



# Government Gazette

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NEW SOUTH WALES

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## LEGISLATION

### Proclamations



New South Wales

## Proclamation

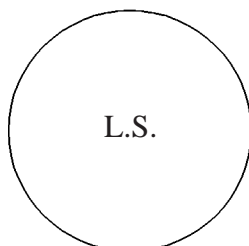
under the

**Crimes (Appeal and Review) Amendment (DNA Review Panel)  
Act 2006 No 70**

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 *Crimes (Appeal and Review) Amendment (DNA Review Panel) Act 2006*, do, by this my Proclamation, appoint 23 February 2007 as the day on which that Act commences.  
Signed and sealed at Sydney, this 21st day of February 2007.

By Her Excellency's Command,



L.S.

BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

Crimes (Forensic Procedures) Amendment Act 2006 No 74

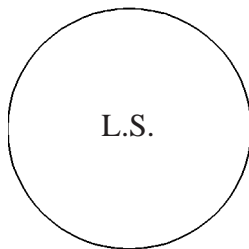
MARIE BASHIR, Governor

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 *Crimes (Forensic Procedures) Amendment Act 2006*, do, by this my Proclamation, appoint:

- (a) 23 February 2007 as the day on which the provisions of sections 3 and 4 of that Act, and Schedule 1 [99]–[102], [110] and [111] to that Act, commence, and
- (b) 15 March 2007 as the day on which the provisions of Schedule 1 [3]–[6], [9]–[11], [13], [17], [25], [27]–[29], [31], [33], [34], [36], [53], [55], [56], [58], [60], [61], [65]–[70], [72], [73], [75]–[80], [84], [95], [96], [103] and [104] to that Act commence, and
- (c) 1 July 2007 as the day on which the remaining provisions of that Act commence.

Signed and sealed at Sydney, this 21st day of February 2007.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

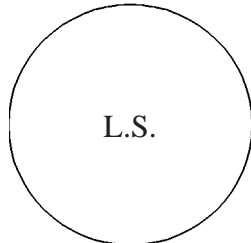
under the

Crimes and Courts Legislation Amendment Act 2006 No 107

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 *Crimes and Courts Legislation Amendment Act 2006*, do, by this my Proclamation, appoint 23 February 2007 as the day on which Schedule 1.9 [5]–[8] to that Act commences. Signed and sealed at Sydney, this 21st day of February 2007.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence amendments to the *Crimes (Sentencing Procedure) Act 1999* made by Schedule 1.9 [5]–[8] to the *Crimes and Courts Legislation Amendment Act 2006*.

The relevant amendments provide for the appointment of additional members of the New South Wales Sentencing Council and confer an additional function on that council of educating the public about sentencing matters.



New South Wales

## Proclamation

under the

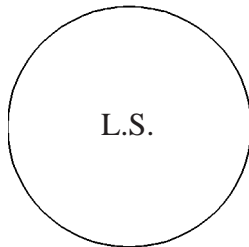
Motor Accidents Compensation Amendment Act 2006 No 17

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 *Motor Accidents Compensation Amendment Act 2006*, do, by this my Proclamation, appoint 1 October 2007 as the day on which the uncommenced provisions of Schedule 1 [7] to that Act commence.

Signed and sealed at Sydney, this 21st day of February 2007.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence (on 1 October 2007) amendments effected by the *Motor Accidents Compensation Amendment Act 2006* in relation to recovery for blameless accidents.



New South Wales

## Proclamation

under the

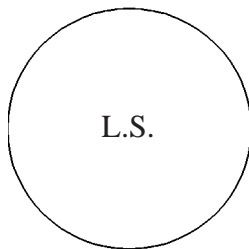
Police Powers Legislation Amendment Act 2006 No 128

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 *Police Powers Legislation Amendment Act 2006*, do, by this my Proclamation, appoint 23 February 2007 as the day on which section 4 of, and Schedule 2 to, that Act commence.

Signed and sealed at Sydney, this 21st day of February 2007.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the provisions of the *Police Powers Legislation Amendment Act 2006* that amend the *Police Powers (Drug Detection in Border Areas Trial) Act 2003*. The amendments revive the trial drug detection scheme under that Act and make various changes to the scheme (including by extending it to all outer metropolitan areas).



New South Wales

## Proclamation

under the

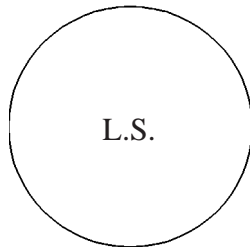
Superannuation Legislation Amendment Act 2006 No 53

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 *Superannuation Legislation Amendment Act 2006*, do, by this my Proclamation, appoint 1 April 2007 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 21st day of February 2007.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The provisions of the *Superannuation Legislation Amendment Act 2006* commenced on 30 June 2006 except for certain provisions regarding the making of salary sacrifice contributions by members of the State Authorities Superannuation Fund.

The object of this Proclamation is to commence those uncommenced provisions.

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# Regulations

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New South Wales

## Administrative Decisions Tribunal (General) Amendment (Exclusions) Regulation 2007

under the

Administrative Decisions Tribunal Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Administrative Decisions Tribunal Act 1997*.

BOB DEBUS, M.P.,  
Attorney General

### Explanatory note

The object of this Regulation is to amend the *Administrative Decisions Tribunal (General) Regulation 2004*:

- (a) so that certain decisions under the *Coal Mine Health and Safety Regulation 2006* are excluded from the operation of section 53 of the *Administrative Decisions Tribunal Act 1997* (section 53 provides for decisions to be subject to internal review), and
- (b) to remove an obsolete cross-reference following the amendment of section 90 of the *Anti-Discrimination Act 1977*.

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including sections 53 and 145 (the general regulation-making power).

Clause 1 Administrative Decisions Tribunal (General) Amendment (Exclusions)  
Regulation 2007

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## **Administrative Decisions Tribunal (General) Amendment (Exclusions) Regulation 2007**

under the

Administrative Decisions Tribunal Act 1997

### **1 Name of Regulation**

This Regulation is the *Administrative Decisions Tribunal (General) Amendment (Exclusions) Regulation 2007*.

### **2 Amendment of Administrative Decisions Tribunal (General) Regulation 2004**

The *Administrative Decisions Tribunal (General) Regulation 2004* is amended as set out in Schedule 1.



Administrative Decisions Tribunal (General) Amendment (Exclusions)  
Regulation 2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 11 Reviewable decisions excluded from internal review under section 53 of the Act**

Omit clause 11 (a).

**[2] Clause 11 (c1)**

Insert after clause 11 (c):

- (c1) a decision referred to in clause 209 (1) (b), (f) or (g) of the *Coal Mine Health and Safety Regulation 2006*,



New South Wales

# Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007

under the

Administrative Decisions Tribunal Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Administrative Decisions Tribunal Act 1997*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to amend the *Administrative Decisions Tribunal (General) Regulation 2004* so that:

- (a) certain decisions under the *Building Professionals Act 2005* and the *Building Professionals Regulation 2007* are excluded from the operation of section 53 of the *Administrative Decisions Tribunal Act 1997* (section 53 provides for decisions to be subject to internal review), and
- (b) certain decisions under the *Building Professionals Act 2005* are excluded from the operation of section 49 of the *Administrative Decisions Tribunal Act 1997* (section 49 allows an interested person to make a request for the reasons for the decision).

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including sections 49, 53 and 145 (the general regulation-making power).

Clause 1 Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007

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## **Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007**

under the

Administrative Decisions Tribunal Act 1997

### **1 Name of Regulation**

This Regulation is the *Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 1 March 2007.

### **3 Amendment of Administrative Decisions Tribunal (General) Regulation 2004**

The *Administrative Decisions Tribunal (General) Regulation 2004* is amended as set out in Schedule 1.

Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Part 5, heading**

Omit the heading. Insert instead:

### **Part 5 Reviewable decisions**

**[2] Clause 10A**

Insert before clause 11:

**10A Reviewable decisions excluded from requirement to provide reasons for decision under section 49 of the Act**

For the purposes of section 49 (4) (a) of the Act, a decision to make a finding or to take action of a kind referred to in section 33 of the *Building Professionals Act 2005* is excluded from the application of section 49 of the Act.

**[3] Clause 11 Reviewable decisions excluded from internal review under section 53 of the Act**

Insert before clause 11 (d):

- (c2) a decision referred to in section 18 (b) of the *Building Professionals Act 2005*,
- (c3) a decision referred to in section 18 (c) of the *Building Professionals Act 2005* made in the circumstances referred to in clause 2 (1) of Schedule 4 to the *Building Professionals Regulation 2007*,
- (c4) a decision referred to in section 18 (d) of the *Building Professionals Act 2005*,
- (c5) a decision referred to in section 18 (e) of the *Building Professionals Act 2005*, but only if:
  - (i) the decision is made in the circumstances referred to in clause 2 (1) of Schedule 4 to the *Building Professionals Regulation 2007*, or
  - (ii) the decision relates to the renewal of the person's certificate of accreditation, or
  - (iii) the decision is made under section 9 (2) of the *Building Professionals Act 2005*,

Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007

Schedule 1 Amendments

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- (c6) a decision referred to in section 18 (f) of the *Building Professionals Act 2005* (but only if the decision is made on a ground set out in section 8 (2) (c), (d), (e) or (f) of that Act),
- (c7) a decision to make a finding or to take action of a kind referred to in section 33 of the *Building Professionals Act 2005*,



New South Wales

# Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007

under the

Children and Young Persons (Care and Protection) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

REBA MEAGHER, M.P.,  
Minister for Community Services

## Explanatory note

The object of this Regulation is to establish a system of registration of out of school hours care services (that is, services that provide care to school children outside school hours and during school vacations). Registration of such a service will become compulsory on 1 July 2007.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 220B (Regulations for or with respect to out of school hours care services) and section 264 (the general regulation-making power).

Clause 1 Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007

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## **Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007**

under the

Children and Young Persons (Care and Protection) Act 1998

### **1 Name of Regulation**

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007*.

### **2 Amendment of Children and Young Persons (Care and Protection) Regulation 2000**

The *Children and Young Persons (Care and Protection) Regulation 2000* is amended as set out in Schedule 1.

Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Part 8

Insert after Part 7:

## Part 8 Out of school hours care services

### 42 Definitions

In this Part:

*children who are at school* has the same meaning as it has in section 220A of the Act.

*out of school hours care service* has the same meaning as it has in section 220A of the Act.

*registered premises*, in relation to an out of school hours care service, means the premises (if any) in respect of which the service is registered under this Part.

*registered provider*, in relation to an out of school hours care service, means the person who is registered under this Part as the provider of the service.

### 43 Provision of unregistered service prohibited

- (1) This clause commences on 1 July 2007.
- (2) A person must not provide an out of school hours care service for any children who are at school unless:
  - (a) the service is registered under this Part, and
  - (b) the person is the registered provider for the service, and
  - (c) if the service is provided at fixed premises, the premises are the registered premises for the service.

