cheque:
 - (a) the date and number of the cheque,
 - (b) the amount ordered to be paid by the cheque,
 - (c) the name of the person to whom the payment is to be made or, in the case of a cheque made payable to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment,

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- (d) particulars sufficient to identify the purpose for which the payment was made.
- (6) The following particulars must be recorded in the trust ledger account in respect of each payment of trust money by electronic funds transfer:
 - (a) the date and number of the transaction,
 - (b) the amount transferred,
 - (c) the name and number of the account to which the amount was transferred and the relevant BSB number,
 - (d) the name of the person to whom the payment was made or, in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment,
 - (e) particulars sufficient to identify the purpose for which the payment was made.
- (7) The following particulars must be recorded in the trust ledger account in respect of each transfer of trust money effected by a journal entry:
 - (a) the date of the transfer,
 - (b) the amount transferred,
 - (c) the journal reference number,
 - (d) the name of the other trust ledger account from which or to which the money was transferred,
 - (e) particulars sufficient to identify the purpose for which the payment was made.
- (8) Transactions relating to trust money must be recorded in the trust ledger account in the order in which the transactions occur.
- (9) The particulars in respect of a receipt, payment or transfer of trust money must be recorded within 5 working days counting from and including the day the receipt was made out, the payment was made or the transfer was effected, as the case requires.
- (10) The trust ledger account balance is to be recorded in the trust ledger account after each receipt, payment or transfer of trust money.

71 Journal transfers

- (1) Trust money may be transferred by journal entry from one trust ledger account in a law practice's trust ledger to another trust ledger account in the trust ledger, but only if:
 - (a) the law practice is entitled to withdraw the money and pay it to the other trust ledger account, and

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- (b) the transfer has been authorised in writing:
 - (i) by a person who is authorised to sign cheques drawn on the general trust account without a co-signatory, or
 - (ii) by two or more persons who are authorised to sign cheques drawn on the general trust account jointly.
 - (2) A law practice must keep a trust account transfer journal if it transfers trust money by journal entry.
 - (3) The following particulars must be recorded in the trust account transfer journal in respect of each transfer of trust money by journal entry:
 - (a) the date of the transfer,
 - (b) the trust ledger account from which the money is transferred (including its identifying reference),
 - (c) the trust ledger account to which the money is transferred (including its identifying reference),
 - (d) the amount transferred,
 - (e) particulars sufficient to identify the purpose for which the transfer is made, the matter reference and a short description of the matter.
 - (4) Journal pages or entries must be consecutively numbered.
 - (5) A law practice must keep particulars of the authorisation for each transfer of trust money by journal entry, whether in the trust account transfer journal or in some other way.

72 Reconciliation of trust records

- (1) A law practice that maintains one or more general trust accounts must cause the trust records relating to the only or each account to be reconciled.
- (2) The trust records relating to a general trust account are to be reconciled as at the end of each named month by preparing:
 - (a) a statement:
 - (i) reconciling the general trust account balance as shown in ADI records with the balance of the practice's trust account cash books, and
 - (ii) showing the date the statement was prepared, and
 - (b) a statement:
 - (i) reconciling the balance of the trust ledger accounts with the balance of the practice's trust account cash books, and
 - (ii) containing a list of the practice's trust ledger accounts showing the name, identifying reference and balance of

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each and a short description of the matter to which each relates, and

(iii) showing the date the statement was prepared.

- (3) The statements must be prepared within 15 working days after the end of the month concerned.
- (4) The statements must be retained by the law practice.

73 Trust ledger account in name of law practice or legal practitioner associate

- (1) A law practice must not maintain a trust ledger account in the name of the practice or a legal practitioner associate of the practice except as authorised by this clause.
- (2) A law practice may maintain in its trust ledger:
 - (a) a trust ledger account in the practice's name, but only for the purpose of aggregating in the account, by transfer from other accounts in the trust ledger, money properly due to the practice for legal costs, and
 - (b) a trust ledger account in a legal practitioner associate's name, but only in respect of money in which the associate has a personal and beneficial interest as a vendor, purchaser, lessor or lessee or in another similar capacity.
- (3) In a case to which subclause (2) (a) applies, the law practice must ensure that the money in the trust ledger account is withdrawn from the general trust account not later than one month after the day on which the money was transferred to the trust ledger account.
- (4) In a case to which subclause (2) (b) applies, the law practice must ensure that the money in the trust ledger account is withdrawn from the general trust account at the conclusion of the matter to which the money relates.

74 Notification requirements regarding general trust accounts

- (1) Within 14 days after establishing a general trust account, a law practice must give the Law Society Council written notice of that fact.
- (2) Subclause (1) does not apply to a general trust account established before 1 October 2005.
- (3) A law practice:
 - (a) either before, or within 14 days after, authorising or terminating the authority of an associate of the practice or an Australian legal practitioner:
 - (i) to sign cheques drawn on a general trust account of the practice, or

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- (ii) otherwise to effect, direct or give authority for the withdrawal of money from a general trust account of the practice,
must give the Law Society Council written notice of that fact (including the name and address of the associate or practitioner and indicating, in the case of an associate, whether the associate is an employee of the practice), and
- (b) during July of each year, must give the Law Society Council written notice of the associates and Australian legal practitioners (including their names and addresses) who are authorised, as at 1 July of that year:
 - (i) to sign cheques drawn on a general trust account of the practice, or
 - (ii) otherwise to effect, direct or give authority for the withdrawal of money from a general trust account of the practice.
- (4) Subclause (3) (a) does not apply to an authority that was given or terminated before 1 October 2005.
- (5) Within 14 days after the closure of a general trust account maintained by it, a law practice must give the Law Society Council written notice of that fact.
- (6) Subclause (5) does not apply to a general trust account that was closed before 1 October 2005.
- (7) A notice under this clause given by a law practice must include particulars sufficient to identify the general trust accounts of the practice.
- (8) In this clause, *law practice* includes a former law practice and the persons who were principals of a law practice immediately before the law practice ceased to exist as a law practice or to engage in legal practice in this jurisdiction.

Division 4 Controlled money

75 Maintenance of controlled money accounts—section 256 (4) of the Act

- (1) For the purposes of section 256 (4) of the Act, a controlled money account must be maintained under an account name that includes the following particulars:
 - (a) the name of the law practice concerned,
 - (b) the expression “controlled money account”,

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(c) such particulars as are sufficient to identify the purpose of the account and to distinguish the account from any other account maintained by the law practice.

(2) This clause does not apply to an account established in this jurisdiction before 1 October 2005.

76 Receipt of controlled money

- (1) This clause applies if a law practice receives controlled money.
- (2) The law practice must operate a single controlled money receipt system for the receipt of controlled money for all its controlled money accounts.
- (3) After receiving controlled money, the law practice must cause a receipt to be made out.
- (4) The receipt must be made out as soon as practicable:
 - (a) after the controlled money is received, or
 - (b) in the case of controlled money received by direct deposit—after the law practice receives or can access notice or confirmation (in written or electronic form) of the deposit from the ADI concerned.
- (5) The receipt, containing the required particulars, must be made out in duplicate, whether by way of making a carbon copy or otherwise, unless at the time the receipt is made out those particulars are recorded by computer program in the register of controlled money.
- (6) For the purposes of subclause (5), the *required particulars* are as follows:
 - (a) the date the receipt is made out and, if different, the date of receipt of the money,
 - (b) the amount of money received,
 - (c) the form in which the money was received,
 - (d) the name of the person from whom the money was received,
 - (e) details clearly identifying the name of the person on whose behalf the money was received and the matter description and matter reference,
 - (f) particulars sufficient to identify the purpose for which the money was received,
 - (g) the name of and other details clearly identifying the controlled money account to be credited, unless the account has not been established by the time the receipt is made out,

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- (h) the name of the law practice, or the business name under which the law practice engages in legal practice, and the expression “controlled money receipt”,
 - (i) the name of the person who made out the receipt,
 - (j) the number of the receipt.
- (7) If the controlled money account to be credited has not been established by the time the receipt is made out, the name of and other details clearly identifying the account when established must be included on the duplicate receipt (if any).
 - (8) The original receipt is to be delivered, on request, to the person from whom the controlled money is received.
 - (9) Receipts must be consecutively numbered and issued in consecutive sequence.
 - (10) If a receipt is cancelled or not delivered, the original receipt must be retained.
 - (11) A receipt is not required to be made out for any interest or other income received from the investment of controlled money and credited directly to a controlled money account.

77 Deposit of controlled money—section 256 (5) of the Act

For the purposes of section 256 (5) of the Act, the prescribed period for which a written direction referred to in section 256 (1) of the Act is to be kept is 7 years after the direction is received by the law practice.

78 Withdrawal of controlled money must be authorised

- (1) A withdrawal of money from a controlled money account of a law practice must be effected by, under the direction of or with the authority of:
 - (a) an authorised principal of the law practice, or
 - (b) if a principal referred to in paragraph (a) is not available:
 - (i) an authorised legal practitioner associate, or
 - (ii) an authorised Australian legal practitioner who holds an unrestricted practising certificate authorising the receipt of trust money, or
 - (iii) two or more authorised associates jointly.
- (2) A written record must be kept of each withdrawal, unless at the time the withdrawal is made the particulars are recorded by computer program.
- (3) If at the time the withdrawal is made the particulars are recorded by computer program, a written record must be kept that is sufficient to

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enable the accuracy of the particulars recorded by the computer program to be verified.

- (4) The following particulars must be recorded in respect of each withdrawal:
- (a) the date and number of the transaction,
 - (b) the amount withdrawn,
 - (c) in the case of a transfer made by electronic funds transfer—the name and number of the account to which the amount was transferred and the relevant BSB number,
 - (d) the name of the person to whom payment is to be made or, in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment,
 - (e) details clearly identifying the name of the person on whose behalf the payment was made and the matter reference,
 - (f) particulars sufficient to identify the purpose for which the payment was made,
 - (g) the person or persons effecting or authorising the withdrawal.
- (5) The particulars are to be recorded in the order in which the payments are recorded and are to be recorded separately for each controlled money account.
- (6) In this clause:
- associate** means an associate of the law practice.
- authorised** means authorised by the law practice to effect, direct or give authority for a withdrawal of money from the controlled money account.

79 Manner of withdrawal of controlled money

- (1) This clause applies where:
- (a) controlled money is to be disbursed in accordance with the written directions applying to the money (as referred to in section 256 of the Act), and
 - (b) the directions do not specify the manner in which the money is to be withdrawn from the controlled money account concerned.
- (2) Controlled money may be withdrawn from a controlled money account:
- (a) by cheque, in accordance with clause 65, or
 - (b) by electronic funds transfer, in accordance with clause 66, and not otherwise.

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- (3) The following are specifically prohibited:
- (a) cash withdrawals,
 - (b) ATM withdrawals or transfers,
 - (c) telephone banking withdrawals or transfers.

80 Register of controlled money

- (1) A law practice that receives controlled money must maintain a register of controlled money consisting of the records of controlled money movements for the controlled money accounts of the practice.
- (2) A separate record of controlled money movements must be maintained for each controlled money account.
- (3) A record of controlled money movements for a controlled money account must record the following information:
 - (a) the name of the person on whose behalf the controlled money is held,
 - (b) the person's address,
 - (c) particulars sufficient to identify the matter,
 - (d) any changes to the information referred to in paragraphs (a)–(c).
- (4) The following particulars must be recorded in a record of controlled money movements for a controlled money account:
 - (a) the date the controlled money was received,
 - (b) the number of the receipt,
 - (c) the date the money was deposited in the controlled money account,
 - (d) the name of and other details clearly identifying the controlled money account,
 - (e) the amount of controlled money deposited,
 - (f) details of the deposit sufficient to identify the deposit,
 - (g) interest received,
 - (h) details of any payments from the controlled money account, including the particulars required to be recorded under clause 78 (4).
- (5) With the exception of interest and other income received in respect of controlled money, particulars of receipts and payments must be entered in the register as soon as practicable after the controlled money is received by the law practice or any payment is made.

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- (6) Interest and other income received in respect of controlled money must be entered in the register as soon as practicable after the law practice is notified of its receipt.
- (7) The law practice must retain as part of its trust records all supporting information (including ADI statements and notifications of interest received) relating to controlled money.
- (8) Within 15 working days after each named month, the law practice must prepare and keep as a permanent record a statement as at the end of the named month:
 - (a) containing a list of the practice's controlled money accounts showing:
 - (i) the name, number and balance of each account in the register, and
 - (ii) the name of the person on whose behalf the controlled money in each account was held, and
 - (iii) a short description of the matter to which each account relates, and
 - (b) showing the date the statement was prepared.

Division 5 Transit money

81 Information to be recorded about transit money—section 257 of the Act

- (1) This clause has effect for the purposes of section 257 of the Act.
- (2) A law practice must, in respect of transit money received by the practice, record and retain brief particulars sufficient to identify the relevant transaction and any purpose for which the money was received.

Division 6 Trust money generally

82 Trust account statements

- (1) A law practice must furnish a trust account statement to each person for whom or on whose behalf trust money (other than transit money) is held or controlled by the law practice or an associate of the practice.
- (2) In the case of trust money in respect of which the law practice is required to maintain a trust ledger account, the practice must furnish a separate statement for each trust ledger account.
- (3) In the case of controlled money in respect of which the law practice is required to maintain a record of controlled money movements, the practice must furnish a separate statement for each record.

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- (4) In the case of trust money subject to a power given to the law practice or an associate of the practice in respect of which the practice is required to keep a record of all dealings with the money to which the practice or associate is a party, the practice must furnish a separate statement for each record.
- (5) A trust account statement is to contain particulars of:
- (a) all of the information required to be kept under this Part in relation to the trust money included in the relevant ledger account or record, and
 - (b) the remaining balance (if any) of the money.
- (6) A trust account statement is to be furnished:
- (a) as soon as practicable after completion of the matter to which the ledger account or record relates, and
 - (b) as soon as practicable after the person for whom or on whose behalf the money is held or controlled makes a reasonable request for the statement during the course of the matter, and
 - (c) except as provided by subclause (7), as soon as practicable after 30 June in each year.
- (7) The law practice is not required to furnish a trust account statement under subclause (6) (c) in respect of a ledger account or record if at 30 June:
- (a) the ledger account or record has been open for less than 6 months, or
 - (b) the balance of the ledger account or record is zero and no transaction affecting the account has taken place within the previous 12 months, or
 - (c) a trust account statement has been furnished within the previous 12 months and there has been no subsequent transaction affecting the ledger account or record.
- (8) The law practice must retain a copy of a trust account statement furnished under this clause.

83 Trust account statements for institutional clients

- (1) In this clause, *institutional client* of a law practice means a client of a law practice, if the client is:
- (a) a public company, a subsidiary of a public company, a foreign company, a subsidiary of a foreign company or a registered Australian body (within the meaning of the *Corporations Act 2001* of the Commonwealth), or

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- (b) a financial services licensee (within the meaning of the *Corporations Act 2001* of the Commonwealth).
 - (2) Clause 82 (Trust account statements) does not apply to an institutional client to the extent to which the client directs the law practice not to provide trust account statements under that clause.
 - (3) If the institutional client directs the law practice to provide trust account statements on a basis different from that prescribed by clause 82, the law practice must supply those statements as directed, except to the extent to which the direction is unreasonably onerous.
 - (4) The law practice must retain a copy of a trust account statement furnished under this clause.

84 Investment of trust money

- (1) This clause applies if trust money referred to in section 244 (3) of the Act is invested by a law practice for or on behalf of a client, but this clause does not itself confer power to make investments.
- (2) The law practice must maintain a register of investments of trust money.
- (3) The register must record the following information in relation to each investment:
 - (a) the name in which the investment is held,
 - (b) the name of the person on whose behalf the investment is made,
 - (c) the person's address,
 - (d) particulars sufficient to identify the investment,
 - (e) the amount invested,
 - (f) the date the investment was made,
 - (g) particulars sufficient to identify the source of the investment, including, for example:
 - (i) a reference to the relevant trust ledger, and
 - (ii) a reference to the written authority to make the investment, and
 - (iii) the number of the cheque for the amount to be invested,
 - (h) details of any documents evidencing the investment,
 - (i) details of any interest received from the investment or credited directly to the investment,
 - (j) details of the repayment of the investment and any interest, on maturity or otherwise.
- (4) This clause does not require particulars to be recorded in the register if the particulars are required to be recorded elsewhere by another clause.

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85 Trust money subject to specific powers—section 258 of the Act

- (1) This clause has effect for the purposes of section 258 of the Act.
- (2) If a law practice or an associate of the practice is given a power to deal with trust money (whether alone or jointly with another person), the practice must keep:
 - (a) a record of all dealings with the money to which the practice or associate is a party, and
 - (b) all supporting information in relation to the dealings, in a manner that enables the dealings to be clearly understood.
- (3) The record, supporting information and power must be kept by the law practice as part of the practice's trust records.

86 Register of powers and estates in relation to trust money

- (1) A law practice must maintain a register of powers and estates in respect of which the law practice or an associate of the practice is acting or entitled to act, alone or jointly with the law practice or one or more associates of the practice, in relation to trust money.
- (2) Subclause (1) does not apply where the law practice or associate is also required to act jointly with one or more persons who are not associates of the practice.
- (3) The register of powers and estates must record:
 - (a) the name and address of the donor and date of each power, and
 - (b) the name and date of death of the deceased in respect of each estate of which the law practice or associate is executor or administrator.

87 Intermixing money—section 260 of the Act

- (1) This clause has effect for the purposes of section 260 of the Act, which provides that a law practice must not, otherwise than as allowed by the regulations, mix trust money with other money.
- (2) A law practice is allowed to mix trust money with other money to the extent only authorised by the Law Society Council and in accordance with any conditions imposed by that Council in relation to the authorisation.

88 Withdrawing trust money for legal costs—section 261 (1) (b) of the Act

- (1) This clause prescribes, for the purposes of section 261 (1) (b) of the Act, the procedure for the withdrawal of trust money held in a general trust account or controlled money account of a law practice for payment of

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legal costs owing to the practice by the person for whom the trust money was paid into the account.

- (2) The trust money may be withdrawn in accordance with the procedure set out in either subclause (3) or (4).
- (3) The law practice may withdraw the trust money:
 - (a) if:
 - (i) the money is withdrawn in accordance with a costs agreement that complies with the legislation under which it is made and that authorises the withdrawal, or
 - (ii) the money is withdrawn in accordance with instructions that have been received by the practice and that authorise the withdrawal, or
 - (iii) the money is owed to the practice by way of reimbursement of money already paid by the practice on behalf of the person, and
 - (b) if, before effecting the withdrawal, the practice gives or sends to the person a request for payment, referring to the proposed withdrawal.
- (4) The law practice may withdraw the trust money:
 - (a) if the practice has given the person a bill relating to the money, and
 - (b) if:
 - (i) the person has not objected to withdrawal of the money within 7 days after being given the bill, or
 - (ii) the person has objected within 7 days after being given the bill but has not applied for a review of the legal costs under the Act within 60 days after being given the bill, or
 - (iii) the money otherwise becomes legally payable.
- (5) Instructions mentioned in subclause (3) (a) (ii):
 - (a) if given in writing, must be retained as a permanent record, or
 - (b) if not given in writing, must be reduced to writing either before, or not later than 5 working days after, the law practice effects the withdrawal and a copy must be retained as a permanent record.
- (6) For the purposes of subclause (3) (a) (iii), money is taken to have been paid by the law practice on behalf of the person when the relevant account of the practice has been debited.

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89 Keeping of trust records—section 264 of the Act

- (1) This clause has effect for the purposes of section 264 of the Act for the keeping in a permanent form of a law practice's trust records in relation to trust money received by the practice.
- (2) Trust records are to be kept for a period of 7 years after the last transaction entry in the records.
- (3) This clause does not apply to a written direction referred to in section 254 (1) (a) or 256 (1) of the Act.

90 Retaining other records and information

- (1) A record maintained under clause 57 (Chronological record of information to be made) is, so far as it relates to particular information, to be retained by the law practice for a period of 7 years after finalisation of the matter to which the record relates.
- (2) Any other record or information required by this Part to be retained by a law practice is to be retained for a period of 7 years after finalisation of the matter to which the record relates.
- (3) This clause does not apply to records to which clause 63 (Deposit of trust money), clause 77 (Deposit of controlled money) or clause 89 (Keeping of trust records) applies.

91 Statements regarding receipt or holding of trust money

- (1) The Law Society Council may, by notice given under this clause, require a law practice to give the Council a statement:
 - (a) specifying whether or not the practice has, during a period specified by the Council, received or held trust money, and
 - (b) if it has received or held trust money during that period, specifying to which of the following categories the trust money belongs:
 - (i) general trust money (being trust money other than that referred to in subparagraphs (ii)–(iv)),
 - (ii) controlled money,
 - (iii) transit money,
 - (iv) money subject to a power.
- (2) A notice may be given so as to apply in respect of one or more periods (whether they occur annually or otherwise), and may be withdrawn or varied by a further notice.
- (3) A notice may specify the time by which or the period during which the requirement is to be complied with.

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- (4) A notice is given to:
- (a) a particular law practice by sending the notice by post to the practice, or
 - (b) a particular class of law practices by publishing the notice in a circular distributed generally to law practices of the class or in a magazine or other publication available generally to law practices of the class.
- (5) A law practice:
- (a) must comply with a requirement imposed on it under this clause and must do so by the time or during the period specified in the notice for compliance, and
 - (b) must not include in the statement any information that is false or misleading in a material particular.

Division 7 External examinations

92 Requirement for external examinations

If the only trust money received or held by a law practice during a financial year is transit money, the practice's trust records in respect of that year are not required to be externally examined.

93 Appointment of designated persons—sections 274 and 275 of the Act

A law practice must cause written notice to be given to the Law Society Council on each occasion that it appoints a designated person as an external examiner and on each occasion that it terminates any such appointment.

94 Prescribed form for law practice ceasing to be authorised to receive trust money or engage in legal practice—section 275 (3) (b) of the Act

For the purposes of section 275 (3) (b) of the Act, the prescribed form of a statutory declaration to be lodged by a law practice is Form 1.

95 Report on external examiner's examination—section 277 of the Act

For the purposes of section 277 (3) (b) of the Act, the form and content of an external examiner's report (but not the substance of the report) are to be as approved by the Law Society Council.

Division 8 Statutory deposits and Public Purpose Fund

96 Deposit of trust funds with Law Society

- (1) Out of the money that is paid to a general trust account kept by a law practice, the law practice must deposit with the Law Society, and keep

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deposited with the Society, an amount not less than the minimum amount calculated in accordance with clause 97.

- (2) Money is taken to have been deposited with the Law Society if it is deposited in the name of the Society with an ADI nominated by the Society.
- (3) Subclause (1) does not apply to a separate trust account kept on the instructions of a client for the exclusive use of the client.
- (4) This clause does not affect any enforceable lien or claim that a law practice has over, or to, any money.
- (5) It is professional misconduct by each principal of a law practice if the law practice contravenes subclause (1) in relation to a general trust account kept by the law practice.

97 Amount of deposit

- (1) The minimum amount to be deposited and kept deposited with the Law Society in respect of an applicable period is an amount equal to the sum of:
 - (a) the lowest balance recorded in the trust account kept by the law practice during the previous applicable period, and
 - (b) the amount (if any) on deposit by the law practice with the Society on the day on which that lowest balance is recorded.
- (2) Despite subclause (1), if, in the case of a particular law practice, on any day during the period beginning with the end of the previous applicable period and ending with the 15th banking day after the end of that period, the sum of:
 - (a) the lowest balance recorded in the trust account during that 15-day period, and
 - (b) the amount (if any) on deposit with the Law Society on that day, is less than the sum of the amounts referred to in subclause (1) (a) and (b), the minimum amount that the law practice is to deposit and keep deposited with the Society is an amount equal to 80% of the lesser sum.
- (3) Despite subclauses (1) and (2), if during an applicable period money is repaid to the law practice under section 284 of the Act, the minimum amount to be deposited and kept deposited with the Law Society in respect of that period becomes an amount equal to the sum of:
 - (a) the lower of the following:
 - (i) the lowest balance recorded in the trust account kept by the law practice during the period beginning with the start of that applicable period and ending with the 15th banking day after the repayment,

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- (ii) the lowest balance recorded in that trust account during the previous applicable period, and
- (b) the amount (if any) on deposit by the law practice with the Society on the day on which the lower of those balances is recorded.
- (4) Despite this clause, if the sum referred to in subclause (1), (2) or (3) is less than \$10,000, the amount to be deposited and kept deposited with the Law Society in respect of an applicable period is nil.
- (5) If, during an applicable period, money is repaid to the law practice under section 284 of the Act on more than one occasion, subclause (3) operates in relation to each such repayment.
- (6) Despite this clause, if a particular law practice is unable to comply with the requirements of clause 98 (1) or (2), the law practice must request the Law Society, in a form approved by the Society, to determine the amount that the law practice is to deposit and keep deposited with the Society.
- (7) A reference in this clause to the lowest balance recorded in the trust account during a period is a reference to the lowest balance recorded during that period in a statement of account issued by an ADI in relation to the trust account.

98 Time for deposit

- (1) The law practice must have the amount calculated under clause 97 (1) or (2) in respect of an applicable period on deposit with the Law Society not later than 20 banking days after the end of the previous applicable period.
- (2) The law practice must have the amount calculated under clause 97 (2) on deposit with the Law Society not later than 20 banking days after the day on which the money was repaid under section 284 of the Act.
- (3) The law practice must have the amount determined by the Law Society pursuant to a request under clause 97 (6) on deposit with the Society not later than 5 banking days after the Society notifies the law practice of its determination.

99 Applicable period

- (1) In clauses 97 and 98, *applicable period* means a period of 12 months ending on 31 March.
- (2) However, in relation to a law practice that commences to practise or to provide legal services after 1 April in any year, the first applicable period is the period starting on the commencement of the practice or the provision of legal services and ending on 31 March next following.

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100 Accounts to be kept by Law Society

The Law Society:

- (a) must keep accounts of money deposited with it under clause 96, and
- (b) must have the accounts audited annually by a firm of accountants appointed by the Society, and
- (c) must, without delay, provide the Attorney General with a copy of the auditor's report.

101 Transitional provision: payment of Law Society liabilities under section 110 of the old Act

Money may be paid out of the Public Purpose Fund to cover any liability incurred by the Law Society before 1 October 2005 under section 110 of the old Act.

Division 9 Miscellaneous

102 Protocols—section 247 of the Act

For the purposes of section 247 (4) of the Act, a document is identified as a protocol if the document describes itself as a protocol and is executed by or on behalf of the Law Society Council and by or on behalf of one or more regulatory authorities of other jurisdictions.

103 Law practice closing down, closing office or ceasing to receive or hold trust money

- (1) A law practice that holds trust money must give the Law Society Council at least 14 days' written notice of its intention:
 - (a) to cease to exist as a law practice, or
 - (b) to cease to engage in legal practice in this jurisdiction, or
 - (c) to cease to practise in such a way as to receive trust money.
- (2) Within 14 days after ceasing to hold trust money, a law practice that holds trust money must give the Law Society Council:
 - (a) written notice of that fact, and
 - (b) if the practice has not given a notice under subclause (1) within the previous 28 days, a notice that complies with that subclause.
- (3) A notice under this clause must include particulars sufficient to identify:
 - (a) a law practice's general trust accounts and controlled money accounts, and
 - (b) trust money controlled by the practice (or by an associate) pursuant to a power, and

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- (c) trust money invested by the practice.
- (4) In this clause, *law practice* includes a former law practice and the persons who were principals of a law practice immediately before the law practice ceased to exist as a law practice or to engage in legal practice in this jurisdiction.

104 Conditions on approval of ADIs—section 280 (2) of the Act

For the purposes of section 280 (2) of the Act, the following kinds of conditions may be imposed on an approval of an ADI under section 280 of the Act:

- (a) a condition that requires the ADI to enter into an agreement of the kind referred to in section 288 (2) with the Trustees of the Public Purpose Fund,
- (b) a condition that provides for, or a condition that requires arrangements to be negotiated and entered into between the ADI and the Law Society Council to provide for, one or more of the following:
 - (i) the payment of interest to the Council on the whole or any part of deposits in trust accounts,
 - (ii) the manner in which the Council is informed of amounts held in trust accounts,
 - (iii) the auditing of balances in trust accounts,
 - (iv) the keeping of trust accounts or trust accounts of a particular class (for example, controlled money accounts),
 - (v) any matters relevant to subparagraphs (i)–(iv).

105 Information to be provided to Law Society Council—section 299 of the Act

- (1) For the purposes of section 299 of the Act, a law practice must notify the Law Society Council of the following details in respect of each account that is maintained at an ADI by the law practice (or by any legal practitioner associate of the practice) and in which is held money entrusted to the law practice (or by any legal practitioner associate of the practice):
 - (a) the name of the ADI, together with its BSB number,
 - (b) the name of the account, together with its account number,
 - (c) the name of each person who is authorised to operate on the account,
 - (d) for each amount of money so entrusted:
 - (i) the name of the person for whom the money is entrusted, and

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Trust money and trust accounts—Part 3.1 of the Act

Part 8

- (ii) the purpose for which the money is entrusted, and
- (iii) the date on which money is deposited in the account, together with the manner in which it is deposited, and
- (iv) the date on which the money is withdrawn from the account, together with the manner in which it is withdrawn.

- (2) The matters referred to in subclause (1) must be notified to the Law Society Council at such times, and in such manner, as the Council requires.

106 Crown Solicitor's Trust Account

- (1) A Crown Solicitor's Trust Account must be established in an ADI in New South Wales.
- (2) The Crown Solicitor:
 - (a) must keep in his or her office such records in relation to the Crown Solicitor's Trust Account, and
 - (b) must follow such procedures in relation to operations on the Crown Solicitor's Trust Account, as the Attorney General directs.
- (3) An account established under clause 127 of the *Legal Profession Regulation 2002* is taken to have been established under this clause.

107 Exemptions

The Law Society Council:

- (a) may exempt a law practice from complying with any of the provisions of this Part, subject to any conditions that may be imposed by the Council, and
- (b) may, at any time, impose a new condition on the exemption, amend or revoke a condition already imposed on the exemption, or revoke the exemption.

108 Transitional provision: former approved ADIs

An ADI that, immediately before 1 October 2005, was an approved financial institution within the meaning of section 61 of the old Act is taken to be the subject of an approval in force under section 280 of the new Act and, accordingly, the approval may be revoked under section 280 (3) of the new Act.

Clause 109 Legal Profession Regulation 2005

Part 9 Costs disclosure and assessment—Part 3.2 of the Act

Part 9 Costs disclosure and assessment—Part 3.2 of the Act

Division 1 General

109 When does a matter have a substantial connection with this jurisdiction—section 307 of the Act

For the purposes of Part 3.2 of the Act, a matter involving a client of a law practice has a substantial connection with this jurisdiction in any of the following circumstances:

- (a) the client is a natural person and is resident in this jurisdiction,
- (b) the client is a body corporate and:
 - (i) the client carries on its business activities principally in this jurisdiction, or
 - (ii) the legal services provided or to be provided relate principally to business activities carried on by the client in this jurisdiction,
- (c) the law practice, or the associate of the practice who is principally involved in the matter, engages in legal practice principally in this jurisdiction,
- (d) the legal services provided or to be provided relate to this jurisdiction, including, for example, legal services provided or to be provided for or in connection with:
 - (i) the conveyance or transfer of real property located in this jurisdiction, or
 - (ii) court proceedings in this jurisdiction.

110 Exceptions to requirement for disclosure—section 312 (1) (f) of the Act

For the purposes of section 312 (1) (f) of the Act, the following circumstances are prescribed as circumstances in which disclosure under section 309 or 310 (1) of the Act is not required:

- (a) the client is an overseas-registered foreign lawyer or a foreign law practice (respectively within the meaning of Part 2.7 of the Act),
- (b) the client is a corporation that has a share capital and whose shares or the majority of whose shares are held beneficially for the Commonwealth, a State or a Territory.

111 Giving of bill by email—section 332 (5) (f) of the Act

For the purposes of section 332 (5) (f) of the Act, the giving of a bill by email is an authorised way of giving a bill to a person.

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Costs disclosure and assessment—Part 3.2 of the Act

Part 9

**Division 2 Costs fixed by regulations—Division 6 of Part 3.2
of the Act**

**112 Prescribed costs for recovery of certain debts and enforcement of
certain judgments—sections 329 (1) (c) and (d) and 330 (1) of the Act**

- (1) The costs payable for:
 - (a) the enforcement of a lump sum debt or liquidated sum for damages, or
 - (b) the enforcement of a judgment by a judgment creditor, or
 - (c) the enforcement of a judgment for the possession of land,
 are the costs specified in Schedule 2.
- (2) The costs specified in Schedule 2 are inclusive of all attendances, copying, letters, perusals, searches and telephone calls by or on behalf of the law practice (being the law practice retained by the plaintiff) in relation to the action concerned.
- (3) This clause does not fix the costs payable for obtaining a judgment in contested matters and, in such a case, only the costs payable for the enforcement of the judgment are fixed.

**113 Prescribed costs for services in workers compensation matters—
section 329 (1) (a) and (f) of the Act**

- (1) This clause applies to:
 - (a) costs for legal services provided in any workers compensation matter, and
 - (b) costs for a matter that is not a legal service but is related to proceedings in any workers compensation matter.
- (2) The fair and reasonable costs fixed for a legal service specified in Part 1, 2 or 3 of Schedule 3 are the costs specified in relation to that service in that Part, calculated in accordance with that Part.
- (3) However, after calculating the costs for legal services specified in Parts 1 and 2 of Schedule 3, the total of all such costs is to be reduced by 10%.

Note. Section 362 (1) of the Act requires any assessment of costs for a legal service provided in any workers compensation matter to be made in accordance with the costs fixed by subclauses (2) and (3). Section 329 (2) of the Act provides that a law practice may not charge a client more than the fixed cost for such a legal service.
- (4) The amount of costs fixed for a service specified in Part 4 of Schedule 3 is the amount specified in relation to that service in that Part, calculated in accordance with that Part.

Note. Section 362 (2) of the Act requires an assessment of costs for a non-legal service to be made having regard to the costs fixed by this subclause. Section

Clause 114	Legal Profession Regulation 2005
Part 9	Costs disclosure and assessment—Part 3.2 of the Act

329 (2) of the Act does not regulate the amount that a law practice may charge a client for such a non-legal service.

- (5) This clause is subject to the *Workplace Injury Management and Workers Compensation Act 1998*, which includes provisions in relation to costs and the assessment of costs in workers compensation matters.

114 Prescribed costs for probate and administration matters—section 329 (1) (e) of the Act

- (1) This clause applies to costs for legal services provided in respect of the granting of probate or administration, or the resealing of probate or letters of administration, but not to costs for legal services provided in respect of any other aspect of the administration of estates.
- (2) The amount of costs fixed for a service specified in Schedule 4 is the amount specified in relation to that service in that Schedule, calculated in accordance with that Schedule.

115 GST may be added to costs

- (1) Despite the other provisions of this Division, a cost fixed by this Division may be increased by the amount of any GST payable in respect of the legal or other service to which the cost relates, and the cost as so increased is taken to be the cost fixed by this Division.
- (2) This clause does not permit a law practice to charge or recover, in respect of GST payable in respect of a legal or other service, an amount that is greater than:
- 10% of the maximum amount payable to the law practice in respect of the legal or other service apart from this clause, or
 - the amount permitted under the New Tax System Price Exploitation law,
- whichever is the lesser.

- (3) In this clause:

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

New Tax System Price Exploitation law means:

- the New Tax System Price Exploitation Code, as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, or
- Part VB of the *Trade Practices Act 1974* of the Commonwealth.

