



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 11 April 2006

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

Act No. 12 2006 – An Act to implement in New South Wales the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children; and for other purposes. [Child Protection (International Measures) Bill]

Act No. 13 2006 – An Act to amend the Environmental Planning and Assessment Act 1979 and the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the owner-initiated acquisition of land reserved for a public purpose. [Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Bill]

Act No. 14 2006 – An Act to amend the Law Enforcement (Controlled Operations) Act 1997 with respect to cross-border investigations and authorizations under the Act; to make consequential amendments to other legislation; to provide for a further review of the Act; and for other purposes. [Law Enforcement (Controlled Operations) Amendment Bill]

Act No. 15 2006 – An Act to revoke the reservation under the National Parks and Wildlife Act 1974 of certain land in Bargo State Conservation Area and to vest that land in the Minister administering the Sporting Venues Management Act 2002; to reserve certain Crown land as Bargo River State Conservation Area and as part of Yengo National Park; and for other purposes. [National Parks and Wildlife (Adjustment of Areas) Bill]

RUSSELL D. GROVE, PSM,
Clerk of the Legislative Assembly

Proclamations



New South Wales

Proclamation

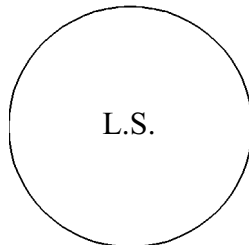
under the

Companion Animals Amendment Act 2005 No 101

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Companion Animals Amendment Act 2005*, do, by this my Proclamation, appoint 28 April 2006 as the day on which the uncommenced provisions of that Act commence.
Signed and sealed at Sydney, this 12th day of April 2006.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the amendments made by the *Companion Animals Amendment Act 2005* that relate to the declaration by councils of dogs as restricted dogs.



New South Wales

Proclamation

under the

Public Finance and Audit Act 1983

MARIE BASHIR, Governor

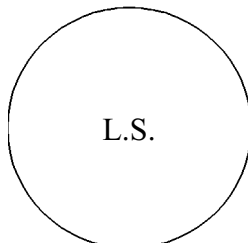
I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 45B of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend Schedule 3 (Departments) to that Act:

- (a) by omitting from Columns 1 and 2 the matter relating to the following Departments:
- Ministry for the Arts
 - Department of Gaming and Racing
 - Heritage Office
 - Parliamentary Counsel's Office
 - Ministry for Science and Medical Research
 - Department of Tourism, Sport and Recreation
- (b) by inserting in Columns 1 and 2 in alphabetical order of Departments:

Department of the Arts, Sport and Recreation Director-General of the Department

Signed and sealed at Sydney, this 12th day of April 2006.

By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,
Treasurer

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The *Public Sector Employment and Management (General) Order 2006* established the Department of the Arts, Sport and Recreation and abolished (as Departments) the Ministry for the Arts, the Department of Gaming and Racing, the Heritage Office, the Parliamentary Counsel's Office, the Ministry for Science and Medical Research and the Department of Tourism, Sport and Recreation.

The object of this Proclamation is to amend Schedule 3 (Departments) to the *Public Finance and Audit Act 1983* to reflect those changes.



New South Wales

Proclamation

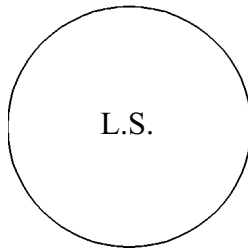
under the

Vocational Education and Training Act 2005 No 100

KEITH MASON, Administrator

I, The Hon. Justice Keith Mason AC, Administrator of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Vocational Education and Training Act 2005*, do, by this my Proclamation, appoint 24 April 2006 as the day on which that Act commences.
Signed and sealed at Sydney, this 19th day of April 2006.

By The Administrator's Command,



CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training
GOD SAVE THE QUEEN!

Regulations



New South Wales

Companion Animals Amendment (Breed Certificates) Regulation 2006

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 objects of this Regulation are:

- (a) to provide that a breed identification certificate, or a breed registration certificate, issued by the Canine Council in relation to a dog can be used by the owner of the dog to indicate its breed for the purposes of preventing the dog's declaration as a restricted dog by a local council, and
- (b) to provide that an offence under section 58B (1) of the *Companion Animals Act 1998* (which relates to the obligations of a dog owner when notified of a proposed restricted dog declaration by a local council) may be dealt with by way of penalty notice.

This Regulation is made under the *Companion Animals Act 1998*, including sections 58C (3), 92 and 96 (the general regulation-making power).

Clause 1 Companion Animals Amendment (Breed Certificates) Regulation 2006

Companion Animals Amendment (Breed Certificates) Regulation 2006

under the

Companion Animals Act 1998

1 Name of Regulation

This Regulation is the *Companion Animals Amendment (Breed Certificates) Regulation 2006*.

2 Commencement

This Regulation commences on 28 April 2006.