Maximum penalty: 10 penalty units.

**Note.** A person does not provide such a service just because the person is a carer for the service, or is otherwise employed within the service, whether on a paid or voluntary basis.

- (3) Subclause (2) does not apply to the proposed registered provider for the service under an application under clause 44 that has been made before 1 July 2007 but not yet determined under clause 45.

### 44 Application for registration

- (1) Any person who provides, or intends to provide, an out of school hours care service may apply for registration of the service.



Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation 2007

Schedule 1 Amendment

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- (2) An application for registration must be in the form approved by the Director-General and must include the following information:
  - (a) the name, address and contact details of the proposed registered provider for the service,
  - (b) the name, address and contact details of the person who is proposed to have charge of the service,
  - (c) if the service is to be provided at fixed premises, the address of the proposed registered premises for the service,
  - (d) such other information as the application form may require.
- (3) The application must be accompanied by such supporting documents and information as the application form may require.

**Note.** Section 253 of the Act makes it an offence to make a false or misleading application under this clause.

**45 Registration**

- (1) The Director-General may determine an application for registration of an out of school hours care service by registering the service or by refusing the application.
- (2) Registration of an out of school hours care service is subject to such conditions as are imposed on the registration by this Part.
- (3) The Director-General may cancel the registration of an out of school hours care service for breach of any such condition.

**46 Condition as to provision of further information**

- (1) It is a condition of registration of an out of school hours care service that the registered provider for the service will furnish the Director-General with such information (including financial information) relevant to the provision of the service as the Director-General may from time to time require by notice in writing served on the registered provider.
- (2) A registered provider of an out of school hours care service is guilty of an offence if he or she fails to comply with the requirements of a notice served under this clause.

Maximum penalty: 10 penalty units.



New South Wales

# Children (Detention Centres) Amendment Regulation 2007

under the

Children (Detention Centres) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Detention Centres) Act 1987*.

ANTHONY KELLY, M.L.C.,  
Minister for Juvenile Justice

## Explanatory note

The object of this Regulation is to amend the *Children (Detention Centres) Regulation 2005* so as to make provision with respect to:

- (a) property surrendered to a centre manager under section 17 of the Act, and
- (b) the segregation of detainees under section 19 of the Act, and
- (c) the rights of detainees with respect to the possession of radios and other electronic equipment, and
- (d) the preparation of case plans for detainees, and
- (e) visits to detention centres, including procedures for the conduct of searches on visitors, the use of cameras and other recording equipment and the making of banning orders, and
- (f) the regulation of telephone calls by detainees, and
- (g) rights to day leave and overnight leave, and
- (h) the testing of detainees for the presence of drugs and alcohol, and
- (i) the definition of misbehaviour and the establishment of procedures for dealing with misbehaviour, and
- (j) the testing of juvenile justice officers for the presence of drugs and alcohol, and
- (k) the role of Justice Health in maintaining the health of detainees.

This Regulation is made under the *Children (Detention Centres) Act 1987*, including section 45 (the general power to make regulations) and sections 17, 20, 21, 24, 32A and 37M.

Clause 1 Children (Detention Centres) Amendment Regulation 2007

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## **Children (Detention Centres) Amendment Regulation 2007**

under the

Children (Detention Centres) Act 1987

### **1 Name of Regulation**

This Regulation is the *Children (Detention Centres) Amendment Regulation 2007*.

### **2 Commencement**

This Regulation commences on 2 March 2007.

### **3 Amendment of Children (Detention Centres) Regulation 2005**

The *Children (Detention Centres) Regulation 2005* is amended as set out in Schedule 1.

Children (Detention Centres) Amendment Regulation 2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Omit “or (b)” from paragraph (b) of the definition of *classified person* in clause 3 (1).

Insert instead “or (c)”.

### [2] Clause 3 (1)

Insert in alphabetical order:

*approved laboratory* means a laboratory accredited by the New South Wales Department of Health and approved for the purposes of this Regulation by the Director-General.

*government analyst* means:

- (a) an analyst within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or
- (b) a person employed by the owner or operator of an approved laboratory as an analyst.

*Justice Health officer* means:

- (a) the Chief Executive Officer, Justice Health, or
- (b) a medical officer or other member of staff of Justice Health authorised by the Chief Executive Officer, Justice Health, to exercise the functions of a Justice Health officer for the purposes of this Regulation.

*visitor* includes any person who visits a detention centre, or who visits a detainee who is detained in a detention centre, but does not include a juvenile justice officer who is employed at the detention centre.

### [3] Clause 5 Admission of detainees

Insert after clause 5 (5):

- (6) The centre manager, in relation to any property that is surrendered under section 17 of the Act:
  - (a) may make the property available for inspection by the police, if of the opinion that it may constitute evidence of an offence, or
  - (b) may direct that the property be destroyed, if of the opinion that it may constitute a threat to public health.

## Children (Detention Centres) Amendment Regulation 2007

## Schedule 1 Amendments

**[4] Clause 10 Segregation of detainees for protection**

Insert at the end of the clause:

- (2) If, pursuant to an approval referred to in section 19 (1) (b) of the Act, a detainee is segregated for more than 24 hours, the centre manager must ensure that:
  - (a) notice of that fact is given promptly to the Ombudsman, and
  - (b) the segregation is carried out in accordance with a plan that is subject to monitoring by a psychologist, and
  - (c) the detainee is visited daily by a Justice Health officer, and
  - (d) if the psychologist or Justice Health officer advises the centre manager that the detainee appears to be at risk of self-harm, the detainee is checked on by a juvenile justice officer at intervals of no more than 10 minutes.

**[5] Clause 12A**

Insert after clause 12:

**12A Radios and other electronic equipment**

- (1) A detainee may acquire:
  - (a) any radio or other item of electronic equipment, and
  - (b) any compact disc or other accessory for any such equipment,approved by the centre manager.
- (2) Any such item of electronic equipment or accessory in the possession of a detainee which, in the opinion of the centre manager, is likely to adversely affect the security, safety or good order of the detention centre may be disposed of or otherwise dealt with by the centre manager in such manner as is reasonable in the circumstances, taking into account the nature of the item or accessory.

**[6] Clause 15 Records to be kept concerning property**

Insert "or visitor" after "property of a detainee".

**[7] Clause 17 Access to programs**

Insert after clause 17 (1) (e):

- (f) programs to assist detainees to address the offences for which they are detained.

Children (Detention Centres) Amendment Regulation 2007

Amendments

Schedule 1

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**[8] Clause 17 (4)**

Insert “and priority to those detainees who are at greatest risk of re-offending” after “disability”.

**[9] Part 2A**

Insert after Part 2:

## **Part 2A Case management**

**18A Case plans to be prepared for all detainees** (cf clause 12 of Crimes (Administration of Sentences) Regulation 2001)

- (1) A case plan is to be prepared for each detainee in a detention centre as soon as practicable after the detainee is admitted into the detention centre and is to be periodically reviewed so as to ensure that it remains relevant to the detainee’s circumstances.
- (2) The procedure for preparing and adopting a case plan is as set out in this Part.

**18B Contents of case plan** (cf clause 13 of Crimes (Administration of Sentences) Regulation 2001)

- (1) A detainee’s case plan may deal with any matter relating to the management of the detainee, including:
  - (a) the provision of services and programs in which the detainee should be encouraged to participate, and
  - (b) the provision of health care services to the detainee, and
  - (c) in the case of a detainee who appears to be at risk of self-harm, the preparation of a strategy to minimise the likelihood of self-harm occurring, and
  - (d) in the case of a detainee who has a disability, the preparation of a strategy to minimise any disadvantage suffered by the detainee on account of the disability, particularly in relation to the detainee’s suitability to engage in education or to carry out work, and
  - (e) in the case of a detainee who is an Aboriginal person or Torres Strait Islander, the preparation of a strategy to accommodate his or her cultural needs, and
  - (f) the provision of such pre-release and post-release assistance to the detainee as is relevant to his or her circumstances.

## Children (Detention Centres) Amendment Regulation 2007

## Schedule 1 Amendments

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- (2) In preparing a detainee's case plan, regard is to be had to the following matters:
- (a) the sentencing court's comments in relation to the detainee,
  - (b) any assessment that has been made as to the detainee's physical or mental health,
  - (c) the detainee's history.

**18C Linguistic and cultural factors to be considered** (cf clause 21 of Crimes (Administration of Sentences) Regulation 2001)

- (1) On becoming aware that a detainee who is being interviewed for the purposes of this Part may be disadvantaged by linguistic or cultural factors, an interviewer must take all reasonable steps to ensure that the detainee has the assistance of a person who can act as an appropriate interpreter or cultural representative.
- (2) Such a person need not be present at the interview so long as he or she is available to the detainee by telephone during the interview.
- (3) If the interviewer makes a report that assesses a detainee for the purposes of this Part, the interviewer:
  - (a) must take into consideration any linguistic or cultural factors that may disadvantage the detainee, and
  - (b) must refer in the report to the extent to which, in the interviewer's opinion, those factors are significant in relation to the assessment.

**18D Detainee may participate in development of case plan**

The Director-General must take all reasonable steps to enable the detainee to participate in the development of his or her case plan.

**[10] Clause 22A**

Insert after clause 22:

**22A Visits by Official Visitor and Ombudsman**

A detainee may at any time be visited by any of the following:

- (a) the Official Visitor for the detention centre,
- (b) officers from the Office of the New South Wales Ombudsman.

## Children (Detention Centres) Amendment Regulation 2007

## Amendments

## Schedule 1

**[11] Clauses 25, 26, 29, 30, 33, 49, 50 and 51**

Omit “An officer” and “an officer” wherever occurring in clauses 25 (3), (4) and (5), 26 (2) and (3), 29 (1), 30 (2), 33 (1), 49 (3), 50 (1), (2) and (3) and 51 (1).

Insert instead “A juvenile justice officer” and “a juvenile justice officer”, respectively.

**[12] Clauses 27A, 27B and 27C**

Insert after clause 27:

**27A Searching of visitors**

- (1) A juvenile justice officer may require a visitor:
  - (a) to submit to an inspection and search of personal possessions, to scanning by means of an electronic scanning device and to being sniffed by a dog, and
  - (b) to empty the pockets of the visitor’s clothing, and
  - (c) to make available for inspection and search any vehicle under the visitor’s control that is on the premises of a detention centre.
- (2) Except as otherwise provided by this Regulation or as permitted by a juvenile justice officer, a visitor must, while the visit is taking place, leave anything that the visitor has brought into a detention centre in storage facilities provided for the purpose at the centre.