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Costs disclosure and assessment—Part 3.2 of the Act

Part 9

**Division 3 Costs in personal injury damages matters—
Division 9 of Part 3.2 of the Act**

116 Disclosure requirements regarding costs agreements—section 339 of the Act

- (1) This clause has effect for the purposes of section 339 of the Act, and applies to a costs agreement proposed to be entered into between a client or prospective client of a law practice in connection with a claim for personal injury damages referred to in Division 9 of Part 3.2 of the Act by the client or prospective client.
- (2) The law practice must disclose to the client or prospective client information in relation to the effect of the costs agreement in connection with the operation of Division 9 of Part 3.2 of the Act.
- (3) The information must include:
 - (a) a statement that Division 9 of Part 3.2 of the Act would (but for the costs agreement) limit the maximum costs for legal services provided to the client or prospective client in connection with the claim, and
 - (b) particulars as to how those maximum costs are calculated, and
 - (c) a statement that the costs agreement would have the effect of excluding the operation of that Division, and
 - (d) particulars as to how the costs would be calculated under the costs agreement, and
 - (e) a statement that the costs agreement relates only to the costs payable as between the law practice and the client or prospective client, so that, in the event that costs are recoverable against the other party, the maximum costs so recoverable will be as provided by Division 9 of Part 3.2 of the Act.
- (4) Disclosure under this clause must be made in writing before, or as soon as practicable after, the law practice is retained in the matter, but before the costs agreement is entered into.
- (5) This clause does not require disclosure if the costs agreement in relation to the matter was entered into before the law practice could reasonably expect that the matter would involve a claim to which this clause applies.
- (6) A failure by a law practice to comply with the requirements of this clause disentitles the law practice to the benefit of section 339 of the Act.

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Part 9	Costs disclosure and assessment—Part 3.2 of the Act

117 Disclosure requirements regarding offers of compromise—section 340 of the Act

- (1) This clause has effect for the purposes of section 340 of the Act, and applies where a client of a law practice receives an offer of compromise on a claim for personal injury damages.
- (2) The law practice must disclose to the client information in relation to the operation of section 340 of the Act in respect of any refusal by the client to accept the offer of compromise.
- (3) The information must include:
 - (a) a statement that the offer of compromise has been made and setting out its details or a summary of them, and
 - (b) a statement about the reasonableness of the offer, and
 - (c) a statement about the general effect of declining a reasonable offer of compromise, in that the court in which the proceedings are taken on the claim may award costs on an indemnity basis in respect of legal services provided after the offer is made, and
 - (d) a statement about the specific effect that declining the offer, if reasonable, will or may have on the interests of the parties.
- (4) Disclosure under this clause must be made in writing:
 - (a) as soon as practicable after the offer of compromise is made, and
 - (b) before the law practice communicates to other parties or the court that the client accepts or declines the offer.

Division 4 Costs in civil claims where no reasonable prospects of success—Division 10 of Part 3.2 of the Act

118 Court documentation—section 347 of the Act

The following documents are prescribed for the purposes of paragraph (d) of the definition of *court documentation* in section 347 (4) of the Act:

- (a) a document initiating an appeal or cross-appeal,
- (b) an application for leave to appeal or cross-appeal,
- (c) a defence to an appeal or cross-appeal,
- (d) a document that amends a document of the kind referred to in paragraph (a), (b) or (c),
- (e) an amended document of the kind referred to in paragraph (a), (b) or (c).

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Clause 119

Costs disclosure and assessment—Part 3.2 of the Act

Part 9

Division 5 Costs assessment—Division 11 of Part 3.2 of the Act

Subdivision 1 Assessments (other than party/party costs)

119 Application of Subdivision

This Subdivision applies to the assessment of legal costs, under Division 11 of Part 3.2 of the Act, but does not apply to the assessment of costs payable as a result of an order made by a court or tribunal.

120 Approved forms

- (1) The Chief Justice of the Supreme Court may, on the recommendation of the costs assessors' rules committee established under section 394 of the Act, approve forms (and amendments to approved forms) for the purposes of this Division.
- (2) A reference in this Division to an approved form for a document is a reference to a form as approved (and amended) from time to time under this clause for the document.

121 How to make an application for costs assessment—section 354 (1) of the Act

- (1) For the purposes of section 354 (1) of the Act, an application for a costs assessment is to be made in the approved form.
- (2) For the purposes of section 354 (1) of the Act, the prescribed fee that is to accompany an application for a costs assessment is the greatest of the following amounts:
 - (a) \$100,
 - (b) 1% of the amount remaining unpaid on the bill of costs at the time the application is made,
 - (c) 1% of the amount of costs in dispute at the time the application is made.
- (3) For the purposes of this clause, the amount of costs in dispute is the total amount of costs for those legal services in respect of which the costs claimed are disputed by the person liable to pay them.
- (4) The application is to be made to the Manager, Costs Assessment in triplicate.

Clause 122 Legal Profession Regulation 2005

Part 9 Costs disclosure and assessment—Part 3.2 of the Act

122 Procedure before application for assessment of bill referred to assessor

- (1) On receipt of an application for assessment of a bill made under section 350 of the Act by a client or under section 351 of the Act by an instructing law practice, the Manager, Costs Assessment is to deal with the application as follows:
 - (a) A copy of the application that is required by section 356 of the Act to be given by the Manager, Costs Assessment to the law practice that gave the bill is to be accompanied by a notice advising the law practice that any response to the application must be lodged with the Manager, Costs Assessment in writing within 21 days after the law practice receives the notice.
 - (b) A copy of any response duly lodged with the Manager, Costs Assessment is to be sent by the Manager, Costs Assessment to the applicant.
 - (c) The application is to be referred by the Manager, Costs Assessment to a costs assessor for assessment in accordance with section 357 of the Act as soon as practicable after any response is duly lodged with the Manager, Costs Assessment or, if no response is duly lodged, as soon as practicable after the period referred to in paragraph (a).
 - (d) Any relevant response, and any response that is lodged out of time, is to be sent by the Manager, Costs Assessment to the costs assessor to whom the application for assessment is referred.
- (2) In subclause (1), *instructing law practice* means a law practice that retains another law practice to act on behalf of a client.
- (3) On receipt of an application for assessment of a bill of costs made under section 352 of the Act by the law practice giving the bill, the Manager, Costs Assessment is to deal with the application as follows:
 - (a) A copy of the application required by section 356 of the Act to be given by the Manager, Costs Assessment to the person who was given the bill of costs is to be accompanied by a notice advising the person that any objection to the application must be lodged with the Manager, Costs Assessment in writing within 21 days after the person receives the notice.
 - (b) A copy of any objection duly lodged with the Manager, Costs Assessment is to be sent by the Manager, Costs Assessment to the applicant with a notice advising the applicant that any response to the objection must be lodged with the Manager, Costs Assessment in writing within 21 days after the applicant receives the notice.

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Costs disclosure and assessment—Part 3.2 of the Act

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- (c) A copy of any response duly lodged with the Manager, Costs Assessment is to be sent by the Manager, Costs Assessment to the person who lodged the objection.
 - (d) The application is to be referred by the Manager, Costs Assessment to a costs assessor for assessment in accordance with section 357 of the Act:
 - (i) if no objection is duly lodged with the Manager, Costs Assessment—as soon as practicable after the period referred to in paragraph (a), or
 - (ii) if an objection is duly lodged—as soon as practicable after a response is duly lodged with the Manager, Costs Assessment or, if no response is duly lodged, as soon as practicable after the period referred to in paragraph (b).
 - (e) Any relevant objection or response, and any objection or response that is lodged out of time, is to be sent by the Manager, Costs Assessment to the costs assessor to whom the application for assessment is referred.

Note. Section 356 of the Act requires the Manager, Costs Assessment to cause a copy of an application for assessment (whether or not for practitioner/client costs) to be given to any law practice or client concerned or any other person whom the Manager, Costs Assessment thinks it appropriate to notify. Section 358 of the Act enables a costs assessor to obtain further particulars about the application by notice served on a party.

Subdivision 2 Assessments (party/party costs)

123 Application of Subdivision

This Subdivision applies to the assessment of legal costs payable as a result of an order made by a court or tribunal.

124 How to make an application for assessment of party/party costs—section 354 (1) of the Act

- (1) For the purposes of section 354 (1) (a) of the Act, an application for assessment of party/party costs under section 353 of the Act is to be made in the approved form.
- (2) For the purposes of section 354 (1) (b) of the Act, the prescribed fee that is to accompany such an application is the greatest of the following amounts:
 - (a) \$100,
 - (b) 1% of the amount of costs remaining unpaid at the time the application is made,
 - (c) 1% of the amount of costs in dispute at the time the application is made.

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Part 9 Costs disclosure and assessment—Part 3.2 of the Act

- (3) For the purposes of this clause, the amount of costs in dispute is the total amount of costs for those legal services in respect of which the costs claimed are disputed by the person liable to pay them.
- (4) The application is to be made to the Manager, Costs Assessment in triplicate.

125 Procedure before application for assessment of party/party costs

- (1) The following procedure applies to an application for assessment of party/party costs made under section 353 (1) of the Act by the person to whom the costs are payable:
 - (a) Before the application is made to the Manager, Costs Assessment, the person proposing to make the application is to complete the form of application in the approved form and send a copy of the application to the person liable to pay the costs with a notice advising the person that any objection to the application must be lodged with the applicant in writing within 21 days after the person receives the notice.
 - (b) The applicant is to attach to the application any such objection received by the applicant before the application is lodged with the Manager, Costs Assessment. The applicant may attach to the application a response to any such objection.
 - (c) If no such objection is received, the applicant is to certify in the application that no objection was received by the applicant before the application was lodged with the Manager, Costs Assessment.
 - (d) The application may not be lodged with the Manager, Costs Assessment until after the applicant duly receives an objection or the period referred to in paragraph (a) expires (whichever first occurs).
 - (e) In accordance with section 356 of the Act, a copy of the application is to be sent by the Manager, Costs Assessment to the person who is liable to pay the costs.
 - (f) Any objection that is lodged with the applicant after the application is lodged with the Manager, Costs Assessment is to be sent by the applicant to the costs assessor to whom the application for assessment is referred (together with any response that the applicant wishes to make).
- (2) The following procedure applies to an application for assessment of party/party costs made under section 353 (1) of the Act by the person liable to pay the costs:
 - (a) Before the application is made to the Manager, Costs Assessment, the person proposing to make the application is to complete the relevant parts of the form of application in the

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approved form and send the application to the person to whom the costs are payable (the recipient) with a notice advising the recipient that the information required of the recipient in the form is to be provided by the recipient and the completed application form returned to the applicant within 21 days after the recipient receives the notice (or within such longer period as the applicant and the recipient agree).

- (b) If the applicant wishes to object to the information provided, the applicant is to lodge the objection in writing with the person who provided the information, together with a notice advising the person that any response to the objection must be lodged with the applicant in writing within 21 days after the person receives the notice.
 - (c) The applicant is to attach to the application any such objection made by the applicant and any response received by the applicant before the application is lodged with the Manager, Costs Assessment.
 - (d) If no such response is received, the applicant is to certify in the application that no response to the objection made by the applicant was received by the applicant before the application was lodged with the Manager, Costs Assessment.
 - (e) The application may not be lodged with the Manager, Costs Assessment until after the applicant receives the information referred to in paragraph (a) and, if an objection is duly made by the applicant, until:
 - (i) if no response is duly lodged by the other person—after the period referred to in paragraph (b), or
 - (ii) if a response is duly lodged—after the response is lodged.
 - (f) However, if the information referred to in paragraph (a) is not provided within the period specified in that paragraph, the application may be lodged with the Manager, Costs Assessment at any time after that period has expired.
 - (g) In accordance with section 356 of the Act, a copy of the application is to be sent by the Manager, Costs Assessment to the person to whom the costs are payable.
 - (h) Any response that is lodged with the applicant after the application is lodged with the Manager, Costs Assessment is to be sent by the applicant to the costs assessor to whom the application for assessment is referred.
- (3) On receipt of a direction by a court or tribunal under section 353 (2) of the Act for assessment of party/party costs, the Manager, Costs Assessment is to deal with the direction as if it were an application

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Part 9	Costs disclosure and assessment—Part 3.2 of the Act

referred to in subclause (2) made by the person liable to pay the costs and as if the Manager, Costs Assessment were the applicant.

Note. Section 356 of the Act requires the Manager, Costs Assessment to cause a copy of an application for assessment (whether or not for party/party costs) to be given to any law practice or client concerned or any other person whom the Manager, Costs Assessment thinks it appropriate to notify. Section 358 of the Act enables the costs assessor to whom an application is referred to obtain further particulars about the application by notice served on a party.

126 Determination of costs of party/party costs assessment—section 369 (3) (b) of the Act

In determining under section 369 (3) (b) of the Act by whom and to what extent the costs of the assessment of party/party costs are to be paid, the costs assessor may have regard to the following:

- (a) the extent to which the determination of the amount of fair and reasonable party/party costs differs from the amount of those costs claimed in the application for assessment,
- (b) whether or not, in the opinion of the costs assessor, either or both of the parties to the application made a genuine attempt to agree on the amount of the fair and reasonable costs concerned,
- (c) whether or not, in the opinion of the costs assessor, a party to the application unnecessarily delayed the determination of the application for assessment.

Note. Section 369 (8) of the Act provides that the costs of the costs assessor are to be paid to the Manager, Costs Assessment. A certificate of such a determination may, under section 369 (7) of the Act, be filed in a court and operates as a judgment debt.

Subdivision 3 Assessments (general)

127 Information relating to assessment of costs

The costs assessors' rules committee established under section 394 of the Act may, for the purpose of assisting costs assessors in assessing costs, distribute to costs assessors any of the following:

- (a) information that has been published about market rates for legal costs,
- (b) information about comparative assessments of costs previously made by costs assessors,
- (c) relevant judgments of the Supreme Court on appeal from costs assessors' determinations,
- (d) information about relevant provisions of the Act and this Regulation relating to costs assessment,
- (e) any other relevant information.

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Costs disclosure and assessment—Part 3.2 of the Act

Part 9

128 Certificate of determination of costs and statement of reasons—section 370 of the Act

- (1) A statement of reasons for a costs assessor's determination that is required by section 370 of the Act to accompany a certificate issued under section 368 or 369 of the Act must be accompanied by the following information:
- (a) the total amount of costs for providing legal services determined to be fair and reasonable,
 - (b) the total amount of disbursements determined to be fair and reasonable,
 - (c) each disbursement varied by the determination,
 - (d) in respect of any disputed costs, an explanation of:
 - (i) the basis on which the costs were assessed, and
 - (ii) how the submissions made by the parties were dealt with,
 - (e) if the costs assessor declines to assess a bill of costs—the basis for doing so,
 - (f) a statement of any determination under section 363A of the Act that interest is not payable on the amount of the costs assessed or, if payable, of the rate of interest payable.
- (2) A statement of reasons to which this clause applies may be accompanied by such further information as the costs assessor concerned considers is necessary to clarify the determination of the application for a costs assessment.

Note. Section 328 (9A) requires a costs assessor to also give reasons for his or her decision to set aside a costs agreement under subsection (1) of that section.

129 Circumstances in which assessor may not refuse to issue certificate—section 368 of the Act

Section 368 (6) of the Act does not apply in respect of the issue of a certificate by a costs assessor under section 368 of the Act if the fee for the application for the costs assessment has been waived or postponed (either wholly or in part) by the Manager, Costs Assessment.

130 Reference of applications to assessors

- (1) The Manager, Costs Assessment may, for the purpose of assisting in the reference of applications for assessment to costs assessors, group costs assessors in panels according to expertise, location and jurisdiction.
- (2) The Manager, Costs Assessment is to refer applications for assessment of costs to the most suitable costs assessor having regard to the following:
 - (a) the availability of costs assessors,

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- (b) the nature of the matter,
 - (c) in the case of an assessment of party/party costs—the jurisdiction of the court or tribunal in which the order for costs was made,
 - (d) the location of the parties and the Australian legal practitioners acting for the parties concerned,
 - (e) the avoidance of conflict of interests of costs assessors.
- (3) The Manager, Costs Assessment must inform the parties to an application for assessment of the name, address and other contact details of the costs assessor to whom the application has been referred.

Subdivision 4 Reviews

131 Application for review of determination—section 373 (2) of the Act

- (1) For the purposes of section 373 (2) (a) of the Act, an application for a review of a determination of a costs assessor is to be made in the approved form and is to be filed in triplicate.
- (2) For the purposes of section 373 (2) (b) of the Act, the prescribed fee that is to accompany such an application is \$275.

132 Delivery of application for review and related documents

- (1) An application under section 373 of the Act for a review by a panel of a determination of a costs assessor is to be accompanied by (in addition to the prescribed fee required by that section):
 - (a) an affidavit that notice of the application has been given to the other parties, and
 - (b) a copy of all of the costs assessor's certificates of determination relating to the assessment that is the subject of the application, and
 - (c) a copy of the costs assessor's statement of the reasons for the determination.
- (2) The applicant must give a copy of the application to the other parties.
- (3) Any other document in relation to the application that is required or permitted to be given to the Manager, Costs Assessment or a panel may be given to the Manager, Costs Assessment or to the panel in any of the following ways:
 - (a) by filing it with the Manager, Costs Assessment,
 - (b) by sending it by post to the Manager, Costs Assessment, or to a place nominated by the review panel,
 - (c) by delivering it to the DX box of the Manager, Costs Assessment,

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- (d) in any other way that a member of the panel on behalf of the panel directs.

133 Copy of certificate of determination to be given to Manager, Costs Assessment

The panel is to give to the Manager, Costs Assessment a copy of a certificate setting out the determination by the panel of an application for the review of a determination of a costs assessor.

134 Statement of reasons—section 380 of the Act

- (1) A statement of reasons for a panel's determination that is required by section 380 of the Act to accompany a certificate issued under section 378 of the Act must be accompanied by the following information:
- (a) the total amount of costs for providing legal services determined to be fair and reasonable,
 - (b) the total amount of disbursements determined to be fair and reasonable,
 - (c) each disbursement varied by the determination,
 - (d) in respect of any disputed costs, an explanation of:
 - (i) the basis on which the costs were assessed, and
 - (ii) how the submissions made by the parties were dealt with,
 - (e) a statement of any determination as to the person by whom and the extent to which either the fee paid or payable for the application for review or the costs of the costs assessor, or both, are to be paid,
 - (f) if the determination relates to costs other than party/party costs and the panel declines to deal with an application for review of a bill of costs—the basis for doing so,
 - (g) if the determination deals with any matter of the kind referred to in section 328 (1) or (4) of the Act (relating to the setting aside of a costs agreement), a statement as to the panel's reasons for its decision on that matter.
- (2) A statement of reasons to which this clause applies may be accompanied by such further information as the panel concerned considers necessary to clarify the review of a costs assessor's determination.

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135 Circumstances in which panel may not refuse to issue certificate in respect of determination of review—section 378 of the Act

Section 378 (5) of the Act does not apply in respect of the issue of a certificate by a panel under section 378 of the Act if the fee for the application for a review by the panel has been waived or postponed (either wholly or in part) by the Manager, Costs Assessment.

136 Determination of costs of review—section 379 (1) of the Act

In determining under section 379 (1) of the Act by whom and to what extent the costs of the review are to be paid, the panel may have regard to the following:

- (a) the extent to which the determination of the amount of fair and reasonable costs differs from the amount of those costs claimed in the application for review,
- (b) whether or not, in the opinion of the panel, either or both of the parties to the application made a genuine attempt to agree on the amount of the fair and reasonable costs concerned,
- (c) whether or not, in the opinion of the panel, a party to the application unnecessarily delayed the determination of the review.

137 Qualifications for membership of panels

- (1) A costs assessor is qualified to be a member of a panel only if the assessor's name appears on the list compiled under subclause (2).
- (2) The Chief Justice of New South Wales may compile a list of costs assessors considered by the Chief Justice to be suitably qualified to be members of panels.
- (3) The Chief Justice may amend or revoke any list compiled under this clause for any reason that the Chief Justice considers appropriate.
- (4) The Chief Justice may delegate any of his or her functions under this clause (other than this power of delegation) to:
 - (a) a Judge of the Supreme Court, or
 - (b) a committee comprised of one Judge of the Supreme Court and such other persons as the Chief Justice may appoint.

138 Reference of applications to costs review panels

- (1) The Manager, Costs Assessment may, for the purpose of assisting in the reference of applications for reviews of determinations by panels under section 374 of the Act, place costs assessors in groups according to factors including expertise, location and jurisdiction.

Legal Profession Regulation 2005

Clause 139

Costs disclosure and assessment—Part 3.2 of the Act

Part 9

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- (2) The Manager, Costs Assessment is to refer an application for a review by a panel to a panel of the most suitable costs assessors having regard to the following:
- (a) the availability of costs assessors,
 - (b) the nature of the matter,
 - (c) the location of the parties and the Australian legal practitioners acting for the parties concerned,
 - (d) the avoidance of conflict of interests of costs assessors.
- (3) The Manager, Costs Assessment:
- (a) is to issue a notice advising all parties directly affected by the review of the names of the costs assessors who constitute the panel, and
 - (b) is to direct that all correspondence to the panel be addressed care of the Manager, Costs Assessment unless a member of the panel on behalf of the panel directs otherwise.

Subdivision 5 Miscellaneous

139 Applications by Commissioner or Council for assessment of costs during investigation of complaints

- (1) The purpose of this clause is to make it clear that this Division applies to applications made by the Commissioner or a Council under section 533 of the Act for the assessment of legal costs.
- (2) This Division extends so as to apply in relation to applications under section 533 of the Act for the assessment of legal costs, being applications to which Division 11 of Part 3.2 of the Act applies by virtue of that section.

Clause 140 Legal Profession Regulation 2005

Part 10 Fidelity cover—Part 3.4 of the Act

Part 10 Fidelity cover—Part 3.4 of the Act

140 Solicitors exempt from contributions—section 430 of the Act

Each corporation:

- (a) that is an authority established by or under an Act and is (or whose governing body is) constituted by persons appointed by the Governor or a Minister, or
 - (b) that is a statutory body that represents the Crown,
- is prescribed for the purposes of section 430 of the Act.

141 Notice of levy—section 432 of the Act

The prescribed notice to be given to a solicitor for the purposes of section 432 of the Act must contain the following information:

- (a) the date of the relevant resolution of the Law Society Council under section 431 (1) of the Act,
 - (b) the amount of the levy payable by the solicitor pursuant to the resolution,
 - (c) the date on or before which the levy is to be paid,
- and must be given to the solicitor at least 4 weeks before the date referred to in paragraph (c).

142 Protocols—section 462 of the Act

- (1) The Law Society Council may enter into protocols with corresponding authorities for or with respect to any of the following matters:
 - (a) the forwarding of claims, or copies of claims, under section 463 of the Act and corresponding laws,
 - (b) the making and acceptance of requests to act as agent under Part 3.4 of the Act and corresponding laws,
 - (c) the processing or investigation of claims or aspects of claims as agent under Part 3.4 of the Act and corresponding laws.
- (2) A protocol may be amended, revoked or replaced by agreement of the parties to it.

143 Interstate legal practitioner becoming authorised to withdraw from local trust account: notification—section 472 (1) (a) of the Act

- (1) This clause has effect for the purposes of section 472 (1) (a) of the Act and applies to an interstate legal practitioner who (whether alone or with a co-signatory) becomes authorised to withdraw money from a local trust account of a law practice.

Legal Profession Regulation 2005

Clause 144

Fidelity cover—Part 3.4 of the Act

Part 10

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- (2) The practitioner must notify the Law Society Council of the authorisation.
 - (3) The notification must include the following particulars:
 - (a) the practitioner's name,
 - (b) the jurisdiction in which the practitioner's only or most recent current Australian practising certificate was granted,
 - (c) the practitioner's principal business address,
 - (d) details of the local trust account, including the following:
 - (i) the name of the law practice operating the account,
 - (ii) the practice's principal business address,
 - (iii) the name of the ADI with which the account is held,
 - (iv) the names of any other signatories to the account,
 - (e) the date on which the practitioner became authorised to withdraw money from the trust account.
 - (4) The practitioner must notify the Law Society Council of any change to the particulars referred to in subclause (3).
 - (5) A notification under this clause must be in writing and must be sent or delivered to the business address of the Law Society Council before the end of the period 7 days starting on the day the practitioner becomes authorised to withdraw money from the local trust account or the change occurs, as the case requires.

144 Interstate legal practitioner becoming authorised to withdraw from local trust account: contributions—section 472 (1) (b) of the Act

- (1) This clause has effect for the purposes of section 472 (1) (b) of the Act and applies to an interstate legal practitioner who (whether alone or with a co-signatory) becomes authorised to withdraw money from a local trust account of a law practice.
- (2) An interstate legal practitioner to whom this clause applies must pay to the Law Society on account of the Fidelity Fund the appropriate contribution to the Fidelity Fund for the year ending on 30 June during which the registration is to be in force.
- (3) The amount of a contribution to the Fidelity Fund is the amount determined by the Law Society Council, being an amount not greater than that approved by the Attorney General in accordance with section 430 (3) of the Act in respect of solicitors who are local legal practitioners.
- (4) The Law Society Council may permit a contribution to be paid by instalments under an arrangement approved by the Council.

Clause 145	Legal Profession Regulation 2005
Part 10	Fidelity cover—Part 3.4 of the Act

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- (5) If an interstate legal practitioner to whom this clause applies becomes authorised to withdraw money from a local trust account after 31 December in a year ending on 30 June, the amount of the contribution that would otherwise be payable for that year is reduced by one-half.
- (6) If an interstate legal practitioner to whom this clause applies has paid a contribution for a year ending on 30 June and ceases to be authorised to withdraw money from local trust accounts at any time before 30 June in that year, the Law Society may refund a part of the contribution at a rate determined by the Law Society Council.

Note. Section 430 (2) of the Act provides for the payment of contributions by interstate legal practitioners, as required by regulations under section 472. Section 430 (3) provides that the amount of a contribution is to be as determined by the Law Society Council and approved by the Attorney General, subject to any regulations under section 472.

145 Application of Part 3.4 of the Act to multidisciplinary partnerships—section 474 of the Act

A claim may not be made under Part 3.4 of the Act in respect of a failure to account or a dishonest default by a person who is in a multi-disciplinary partnership, but who is not an Australian legal practitioner, unless the failure to account or dishonest default occurred in the course of the business of the partnership that is business of a barrister or solicitor.

146 Transitional provision: liabilities under the former Fidelity Fund

- (1) For the purposes of section 425 (f) of the new Act, money may be paid out of the Fidelity Fund to cover any liability incurred by the Law Society Council under the old Act for which, before 1 October 2005, money could have been paid out of the Fidelity Fund under the old Act.
- (2) This clause does not apply to a liability referred to in clause 101.

Legal Profession Regulation 2005

Clause 147

Mortgage practices and managed investment schemes—Part 3.5 of the Act Part 11

Part 11 Mortgage practices and managed investment schemes—Part 3.5 of the Act

147 Definitions

(1) In this Part:

borrower has the same meaning as it has in Part 3.5 of the Act.

contributor has the same meaning as it has in Part 3.5 of the Act.

contributory mortgage has the same meaning as it has in Part 3.5 of the Act.

lender has the same meaning as it has in Part 3.5 of the Act.

mortgage has the meaning given by section 4 of the Act.

mortgagee includes anyone who takes a mortgage or proposes to take a mortgage to secure money lent to a borrower.

mortgagee solicitor means a solicitor to whom this Part applies pursuant to clause 148.

mortgagee solicitor's nominee company means a corporation of which each member and each director is a mortgagee solicitor, a partner of a mortgagee solicitor or a person approved by the Law Society Council.

nominee means a person who holds a mortgage, as mortgagee, as a trustee for or on behalf of one or more persons.

registered valuer has the same meaning as it has in the *Valuation Act 2003*.

regulated mortgage has the same meaning as it has in Part 3.5 of the Act.

responsible entity has the same meaning as it has in Part 3.5 of the Act.

run-out mortgage has the same meaning as it has in Part 3.5 of the Act.

State regulated mortgage has the same meaning as it has in Part 3.5 of the Act.

summary of mortgage means the summary of mortgage required to be prepared and issued under clause 155.

valuation means a valuation of a kind required to be obtained under clause 158.

(2) For the purposes of this Part, two or more persons who are lenders on a joint account are to be regarded as one person.

148 Application of Part

This Part applies to a solicitor who, in the solicitor's capacity as solicitor for a lender or contributor, negotiates the making of or acts in respect of a regulated mortgage.

Clause 149 Legal Profession Regulation 2005

Part 11 Mortgage practices and managed investment schemes—Part 3.5 of the Act

149 Authority to secure by regulated mortgage

- (1) The mortgagee solicitor must provide each lender or contributor lending, or proposing to lend, money secured by a regulated mortgage with a disclosure notice and a lending authority, each in a form approved by the Law Society Council.
- (2) The mortgagee solicitor must not, whether alone or by an associate or otherwise, cause or permit the application to a loan secured by a regulated mortgage of:
 - (a) any trust money, or
 - (b) any money that is advanced, or to be advanced, where the borrower is introduced to the lender or contributor:
 - (i) by the solicitor or an associate of the solicitor, or
 - (ii) by an agent of the solicitor, or
 - (iii) by a person engaged by the solicitor for the purpose of introducing the borrower to the lender or contributors,
 unless the solicitor has previously obtained a lending authority in respect of that money, in a form approved by the Law Society Council, from the lender or contributor for whom or on whose behalf the money is to be applied.
- (3) Subclause (2) does not apply if:
 - (a) the money is applied pursuant to the written instructions of a lender or contributor who has nominated the borrower and specified the security, its priority and the terms of the loan independently of any advice given by the solicitor to the lender, and
 - (b) the lender or contributor has not been introduced to the borrower:
 - (i) by the mortgagee solicitor or an associate of the mortgagee solicitor, or
 - (ii) by an agent of the mortgagee solicitor, or
 - (iii) by a person engaged by the mortgagee solicitor for the purpose of introducing the borrower to the lender or contributors.
- (4) A mortgagee solicitor who is the attorney under power of a lender or contributor must not:
 - (a) apply the funds of the lender or contributor to a loan not authorised in accordance with subclause (2), or
 - (b) execute, on the mortgagee or contributor's behalf, an authority referred to in subclause (2) unless subclause (5) is complied with.

Legal Profession Regulation 2005

Clause 150

Mortgage practices and managed investment schemes—Part 3.5 of the Act Part 11

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- (5) This subclause is complied with only if:
- (a) the instrument granting the power was executed before 1 January 1987, or
 - (b) the instrument granting the power contains a specific power enabling the mortgagee solicitor to make the loan to which the authority relates, or
 - (c) at the time the instrument granting the power is executed:
 - (i) the signature of the donor is witnessed by a solicitor instructed independently of the donee, and
 - (ii) the solicitor certifies in writing on the instrument that he or she has explained to the donor the donee's power of investment and that the donee has had a discretion to choose the security and the terms for any investment.
- (6) A mortgagee solicitor who obtains the execution, by or on behalf of a lender or contributor, of a lending authority:
- (a) must not delete any of the contents of the form in which it is given (except if an alternative is provided in the form), and
 - (b) must ensure that any clauses in the form are not varied or contravened, whether directly or indirectly, by the mortgage documents or any associated documents.
- (7) A lending authority that complies with this clause is taken to be an authority for the purposes of section 484 (2) (b) of the Act.

150 Loan applications

- (1) A mortgagee solicitor must advise the lender or contributor whose loan is proposed to be secured by a regulated mortgage as to the effect of any applicable provisions of the *Consumer Credit (New South Wales) Code* and the *Farm Debt Mediation Act 1994*.
- (2) Before advancing the money for, or extending, a loan secured by a regulated mortgage, a mortgagee solicitor must do each of the following:
- (a) verify the identity of the borrower, so as to ensure that the person executing the mortgage as the mortgagor is identical with, and the same person as, the registered proprietor of the property secured by the mortgage,
 - (b) satisfy himself or herself as to the borrower's ability to meet his or her obligations under the mortgage,
 - (c) check the credit record of the borrower through the Credit Reference Association of Australia (CRAA), and disclose any default record of the borrower to the lender or contributor in the

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Part 11	Mortgage practices and managed investment schemes—Part 3.5 of the Act

disclosure statement given under clause 149 (Authority to secure by regulated mortgage),

- (d) carry out appropriate enquiries in relation to any property to be secured by the mortgage, including a title search, land tax search, a certificate under section 149 of the *Environmental Planning and Assessment Act 1979* and an identification survey report if the security comprises improved land (other than strata title).
- (3) Before advancing the money for, or extending, a loan secured by a regulated mortgage, a mortgagee solicitor must obtain written approval to the advance or extension from:
 - (a) in the case of a firm of solicitors, each principal of the firm (if there are 3 or fewer principals) or 3 principals of the firm (if there are more than 3 principals), or
 - (b) in the case of an incorporated legal practice, each legal practitioner director of the practice (if there are 3 or fewer legal practitioner directors) or 3 legal practitioner directors of the practice (if there are more than 3 legal practitioner directors).
- (4) A mortgagee solicitor's letter of offer relating to a loan to be secured by a regulated mortgage must contain the form of words approved by the Law Society Council for the purposes of this subclause.
- (5) A mortgagee solicitor's loan approval letter relating to a loan to be secured by a regulated mortgage must contain the form of words approved by the Law Society Council for the purposes of this subclause.

151 Identity of borrower

A mortgagee solicitor must ensure that, in relation to loans secured by a regulated mortgage:

- (a) there is a standard process for verifying the identity of borrowers, and
- (b) records are kept of the method of verification of identity for the duration of the mortgage.

152 Independent advice

- (1) If:
 - (a) a borrower does not have a solicitor acting for the borrower in relation to a loan secured by a regulated mortgage, or
 - (b) the mortgagee solicitor is also acting for the borrower,
 the mortgagee solicitor must obtain from the borrower a certificate by another solicitor to the effect that the other solicitor has explained the effect of the mortgage to the borrower.

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Clause 153

Mortgage practices and managed investment schemes—Part 3.5 of the Act Part 11

- (2) A mortgagee solicitor must obtain from any guarantor of a loan secured by a regulated mortgage a certificate by another solicitor to the effect that the other solicitor has explained the effect of the guarantee to the guarantor.
- (3) A certificate obtained under this clause must be retained by the mortgagee solicitor.
- (4) A mortgagee solicitor must not act for both the borrower and the lender or contributor in respect of a regulated mortgage unless the solicitor has complied with subclause (1).

153 Insurance of secured property

- (1) A mortgagee solicitor must ensure that, in the case of mortgaged property under a regulated mortgage that is improved land (other than strata title property), an insurance policy is in force, in the name of the mortgagee and the mortgagor, for the full replacement value of the improvements.
- (2) At or before the time of settlement, the mortgagee solicitor must sight, and retain a copy of:
 - (a) a certificate of currency for the insurance policy referred to in subclause (1), and
 - (b) in the case of strata title property, a certificate of currency for the building insurance for the property.

154 Registration of mortgages

- (1) A mortgagee solicitor must ensure that the regulated mortgage, and any variation of the mortgage, is registered under the relevant provisions of the *Real Property Act 1900* or the *Conveyancing Act 1919*, as the case requires.
- (2) Subclause (1) applies to a variation of the term of the mortgage, an increase in the principal secured by the mortgage or a variation of the interest rate.

155 Summary of mortgage

- (1) A mortgagee solicitor must comply with this clause within 21 days after the date on which any of the following occurs:
 - (a) when money is first advanced under a regulated mortgage on behalf of a lender or contributor (including a contributor who becomes a contributor in addition to, or in substitution for, any other contributor to the loan),
 - (b) on the transfer of a regulated mortgage,

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Part 11	Mortgage practices and managed investment schemes—Part 3.5 of the Act

- (c) on being authorised to collect the principal and interest due under a regulated mortgage except on any discharge or partial discharge of a mortgage,
- (d) on any variation of a regulated mortgage.
- (2) A mortgagee solicitor:
 - (a) must prepare and issue to each lender and contributor whose money has been lent or will be lent under a regulated mortgage a summary of mortgage in respect of the money and its application that is in a form approved by the Law Society Council, and
 - (b) must include a copy of the summary of mortgage, in alphabetical order according to the name of the mortgagor, in the investments register kept by the solicitor.