3 Amendment of Companion Animals Regulation 1999

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

Companion Animals Amendment (Breed Certificates) Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 31

Insert after clause 30:

31 Breed identification or registration certificates issued by Canine Council

Any breed identification certificate or breed registration certificate issued by the Royal NSW Canine Council Ltd (whether before or after the commencement of this clause) in relation to a dog is prescribed for the purposes of section 58C (3) of the Act, but only if the certificate contains the unique identification number allocated to the microchip that has been implanted in the dog in connection with its identification under this Regulation.

[2] Schedule 1 Penalty notice offences

Insert after the matter relating to section 57C:

Section 58B (1)	\$1,320
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New South Wales

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Amendment (Smoke Alarms) Regulation 2006

under the

Local Government Act 1993

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

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

Explanatory note

The object of this Regulation is to repeal provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* that would have repealed clauses 64 and 156 of that regulation on the commencement of a regulation under section 146A of the *Environmental Planning and Assessment Act 1979*. Those clauses require manufactured homes and relocatable homes that are constructed after 1 January 1996 to be equipped with an automatic fire detection and alarm system.

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

Clause 1 Local Government (Manufactured Home Estates, Caravan Parks, Camping
 Grounds and Moveable Dwellings) Amendment (Smoke Alarms)
 Regulation 2006

**Local Government (Manufactured Home Estates,
Caravan Parks, Camping Grounds and Moveable
Dwellings) Amendment (Smoke Alarms)
Regulation 2006**

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (Manufactured Home Estates,
Caravan Parks, Camping Grounds and Moveable Dwellings)
Amendment (Smoke Alarms) Regulation 2006*.

2 Commencement

This Regulation commences on 1 May 2006.

**3 Amendment of Local Government (Manufactured Home Estates,
Caravan Parks, Camping Grounds and Moveable Dwellings)
Regulation 2005**

The *Local Government (Manufactured Home Estates, Caravan Parks,
Camping Grounds and Moveable Dwellings) Regulation 2005* is
amended as set out in Schedule 1.

Local Government (Manufactured Home Estates, Caravan Parks, Camping
Grounds and Moveable Dwellings) Amendment (Smoke Alarms)
Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

- [1] Clause 64 Fire and smoke alarms**
Omit clause 64 (3).
- [2] Clause 156 Fire and smoke alarms**
Omit clause 156 (3).



New South Wales

Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006

under the

Non-Indigenous Animals Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Non-Indigenous Animals Act 1987*.

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

Explanatory note

The objects of this Regulation are:

- (a) to classify certain animals, in addition to the animals currently classified by the *Non-Indigenous Animals Regulation 1997 (the Regulation)*, for the purposes of the *Non-Indigenous Animals Act 1987 (the Act)*, and
- (b) to extend the operation of the provisions of the Regulation that provide exemptions from the provisions of the Act that create the offences of keeping and moving certain categories of non-indigenous animals, and
- (c) to provide for the issue of penalty notices in relation to certain offences created by the Act.

This Regulation is made under the *Non-Indigenous Animals Act 1987*, including section 29 (the general regulation-making power).

Clause 1 Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006

Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006

under the

Non-Indigenous Animals Act 1987

1 Name of Regulation

This Regulation is the *Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006*.

2 Amendment of Non-Indigenous Animals Regulation 1997

The *Non-Indigenous Animals Regulation 1997* is amended as set out in Schedule 1.

Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 11 Keeping of animals

Omit “category 2 or category 3a animal (except *Funambulus pennanti*, commonly known as the Northern Palm Squirrel)” from clause 11 (a).

Insert instead “category 2 animal, a category 3a animal (except *Funambulus pennanti*, commonly known as the Northern Palm Squirrel) or a category 3b animal”.

[2] Clause 12 Movement of animals

Omit clause 12 (c). Insert instead:

- (c) in the case of the movement or transportation of a category 3b animal:
 - (i) a person who owns the animal, and
 - (ii) a person who holds an authority under the *Exhibited Animals Protection Act 1986* that enables the person to exhibit the animal.

[3] Part 6A

Insert after clause 28:

Part 6A Penalty notices

28A Penalty notices

For the purposes of section 27A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 3 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 2 of Schedule 3.