Maximum penalty: 5 penalty units.
- (3) A juvenile justice officer may confiscate, for the duration of the visit, anything that a visitor has brought into the detention centre but not left in storage facilities as required by subclause (2).
- (4) Subclause (3) does not limit any other power that a juvenile justice officer may have apart from this clause to seize or detain anything of the kind referred to in that subclause, such as a power to seize any such thing from a person following the person’s lawful arrest.
- (5) This clause does not apply to or in respect of any of the following persons:
  - (a) a police officer or correctional officer while acting in his or her official capacity,
  - (b) a person referred to in, or belonging to a body referred to in, clause 30 (3) (a)–(m),



## Children (Detention Centres) Amendment Regulation 2007

## Schedule 1 Amendments

- 
- (c) a diplomatic or consular representative of a foreign country.

**27B Unauthorised use of cameras or recording equipment** (cf clause 96 of Crimes (Administration of Sentences) Regulation 2001)

- (1) A visitor must not take photographs of, or operate video or audio recording equipment at, a detention centre without the prior approval of the centre manager.  
Maximum penalty: 20 penalty units.
- (2) The centre manager may confiscate any photograph, film, tape or other recording taken or made by a person in contravention of this clause.
- (3) The centre manager may destroy any part of a confiscated photograph, film, tape or recording which the centre manager is satisfied is likely to prejudice the security, safety or good order of a detention centre or place anyone's personal safety at risk.
- (4) Any part of the photograph, film, tape or recording that the centre manager is satisfied is not likely to prejudice the security, safety or good order of a detention centre, or place anyone's personal safety at risk, may be returned to the person from whom it was taken.
- (5) Before returning any photograph, film, tape or recording, the centre manager may charge the person for payment of any costs incurred in processing or developing it.

**27C Banning orders**

- (1) The Director-General may, by order in writing served on any person, ban that person:
  - (a) from visiting detention centres generally or from visiting any specified detention centre, or
  - (b) from visiting detainees generally or from visiting any specified detainee or class of detainees.
- (2) The centre manager for a detention centre may, by order in writing served on any person, ban that person:
  - (a) from visiting the detention centre, or
  - (b) from visiting detainees generally, or from visiting any specified detainee or class of detainees, in the detention centre.

## Children (Detention Centres) Amendment Regulation 2007

## Amendments

## Schedule 1

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- (3) An order under this clause may not be made in relation to a person except on the grounds that:
- (a) the person has contravened a provision of the Act or this Regulation while visiting a detention centre or a detainee at a detention centre, or
  - (b) that a visit by the person to a detention centre or a detainee at a detention centre might constitute a risk to the security, safety or good order of the detention centre.
- (4) An order under this clause:
- (a) must specify the grounds on which it is made, and
  - (b) has effect for such period (not exceeding 12 months from the day on which it is made) as is specified in the order.
- (5) Despite any other provision of this Part, a detainee may not be visited by any person with respect to whom an order under this clause has effect as regards the detention centre in which the detainee is detained.
- (6) This clause does not apply to or in respect of any of the following persons:
- (a) a police officer or correctional officer while acting in his or her official capacity,
  - (b) a person referred to in, or belonging to a body referred to in, clause 30 (3) (a)–(m),
  - (c) a diplomatic or consular representative of a foreign country.

**[13] Clause 30 Correspondence with external bodies**

Insert at the end of clause 30 (3) (l):

or

- (m) the Official Visitor for the detention centre,

**[14] Clause 31 Telephone communications**

Omit the clause.

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**[15] Part 3, Division 2A**

Insert after Division 2 of Part 3:

**Division 2A Telephone communications****32A Telephone communications—general**

- (1) A detainee may request the centre manager (either directly or through a juvenile justice officer employed at the detention centre) to be allowed telephone contact with:
  - (a) a juvenile justice officer (wherever employed), or
  - (b) a person referred to in, or belonging to a body referred to in, clause 30 (3) (a)–(m).
- (2) A juvenile justice officer who receives such a request:
  - (a) if he or she has the authority to do so, must facilitate such telephone contact as soon as practicable after receiving the request, or
  - (b) in any other case, must immediately refer the request to the centre manager.
- (3) The centre manager must ensure that procedures are in place that facilitate telephone contact in accordance with this clause on the day the request is made or as soon as practicable after that day.
- (4) This clause does not prevent the centre manager from authorising telephone contact with persons or bodies not referred to in this clause.

**32B Monitoring of telephone calls**

- (1) The Director-General may cause an officer authorised for the purpose to monitor one or more of a detainee's telephone calls.
- (2) The Director-General may determine the procedure for monitoring telephone calls.
- (3) The Director-General must ensure that procedures are in place so that both the maker and the recipient of a telephone call that is monitored are informed that the call is being monitored before the call is made or at the start of the call.

**Note.** The *Telecommunications (Interception and Access) Act 1979* of the Commonwealth prohibits the interception of a communication passing over a telecommunications system without the knowledge of the person making the communication.

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- (4) Communications made during a telephone call between a detainee and any of the following persons or bodies are not to be monitored:
- (a) a person referred to in, or belonging to a body referred to in, clause 30 (3) (a)–(m),
  - (b) the detainee’s barrister or solicitor,
  - (c) the Health Care Complaints Commission,
  - (d) the Mental Health Helpline,
  - (e) the Oral Health Hotline.
- (5) In this clause, *monitor* means listen to or record communications made during a telephone call.

**32C Termination of telephone calls** (cf clause 112 of Crimes (Administration of Sentences) Regulation 2001)

- (1) A juvenile justice officer may terminate a detainee’s telephone call if of the opinion that the continuation of the call will prejudice security, safety or good order of any detention centre.
- (2) As soon as practicable after terminating a detainee’s telephone call, a juvenile justice officer must cause details of the reason for the termination to be recorded and reported to the centre manager.

**[16] Clauses 47 and 48**

Omit the clauses. Insert instead:

**47 Day leave**

A person subject to control may not be granted day leave under section 24 of the Act:

- (a) in the case of a detainee detained for a serious children’s indictable offence for which detention for more than 2 years has been ordered, unless there is less than 12 months left until the earliest date on which the detainee will be eligible for release on parole, and
- (b) in the case of any other detainee, unless the detainee has been in detention for more than 75 per cent of the period from the date on which the detainee was admitted to the detention centre to the earliest date on which the detainee will be eligible for release on parole.

**Note.** The granting of day leave to persons on remand is dealt with in section 23 (2) of the Act.

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**48 Overnight leave**

A person subject to control may not be granted overnight leave under section 24 of the Act:

- (a) in the case of a detainee detained for a serious children's indictable offence for which detention for more than 2 years has been ordered, unless there is less than 6 months left until the earliest date on which the detainee will be eligible for release on parole, and
- (b) in the case of any other detainee, unless the detainee has been in detention for more than 85 per cent of the period from the date on which the detainee was admitted to the detention centre to the earliest date on which the detainee will be eligible for release on parole.

**Note.** The granting of overnight leave to persons on remand is dealt with in section 23 (2) of the Act.

**[17] Part 6, Division 1, heading**

Insert after the heading to Part 6:

**Division 1 Order generally****[18] Part 6, Division 2**

Insert after clause 51:

**Division 2 Testing for alcohol or drugs****51A Breath testing** (cf clause 146 of Crimes (Administration of Sentences) Regulation 2001)

On forming a suspicion that a detainee has recently consumed or is under the influence of alcohol or any other intoxicating substance, a juvenile justice officer or other person having supervision of the detainee may require the detainee to undergo a breath test.

**51B Evidence as to presence of alcohol or intoxicating substance** (cf clause 147 of Crimes (Administration of Sentences) Regulation 2001)

- (1) In any proceedings for misbehaviour that are being dealt with by the centre manager, being proceedings in which it is alleged that a detainee has consumed alcohol or any other intoxicating substance, a certificate signed by a juvenile justice officer to the effect that:
  - (a) a detainee named in the certificate submitted to a breath test, and

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- (b) the breath test was given on the day and completed at the time stated in the certificate, and
  - (c) there was a measurable quantity of alcohol or any other intoxicating substance present in the detainee's blood, as determined by the breath test, on the date and at the time stated in the certificate,
- is admissible in evidence of the facts so certified.

- (2) In any such proceedings, evidence of:
  - (a) the condition of the device by means of which the breath test was carried out, or
  - (b) the manner in which the breath test was carried out,
 is not required unless evidence that the device was not in proper condition or that the test was not properly carried out has been adduced.

**51C Urine sample where drug use suspected** (cf clause 148 of Crimes (Administration of Sentences) Regulation 2001)

- (1) On forming a suspicion that a detainee:
  - (a) has been administered (whether by himself or herself or otherwise) with a drug, or
  - (b) is under the influence of a drug,
 a juvenile justice officer may require the detainee to supply a sample of urine for testing and give directions as to how the sample is to be supplied.
- (2) The directions may require the detainee to comply with directions given by a juvenile justice officer as to how the sample is to be supplied.
- (3) A urine test must be carried out by a government analyst.
- (4) In any proceedings for misbehaviour that are being dealt with by the centre manager, being proceedings in which it is alleged that a requirement was made under subclause (1), a certificate signed by a juvenile justice officer to the effect that such a requirement was made:
  - (a) for a specified detainee, or
  - (b) for all detainees of a specified class,
 is admissible in evidence of the facts so certified.

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- 51D Urine sample whether or not drug use suspected** (cf clause 149 of Crimes (Administration of Sentences) Regulation 2001)
- (1) A juvenile justice officer may require a detainee to supply for testing a sample of urine and give directions as to how the sample is to be supplied.
  - (2) The directions may require the detainee to comply with directions given by a juvenile justice officer as to how the sample is to be supplied.
  - (3) A urine test must be carried out by a government analyst.
  - (4) A sample may be required under this clause and tested for the presence of a drug even though the detainee concerned may not be reasonably suspected of having administered a drug to himself or herself or of being under the influence of a drug.
- 51E Evidence as to use of drugs** (cf clause 150 of Crimes (Administration of Sentences) Regulation 2001)
- (1) In any proceedings for misbehaviour that are being dealt with by the centre manager, being proceedings in which it is alleged that a detainee has been under the influence of a drug or that a drug has been present in the detainee's urine, a certificate signed by a juvenile justice officer to the effect that:
    - (a) the juvenile justice officer received a sample of urine obtained in a specified manner, or
    - (b) the juvenile justice officer arranged for the sample to be submitted for analysis by a government analyst to determine the presence of any drugs in the detainee's body or urine, or
    - (c) the container was sealed, and marked or labelled, in a specified manner,is admissible in evidence of the facts so certified.
  - (2) In any such proceedings, a certificate signed by a government analyst to the effect that, on a specified day:
    - (a) the analyst received for analysis a container holding a sample of urine, or
    - (b) the container, when received, was sealed with an unbroken seal, and was marked or labelled in a specified manner, or
    - (c) the analyst carried out an analysis of the sample to determine the presence of drugs in the urine, or
    - (d) the analyst determined that a specified drug was present or was present to a specified extent in the urine, or

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(e) the analyst was, at the time of the analysis, a government analyst,  
is admissible in evidence of the facts so certified.