156 Investments register

- (1) A mortgagee solicitor must keep and maintain an investments register.
- (2) The investments register must include the following:
 - (a) copies of all summaries of mortgage required to be prepared by the mortgagee solicitor for regulated mortgages, in alphabetical order according to the mortgagor's names, with separate sections for undischarged and discharged mortgages,
 - (b) a mortgage history register for each regulated mortgage,
 - (c) a record for each lender or contributor,
 - (d) a list of undischarged regulated mortgages, capable of being produced on demand from the register, disclosing for each mortgage the mortgage reference number, the name of the mortgagor and the total amount of the mortgage,
 - (e) a list of the following:
 - (i) all regulated mortgages arranged, varied and discharged, including details of the mortgagor, mortgagee, principal contributed by each lender or contributor and the date of each mortgage, variation or discharge,
 - (ii) the names of all lenders or contributors who have invested in regulated mortgages, the mortgages in which they have invested, the date of investment and repayment and the amount of principal secured by each mortgage.
- (3) The mortgage history register for a regulated mortgage is to contain the following:
 - (a) the mortgage reference number,
 - (b) the name and address of the mortgagor,

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- (c) the address of the property subject to the mortgage,
 - (d) the date the mortgage is repayable,
 - (e) the date of, and details of, any variations of the mortgage,
 - (f) the name and address of each lender or contributor and the principal amount contributed by each lender or contributor.
- (4) The record for each lender or contributor is to contain the following:
- (a) the mortgage reference number,
 - (b) the name and address of the lender or contributor,
 - (c) the amounts invested and the date of the mortgage or substitution,
 - (d) the amounts repaid and the date of discharge of the mortgage or substitution,
 - (e) a resulting balance after each entry.
- (5) On the discharge of a regulated mortgage, the mortgagee solicitor must ensure that the date of discharge is recorded on the summary of mortgage in the investments register and that the summary is relocated with the summaries applying to discharged mortgages.

157 Investment restrictions

- (1) Money received by a mortgagee solicitor for investment in a regulated mortgage must not be invested in the following regulated mortgages:
- (a) any mortgage where the total amount of money secured by all current regulated mortgages arranged by the solicitor and any associate of the solicitor exceeds \$7.5 million,
 - (b) any mortgage where the total amount of money secured by the mortgage exceeds \$1 million,
 - (c) any mortgage where the loan to valuation ratio exceeds 75% of a valuation based on the unencumbered present day value of the property,
 - (d) a mortgage that is subject to a prior mortgage,
 - (e) any mortgage securing a loan or advance under which the borrower is in default.
- (2) A mortgagee solicitor must not:
- (a) publicly advertise seeking money for investment in mortgages, or
 - (b) offer a loan to any person whose usual address is outside New South Wales, except for a local offer in a border area.

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Part 11 Mortgage practices and managed investment schemes—Part 3.5 of the Act

158 Valuation

- (1) Before any money is advanced under a loan secured by a regulated mortgage, a mortgagee solicitor must obtain:
 - (a) for the lender or contributor, a current valuation of the mortgaged property by a registered valuer, and
 - (b) evidence that the valuer holds current professional indemnity insurance to a value that is not less than \$500,000 and that covers valuations made for the purposes of regulated mortgages.
- (2) The valuation must be expressed to be for the purpose of establishing the unencumbered present day value of the property, not taking into account any future proposed development, and must address the matters contained in the mortgagee solicitor's request for the valuation.
- (3) The mortgagee solicitor's request for a valuation must contain the form of words approved by the Law Society Council for the purposes of this clause.
- (4) A valuation prepared for the borrower may be assigned to a lender or contributor for the purposes of this clause, but only if the valuer and the valuation meet the requirements of this clause in respect of a valuation obtained on behalf of a lender or contributor.
- (5) If a mortgage is varied and the lender or contributor previously relied on a valuation prepared for the borrower, the lender or contributor may continue to rely on that valuation if it meets the requirements of this clause in respect of a valuation obtained on behalf of a lender or contributor.
- (6) A valuation obtained under this clause must be not more than 6 months old when money is first advanced under the loan and, in the case of a loan that is rolled-over, must be not more than 3 years old when the loan is rolled-over.

159 Appointment of accountant

A mortgagee solicitor:

- (a) must appoint an accountant to audit the solicitor's mortgage practice, and
- (b) must appoint the accountant on terms that require the accountant to carry out annual compliance examinations in accordance with a work program approved by the Law Society Council, and
- (c) must ensure that the accountant lodges with the Law Society, within 21 days after completing the examination, a report on the examination in the form approved by the Law Society Council.

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Clause 160

Mortgage practices and managed investment schemes—Part 3.5 of the Act Part 11

**160 Notification of State regulated mortgages to Law Society Council—
section 481 (1) of the Act**

- (1) For the purposes of section 481 (1) of the Act, a mortgagee solicitor must notify the Law Society Council in writing of the following matters on a quarterly basis or as requested by the Council:
 - (a) a list of current State regulated mortgages in respect of which the solicitor has acted for the lender or contributor and the total amount secured by all those mortgages,
 - (b) the name of each mortgagor and mortgagee,
 - (c) the amount secured by each mortgage.
- (2) The notice is to be given within 28 days after the end of each quarter.

161 Mortgage held by nominee

- (1) A mortgagee solicitor must not, whether alone or by an associate or otherwise, cause or permit an application to a loan secured by a regulated mortgage of any money referred to in clause 149 (2) (Authority to secure by regulated mortgage) if the loan is to be secured by a regulated mortgage to be held by a nominee, unless the nominee is one of the following:
 - (a) the solicitor,
 - (b) one or more of the solicitor's partners, with or without the solicitor,
 - (c) a mortgagee solicitor's nominee company maintained by the solicitor and the solicitor's partners (if any) in the manner prescribed by clause 162 (Mortgagee solicitor's nominee company).
- (2) Except in the case of a mortgage to be held by a mortgagee solicitor's nominee company or an incorporated legal practice, a mortgagee solicitor must not arrange or agree to arrange a regulated mortgage that is intended to be held in the name of a corporation (other than a public trustee company) of which that solicitor is a member or director if the mortgage is to be held by that corporation as a trustee for the beneficial owner.

162 Mortgagee solicitor's nominee company

- (1) If a mortgagee solicitor's nominee company is a nominee, a solicitor who is a member or director of the company must not, while the company holds a regulated mortgage for another person:
 - (a) cause or permit any person to become a member or director of the company unless the person is a partner of the solicitor or, in the case of a sole practitioner, a person who is approved by the Law

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- Society Council, holds only one share in the company and holds the share in trust for the solicitor as beneficial owner, or
- (b) cause or permit the company to act otherwise than as a nominee company holding regulated mortgages, or an interest in regulated mortgages, on trust for the beneficial owners, or
 - (c) receive, or cause or permit the company to receive, any financial benefit from its activities other than any professional costs or management fees properly chargeable by the solicitor in respect of a regulated mortgage held by the company, or
 - (d) cause or permit the constitution of the company, while any of its members or directors are persons other than the solicitor or his or her partner or partners, to contain a provision that:
 - (i) denies the solicitor a casting vote at a meeting of its directors, or
 - (ii) entitles a director to appoint an alternate director or attorney to act in the place of the director, or
 - (iii) entitles a shareholder to appoint a proxy other than the solicitor.
- (2) A mortgagee solicitor who has obtained from a lender or contributor an authority under clause 149 (Authority to secure by regulated mortgage) must not prepare a transfer of any regulated mortgage to a company of which the solicitor is a member or director unless:
- (a) the company is the mortgagee solicitor's nominee company, an incorporated legal practice, a public trustee company or a responsible entity, and
 - (b) the mortgage is to be held by the company as trustee for the beneficial owner of the mortgage.

163 Dealing with money through trust account

- (1) A mortgagee solicitor must apply money for a loan secured by a regulated mortgage, or paid as principal or interest in respect of any such loan, only in accordance with this clause.
- (2) The money to be advanced must first be credited to an account in the name of the lender or contributor established in the mortgagee solicitor's trust account ledger.
- (3) Before any money is advanced under the regulated mortgage, the mortgagee solicitor:
 - (a) must establish in his or her trust account ledger an account in respect of the mortgage in the mortgagor's name or, if the mortgage is held in the name of a nominee, in the name of the nominee and the mortgagor, and

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Mortgage practices and managed investment schemes—Part 3.5 of the Act Part 11

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- (b) must transfer to that account from the accounts of the lender, or of the contributors in the case of a contributory mortgage, the money to be lent.
 - (4) If the regulated mortgage is held by a nominee, then a separate account in the mortgagee solicitor's trust account ledger must be established in the name of the nominee in respect of each mortgage loan held or intended to be held in the name of the nominee.
 - (5) All payments under the regulated mortgage in respect of interest and the repayment of principal:
 - (a) are to be received by the mortgagee solicitor, and
 - (b) must be paid to the credit of the account in the trust account ledger relating to the regulated mortgage.
 - (6) An amount credited to the account in the trust account ledger relating to a regulated mortgage must be transferred, as soon as practicable:
 - (a) to the lender's account in the mortgagee solicitor's trust account ledger, or
 - (b) in the case of a contributory mortgage, to the account of the contributors in the mortgagee solicitor's trust account ledger in the proportions to which the contributors are entitled.

164 Notice of variation of mortgage

Within 21 days after the day on which a variation of a regulated mortgage is executed by a borrower, a mortgagee solicitor:

- (a) must give written notice of the particulars of the variation to each lender or contributor, and
- (b) must record the particulars of the variation in the solicitor's investments register.

165 Additional or substituted contributions

The requirements of this Part apply to a new contributor to a contributory mortgage and to money advanced by a new contributor in the same way as they apply to the original contributors to the contributory mortgage and to money advanced by the original contributors.

166 Declaration of trust

A mortgagee solicitor who is required to prepare and issue a summary of mortgage must, within 21 days after the obligation to do so arises in relation to a mortgage held by a nominee, prepare and have executed by the nominee an instrument in writing sufficient to manifest and declare

Clause 167 Legal Profession Regulation 2005

Part 11 Mortgage practices and managed investment schemes—Part 3.5 of the Act

the trust on which the mortgage is held by the nominee in accordance with section 23C (1) (b) of the *Conveyancing Act 1919*.

167 Retention of documents

- (1) A mortgagee solicitor must retain at his or her principal place of practice any regulated mortgage together with all other mortgage documents and instruments declaring trusts related to the mortgage until:
 - (a) the mortgage is discharged, or
 - (b) the solicitor is directed otherwise in writing by the lender or, in the case of a contributory mortgage, by all of the contributors.
- (2) The requirements of clause 89 (Keeping of trust records) as to the retention by a solicitor of trust records apply to an investments register maintained under this Part, except that the particulars of any mortgage recorded in the investments register must be retained in the register during the currency of the mortgage and for 6 years following its discharge.
- (3) For the purposes of subclause (1), mortgage documents include title documents, lending authorities, valuations, insurance policies and any other deeds or documents relating to any security in respect of which any mortgage has been given.
- (4) The mortgage and documents referred to in subclause (1) must be kept together in a deed packet filed in the name of the mortgagor and, if the mortgagor has more than one loan, the particular mortgage is to be identified on the deed packet by indicating the address of the security property.
- (5) A mortgagee solicitor must maintain a current register of mortgage deed packets, containing particulars of each mortgage deed packet and the matter file to which each such packet relates.
- (6) A mortgage deed packet may be retained in normal safe custody, but both it and the matter file to which it relates must be cross-referenced to each other.

168 Practicability of completion of summary of mortgage and investments register

A mortgagee solicitor who is unable to comply with the requirements of this Part with respect to the preparation of a summary of mortgage or the recording of entries in an investment register within the time required for compliance:

- (a) must record the portion of the required particulars then available in the required summary of mortgage and in an entry in the investments register, and

Legal Profession Regulation 2005

Clause 169

Mortgage practices and managed investment schemes—Part 3.5 of the Act Part 11

- (b) as soon as practicable after the omitted particulars are available, must issue a duly completed summary of mortgage to any person who is entitled to receive it and complete the required entry in the investments register.

169 Default procedures

- (1) A mortgagee solicitor must maintain systems to enable the early detection of defaults in the payment of principal or interest secured by a regulated mortgage or under the terms of a regulated mortgage.
- (2) A mortgagee solicitor is to ensure that the following steps are taken if a default in the repayment of a loan secured by a regulated mortgage occurs:
 - (a) the borrower must be contacted within 7 days after the solicitor becomes aware of the default and the reason for the default ascertained,
 - (b) the borrower must be requested to pay the penalty rate of interest and any such interest is to be paid to the lender or contributor,
 - (c) the lender or contributor must be advised of the default and the action being taken with respect to the default,
 - (d) unless the lender or contributor instructs otherwise, action is to be commenced to recover outstanding principal, interest and costs if there is a default in payment of more than 2 months (in the case of interest) or 2 weeks (in the case of principal),
 - (e) if a default continues for more than 2 months, the solicitor must notify the Law Society Council in writing of the default and the action taken to rectify the default.

170 Run-out mortgages

- (1) The provisions of Division 5 of Part 7A of the *Legal Profession Regulation 1994*, as in force immediately before 7 September 2001, continue to apply in respect of run-out mortgages.

Note. Schedule 8 to the Act limits the actions that a solicitor may take in respect of run-out mortgages.
- (2) The provisions of this Part (other than this clause) do not apply to run-out mortgages.

171 Managed investment schemes

A mortgagee solicitor must ensure that the office of a responsible entity for a managed investment scheme is not located on the same part of any premises on which the legal practice of the solicitor is conducted.

Clause 172 Legal Profession Regulation 2005

Part 11 Mortgage practices and managed investment schemes—Part 3.5 of the Act

172 Certain mortgages not regulated mortgages

The following mortgages are exempt from the definition of *regulated mortgage* in section 477 of the Act:

- (a) a mortgage of which a solicitor, or an associate of a solicitor, is the sole beneficial owner,
- (b) a mortgage held by a solicitor or an associate of a solicitor as the trustee of a will or settlement or a mortgage that, when executed or transferred, will be so held,
- (c) a mortgage to a mortgagee who is the subject of a notice given by the Law Society Council to a solicitor that exempts a mortgage to that mortgagee from the definition,
- (d) except as provided by clause 171 (Managed investment schemes), a mortgage that is part of a managed investment scheme that is operated by a responsible entity.

Legal Profession Regulation 2005

Clause 173

Complaints and discipline—Chapter 4 of the Act

Part 12

Part 12 Complaints and discipline—Chapter 4 of the Act

173 Register of Disciplinary Action—section 577 (2) (e) of the Act

For the purposes of section 577 (2) (e) of the Act, the following particulars are prescribed for inclusion in the Register of Disciplinary Action in relation to a person:

- (a) the person's professional capacity (for example, barrister or solicitor) in which the conduct complained occurred and, if different, the person's professional capacity in which the complaint was made against the person,
- (b) the regulatory authority that took the disciplinary action,
- (c) the date of the decision or determination of the regulatory authority to take the disciplinary action and, if different, the date the disciplinary action was taken,
- (d) a description or summary of the conduct that is the subject of the disciplinary action,
- (e) the date and jurisdiction of the person's first and each later admission to the legal profession.

174 Pre-complaint powers where client is denied access to documents—section 595 (3) (b) of the Act

For the purposes of section 595 (3) (b) of the Act:

- (a) the prescribed area is the area outside the Sydney Metropolitan Area, and
- (b) the prescribed distance is the distance between the practitioner's office and the nearest Local Court.

Clause 175 Legal Profession Regulation 2005

Part 13 Miscellaneous provisions

Part 13 Miscellaneous provisions

175 Discriminatory conduct (including sexual harassment) prohibited

Conduct, whether consisting of an act or omission, that constitutes unlawful discrimination (including unlawful sexual harassment) under the *Anti-Discrimination Act 1977* against any person must not be engaged in:

- (a) by a local legal practitioner, in connection with the practice of law in this or any other jurisdiction, or
- (b) by an interstate legal practitioner, in connection with the practice of law in this jurisdiction.

176 Mandatory continuing legal education—special requirement

- (1) If the holder of a local practising certificate is required to undertake continuing legal education, that continuing legal education must include a component relating to the management of the practice of law that deals predominantly with the following issues:
 - (a) the principles of equal employment opportunity,
 - (b) the law relating to discrimination and harassment,
 - (c) occupational health and safety law,
 - (d) employment law,
 - (e) the management of legal practice consistent with paragraphs (a)–(d).
- (2) That component is to be undertaken at least once in every compliance period, or such shorter period as may be determined by the appropriate Council, and is to comprise at least one unit in the units of continuing legal education that the holder of the practising certificate is required to undertake.
- (3) In this clause:
compliance period means:
 - (a) in relation to a person who was the holder of a local practising certificate at 2 April 2004:
 - (i) the period starting on 2 April 2004 and ending on 31 March 2007, and
 - (ii) each further period of 3 years ending on the third anniversary of the expiration of the previous period, or
 - (b) in relation to a person who became or becomes the holder of a local practising certificate after 2 April 2004:

Legal Profession Regulation 2005

Clause 177

Miscellaneous provisions

Part 13

-
- (i) the period starting on the date the person became or becomes the holder of a local practising certificate and ending on 31 March in the year that is 3 years after the start of the period, and
 - (ii) each further period of 3 years ending on the third anniversary of the expiration of the previous period.

continuing legal education means continuing legal education that the holder of a local practising certificate is required to undertake under the conditions attached to the certificate.

177 Advice on and handling of documents

- (1) An Australian legal practitioner must not give advice to a client to the effect that a document should be destroyed, or should be moved from the place at which it is kept or from the person who has possession or control of it, if the practitioner is aware that:
 - (a) it is likely that legal proceedings will be commenced in relation to which the document may be required, and
 - (b) following the advice will result in the document being unavailable or unusable for the purposes of those proceedings.
- (2) An Australian legal practitioner must not destroy a document or move it from the place at which it is kept or from the person who has possession or control of it, or aid or abet a person in the destruction of a document or in moving it from the place at which it is kept or from the person who has possession or control of it, if legal practitioner is aware that:
 - (a) it is likely that legal proceedings will be commenced in relation to which the document may be required, and
 - (b) the destruction or moving of the document will result in the document being unavailable or unusable for the purposes of those proceedings.
- (3) Subclauses (1) and (2) apply even if there has been no indication that a specific person intends to commence proceedings in relation to which the document concerned may be required.
- (4) A contravention of this clause is declared to be professional misconduct.
- (5) Despite the other provisions of this clause, it is not professional misconduct for an Australian legal practitioner merely to move a document in the possession or control of the practitioner to a person who is lawfully entitled to possession or control of the document if the person requests the practitioner to do so.

Clause 178 Legal Profession Regulation 2005

Part 13 Miscellaneous provisions

- (6) In this clause, *destroy* a document includes make the document illegible.

178 Barristers may receive costs in advance

- (1) A barrister may, in the course of practising as a barrister, receive money in advance for legal costs to accrue due to, or to be paid by, the barrister.
- (2) This clause does not affect any trust to which money received by a barrister is subject, or any obligation of a barrister under such a trust.

179 Transitional: construction of certain references in conveyancers licensing legislation

- (1) In each provision of the *Conveyancers Licensing Act 1995* specified in Column 1 of Part 1 Schedule 6:
- (a) a reference to a provision of the old Act specified in Column 2 of that Part is taken to be a reference to the corresponding provision of the new Act specified in Column 3 of that Part, and
- (b) a reference to a word or expression specified in Column 2 of that Part is taken to be a reference to the corresponding word or expression specified in Column 3 of that Part.
- (2) In each provision of the *Conveyancers Licensing Regulation 2001* specified in Column 1 Part 2 of Schedule 6:
- (a) a reference to a provision of the old Act specified in Column 2 of that Part is taken to be a reference to the corresponding provision of the new Act specified in Column 3 of that Part, and
- (b) a reference to a word or expression specified in Column 2 of that Part is taken to be a reference to the corresponding word or expression specified in Column 3 of that Part.

Legal Profession Regulation 2005

Names, titles and descriptions

Schedule 1

Schedule 1 Names, titles and descriptions

(Clause 8)

Column 1	Column 2	Column 3
Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
1 lawyer	Australian lawyer Australian-registered foreign lawyer	all circumstances (no restriction) all circumstances (no restriction)
2 legal practitioner	Australian legal practitioner Australian lawyer	all circumstances (no restriction) when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice as an employee of the Government of the Commonwealth (or as an employee of the Government of a State or Territory) in circumstances in which the laws of the Commonwealth (or the laws of the State or Territory) permit an Australian lawyer to engage in such practice without having to hold an Australian practising certificate
3 barrister and solicitor, or solicitor and barrister, or solicitor, or attorney	Australian legal practitioner Australian lawyer	when the Australian legal practitioner holds an Australian practising certificate and engages in legal practice in the manner of a solicitor when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice in the manner of a solicitor as an employee of the Government of the Commonwealth (or as an employee of the Government of a State or Territory) in circumstances in which the laws of the Commonwealth (or the laws of the State or Territory) permit an Australian lawyer to engage in such practice without having to hold an Australian practising certificate

Legal Profession Regulation 2005

Schedule 1 Names, titles and descriptions

Column 1	Column 2	Column 3
Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
4 barrister	<p>local legal practitioner</p> <p>interstate legal practitioner</p> <p>Australian lawyer</p>	<p>when the local legal practitioner holds a local practising certificate that restricts the practitioner to legal practice in the manner of a barrister</p> <p>when the interstate legal practitioner holds an Australian practising certificate and engages in legal practice in the manner of a barrister</p> <p>when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice in the manner of a barrister as an employee of the Government of the Commonwealth (or as an employee of the Government of a State or Territory) in circumstances in which the laws of the Commonwealth (or the laws of the State or Territory) permit an Australian lawyer to engage in such practice without having to hold an Australian practising certificate</p>
5 counsel	<p>Australian legal practitioner</p> <p>Australian lawyer</p>	<p>all circumstances (no restriction)</p> <p>when the Australian lawyer, not holding an Australian practising certificate, engages in legal practice as an employee of the Government of the Commonwealth (or as an employee of the Government of a State or Territory) in circumstances in which the laws of the Commonwealth (or the laws of the State or Territory) permit an Australian lawyer to engage in such practice without having to hold an Australian practising certificate, or</p> <p>when the Australian lawyer, not holding an Australian practising certificate, provides legal services to his or her employer, or to a related entity, in the ordinary course of his or her employment and for no fee, gain or reward other than his or her ordinary remuneration as an employee</p>

Legal Profession Regulation 2005

Names, titles and descriptions

Schedule 1

Column 1	Column 2	Column 3
Name, title or description	Kinds of persons who are entitled to take or use name, title or description	Circumstances in which the persons are entitled to take or use name, title or description
6 Senior Counsel or SC	Australian lawyer	when the Australian lawyer currently holds the status of Senior Counsel, as recognised by the High Court or a Supreme Court of any jurisdiction
7 Queen's Counsel or QC, or King's Counsel or KC, or Her Majesty's Counsel, or His Majesty's Counsel	Australian lawyer	when the Australian lawyer currently holds the appropriate status, as conferred by the Crown in any capacity or as recognised by the High Court or a Supreme Court of any jurisdiction
8 attorney	Australian-registered foreign lawyer patent attorney donee of a power of attorney Attorney-General of any jurisdiction, the Commonwealth or a foreign country	when entitled to use the name, title or description under section 191 of the Act when using the expression "patent attorney" when indicating that the donee holds or is acting under a power of attorney all circumstances (no restriction)
9 solicitor	Solicitor-General of any jurisdiction, the Commonwealth or a foreign country	all circumstances (no restriction)

Legal Profession Regulation 2005

Schedule 2 Costs for recovery of certain debts and enforcement of certain judgments

Schedule 2 Costs for recovery of certain debts and enforcement of certain judgments

(Clause 112)

Part 1 Supreme Court

No	Item	Amount
1	Preparation of process	
	Costs of taking instructions, preparing documents and filing statement of claim including drawing/typing/checking of originating process and cheque to pay account of process server:	
	(a) for recovery of lump sum debt	\$914
	(b) for recovery of possession of land	\$1,150
2	Service of additional defendants etc	
	Costs of service:	
	(a) for each additional defendant	\$53
	(b) in proceedings for the recovery of land, for each occupier of the land on whom notice of proceedings must be served	\$90
3	Substituted service	
	Costs of substituted service including drawing/typing/checking of affidavit, notice of motion and cheque to pay account of process server	\$520
4	Service interstate or overseas	
	Costs of service in another jurisdiction:	
	(a) within Australia—including obtaining leave to proceed and drawing/typing/checking notice of motion	\$199
	(b) outside Australia in a country where English is the official language—including drawing/typing/checking of request for service and notice to defendant to be served	\$136
	(c) outside Australia in a country where English is not the official language—including drawing/typing/checking of request for special service and notice to defendant to be served	\$616

Legal Profession Regulation 2005

Costs for recovery of certain debts and enforcement of certain judgments Schedule 2

No	Item	Amount
5	Default judgment	
	Costs on applying for default judgment including all matters listed in item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support:	
	(a) for recovery of lump sum debt	\$1,328
	(b) for recovery of possession of land	\$1,750
6	Foreign judgments	
	Costs on obtaining certificate of judgment under section 15 of the <i>Foreign Judgments Act 1991</i> of the Commonwealth, including drawing/typing/checking of summons, minute of judgment, certificate under that section and affidavit of facts	
	(a) if a solicitor is required to attend the court to settle judgment	\$732
	(b) if a solicitor is not so required	\$513
7	Writ of execution	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$565

Part 2 District Court

No	Item	Amount
1	Preparation of process	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$684
2	Service of additional defendants	
	Costs of service—for each additional defendant	\$53
3	Substituted service	
	Costs of substituted service including drawing/typing/checking of notice of motion, affidavit and cheque to pay account of process server	\$492

Legal Profession Regulation 2005

Schedule 2 Costs for recovery of certain debts and enforcement of certain judgments

No	Item	Amount
4	Default judgment—liquidated claim	
	Costs on applying for default judgment for recovery of lump sum debt including all matters listed in item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support	\$1,019
5	Default judgment—unliquidated claim	
	Costs on obtaining judgment in undefended proceedings including all matters listed in items 1 and 4	\$1,423
6	Order for examination	
	Costs of obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$539
7	Arrest of judgment debtor	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$231
8	Writ of execution	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$414

Part 3 Local Court

No	Item	Amount
1	Preparation of process	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$523
2	Default judgment—liquidated claim	
	Costs on applying for default judgment for recovery of lump sum debt including all matters listed in item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support	\$759

Legal Profession Regulation 2005

Costs for recovery of certain debts and enforcement of certain judgments Schedule 2

No	Item	Amount
3	Default judgment—unliquidated claim	
	Costs on obtaining judgment in undefended proceedings including all matters listed in items 1 and 2	\$1,309
4	Conditions applicable to items 1–3	
	Items 1, 2 and 3 are alternatives, and only one of them is applicable in respect of any matter. If, in respect of any of those items, if the amount at issue in the proceedings:	
	(a) does not exceed \$1,000—the costs are 40% of the amount specified for that item, or	
	(b) exceeds \$1,000 but does not exceed \$5,000—the costs are 60% of the amount specified for that item, or	
	(c) exceeds \$5,000 but does not exceed \$20,000—the costs are 80% of the amount specified for that item, or	
	(d) exceeds \$20,000—the costs are the full amount specified for that item.	
5	Order for examination	
	Costs of obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$312
6	Examination of judgment debtor	
	Costs on examination of judgment debtor by solicitor	\$227
7	Arrest of judgment debtor	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$165
8	Writ of execution	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$211

Legal Profession Regulation 2005

Schedule 3 Costs for legal services in workers compensation matters

Schedule 3 Costs for legal services in workers compensation matters

(Clause 113)

Part 1 Schedule of costs

No	Item	Amount
1	Preparing process	
	Drawing/typing/checking originating process, notice of appeal to the court, notice of application for leave to make an appeal to the court, or third or subsequent party notice	\$56
2	Preparing other documents	
	Drawing/typing/checking any document, including any notice of subpoena or document necessarily or properly filed or delivered to another party or to counsel or the court, but excluding a certificate of readiness, per page	\$17
	Drawing/typing/checking certificate of readiness where required	\$39
	If the certificate of readiness is special or necessarily long, such allowance as the registrar thinks proper, not exceeding per page	\$17
3	Letters (including drafting, typing and checking)	
	Short letter (up to one folio in length)	\$17
	Circular, being identical (save for address details) with any other letter	\$8
	Any other letter, per folio	\$17
4	Telephone calls	
	Not requiring skill	\$14
	Requiring skill or legal knowledge:	
	(a) not more than six minutes	\$20
	(b) more than six minutes—per six minute unit after the first	\$14
5	Perusal of documents	
	Perusal of court documents (being any document filed in court), per page or part of a page	\$15
	Perusal of other documents, including correspondence, per folio	\$5

Legal Profession Regulation 2005

Costs for legal services in workers compensation matters

Schedule 3

No	Item	Amount
	Where it is not necessary to peruse but it is necessary to scan a document, per page	\$36
6	Copying	
	Being a photographic reproduction, carbon or other copy of a document including copies for use in court, copies of doctors' reports for use on hearing, sending or receiving facsimile transmission, including the time reasonably spent by an Australian legal practitioner or clerk in preparing, sorting and collating such documents for copying, per page	\$1
	Note. In respect of facsimile transmissions, STD and IDD transmission fees may be claimed as disbursements.	
7	Attendance	
	Time reasonably spent by a legal practitioner (not being time spent at a conciliation conference) including travelling, waiting time, other than work referred to in items 1–6 inclusive, per quarter hour or part of a quarter hour	\$35
	Time spent by an Australian legal practitioner at a conciliation conference, per hour or part of an hour	\$250
	Time reasonably spent by a clerk including travelling, waiting time on work other than work referred to in items 1–6 inclusive, per six minute unit	\$4
	Note.	
	1 Where the hearing of any proceedings is not reached, or is adjourned on payment of the costs of the day, there may be allowed in respect of any time lost in awaiting the commencement of the hearing an amount not exceeding the amount that would have been allowed under item 7 if that time had been spent in the hearing of the proceedings.	
	2 Where the Australian legal practitioner concerned is engaged in any other proceedings on the same day, the amount under item 7 will be such proportion only as the registrar thinks reasonable, having regard to all of the circumstances.	
	3 Where a party is not notified of any payment, withdrawal or discontinuance in time to prevent attendance at court, there may be allowed for that attendance an amount in the discretion of the registrar not exceeding the amount claimable under item 7 for one hour's attendance appropriate to the proceedings.	
8	Specific skill, care and responsibility	
	Where any individual item merits any particular skill or attention an additional allowance is to be made in addition to any general allowance under item 9	

Legal Profession Regulation 2005

Schedule 3 Costs for legal services in workers compensation matters

No	Item	Amount
9	<p>Skill, care and responsibility</p> <p>Such sum as may be reasonable, having regard to all of the circumstances of the case and in particular to the following:</p> <ul style="list-style-type: none"> (a) the complexity of the matter, (b) the difficulty or novelty of the questions involved in the matter, (c) the skill, specialised knowledge and responsibility involved and the time and labour extended by the Australian legal practitioner, concerned, (d) the number and importance of the documents prepared and perused, however brief, (e) the general care and conduct of the Australian legal practitioner concerned having regard to his/her instructions and all relevant circumstances, including the preparation for hearings generally and for hearing of taxation/assessment of a bill of costs specifically 	
10	<p>Disbursements</p> <p>Any disbursement necessarily incurred is to be allowed except in so far as any such disbursement is of an unreasonable amount or has been unreasonably incurred and any doubts which the taxing officer/costs assessor may have as to whether any disbursement was reasonably incurred or was reasonable in amount are to be resolved in favour of the receiving party</p>	
11	<p>Definitions</p> <p>An allowance under items 1, 2 and 3 includes any file copy.</p> <p>In this Part:</p> <p><i>folio</i> means 100 words.</p> <p><i>page</i> means a page typewritten or printed and which is a page of a nature or kind usual for the particular document and includes part of a page.</p>	

Legal Profession Regulation 2005

Costs for legal services in workers compensation matters

Schedule 3

Part 2 Advocates' fees

No	Item	Amount
1	Briefs on hearing	
	Brief fees are to be calculated on the nature of the relief obtained, in accordance with the following scale:	
	Scale A	\$620
	Scale B	\$850
	Scale C	\$980
	The scale appropriate for the relief obtained is to be as follows:	
	(a) Property damage	A
	(b) Medical, hospital etc	A
	(c) Commutations and redemptions	A
	(d) Lump sum loss of faculties under <i>Workers' Compensation Act 1926</i>	A
	(e) Lump sum for compensation under section 66 of <i>Workers Compensation Act 1987</i> , including any claim for pain and suffering	C
	(f) Lump sum for pain and suffering	C
	(g) Weekly payments (closed period)	B
	(h) Weekly payments (continuing period)	C
	(i) Death claims	C
	(j) Death claims where respondent admits liability subject only to formal proof of marriage, dependency or other similar issue, only if certified by the court	A
	(k) Review of decisions of Commissioners (substantive matters)	C
	(l) Review of decisions of Registrars or of Commissioners (procedural matters)	A
	(m) Appeals to the court	C
2	Appearance	
	To appear in respect of any motion, or at any conciliation conference, where the court certifies that the matter is appropriate for an advocate	\$370

Legal Profession Regulation 2005

Schedule 3 Costs for legal services in workers compensation matters

No	Item	Amount
3	Conference	
	To attend any second or subsequent conference in respect of the applicant, if certified	\$125–\$310
4	Advice on evidence	
	To advise on evidence	\$125–\$310
5	Preparation of documents	
	For drawing, settling any necessary document, conferences, advice (not including advice on evidence), pleadings or for any work involving an advocate in his or her chambers or offices, views, including travelling time, taking a reserved judgment, appearing at call overs, mentions and adjournments, other than any work referred to in items 1–3 inclusive—per hour	\$140
6	Senior counsel, additional advocates etc	
	(a) In respect of items 1 to 4 for senior counsel, an amount to be decided at the discretion of the taxing officer/costs assessor	
	(b) Fees for senior counsel or more than one advocate will not be allowed without an order of the court	
	(c) The court may in a special case order that fees additional to those provided in this Schedule be payable to an advocate	
7	Refreshers	
	(a) Where the hearing is not concluded on the date on which it is begun, there will be allowed, unless the court otherwise orders, in respect of each further day on which the hearing continues—for more than 3 hours, a refresher of 75%, or for 3 hours or less, a refresher fee of 65% of the brief fee	
	(b) In respect of hearings outside the Sydney Metropolitan Area:	
	(i) a full refresher of 75% will be allowed in respect of any subsequent day on which the hearing continues at a location other than that at which it commenced, and	
	(ii) unless the court otherwise orders no refresher fee will be allowed in respect of a hearing which continues at another location on the day on which it commenced, and	

Legal Profession Regulation 2005

Costs for legal services in workers compensation matters

Schedule 3

No	Item	Amount
	(iii) no loading will be taken into account in calculating any refresher	
	(c) Where the hearing is adjourned on an order for payment of the costs of the day—the fee equal to a refresher of 65% of the brief fee	
	(d) Where the matter is not reached on a day on which it is listed for hearing—a fee equal to a refresher of 75% of the brief fee (if certified by the court)	
8	Loadings	
	(a) An advocate whose principal chambers or offices are in the Sydney Metropolitan Area is entitled, in respect of proceedings heard or partially heard in a location outside that area, to a loading in accordance with Part 3 of this Schedule for that location. If proceedings take place at two or more locations outside that area, the loading payable is that appropriate to the location that is the farther or farthest from those chambers or offices	
	(b) An advocate whose principal chambers or offices are in a location outside the Sydney Metropolitan Area is entitled, in respect of proceedings heard or partially heard in the Sydney Metropolitan Area, to a loading in accordance with Part 3 of this Schedule for that location	
	(c) An advocate whose principal chambers or offices are in a location outside the Sydney Metropolitan Area is entitled, in respect of proceedings heard or partially heard at another such location, to a loading in accordance with Part 3 of this Schedule for that other location. If proceedings take place at two or more locations outside that area, the loading payable is that appropriate to the location that is the farther or farthest from those chambers or offices	
	(d) For the purposes of this item, if a location is not included in Part 3 of this Schedule, the loading for that location is to be the loading for the nearest location that is so included	
	(e) If an advocate holds more than one brief in respect of proceedings heard at a place on any one day and a loading is applicable under this item, the loading is to be divided equally between those briefs in respect of which an advocate's fees are awarded or payable	

Legal Profession Regulation 2005

Schedule 3 Costs for legal services in workers compensation matters

No	Item	Amount
(f)	A solicitor providing an advocacy service is entitled to only 66% of the fee calculated under this Part when the service is provided to his or her own client or to a client of his or her employer	

Part 3 Country loadings**1 Loadings by location**

For the purposes of item 8 of Part 2 of this Schedule, the loading for attending a hearing at any of the following locations, for the first day is:

Albury	\$723
Armidale	\$663
Bateman's Bay	\$662
Bathurst	\$525
Bega	\$799
Bourke	\$1,141
Broken Hill	\$1,232
Campbelltown	\$63
Casino	\$745
Cessnock	\$411
Cobar	\$1,049
Coffs Harbour	\$584
Condobolin	\$889
Cooma	\$882
Coonamble	\$850
Cootamundra	\$603
Cowra	\$464
Deniliquin	\$777
Dubbo	\$615
Forbes	\$615
Glen Innes	\$584

Legal Profession Regulation 2005

Costs for legal services in workers compensation matters

Schedule 3

Gosford	\$176
Goulburn	\$434
Grafton	\$715
Griffith	\$588
Gundagai	\$690
Gunnedah	\$680
Hay	\$761
Inverell	\$683
Katoomba	\$239
Kempsey	\$629
Lismore	\$658
Lithgow	\$273
Maitland (including East Maitland)	\$411
Moree	\$616
Moruya	\$516
Moss Vale	\$284
Mudgee	\$490
Murwillumbah	\$761
Muswellbrook	\$436
Narrabri	\$572
Narrandera	\$568
Newcastle	\$411
Nowra	\$411
Nyngan	\$977
Orange	\$468
Parkes	\$633
Penrith	\$63
Port Macquarie	\$530
Queanbeyan	\$526
Singleton	\$632

Legal Profession Regulation 2005

Schedule 3 Costs for legal services in workers compensation matters

Tamworth	\$613
Taree	\$490
Tweed Heads	\$714
Wagga Wagga	\$544
Wentworth	\$1,154
Wollongong	\$260
Yass	\$463
Young	\$603

2 Senior counsel

If the advocate is a senior counsel—add \$75 per day to the relevant loading.