[4] Schedule 1 Classification of non-indigenous animals

Insert in appropriate order in Columns 1, 2 and 3 in Part 1 (Amphibians) under the heading “ORDER ANURA” and subheading “Family Dendrobatidae”:

<i>Dendrobates azureus</i>	Blue Poison-arrow Frog	2
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Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006

Schedule 1 Amendments

[5] Schedule 1, Part 2 (Reptiles)

Insert in appropriate order in Columns 1, 2 and 3 under the heading “ORDER SQUAMATA” and the subheadings “[SUB-ORDER LACERTILIA: lizards]” and “Family Chamaeleonidae”:

<i>Chameleo calyptratus</i>	Veiled Chameleon	2
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[6] Schedule 1, Part 2

Insert in appropriate order in Columns 1, 2 and 3 under the heading “ORDER SQUAMATA”:

[SUB-ORDER SAURIA: lizards]

Family Teiidae

<i>Tupinambis teguixin</i>	Black and White Tegu	2
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[7] Schedule 1, Part 2

Insert in appropriate order in Columns 1, 2 and 3 under the heading “ORDER SQUAMATA” and the subheadings “[SUB-ORDER SERPENTES: snakes]”, “Family Boidae” and “[Sub-family Pythoninae]”:

<i>Morelia boeleni</i>	Boelen’s Python	2
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[8] Schedule 1, Part 2

Insert in appropriate order in Columns 1, 2 and 3 under the heading “ORDER SQUAMATA” and the subheadings “[SUB-ORDER SERPENTES: snakes]” and “Family Elapidae”:

<i>Ophiophagus hannah</i>	King Cobra	2
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[9] Schedule 1, Part 3 (Mammals)

Insert in appropriate order in Columns 1, 2 and 3 under the heading “ORDER PERISSODACTYLA” and the subheading “Family Rhinocerotidae”:

<i>Rhinoceros unicornis</i>	Indian Rhinoceros	2
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Non-Indigenous Animals Amendment (Miscellaneous) Regulation 2006

Amendments

Schedule 1

[10] Schedule 3

Insert after Schedule 2:

Schedule 3 Penalty notice offences

(Clause 28A)

Column 1	Column 2
Offence	Penalty
Offences under the Act	
Section 10 (1)	\$550
Section 10 (2)	\$220
Section 11 (1)	\$550
Section 11 (2)	\$220
Section 12 (1)	\$550
Section 12 (2)	\$220
Section 13 (1)	\$550
Section 13 (2)	\$220
Section 13 (3)	\$220
Section 21 (2)	\$220

Orders



New South Wales

Home Building (Corresponding Laws) Order 2006

under the

Home Building Act 1989

I, the Minister for Fair Trading, in pursuance of clause 28A of the *Home Building Regulation 2004*, make the following Order.

Dated, this 2nd day of April 2006.

DIANE BEAMER, M.L.C.,
Minister for Fair Trading

Explanatory note

The object of this Order is to declare certain laws of other Australian jurisdictions to be laws that correspond to the *Home Building Act 1989* for the purposes of clause 28A of the *Home Building Regulation 2004*. Under that clause, a person is disqualified from holding an authority under the *Home Building Act 1989* if the person is disqualified from holding an authority under a corresponding law or is the holder of such an authority that is suspended.

This Order is made under clause 28A of the *Home Building Regulation 2004* (definition of *corresponding law*), which was made under the *Home Building Act 1989*.

Clause 1 Home Building (Corresponding Laws) Order 2006

Home Building (Corresponding Laws) Order 2006

under the

Home Building Act 1989

1 Name of Order

This Order is the *Home Building (Corresponding Laws) Order 2006*.

2 Definition

In this Order:

the NSW Act means the *Home Building Act 1989*.

3 Corresponding laws

For the purposes of clause 28A of the *Home Building Regulation 2004*, the following Acts, including any laws constituted by regulations, orders or other instruments made under those Acts, are declared to be laws that correspond to the NSW Act:

- (a) the *Construction Occupations (Licensing) Act 2004* of the Australian Capital Territory,
- (b) the *Electrical Workers and Contractors Act*, the *Plumbers and Drainers Licensing Act*, the *Dangerous Goods Act* (in so far as it relates to gas fitters) and the *Building Act* of the Northern Territory,
- (c) the *Queensland Building Services Authority Act 1991*, the *Electrical Safety Act 2002*, the *Plumbing and Drainage Act 2002* and the *Petroleum and Gas (Production and Safety) Act 2004* of Queensland,
- (d) the *Building Work Contractors Act 1995* and the *Plumbers, Gas Fitters and Electricians Act 1995* of South Australia,
- (e) the *Building Act 2000*, the *Electricity Industry Safety and Administration Act 1997*, the *Plumbers and Gas-fitters Registration Act 1951* and the *Workplace Health and Safety Act 1995* of Tasmania (in so far as it relates to gas fitters),
- (f) the *Building Act 1993* and the *Electricity Safety Act 1998* of Victoria,

Home Building (Corresponding Laws) Order 2006

Clause 3

-
- (g) the *Builders' Registration Act 1939*, the *Painters' Registration Act 1961*, the *Electricity Act 1945*, the *Gas Standards Act 1972* and the *Water Services Licensing Act 1995* of Western Australia.

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 list 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 and establishment of exotic vines and scramblers

Dated, this 6th day of April 2006.

Associate Professor 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 Support 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.



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 and establishment of the Cane Toad (*Bufo marinus*)

Dated, this 10th day of April 2006.

Associate Professor 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 Support 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.

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