(3) In any such proceedings:

- (a) evidence that a government analyst received a container holding a sample of urine, being a container that was marked or labelled to indicate that it held a sample of urine obtained from a specified detainee on a specified day, is evidence that the sample was a sample of urine obtained from that detainee on that day, and
- (b) evidence that the container, when received, was sealed with an unbroken seal is evidence that the sample had not been tampered with before it was received by the government analyst.

**51F Supply of test results to Justice Health** (cf clause 151 of Crimes (Administration of Sentences) Regulation 2001)

The Director-General may provide results of positive urine tests to the Chief Executive Officer, Justice Health.

**[19] Clause 52**

Omit the clause. Insert instead:

**52 Declaration of conduct constituting misbehaviour**

- (1) Misbehaviour arising from an offence under section 37A of the Act or a contravention of Part 1 or 2 of Schedule 1 is declared to be *misbehaviour* for the purposes of the Act.
- (2) Misbehaviour arising from an offence under section 37A of the Act or a contravention of Part 2 of Schedule 1 is declared to be *serious misbehaviour* for the purposes of section 21 (1) (e) of the Act.

**[20] Part 7, Division 2, heading**

Omit “**Minor misbehaviour**”.

Insert instead “**Misbehaviour dealt with otherwise than by the Children’s Court**”.



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**[21] Clause 55A**

Insert before clause 56:

**55A Application of Division**

This Division applies to misbehaviour that is dealt with otherwise than by the Children's Court.

**[22] Clause 56 Allegations of misbehaviour**

Omit "minor".

**[23] Clause 60**

Omit the clause. Insert instead:

**60 Procedure after not guilty plea**

- (1) If the detainee denies his or her guilt, the detainee must be given an opportunity to make a statement to the centre manager in relation to the allegation.
- (2) The centre manager may question the detainee and any other person the centre manager sees fit to question.
- (3) If the detainee, or any other person who is to make a statement on the detainee's behalf, cannot speak English to an extent that is sufficient for the purposes of the inquiry, the centre manager must postpone the inquiry until the services of an interpreter can be obtained.

**[24] Clause 61 Procedure generally**

Omit "hear and determine" from clause 61 (3). Insert instead "deal with".

**[25] Clause 61 (5)**

Omit "to be present and to give evidence at". Insert instead "to participate in".

**[26] Clause 61 (7)**

Omit ", or are likely to be,".

**[27] Part 7, Division 3, heading**

Omit "Serious misbehaviour".

Insert instead "Misbehaviour dealt with by the Children's Court".

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**[28] Clause 64A**

Insert before clause 65:

**64A Application of Division**

- (1) This Division applies to misbehaviour that is dealt with by the Children's Court.
- (2) Proceedings for misbehaviour are not to be commenced before the Children's Court except with the approval of the Director-General.
- (3) Subclause (2) does not apply to proceedings (not being proceedings for misbehaviour) for an offence under section 37A of the Act.

**[29] Clause 65 Allegations of misbehaviour**

Omit "serious".

**[30] Clause 66 Notice of hearing**

Omit "serious" wherever occurring.

**[31] Clause 84 Delegation of functions**

Omit "any officer of the Department of Juvenile Justice".

Insert instead "a juvenile justice officer".

**[32] Parts 8A and 8B**

Insert after Part 8:

**Part 8A Conduct of juvenile justice officers  
regarding alcohol and prohibited drugs**

**Division 1 Preliminary**

**84A Interpretation** (cf clause 249A of Crimes (Administration of Sentences) Regulation 2001)

- (1) In this Part:
  - approved counsellor* means a counsellor approved for the purposes of this Part by the Director-General.
  - AS/NZ 4308* means Australian/New Zealand Standard AS/NZS 4308:2001, *Procedures for the collection, detection and quantitation of drugs of abuse in urine*, as in force on the commencement of this Part.

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***disciplinary matter*** means any procedure of a disciplinary nature or other related proceedings relating to a contravention of a provision of this Part and includes, but is not limited to, a disciplinary matter referred to in Part 2.7 of the *Public Sector Employment and Management Act 2002*.

***non-invasive sample*** means any of the following samples of human biological material:

- (a) a sample of breath, taken by breath test, breath analysis or otherwise,
- (b) a sample of urine,
- (c) a sample of faeces,
- (d) a sample of saliva taken by buccal swab,
- (e) a sample of nail,
- (f) a sample of hair other than pubic hair,
- (g) a sample of sweat taken by swab or washing from any external part of the body other than:
  - (i) the genital or anal area or the buttocks, or
  - (ii) the breasts of a female or a transgender person who identifies as a female.

***prescribed concentration of alcohol*** means a concentration of 0.02 grammes or more of alcohol in 100 millilitres of blood.

***sample***, in relation to a non-invasive sample, includes, if the sample is divided into portions, a portion of the sample.

- (2) In this Part, a juvenile justice officer ***presents for duty*** when the officer is present at the officer's place of work and about to go on duty.
- (3) In this Part, a juvenile justice officer ***tests positive for alcohol*** if a test conducted under Division 2 of Part 4A of the Act indicates that the officer had the prescribed concentration of alcohol in his or her blood:
  - (a) when the officer presented for duty, or
  - (b) while the officer was on duty.
- (4) In this Part, a juvenile justice officer ***tests positive for prohibited drugs*** if a test conducted under Division 2 of Part 4A of the Act indicates that the officer had a prohibited drug present in any of his or her biological material:
  - (a) when the officer presented for duty, or
  - (b) while the officer was on duty.

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- (5) In this Part, a reference to a non-invasive sample does not include a reference to a sample of breath taken by breath test or breath analysis.

**84B Appointment of authorised persons** (cf clause 249B of Crimes (Administration of Sentences) Regulation 2001)

- (1) The Director-General may, by instrument in writing, appoint any person to be an authorised person for the purposes of Division 2 of Part 4A of the Act.
- (2) The Director-General may appoint as an authorised person:
- (a) a person by name, or
  - (b) a person holding office or acting in a particular position, from time to time, by reference to the title of the position.
- (3) The Director-General must furnish persons appointed under subclause (2) (a) with certificates of their appointment as authorised persons.
- (4) An authorised person appointed under subclause (2) (a) must, if requested to do so, produce the certificate of appointment to any juvenile justice officer required by the authorised person to do any thing under Division 2 of Part 4A of the Act.
- (5) The Director-General must maintain a list of the titles of the positions referred to in subclause (2) (b).
- (6) An authorised person appointed under subclause (2) (b) must, if requested to do so, furnish proof that the person holds, or is acting in, the relevant position to any juvenile justice officer required by the authorised person to do any thing under Division 2 of Part 4A of the Act. Such proof may include, but is not limited to, a Departmental identification card.

**Division 2 Obligations of juvenile justice officers**

**84C Juvenile justice officers must not have prescribed concentration of alcohol in blood** (cf clause 249D of Crimes (Administration of Sentences) Regulation 2001)

A juvenile justice officer must not have the prescribed concentration of alcohol in his or her blood:

- (a) when the officer presents for duty, or
- (b) while the officer is on duty.

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**84D Juvenile justice officers must not have prohibited drug present in biological material** (cf clause 249E of Crimes (Administration of Sentences) Regulation 2001)

A juvenile justice officer must not have a prohibited drug present in any of his or her biological material:

- (a) when the officer presents for duty, or
- (b) while the officer is on duty.

**Division 3 Testing of juvenile justice officers****84E Testing of juvenile justice officers** (cf clause 249F of Crimes (Administration of Sentences) Regulation 2001)

- (1) A juvenile justice officer may be tested under Division 2 of Part 4A of the Act whether or not there is any suspicion that the officer has recently consumed alcohol or used a prohibited drug.
- (2) The result of any such test may be used for the purposes of any disciplinary matter.

**84F General rules for the provision or taking of certain samples** (cf clause 249G of Crimes (Administration of Sentences) Regulation 2001)

- (1) In this clause, a reference to a non-invasive sample includes a reference to a sample of breath taken by breath test or breath analysis.
- (2) An authorised person who requires a juvenile justice officer to provide, or enable to be taken, a non-invasive sample from the officer under Division 2 of Part 4A of the Act must specify the type of non-invasive sample to be provided or taken.
- (3) The non-invasive sample so provided or taken must be of the type of non-invasive sample required by the authorised person.
- (4) The juvenile justice officer may not elect which type of non-invasive sample is provided, or enabled to be taken.
- (5) A non-invasive sample provided by or taken from a juvenile justice officer under Division 2 of Part 4A of the Act:
  - (a) must be provided or taken in circumstances affording reasonable privacy to the officer, except as permitted (expressly or impliedly) by any other provision of the Act or this Regulation, and

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- (b) must not be provided or taken in the presence or view of a person whose presence is not necessary for the purposes of the provision or taking of the non-invasive sample or required or permitted by another provision of the Act or this Regulation, and
  - (c) must not involve the removal of more clothing than is necessary for providing or taking the non-invasive sample, and
  - (d) must not involve more visual inspection than is necessary for providing or taking the non-invasive sample.
- (6) All non-invasive samples provided by or taken from a juvenile justice officer under Division 2 of Part 4A of the Act are to be provided or taken in a manner consistent with appropriate medical or other relevant professional standards, with due regard to the dignity and self-respect of the officer and in as seemly a manner as is consistent with the effective provision or taking of the non-invasive sample.

**84G Breath testing and breath analysis of juvenile justice officers** (cf clause 249H of Crimes (Administration of Sentences) Regulation 2001)

- (1) As soon as practicable after a juvenile justice officer has undergone a breath test under Division 2 of Part 4A of the Act, the authorised person who conducted the breath test must, if the concentration of alcohol determined by the breath test to be present in the officer's blood exceeds the prescribed concentration, deliver to the officer a statement in writing signed by the authorised person specifying:
  - (a) the concentration of alcohol determined by the breath test to be present in the officer's blood and expressed in grammes of alcohol in 100 millilitres of blood, and
  - (b) the day on which and time of the day at which the breath test was completed.
- (2) An authorised person may require a juvenile justice officer to submit to a breath analysis in accordance with the directions of the authorised person if:
  - (a) it appears to the authorised person as a result of a breath test under Division 2 of Part 4A of the Act that the prescribed concentration of alcohol may be present in the officer's blood, or

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- (b) the officer refuses or fails to undergo a breath test under Division 2 of Part 4A of the Act in accordance with the directions of the authorised person when requested to do so by the authorised person.
- (3) As soon as practicable after a juvenile justice officer has submitted to a breath analysis the authorised person operating the breath analysing instrument must deliver to the officer a statement in writing signed by the authorised person specifying:
- (a) the concentration of alcohol determined by the analysis to be present in the officer's blood and expressed in grammes of alcohol in 100 millilitres of blood, and
- (b) the day on which and time of the day at which the breath analysis was completed.
- (4) A juvenile justice officer who is required to undergo a breath test or submit to a breath analysis may request the authorised person making the requisition to arrange for the taking (in the presence of an authorised person) of a sample of the officer's blood for analysis, at the officer's own expense, by:
- (a) a medical practitioner nominated by the officer, or
- (b) a medical practitioner nominated by the authorised person at the officer's request, or
- (c) a pathology specimen collector at a collection centre nominated by the officer, or
- (d) a pathology specimen collector at a collection centre nominated by the authorised person at the officer's request.
- (5) The making of any such request or the taking of a sample of a juvenile justice officer's blood does not absolve the officer from the obligation imposed on the officer to undergo a breath test or submit to a breath analysis in accordance with this clause.
- (6) In this clause, *collection centre* means a pathology collection centre that is operated by, or in connection with, a pathology laboratory that is accredited by the National Association of Testing Authorities.