3 Refreshers

For each additional day attending a hearing at any of the locations listed above—add \$163.

4 NRMA car rental discount

Where the NRMA car rental discount is applicable, the amount of the loading is to be reduced by an amount that is calculated by subtracting the discount amount paid from the amount allowed in the loading of \$99.

Part 4 Costs for other services in workers compensation matters**1 Allowances to professionals**

Barristers, solicitors, accountants, medical practitioners, surveyors, architects, pharmacists and other professional persons attending to give evidence	\$160–\$300
--	-------------

or per hour	\$125–\$200
-------------	-------------

2 Preparation of reports

Whenever a barrister, solicitor, accountant, surveyor, architect, pharmacist, or other professional person (not being a medical practitioner) prepares a report, the fee for the preparation of the report is to be allowed at a rate per hour or part of an hour	\$125–\$200
---	-------------

3 Expert evidence

Whenever the persons mentioned in item 1 are called to give expert evidence and not evidence of fact:

Legal Profession Regulation 2005

Costs for legal services in workers compensation matters

Schedule 3

-
- | | | |
|-----|--|-------------|
| (a) | attending to give expert evidence, including travelling to court, where period from departure from home, hospital, place of practice, office, place of employment or other place to return to that place from attendance at court does not exceed one and a half hours | \$250–\$400 |
| (b) | for every full hour after the first hour and a half or a proportion of an hour if not for a full hour | \$125–\$200 |
| (c) | the maximum amount payable per day under item 1 and paragraphs (a) and (b) is the total of the number of hours that reasonably involved a witness at the rates applicable in item 1 and paragraphs (a) and (b) | |

4 Travelling and accommodation

Travelling and other allowances:

- | | |
|-----|--|
| (a) | payment to be made at the rate of \$0.90 per kilometre one way after the first kilometre up to and including 80 kilometres, plus reasonable parking fees |
| (b) | exceeding 80 kilometres—the reasonable costs of travelling plus the costs of reasonable accommodation, meals and parking |

5 Allowances to non-professionals

Other witnesses:

- | | |
|-----|--|
| (a) | such allowance as is commensurate with the witnesses' remuneration or circumstances, but not exceeding the allowances provided under items 1 and 3 |
| (b) | such additional amount as is reasonable for travelling expenses and sustenance and, in cases where accommodation is required, such further amount as having regard to all of the circumstances is reasonable and has been paid in respect of accommodation |

6 Medical examinations and reports

The following fees may vary within the stated range, depending on the complexity of the matter, the number of documents to be studied and the amount of research needed to give the medical opinion:

- | | | |
|-------|--|-------------|
| (a) | Report made by an attending general practitioner: | |
| (i) | in respect of an initial consultation and examination of a patient | \$120–\$160 |
| (ii) | in respect of any further consultation and examination after the first | \$80–\$120 |
| (iii) | where a re-examination of the patient is not required | \$60–\$80 |

Legal Profession Regulation 2005

Schedule 3 Costs for legal services in workers compensation matters

-
- | | | |
|-------|---|-------------|
| (b) | Report made by an attending specialist: | |
| (i) | in respect of an initial consultation and examination of a patient | \$200–\$300 |
| (ii) | in respect of any further consultation and examination after the first | \$150–\$250 |
| (iii) | where a re-examination of the patient is not required | \$100–\$175 |
| (c) | Report made by a specialist who has not previously treated the patient: | |
| (i) | in respect of an initial consultation and examination of a patient | \$220–\$500 |
| (ii) | in respect of any further consultation and examination after the first | \$200–\$450 |
| (iii) | where a re-examination of the patient is not required | \$100–\$215 |

7 Joint examination

Attending a joint examination (including travelling time where the distance does not exceed 8 kilometres):

- | | | |
|-----|--|-------------|
| (a) | as an examining practitioner (including provision of report) | \$300–\$500 |
| (b) | as a non-examining practitioner where the examination is conducted by another practitioner | \$130–\$175 |
| (c) | provision of report by non-examining practitioner (see paragraph (b)) | \$100–\$175 |

8 Special circumstances

Where special circumstances are shown to exist, eg, as in the case of a psychiatrist or psychologist necessitating prolonged or repeated attendances in a particular case, fees may be charged in accordance with item 1

9 Interpreters

Allowances for interpreters:

- | | | |
|-----|--|-------|
| (a) | amounts reasonably paid to an interpreter attending court in respect of hearing
not exceeding per day | \$250 |
| (b) | in respect of attending any conference or medical examination: | |
| (i) | for the first two hours or part of two hours | \$80 |

Legal Profession Regulation 2005

Costs for legal services in workers compensation matters

Schedule 3

-
- (ii) for every hour or part of an hour after the initial two hours \$30
 - (c) in respect of a translation of any document—per folio of 100 words \$22
 - (d) travelling—as per amounts allowed under item 5

Legal Profession Regulation 2005

Schedule 4 Costs for legal services for probate and administration matters

Schedule 4 Costs for legal services for probate and administration matters

(Clause 114)

Part 1 Obtaining first time grant or the resealing of probate

Disclosed value of assets	Costs payable
Not exceeding \$30,000	\$500 Plus \$12 for each \$1,000 up to \$30,000
Exceeding \$30,000 but not exceeding \$150,000	\$860 Plus \$5.33 for each \$1,000 in excess of \$30,000
Exceeding \$150,000 but not exceeding \$1,000,000	\$1,500 Plus \$4.00 for each \$1,000 in excess of \$150,000
Exceeding \$1,000,000 but not exceeding \$3,000,000	\$4,900 Plus \$1.50 for each \$1,000 in excess of \$1,000,000
Exceeding \$3,000,000 but not exceeding \$5,000,000	\$7,900 Plus \$1.00 for each \$1,000 in excess of \$3,000,000
Exceeding \$5,000,000 but not exceeding \$10,000,000	\$9,900 Plus \$0.80 for each \$1,000 in excess of \$5,000,000
Exceeding \$10,000,000	\$13,900

Part 2 Obtaining of any grant or resealing of probate after the first, up to and including the uplifting of the probate so granted or resealed

Value of assets remaining at the time of application	Costs payable
Not exceeding \$30,000	\$410 Plus \$9.84 for each \$1,000 up to \$30,000

Legal Profession Regulation 2005

Costs for legal services for probate and administration matters

Schedule 4

Value of assets remaining at the time of application	Costs payable
Exceeding \$30,000 but not exceeding \$150,000	\$705 Plus \$4.37 for each \$1,000 in excess of \$30,000
Exceeding \$150,000 but not exceeding \$1,000,000	\$1,230 Plus \$3.28 for each \$1,000 in excess of \$150,000
Exceeding \$1,000,000 but not exceeding \$3,000,000	\$4,018 Plus \$1.23 for each \$1,000 in excess of \$1,000,000
Exceeding \$3,000,000 but not exceeding \$5,000,000	\$6,478 Plus \$0.82 for each \$1,000 in excess of \$3,000,000
Exceeding \$5,000,000 but not exceeding \$10,000,000	\$8,118 Plus \$0.65 for each \$1,000 in excess of \$5,000,000
Exceeding \$10,000,000	\$11,368

Part 3 Obtaining first time grant of administration or of the resealing letters of administration

Such amount as is allowed under Part 1 for the first time grant of probate and, if a law practice is required to perform any work in addition to that for which Part 1 makes provision, such additional amount as is allowed under Table 1 in Schedule G to the *Supreme Court Rules 1970*.

Legal Profession Regulation 2005

Schedule 5 Forms

Schedule 5 Forms

(Clause 3 (2))

Form 1 Statutory declaration to be lodged by law practice that ceases to hold trust money

(Clause 94)

(Legal Profession Act 2004)

I, *[insert full name]*, of *[insert address]*

DO SOLEMNLY AND SINCERELY DECLARE THAT:

- 1 I am or was a principal of a law practice that on *[insert date]* *ceased to be authorised to receive trust money/*ceased to be engaged in legal practice in this jurisdiction.
- 2 The law practice does not now hold any trust money, all such trust money having been applied in accordance with the *Legal Profession Act 2004*.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provision of the *Oaths Act 1900*.

DECLARED AT *[place]*

in the State of New South Wales

on *[date]*

Before:

[Name and address in legible writing, type or stamp below signature]

a person authorised to witness the signing of a statutory declaration.

**Delete as appropriate*

Legal Profession Regulation 2005

Construction of references in conveyancers licensing legislation

Schedule 6

Schedule 6 Construction of references in conveyancers licensing legislation

(Clause 179)

Part 1 Conveyancers Licensing Act 1995

Column 1	Column 2	Column 3
Provision	Old reference	New reference
Section 4 (4)	a person who is neither a solicitor nor a barrister	a person who is not an Australian legal practitioner (within the meaning of the new Act)
Section 4 (4)	Part 3A of the old Act	Part 2.2 of the new Act
Section 5 (1) (g)	section 48I of the old Act	Division 3 of Part 2.2 of the new Act
Section 5 (2)	the holder of a barrister's or a solicitor's practising certificate under the old Act	the holder of an Australian practising certificate (within the meaning of the new Act)
Section 6 (1)	Part 3A of the old Act	Part 2.2 of the new Act
Section 6 (2)	act as a solicitor	engage in legal practice (within the meaning of the new Act)
Section 9 (6)	Division 2 of Part 6 of the old Act	Division 7 of Part 3.1 of the new Act
Section 13 (1) (c)	Part 10 of the old Act	Chapter 4 of the new Act
Section 16	Part 11 of the old Act	Part 3.2 of the new Act
Section 18 (2) (c)	section 48F of the old Act	section 177 of the new Act
Section 19 (5) (a)	Part 3A of the old Act	Part 2.2 of the new Act
Section 19 (5) (b)	Part 3A of the old Act	Part 2.2 of the new Act
Section 19 (5) (c)	Part 3A of the old Act	Part 2.2 of the new Act
Section 22 (2)	barrister or solicitor	Australian legal practitioner (within the meaning of the new Act)
Section 35 (3)	solicitor	Australian legal practitioner (within the meaning of the new Act)
Section 35 (4) (b)	solicitor	Australian legal practitioner (within the meaning of the new Act)
Section 44	solicitor	Australian legal practitioner (within the meaning of the new Act)
Section 69 (2)	Part 11 of the old Act	Part 3.2 of the new Act

Legal Profession Regulation 2005

Schedule 6 Construction of references in conveyancers licensing legislation

Column 1	Column 2	Column 3
Provision	Old reference	New reference
Section 70 (2)	solicitor or barrister	Australian legal practitioner (within the meaning of the new Act)
Section 82, heading	Application of Legal Profession Act 1987	Application of Legal Profession Act 2004
Section 82 (1)	Part 10 of the old Act	Chapter 4 of the new Act
Section 84	Part 10 of the old Act	Chapter 4 of the new Act
Section 85 (2)	Division 6 of Part 11 of the old Act	Division 11 of Part 3.2 of the new Act

Part 2 Conveyancers Licensing Regulation 2001

Column 1	Column 2	Column 3
Provision	Old reference	New reference
Clause 5 (a)	the holder of a practising certificate under the old Act or a current interstate practising certificate within the meaning of section 48N of the old Act	the holder of an Australian practising certificate (within the meaning of the new Act)
Clause 5 (b)	an approved insurance policy under section 41 of the old Act or appropriate indemnity insurance within the meaning of section 48U (4) of the old Act	an approved insurance policy under section 403 or 406 of the new Act or professional indemnity insurance that complies with section 98 of the new Act
Clause 6 (3)	the trustees of the Public Purpose Fund under the old Act	the Trustees of the Public Purpose Fund under the new Act



New South Wales

Pipelines Regulation 2005

under the

Pipelines Act 1967

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pipelines Act 1967*.

CARL SCULLY, M.P.,
Minister for Utilities

Explanatory note

The object of this Regulation is to remake, without any substantive change, the *Pipelines Regulation 2000*. That Regulation will be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation includes provisions dealing with the following matters:

- (a) applications in relation to authorities to survey land and permits to enter land to determine the route of a proposed pipeline under the *Pipelines Act 1967* (Part 2),
- (b) applications in relation to licences to construct and operate a pipeline under that Act (Part 3),
- (c) requirements in relation to the design, construction, operation and alteration of pipelines (Division 1 of Part 4),
- (d) requirements in relation to the preparation and implementation of an environment management plan by a licensee proposing to construct a pipeline (Division 2 of Part 4),
- (e) requirements in relation to the implementation of a safety and operating plan by a licensee, including requirements as to the auditing of the implementation of the plan (Division 3 of Part 4),
- (f) requirements to ensure the minimum amount of disturbance by a licensee during construction and operation of a pipeline to existing uses of land and public roads, and to prevent persons from damaging pipelines (Division 4 of Part 4),
- (g) the reporting of the escape or ignition of substances conveyed in pipelines, accidents involving the construction, maintenance or operation of pipelines and emergencies and unplanned disruptions to pipeline operations (Division 1 of Part 5),

Pipelines Regulation 2005

Explanatory note

-
- (h) the making of routine, annual and five-yearly reports by licensees on specified matters relating to the operation, maintenance and inspection of pipelines (Division 2 of Part 5),
 - (i) modifications required in relation to the application of the *Land Acquisition (Just Terms Compensation) Act 1991* by section 22A of the *Pipelines Act 1967* to claims for compensation by persons holding interests in certain lands affected by pipelines (Part 6),
 - (j) miscellaneous matters for which regulations may be made under the *Pipelines Act 1967*, including delegations, fees and the marking of the routes of pipelines (Part 7).

This Regulation refers to AS 2885.1—1997, *Pipelines—Gas and liquid petroleum—Design and construction* and AS 2885.3—2001, *Pipelines—Gas and liquid petroleum—Operation and maintenance*, published by Standards Australia.

This Regulation is made under the *Pipelines Act 1967*, including section 69 (the general regulation-making power) and the other sections mentioned in the Regulation.

Pipelines Regulation 2005

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Clause 1	Pipelines Regulation 2005
Part 1	Preliminary

Pipelines Regulation 2005

under the

Pipelines Act 1967

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Pipelines Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Pipelines 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:

AS 2885.1—1997 means AS 2885.1—1997, *Pipelines—Gas and liquid petroleum—Design and construction*, published by Standards Australia (as in force on 1 September 2005).

AS 2885.3—2001 means AS 2885.3—2001, *Pipelines—Gas and liquid petroleum—Operation and maintenance*, published by Standards Australia (as in force on 1 September 2005).

Department means the Department of Energy, Utilities and Sustainability.

Director-General means the Director-General of the Department.

environment management plan means an environment management plan in force under Division 2 of Part 4.

hazardous event means an event that causes, or has the potential to cause, physical injury to, or damage to the health of, a person or damage to property or the environment.

nominated auditor for a licensee means the auditor for the time being nominated by the licensee in accordance with clause 27.

person-in-charge means, in relation to a licensee, the person for the time being appointed as person-in-charge by the licensee under clause 33.

Pipelines Regulation 2005

Clause 3

Preliminary

Part 1

safety and operating plan means a safety and operating plan lodged under clause 25.

standard map means:

- (a) a cadastral map published by Geoscience Australia or by another department or agency of the New South Wales or Commonwealth government, or
- (b) if maps referred to in paragraph (a) are not available, an aerial photograph or topographic map of a standard acceptable to the Director-General,

being a map or photograph that indicates the boundaries of the various properties affected by the application in connection with which it is used.

the Act means the *Pipelines Act 1967*.

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 3.
- (3) Notes included in this Regulation do not form part of this Regulation.

Clause 4	Pipelines Regulation 2005
Part 2	Authorities to survey and permits to enter

Part 2 Authorities to survey and permits to enter

4 Applications for authorities to survey (section 5E)

For the purposes of section 5E (2) of the Act:

- (a) the prescribed form of application for an authority to enter lands for the purpose of investigating possible routes for a proposed pipeline is Form 1, and
- (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
- (c) the prescribed manner in which the lands to which the authority relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
- (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and
- (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

5 Applications for permits (section 6)

- (1) For the purposes of section 6 (2) of the Act:
 - (a) the prescribed form of application for a permit is Form 2, and
 - (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
 - (c) the prescribed manner in which the lands to which the permit relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
 - (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and
 - (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 6 (5) of the Act, the prescribed scale to which a plan contained in a notification for publication in a newspaper must be drawn is:
 - (a) 1:1,000,000, if the pipeline is between 160 and 800 kilometres in length and the plan is a copy of a standard map, or
 - (b) such other scale as may be approved by the Director-General in any particular case or class of cases.

Pipelines Regulation 2005

Clause 6

Authorities to survey and permits to enter

Part 2

6 Notice to councils, owners and occupiers of applications for permits (section 7)

- (1) For the purposes of section 7 of the Act, the prescribed form of notice to be given to a council, to a county council and to any owner and occupier of land with respect to an application for a permit is Form 3.
- (2) An applicant must serve on the Minister a declaration in Form 4 within 7 days after the service of the last notice required to be given under section 7 of the Act.
Maximum penalty: 10 penalty units.
- (3) If the applicant is a corporation, the declaration must be made on its behalf by the managing director, the secretary or such other person as may be approved by the Director-General.

7 Applications for variation of application for permit (section 7A)

- (1) For the purposes of section 7A (2) of the Act, the provisions of sections 6 (2), (3), (4) and (5) and 7 of the Act, modified as follows, apply to and in respect of an application for variation of an application for a permit:
 - (a) section 6 (2) (c) and (ci) and (5) (b) and (c) are to be read as applying only in relation to lands intended to be included in or excluded from the application for a permit,
 - (b) section 6 (2) (e) is to be read as not requiring the furnishing of particulars that have already been furnished with the application to be varied,
 - (c) a reference in section 7 to the making of an application for a permit is to be read as if it were a reference to the making of an application for variation of the application for a permit.
- (2) For the purposes of the provisions of section 6 (2) of the Act that are applied by operation of subclause (1):
 - (a) the prescribed form of application for variation of an application for a permit is Form 5, and
 - (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
 - (c) the prescribed manner in which the lands to which the application relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
 - (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and

Clause 8	Pipelines Regulation 2005
Part 2	Authorities to survey and permits to enter

- (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (3) For the purposes of the provisions of section 6 (5) of the Act that are applied by operation of subclause (1), the prescribed scale to which a plan contained in a notification for publication in a newspaper must be drawn is:
 - (a) 1:1,000,000, if the pipeline is between 160 and 800 kilometres in length and the plan is a copy of a standard map, or
 - (b) such other scale as may be approved by the Director-General in any particular case or class of cases.
- (4) For the purposes of the provisions of section 7 of the Act that are applied by operation of subclause (1), the prescribed form of notice to be given to a council, to a county council or to an owner or occupier of land with respect to the variation of an application for a permit is Form 3.
- (5) Clause 6 applies in respect of a notice referred to in subclause (4) in the same way as it applies in respect of a notice referred to in clause 6 (1).

8 Applications for variation of permit (section 9A)

- (1) For the purposes of the provisions of section 6 (2) of the Act that are applied by operation of section 9A (2) of the Act:
 - (a) the prescribed form of application for variation of a permit is Form 6, and
 - (b) the prescribed manner of making such an application is by addressing it to the Director-General and lodging it at an office of the Department, and
 - (c) the prescribed manner in which the lands to which the application relates are to be specified is by means of a schedule to the application that lists the lands in accordance with clause 9, and
 - (d) the prescribed maps are standard maps that clearly indicate (by means of red edging) the lands to which the application relates, and
 - (e) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of the provisions of section 6 (5) of the Act that are applied by operation of section 9A (2) of the Act, the prescribed scale to which a plan contained in a notification for publication in a newspaper must be drawn is:
 - (a) 1:1,000,000, if the pipeline is between 160 and 800 kilometres in length and the plan is a copy of a standard map, or

Pipelines Regulation 2005

Clause 9

Authorities to survey and permits to enter

Part 2

-
- (b) such other scale as may be approved by the Director-General in any particular case or class of cases.
 - (3) For the purposes of the provisions of section 7 of the Act that are applied by operation of section 9A (2) of the Act, the prescribed form of notice to be given to a council, to a county council or to an owner or occupier of land with respect to an application for variation of a permit is Form 3.
 - (4) Clause 6 applies in respect of a notice referred to in subclause (3) in the same way as it applies in respect of a notice referred to in clause 6 (1).

9 Applications generally

- (1) A schedule of lands prepared for the purposes of this Part:
 - (a) must list the lands concerned in a continuous geographical sequence, and
 - (b) must identify any reserves or dedications under the *Crown Lands Act 1989* and any lands the subject of an authority or mineral claim under the *Mining Act 1992*, and
 - (c) must identify each parcel of land by its current folio identification (if any) in the office of Land and Property Information and the parish, county and local government area in which the land is situated.
- (2) On any map prepared for the purposes of this Part, the approximate route of the pipeline and the approximate location of any proposed apparatus or works must be clearly shown.

Clause 10 Pipelines Regulation 2005

Part 3 Pipeline licences

Part 3 Pipeline licences

Division 1 General

10 Applications for licences (section 13)

- (1) For the purposes of section 13 (1) of the Act:
 - (a) the prescribed form of application for a licence is Form 7, and
 - (b) the prescribed manner of making such an application is by lodging it with the Director-General, and
 - (c) the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2, and
 - (d) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 13 (3) of the Act, the prescribed form of notification to be published with respect to an application for a licence is Form 8.

11 Applications for variation of application for licence (section 13A)

- (1) For the purposes of section 13A (3) of the Act:
 - (a) the prescribed form of application for variation of an application for a licence is Form 9, and
 - (b) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 13A (4), (5) and (6) of the Act, the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2.
- (3) For the purposes of section 13A (7) of the Act, the prescribed form of notification to be published with respect to an application for variation of an application for a licence is Form 10.

12 Applications for renewal of licence (section 16)

For the purposes of section 16 (2) of the Act:

- (a) the prescribed form of application for renewal of a licence is Form 11, and
- (b) the prescribed manner of making such an application is by lodging it with the Director-General, and
- (c) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.

Pipelines Regulation 2005

Clause 13

Pipeline licences

Part 3

13 Applications for variation of licence area (section 18)

- (1) For the purposes of section 18 (3) of the Act:
 - (a) the prescribed form of application for variation of a licence area is Form 12, and
 - (b) the prescribed fee is the fee specified in Schedule 1 with respect to such an application.
- (2) For the purposes of section 18 (4), (5) and (6) of the Act, the prescribed manner in which the accompanying plan is to be drawn is the manner set out in Division 2.
- (3) For the purposes of section 18 (7) of the Act, the prescribed form of notification to be published with respect to an application for variation of a licence area is Form 13.

Division 2 Plans to accompany applications for pipeline licences, variations and renewals

14 Form of plans

- (1) A plan to which this Division applies must be drawn in accordance with the requirements of clauses 16, 19 and 20 of, and Schedule 5 to, the *Conveyancing (General) Regulation 2003*.
- (2) In addition to the requirements of subclause (1), if a plan proposes a subdivision of land, it must meet the requirements of clause 39 of the *Conveyancing (General) Regulation 2003*.
- (3) For the purposes of subclauses (1) and (2), a reference to a deposited plan in the provisions of the *Conveyancing (General) Regulation 2003* referred to in those subclauses is to be read as a reference to a plan to which this Division applies.
- (4) In the plan, a statement in Form 14 relating to the easements to be acquired and identifying them by reference to the way in which they are identified on the plan must be printed in the panel provided on the plan sheet.

15 Instruments to accompany plans

A plan to which this Division applies must be accompanied by an instrument, in Form 15, being an instrument that complies with the requirements of Schedule 2.

Clause 16 Pipelines Regulation 2005

Part 4 Design, construction, operation and maintenance of pipelines

Part 4 Design, construction, operation and maintenance of pipelines

Division 1 Standards and working practices

16 Design and construction of pipeline to accord with appropriate standards

- (1) A licensee must ensure that the design and construction of any pipeline operated under the licence are in accordance with the relevant provisions of the appropriate standard.
Maximum penalty: 10 penalty units.
- (2) In this clause, *appropriate standard* means:
 - (a) in the case of pipelines for high-pressure gas and liquid petroleum—AS 2885.1—1997, or
 - (b) in any other case—AS 2885.1—1997 or a standard in respect of which an approval is in force under clause 17 in relation to the licensee concerned.

17 Approval of standards

- (1) The Director-General may, on application by a licensee, approve a standard for the purposes of clause 16 (2) (b) in relation to that licensee.
- (2) The Director-General may revoke an approval under this clause but only after having given the licensee concerned:
 - (a) written notice of the Director-General's intention to revoke the approval, and
 - (b) an opportunity to make submissions.
- (3) An approval, or the revocation of an approval, under this clause:
 - (a) must be notified to the licensee concerned by notice in writing served on the licensee, and
 - (b) takes effect on the day on which the notice is served or on a later day specified in the notice.

18 Operations to be carried out in accordance with appropriate standards

A licensee must ensure that any pipeline operated under the licence is operated and maintained in accordance with the relevant provisions of AS 2885.3—2001.

Maximum penalty: 10 penalty units.

Pipelines Regulation 2005

Clause 19

Design, construction, operation and maintenance of pipelines

Part 4

19 Alterations to pipeline

- (1) A licensee must not carry out any work involving the permanent alteration of a pipeline that is operated under the licence unless notice in writing of the proposed work has been given to the Director-General setting out a detailed description of the proposed work, including a schematic design (if relevant).
Maximum penalty: 10 penalty units.
- (2) After receiving a notice under subclause (1), the Director-General may require the licensee concerned to furnish further information on the proposed work.
- (3) A licensee must comply with any requirement made of the licensee under subclause (2).
Maximum penalty: 10 penalty units.
- (4) This clause does not apply to the alteration of a pipeline in an emergency situation.
- (5) Nothing in this clause authorises the alteration of a pipeline by a licensee that results in a contravention of, or failure to comply with, a condition of the licence.

20 Alterations to pipelines in emergency

A licensee who carries out work involving the permanent alteration, in an emergency situation, of a pipeline that is operated under the licence must give notice in writing of the work to the Director-General as soon as practicable after the completion of the work.
Maximum penalty: 10 penalty units.

21 Report relating to alteration of pipeline

- (1) A licensee must, within 14 days after completing any work involving the permanent alteration of a pipeline, submit a report in writing to the Director-General containing the following:
 - (a) a statement to the effect that the work has been completed,
 - (b) a reference to the relevant standard, or condition of the licence, in accordance with which the work was carried out.Maximum penalty: 10 penalty units.
- (2) A person must not include any statement or information in a report under this clause that the person knows is false or misleading.
Maximum penalty: 10 penalty units.

Clause 22	Pipelines Regulation 2005
Part 4	Design, construction, operation and maintenance of pipelines

Division 2 Environment management plans

22 Preparation of environment management plan

- (1) A licensee must not carry out the construction of a pipeline under the licence unless the licensee has submitted to the Director-General an environment management plan with respect to the construction and there is an approval in force under subclause (3) in relation to that plan.
Maximum penalty: 10 penalty units.
- (2) An environment management plan must include:
 - (a) measures for the protection of the environment from damage during the construction of the relevant pipeline and any ancillary operations, and
 - (b) a plan for the auditing of compliance with, and the effectiveness of, the environment management plan, and
 - (c) such other matters as the Director-General thinks appropriate in relation to the construction concerned and notifies to the licensee.
- (3) The Director-General may approve an environment management plan submitted by a licensee and may revoke an approval, but may only revoke an approval after having given the licensee concerned:
 - (a) written notice of the Director-General's intention to revoke the approval, and
 - (b) an opportunity to make submissions.
- (4) The approval or revocation of an approval under this clause:
 - (a) must be notified to the licensee concerned by notice in writing served on the licensee, and
 - (b) takes effect on the day on which the notice is served or on a later day specified in the notice.

23 Reports of audits of environment management plan

- (1) A licensee must, in accordance with subclause (2), provide a report to the Director-General in relation to each audit required to be carried out under the licensee's environment management plan.
Maximum penalty: 10 penalty units.
- (2) The report must be provided to the Director-General within 7 days after the completion of the audit to which it relates and must include the following:
 - (a) the results of the audit,

Pipelines Regulation 2005

Clause 24

Design, construction, operation and maintenance of pipelines

Part 4

- (b) any measures proposed to be undertaken by the licensee to comply with any recommendations of the person carrying out the audit.

24 Compliance with environment management plan

A licensee must ensure that all construction work under the licence is carried out in accordance with the licensee's environment management plan.

Maximum penalty: 10 penalty units.

Division 3 Safety and operating plans

25 Licensees to lodge and implement safety and operating plans

- (1) A licensee must, in accordance with this Division:
 - (a) lodge with the Director-General a safety and operating plan for its pipeline that complies with the requirements of this Division, and
 - (b) implement that plan.

Maximum penalty: 10 penalty units.
- (2) The plan must be lodged within 6 months after the commencement of operation of a pipeline.

26 Matters to be included in safety and operating plans

A safety and operating plan must comply with the relevant requirements of AS 2885.3—2001 in respect of such plans.

27 Nomination of persons to audit safety and operating plans

- (1) A licensee must give the Director-General a nomination in writing of a person as an auditor of the licensee's safety and operating plan at least one month before the person is first required to give a certificate in relation to the plan under this Division.

Maximum penalty: 10 penalty units.
- (2) A person may not be nominated as an auditor under this clause unless the person is:
 - (a) independent of the licensee, and
 - (b) competent to exercise the functions of an auditor under this Regulation in respect of the licensee's safety and operating plan.
- (3) If the Director-General advises a licensee in writing that a nomination is not accepted or is no longer acceptable, the nomination ceases to have effect for the purposes of this Regulation.

Clause 28	Pipelines Regulation 2005
Part 4	Design, construction, operation and maintenance of pipelines

28 Initial audits of safety and operating plans

- (1) A safety and operating plan must, when lodged, be accompanied by a report on the plan from a nominated auditor that includes a certificate by the auditor that:
 - (a) the plan complies with this Regulation, and
 - (b) all measures intended to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are in place, and
 - (c) there are properly trained and equipped personnel available to implement the plan.
- (2) The Director-General may, before the expiration of the period within which a safety and operating plan must be lodged by a licensee under clause 25, extend that period by notice in writing if the licensee provides the Director-General with a report from a nominated auditor indicating:
 - (a) an audit has been carried out, and
 - (b) any failure to comply with subclause (1) (a), (b) or (c), and
 - (c) the time within which the licensee has undertaken to rectify any such non-compliance, and
 - (d) the measures that the licensee proposes to take to rectify any such non-compliance.

29 Periodical audits of safety and operating plans

- (1) A licensee must lodge with the Director-General in respect of its safety and operating plan a report on the plan from a nominated auditor that complies with subclause (2):
 - (a) within the period of 28 days after each anniversary of the grant of the licence, or
 - (b) within such other periods of a lesser frequency as the Director-General approves in writing in relation to the particular licensee.Maximum penalty: 10 penalty units.
- (2) The report must include a certificate by the nominated auditor that:
 - (a) the measures implemented to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are being maintained, and
 - (b) there are properly trained and equipped personnel available to maintain the plan, and

Pipelines Regulation 2005

Clause 30

Design, construction, operation and maintenance of pipelines

Part 4

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- (c) the plan is adequate and appropriate having regard to any changes, since the previous audit certificate was issued, to:
 - (i) the pipeline (including its apparatus or works), or
 - (ii) the pipeline's method of operation, or
 - (iii) the pipeline's operating, control or monitoring systems, that impact on the integrity or reliability of the pipeline, and
 - (d) any measures to rectify non-compliance with the plan detected in any previous audit have been undertaken and are effective.
- (3) The Director-General may, before the expiration of a period within which a certificate must be lodged by a licensee under subclause (1), extend that period by notice in writing if the licensee provides the Director-General with a report from a nominated auditor indicating:
- (a) an audit has been carried out, and
 - (b) any failure to comply with the safety and operating plan, and
 - (c) the time within which the licensee has undertaken to rectify any such non-compliance, and
 - (d) the measures that the licensee proposes to take to rectify any such non-compliance.
- (4) The Director-General may revoke an approval referred to in subclause (1) in relation to a licensee by notice in writing served on the licensee.
- (5) Any such revocation takes effect on the day on which the notice is served or on a later day specified in the notice.

30 Director-General may direct amendment of safety and operating plans

- (1) If the Director-General is of the opinion:
- (a) that a licensee's safety and operating plan will not produce a safe outcome, or
 - (b) that its implementation has given rise to, or may give rise to, an unsafe situation,
- the Director-General may, by order in writing, direct the licensee to amend the plan in such manner, and within such period of time, as is specified in the order.
- (2) A licensee must comply with any direction under this clause and must furnish a copy of the amended safety and operating plan to the Director-General within 7 days after complying with the direction.
- Maximum penalty (subclause (2)): 10 penalty units.

Clause 31	Pipelines Regulation 2005
Part 4	Design, construction, operation and maintenance of pipelines

31 Availability of safety and operating plans

A licensee:

- (a) must cause a complete and up-to-date copy of its safety and operating plan (including any amendments required to be made to the plan under clause 30) to be kept at its principal office, and
- (b) must cause complete and up-to-date copies of the plan (including those amendments) to be made available to persons involved in the implementation of the plan and to the Director-General.

Maximum penalty: 10 penalty units.

32 Director-General may direct compliance with safety and operating plans

- (1) If the Director-General is of the opinion that a licensee is not:
 - (a) complying with the requirements of its safety and operating plan or any codes, standards or specifications set out or referred to in that plan, or
 - (b) following any procedures set out or referred to in that plan, the Director-General may, by order in writing, direct the licensee to take such action, within such time, as is specified in the order to comply with those requirements, codes, standards or specifications or follow those procedures.
- (2) A licensee must comply with any direction under this clause.
Maximum penalty (subclause (2)): 10 penalty units.

Division 4 General

33 Person-in-charge

- (1) Before commencing the construction, maintenance or operation of a pipeline under a licence, the licensee:
 - (a) must appoint a person as person-in-charge who is authorised by the licensee to oversee the construction, maintenance and operation of the pipeline on behalf of the licensee, and
 - (b) must advise the Director-General in writing of the appointment (including the name and address of the appointee and the appointee's acknowledgment of the appointment).Maximum penalty: 10 penalty units.
- (2) Within 7 days after a person ceases to be appointed as a person-in-charge, the licensee:
 - (a) must appoint another person in that person's place, and

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Clause 34

Design, construction, operation and maintenance of pipelines

Part 4

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- (b) must advise the Director-General in writing of the appointment (including the name and address of the appointee and the appointee's acknowledgment of the appointment).

Maximum penalty: 5 penalty units.

34 Disturbance of lands

- (1) A licensee must carry out all activities authorised by the licence in such a manner as not to interfere with the existing use of land to a greater extent than may be necessary.

Maximum penalty: 10 penalty units.

- (2) At the conclusion of the construction of a pipeline and any other associated activities authorised by a licence, the licensee must ensure that the surface of the land is restored as nearly as practicable to the condition in which it was immediately before the commencement of the construction or activities.

Maximum penalty: 10 penalty units.

35 Public thoroughfare

A licensee must preserve a free, uninterrupted and safe passage to, along and over a public road during construction, maintenance or operation of a pipeline on, under, over or through the road, except as otherwise approved by the public or local authority responsible for the road.

Maximum penalty: 10 penalty units.

36 Damage by other persons

A person must not, without the prior approval of the licensee, damage or occupy any land used for the construction or operation of a pipeline if the damage or occupation would result in interference to the construction or operation of the pipeline or the licensee's lawful access to the pipeline or the site of the proposed pipeline.

Maximum penalty: 10 penalty units.

Clause 37 Pipelines Regulation 2005

Part 5 Reporting and inspection

Part 5 Reporting and inspection

Division 1 Reporting of accidents and emergencies

37 Escape or ignition of substances

- (1) Immediately after becoming aware of the uncontrolled escape of any substance from a pipeline, or the ignition of any substance being conveyed in a pipeline, the licensee must cause the Director-General to be notified of the escape or ignition by facsimile transmission or by telephone.

Maximum penalty: 10 penalty units.

- (2) Within 7 days after completing any repairs to the pipeline made necessary by the escape or ignition, the licensee must cause a written report to be sent to the Director-General giving full information as to:

- (a) the time and place of the escape or ignition, and
- (b) the approximate quantity of the substance that has escaped, and
- (c) the damage, if any, that has resulted from the escape or ignition, and
- (d) the conditions that caused or contributed to the escape or ignition, as they become known, and
- (e) the nature and description of the repairs that have been carried out and the method that has been adopted to carry out the repairs.

Maximum penalty: 10 penalty units.

- (3) The obligations imposed on a licensee by this clause extend to a person appointed by the licensee as a person-in-charge under this Regulation, but if either the licensee or the person-in-charge complies with the requirements of this clause, the other is excused from such compliance.

38 Reports of accidents

- (1) If a person is killed or injured by reason of an accident involving the construction, maintenance or operation of a pipeline, the licensee must cause written notice of that fact to be sent to the Director-General:

- (a) within 24 hours, in the case of death or serious injury, or
- (b) within 21 days, in any other case.

Maximum penalty: 10 penalty units.

- (2) The notice must specify the nature of the accident and the number of persons killed or injured and, in the case of injured persons, a description of the injuries.

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Clause 39

Reporting and inspection

Part 5

- (3) The obligations imposed on a licensee by this clause extend to a person appointed by the licensee as a person-in-charge under this Regulation, but if either the licensee or the person-in-charge complies with the requirements of this clause, the other is excused from such compliance.
- (4) In this clause, *serious injury* means any injury requiring treatment at a hospital.

39 Report of emergencies and unplanned disruptions

A licensee must cause the Director-General to be notified immediately, by facsimile transmission or by telephone, of any event relating to the activities carried out under the licence that:

- (a) requires the carrying out of emergency procedures under the licensee's safety and operating plan, or
- (b) is unplanned and causes a disruption to the operation of a pipeline, or to the conveyance of a product through a pipeline, under the licence.

Maximum penalty: 10 penalty units.

Division 2 Reporting of operations

40 Routine reports

A licensee must forward the following information, in writing, to the Director-General within 28 days after obtaining the information:

- (a) any review of the suitability of pressure-control and over-pressure protection systems carried out in accordance with AS 2885.3—2001,
- (b) any investigation of the condition of a pipeline and any limits for its continued safe operation beyond its design life carried out in accordance with AS 2885.3—2001,
- (c) the results of any testing of the integrity of the pipeline carried out as the result of a particular occurrence,
- (d) any periodic audit and assessment of a pipeline carried out in accordance with AS 2885.3—2001,
- (e) the results of any planned emergency simulations.

Maximum penalty: 10 penalty units.

41 Annual report

Within 28 days after each anniversary of the grant of a licence, the licensee must provide a written report to the Director-General that includes the following matters:

Clause 41 Pipelines Regulation 2005

Part 5 Reporting and inspection

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- (a) any changes in the ownership of the land to which the licence relates and a summary of any contact made with any new landowners undertaken in accordance with AS 2885.3—2001,
 - (b) any damage caused to the landowners of the land to which the licence relates that required the licensee to make repairs or to pay the costs of repairs,
 - (c) a summary of any pipeline surveillance carried out in accordance with AS 2885.3—2001, and the results of the surveillance, including information on the following:
 - (i) the use by the licensee, and the effectiveness, of the system known as the *one-call system*, that is, a system to enable persons to locate buried assets before excavating land,
 - (ii) any activity that affects or could affect the pipeline that was carried out by a person other than the licensee,
 - (iii) any inspection of any tunnels, shafts or valve pits for structural integrity, leaks and operational condition,
 - (iv) access to, or security of, the pipeline and pipeline facilities, including locks, gates, fences and vegetation,
 - (v) the condition and maintenance of warning signs and notices,
 - (vi) the placement of fill on or near the pipeline,
 - (vii) the placement of fencing or lighting, or power or telegraph poles, on or along the pipeline route,
 - (d) details of the monitoring of the pipeline integrity, and any inspections and assessments, carried out in accordance with AS 2885.3—2001, including:
 - (i) any pipeline or coating repairs carried out as a result of any such monitoring, inspection or assessment, and
 - (ii) the condition of any coating of above-ground pipework, and
 - (iii) an assessment of the performance of any cathodic protection systems for below-ground pipework,
 - (e) details of any unplanned or abnormal incidents in the operation of the pipeline that could have an effect on the long-term safety of the pipeline, including over-pressurisation, excessive temperature change, operational disruptions and equipment failures,
 - (f) a summary of any measures taken to ensure community awareness of the pipeline and any safety issues relating to the licensee's activities under the licence.

Maximum penalty: 10 penalty units.

Pipelines Regulation 2005

Clause 42

Reporting and inspection

Part 5

42 Five-yearly reports

Every 5 years, within 28 days after the anniversary of the grant of a licence, the licensee must provide a report in writing to the Director-General that includes the following:

- (a) any review, investigation or test relating to the maximum allowable operating pressure of the pipeline and carried out in accordance with AS 2885.3—2001,
- (b) any review of the classification of the locations along the pipeline carried out in accordance with that standard.

Maximum penalty: 10 penalty units.

Clause 43 Pipelines Regulation 2005

Part 6 Compensation

Part 6 Compensation

43 Compensation (section 22A)

- (1) In this clause:
the Acquisition Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.
the Pipelines Act means the *Pipelines Act 1967*.
- (2) For the purposes of section 22A (2) of the Pipelines Act:
 - (a) a reference in the Acquisition Act to an acquisition notice is to be read as a reference to a notification under section 21 (1) of the Pipelines Act, and
 - (b) a reference in the Acquisition Act to the acquisition of land is to be read as a reference to the vesting of lands or easements under section 21 (2) of the Pipelines Act, and
 - (c) a reference in the Acquisition Act to the date of acquisition of land is to be read as a reference to the date of publication of the relevant notification by which lands or easements have become vested in a licensee under section 21 (2) of the Pipelines Act, and
 - (d) a reference in the Acquisition Act to a public purpose is to be read as a reference to any purpose for which lands or easements may be vested in a licensee under section 21 (2) of the Pipelines Act.
- (3) In the application of Divisions 3, 4 and 5 of Part 3 of the Acquisition Act for the purposes of section 22A of the Pipelines Act:
 - (a) a reference in the Acquisition Act to an authority of the State is to be read as a reference to a licensee under the Pipelines Act except in sections 42 (4), 56 (2) and 60 (6) (b), and
 - (b) a reference in sections 42 (4), 56 (2) and 60 (6) (b) of the Acquisition Act to the Minister responsible for an authority of the State (or the Minister responsible for the authority of the State) is to be read as a reference to the Minister administering the Pipelines Act, and
 - (c) a reference in section 60 (2) (b) of the Acquisition Act to the Minister is to be read as a reference to the Minister administering the Pipelines Act, and
 - (d) a reference in section 51 (5) of the Acquisition Act:
 - (i) to payment to the Treasurer for payment into the Consolidated Fund is to be read as a reference to payment to the licensee, and

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Clause 43

Compensation

Part 6

- (ii) to any payment of the compensation concerned required to be made being made from the Consolidated Fund is to be read as a reference to any payment of the compensation concerned required to be made being made by the licensee.

Clause 44 Pipelines Regulation 2005

Part 7 Miscellaneous

Part 7 Miscellaneous

44 Delegation of Minister's functions (section 4A)

For the purposes of section 4A of the Act, the functions of the Minister under the following provisions of the Act are prescribed:

- (a) section 5,
- (b) section 5B,
- (c) sections 5F and 5G,
- (d) section 7,
- (e) section 25,
- (f) sections 28 and 29,
- (g) sections 42, 43, 45, 48–50 and 51.

45 Application for directions as to conveyance of substances (section 23)

For the purposes of section 23 (2) of the Act:

- (a) the prescribed form of application for a direction as to the conveyance of substances is Form 16, and
- (b) the prescribed manner of making such an application is by lodging it with the Director-General.

46 Marking of route of pipeline (section 27)

- (1) For the purposes of section 27 of the Act, the prescribed manner in which the route of a pipeline must be marked is as set out in this clause.
- (2) The licensee must erect at the following points signs indicating the route of the pipeline in respect of which the licence is held:
 - (a) at each point where the pipeline crosses the boundary of a property, highway, road, railway, river or stream,
 - (b) at each abrupt change of direction of the pipeline,
 - (c) at each point where the pipeline crosses a significant service, such as:
 - (i) a telecommunications or electric power cable, or
 - (ii) a major pipeline or drain (including a major water pipeline, sewer or buried stormwater drain),
 - (d) if the pipeline:
 - (i) runs alongside a highway, road or railway, or

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Clause 47

Miscellaneous

Part 7

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- (ii) is on land other than land classified as Class R1 or equivalent in AS 2885.3—2001, at such intervals as will enable each sign to be visible from the sites of the next adjacent signs but not, in any case, at intervals exceeding 500 metres,
 - (e) if the pipeline is on land classified as Class R1 or equivalent in AS 2885.3—2001, at such intervals as will enable each sign to be visible from the sites of the next adjacent signs but not, in any case, at intervals exceeding 1 kilometre.
- (3) The sign:
- (a) must indicate the location of the pipeline, its description, the name of the pipeline operator and an appropriate telephone number for the purpose of contact in an emergency, and
 - (b) must contain a statement directing excavators to contact the pipeline operator before digging near the pipeline, and
 - (c) must be double-sided, and
 - (d) must comply with the requirements of AS 2885.1—1997.
- (4) The licensee must maintain each sign so that, at all times, it is legible and is visible from the next adjacent signs.

47 Damage and removal of signs

- (1) A person must not damage or remove a sign erected in accordance with section 27 of the Act.
Maximum penalty: 10 penalty units.
- (2) If a pipeline in respect of which signs have been erected in accordance with section 27 of the Act is removed, the licensee must also remove the signs.
Maximum penalty: 10 penalty units.

48 Licence fees: maximum annual fee per kilometre of pipeline (section 37)

For the purposes of section 37 (1) of the Act, \$500 is prescribed as the maximum annual fee per kilometre, or portion of a kilometre, of pipeline that may be determined by the Minister.

49 Application of Local Government Act 1993 to apparatus and works (section 40)

The following apparatus and works are prescribed for the purposes of section 40 (1A) of the Act:

- (a) despatching and receiving terminals and stations,
- (b) on-line compressor and pumping stations,

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Part 7 Miscellaneous

- (c) meter and control stations,
- (d) scraper stations,
- (e) storage tanks,
- (f) maintenance depots.

50 Applications for transfer of permit or licence (section 42)

- (1) For the purposes of section 42 (3) of the Act, the prescribed form for an instrument of transfer of a permit or licence is Form 17.
- (2) For the purposes of section 42 (8) of the Act, the prescribed fee for registration of the transfer of a permit or licence is the fee specified with respect to registration in Schedule 1.

51 Application for registration of interest that has devolved by law (section 43)

For the purposes of section 43 (2) of the Act, the prescribed fee for registration of a person as the holder of a permit or licence is the fee specified with respect to registration in Schedule 1.

52 Application for registration of instrument creating, assigning, affecting or dealing with an interest (section 45)

For the purposes of section 45 (7) of the Act, the prescribed fee for registration of the approval of an instrument is the fee specified with respect to registration in Schedule 1.

53 Inspection of register and documents (section 50)

For the purposes of section 50 (1) of the Act, the prescribed fee for inspection of the register and registered instruments is the fee specified with respect to inspection in Schedule 1.

54 Pipeline searches (section 50A)

For the purposes of section 50A (2) (b) of the Act, the prescribed fee for an application for information is the fee specified with respect to such an application in Schedule 1.

55 Evidentiary certificates (section 51)

- (1) For the purposes of section 51 (2) of the Act, the prescribed fee for the supply of copies of or extracts from the register, or of or from any instrument lodged with the Minister, is the fee specified with respect to an application for the supply in Schedule 1.
- (2) For the purposes of section 51 (3) of the Act, the prescribed fee for a certificate under that subsection is the fee specified with respect to such a certificate in Schedule 1.

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Clause 56

Miscellaneous

Part 7

56 Surveying of pipelines

A survey carried out for the purposes of the Act must be carried out in accordance with the *Surveying Regulation 2001*.

57 Savings

Any act, matter or thing that had effect under the *Pipelines Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Pipelines Regulation 2005

Schedule 1 Fees

Schedule 1 Fees

(Clauses 4, 5, 7, 8, 10–13 and 50–55)

	\$
1 Application for authority to enter lands under section 5E of the Act (clause 4)	2,200
2 Application for permit under section 6 of the Act (clause 5):	
(a) if the proposed pipeline is 1 kilometre or less in length	710
(b) if the proposed pipeline is more than 1 kilometre in length	1,400
3 Application under section 7A of the Act to vary application for permit (clause 7)	350
4 Application under section 9A of the Act for variation of permit (clause 8)	350
5 Application for licence under section 13 of the Act (clause 10)	2,640
6 Application under section 13A of the Act to vary application for licence (clause 11)	350
7 Application under section 16 of the Act for renewal of licence (clause 12)	710
8 Application under section 18 of the Act for variation of licence area (clause 13)	50
9 Registration of transfer under section 42 of the Act (clause 51)	710
10 Registration as holder under section 43 of the Act (clause 52)	110
11 Registration of approval to an instrument creating etc a legal or equitable interest affecting an existing or future permit or licence under section 45 of the Act (clause 53)	50
12 Inspection of register and registered instruments under section 50 of the Act (clause 54)	10
13 Application for information under section 50A of the Act concerning any application made or granted for a permit or licence in respect of land specified in the application (clause 55):	
(a) pipeline search (non-expedited)	35
(b) pipeline search (expedited)	53
(c) search (other than a search referred to in paragraph (a) or (b))	18

Pipelines Regulation 2005

Fees

Schedule 1

	\$	
14	Copies of or extracts from the register or of or from an instrument lodged with the Minister, certified by the Minister under section 51 of the Act (clause 56 (1))	\$41 and, in addition, \$34 for each diagram and, if the copy or extract exceeds 3 folios, an additional \$4 for each folio in excess of 3
15	Certificate by the Minister as to an entry, matter or thing under section 51 of the Act (clause 56 (2))	14

Pipelines Regulation 2005

Schedule 2 Requirements for instruments to accompany plans

Schedule 2 Requirements for instruments to accompany plans

(Clause 15)

- 1 Each sheet must bear an appropriate heading establishing identity with the pipeline plan.
- 2 Each sheet must bear a statement clearly indicating its individual sheet number together with the total of the number of sheets in the instrument.
- 3 The instrument must be flat and free from blemishes or creases caused by folding or otherwise.
- 4 Each sheet must be signed by the applicant or by some other person duly authorised by the applicant.
- 5 Part 1 of the instrument must state the full and correct name and address of the applicant.
- 6 The schedule to Part 2 of the instrument:
 - (a) must state the details of the lands or easements to be acquired for the purposes of the pipeline in a numbered order following the continuity of the pipeline, and
 - (b) must relate each to the plan sheet on which it is illustrated.
- 7 Part 3 of the instrument:
 - (a) must group each category of easements that are in the same terms, and
 - (b) must relate each group to the easement numbers allotted in the schedule to Part 2 of the instrument, and
 - (c) must refer to the easements in the same way as in the panel of the plan sheet.
- 8 Part 4 of the instrument must set out (in the same order as in Part 3 of the instrument) the text of each easement referred to in Part 3, but it is unnecessary to set out the text of an easement in Part 4 if the easement:
 - (a) is identified by reference to the registration number of an instrument, registered in the office of Land and Property Information, by which the easement was created (or by reference to an instrument that, on registration in that office, will create the easement), or

Pipelines Regulation 2005

Requirements for instruments to accompany plans

Schedule 2

-
- (b) is expressed in Part 3 as an *easement for pipeline* or *easement for access* (and, if that expression has been altered by the addition of a proviso, the proviso is recited in Part 4).
- 9** The schedule to Part 5 of the instrument:
- (a) must state the details of the lands to be excluded or easements to be extinguished in a numbered order following the continuity of the pipeline, and
 - (b) must relate each to the plan sheet on which it is illustrated.
- 10** The details of the lands or easements must include:
- (a) a heading or headings within each schedule sheet, showing the relevant county and parish and locality of the lands and the easements over lands listed in that sheet, and
 - (b) the reference to title and description of all lands affected in fee or by easement, and
 - (c) the full and correct name of the owner of the lands, and
 - (d) details of any instruments registered in the office of Land and Property Information that vest any of the lands or easements over lands in the applicant, and
 - (e) details of any instruments intended to be lodged for registration in the office of Land and Property Information that vest or are intended to vest any of the lands or easements over lands.
- 11** For the purposes of this Regulation:
- (a) in any instrument purporting to create an easement for a pipeline, the expression *easement for pipeline* has the same effect as if there had been used instead the words contained in Form 18, and
 - (b) in any instrument purporting to create an easement for access to a pipeline, or for access to apparatus or works, the expression *easement for access* has the same effect as if there had been used instead the words contained in Form 19.
- 12** The meanings of the expressions *easement for pipeline* and *easement for access* may be altered by the addition of provisos.

Pipelines Regulation 2005

Schedule 3 Forms

Schedule 3 Forms

(Clause 3 (2))

Form 1 Application for authority

(Clause 4)

(Pipelines Act 1967, section 5E)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for an authority to survey for the purpose of investigating possible routes for a pipeline.

- 1** The following particulars are supplied:
 - (a) Business address
 - (b) Place of registered office in New South Wales
 - (c) Date of incorporation
 - (d) The purpose of the pipeline, with approximate throughput
 - (e) Expected date of commencement of surveys
 - (f) Expected date of completion of surveys
- 2** Accompanying this application are:
 - (a) maps showing the location of the lands in respect of which this application is made, indicating the starting and finishing points of the proposed pipeline, and
 - (b) a schedule showing particulars of:
 - (i) the technical qualifications of the applicant and the applicant's employees, and
 - (ii) the technical advice available to the applicant, and
 - (iii) the financial resources available to the applicant, and
 - (iv) the names of 2 representatives of the applicant with whom the Department of Energy, Utilities and Sustainability may liaise for the purpose of processing this application, and
 - (c) the prescribed fee.
- 3** The application and all accompanying documents are submitted in triplicate.

[*Signature of applicant*]

[*Date*]

Pipelines Regulation 2005

Forms

Schedule 3

Form 2 Application for permit

(Clause 5)

(Pipelines Act 1967, section 6)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for a permit to enter lands for the purpose of determining the route of a proposed pipeline, the situation of any proposed apparatus or works and the lands (if any) to be used for the purpose of gaining access to the proposed pipeline and any proposed apparatus or works referred to in this application and the accompanying proposal, plan and other documents.

- 1 The following particulars are supplied:
 - (a) Business address
 - (b) Place of registered office in New South Wales
 - (c) Date of incorporation
 - (d) Substance intended to be conveyed by pipeline
 - (e) Expected date of commencement of surveys
 - (f) Expected date of completion of surveys
- 2 Attached are:
 - (a) the proposal for construction of the pipeline, and
 - (b) a plan showing approximate route of pipeline and approximate situation of apparatus and works, and
 - (c) a schedule specifying the lands in respect of which the permit is applied for, and
 - (d) a schedule showing particulars of:
 - (i) the technical qualifications of the applicant and the applicant's employees, and
 - (ii) the technical advice available to the applicant, and
 - (iii) the financial resources available to the applicant, and
 - (e) a copy of each notification published under section 6 (5) of the Act, and
 - (f) evidence of arrangement made for continuous supplies of the substance to be conveyed by the pipeline, and
 - (g) the prescribed fee.
- 3 This application and all accompanying documents are submitted in quintuplicate.

[*Signature of applicant*]

[*Date*]

Pipelines Regulation 2005

Schedule 3 Forms

Form 3 Notice of application for permit/variation of application for permit/variation of permit

(Clauses 6, 7 and 8)

(Pipelines Act 1967, sections 7, 7A and 9A)

An application has been made to the Minister for Utilities, Sydney, by [name] of [address] for a permit (OR)

for variation of an application for a permit (OR)

for variation of a permit

to enter lands for the purpose of determining the route of a proposed pipeline for the conveyance of [name of substance conveyed] to be used for the purpose of gaining access to the proposed pipeline and any proposed apparatus or works. A plan is attached showing approximately the route of the pipeline, the situation of any apparatus or works and the route for gaining access so far as they affect

your lands (OR)

lands in your district

If the application is granted the applicant will be entitled to enter lands for the purposes stated above.

Written requests for information may be made to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability. Any written representation with respect to the application may be addressed to the Minister for Utilities.

[Signature of applicant]

[Date]

Form 4 Declaration by applicant for permit/variation of application for permit/variation of permit

(Clauses 6, 7 and 8)

(Pipelines Act 1967)

I, [name] of [address] in the State of New South Wales, declare that:

- 1 [name of applicant] is an applicant for a permit (OR) for variation of an application for a permit (OR) for variation of a permit under the *Pipelines Act 1967*.
- 2 All appropriate searches and inquiries have been diligently made to ascertain all persons entitled to be served with notice under section 7 of the Act.
- 3 The applicant has, in accordance with section 7, caused a notice in or to the effect of Form 3 of the *Pipelines Regulation 2005* to be served:
 - (a) on each council and county council in whose area any part of the pipeline or apparatus and works referred to in the application is to be constructed and any route of gaining access is to be acquired, and

Pipelines Regulation 2005

Forms

Schedule 3

-
- (b) on each owner and each occupier, if any, of lands on which any part of the pipeline or apparatus and works referred to in the application is to be constructed and any route of gaining access is to be acquired.

4 All the notices were served:

- (a) within a period of 90 days after the date of making the application, (OR)
 (b) within the extended time allowed by the Minister, that is, before *[date]*.

5 The last of the notices was served on *[date]*.

6 The above statements are true to the best of my knowledge and belief.

7 I am authorised to make this declaration on behalf of the applicant.

[Signature]

[Date]

Form 5 Application for variation of application for permit

(Clause 7)

(Pipelines Act 1967, section 7A)

[Name of applicant] applies for a variation of the application for a permit dated *[date]* and lodged *[place of lodgment]* to enter lands for the purpose of determining the route of a proposed pipeline for the conveyance of *[name of substance conveyed]* to be used for the purpose of gaining access to the proposed pipeline and any proposed apparatus or works.

1 Attached are:

- (a) reason for variation, and
 (b) maps showing the location of the lands to be:
 (i) included (OR)
 (ii) excluded (OR)
 (iii) included and other lands excluded, and
 (c) maps showing the location on the lands referred to in paragraph (b) of:
 (i) approximate route of the pipeline (OR)
 (ii) the approximate situation of the apparatus or works (OR)
 (iii) the lands desired to be entered to determine the lands to be used for the purpose of gaining access to the pipeline and any apparatus or works, and
 (d) copies of each notification published under section 6 (5) of the Act, and
 (e) the prescribed fee.

Pipelines Regulation 2005

Schedule 3 Forms

-
- 2** The particulars of:
- (a) the technical qualifications of the applicant and the applicant's employees, and
 - (b) the technical advice available to the applicant, and
 - (c) the financial resources available to the applicant,
are:
 - (d) now identical to those that accompanied the application for a permit in respect of which this application to vary is made, (OR)
 - (e) set out in the attached schedule.
- 3** This application and all accompanying documents are submitted in quintuplicate.

[*Signature of applicant*]

[*Address*]

[*Date*]

Form 6 Application for variation of permit

(Clause 8)

(Pipelines Act 1967, section 9A)

To the Minister for Utilities, Sydney.

[*Name of permit holder*] applies for variation of Permit No [*permit number*] so that it applies to additional lands.

Attached are:

- (a) reason for requiring additional lands, and
- (b) map showing the location of the additional lands, and
- (c) maps showing the location on the additional lands of:
 - (i) the approximate route of the pipeline (OR)
 - (ii) the approximate situation of the apparatus or works (OR)
 - (iii) the lands desired to be entered to determine the lands to be used for the purpose of gaining access to the pipeline and any apparatus or works, and
- (d) copy of each notification published under section 6 (5) of the Act, and
- (e) the prescribed fee.

This application and all accompanying documents are submitted in quintuplicate.

[*Signature of permit holder*]

[*Address*]

[*Date*]

Pipelines Regulation 2005

Forms

Schedule 3

Form 7 Application for licence to construct and operate pipeline

(Clause 10)

(Pipelines Act 1967, section 13)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for a licence to construct/alter/reconstruct/operate* the pipeline referred to in this application and the accompanying plans and other documents.

- 1 The following particulars are supplied:
 - (a) Business address
 - (b) Place of registered office in New South Wales
 - (c) Date of incorporation
 - (d) Permit number and date of granting

- 2 Attached are:
 - (a) a schedule giving the particulars required by section 13 (1) (c) of the Act and particulars of any tenures, reserves or dedications under the *Crown Lands Act 1989* or any other Act,
 - (b) a plan drawn in accordance with the *Pipelines Regulation 2005* giving the information prescribed by section 13 (1) (d) of the Act,
 - (c) particulars of agreements entered into, or proposed to be entered into, for the acquisition of, or of easements over, the lands shown in the plan as prescribed by section 13 (1) (e) of the Act,
 - (d) particulars of lands and easements as prescribed by section 13 (1) (f) of the Act,
 - (e) a copy of each notification published in accordance with section 13 (3) of the Act,
 - (f) the instrument prescribed by clause 15 of the *Pipelines Regulation 2005*, and
 - (g) the prescribed fee of \$ [*amount*].

- 3 This application and all accompanying documents are submitted in quintuplicate.

[*Signature of applicant*]

[*Date*]

*Delete whichever does not apply.

Pipelines Regulation 2005

Schedule 3 Forms

Form 8 Notification of intention to apply for licence

(Clause 10)

(Pipelines Act 1967, section 13 (3))

It is notified that [*name of permittee*] of [*address*]

- (a) having been granted by the Minister for Utilities in terms of section 8 of the Act a permit to enter the lands specified in the permit and to carry out on those lands such surveys as the permittee considers necessary for the purpose of determining the route of the pipeline referred to in the permit and the situation of any apparatus or works, and
- (b) having now carried out such surveys,

intends to apply immediately to the Minister for the granting by the Governor in terms of section 15 of the Act of a licence to construct and operate the pipeline referred to in the permit.

Each owner and occupier of land affected by the proposed pipeline has already been notified of the proposal. Inquiries for information may be addressed to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability.

[*Date*]**Form 9 Application for variation of an application for pipeline licence**

(Clause 11)

(Pipelines Act 1967, section 13A)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies to amend application for licence No [*licence number*]**1** Attached are:

- (a) a statement giving particulars of the proposed amendment and reasons for the amendment, and
- (b) a plan showing the location of:
 - (i) the proposed variation of the route of the pipeline, (OR)
 - (ii) the proposed variation of the situation of any apparatus or works, (OR)
 - (iii) the proposed variation of the means of gaining access to the pipeline or any apparatus or works,
 and identifying the additional lands or easements referred to in paragraph (d), and
- (c) particulars of agreements entered into or proposed to be entered into by the applicant for the acquisition of, or of easements over, the additional lands shown in the plan, and
- (d) particulars of the additional lands, or of the easements over the additional lands, agreed to be acquired or proposed to be acquired, and

Pipelines Regulation 2005

Forms

Schedule 3

-
- (e) copies of the notification published in accordance with section 13A (7) of the Act (not required if the application is for a minor variation), and
 - (f) a plan showing the location on the lands within the licence application area of any lands proposed to be excluded, and
 - (g) any other matters for the consideration of the Minister, and
 - (h) the prescribed fee.

2 This application and the accompanying documents are submitted in quintuplicate.

[*Signature of applicant*]

[*Business address of applicant*]

[*Date*]

Form 10 Notification of intention to apply for variation of an application for licence

(Clause 11)

(Pipelines Act 1967, section 13A (7))

It is notified that [*name of applicant*] of [*business address*]

being the applicant in application for licence No [*licence number*]

under the *Pipelines Act 1967* intends to apply to the Minister to amend the application by varying the area in respect of which that application was made so as to include additional lands in the area.

Below is a map showing the lands intended to be included and:

- (a) the proposed variation of the route of the pipeline, (OR)
- (b) the proposed variation of the situation of any apparatus or works, (OR)
- (c) the proposed variation of the means of gaining access to the pipeline or any apparatus or works.

A description of the lands intended to be included is set out in the schedule below.

Written requests for information relating to matters contained in this application may be made to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability.

[*Signature of applicant*]

[*Date*]

Schedule

Pipelines Regulation 2005

Schedule 3 Forms

Form 11 Application for renewal of licence

(Clause 12)

(Pipelines Act 1967, section 16)

To the Minister for Utilities, Sydney.

[*Name of licensee*] applies for a renewal of licence No [*licence number*] for a period of not more than [*period*].The renewal of the licence is required for the purpose of [*purpose*].The prescribed fee of \$ [*amount*] is attached.

This application is submitted in quintuplicate.

[*Signature of licensee*][*Business address of licensee*][*Date*]**Form 12 Application for variation of licence area**

(Clause 13)

(Pipelines Act 1967, section 18)

To Her Excellency the Governor/His Excellency the Governor, Sydney.

[*Name of licensee*] applies for a variation of the licence area held under licence No [*licence number*]**1** Attached are:

- (a) a statement giving particulars of the proposed variation and reasons for the variation, and
- (b) a plan showing the location on the lands included in the licence area of:
 - (i) the proposed variation of the route of the pipeline, (OR)
 - (ii) the proposed variation of the situation of any apparatus or works, (OR)
 - (iii) the proposed variation of the means of gaining access to the pipeline or any apparatus or works,
 and identifying the additional lands or easements over lands referred to in paragraph (d), and
- (c) particulars of agreements entered into or proposed to be entered into by the applicant for the acquisition of, or of easements over, the additional lands shown in the plan, and
- (d) particulars of the additional lands, or of the easements over the additional lands, acquired or agreed to be acquired, or in respect of which no agreement for acquisition by the applicant has been reached, and
- (e) copies of the notification published under section 18 (7) of the Act (not required if the application is for a minor variation), and

Pipelines Regulation 2005

Forms

Schedule 3

-
- (f) a plan showing the location on the lands within the licence area of any lands proposed to be excluded, and
 - (g) any other matters for the consideration of the Minister, and
 - (h) the prescribed fee.

2 This application and the accompanying documents are submitted in quintuplicate.

[*Signature of licensee*]

[*Business address of licensee*]

[*Date*]

Form 13 Notification of intention to apply for variation of licence area

(Clause 13)

(Pipelines Act 1967, section 18 (7))

It is notified that [*name of licensee*] of [*business address*]

being the holder of Licence No [*licence number*] under the *Pipelines Act 1967* intends to apply to the Governor for a variation of the licence area by including additional lands in it.

Below is a map showing the lands intended to be included and:

- (a) the proposed variation of the route of the pipeline, (OR)
- (b) the proposed variation of the situation of any apparatus or works, (OR)
- (c) the proposed variation of the means of gaining access to the pipeline or any apparatus or works.

A description of the lands intended to be included is set out in the schedule below.

Written requests for information may be made to the applicant or to the Director-General of the Department of Energy, Utilities and Sustainability.

[*Date*]

Map

Schedule

Pipelines Regulation 2005

Schedule 3 Forms

Form 14 Statement of intention regarding easements

(Clause 14)

(Pipelines Act 1967)

Pursuant to the *Pipelines Act 1967*, it is intended to acquire:

- 1 Easement
- 2 Easement

Form 15 Instrument to accompany plan

(Clause 15)

(Pipelines Act 1967)

Plan No [number] (This is Sheet [sheet number] of a [number] Sheet Instrument)

Plan of pipeline from [date] to [date] containing [number] plan sheets as certified on [date]

Part 1

Full name and address of applicant for licence or variation of licence in whose favour all lands and easements over lands have been acquired or are intended to be acquired.

Part 2

Details of lands or easements over lands acquired or intended to be acquired. See Schedule to this Part.

Schedule

Land or easement (related to relevant Sheet No of within-mentioned Plan	Reference to title and land description (including County and Parish)	Name of owner	*Details (Registered No or description of any instrument referred to in Schedule 2 (10) (d) or (e) to <i>Pipelines Regulation 2005</i>)
1			
2			
3			
Etc			

Pipelines Regulation 2005

Forms

Schedule 3

Part 3

Identities of easements referred to in
abovementioned plan.

(Grouped by categories as prescribed by
Schedule 2 (7) to the *Pipelines Regulation
2005*.)

1

2

3

Etc

Part 4

Terms of easements referred to in Part 3.

(Set out the text of each easement as
prescribed by Schedule 2 (8) to the *Pipelines
Regulation 2005*.)

1

2

3

Etc

Part 5

Details of lands to be excluded or easements
to be extinguished. (See Schedule to this Part.)

Pipelines Regulation 2005

Schedule 3 Forms

Schedule

Land or Easement (related to relevant Sheet No of within-mentioned Plan)	Reference to Title and Land Description (including County and Parish)	Name of owner of subject lands	*Details (Registered No or Description of any instrument referred to in Schedule 2 (10) (d) or (e) to <i>Pipelines Regulation 2005</i>)
1			
2			
3			
Etc			

[*Signature of applicant*]

* If applicant desires land to be vested in the applicant under section 21 of the *Pipelines Act 1967*, insert "To be acquired under Pipelines Act". If lands or easements are to be acquired by other means, those means must be specified.

Form 16 Application for direction as to the conveyance of substances

(Clause 45)

(Pipelines Act 1967, section 23)

To the Minister for Utilities, Sydney.

[*Name of applicant*] applies for a direction by the Minister in terms of section 23 of the Act.

- 1** The business address of the applicant is [*business address*].
- 2** The matters that the applicant wishes the Minister to consider in relation to this application are set out in the attached statement.

[*Signature of applicant*]

[*Date*]

Pipelines Regulation 2005

Forms

Schedule 3

Form 17 Instrument of transfer of permit or licence

(Clause 50)

(Pipelines Act 1967, section 42)

To the Minister for Utilities, Sydney.

[*Name of transferor*] being the holder of:

- (a) Permit No [*permit number*] issued by the Minister for Utilities on [*date*] in terms of section 8 of the Act, (OR)
- (b) Licence No [*licence number*] granted by the Governor on [*date*] in terms of section 14 of the Act,

in consideration of [*what goes in here?*]

the receipt of which is acknowledged, transfers to [*name of transferee*] of [*address of transferee*] all right, title and interest in [*Permit/Licence*] No [*number*] and the transferee accepts the transfer subject to the *Pipelines Act 1967* and the *Pipelines Regulation 2005* and agrees to be bound by the terms and conditions of [*Permit/Licence*] No [*number*]

Executed on

[*Witness*]

[*Signature of Transferor*]

[*Witness*]

[*Signature of Transferee*]

I approve the above transfer.