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**84H Restrictions on requiring breath test, breath analysis or non-invasive sample** (cf clause 249I of Crimes (Administration of Sentences) Regulation 2001)

An authorised person must not require a juvenile justice officer to undergo a test under Division 2 of Part 4A of the Act:

- (a) if the officer has been admitted to a hospital for medical treatment, unless:
  - (i) the medical practitioner who attends the officer at the hospital (or, if no medical practitioner is present to attend the officer, a registered nurse who is accredited by a hospital as competent to perform the sampling procedures) has been notified of the intention to make the requisition, and
  - (ii) the medical practitioner or registered nurse does not object on the ground that compliance would be prejudicial to the proper care or treatment of the officer, or
- (b) if it appears to the authorised person that it would (because of injuries sustained by the officer) be dangerous to the officer's medical condition if the officer complied with the requisition, or
- (c) in the case of a requirement for a test for the purpose of testing for the presence or concentration of alcohol, at any time after the expiration of 3 hours from the latest of:
  - (i) the time the officer last presented for duty, or
  - (ii) the time the officer was last involved in an incident referred to in section 37J (3) of the Act (if such an incident occurred), or
  - (iii) the time the officer last ceased to be on duty, or
- (d) in the case of a requirement for a test for the purpose of testing for the presence of a prohibited drug, at any time after the expiration of 24 hours from the latest of:
  - (i) the time the officer last presented for duty, or
  - (ii) the time the officer was last involved in an incident referred to in section 37J (3) of the Act (if such an incident occurred), or
  - (iii) the time the officer last ceased to be on duty, or
- (e) at the officer's home.



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**84I Action to be taken with respect to blood samples** (cf clause 249J of Crimes (Administration of Sentences) Regulation 2001)

- (1) A medical practitioner or registered nurse by whom a sample of a juvenile justice officer's blood is taken under Division 2 of Part 4A of the Act must:
  - (a) if the officer requests a part of the sample or if the officer is not capable of requesting a part of the sample—divide the sample into 3 approximately equal portions, and
  - (b) place the sample or each portion of the sample into a separate container, and
  - (c) fasten and seal each container, and
  - (d) mark or label each container for future identification.
- (2) Of the sealed containers:
  - (a) two containers must, as soon as reasonably practicable thereafter, be transported to an approved laboratory for analysis by a government analyst in accordance with subclause (4), and must be stored at that laboratory on behalf of the Director-General, and
  - (b) the other container:
    - (i) if the officer has requested a part of the sample, must be given to the officer, or
    - (ii) if the officer is not capable of requesting a part of the sample as referred to in subclause (1), must, as soon as reasonably practicable thereafter, be transported to the approved laboratory to which the container referred to in paragraph (a) was sent and must be stored at that laboratory on behalf of the Director-General.
- (3) If a juvenile justice officer was not capable of requesting a part of the sample as referred to in subclause (1), the officer may, within 12 months after the taking of the sample, apply to the laboratory referred to in subclause (2) for the container referred to in subclause (2) (b) (ii) to be sent, for analysis (at the officer's own expense) of the portion of the sample in that container, to a medical practitioner or laboratory nominated by the officer.
- (4) The authorised person may arrange for the analyst to:
  - (a) determine whether the sample contains alcohol, and if so, the concentration of alcohol, or
  - (b) determine whether the sample contains a prohibited drug, or

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- (c) determine whether the sample contains alcohol, and if so, the concentration of alcohol and determine whether the sample also contains a prohibited drug.

**84J Action to be taken with respect to non-invasive samples** (cf clause 249K of Crimes (Administration of Sentences) Regulation 2001)

- (1) A person who is provided with a non-invasive sample under Division 2 of Part 4A of the Act from a juvenile justice officer or who takes a non-invasive sample from a juvenile justice officer:
  - (a) if the officer requests a part of the sample or if the officer is not capable of requesting a part of the sample, must divide the sample into 3 approximately equal portions or, if the sample cannot be so divided, immediately require and immediately be provided with or take, a further sample of the same type of biological material, and
  - (b) must place each portion (or if 3 samples of the same type of biological material were provided or taken, each sample) into a container, and
  - (c) must fasten and seal each container, and
  - (d) must mark or label each container for future identification.
- (2) Of the sealed containers:
  - (a) two containers must, as soon as reasonably practicable thereafter, be transported to an approved laboratory for analysis by a government analyst in accordance with subclause (4), and must be stored at that laboratory on behalf of the Director-General, and
  - (b) the other container:
    - (i) if the officer has requested a part of the sample, must be given to the officer, or
    - (ii) if the officer is not capable of requesting a part of the sample, must, as soon as reasonably practicable thereafter, be transported to the approved laboratory to which the container referred to in paragraph (a) was sent and must be stored at that laboratory on behalf of the Director-General.
- (3) If a juvenile justice officer was not capable of requesting a part of the sample as referred to in subclause (1), the officer may, within 12 months after the taking of the sample, apply to the laboratory referred to in subclause (2) for the container referred to in subclause (2) (b) (ii) to be sent, for analysis (at the officer's own

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expense) of the sample, or the portion of the sample, in that container, to a medical practitioner or laboratory nominated by the officer.

- (4) The authorised person may arrange for the analyst:
- (a) if the non-invasive sample was provided or taken under section 37K of the Act, to determine whether the sample indicates that the blood of the juvenile justice officer, by whom the sample was provided or from whom the sample was taken, contained alcohol, and if so, the concentration of alcohol in the blood of the officer or determine whether the sample contains a prohibited drug, or
  - (b) if the non-invasive sample was provided or taken under section 37J of the Act, to determine whether the sample contains a prohibited drug.
- (5) In the case of samples of urine, any sealed containers referred to in subclause (2) must be handled in accordance with the procedure set out in AS/NZ 4308 or any other procedure approved by the Director-General in that regard.

**84K Analysis of samples** (cf clause 249L of Crimes (Administration of Sentences) Regulation 2001)

- (1) A government analyst to whom a portion of a sample of blood or a non-invasive sample is submitted for analysis under clause 84I or 84J may carry out an analysis in accordance with the arrangement made by the authorised person under clause 84I (4) or 84J (4), as the case may be.
- (2) The analysis must be carried out, and a report provided, in accordance with:
  - (a) AS/NZ 4308, except as provided by paragraph (b), or
  - (b) such other procedure as may be directed by the Director-General.

#### Division 4 Evidence

**84L Certificate evidence of concentration of alcohol in blood determined by breath test or breath analysis** (cf clause 249M of Crimes (Administration of Sentences) Regulation 2001)

- (1) For the purposes of any disciplinary matter involving a contravention of clause 84C, a certificate purporting to be signed by an authorised person and certifying that:
  - (a) the authorised person is a duly appointed authorised person, and

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- (b) the person named in the certificate underwent a breath test, and
  - (c) the breath test was carried out on the person's breath by means of a device of a type approved by the Governor for the conduct of breath tests under the *Road Transport (Safety and Traffic Management) Act 1999*, and
  - (d) the breath test was carried out on the day and completed at the time stated in the certificate, and
  - (e) a concentration of alcohol (determined by that breath test and expressed in grammes of alcohol in 100 millilitres of blood) was present in the blood of that person on the day and at the time stated in the certificate, and
  - (f) a statement in writing required by clause 84G (1) was delivered in accordance with that subclause,
- is prima facie evidence of the particulars certified in and by the certificate.
- (2) For the purposes of any disciplinary matter involving a contravention of clause 84C, a certificate purporting to be signed by an authorised person and certifying that:
    - (a) the authorised person is a duly appointed authorised person, and
    - (b) the person named in the certificate submitted to a breath analysis, and
    - (c) the breath analysis was carried out by a breath analysing instrument within the meaning of Division 2 of Part 4A of the Act, and
    - (d) the analysis was made on the day and completed at the time stated in the certificate, and
    - (e) a concentration of alcohol (determined by that breath analysing instrument and expressed in grammes of alcohol in 100 millilitres of blood) was present in the blood of that person on the day and at the time stated in the certificate, and
    - (f) a statement in writing required by clause 84G (3) was delivered in accordance with that subclause,

is prima facie evidence of the particulars certified in and by the certificate.

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- (3) For the purposes of any disciplinary matter involving a contravention of clause 84C, evidence of the condition of a device by means of which a breath test was carried out or of a breath analysing instrument or the manner in which the device or instrument was operated is not to be required unless evidence that the device or instrument was not in proper condition or was not properly operated has been adduced.
- (4) For the purposes of any disciplinary matter involving a contravention of clause 84C, evidence may be given of the concentration of alcohol present in the blood of the juvenile justice officer, as determined by a device by which a breath test was carried out or by a breath analysing instrument operated by an authorised person.
- (5) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the juvenile justice officer at the time the officer presented for duty if the breath analysis was made within 3 hours after that time, unless the officer proves that the concentration of alcohol in the officer's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.
- (6) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the juvenile justice officer while the officer was on duty if the breath analysis was made:
- (a) while the officer was on duty, or
  - (b) within 3 hours after the officer ceased to be on duty,
- unless the officer proves that the concentration of alcohol in the officer's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.