[*Date*]

Minister for Utilities

I have on [*date*], at [*time*] am/pm, registered the above transferee as the holder of [*Permit/Licence*] No [*number*]

[*Registrar*]

Pipelines Regulation 2005

Schedule 3 Forms

Form 18 Easement for pipeline

(Schedule 2 (11) (a))

(Pipelines Act 1967)

Full and free right to the person in whose favour the easement is created, its successors and assigns, its and their servants and all persons authorised by it or them to act on its or their behalf at all times and from time to time:

- (a) to lay, construct, repair, maintain, renew, use, operate and remove pipelines, apparatus or works for the conveyance of any substance whether in a gaseous liquid or solid state and for purposes incidental thereto under the *Pipelines Act 1967*, through in and along the land herein indicated as the servient tenement, and
- (b) to cause or permit to flow or be conveyed through and along the said pipelines any such substance, and
- (c) with or without vehicles, plant and equipment to enter and be in the servient tenement for the purpose of exercising any rights granted to it or them hereunder, and
- (d) to perform or carry out any act incidental to any of the aforesaid purposes.

Form 19 Easement for access

(Schedule 2 (11) (b))

(Pipelines Act 1967)

Full and free right for the person in whose favour the easement is created, its successors and assigns, its and their servants and all persons authorised by it or them to act on its or their behalf at all times and from time to time to go, pass and repass with or without vehicles, plant and equipment along over and upon the land herein indicated as the servient tenement for the purpose of access to any lands for constructing, using or operating any pipeline, apparatus or works under the provisions of the *Pipelines Act 1967* including the inspection, maintenance, repair, reconstruction and removal of the same and for any other purpose connected with or incidental to any of the aforesaid purposes.



New South Wales

Summary Offences Regulation 2005

under the

Summary Offences Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Summary Offences Act 1988*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, with no substantial changes, the *Summary Offences Regulation 2000* 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 procedures to be followed after liquor is seized under section 11 of the *Summary Offences Act 1988* (*the Act*), including procedures concerning the custody and disposal of the liquor,
- (b) the penalties for certain offences under the Act when dealt with by way of a penalty notice,
- (c) the form that a notice of intention to hold a public assembly must take,
- (d) the exemption of certain knives from the operation of section 11F of the Act (which creates the offence of selling knives to children),
- (e) the form that a notice required to be displayed at each entry point to a **declared sex club** (within the meaning of the Act) must take,
- (f) the persons who are **search observation staff members** for the purposes of Part 4A (Offences relating to places of detention) of the Act.

This Regulation is made under the *Summary Offences Act 1988*, including section 35 (the general regulation-making power) and the sections referred to in the Regulation.

This Regulation relates to matters of a machinery nature.

Summary Offences Regulation 2005

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Summary Offences Regulation 2005

Clause 1

Preliminary

Part 1

Summary Offences Regulation 2005

under the

Summary Offences Act 1988

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Summary Offences Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Summary Offences 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:
seized liquor means liquor seized by a police officer under section 11 of the Act.
the Act means the *Summary Offences Act 1988*.
- (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 Summary Offences Regulation 2005

Part 2 Seized liquor

Part 2 Seized liquor

Division 1 Procedure following seizure

4 Reasons for seizure

- (1) When seizing liquor under section 11 of the Act, a police officer must give reasons for the seizure.
- (2) For that purpose, the police officer must tell the person from whom the liquor is seized that the police officer suspects that the person:
 - (a) is under the age of 18 years, and
 - (b) is not under the supervision of a responsible adult, and
 - (c) does not have a reasonable excuse for possessing the liquor.

5 Disposal of seized liquor

- (1) Seized liquor may be disposed of when seized if:
 - (a) at the time of seizure it is in a container which is unsealed or from which part of the contents have been removed, or
 - (b) it is, or is likely soon to become, unfit for human consumption.
- (2) Seized liquor must not be disposed of at the time of seizure if the quantity or value of the liquor, or any other circumstance of the case, makes disposal unreasonable or undesirable.
- (3) Disposal must be by a method that ensures that the liquor disposed of does not remain or become available for consumption by any person.

6 Information as to custody of seized liquor

- (1) This clause applies only if seized liquor is not to be disposed of at the time of seizure.
- (2) At the time of seizure, the police officer concerned must inform the person from whom the liquor is seized:
 - (a) that the liquor will be taken to a specified police station and kept there for at least 24 hours, and
 - (b) that a claim for return of the liquor may be made at that police station.
- (3) A receipt specifying details of the seized liquor must be issued to that person:
 - (a) at the time of seizure, by the police officer concerned, or
 - (b) at the time the liquor is taken to a police station, by any police officer there.

Summary Offences Regulation 2005

Clause 7

Seized liquor

Part 2

Division 2 Custody and return of seized liquor

7 Seized liquor to be kept at police station

- (1) Seized liquor that is not disposed of at the time of seizure must be taken to the appropriate police station and kept there for at least 24 hours.
- (2) The appropriate police station is the one to which the person from whom the liquor was seized was informed the liquor would be taken.

8 Claim for seized liquor

- (1) Seized liquor held at a police station may be claimed by, and if claimed must be returned to, the person from whom it was seized if:
 - (a) the person establishes that the person was at least 18 years of age at the time of the seizure, or
 - (b) the person establishes that the person had a reasonable excuse for possessing the liquor, or
 - (c) the police officer to whom the claim is made is satisfied that in all the circumstances of the case return of the liquor is justified.
- (2) Return of seized liquor to a person under the age of 18 years may in any case be refused if the person is not accompanied by a responsible adult.
- (3) Before seized liquor is returned, satisfactory proof of entitlement to the liquor may be required, including production of the receipt issued for the seized liquor.

9 Acknowledgment of return of seized liquor

- (1) A person to whom seized liquor is to be returned may be required to sign an acknowledgment that the liquor has been returned.
- (2) Return of seized liquor may be withheld if the acknowledgment is not signed.

10 Disposal of seized liquor in accordance with Commissioner's instructions

When it is no longer intended to keep seized liquor at a police station, it must be dealt with in accordance with the instructions of the Commissioner of Police concerning liquor forfeited to the Crown.

Clause 11 Summary Offences Regulation 2005

Part 3 Penalty notices

Part 3 Penalty notices

11 Penalty notices: sale of spray cans to persons under 18, custody of knives in public place or school and failure to comply with police directions

For the purposes of section 29A (1) of the Act, the amount prescribed is:

- (a) 3 penalty units in respect of an offence under section 10C of the Act, and
- (b) 5 penalty units in respect of an offence under section 11C of the Act, and
- (c) 2 penalty units in respect of an offence under section 28F of the Act.

12 Penalty notices: hunting on private land without consent of owner or occupier of the land

For the purposes of section 29B (1) of the Act, the amount prescribed in respect of an offence under section 28J of the Act is 5 penalty units.

Summary Offences Regulation 2005

Clause 13

Miscellaneous

Part 4

Part 4 Miscellaneous

13 Notice of intention to hold a public assembly

- (1) Form 1 is the prescribed form of notice to be served on the Commissioner of Police for the purposes of section 23 (1) of the Act.
- (2) The following address is prescribed as the address of the office of the Commissioner of Police for the purposes of section 23 (2) of the Act:
Police Headquarters
1 Charles Street
Parramatta NSW 2150

14 Exempt knives

Section 11F of the Act does not apply to:

- (a) plastic knives that are designed for eating purposes, or
- (b) any blades, other than knife blades or blades forming part of any of the following:
 - (i) machetes,
 - (ii) cleavers,
 - (iii) swords.

15 Declared sex clubs—notice to be displayed

- (1) A notice referred to in section 21E (1) of the Act must contain the following:
SUMMARY OFFENCES ACT 1988



IF YOU ARE UNDER 18 YOU ARE NOT PERMITTED TO ENTER THIS CLUB

- (2) The words contained in the notice must be in capital letters not less than one centimetre in height.

Clause 16 Summary Offences Regulation 2005

Part 4 Miscellaneous

16 Search observation staff members

The following persons are prescribed for the purposes of the definition of *search observation staff member* in section 27A of the Act:

- (a) if available at the place of detention or its immediate vicinity where the relevant search is to be conducted—a welfare officer, psychologist, clerk or alcohol and other drug worker (being a person who is a non-correctional member of staff),
- (b) if a person referred to in paragraph (a) is not so available—any other non-correctional member of staff.

17 Savings provision

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

Summary Offences Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

(Clause 3 (2))

Form 1 Notice of intention to hold a public assembly

(Summary Offences Act 1988, section 23)

(Clause 13)

To: The Commissioner of Police

- 1 I, *[name]* of *[address]* on behalf of *[organisation]* notify the Commissioner of Police that on the *[day]* of *[month and year]*, it is intended to hold:
 - *(a) a public assembly, not being a procession, of approximately *[number]* persons, which will assemble at *[place]* at approximately *[time]*, and disperse at approximately *[time]*, or
 - *(b) a public assembly, being a procession of approximately *[number]* persons, which will assemble at *[place]* at approximately *[time]*, and disperse at approximately *[time]*, and at approximately *[time]* the procession will commence and proceed:

[Specify route of proposed assembly, any stopping places, the approximate length of the stop and the approximate time of termination. A diagram may be attached if desired.]
- 2 The purpose of the proposed assembly is *[state purpose]*:
- 3 The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly:
 - *(a) There will be *[number]* vehicles and/or* floats involved and their type and dimensions are as follows *[state type and dimensions]*:
 - *(b) There will be *[number]* bands, musicians, entertainers etc, entertaining or addressing the assembly.
 - *(c) The following number and type of animals will be involved in the assembly *[state number and type]*:
 - *(d) Other special characteristics of the proposed assembly are as follows *[state characteristics]*:
- 4 I take responsibility for organising and conducting the proposed public assembly.

Summary Offences Regulation 2005

Schedule 1 Forms

5 Notices for the purposes of the *Summary Offences Act 1988* may be served on me at [address].

Telephone:

Signed:

Date:

Capacity/Title:

* Strike out whichever does not apply.

By-laws



New South Wales

Sydney Opera House Trust By-law 2005

under the

Sydney Opera House Trust Act 1961

Her Excellency the Governor, with the advice of the Executive Council, has made the following By-law under the *Sydney Opera House Trust Act 1961*.

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

Explanatory note

The object of this By-law is to repeal and remake, with minor changes, the provisions of the *Sydney Opera House Trust By-law 1998*. The new By-law deals with the following matters:

- (a) the regulation of the driving and parking of vehicles and the use of cycles on the Opera House premises and the admission of persons to, and the behaviour of persons on, those premises (Part 2),
- (b) the powers of authorised officers (Part 3),
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This By-law is made under the *Sydney Opera House Trust Act 1961*, including sections 13 and 28 (the general by-law making power).

This By-law is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

Sydney Opera House Trust By-law 2005

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Sydney Opera House Trust By-law 2005

Clause 1

Preliminary

Part 1

Sydney Opera House Trust By-law 2005

under the

Sydney Opera House Trust Act 1961

Part 1 Preliminary

1 Name of By-law

This By-law is the *Sydney Opera House Trust By-law 2005*.

2 Commencement

This By-law commences on 1 September 2005.

Note. This By-law replaces the *Sydney Opera House Trust By-law 1998* which is repealed on 1 September 2005 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this By-law:

auditorium means any part of the Opera House premises that is used as a chamber music hall, cinema, concert hall, drama theatre or opera theatre, and includes any other part of the Opera House premises (whether indoors or outdoors) while that part is being used for the conduct of a performance or event.

authorised officer means each of the following persons:

- (a) a police officer,
- (b) the Chief Executive Officer,
- (c) any person who is the holder for the time being of a position on the staff of the Trust that is designated by the Chief Executive Officer or the Trust as an authorised officer position (either generally or in relation to a particular provision or provisions of this By-law),
- (d) any person (including a member of staff of the Trust) authorised for the time being by the Chief Executive Officer or the Trust to exercise the functions of an authorised officer (either generally or in relation to a particular provision or provisions of this By-law).

Clause 3	Sydney Opera House Trust By-law 2005
Part 1	Preliminary

Chief Executive Officer means the member of staff of the Trust for the time being holding or acting in the position of Chief Executive Officer of the Opera House.

Opera House premises means the whole of the land comprised in Lot 4, Deposited Plan 787933, and Lot 5, Deposited Plan 775888, and includes any building situated on that land.

parking includes standing and waiting.

public area means any part of the Opera House premises that comprises open space or that is used for the purposes of a foyer, walkway or other facility of a public nature.

restricted area means any part of the Opera House premises that is not a public area or an auditorium, and includes any area from which the public is excluded under clause 6.

the Act means the *Sydney Opera House Trust Act 1961*.

vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

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

Sydney Opera House Trust By-law 2005

Clause 4

Regulation of vehicles, cycles and persons on Opera House premises

Part 2

Part 2 Regulation of vehicles, cycles and persons on Opera House premises

4 Vehicles and cycles

- (1) The Trust may refuse to admit a vehicle or cycle on to the Opera House premises.
- (2) A person must not cause a vehicle or cycle to enter the Opera House premises if admission is refused by the Trust.
Maximum penalty: 10 penalty units.
- (3) The Trust may, by means of notices or barriers, regulate the driving and parking of vehicles and the use of cycles on the Opera House premises.
- (4) A person must not cause a vehicle to be driven or parked, or a cycle to be used, in contravention of any such notice or in disregard of any such barrier.
Maximum penalty: 10 penalty units.
- (5) The Trust:
 - (a) may from time to time fix a scale of charges for the parking of vehicles on the Opera House premises, and
 - (b) may demand and receive any such charges from any person parking a vehicle on the Opera House premises.

5 Request to undergo search as condition of entry

- (1) For the purpose of promoting safety and security on the Opera House premises, a person's entry to any part of those premises (whether or not on payment of an admission fee) is subject to the condition that the person must comply with any of the following requests made of the person:
 - (a) a request by an authorised officer that the person undergo a search conducted by electronic means (such as by passing an electronic detection device over or in close proximity to the person or by the person passing through a detection device),
 - (b) a request by an authorised officer that the person allow a search of articles in the person's possession and identify articles in the person's possession,
 - (c) a request by an authorised officer that the person remove his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat (or other headwear), and allow an examination of those items,

Clause 6	Sydney Opera House Trust By-law 2005
Part 2	Regulation of vehicles, cycles and persons on Opera House premises

- (d) if the person enters in a vehicle—a request by an authorised officer that the person open the vehicle, or part of it, for inspection and allow the vehicle or part to be searched,
 - (e) a request by an authorised officer or by a member of staff of the Trust that the person leave any article in the person's possession in the temporary custody of the Trust while the person is on the Opera House premises (such as by checking the article into a cloakroom provided by the Trust for the purpose).
- (2) A request referred to in subclause (1) is not limited to being made at the time of entry or at a point of entry to the Opera House premises or part of the Opera House premises, and can be made at any time that a person is on those premises.

6 Exclusion of public from certain areas

The Trust may, by means of notices or barriers, exclude the public from any part of the Opera House premises.

7 Admission to auditoriums and restricted areas

- (1) A person must not enter an auditorium that is open for a ticketed performance or event unless the person is the holder of a ticket, or is the subject of a permit, authorising the person to enter the auditorium concerned.
Maximum penalty: 10 penalty units.
- (2) A person must not enter a restricted area unless the person is the subject of a permit authorising the person to enter the restricted area concerned.
Maximum penalty: 10 penalty units.
- (3) The Trust may grant a permit authorising a person or group of persons to enter an auditorium or restricted area.
- (4) A permit is to be in writing and is to specify the auditorium or restricted area to which it relates, when it is to have effect and for what purposes it is granted.
- (5) In this clause:
ticketed performance or event means a performance or event for which a ticket must be held for entry to the auditorium in which the performance or event is being conducted.

8 Prohibited activities in auditorium

- (1) A person must not take food or drink into, or consume food or drink within, an auditorium that is enclosed.
Maximum penalty: 10 penalty units.

Sydney Opera House Trust By-law 2005

Clause 9

Regulation of vehicles, cycles and persons on Opera House premises

Part 2

-
- (2) During a performance in an auditorium, a person:
- (a) must not take photographs or films, or operate an audio or video recorder, in the auditorium, and
 - (b) must not cause annoyance or inconvenience to any other person in the auditorium.

Maximum penalty: 10 penalty units.

- (3) In this clause:
- enclosed* means having a ceiling or roof and, except for doors and passageways, being completely or substantially enclosed, whether permanently or temporarily.

9 Prohibited activities on Opera House premises

- (1) A person must not do any of the following on the Opera House premises:
- (a) sell, hire, expose for sale or hire or solicit for sale or hire any service, article or thing,
 - (b) distribute any article or thing for commercial or promotional purposes,
 - (c) conduct, or cause or assist in the conduct of, an amusement, entertainment, instruction or performance, whether or not for money or other consideration,
 - (d) take photographs or films, or operate a video recorder, for commercial purposes,
 - (e) display or distribute any advertisement, sign, bill, poster or other printed matter,
 - (f) undertake any charitable collection,
 - (g) operate any radio or other electronic device, or play any musical instrument, at a volume likely to cause annoyance or inconvenience to any other person,
 - (h) ride on or use any cycle, skateboard, roller skates or similar apparatus in a manner likely to cause annoyance or inconvenience to any other person,
 - (i) operate or use a loudspeaker or public address system,
 - (j) allow any animal, reptile or bird that is under the person's care or control to be on the premises,
 - (k) deface, damage, obscure or interfere with any sign or notice displayed on the premises,
 - (l) smoke in any auditorium.

Maximum penalty: 10 penalty units.

Clause 10 Sydney Opera House Trust By-law 2005

Part 2 Regulation of vehicles, cycles and persons on Opera House premises

- (2) Subclause (1) (j) does not prohibit a person who has a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) from bringing on to the Opera House premises an assistance animal (that is, an animal referred to in section 9 of that Act).

10 Interference with equipment

A person must not damage, tamper with, or otherwise interfere with the operation of, any equipment, fixture or fitting on the Opera House premises.

Maximum penalty: 50 penalty units.

11 Mooring, fishing and swimming

- (1) A person must not do any of the following:
- (a) moor a vessel to any part of the Opera House premises,
 - (b) fish from any part of the Opera House premises,
 - (c) swim to and enter on any part of the Opera House premises or swim from any part of those premises.
- Maximum penalty: 10 penalty units.
- (2) It is not an offence if a person swims to or from any part of the Opera House premises, or moors a vessel to any part of those premises, in an emergency.

Sydney Opera House Trust By-law 2005

Clause 12

Powers of authorised officers

Part 3

Part 3 Powers of authorised officers

12 Directions to leave

- (1) An authorised officer may require a person who is in any auditorium or restricted area, or who is seeking entry to any auditorium or restricted area, to produce a ticket or permit authorising the person to enter the auditorium or area.
- (2) An authorised officer may direct a person to leave an auditorium or restricted area if the person is not authorised by a ticket or permit to be in the auditorium or area.
- (3) An authorised officer may direct a person to leave the Opera House premises or any part of those premises if the authorised officer believes on reasonable grounds that:
 - (a) the person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence on the Opera House premises, or
 - (b) the person is failing or has failed to comply with a request referred to in clause 5, compliance with which is a condition of the person's entry to the Opera House premises or part of those premises, or
 - (c) the person is causing annoyance or inconvenience or behaving in an offensive manner or in a manner likely to endanger the person or another person, or
 - (d) the person is about to contravene a provision of this By-law or commit any other offence on the Opera House premises.
- (4) A person must not fail to comply with a direction under this clause.
Maximum penalty: 50 penalty units.
- (5) An authorised officer may remove from the Opera House premises any person who fails to comply with a direction under this clause.
- (6) Reasonable force may be used to effect the person's removal.

13 Banning from Opera House premises

- (1) An authorised officer who has directed a person to leave the Opera House premises under clause 12 may ban the person from those premises.
- (2) A ban under this clause takes effect when written notice of the ban is served on the person and remains in force for the period specified in the notice, or if no such period is specified, for a period of 3 months.

Clause 14	Sydney Opera House Trust By-law 2005
Part 3	Powers of authorised officers

- (3) The maximum period that may be specified in a notice under subclause (2) is 3 months unless there is a ban already in force in relation to the person, in which case the maximum period that may be specified is 12 months.
- (4) An authorised officer may remove a ban in relation to a person at any time by written notice served on the person.
- (5) A person must not enter the Opera House premises while a ban is in force in relation to the person.
Maximum penalty: 50 penalty units.

14 Requirement to state name and address

- (1) An authorised officer who suspects on reasonable grounds that a person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence on the Opera House premises may require the person to state his or her full name and residential address.
- (2) A person must not:
 - (a) without reasonable excuse, fail to comply with a requirement under this clause, or
 - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading in a material particular.Maximum penalty: 50 penalty units.
- (3) A person is not guilty of an offence against this clause unless it is established that the authorised officer warned the person that the failure to comply with the requirement is an offence.

15 Taking photographs of certain persons

An authorised officer who suspects on reasonable grounds that a person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence on the Opera House premises may take a photograph or make another form of image of the person.

16 Powers in relation to vehicles

- (1) An authorised officer may direct a person to remove from the Opera House premises any unlawfully parked vehicle that is under that person's control.
- (2) A person must not fail to comply with a direction under this clause.
Maximum penalty: 10 penalty units.

Sydney Opera House Trust By-law 2005

Clause 16

Powers of authorised officers

Part 3

-
- (3) An authorised officer may cause an unlawfully parked vehicle to be removed from the Opera House premises if:
- (a) the person in control of the vehicle has failed to comply with a direction to remove the vehicle, or
 - (b) the vehicle is unattended and the authorised officer, after making reasonable inquiries, has been unable to identify a person as being in control of the vehicle.
- (4) For the purpose of promoting safety and security on the Opera House premises, an authorised officer may cause any vehicle to be removed from those premises at any time.

Clause 17	Sydney Opera House Trust By-law 2005
Part 4	General

Part 4 General

17 Exercise of Trust's functions

A function that is conferred on the Trust by this By-law may be exercised by an authorised officer.

18 Hindrance or obstruction

A person must not hinder or obstruct any person in the exercise of a function under this By-law.

Maximum penalty: 10 penalty units.

19 Certain acts not to be offences

- (1) A person does not commit an offence under this By-law if the act giving rise to the offence was done:
 - (a) as part of a performance put on, or approved, by the Trust, or
 - (b) by a member of staff of the Trust in the course of his or her employment, or
 - (c) under the direction or with the consent of the Trust.
- (2) The consent of the Trust referred to in this clause may be given generally or in a particular case.

20 Allowances for trustees

The allowances to which a trustee is entitled under section 13 of the Act are the allowances for the time being fixed by the Governor.

21 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Sydney Opera House Trust By-law 1998*, had effect under that By-law continues to have effect under this By-law.

Other Legislation



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following matter as a key threatening process under that Act and, accordingly, Schedule 3 to that Act is amended by inserting in alphabetical order:

Invasion of the Yellow Crazy Ant, *Anoplolepis gracilipes* (Fr. Smith) into NSW

Dated, this 29th day of July 2005.

Dr Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.

NSW SCIENTIFIC COMMITTEE

Notice of Preliminary Determinations

The Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedule of the Act.

Key Threatening Process (Schedule 3)

Invasion and establishment of the Cane Toad *Bufo marinus*

Invasion and establishment of exotic vines and scramblers

Any person may make a written submission regarding these Preliminary Determinations. Send submissions to: Scientific Committee, PO Box 1967, Hurstville 2220. Attention Suzanne Chate. Submissions must be received by 14th October, 2005.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.nationalparks.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967 Hurstville 2220. Tel: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr Lesley Hughes, Chairperson

OFFICIAL NOTICES

Appointments

CROWN LANDS ACT 1989

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 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 Schedule.

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

Schedule

COLUMN 1	COLUMN 2	COLUMN 3
Edward George ATCHISON (re-appointment) Kenneth Michael HILL (re-appointment) Jennifer ROBERTS (re-appointment) Ronald Mason HARVEY (re-appointment) Francis Alfred BATES (re-appointment) James Henry BELL (re-appointment) Leigh MAUGHAN (re-appointment) Dianne PASCOE (re-appointment) Laraine Kay CLIFFORD (re-appointment) Gwennette Eulalie JACKSON (re-appointment) The person for the time being holding the office of Regional Co-ordinator, Hunter Region, Premier's Department (ex-officio member) The person for the time being holding the office of Director, Properties, Department of Tourism, Sport and Recreation (ex-officio member) The person for the time being holding the office of Director, Community Development, Newcastle City Council(ex-officio member)	Newcastle International Sports Centre Trust	Reserve No: 84753 Public Purpose: Public Recreation Notified: 14 February 1964 File No: 03/PG/156

Term of Office

For a term commencing the date of this notice and expiring
25 August 2006.

PARRAMATTA STADIUM TRUST ACT 1988

Appointment of Members to the Parramatta Stadium Trust and nomination of Chairperson

Department of Tourism, Sport and Recreation

IT is hereby notified that :

- in pursuance of Part 2, Section 4(3) of the Parramatta Stadium Trust Act 1988, the persons named in the Schedule hereto be appointed to the Parramatta Stadium Trust for a period commencing on 1 July 2005 and terminating on 30 June 2006, and
- in pursuance of clause 8(1) of Schedule 1 to the said Act, Mr Alan Overton AM be appointed as Chairperson of the Parramatta Stadium Trust for the above term

Schedule

Alan Overton AM
John Lee
Craig Gallagher
Denis Fitzgerald AM
Doris Drewery
John Robertson
Pam Smith

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Bathurst Local Environmental Plan 1997 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/01456/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Bathurst Local Environmental Plan 1997 (Amendment No 10)

Bathurst Local Environmental Plan 1997 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bathurst Local Environmental Plan 1997 (Amendment No 10)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 4 (a) (the Industrial Zone) to Zone No 3 (b) (the Service Business Zone) under *Bathurst Local Environmental Plan 1997*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Bathurst Regional, being part Lot 4, DP 854380, Lee Street, Bathurst, as shown coloured dark blue and edged heavy black on the map marked "Bathurst Local Environmental Plan 1997 (Amendment No 10)" held in the office of the Bathurst Regional Council.

4 Amendment of Bathurst Local Environmental Plan 1997

Bathurst Local Environmental Plan 1997 is amended by inserting in appropriate order in the definition of *land use map* in clause 28 (1) the following words:

Bathurst Local Environmental Plan 1997 (Amendment No 10)



New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00118/S69; E.350.10.345)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 31)

Hastings Local Environmental Plan 2001 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 31)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone 2 (a4) Low Density Residential to Zone 2 (a1) Residential under *Hastings Local Environmental Plan 2001 (the 2001 plan)* for residential purposes and
- (b) to allow, with the consent of Hastings Council, the carrying out of development on the land for the purpose of a neighbourhood centre, which is to comprise only one supermarket (the gross floor area of which does not exceed 3,000 square metres) and speciality retail stores (the total gross floor area of which does not exceed 1,500 square metres), and
- (c) to introduce into the 2001 plan a definition of **gross floor area**.

3 Land to which plan applies

- (1) In respect of the aims set out in clause 2 (a) and (b), this plan applies to Lots 1 and 2, DP 831567, 523–525 Oxley Highway, Port Macquarie, as shown edged heavy black, distinctively coloured, lettered “2 (a1)” and with a vertical stipple on the map marked “Hastings Local Environmental Plan 2001 (Amendment No 31)” deposited in the office of Hastings Council.
- (2) In respect of the aim set out in clause 2 (c), this plan applies to all land under the 2001 plan.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended as set out in Schedule 1.

Hastings Local Environmental Plan 2001 (Amendment No 31)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 3 Development of specific sites

Insert at the end of the Schedule under the headings “**Land**”, “**Additional development permitted**” and “**Conditions**”:

<p>Lots 1 and 2, DP 831567, 523–525 Oxley Highway, Port Macquarie</p>	<p>Development for the purpose of a neighbourhood centre (comprising only one supermarket and speciality retail stores)</p>	<p>The gross floor area of the supermarket must not exceed 3,000 square metres. The total gross floor area of the speciality retail stores must not exceed 1,500 square metres. Development consent for the supermarket and speciality retail stores may only be granted within 3 years from the date on which <i>Hastings Local Environmental Plan 2001 (Amendment No 31)</i> was published in the Gazette.</p>
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[2] Schedule 6 Zones and zoning map amendments

Insert in appropriate order in Part 2 of the Schedule:

Hastings Local Environmental Plan 2001 (Amendment No 31)

[3] Dictionary

Insert in alphabetical order:

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding the following:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall,
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,
- (c) car parking needed to meet any requirements of the Council, and any internal access to that car parking,
- (d) space for the loading or unloading of goods.



Liverpool Local Environmental Plan 1997 (Amendment No 94)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P04/00302/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 94)

Liverpool Local Environmental Plan 1997 (Amendment No 94)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 94)*.

2 Aims of plan

This plan aims to allow, with the consent of Liverpool City Council, the carrying out of development on the land to which this plan applies for the purpose of a motor vehicle auction centre and motor showroom.

3 Land to which plan applies

This plan applies to parts of Lots 1 and 2, DP 1059138, Lot 1, DP 632606, Lot 1, DP 169229, Lot 4, DP 2411 and Lot 590, DP 822381, Greenhills Avenue, Moorebank and Lots 34 and 35, DP 1040657, Moorebank Avenue, Moorebank, as shown edged heavy black on the map marked "Liverpool Local Environmental Plan 1997 (Amendment No 94)" deposited in the office of Liverpool City Council.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 94)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 4 Additional uses

Insert after item 27 in the Schedule under the headings “**Item No**”, “**Address**”, “**Property Description**” and “**Use**”, respectively:

28	25–29 Greenhills Avenue, Moorebank	Parts of Lots 1 and 2, DP 1059138, Lot 1, DP 632606, Lot 1, DP 169229, Lot 4, DP 2411, Lot 590, DP 822381 and Lots 34 and 35, DP 1040657, as shown edged heavy black on the map marked “Liverpool Local Environmental Plan 1997 (Amendment No 94) “	Motor vehicle auction centre and motor showroom
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New South Wales

Randwick Local Environmental Plan 1998 (Amendment No 22)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00476/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 22)

Randwick Local Environmental Plan 1998 (Amendment No 22)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 22)*.

2 Aims of plan

The aims of this plan are:

- (a) to encourage the retention and development of affordable housing in the City of Randwick in a variety of types and tenures, and
- (b) to ensure affordable housing is provided and managed so that a socially diverse population, representative of all income groups, is maintained, and
- (c) to encourage the consideration of the housing requirements of different groups, including people willing to share accommodation, and
- (d) to facilitate the ability of very low, low and moderate income households to continue to live in the City of Randwick, and
- (e) to ensure affordable housing consists of dwellings constructed to a standard which, in the opinion of Randwick City Council, is consistent with other dwellings in the locality.

3 Land to which plan applies

This plan applies to all land situated in the City of Randwick.

4 Amendment of Randwick Local Environmental Plan 1998

Randwick Local Environmental Plan 1998 is amended as set out in Schedule 1.

Randwick Local Environmental Plan 1998 (Amendment No 22)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Aims

Insert at the end of clause 2 (k):

, and

- (l) to encourage the provision of housing mix and tenure choice, including affordable housing, in the City, and
- (m) to encourage the retention of affordable housing in the City in a variety of types and tenures.

[2] Clause 10 Zone No 2A (Residential A Zone)

Insert at the end of clause 10 (1) (d):

, and

- (e) to enable a mix of housing types to encourage housing affordability.

[3] Clause 11 Zone No 2B (Residential B Zone)

Insert at the end of clause 11 (1) (d):

, and

- (e) to enable a mix of housing types to encourage housing affordability.

[4] Clause 12 Zone No 2C (Residential C Zone)

Insert at the end of clause 12 (1) (d):

, and

- (e) to enable a mix of housing types to encourage housing affordability.

[5] Clause 12A Zone No 2D (Residential D—Comprehensive Development Zone)

Insert at the end of clause 12A (1) (f):

, and

- (g) to enable a mix of housing types to encourage housing affordability.

Randwick Local Environmental Plan 1998 (Amendment No 22)

Schedule 1 Amendments

[6] Clause 13 Zone No 3A (General Business Zone)

Insert at the end of clause 13 (1) (c):

, and

- (d) to enable a mix of housing types to encourage housing affordability.

[7] Clause 14 Zone No 3B (Local Business Zone)

Insert at the end of clause 14 (1) (d):

, and

- (e) to enable a mix of housing types to encourage housing affordability.

[8] Clause 34 Boarding houses

Omit clause 34 (2). Insert instead:

- (2) The consent of the Council is required in respect of a building or place to which this clause applies:
 - (a) to a different use of the building or place resulting from a change of the use of the building or place to another use not being a boarding house, or
 - (b) to demolish the building or place, or
 - (c) to make any alterations or additions to the building or place.

[9] Clause 34 (3) (e), (f) and (g)

Omit clause 34 (3) (e). Insert instead:

- (e) whether arrangements have been made or will be made to assist residents who may be displaced by the development, and
- (f) the availability of other buildings suitable for use as affordable housing, having regard to their location, type, size, rent levels and available services, and
- (g) any adverse social and economic effects caused by the development on affordable housing stocks and on households in the local community on very low, low or moderate incomes who are spending 30% or greater of gross incomes on rent or home purchase expenses.

Randwick Local Environmental Plan 1998 (Amendment No 22)

Amendments

Schedule 1

[10] Clause 40A Master plans

Insert after clause 40A (5) (t):

- (u) provision of housing mix and tenure choice, including affordable housing.

[11] Clause 40A (14)

Insert after clause 40A (13):

- (14) Subclause (5) (u) does not apply:
 - (a) to a draft master plan lodged with the Council before the day on which *Randwick Local Environmental Plan 1998 (Amendment No 22)* commenced, or
 - (b) to a master plan adopted by the Council pursuant to subclause (7) before the day on which *Randwick Local Environmental Plan 1998 (Amendment No 22)* commenced.

REVIEW OF WATER LICENCE MACQUARIE GENERATION

PUBLIC submissions are invited as part of a mandatory review of the activities of Macquarie Generation in regard to its water licences. The licensing is designed to regulate Macquarie Generation's access to water from the Hunter Regulated River water source, unregulated flows into Liddell and Plashett dams, and the Barnard River.

The review will assess the licence conditions in relation to current legislative requirements and scientific knowledge. This review will also investigate the performance of Macquarie Generation in meeting licence conditions.

An information package is available by contacting Sharon Rixon at the Department of Infrastructure, Planning and Natural Resources by telephoning 02 4929 9870.

The closing date for submissions is Friday 16 September 2005. Submissions are to be sent to:

Manager Access and Compliance
Department of Infrastructure, Planning and
Natural Resources
PO Box 2213
DANGAR NSW 2309.
GA2: 465019

Natural Resources

WATER ACT 1912

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

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

Murrumbidgee Valley

KYDRA RIVER PTY LTD for a dam on an unnamed watercourse, Lot 1, DP 856944, Parish of Winifred, County of Beresford, for conservation of water for recreational fishing (dam exceeds harvestable rights – allocation obtained by permanent transfer – new licence) (Reference: 4SL71043).

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

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

S. F. WEBB ,
Resource Access Manager,
Murrumbidgee Region

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

WATER ACT 1912

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

Richard Gregory SMITH and Jennifer Jill SMITH for an existing 36.0 megalitre byawsh dam and pump on an unnamed watercourse on Lot 3//1046980, Parish of Mulgoa, County of Cumberland, for the conservation of water and water supply for stock and domestic purposes and the irrigation of 18.0 hectares (part replacement licence – part replaces 10SL023792) (no increase in annual water entitlement – no increase in authorised area) (not subject to the 1995 Hawkesbury/Nepean Embargo) (annual entitlement of 5.5 megalitres (stock), 1 megalitre (domestic) and 68.5 megalitres for irrigation) (Reference: 10SL056667) (GA2:493321).

John KAY and Marion Florence KAY for an existing 79.0 megalitre byawsh dam and pump on an unnamed watercourse on Lot 10//1046980, Parish of Mulgoa, County of Cumberland, for the conservation of water and water supply for stock and domestic purposes and the irrigation of 23.0 hectares (part replacement licence – part Replaces 10SL023792) (no increase in annual water entitlement – no increase in authorised area) (not subject to the 1995 Hawkesbury/Nepean Embargo) (annual entitlement of 1.0 megalitre (stock), 1 megalitre (domestic) and 8.0 megalitres for irrigation) (Reference: 10SL056668) (GA2:493321).

Any inquiries regarding the above should be directed to the undersigned (telephone: [02] 9895 7194).

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

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

Department of Infrastructure, Planning and
Natural Resources,
PO Box 3720, Parramatta NSW 2124.