**84M Certificate evidence of concentration of alcohol in blood other than in relation to a breath test or breath analysis** (cf clause 249N of Crimes (Administration of Sentences) Regulation 2001)

- (1) For the purposes of any disciplinary matter involving a contravention of clause 84C, a certificate purporting to be signed by a medical practitioner or registered nurse and certifying any one or more of the following matters:
- (a) that the practitioner or nurse was a medical practitioner or registered nurse who attended a specified person at a hospital,

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- (b) that the practitioner or nurse took a sample of the person's blood or took from, or was provided with, a non-invasive sample in accordance with Division 2 of Part 4A of the Act on the day and at the time stated in the certificate,
  - (c) that the practitioner or nurse dealt with the sample in accordance with Division 2 of Part 4A of the Act and this Part,
  - (d) that the practitioner or nurse used equipment of a specified description in so taking and dealing with the sample,
  - (e) that the container into which the sample was placed was sealed, and marked or labelled, in a specified manner,
- is prima facie evidence of the particulars certified in and by the certificate.
- (2) For the purposes of any disciplinary matter involving a contravention of clause 84C, a certificate purporting to be signed by an authorised person and certifying any one or more of the following matters:
    - (a) that the authorised person received a portion of a sample of a specified person's blood or a non-invasive sample provided by or taken from the specified person and taken in accordance with Division 2 of Part 4A of the Act and this Part,
    - (b) that the authorised person arranged for the portion to be submitted for analysis by a government analyst to determine whether the sample indicated that the blood of the juvenile justice officer by whom the sample was provided or from whom the sample was taken contained alcohol, and if so, the concentration of alcohol in the blood of the officer,
    - (c) that the container into which the sample was placed was sealed, and marked or labelled, in a specified manner,

is prima facie evidence of the particulars certified in and by the certificate.
  - (3) For the purposes of any disciplinary matter involving a contravention of clause 84C, a certificate purporting to be signed by a government analyst and certifying any one or more of the following matters:
    - (a) that the analyst received, on a specified day, a portion of a sample of a specified person's blood or a non-invasive sample provided by or taken from the specified person in a container submitted for analysis under Division 2 of Part 4A of the Act and this Part,
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- (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
  - (c) that, on receipt by the analyst of the container, the seal was unbroken,
  - (d) that the analyst carried out an analysis of the portion to determine whether the sample indicated that the blood of the juvenile justice officer by whom the sample was provided or from whom the sample was taken contained alcohol, and if so, the concentration of alcohol in the blood of the officer,
  - (e) that the concentration of alcohol in the blood of the officer determined pursuant to the analysis and expressed in grammes of alcohol in 100 millilitres of blood was present in that sample,
  - (f) that the analyst was, at the time of the analysis, a government analyst,
- is prima facie evidence of the matters set out in subclause (4).
- (4) A certificate under subclause (3) is prima facie evidence:
    - (a) of the particulars certified in and by the certificate, and
    - (b) that the sample was a portion of the sample of the blood of that specified person or a non-invasive sample provided by or taken from the specified person, and
    - (c) that the portion had not been tampered with before it was received by the analyst.
  - (5) For the purposes of any disciplinary matter involving a contravention of clause 84C, evidence may be given of the concentration of alcohol present in the blood or other biological material of the officer, as determined by an analysis under Division 2 of Part 4A of the Act of a portion of a sample of the officer's blood or a non-invasive sample provided by or taken from the officer, as the case may be.
  - (6) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the juvenile justice officer at the time the officer presented for duty if that sample of blood or non-invasive sample was taken within 3 hours after that time, unless the officer proves that the concentration of alcohol in the officer's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.

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- (7) The concentration of alcohol so determined is taken to be the concentration of alcohol in the blood of the juvenile justice officer while the officer was on duty if that sample of blood or non-invasive sample was taken:
- (a) while the officer was on duty, or
  - (b) within 3 hours after the officer ceased to be on duty,
- unless the officer proves that the concentration of alcohol in the officer's blood at that time was less than 0.02 grammes of alcohol in 100 millilitres of blood.

**84N Certificate evidence of presence of a prohibited drug** (cf clause 249O of Crimes (Administration of Sentences) Regulation 2001)

- (1) For the purposes of any disciplinary matter involving a contravention of clause 84D, a certificate purporting to be signed by a medical practitioner or registered nurse and certifying any one or more of the following matters:
  - (a) that the practitioner or nurse was a medical practitioner or registered nurse who attended a specified person at a hospital,
  - (b) that the practitioner or nurse took a sample of the juvenile justice officer's blood or was provided with or took a non-invasive sample from the officer in accordance with Division 2 of Part 4A of the Act and this Part on the day and at the time stated in the certificate,
  - (c) that the practitioner or nurse dealt with the sample in accordance with clause 84I or 84J,

is prima facie evidence of the particulars certified in and by the certificate.
- (2) For the purposes of any disciplinary matter involving a contravention of clause 84D, a certificate purporting to be signed by a person and certifying any one or more of the following matters:
  - (a) that the person was provided with or took a non-invasive sample from a specified person in accordance with Division 2 of Part 4A of the Act and this Part on the day and at the time stated in the certificate,
  - (b) that the person dealt with the sample in accordance with clause 84K,

is prima facie evidence of the particulars certified in and by the certificate.



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- (3) For the purposes of any disciplinary matter involving a contravention of clause 84D, a certificate purporting to be signed by a government analyst and certifying any one or more of the following matters:
- (a) that the analyst received, on a specified day, a portion of a sample of a specified person's blood or a non-invasive sample provided by or taken from a specified person in a container submitted for analysis under Division 2 of Part 4A of the Act and this Part,
  - (b) that the container, as received by the analyst, was sealed, and marked or labelled, in a specified manner,
  - (c) that, on receipt by the analyst of the container, the seal was unbroken,
  - (d) that the analyst carried out an analysis of the portion to determine whether any prohibited drug was present in the sample,
  - (e) that a specified prohibited drug ascertained pursuant to the analysis was present in that portion,
  - (f) that the analyst was, at the time of the analysis, a government analyst,
- is prima facie evidence of the matters set out in subclause (4).
- (4) A certificate under subclause (3) is prima facie evidence:
- (a) of the particulars certified in and by the certificate, and
  - (b) that the portion was a portion of the sample of that specified person's blood or a non-invasive sample provided by, or taken from, that specified person, and
  - (c) that the portion had not been tampered with before it was received by the analyst.
- (5) For the purposes of any disciplinary matter involving a contravention of clause 84D, evidence may be given of the presence of a prohibited drug in the blood or other biological material of the juvenile justice officer, as determined pursuant to an analysis under Division 2 of Part 4A of the Act of a portion of a sample of the person's blood or a non-invasive sample provided by or taken from the officer.
- (6) The prohibited drug the presence of which is so determined, is taken to have been present in the blood or other biological material of the juvenile justice officer when the officer presented for duty, if the sample was taken or provided within 24 hours of the time the officer last presented for duty, unless the officer proves the absence, at that time, of the drug.

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- (7) The prohibited drug the presence of which is so determined, is taken to have been present in the blood or other biological material of the juvenile justice officer while the officer was on duty if the sample was taken or provided within 24 hours of the later of:
- (a) the time the officer last was involved in an incident referred to in section 37J (3) of the Act (if such an incident occurred), or
  - (b) the officer last ceased to be on duty,
- unless the officer proves the absence, at that time, of the drug.

**84O Certificate evidence of appointment of authorised person** (cf clause 249P of Crimes (Administration of Sentences) Regulation 2001)

For the purposes of any disciplinary matter involving a contravention of a provision of this Part or in proceedings for an offence under this Part, a certificate purporting to be signed by the Director-General and certifying that the person named in the certificate was an authorised person at a particular time is prima facie evidence of the particulars certified in and by the certificate.

## Division 5 Consequences

**84P Disciplinary action** (cf clause 249Q of Crimes (Administration of Sentences) Regulation 2001)

Nothing in this Part limits any disciplinary action that may be taken under the *Public Sector Employment and Management Act 2002* in respect of a juvenile justice officer.

**84Q Refusing to comply with a requirement under Division 2 of Part 4A of the Act** (cf clause 249R of Crimes (Administration of Sentences) Regulation 2001)

- (1) A juvenile justice officer must not refuse:
- (a) to undergo a breath test, or
  - (b) to submit to a breath analysis, or
  - (c) to provide, or enable to be taken, a non-invasive sample from the juvenile justice officer, or
  - (d) to comply with any other requirement of or under Division 2 of Part 4A of the Act,
- in accordance with a direction given under Division 2 of Part 4A of the Act by an authorised person.

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- (2) This clause does not prevent a juvenile justice officer so refusing if the juvenile justice officer is unable on medical grounds to do otherwise.

**84R Double jeopardy** (cf clause 249S of Crimes (Administration of Sentences) Regulation 2001)

A juvenile justice officer is not liable to be punished or disciplined under this Division for both:

- (a) testing positive for alcohol or testing positive for a prohibited drug, and
- (b) contravening clause 84Q (1).

**84S Immediate action: juvenile justice officer relieved from duty** (cf clause 249T of Crimes (Administration of Sentences) Regulation 2001)

- (1) If a juvenile justice officer tests positive for alcohol or a juvenile justice officer tests positive for a prohibited drug, the officer, if the officer remains on duty, is to be immediately relieved of duty and is not to carry out any duty for the duration of the officer's shift.
- (2) In particular, a juvenile justice officer who is relieved from duty because of the operation of this clause is not entitled to paid sick leave for that part of the relevant shift that the officer did not work.

## Division 6 Offences

**84T Interfering with results of test** (cf clause 249AA of Crimes (Administration of Sentences) Regulation 2001)

A person who does anything to introduce, or alter the concentration of, alcohol or any prohibited drug in a juvenile justice officer's blood or other biological material, before the officer undergoes a test under Division 2 of Part 4A of the Act, is guilty of an offence if the person does so for the purpose of preventing or restricting the use of the results of the test in any disciplinary matter involving a contravention of this Part.

Maximum penalty: 20 penalty units.

**84U Interfering or tampering with, or destroying, samples** (cf clause 249AB of Crimes (Administration of Sentences) Regulation 2001)

A person must not interfere or tamper with, or destroy, a sample of blood or a non-invasive sample provided by or taken from a juvenile justice officer under Division 2 of Part 4A of the Act unless the sample is destroyed:

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- (a) by or at the direction of a government analyst in the course of or on completion of analysis, or
  - (b) in the case of a sample handed to a person on behalf of a juvenile justice officer, by or at the direction of the person, or
  - (c) after the expiration of 12 months commencing on the day on which the sample was taken or provided, or a longer period (being no more than 5 years) as directed by the Director-General in respect of the sample in a direction made before such an expiration.

Maximum penalty: 20 penalty units.

## Part 8B Justice Health matters

**84V Examination of detainees** (cf clause 250 of Crimes (Administration of Sentences) Regulation 2001)

- (1) A detainee is to be examined by a Justice Health officer as soon as practicable after being received into a detention centre.
- (2) Without limiting subclause (1), a Justice Health officer may at any time carry out an examination of a detainee (but only with the consent of the detainee) if of the opinion that it is necessary for such an examination to be carried out.

**84W Detainees risk to self or others** (cf clause 251 of Crimes (Administration of Sentences) Regulation 2001)

As soon as practicable after forming an opinion:

- (a) that the mental or physical condition of a detainee constitutes a risk to the life of the detainee or to the life, health or welfare of any other person, or
  - (b) that the life of a detainee will be at risk if the detainee continues to be detained in a detention centre, or
  - (c) that, because of illness, a detainee will not survive sentence or is totally and permanently unfit for detention centre discipline, or
  - (d) that a detainee should not, on medical grounds, be employed at work of a particular nature, or
  - (e) that a detainee's medical condition is such that the detainee is unfit to travel, or should only travel by particular means,
- a Justice Health officer must report that he or she has formed the opinion, and the grounds for the opinion, to the centre manager.

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**84X Mental illness** (cf clause 252 of Crimes (Administration of Sentences) Regulation 2001)

- (1) As soon as practicable after forming an opinion that a detainee's mental state requires monitoring, a Justice Health officer must report that he or she has formed the opinion, and the grounds for the opinion, to the centre manager.
- (2) On receiving such a report, the centre manager must cause the detainee's mental state to be monitored in such manner as is agreed between the centre manager and the Justice Health officer.

**84Y Detainee's diet, exercise and treatment** (cf clause 253 of Crimes (Administration of Sentences) Regulation 2001)

- (1) As soon as practicable after forming an opinion that a detainee's diet, exercise or other treatment should be varied or modified for reasons of health, a Justice Health officer must report that he or she has formed the opinion, and the grounds for the opinion, to the centre manager.
- (2) On receiving such a report, the centre manager must take such steps as are reasonable to carry into effect any recommendation contained in the report.
- (3) If it is impracticable to carry a recommendation into effect, the centre manager must report that fact to the Director-General and to the Chief Executive Officer, Justice Health.

**84Z Medical records** (cf clause 254 of Crimes (Administration of Sentences) Regulation 2001)

- (1) Proper medical records are to be kept in respect of each detainee, with entries as to each examination that is carried out on a detainee by a Justice Health officer.
- (2) The medical records for detainees at a detention centre are to be kept at the centre in the custody of a Justice Health officer, and their contents are not to be divulged to any person outside Justice Health (including the detainee) except in accordance with guidelines established by the Chief Executive Officer, Justice Health.
- (3) Subclause (2) does not prevent information in a detainee's medical records from being used to prepare general reports on the detainee's health for submission to the centre manager of a detention centre, and such a report must be prepared and submitted whenever the centre manager so requests.

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- (4) As soon as practicable after a detainee is transferred from one detention centre to another, the detainee's medical records are to be given into the custody of a Justice Health officer at the centre to which the detainee is transferred.
  - (5) Subclause (4) does not apply if the detainee is temporarily transferred to a police station or court cell complex.

**84AA Infectious diseases** (cf clause 256 of Crimes (Administration of Sentences) Regulation 2001)

- (1) As soon as practicable after forming an opinion that a detainee has, or appears to have, a serious infectious disease, a Justice Health officer must report that he or she has formed the opinion, and the grounds for the opinion, to the centre manager.
- (2) In the case of a report from the Chief Executive Officer, Justice Health, the centre manager must carry into effect any recommendation contained in such a report in so far as it is practicable to do so.
- (3) If it is impracticable to carry a recommendation into effect, the centre manager must report that fact to the Chief Executive Officer, Justice Health.
- (4) In this clause, *serious infectious disease* means an infectious disease that is also a notifiable disease by virtue of its inclusion in Schedule 3 to the *Public Health Act 1991*.

**84AB Death of detainees** (cf clause 257 of Crimes (Administration of Sentences) Regulation 2001)

On becoming aware that a detainee has died, a Justice Health officer must report the death to the Director-General.

**[33] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Misbehaviour**

(Clauses 52 and 53)

**Part 1 Misbehaviour generally****1 Refusal to work or participate in activities**

A detainee must not refuse to perform any duties that he or she is required to perform or to participate in any activities in which he or she is required to participate.

## Children (Detention Centres) Amendment Regulation 2007

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**2 Unauthorised telephone calls**

A detainee must not make any telephone calls unless authorised to do so by a juvenile justice officer.

**3 Lying**

A detainee must not make false or misleading statements to the centre manager or any juvenile justice officer.

**4 Disobedience**

A detainee must not disobey any rules established for the detention centre by the centre manager or any lawful instructions given to the detainee by any member of staff of the detention centre.

**5 Stealing**

A detainee must not steal any property.

**6 Bad language**

A detainee must not use abusive, indecent or threatening language when speaking or writing to any other person.

**7 Possession of unauthorised articles**

A detainee must not have in his or her possession, or give to any other person, any article or thing that is not approved property.

**8 Possession of offensive music**

- (1) A detainee must not have in his or her possession any video or audio recording equipment on which is recorded any material that the centre manager has, by notice given to the detainee or to detainees generally, declared to be offensive material.
- (2) Subclause (1) applies to all video or audio recording equipment, including equipment whose possession by the detainee is permitted by the centre manager.

**9 Tattooing and body piercing**

A detainee must not subject himself, herself or anyone else to tattooing or body piercing.

**10 Smoking**

A detainee must not smoke.

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**11 Unauthorised use of equipment**

A detainee must not set off any fire or other alarm at the detention centre, or use any fire fighting equipment or first aid supplies provided for the detention centre, except in an emergency or when authorised to do so by a juvenile justice officer.

**12 Unauthorised entry to prohibited areas**

A detainee must not enter or remain in any area to which entry is prohibited to the detainee unless authorised to do so by a juvenile justice officer.

**13 Subversive behaviour**

A detainee must not, by word or action, attempt to undermine the good order and discipline of the detention centre or encourage other detainees to do so.

**14 Harassment**

A detainee must not, by word or action, harass or provoke any other person.

**15 Positive returns to tests for drugs and alcohol**

A detainee is guilty of misbehaviour if he or she returns positive to any test for drugs and alcohol.

**16 Refusal to submit to searching**

A detainee must not refuse to submit to a search of his or her person or possessions.

**17 Fighting**

A detainee must not become involved in, or encourage other detainees to become involved in, any fight.

**18 Conditions of leave**

A detainee who is on leave of absence from a detention centre must not contravene any condition to which that leave is subject.

**19 Hindering drug detector dogs**

A detainee must not hinder or obstruct any drug detector dog that is being used in the detention centre.



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**20 Refusal to submit to tests for drugs or alcohol**

A detainee must not refuse to submit to any test for the presence of drugs or alcohol.

**21 Damage to property**

A detainee must not wilfully damage any property.

**Part 2 Serious misbehaviour****22 Mistreatment of animals**

A detainee must not mistreat any animal.

**23 Insubordination**

A detainee must not defy the reasonable instructions of detention centre staff or refuse to comply with the established rules or routines of the detention centre.

**24 Inciting misbehaviour**

A detainee must not incite other detainees to engage in behaviour which seriously disrupts the good order or discipline of the detention centre.

**25 Concealment for purposes of escape**

A detainee must not hide, or assist any other detainee to hide, for the purpose of escape.

**26 Unauthorised medications**

- (1) A detainee must not have in his or her possession any medication that is not approved property.
- (2) A detainee must not give any medication to any other detainee, whether or not the medication is approved property.

**27 Mobile phones, cameras and recording equipment**

A detainee must not have in his or her possession:

- (a) any mobile phone, camera or video or audio recording equipment, or
  - (b) any charger for any such equipment,
- unless it is approved property in relation to the detainee.

Children (Detention Centres) Amendment Regulation 2007

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**28 Attempted escapes**

A detainee must not make any attempt to escape.

**29 Indecency**

- (1) A detainee must not, by word or action, behave indecently or obscenely in the presence of any other person.
- (2) In particular, a detainee must not engage in sexual conduct towards another person in circumstances in which the other person is likely to feel offended, humiliated or intimidated.

**30 Manufacture, possession or concealment of weapons**

A detainee must not manufacture, conceal, have in his or her possession or give to any other detainee any weapon or other article that is designed to cause injury.

**31 Threatening or intimidating behaviour**

- (1) A detainee must not, by word or action, behave in a threatening or intimidating manner towards any other person.
- (2) In particular, a detainee must not threaten to damage or destroy any other person's property.

**32 Detaining person against their will**

A detainee must not detain any other person against their will.

**33 Lighting fires**

A detainee must not light any fire.

**34 Assault**

A detainee must not assault any other person.



New South Wales

# Crimes (Forensic Procedures) Amendment Regulation 2007

under the

Crimes (Forensic Procedures) Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Forensic Procedures) Act 2000*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The objects of this Regulation are:

- (a) to update a reference to organisations that are prescribed Aboriginal legal aid organisations for the purposes of the Act, and
- (b) to declare the Director of the Institute of Clinical Pathology and Medical Research to be the person responsible for the care, control and management of the NSW DNA database system, and
- (c) to prescribe the particulars to be included in a written consent to the carrying out of a forensic procedure on an untested former offender under section 75J of the Act.

This Regulation is made in connection with the commencement of the *Crimes (Forensic Procedures) Amendment Act 2006*.

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including section 118 (the general power to make regulations) and sections 3 and 75J.

Clause 1 Crimes (Forensic Procedures) Amendment Regulation 2007

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## **Crimes (Forensic Procedures) Amendment Regulation 2007**

under the

Crimes (Forensic Procedures) Act 2000

### **1 Name of Regulation**

This Regulation is the *Crimes (Forensic Procedures) Amendment Regulation 2007*.

### **2 Commencement**

- (1) Subject to subclauses (2) and (3), this Regulation commences on 23 February 2007.
- (2) Schedule 1 [2] commences on 1 July 2007.
- (3) Schedule 1 [3] commences on 15 March 2007.

### **3 Amendment of Crimes (Forensic Procedures) Regulation 2000**

The *Crimes (Forensic Procedures) Regulation 2000* is amended as set out in Schedule 1.

Crimes (Forensic Procedures) Amendment Regulation 2007

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## Schedule 1 Amendments

(Clause 3)

[1] **Clause 5**

Omit the clause. Insert instead:

**5 Aboriginal legal aid organisations**

The Aboriginal Legal Service (NSW/ACT) Limited is a prescribed organisation for the purposes of the definition of *Aboriginal legal aid organisation* in section 3 (1) of the Act.

[2] **Clause 6A**

Insert after clause 6:

**6A Responsible persons**

For the purposes of the definition of *responsible person* in section 3 (1) of the Act, the Director of the Institute of Clinical Pathology and Medical Research is declared to be the person responsible for the care, control and management of the DNA database system.

[3] **Clause 7AA**

Insert after clause 7:

**7AA Form of consent—untested former offender**

For the purposes of section 75J (a) of the Act, the following are the prescribed particulars:

- (a) the name of the untested former offender giving consent to the carrying out of the forensic procedure,
- (b) a description of the forensic procedure,
- (c) the name of the police officer who has requested consent to the carrying out of the procedure,
- (d) a statement as to whether or not the police officer has informed the former offender (personally or in writing) of the matters set out in section 75H of the Act,
- (e) a statement as to whether or not the former offender has been given the opportunity to communicate, or attempt to communicate, with a legal practitioner of the former offender's choice.



New South Wales

# Fines Amendment (Child Employment Offences) Regulation 2007

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*.

MICHAEL COSTA, M.L.C.,  
Treasurer

## Explanatory note

The object of this Regulation is to amend the *Fines Regulation 2005* to confirm that penalty notices issued under section 396 of the *Industrial Relations Act 1996* (as applied to and for the purposes of Part 2 of the *Industrial Relations (Child Employment) Act 2006* by section 16 of that Act) are penalty notices for the purposes of the *Fines Act 1996*.

This Regulation is made under the *Fines Act 1996*, including sections 20 and 128 (the general regulation-making power).