WATER ACT 1912

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

An application for a licence within a proclaimed local area as generally described hereunder has been received as follows:

Gwydir River Valley

Trevor ROHRLACH and June ROHRLACH for a 38mm pump on Fergusons Creek on Lot 14, DP 753637, Parish of Aston, County of Hardinge, for irrigation of 4 hectares (partial transfer of an existing entitlement from Sandy Creek within the same property) (LO Papers: 90SL100824) (GA2:472226).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth, within 28 days as specified in the Act.

GEOFF CAMERON,
Manager,
Resource Access

Department of Infrastructure, Planning and
Natural Resources,
PO Box 550, Tamworth NSW 2340.

Department of Lands

DUBBO OFFICE

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

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

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provision of the Roads Act 1993, the roads hereunder specified are 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

Description

Land District – Dubbo; L.G.A. – Gilgandra Shire Council.

Lot 1, DP 1083900 in the Parish of Birida and Bundobering, County of Ewenmar.

File No.: DB04 H 311.

Note: On closing, title for the land in Lot 1 remains vested in the Gilgandra Shire Council as operational land.

Description

*Land District – Mudgee;
L.G.A. – Mid-Western Regional Council.*

Lot 1, DP 1068607 in the Parish of Mudgee, County of Wellington.

File No.: DB99 H 4.

Note: On closing, title for the land in Lot 1 remains vested in Mid-Western Regional Council as operational land.

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

Walgett Shire Council
Chambers Reserve Trust 1.

COLUMN 2

Reserve No.: 85180.
Public Purpose: Municipal
purposes.
Notified: 15 January 1965.
File No.: DB81 R 166.

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
Walgett Shire
Council.

COLUMN 2
Walgett Shire
Council Chambers
Reserve Trust 1.

COLUMN 3
Reserve No.: 85180.
Public Purpose: Municipal
purposes.
Notified: 15 January 1965.
File No.: DB81 R 166.

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

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

*Parish – Tarlo and Turrallo; County – Argyle;
Land District – Goulburn; Shire – Upper Lachlan.*

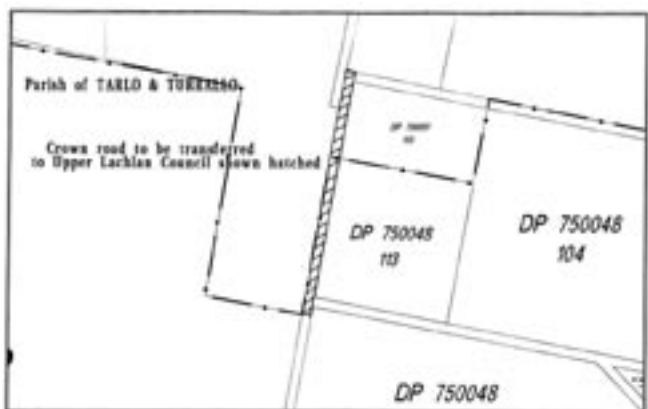
Description: Crown road west of Lots 150, DP 750051 and part Lot 113, DP 750048 for a width of 20.115 metres as shown on diagram below.

SCHEDULE 2

Roads Authority: Upper Lachlan.

Council's Reference: 108/04.

File No.: GB05 H 145.



NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are 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 roads are extinguished.

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

Description

*Parish – Burra; County – Murray;
Land District – Queanbeyan; Council – Palerang.*

Lot 1, DP 1067259 (not being land under the Real Property Act).

File No.: GB02 H 70:JK.

Note: On closing, the land in Lot 1, DP 1067259 remains land vested in the Crown as Crown Land.

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

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be a public road and the rights of passage and access the previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedules hereunder.

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

Description

Land District – Bellingen;
L.G.A. – Coffs Harbour City Council.

Roads Closed: Lot 1, DP 1069355 at Coffs Harbour, Parish Coff, County Fitzroy.

File No.: GF02 H 134.

Schedule

On closing, the land within Lot 1, DP 1069355 becomes vested in Coffs Harbour City Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: 305122(150320).

Description

Land District – Lismore; L.G.A. – Lismore City Council.

Roads Closed: Lot 1, DP 1068038 at Coffee Camp, Parish Nimbin, County Rous.

File No.: GF03 H 26.

Schedule

On closing, the land within Lot 1, DP 1068038 becomes vested in Lismore City Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: MI:TMI:P15180.

Description

Land District – Murwillumbah;
L.G.A. – Tweed Shire Council.

Roads Closed: Lots 1 and 2, DP 1080272 at Byangum, Parish Murwillumbah, County Rous.

File No.: GF04 H 438.

Schedule

On closing, the land within Lots 1 and 2, DP 1080272 becomes vested in Tweed Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: GR3/12/7 13.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Murwillumbah.
Local Government Area: Tweed Shire Council.
Locality: Murwillumbah.
Reserve No.: 78865.
Public Purpose: Quarantine.
Notified: 31 August 1956.
File No.: GF04 H 42/1.

COLUMN 2

The whole being Lot 11, section 14, DP No. 758739, Parish Murwillumbah, County Rous, of an area of 1682 square metres.

Note: The above Crown Land is intended to be disposed of as surplus government property by way of public competition.

MAITLAND OFFICE
Newcastle Road (PO Box 6), East Maitland NSW 2323
Phone: (02) 4937 9300 Fax: (02) 4934 2252

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Parish – Awaba; County – Northumberland;
 Land District – Newcastle;
 Local Government Area – Lake Macquarie.*

Road Closed: Lots 1, 2 and 3, DP 1079794 at Buttaba.

File No.: MD95 H 377.

Note: On closing, the land within Lots 1, 2 and 3, DP 1079794 will remain vested in the Crown as Crown Land.

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 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 Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Kathleen DMYTRYK (new member).	Dooralong Community (R1001059) Reserve Trust.	Reserve No.: 1001059. Public Purpose: Public recreation and community purposes. Notified: 27 March 1998. File No.: MD83 R 29/2.

Term of Office

For a term commencing the date of this notice and expiring 15 January 2009.

ROADS ACT 1993**ORDER****Transfer of Crown Roads to a Council**

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

*Parish – Warkworth; County – Northumberland;
 Land District – Singleton;
 Local Government Area – Singleton.*

That part of the Crown public road 20.115 wide being Watt Street, Warkworth, commencing at its intersection with the Golden Highway extending generally south westerly between Lot 33, DP 610878 and Lot 202, DP 257063 terminating at the north eastern boundary of Lot 10, DP 113343.

SCHEDULE 2

Roads Authority: Singleton Council.

File No.: MD04 H 140.

Council's Reference: RD7080.

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

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

Inspection of this draft assessment can be made at the Maitland District Office of Crown Lands NSW, Department of Lands, Cnr Newcastle Road and Banks Street, East Maitland NSW 2323 and Port Stephens Council, 116 Adelaide Street (Old Pacific Highway), Raymond Terrace, during normal business hours. The draft assessment may also be viewed online at: www.lands.nsw.gov.au/LandManagement/CrownLandAssessments.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of six (6) weeks from 19 August 2005 until 30 September 2005, and should be forwarded to the Land Assessment Officer, Crown Lands NSW, PO Box 6, East Maitland NSW 2323, or e-mailed to MaitlandExhibition@lands.nsw.gov.au. Please quote reference number MD05 H 335.

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

Descriptions

*Parish – Stowell; County – Gloucester;
 Land District – Newcastle;
 Local Government Area – Port Stephens.*

Crown Land adjoining Marsh Road at Bobs Farm being Lot 189, DP 753192 and Lot 7019, DP 753192.

*Parish – Sutton; County – Gloucester;
 Land District – Newcastle;
 Local Government Area – Port Stephens.*

Crown Land adjoining Moffat's Road, Swan Bay being Lot 344, DP 705456; Lot 345, DP 705462 and Lot 7009, DP 1051344.

Contact: Land Assessment Officer: Telephone: (02) 4937 9306, e-mail: MaitlandExhibition@lands.nsw.gov.au.

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

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

PURSUANT to section 117 of the Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified thereunder, 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
Andrew McANESPIE, Regional Manager, Sydney/Hunter, Crown Lands NSW, Department of Lands.	Bulli Pass Scenic Reserve Trust.	Reserve No.: 67711. Public Purpose: Public recreation. Notified: 1 July 1938. Locality: Bulli Pass. File No.: NA82 R 137.

For a term of three months from the date of this notification.

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

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
Banjo Paterson Park Trust.	Reserve No.: 1010908. Public Purpose: Environmental protection. Notified: 5 August 2005. File No.: OE81 H 463/1.

**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
Yeoval and District Progress Association Incorporated.	Banjo Paterson Park Trust.	Reserve No.: 1010908. Public Purpose: Environmental protection. Notified: 5 August 2005. File No.: OE81 H 463/1.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

The Crown public road south of Lot 75 in Deposited Plan 755423 in Parish Coolcalwin, County Phillip and Land District of Rylstone.

File No.: OE05 H 429.

SCHEDULE 2

Road Authority: Mid Western Regional Council.

NOTIFICATION OF CLOSING OF A 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

Description

Land District and L.G.A. – Parkes
Road Closed: Lots 1, 2 and 3, DP 1083533 at Parkes, Parish Currajong, County Ashburnham.

File No.: OE04 H 514.

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

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

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**

McKillop Park (R145)
Reserve Trust.

COLUMN 2

Reserve No.: 145.
Public Purpose: Public
recreation.
Notified: 3 April 1886.
File No.: MN89 R 151/1.

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**

Warringah Council.

COLUMN 2

McKillop Park
(R145) Reserve
Trust.

COLUMN 3

Reserve No.: 145.
Public Purpose: Public
recreation.
Notified: 3 April 1886.
File No.: MN89 R 151/1.

APPOINTMENT OF TRUST BOARD MEMBER

PURSUANT to section 93 of the Crown Lands Act 1989, the person whose name is specified in Column 1 of the Schedule hereunder, is appointed for the term of office specified thereunder, as a member of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE**COLUMN 1**

David Charles
SEYMOUR
(new member).

COLUMN 2

Katandra Bushland
Sanctuary (R86487)
Reserve Trust.

COLUMN 3

Reserve No.: 86487.
Public Purpose: Promotion of
the study and the preservation
of native flora and fauna.
Notified: 27 October 1967.
File No.: MN80 R 251/4.

Term of Office

For a term commencing the date of this notice and expiring
18 July 2009.

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

SCHEDULE**COLUMN 1**

Land District: Picton.
Council: Wollondilly.
Parish: Couridjah.
County: Camden.
Location: Tahmoor.
Reserve No.: 92857.
Purpose: Future public
requirements.
Date of Notification: 27 June
1980.
File No.: MN80 H 1938.

COLUMN 2

The whole being Lot 455,
DP 751270 containing 4.553
hectares.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****ROADS ACT 1993****ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Adelong; County – Wynyard;
Land District – Tumut; Shire – Tumut.*

Crown public road 20.115 wide known as Black Creek Road and described as the road through Lots 759 and 1182, DP 757211; east of Lot 1058, DP 757211; through Lot 1059, DP 757211; west of Lots 1105 and 1183, DP 757211.

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: WA05 H 339.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Burrumbuttock; County – Hume;
Land District – Albury; Shire – Greater Hume.*

Crown public road 20.115 wide described as the road west of Lot 57, DP 753730.

SCHEDULE 2

Roads Authority: Greater Hume Shire Council.

File No.: WA05 H 356.

Department of Primary Industries

Mineral Resources

MINING ACT 1992

ADDENDUM

Narran-Warrambool Access Management Area

THE explanatory note below was omitted from and is to form part of the Order under section 236B of the Mining Act 1992 (Access Management Area), published in *Government Gazette* No. 102, Folio 4452, dated 12 August 2005.

Explanatory note

The purpose of this Order is to establish an access management area under section 236B of the Mining Act 1992. Part 10A (Access management plans for small-scale titles) of the Act applies in respect of mineral claims and opal prospecting licences within access management areas. The establishment of the Narran-Warrambool Access Management Area by this Order will accordingly allow the provisions of that Part to apply in respect of mineral claims and opal prospecting licences within that Area. This will mean that, if it is desired to create an access management plan covering land within that Area, the appropriate steps can be taken to do so (the first such step involves the miners' representative serving notice on the relevant landholder under section 236E of intention to negotiate such a plan).

The existing Lightning Ridge Mineral Claims District includes Opal Prospecting Areas Nos 1 and 3 and partly includes Opal Prospecting Area No 2. The Narran-Warrambool Access Management Area, by covering the same area as the Lightning Ridge Mineral Claims District, will thereby also cover Opal Prospecting Areas Nos 1 and 3 and the part of Opal Prospecting Area No 2 that falls within that District. The Narran-Warrambool Access Management Area will also cover the part of Opal Prospecting Area No 2 (ie on the western side) that falls outside that District. The Act states that only land within either a mineral claims district or an opal prospecting area (which can include land in both categories) can become an access management area. Accordingly, land which, having been excluded from the Lightning Ridge Mineral Claims District and/or any of the Opal Prospecting Areas concerned, is in neither of those categories, is excluded from the Narran-Warrambool Access Management Area.

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(04-616)

No. 2428, now Exploration Licence No. 6439, INDEPENDENCE GROUP NL, Counties of Mouramba and Flinders, Map Sheets (8134, 8133 and 8233), area of 100 units, for Group 1, dated 5 July 2005, for a term until 4 July 2007.

(04-617)

No. 2429, now Exploration Licence No. 6444, INDEPENDENCE GROUP NL, Counties of Yanda and Cowper, Map Sheet (8036), area of 97 units, for Group 1, dated 1 July 2005, for a term until 30 June 2007.

(05-196)

No. 2515, now Exploration Licence No. 6457, SUNMUSTARD PTY LTD (ACN 095 117 981), Counties of Buckland, Darling, Nandewar and Parry, Map Sheet (8936), area of 135 units, for Group 1, dated 2 August 2005, for a term until 1 August 2007.

(05-202)

No. 2520, now Exploration Licence No. 6454, FERROMIN PTY LIMITED (ACN 113 079 691), County of Argyle, Map Sheet (8828), area of 4 units, for Group 1, dated 1 August 2005, for a term until 31 July 2007.

(05-197)

No. 2516, now Exploration Licence No. 6458, FAST REACTOR PTY LTD (ACN 113 446 352), County of Gough, Map Sheet (9138) area 16 units, for Group 1, dated 2 August 2005, for a term until 1 August 2007.

(05-210)

No. 2528, now Exploration Licence No. 6459, EASTMIN PTY LTD (ACN 113 845 355) and NORVALE PTY LTD (ACN 009 333 742), Counties of Hawes and Macquarie, Map Sheet (9335), area of 100 units, for Group 1, dated 8 August 2005, for a term until 7 August 2007.

IAN MACDONALD, M.L.C.,

Minister for Natural Resources, Minister for Primary Industries and Minister for Mineral Resources

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

(T00-0014)

Exploration Licence No. 5784, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 3 units. Application for renewal received 11 August 2005.

(T03-0035)

Exploration Licence No. 6132, PLATSEARCH NL (ACN 003 254 395), EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454) and TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 74 units. Application for renewal received 8 August 2005.

(T91-0506)

Mining Lease No. 1004 (Act 1973), Alexander Clyde TAGGART and Athol John TAGGART, area of 1.99 hectares. Application for renewal received 21 June 2005.

IAN MACDONALD, M.L.C.,

Minister for Natural Resources, Minister for Primary Industries and Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(M70-6948)

Authorisation No. 349, ANGLO COAL (SUTTON FORREST) PTY LTD (ACN 070 017 784), County of Camden, Map Sheet (8928), area of 115 square kilometres, for a further term until 23 November 2008. Renewal effective on and from 11 August 2005.

(T02-0057)

Exploration Licence No. 5979, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), Counties of Ashburnham and Wellington, Map Sheet (8631), area of 16 units, for a further term until 27 August 2006. Renewal effective on and from 12 August 2005.

(T99-0201)

Exploration Licence No. 5845, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), County of Bland, Map Sheet (8329), area of 6 units, for a further term until 1 May 2007. Renewal effective on and from 2 August 2005.

(T02-0396)

Exploration Licence No. 6039, BALRANALD GYPSUM PTY LTD (ACN 081 196 947), County of Manara, Map Sheet (7732), area of 4 units, for a further term until 19 January 2007. Renewal effective on and from 2 August 2005.

(T02-0436)

Exploration Licence No. 6076, HERRESHOFF HOLDINGS PTY LTD (ACN 102 346 627), County of Ashburnham, Map Sheet (8631), area of 48 units, for a further term until 7 May 2007. Renewal effective on and from 1 August 2005.

(T02-0450)

Exploration Licence No. 6080, COMPASS RESOURCES NL (ACN 010 536 820), Counties of Kennedy and Narromine, Map Sheet (8532), area of 100 units, for a further term until 14 May 2007. Renewal effective on and from 12 August 2005.

(T02-0364)

Exploration Licence No. 6083, MOLY MINES LIMITED (ACN 103 295 521), County of Wellington, Map Sheet (8832), area of 4 units, for a further term until 18 May 2007. Renewal effective on and from 12 August 2005.

(T03-0014)

Exploration Licence No. 6085, ALKANE EXPLORATION LTD (ACN 000 689 216), County of Narromine, Map Sheet (8532, 8533), area of 21 units, for a further term until 19 May 2007. Renewal effective on and from 12 August 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources, Minister for Primary
Industries and Minister for Mineral Resources

Roads and Traffic Authority

ROADS ACT 1993

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

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

RICHARD COLLEY,
General Manager,
Bankstown City Council
(by delegation from the Minister for Roads)
12 August 2005

SCHEDULE

1. Citation

This Notice may be cited as the Bankstown City Council B-Double Notice No. 3/ 2005.

2. Commencement

This Notice takes effect from the date of Gazettal.

3. Effect

This Notice remains in force until 31 December 2007, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Bankstown City Council.

Type	Road	Starting point	Finishing point	Conditions
25m	Biloela Sreet, Villawood	Miller Road	64 Biloela Street	Access via Woodville Road, Christina Road and Miller Road. Exit the same route.

ROADS ACT 1993

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

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

RICHARD COLLEY,
General Manager,
Bankstown City Council
(by delegation from the Minister for Roads)
12 August 2005

SCHEDULE
1. Citation

This Notice may be cited as the Bankstown City Council B-Double Notice No. 6/ 2005.

2. Commencement

This Notice takes effect from the date of Gazettal.

3. Effect

This Notice remains in force until 31 August 2006, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Bankstown City Council.

Type	Road	Starting point	Finishing point
25m	Queen Street, Revesby	Milperra Road	Gordon Parker Street/Carrington Street
25m	Gordon Parker Street	Queen Street	Carrington Street

ROADS ACT 1993

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

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

RICHARD COLLEY,
General Manager,
Bankstown City Council
(by delegation from the Minister for Roads)
12 August 2005

SCHEDULE
1. Citation

This Notice may be cited as the Bankstown City Council B-Double Notice No. 5/ 2005.

2. Commencement

This Notice takes effect from the date of Gazettal.

3. Effect

This Notice remains in force until 31 December 2007, unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Bankstown City Council.

Type	Road	Starting point	Finishing point
25m	Fitzpatrick Street	Carrington Street	Milperra Road
25m	Gordon Parker Street/Carrington Street	Daisy Street	Fitzpatrick Street

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

Notice of Compulsory Acquisition of Land at Balgowlah
in the Manly and Warringah 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 land situated in the Manly and Warringah Council areas, Parish of Manly Cove and County of Cumberland, shown as:

Lot 12 Deposited Plan 776891, being part of the land in Certificate of Title 1/218142;

Lot 14 Deposited Plan 776891, being part of the land in Certificate of Title 1/218142;

Lot 17 Deposited Plan 776891, being part of the land in Deed of Conveyance No.708 Book 2642;

Lot 19 Deposited Plan 776891, being part of the land in Certificate of Title 2/209393;

Lot 17 Deposited Plan 739595, being part of the land in Deed of Conveyance No.766 Book 2452;

Lot 18 Deposited Plan 739595, being part of the land in Deed of Conveyance No.766 Book 2452;

Lot 23 Deposited Plan 739595, being part of the land in Deed of Conveyance No.22 Book 2583;

Lot 8 Deposited Plan 804341, being part of the land in Deed of Conveyance No.766 Book 2452;

Lot 23 Deposited Plan 836340, being part of the land in Certificate of Title Auto Consol 7716-171;

Lots 34 to 40 inclusive Deposited Plan 836340, being part of the land in Certificate of Title Auto Consol 7716-171;

Lots 42 to 44 inclusive Deposited Plan 836340, being part of the land in Certificate of Title Auto Consol 7716-171;

Lots 13 and 15 Deposited Plan 776891, being part of the land in Certificate of Title 2/218142;

Lot 16 Deposited Plan 776891, being part of the land in Deed of Conveyance No.709 Book 2642;

and

Lot 18 Deposited Plan 776891, being part of the land in Certificate of Title 1/209393.

(RTA Papers FPP 279.1549 and 479.11928)

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

Notice of Compulsory Acquisition and Dedication as
Public Road of Land at Bendick Murrell in the Young
Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Young Shire Council area, Parish of Wambanumba and County of Montegale, shown as Lot 1 Deposited Plan 1084583, being part of the land in Travelling Stock and Camping Reserve No 30989 notified in the Government Gazette of 26 May 1900 on page 4083.

The land is said to be in the possession of the Crown and Young Rural Lands Protection Board.

(RTA Papers FPP 5M2458; RO 516.1077)

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

Notice of Compulsory Acquisition of Land at Coffs
Harbour in the Coffs Harbour City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of His Excellency the Lieutenant 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 Coffs Harbour City Council area, Parish of Coff and County of Fitzroy, shown as Lots 101 and 102 Deposited Plan 1080766, being parts of the land in Certificate of Title 1/1031508.

The land is said to be in the possession of Beach Court Pty Limited (registered proprietor) and Westpac Banking Corporation (mortgagee).

(RTA Papers FPP 5M1162; RO 10/110.1704)

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable Milton Orkopoulos MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act), extend the appointment of Mr Paul Gidley as Administrator to the Moree Local Aboriginal Land Council for a maximum period of twelve (12) calendar months, effective from 10 August 2005. 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 \$120,000.00 dollars, excluding GST.

Signed and sealed this 10th day of August 2005.

MILTON ORKOPOULOS, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act, 1984.

Cancellation is effective as at the date of gazettal.

EBOR SOLDIERS MEMORIAL HALL INC
Y0227645

COLIN CROSSLAND,
General Manager

Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce
11 August 2005

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to section 55A

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act, 1984.

Cancellation is effective as at the date of gazettal.

PACIFIC OPERA COMPANY INCORPORATED
INC9879317

CHATSWOOD KOREAN UNITING CHURCH
INCORPORATED INC9878169

RUSSIAN COMMUNITY RESOURCE CENTRE
INCORPORATED INC9878003

COMUNIDAD SALVADORENA EN AUSTRALIA
POR UN FUTURO MEJOR INCORPORATED
INC9881722

CIKUS ELIXIR INCORPORATED INC9877935

CONCERNED RESIDENTS ARRAWARRA
MULLAWAY INC Y1596207

LIONS CLUB OF BUDGEWOI INC Y0613445

QUOTA INTERNATIONAL OF KATOOMBA
INCORPORATED Y0774315

UNITED KINGDOM EX-SERVICES ASSOCIATION
INCORPORATED Y2407925

FAR WEST REGIONAL COUNCIL OF ADULT AND
COMMUNITY EDUCATION INC Y1741722

COLIN CROSSLAND,
General Manager

Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce
11 August 2005

ASSOCIATIONS INCORPORATION ACT 1984

Notice under Section 601AC of the Corporations Law as applied by section 50 of the Associations Incorporation Act 1984

NOTICE is hereby given that the Incorporated Association mentioned below will be deregistered when three months have passed since the publication of this notice.

MOOREBANK CHILDRENS CENTRE INC
(IN LIQUIDATION)

Dated this sixteenth day of August 2005.

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

CO-OPERATIVES ACT 1992

Notice under section 601AC 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 three months have passed since the publication of this notice.

Fraser Park Railways Institute Bowling Club
Co-operative Society Ltd

Dated this sixteenth day of August 2005.

C. GOWLAND,
Delegate of the Registrar Of Co-Operatives

CO-OPERATIVES ACT 1992

Notice under section 601AC 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 three months have passed since the publication of this notice.

SWANSEA BOWLING CLUB CO-OP. LTD.

Dated this sixteenth day of August 2005.

C. GOWLAND,
Delegate of the Registrar Of Co-Operatives

CO-OPERATIVES ACT 1992

Notice under section 601AC 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 three months have passed since the publication of this notice.

CLUBNOVA CO-OPERATIVE LIMITED

Dated this eleventh day of August 2005.

C. GOWLAND,
Delegate of the Registrar Of Co-Operatives

CO-OPERATIVES HOUSING & STARR-BOWKETT SOCIETIES ACT 1998

Notice under Section 601AA of the Corporations Law as applied by Section 177 of the Co-operatives Housing & Starr-bowkett Societies Act 1998

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

STATE WIDE CO-OP GROUP ASSOCIATION LIMITED.

Dated this 17th day of August 2005.

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

DISTRICT COURT OF NEW SOUTH WALES

Direction

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

Campbelltown	10.00am	4 October 2005 (1 week)
		Sittings cancelled

Dated this 15th day of August 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT OF NEW SOUTH WALES

Direction

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

Port Macquarie	10.00am	20 March 2006 (2 weeks)
		in lieu of 20 February 2006 (2 weeks)

Dated this 12th day of August 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT OF NEW SOUTH WALES

Direction

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

Port Macquarie	10.00am	6 March 2006 (2 weeks)
		in lieu of 20 March 2006 (3 weeks)

Dated this 12th day of August 2005.

R. O. BLANCH,
Chief Judge

EDUCATION ACT 1990

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land for Public School

THE Minister for Education and Training, with the approval of Her Excellency the Governor, declares by delegate 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 Education Act, 1990.

Dated at Sydney, this 15th day of August 2005.

CARMEL TEBBUTT,
Minister for Education and Training

Schedule

All that piece or parcel of land situated at Narrandera in the Local Government Area of Narrandera, Parish of Narrandera, County of Cooper and State of New South Wales, being Lot 11 Deposited Plan 1077409.

GEOGRAPHICAL NAMES ACT 1966

Notice of amendment of geographical names and boundaries for address localities in the Orange City Council Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day amended the names and boundaries of Address Localities in the Orange City Local Government area, as shown on map GNB3697:

The amendments include the address locality of Canobolas will be reduced in extent, the address localities of Orange and Clifton Grove will be increased in extent and the address locality of Suma Park will be renamed Emu Swamp.

In addition to the above, the former address locality names of Ammerdown, March, Narrambla, Bletchington, Calare, Bowen, Warrendine, Glenroi, Bloomfield and Summer Hill will be re-designated as Urban Place.

The position and extent of these features is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143, Bathurst 2795

GEOGRAPHICAL NAMES ACT 1966**ERRATUM**

THE notice in *NSW Government Gazette* of 20 June 1975, referring to the assignment of geographical names on the Mount Morgan 1:25 000 topographical map, the designation

gorge for the name Devils Pinch is in error. The correct designation should be gradient. This notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

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

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

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

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

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

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

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

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

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

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

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

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

MARITIME SERVICES ACT 1935

Notification

Limitation of speed of vessels within certain navigable waters – Maritime Services Act 1935

THE Waterways Authority (trading as NSW Maritime), in pursuance of the provisions of Section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the Government Gazette:

Limit the speed of vessels of the Class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class – All vessels propelled by mechanical power, except vessels engaged in an activity authorised under an Aquatic Licence issued by the Waterways Authority pursuant to Clause 8 of the Water Traffic Regulations – NSW.

TABLE OF AREA AND MAXIMUM SPEED

First Column	Second Column
Hawkesbury River (Wisemans Ferry to Windsor) Area	<i>Forty Knots</i>
The navigable waters of that part of the Hawkesbury River and tributaries not already subject to a speed restriction zone between lines directly across the river, firstly two hundred (200) metres upstream of the Wisemans Ferry vehicular ferry crossing adjacent to the north-eastern extremity of Wisemans Ferry Park at Wisemans Ferry and, secondly at a point one thousand two hundred (1200) metres downstream of the Windsor Bridge at Windsor being the commencement point of an existing eight (8) knot speed restriction zone.	

Dated this 15th day of August 2005.

BRETT MOORE,
A/Chief Executive

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912
Cancellation of Registration of Parties

IT is hereby notified that pursuant to section 66HA of the Parliamentary Electorates and Elections Act 1912 that the registration of the No Privatisation People's Party under Part 4A of the Act is cancelled.

COLIN BARRY,
Electoral Commissioner

State Electoral Office
Level 20, 207 Kent Street, Sydney 2000
1 August 2005

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 Peter DELL of 8 Osbourne Avenue, Umina NSW 2257, from supplying, or having possession of, a drug of addiction as authorised by Clause 101 of the Regulation, in connection with his employment as an ambulance officer, shall cease to operate from Monday, 22 August 2005.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, Wednesday, 17 August 2005.

POISONS AND THERAPEUTIC GOODS ACT 1966
**Order Under Clause 171(1)
Poisons and Therapeutic Goods Regulation 2002**
Withdrawal of Drug Authority

IN accordance with the provisions of Clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002, an Order has been made on Dr Costantino Mario FATTORE of 46 Cascade Street, Katoomba NSW 2780, prohibiting him until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised

by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 76 of the Regulation.

This order is to take effect on and from Tuesday, 23 August 2005.

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, Wednesday, 17 August 2005.

PRACTICE NOTE DC

ANY Practice Note in force immediately before the commencement of section 15 of the Civil Procedure Act 2005 is hereby rescinded.

The Hon. Justice R.O. Blanch A.M.,
Chief Judge

Dated 9 August 2005

PUBLIC LOTTERIES ACT 1996
Rules – Soccer Football Pools

I, the Honourable GRANT McBRIDE, M.P., Minister for Gaming and Racing being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as "the Act"), pursuant to section 23 of the Act, DO HEREBY APPROVE the amendments to the Rules for the conduct by New South Wales Lotteries Corporation, a Corporation constituted under section 5 of the New South Wales Lotteries Corporatisation Act 1996, of Games of Soccer Football Pools and Games of Promotional Soccer Football Pools as attached to this notice. These amended Rules take effect on and from 28 August 2005.

Dated this 15th day of August 2005.

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

PUBLIC LOTTERIES ACT 1996
Pools Rules

IT is hereby notified that the Minister administering the Public Lotteries Act 1996, has approved of the following Rules for the conduct of the Game of Pools and Promotional Pools. In accordance with section 23(3)(b) of the Act, these Rules take effect on and from 28 August 2005. These Rules supersede the Rules notified previously in the *Government Gazette*.

RULE 1(a). Definitions

- Delete the definitions of "Australian Season Pool" and "Australian Soccer Federation" and renumber subsequent definitions accordingly.
- In the definition of "Competition Date" delete the word "matches" and replace with the word "Matches".
- Delete the definition of "Corresponding United Kingdom Pool" and renumber subsequent definitions accordingly.
- Insert the following new definitions and renumber subsequent definitions accordingly; "Drawing" is where Winning Match Number/s and/or the Supplementary Match Number are determined by a Drawing Device;

“Drawing Device” means equipment as Approved by the Minister from time to time used to conduct a Drawing;

- In the definition of “Exchange Multi-Draw Ticket”, delete the word “Drawing/s” and replace with the words “Games of Pools”.
- Delete the definition of “Forecast” and renumber subsequent definitions accordingly.
- In the definition of “Home Team” delete the word “match” and replace with the word “Match”.
- Delete existing definition of “List of Matches” and replace with following new definition:
“List of Matches” means a listing of Matches approved and published from time to time by the Licensee;
- Insert following new definition and renumber subsequent definitions accordingly:
“Match” means a game of soccer played between a Home Team and an Away Team;
- In the definition of “Provisional Period”, delete the words “Drawing Date” and replace with the words “determination of the Winning Match Numbers and the Supplementary Match Number in respect of a Game of Pools”.
- Delete existing definition of “Results” and replace with following new definition:
“Results” means the outcome of Matches at the end of normal playing time (excluding any extra playing time) of each Match as declared by the Licensee. Result shall have a corresponding meaning;
- Delete definition of “Standard Entry” and renumber subsequent definitions accordingly.
- In the definition of “Supplementary Match Number”, delete the words “numbered match” and replace with the word “Number”, and also delete the words “for each game”.
- Delete existing definition of “Void Match” and replace with following new definition:
“Void Match” means a Match that is declared by the Licensee to be ineligible to be used in the determination of Winning Match Numbers or the Supplementary Match Number.
- In the definition of “Winning Match Numbers”, delete the words “numbered matches” and replace with the word “Numbers”, and also delete the words “for each game”.

RULE 2. Conduct of Games of Pools and Games of Promotional Pools

- Rule 2(c)
Delete existing rule 2(c) and replace with following new rule:
(c) Winning Match Numbers and the Supplementary Match Number will be determined by the Licensee on the first working day following the determination of the Results.
- Rule 2(d)
Insert new Rule 2(d) and follows and renumber subsequent paragraphs accordingly:
(d) Drawings conducted outside the State of New South Wales shall be conducted and supervised in accordance with the requirements of the relevant regulatory body for the State or Territory in which the Drawings are conducted.

RULE 6. Rules applying to Entry Forms and Tickets

- Delete existing Rule 6 and replace with following new Rule 6:
 - (a) An Entry Form shall consist of Panels which must be completed in the numerical order shown on the said form.
 - (b) Each Number in a Panel shall represent the Match printed opposite the same number on the List of Matches (subject to Rule 6(e)) notwithstanding that there are fewer Numbers than appear on the List of Matches.
 - (c) The List of Matches will be published as soon as possible after being approved by the Licensee and will be made available to Players on request.
 - (d) Subject to Rules 6(e) and 6(f), to determine the Winning Match Numbers and the Supplementary Match Number the Matches represented by the Numbers in a Panel will be taken to have an order of rank depending on the Results of those Matches in accordance with (i), (ii), (iii), (iv) and (v) herein (but having regard to (vi) and (vii) herein) and for the purposes of Rule 12(e) the six highest ranked Numbers shall be the Winning Match Numbers and the seventh highest ranked Number shall be the Supplementary Match Number.
 - (i) Score Draw – Numbers representing Matches where the Result is a Score Draw will be ranked higher than any other Number and a Number representing a Match where the Result is a Score Draw wherein more goals are scored will be ranked higher than a Number representing a Match where the Result is a Score Draw wherein fewer goals are scored.
 - (ii) Nil Score Draw (no goals scored) – Numbers representing Matches with Nil Score Draws will be ranked equally and such Numbers shall be ranked higher than Numbers representing Matches where the Result is an Away Win or a Home Win.
 - (iii) Win for Away Team – Numbers representing Matches where the Result is a Win for the Away Team shall be ranked higher than Numbers representing Matches where the Result is a Win for a Home Team. Numbers representing Matches where the Result is an Away Win with a smaller goal difference shall be ranked higher than Numbers representing Matches where the Result is an Away Win with a greater goal difference. Where there are two or more Numbers representing Matches where the Results are Away Wins with the same goal difference Numbers representing matches where the Results are Away Wins wherein more goals are scored shall be ranked higher than Numbers representing Matches where the Results are Away Wins wherein fewer goals are scored.
 - (iv) Win for Home Team – Numbers representing Matches where the Result is a Win for the Home Team with a smaller goal difference shall be ranked higher than Numbers representing Matches where the Result is a Win for Home Team with a greater goal difference. Where there are two or more Numbers representing Matches where the Results are Home Wins with the same

- goal difference Numbers representing Matches where the Results are Home Wins wherein more goals are scored shall be ranked higher than Numbers representing Matches where the Results are Home Wins wherein fewer goals are scored.
- (v) In the event that two or more Numbers in a Panel are or are taken to be of equal rank in accordance with Rule 6(d)(i), (ii), (iii) or (iv) and subject to Rule 6(e) and 6(f) any such Number with a greater magnitude shall be ranked higher than any such Number with a lesser magnitude.
- (vi) A reference in Rules 6(d)(i), (iii) and (iv) to “more goals” or “fewer goals” refers to the total number of goals scored by both the Away Team and the Home Team in a Match.
- (vii) If there are insufficient Results in accordance with Rule 6(d)(i) to determine the Winning Match Numbers and the Supplementary Match Number, then the Results in accordance with Rule 6(d)(ii) shall be taken into account and if still insufficient then the Results in accordance with rule 6(d)(iii) shall be taken into account and if still insufficient then the Results in accordance with rule 6(d)(iv) shall be taken into account.
- (e) In the event that any Number in a Panel represents a Void Match the Result of such Void Match will be taken to be the Result of the first Number (not representing a Void Match) on the List of Matches from number 39 and onwards and the second such Void Match will be deemed to be the Result of the second Number (not representing a Void Match) on the List of Matches from number 39 onwards and so on in ascending numerical sequence for each such Void Match.
- (f) Where there are insufficient Results in accordance with Rule 6(d) to determine all Winning Match Numbers and/or the Supplementary Match Number, such Winning Match Number/s and/or Supplementary Match Number shall be determined by a Drawing;
- (g) A completed Entry Form or any other approved form of Entry (including Automatic Entry) completed or made in accordance with these Rules shall be accepted by an Agent or Direct Mail Agent and processed on a Computer Linked Terminal and evidenced by the issue of a Ticket.
- (h) Subject to paragraph (j) below acceptance of a Ticket by a Player or Syndicate Player shall constitute the Player’s or Syndicate Player’s acknowledgment of the correctness of the details (including Entry or Syndicate Entry details) thereon. The Ticket issued to a Player or Syndicate Player shall be the only form issued by the Licensee or its Agent or Direct Mail Agent to the Player or Syndicate Player evidencing the Player’s or Syndicate Player’s Entry or Syndicate Entry, as the case may be.
- (i) In the event that the details recorded on a Player’s or Syndicate Player’s Ticket are not consistent with the details held by the Licensee by way of Computer Records then the latter shall apply to the exclusion of the former and shall determine what Prize, if any, the Player or Syndicate Player shall be entitled to and the Player or Syndicate Player shall be bound by any such determination.
- (j) Subject to Rule 19 (f), a Player may return a Ticket and on request have the same cancelled provided it is returned on the day of purchase to the place of purchase and prior to the closure of the Game of Pools entered. A Ticket so cancelled shall be void.
- (m) Subject to Rule 19 (g), where Numbers in a Game of Pools have been produced via a Computer Linked Terminal and recorded in the central processing computer equipment but:
- (i) no Commission or Subscription has been received prior to the close of selling in respect of that Game of Pools by the Agent in whose place of business the Computer Linked Terminal is located; and
- (ii) the Agent has failed to cancel the Numbers before the completion of that Game of Pools; then
- the Agent shall be liable for and shall meet the cost of the Commission and Subscription in respect of the Numbers and in such case, for the purposes of these Rules, such Agent shall be considered to have paid the Fee and shall be considered a Player or Syndicate Player as the case may be, and shall be the holder of the Entry or Syndicate Entry Share, as the case may be.
- (n) A Ticket shall at all times remain the property of the Licensee and a Player or Syndicate Player shall deliver up any Ticket to the Licensee upon demand.

RULE 11. Submission of Entry Forms

- Rule 11(l)
Delete the words “Form” from the first sentence. In the second sentence delete the word “form” and replace with the word “Entry”
Delete the word “purposed” from the second sentence and replace with the word “purpose”.

RULE 12. Determination of Prizes

- Rule 12(h) and 12(i)
Delete existing Rules 12(h) and 12(i) and renumber subsequent Rules accordingly.

RULE 13. Announcement of Provisional Prize-Winners and Prize-winners

- Rule 13(a)
Delete the word “Following completion” and replace with the words “Following determination of the Winning Match Numbers and Supplementary Match Number in respect”.
Delete the words “the completion of, and in respect of, that game of Pools” and replace with the words “such determination”.
- Rule 13(b)
Delete the word “Following the completion” and replace with the words “Following determination of the Winning Match Numbers and Supplementary Match Number in respect”.
Delete the words “the completion of, and in respect of, that game of Pools” and replace with the words “such determination”.

RULE 17.

- Rule 17(a)
Delete the words “Soccer Football Pools”

RULE 19. A Syndicate Entry

- Rule 19(e)
Delete the word “Drawing” and replace with the words “determination of Results”.

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
Compulsory Acquisition
Wellington 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 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 18 Sction 79 Deposited Plan 759073 excluding thereout leases registered as Deaeling numbers 8825465, 8825466, 8825467 and 8825468.

Lot 20 Section 79 Deposited Plan 759073.

DoC Reference 176.

PUBLIC WORKS ACT, 1912

Land Acquisition (Just Terms Compensation) Act 1991
Compulsory Acquisition

Clarence Valley and Coffs Harbour Regional Water Supply

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

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

FRANK ERNEST SARTOR, M.P.,
Minister For Energy And Utilities

Schedule
LAND

Lot 1 in Deposited Plan 1051553

Lot 1 in Deposited Plan 1066515

Lot 2 in Deposited Plan 1066515

COM Reference 198.

SYDNEY WATER ACT, 1994

Land Acquisition (Just Terms Compensation) Act, 1991

Notice of Compulsory Acquisition of Land and Easements at Penrith in the Local Government area of Penrith

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

Dated at Sydney this Twentieth day of May 2005.

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

Schedule 1

All that piece or parcel of land in the Local Government Area of Penrith, Parish of Castlereagh, County of Cumberland, and State of New South Wales, being Lot 1 Deposited Plan 1051278, having an area of 793.0 m².

Schedule 2

Easement for Sewerage Purposes more fully described in Memorandum 7158328D lodged at the Department of Lands (Office of Land and Property Information NSW), Sydney.

Schedule 3

All those pieces or parcels of land being those parts of Lots 3 & 4 DP 1051278 having areas of 319.1 m² and 458.8 m² respectively in the Local Government Area of Penrith, Parish of Castlereagh, County of Cumberland, and State of New South Wales, being the land shown on Deposited Plan 1051278 as “(A) PROPOSED EASEMENT FOR SEWERAGE PURPOSES 5 WIDE & VARIABLE”.

Schedule 4

Easement for Sewerage Purposes more fully described in Memorandum 7158327F lodged at the Department of Lands (Office of Land and Property Information NSW), Sydney.

Schedule 5

All that piece or parcel of land being that part of Lot 3 DP 1051278 having an area of 445.8 m² in the Local Government Area of Penrith, Parish of Castlereagh, County

of Cumberland, and State of New South Wales, being the land shown on Deposited Plan 1051278 as “(M) PROPOSED EASEMENT FOR SEWERAGE PURPOSES 6 WIDE & VARIABLE”.

Schedule 6

Right of Carriageway as described in Part 1 of Schedule 4A of the Conveyancing Act 1919 (as amended).

Schedule 7

All that piece or parcel of land being that part of Lot 4 DP 1051278 having an area of 99.3 m² in the Local Government Area of Penrith, Parish of Castlereagh, County of Cumberland, and State of New South Wales, being the land shown on Deposited Plan 1051278 as “(J) PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH”.

TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 10(1)

Notice of Dedication of Land as Public Road

NOTICE is hereby given by Blacktown City Council that in pursuance of section 10(1), Division 1 of Part 2 of the Roads Act 1993, the land described in the Schedule below is hereby dedicated as public road. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lots 603 to 607 inclusive in DP 748770 and Lot 624 in DP 748770. [1529]

BLUE MOUNTAINS CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

IN accordance with the provisions of the Roads Act 1993, notice is hereby given that Council has named the new roads to be created in the subdivision of Lot 10, DP 1071630, No. 67 Wilson Way, Blaxland, as:

Road No. 1 – Thomas Way,

Road No. 2 – Allen Street.

The new road is located off Mitchells Pass, Blaxland and the existing Allen Street, Blaxland.

This notice was approved on 2nd August 2005, under the authority of CHRIS BROGAN, Acting Group Manager, Environmental and Customer Services, Blue Mountains City Council, Locked Bag 5, Katoomba NSW 2780. [1526]

CLARENCE VALLEY COUNCIL

NOTICE is hereby given that the former Maclean Shire Council in pursuance of section 162 of the Roads Act 1993, are advising the following roads have been adopted within the Shire:

Location	New Road Name
North off Harold Tory Drive, Yamba, to Lot 34, DP 1061843.	Flinders Place.
North off Harold Tory Drive, Yamba, to Lot 27, DP 1061843.	Cumberland Court.
South off Harold Tory Drive, Yamba, to Lot 12, DP 1061843.	Buccaneers Court.
North off Harold Tory Drive, Yamba, to Lot 20, DP 1061843.	Investigators Place.
East off Scullin Street, Townsend, to Lot 84, DP 1050067.	Kelly Crescent.
South off Yamba Road, Yamba, to Lot 52, DP 1061130.	Tom Thumb Place.
North east off The Mainbrace, Yamba, in the subdivision of Lot 115, DP 880949.	Edgewater Close.
North off Bayview Drive, Yamba, in the subdivision of Lots 113 and 115, DP 1009722.	Newport Island Circuit.

Location

South west off River Street, Yamba, in the subdivision of Lot 77, DP 1006232.

Off The Drive, Yamba, in the subdivision of Lot 77, DP 1006232.

South east off Colonial Drive, Gulmarrad, to Lot 505, DP 1042817.

South off Clyde Essex Drive, Gulmarrad, to Lot 32, DP 1060611.

South off Brooms Head Road, Taloombi, to Lot 11, DP 751360.

East off Ridgewood Drive, Woombah, to Lot 53, DP 1057274.

North off Morelia Way, Woombah, to Lot 14, DP 1067354.

North off Iluka Road, Woombah, to Lot 1, DP 570543.

North off Iluka Road, Woombah, to Lot 21, DP 751394.

North off Pogona Place, Woombah, to Lot 71, DP 1067482.

West off Ridgewood Drive, Woombah, to Lot 71, DP 1067482.

West off Koala Drive, Townsend, to Lot 23, DP 1068678.

South off Wharf Street, Maclean, to Lot 426, DP 727422.

West off Highland Ridge, to Lot 38, DP 1057586.

North east off Old Ferry Road, Ashby, to Lot 23, DP 1056728.

West off Freeburn Street, Yamba, in the subdivision of Lot 3, DP 829279 and Lot 84, DP 608741.

North off William Avenue, Yamba, in the subdivision of Lot 3, DP 829279 and Lot 84, DP 608741.

East off Brooms Head Road, Gulmarrad, in the subdivision of Lot 103, DP 842016.

Southeast from Beach Street through Queen Street to Church Street, Yamba.

South east off Patemans Road, Ashby, in the subdivision of Lot 5, DP 878722.

KEN BOYLE, General Manager, Clarence Valley Council,
Locked Bag 23, Grafton NSW 2460. [1530]

GREATER HUME SHIRE COUNCIL

Roads Act 1993, Part 10

Dedication of Land as Public Road

GREATER HUME SHIRE COUNCIL hereby gives notice pursuant to Part 10 of the Roads Act 1993, that the land detailed in the Schedule hereto is formally dedicated as public road. GENERAL MANAGER, Greater Hume Shire Council, PO Box 99, Holbrook NSW 2644.

SCHEDULE	Description	Name
Lots 30 and 31 in DP 1072971, Parish of Gerogery, County of Goulburn. [1527]	Unnamed road off Keirs Road running south-east from Lot 5, DP 835432.	Tara Lane.
MAITLAND CITY COUNCIL		
Naming of Public Roads		
NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name/s for gazettal:		
Deposited Plan/Location	Road Name	
DP 703665, off Jenna Drive, Raworth.	Laurie Drive.	
The above road names have been advertised and notified. No objections to the proposed name/s have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland NSW 2320. [1560]		
PARKES SHIRE COUNCIL		
Roads Act 1993, Section 162.1		
Naming of Public Roads – Stones Road and Magill Lane		
NOTICE is hereby given that in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:		
Location	Name	
Shire road 135, formerly named Atwells Lane.	Stones Road.	
Road off Bogan Road (Shire road 76), 4km from State Highway 17.	Magill Lane.	
No objections to the proposed names were received within the prescribed period of time. A. McCORMACK, General Manager, Parkes Shire Council, PO Box 337, Parkes NSW 2870. [1565]		
TUMUT SHIRE COUNCIL		
Roads Act 1993, Section 10		
Dedication of Lands as Public Road		
NOTICE is hereby given that Tumut Shire Council in pursuance of section 10 of the Roads Act 1993, dedicates the following Council-owned land as public road. C. ADAMS, General Manager, Tumut Shire Council, 76 Capper Street, Tumut NSW 2720.		
SCHEDULE		
Lots 4, 5, 6, 7 and 11, DP 1068450.	[1564]	
YASS VALLEY COUNCIL		
Roads Act 1993, Section 162		
Naming of Public Roads		
NOTICE is hereby given that Yass Valley Council, pursuant to the abovementioned Act, has named the following roads located within Yass Valley Council. KERRY McMURRAY, General Manager, Yass Valley Council, PO Box 6, Yass NSW 2582. [1524]		

PORT STEPHENS COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates and Charges

NOTICE is hereby given to the person(s) named hereunder that Port Stephens Council has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person(s) named are known to the Council to be the owner(s) or to have interest in the land on which the amount of rates and charges stated in each case, as at 30th June 2005, is due:

Owner(s) or person(s) having interest in the land (a)	Description of the Land (b)	Amount of rates and charges (including extra charges) overdue for more than five (5) years (c)	Amount of all other rates and charges (including extra charges) payable and unpaid (d)	Total (e)
Gordon Clark PICKETT.	Lot 26, DP 192153, 1 High Street, Hinton.	\$11,720.89	\$4,696.35	\$16,417.24
Ernest William MORGAN, Andrew PEATE and Mary Margaret WADE.	Lot 52, DP 15682, 18 Shearman Avenue, Lemon Tree Passage	\$8,587.73	\$10,493.58	\$19,081.31
Gweneth Fay ANDERSON, John Arthur ANDERSON and Mortgage to FINANCE CORPORATION OF AUSTRALIA.	Lot 312, DP 9165, 48 Talleen Road, Nelson Bay.	\$12,180.41	\$6,321.11	\$18,501.52
APPROVED CONSTRUCTIONS PTY LTD.	Lots 25 and 26, SP 7660, 25/53 Victoria Parade, Nelson Bay.	\$3,260.43	\$2,956.27	\$6,216.70
HOLLOW TREE ENTERPRISES PTY LTD.	Lot 37, DP 259487, A2 Mount Hall Road, Raymond Terrace.	\$7,004.67	\$3,219.62	\$10,224.29
Valerie Maria GORMAN.	Lot 80, DP 27762, 29 Leonard Avenue, Shoal Bay.	\$1,670.37	\$7,053.00	\$8,723.37
John Maxwell LILLIE, Frances Ann LILLIE and Mortgage to ST GEORGE BANK LIMITED.	Lot 21, DP 628579, 373 Italia Road, East Seaham.	\$888.63	\$8,953.47	\$9,842.10
Bruce James HUTCHISON, Linda Adele HUTCHISON and Mortgage to GREATER BUILDING SOCIETY LTD.	Lot 4, DP 235567, 184 Tomago Road, Tomago.	\$5,770.80	\$7,945.96	\$13,716.76
CODALE PTY LTD.	Lot 29, SP 54294, 29/4 Blanch Street, Lemon Tree Passage.	\$1,422.47	\$3,353.93	\$4,776.40

In default of payment to Port Stephens Council of the amount stated in Column (e) above and any other rates and charges (including extra charges) becoming due and payable before the time fixed for the sale, the said land will be offered for sale by public auction. The auction will be conducted by Raine & Horne, Nelson Bay and held at the Council Chambers, 116 Adelaide Street, Raymond Terrace NSW 2324, on Saturday, 26th November 2005, at 10:00 a.m. For further information please contact Paul Maund at Raine & Horne, 7 Stockton Street, Nelson Bay NSW, Telephone (02) 4984 1008, Mobile 0419 252 840. PETER GESLING, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324. [1528]

YASS VALLEY COUNCIL

Roads Act 1993, Section 162

Roads Re-Naming

NOTICE is hereby given that Yass Valley Council, pursuant to the abovementioned Act, has re-named the following roads located within Yass Valley Council. KERRY McMURRAY, General Manager, Yass Valley Council, PO Box 6, Yass NSW 2582.

Current Road Name	New Road Name	Location
Bedulluck Road.	Nanima Road.	From Barton Highway to Murrumbateman Road.
Binalong-Boorowa Road.	Hughstonia Road.	From Armour's Road to Council Boundary.
Blakney Creek Road.	Blakney Creek Road South.	From Cooks Hill Road to Council Boundary.
Bookham-Illalong Road.	Illalong Road.	From Hume Highway to Burley Griffin Way.
Bungendore Road.	Shingle Hill Way.	From Sutton Road to Council Boundary.
Cattle Street East.	Reynolds Lane.	From Glengarry Road to Sykes Road.
Ginninderra Road.	Gundaroo Road.	From Sutton Road to ACT Border.
Ladevale Road.	Elms Road.	From Yass River Road to Council Boundary.
Mawby's Lane.	Rogerson Lane.	From Burley Griffin Way to Bendenine Road.
Wee Jasper-Tumut Road.	Wee Jasper Road.	From Green Street to Council Boundary via Wee Jasper.
Murrumbateman-Gundaroo Road.	Murrumbateman Road.	From Barton Highway to Sutton Road.
Murrumbateman – Yass River Road.	Hillview Drive and Greenwood Road.	From Barton Highway to Greenwood Road. From Keirs Road to Yass River Road.
Old Hume Highway.	Fagan Drive.	Old Hume Highway through Bookham (now bypassed).
Oliver Street.	Glengarry Road.	From Stephens Street to Jugiong Creek.
Rye Park-Tangmangaroo Road.	Tangmangaroo Road.	From Lachlan Valley Way to Council Boundary.
Sutton-Gundaroo Road.	Sutton Road.	From Gundaroo Village to Council Boundary (both directions).
Blackburn Road and Yellow Creek Road.	Cooks Hill Road.	From O'Brien Street to Council Boundary.
Horseshoe/Hawthorn Road.	Horseshoe Road.	From Mountain Creek Road to Lot 64, DP 751834.
Horseshoe/Hawthorn Road.	Hawthorn Road.	From Horseshoe Road to Lot 2, DP 719695.
Old Burley Griffin Way (created by Illalong Deviation).	Henderson Lane.	From Burley Griffin Way to Grogans Road.
Tallagandra Lane.	East Tallagandra Lane.	From Sutton Road to Gundaroo Road.
Tallagandra Lane.	West Tallagandra Lane.	From Gundaroo Road to Murrumbateman Road.
Lawtons Road.	Pettys Lane.	From Elms Road to Council Boundary.
Pts, Main Southern Road (eastern section), Leake Street and Bogolong Street.	Bowning Road.	From eastern entrance from Hume Highway through Bowning Village, to western entrance from Hume Highway.
Pt Leake Street.	Leake Street.	From Montem Street to Bowning Road.
Pt Main Southern Road (western section).	Bogolong Street.	From Bowning Road to Cossack Street.
Pt Lachlan Valley Way.	Red Hill Road.	From Bowning Road to Bowning Deviation.

[1525]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARGARETTA MAVIS ERRIDGE (in the will called Margaretta Marvis Erridge), late of 12 Kendee Street, Saddleir, in the State of New South Wales, retired, who died on 26th March 2005, must send particulars of his/her claim to the executrix, Cheryl Mavis Bird, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executrix has notice. Probate was granted in New South Wales on 8th August 2005. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170 (PO Box 1163, Liverpool BC 1871), (DX 5034, Liverpool), tel.: (02) 9601 7300. Reference: JULIE SHEDDEN.51590. [1531]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LYALL REX TUCK, late of Illawong, in the State of New South Wales, retired, who died on 25th June 2005, must send particulars of their claim to the executor, David Leslie Scutts, 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 11th August 2005. TRUMAN HOYLE LAWYERS, Level 18, 68 Pitt Street, Sydney NSW 2000, (DX 263 Sydney), tel.: (02) 9226 9888. Reference: DLS(SR)4532. [1532]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KENNETH KEARSLEY, late of 93 Roland Avenue, Wahroonga, in the State of New South Wales, who died on 6th June 2005, must send particulars of his/her claim to the executor, David John Thompson, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executor has notice. Probate was granted in New South Wales on 11th August 2005. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby NSW 2077. [1556]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARGARET EMMA PAYNE, late of 10 Roberts Avenue, Mortdale, in the State of New South Wales, who died on 11th May 2005, must send particulars of their claim to the executors, Jennifer Ann Morgan and Elizabeth Jean Tolhurst (formerly Elizabeth Jean Payne), c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale NSW 2223, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 21st July 2005. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022. [1557]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LILIAN GRACE DIGHT, late of Collaroy, in the State of New South Wales, widow, who died on 9th April 2005, must send particulars of the claim to the executors, Peter Hilton Dight and Roslyn Margaret Hilton Dight, c.o. Frank M. Deane & Co. (in association with Adams Raves Marsh & Co.), Solicitors, Level 9, 227 Elizabeth Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate will be distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 4th August 2005. FRANK M. DEANE & CO., Solicitors, Level 9, 227 Elizabeth Street, Sydney NSW 2000 (DX 255, Sydney), tel.: (02) 9264 3066. [1558]

COMPANY NOTICES

NOTICE of voluntary liquidation.—WESTLEY HOLDINGS PTY LIMITED, ACN 001 033 432 (in voluntary liquidation).—Notice is hereby given pursuant to the Corporations Law that at a general meeting of members, duly convened and held at the offices of Messrs Pringle Moriarty & Co., Chartered Accountants, Suite 12c, 44 Oxford Street, Ingleburn NSW 2565, on 12th August 2005, at 1:00 p.m., the following resolution was passed as a special resolution: “That the company be wound up voluntarily and that Stan Moriarty be appointed liquidator for the purposes of the winding up”. S. MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12c, 44 Oxford Street (PO Box 818), Ingleburn NSW 2565, tel.: (02) 9605 1344. [1533]

NOTICE of members' final meeting.—ADEL RECORDS PTY LIMITED (in liquidation).—Notice is hereby given that in the terms of section 509 of the Corporations Law a final general meeting of the company will be held at the offices of the liquidator, 154 Elizabeth Street, Sydney NSW 2000, on 19th September 2005, at 9:00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the property of the company was disposed. COLIN J. WILSON, Liquidator, c.o. Wilson Porter Services Pty, Chartered Accountants, Level 2, 154 Elizabeth Street, Sydney NSW 2000 (DX 11544, Sydney Downtown), tel.: (02) 9283 4333. [1534]

NOTICE of final meeting of members and creditors of the company.—MATRIX HR INTERNATIONAL PTY LIMITED, ACN 100 699 947 (in liquidation).—Notice is given that the final meeting of members and creditors of the company will be held at Level 1, 32 Martin Place, Sydney NSW 2000, on Friday, 23rd September 2005, at 10:30 a.m. Agenda: “To consider the account by the liquidators on the conduct of the winding up and the disposal of the company's property”. Proxies to be used at the meeting should be lodged prior to the commencement of the meeting. Dated this 15th day of August 2005. ADAM SHEPARD, Liquidator, Level 1, 32 Martin Place, Sydney NSW 2000. [1535]

NOTICE of final meeting.—A.C.N. 077 757 174 PTY LIMITED, ACN 077 757 174 (in liquidation), (formerly Bestaff NSW Pty Limited).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that a meeting of the members and creditors of the company will be held at Hall Chadwick, Level 29, 31 Market Street, Sydney NSW

2000, on 27th September 2005, at 10:00 a.m. GEOFFREY McDONALD, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1536]

NOTICE of final meeting of members and creditors.—FLOORING CONTRACTORS PTY LTD, ACN 093 309 356 (in liquidation), FADEGROVE PTY LTD, ACN 062 088 573 (in liquidation), ASTER P.O.S. SYSTEMS PTY LTD, ACN 000 575 682 (in liquidation) and JACOB HOMES PTY LTD, ACN 003 431 098 (in liquidation).—Notice is hereby given pursuant to section 509(1) of the Corporations Act 2001, that a final meeting of creditors and members of the abovenamed companies will be held at the offices of Nicols & Brien, Level 5, 221-229 Crown Street, Wollongong NSW 2500, on Tuesday, 20th September 2005, at 10:00 a.m., 10:30 a.m., 11:00 a.m. and 11:30 a.m. respectively, for the purposes of laying before the meeting an account of the liquidator's acts and dealings and of the conduct of the winding up. Dated this 15th day of August 2005. STEVEN NICOLS, Liquidator, c.o. Nicols & Brien, Level 2, 350 Kent Street, Sydney NSW 2000, tel.: (02) 9299 2289. [1537]

NOTICE of final meeting.—STOMAC PROJECTS PTY LIMITED, ACN 089 452 906 (in liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that a meeting of the members and creditors of the abovenamed company will be held at Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000, on 26th September 2005, at 11:00 a.m. Business: 1. To receive a report from the liquidator, being an account of his acts and dealings and of the conduct of the winding up during the period of the liquidation ending on 26th September 2005. 2. Further fees of the liquidator to be approved and paid in the fixed amount of \$5,000 plus GST. 3. That subject to any provisions under the Corporations Act 2001, to the contrary, the liquidator be empowered to destroy all books and records of the company on completion of all duties. 4. Any other business. ROBERT ELLIOTT, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1538]

NOTICE of voluntary liquidation.—CAPRON CARTER PTY LIMITED, ACN 001 188 281, (in liquidation).—Notice is hereby given pursuant to section 491(2) of the Corporations Act 2001, that a meeting of members of Capron Carter Pty Limited held at the registered office, 189 Parramatta Road, Flemington, on Friday, 19th August 2005, at 3:00 p.m., whereby the following special resolution was passed. Special Resolution: By unanimous vote. The members resolve that the company being solvent and able to pay all debts within 12 months be wound up and that John Watson of the firm LBW & Partners be appointed liquidator of the company for that purpose. JOHN WATSON, Liquidator, c.o. LBW & Partners, Chartered Accountants, Ground Floor, 19 Havilah Street, Chatswood NSW 2067 (PO Box 276, Chatswood NSW 2057), tel.: 9411 4866. [1539]

NOTICE of winding up order.—SKILLFORM PTY LTD, ACN 109 291 275 (in liquidation) and RG PLASTER SUPPLIES PTY LTD, ACN 097 291 275 (in liquidation).—On the 5th August 2005 and 12th August 2005, the Federal Court of Australia, District Registry, made an order that the abovenamed companies be wound up by the Court and appointed me to be liquidator. STEVEN NICOLS, Liquidator, Level 2, 350 Kent Street, Sydney NSW 2000. [1540]

NOTICE of final meeting.—ABERNETHY HOLDINGS PTY LIMITED, ACN 001 431 152 (in liquidation).—Notice is hereby given that the final meeting of the abovenamed company will be held at 9:00 a.m., on 23rd September 2005, at Level 3, 60 Castlereagh Street, Sydney NSW 2000, for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the assets of the company distributed and of having an explanation of accounts of the liquidator. PHILLIP STEVEN ROWE, Liquidator, Level 3, 60 Castlereagh Street, Sydney NSW 2000. [1541]

NOTICE of final meeting.—MARICH INVESTMENTS PTY LIMITED, ACN 000 774 283 (in liquidation).—Notice is hereby given that the final meeting of the abovenamed company will be held at 9:00 a.m., on 23rd September 2005, at Level 3, 60 Castlereagh Street, Sydney NSW 2000, for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the assets of the company distributed and of having an explanation of accounts of the liquidator. PHILLIP STEVEN ROWE, Liquidator, Level 3, 60 Castlereagh Street, Sydney NSW 2000. [1542]

NOTICE of final meeting.—MARTRADE PTY LIMITED, ACN 002 562 254 (in liquidation).—Notice is hereby given that the final meeting of the abovenamed company will be held at 9:00 a.m., on 23rd September 2005, at Level 3, 60 Castlereagh Street, Sydney NSW 2000, for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the assets of the company distributed and of having an explanation of accounts of the liquidator. PHILLIP STEVEN ROWE, Liquidator, Level 3, 60 Castlereagh Street, Sydney NSW 2000. [1543]

NOTICE of voluntary winding up.—AUDIO SALES & MARKETING PTY LTD, ACN 058 825 951.—Notice is hereby given pursuant to the Corporations Act 2001, that at the meetings of members and creditors duly convened and held on 10th August 2005, the following special resolution was passed: "That as the company is unable to pay its debts as and when they fall due, the company be wound up voluntarily and that Robert Elliott be appointed liquidator for the purpose of such winding up". Dated this 11th day of August 2005. ROBERT ELLIOTT, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1544]

NOTICE of voluntary winding up.—TALOOMBI ENTERPRISES PTY LIMITED, ACN 066 363 684 (in liquidation).—Notice is hereby given pursuant to the Corporations Act 2001, that at an extraordinary general meeting of the company duly convened and held on 9th August 2005, the following special resolution was passed: "That as the company be wound up voluntarily and that Robert Elliott be appointed liquidator for the purpose of such winding up". ROBERT ELLIOTT, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1545]

NOTICE of winding up order.—SKR ENTERPRISES PTY LTD, ACN 078 774 919 (in liquidation), HERBAL WORLD AUSTRALASIA (NO. 1) PTY LTD, ACN 055 934 382 (in liquidation), TESSBLUE PTY LTD, ACN 109 408 460 (in liquidation), M & G GALAFASSI CO PTY LTD, ACN 063

214 666 (in liquidation) and CHUCKS BRICKLAYING PTY LTD, ACN 004 010 646 (in liquidation).—Notice is hereby given that on the 4th August 2005 and 28th July 2005, the Supreme Court of New South Wales, Equity Division, made an order that the companies be wound up by the Court and appointed me to be liquidator. STEVEN NICOLS, Liquidator, Level 2, 350 Kent Street, Sydney NSW 2000. [1546]

NOTICE of resignation as agent.—SINEWAVE PTY LIMITED, ACN 105 181 851.—Notice is hereby given that Geoffrey McDonald resigned as agent for the mortgagee in possession of the abovenamed company as from 3rd August 2005. GEOFFREY McDONALD, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1547]

NOTICE of final meeting.—A.C.N. 095 833 837 PTY LIMITED, ACN 095 833 837 (in liquidation), (formerly known as Fresh Gourmet Pty Limited).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that a meeting of the members and creditors of the company will be held at Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000, on 26th September 2005, at 11:00 a.m. Business: 1. To receive a report from the liquidator, being an account of his acts and dealings and of the conduct of the winding up during the period of the liquidation ending on 26th September 2005. 2. That subject to any provisions under the Corporations Act 2001, to the contrary, the liquidator be empowered to destroy all books and records of the company on completion of all duties. 3. Any other business. Dated this 8th day of August 2005. GEOFFREY McDONALD, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1548]

NOTICE of final meeting.—PLASTIC CONSTRUCTIONS PTY LIMITED, ACN 003 915 857 (in liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that a meeting of the members and creditors of the company will be held at Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000, on 26th September 2005, at 11:30 a.m. Business: 1. To receive a report from the liquidator, being an account of his acts and dealings and of the conduct of the winding up during the period of the liquidation ending on 26th September 2005. 2. That subject to any provisions under the Corporations Act 2001, to the contrary, the liquidator be empowered to destroy all books and records of the company on completion of all duties. 3. Any other business. Dated this 8th day of August 2005. GEOFFREY McDONALD, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1549]

NOTICE of intention to declare a dividend.—S.M.I. CABLES PTY LIMITED, ACN 065 756 069 (in liquidation).—Notice is hereby given pursuant to the Corporations Act 2001, that a first and final dividend is to be declared on 30th September 2005, for the company. Creditors whose debts or claims have not already been admitted are required on or before 14th September 2005, to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated this 3rd day of August 2005. GEOFFREY McDONALD, Liquidator, c.o. Hall Chadwick, Level 29, 31 Market Street, Sydney NSW 2000. [1550]

NOTICE of final meeting of members.—M & L HOLLANDER HOLDINGS PTY LIMITED, ACN 000 717 242 (in liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final meeting of the members of the abovenamed company will be held at the office of Star Dean-Willcocks, Level 1, 32 Martin Place, Sydney NSW 2000, on 23rd September 2005, at 10:00 a.m., 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 11th day of August 2005. NICHOLAS CRAIG MALANOS, Liquidator, c.o. Star Dean-Willcocks, Chartered Accountants, Level 1, 32 Martin Place, Sydney NSW 2000, tel.: (02) 9223 2944. [1551]

NOTICE of winding up order.—A.C.N 074 468 018 PTY LIMITED, ACN 074 468 018 (in liquidation), (formerly United Finance Services).—On 10th August 2005, the Supreme Court of Queensland made an order that the company be wound up in insolvency under the provisions of the Corporations Act 2001, and appointed Geoffrey McDonald as official liquidator of the company. Dated this 12th day of August 2005. GEOFFREY McDONALD, Liquidator, c.o. Hall Chadwick, HSBC Building, Level 20, 300 Queen Street, Brisbane QLD 4000. [1552]

NOTICE of final meeting of members and creditors.—DARLEY ASSOCIATES PTY LTD, ACN 081 273 501 (in liquidation), SHORECORD PTY LTD, ACN 082 732 616 (in liquidation), INDIGENOUS SOCIAL DEVELOPMENT INSTITUTE LTD, ACN 094 204 047 (in liquidation), HILLMALL PTY LTD, ACN 065 609 770 (in liquidation), CAR PARADISE PTY LTD, ACN 059 172 735 (in liquidation).—Notice is hereby given pursuant to the Corporations Act 2001, that a final meeting of members and creditors of the abovenamed companies will be held at the offices of Nicols & Brien, Level 5, 221-229 Crown Street, Wollongong NSW 2500, on Tuesday, 13th September 2005, at 9:00 a.m., 9:30 a.m., 10:00 a.m., 10:30 a.m. and 11:00 a.m. respectively, for the purposes of laying before the meeting an account of the liquidator's acts and dealings and of the conduct of the winding up. Dated this 10th day of August 2005. STEVE NICOLS, Liquidator, c.o. Nicols & Brien, Level 5, 221-229 Crown Street, Wollongong NSW 2500, tel.: (02) 4226 6025. [1553]

NOTICE of intention to declare a dividend.—CIVIL MARINE CONSTRUCTIONS PTY LTD, ACN 060 873 118 (in liquidation).—Notice is hereby given pursuant to the Corporations Act 2001, that a dividend is to be declared on 7th September 2005, in respect of the company. Creditors whose debts or claims have not already been admitted are required on or before 7th September 2005, to formally prove their debts or claims. In default they will be excluded from the benefit of the dividend. Dated this 12th day of August 2005. STEVEN NICOLS, Liquidator, c.o. Nicols & Brien, Level 2, 350 Kent Street, Sydney NSW 2000, tel.: (02) 9299 2289. [1554]

NOTICE of final meeting of members and creditors.—RELIABLE PEOPLE WORLDWIDE PTY LIMITED, ACN 097 403 757 (in liquidation).—Notice is given that the final meeting of members and creditors of the company will be held at Level 1, 32 Martin Place, Sydney NSW 2000, on

Friday, 23rd September 2005, at 10:00 a.m. Agenda: To consider the account by the liquidators on the conduct of the winding up and the disposal of the company's property. Proxies to be used at the meeting should be lodged prior to the commencement of the meeting. Dated this 11th day of August 2005. ADAM SHEPARD, Liquidator, Level 1, 32 Martin Place, Sydney NSW 2000. [1555]

NOTICE of final meeting.—I R & D M SCOTT INVESTMENTS PTY LIMITED, ACN 002 866 284 (in voluntary liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the company will be held at "Carinyah", Cootamundra, on the 26th day of September 2005, at 10:00 a.m., for the purpose of the liquidator laying before the meeting an account of the winding up and the giving of any explanation thereof. Dated this 8th day of August 2005. IAN ROBERT SCOTT, Liquidator, c.o. Dawson & Partners, Chartered Accountants, 92 Cooper Street (PO Box 201), Cootamundra NSW 2590, tel.: (02) 6942 1711. [1559]

NOTICE convening final meeting of creditors.—LOCAL HOMES PTY LTD, ACN 099 849 582 (in liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Law that the final creditors meeting of the abovenamed company will be held at the office of Lower, Russell & Farr, First Floor, 81 Henry Street, Penrith, on 16th September 2005, at 10:00 a.m., 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. Persons claiming to be creditors are required to prove their debt by no later than 4 o'clock of the previous day. In default they will be excluded from the benefit of the dividend. Dated this 17th day of August 2005. STEPHEN HENRY LOWER, Liquidator, c.o. Lower, Russell & Farr, Chartered Accountants, First Floor, 81 Henry Street (PO Box 459), Penrith NSW 2751, tel.: (02) 4732 3033. [1561]

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