Clause 1 Fines Amendment (Child Employment Offences) Regulation 2007

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## **Fines Amendment (Child Employment Offences) Regulation 2007**

under the

Fines Act 1996

### **1 Name of Regulation**

This Regulation is the *Fines Amendment (Child Employment Offences) Regulation 2007*.

### **2 Amendment of Fines Regulation 2005**

The *Fines Regulation 2005* is amended as set out in Schedule 1.

Fines Amendment (Child Employment Offences) Regulation 2007

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 2)

### **Clause 4A Statutory provisions under which penalty notices issued: section 20**

Insert after clause 4A (b):

- (c) section 396 of the *Industrial Relations Act 1996* (as applied to and for the purposes of Part 2 of the *Industrial Relations (Child Employment) Act 2006* by section 16 of that Act).





New South Wales

# Home Building Amendment (Minimum Insurance Cover) Regulation 2007

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

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

## Explanatory note

Under the *Home Building Act 1989*, a contract of insurance under that Act must provide for cover of \$200,000 which may be increased in accordance with the regulations under that Act. The object of this Regulation is to amend the *Home Building Regulation 2004* to:

- (a) prescribe an increased amount of cover of \$300,000, and
- (b) allow for further increases by way of notices published in the Gazette (such further increases cannot be increased by a percentage greater than the percentage increase in the *Producer Price Indexes, Australia* since the amount was last increased), and
- (c) provide that existing stocks of insurance contracts that do not refer to the correct increased amount of cover may still be entered into.

This Regulation is made under the *Home Building Act 1989*, including sections 102 and 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Minimum Insurance Cover) Regulation 2007

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## **Home Building Amendment (Minimum Insurance Cover) Regulation 2007**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Minimum Insurance Cover) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 1 March 2007.

### **3 Amendment of Home Building Regulation 2004**

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Home Building Amendment (Minimum Insurance Cover) Regulation 2007

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 60

Omit the clause. Insert instead:

#### 60 Minimum insurance cover

- (1) For the purposes of section 102 (3) of the Act, the amount of \$300,000 is prescribed (subject to subclause (2)).
- (2) The Minister may from time to time, by notice published in the Gazette, increase the amount of cover as prescribed by subclause (1) that must be provided by an insurance contract.
- (3) Any such increase:
  - (a) does not take effect until notice of the increase is published in the Gazette, and
  - (b) must not increase the amount of cover by a percentage greater than the percentage increase in the *Producer Price Indexes, Australia* (as published by the Australian Bureau of Statistics) since the amount was last increased.
- (4) An insurance contract must provide that the minimum amount of cover payable is to be the amount provided for from time to time by the Act and this Regulation.
- (5) Subclause (4) does not prevent an insurance contract from providing for a minimum amount of cover that exceeds the amount referred to in that subclause.
- (6) An insurance contract that is entered into using any existing stock is taken to refer to the amount of cover that is, for the time being, the amount provided by or under this clause.
- (7) For the purposes of subclause (6), *existing stock* means a form that:
  - (a) has been printed before the date of any increase in the amount of cover provided by or under this clause, and
  - (b) refers to the amount of cover provided by or under this clause immediately before that date.



New South Wales

# Home Building Amendment (Exemptions) Regulation 2007

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to provide a number of entities involved in the development of public and private housing known as the “Bonnyrigg Living Communities Project” with exemptions from certain requirements under the *Home Building Act 1989* and the *Home Building Regulation 2004*, as follows:

- (a) in the case of Becton Bonnyrigg Equity Pty Limited, Bonnyrigg Development Pty Limited, Bonnyrigg Partnerships Nominee Pty Limited and WEST BP Pty Limited—any requirements under that Act or that Regulation,
- (b) in the case of the New South Wales Land and Housing Corporation—the requirement that a developer must not contract with another person to do any residential building work on behalf of the developer unless the other person holds a relevant contractor licence (but only to the extent that the Corporation contracts with the entities referred to in paragraph (a)).

This Regulation is made under the *Home Building Act 1989*, including section 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Exemptions) Regulation 2007

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## **Home Building Amendment (Exemptions) Regulation 2007**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Exemptions) Regulation 2007*.

### **2 Amendment of Home Building Regulation 2004**

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Home Building Amendment (Exemptions) Regulation 2007

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Clause 89

Insert after clause 88:

#### **89 Exemptions—Bonnyrigg Living Communities Project**

##### **(1) Exemption from requirements of Act and Regulation**

Each of the following is exempt from the requirements of the Act and this Regulation, but only in respect of the housing project known as the “Bonnyrigg Living Communities Project”:

- (a) Becton Bonnyrigg Equity Pty Limited (ACN 075 580 406) as trustee for the Becton Bonnyrigg Equity Trust,
- (b) Bonnyrigg Development Pty Limited (ACN 122 647 483),
- (c) Bonnyrigg Partnerships Nominee Pty Limited (ACN 123 052 362),
- (d) WEST BP Pty Limited (ACN 122 967 186) as trustee for the WEST BP Trust.

##### **(2) Exemption in relation to developer contracting with unlicensed contractor**

The New South Wales Land and Housing Corporation is exempt from the requirements of section 4 (4) of the Act, but only to the extent that the Corporation contracts with a person referred to in subclause (1) in respect of the housing project known as the “Bonnyrigg Living Communities Project”.



New South Wales

## Motor Accidents (Lifetime Care and Support) Repeal Regulation 2007

under the

Motor Accidents (Lifetime Care and Support) Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Accidents (Lifetime Care and Support) Act 2006*.

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

### Explanatory note

The object of this Regulation is to repeal the *Motor Accidents (Lifetime Care and Support) Regulation 2006* on 1 October 2007.

This Regulation is made under the *Motor Accidents (Lifetime Care and Support) Act 2006*, including sections 4 and 63 (the general regulation-making power).

Clause 1            Motor Accidents (Lifetime Care and Support) Repeal Regulation 2007

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## **Motor Accidents (Lifetime Care and Support) Repeal Regulation 2007**

under the

Motor Accidents (Lifetime Care and Support) Act 2006

### **1 Name of Regulation**

This Regulation is the *Motor Accidents (Lifetime Care and Support) Repeal Regulation 2007*.

### **2 Commencement**

This Regulation commences on 1 October 2007.

### **3 Repeal of Motor Accidents (Lifetime Care and Support) Regulation 2006**

The *Motor Accidents (Lifetime Care and Support) Regulation 2006* is repealed.





New South Wales

# Parliamentary Electorates and Elections Amendment (Enrolment) Regulation 2007

under the

Parliamentary Electorates and Elections Act 1912

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parliamentary Electorates and Elections Act 1912*.

MORRIS IEMMA, M.P.,  
Premier

## Explanatory note

The object of this Regulation is to require persons making a claim for electoral enrolment, transfer of enrolment or provisional enrolment to provide evidence of their identity when they make the claim. These requirements are imposed by proposed clause 6A and will be the same as those required by regulations to be made under the *Commonwealth Electoral Act 1918* of the Commonwealth in this regard and as they are in force on the *prescribed date*. That date is 16 April 2007 or the date of commencement of those regulations (whichever is later).

Clause 6 (1) is amended to provide that the prescribed form of claims for enrolment, transfer of enrolment or provisional enrolment will be that approved under the *Commonwealth Electoral Act 1918* as at that prescribed date.

This Regulation is made under the *Parliamentary Electorates and Elections Act 1912*, including sections 32 and 176 (the general regulation-making power).

Clause 1 Parliamentary Electorates and Elections Amendment (Enrolment)  
Regulation 2007

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## **Parliamentary Electorates and Elections Amendment (Enrolment) Regulation 2007**

under the

Parliamentary Electorates and Elections Act 1912

### **1 Name of Regulation**

This Regulation is the *Parliamentary Electorates and Elections Amendment (Enrolment) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 16 April 2007.

### **3 Amendment of Parliamentary Electorates and Elections Regulation 2001**

The *Parliamentary Electorates and Elections Regulation 2001* is amended as set out in Schedule 1.

Parliamentary Electorates and Elections Amendment (Enrolment)  
Regulation 2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 6 Adoption of Commonwealth forms for purposes of joint rolls**

Insert “as at the prescribed date as defined in clause 6A” after “Commonwealth Act” in clause 6 (1).

**[2] Clause 6A**

Insert after clause 6:

**6A Enrolment**

**(1) Date of effect of this clause**

This clause has effect on and from the prescribed date.

**(2) Enrolment to be provided**

A claim for enrolment, transfer of enrolment or provisional enrolment is required by this clause to be supported by evidence of the claimant’s identity for the purposes of section 32 (2) (c) (ii) of the Act.

**(3) Nature of evidence**

The evidence is to be as required by subclause (4), (5) or (6), as applicable.

**(4) Nature of evidence—first kind (driver’s licence number)**

Subject to subclauses (5) and (6), the claimant must provide details of:

- (a) his or her driver’s licence number, and
- (b) the Australian State or Territory in which the licence was issued.

**(5) Nature of evidence—second kind (prescribed electors to sight prescribed documents)**

If the claimant does not hold a driver’s licence issued by an Australian State or Territory:

- (a) the claimant must show to a person in a class of electors set out in the Schedule of prescribed electors an original document, of a kind set out in the Schedule of prescribed documents, that identifies the claimant, and
- (b) the person must complete the declaration on the enrolment form, stating that the person:
  - (i) is on the roll of electors, and

Parliamentary Electorates and Elections Amendment (Enrolment)  
Regulation 2007

Schedule 1 Amendments

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- (ii) has sighted the original of one of the documents in the Schedule of prescribed documents.

(6) **Nature of evidence—third kind (other circumstances)**

If the claimant is unable to comply with subclause (4) or (5), the claimant must have his or her claim signed by 2 electors, who are able to:

- (a) confirm the claimant's name, and  
(b) confirm that they have known the claimant for at least one month.

(7) **Transitional provision**

This clause does not apply to a claim made before the prescribed date.

(8) **Definitions**

In this clause:

***Commonwealth identification regulations*** means provisions of regulations under the Commonwealth Act imposing requirements in relation to identification for enrolment pursuant to claims for enrolment, transfer of enrolment or age 17 enrolment under that Act.

***prescribed date*** means:

- (a) the date on which the Commonwealth identification regulations first come into operation, unless paragraph (b) applies, or  
(b) 16 April 2007, if those regulations came into operation before 16 April 2007.

***Schedule of prescribed documents*** means the schedule of documents set out in the Commonwealth identification regulations as in force on the prescribed date.

***Schedule of prescribed electors*** means the schedule of electors set out in the Commonwealth identification regulations as in force on the prescribed date.



New South Wales

# Protection of the Environment Operations (Waste) Amendment (Land Waste) Regulation 2007

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

## Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 2005* to include as waste for the purposes of provisions regulating waste under the *Protection of the Environment Operations Act 1997* and that Regulation any substance, not otherwise included as waste within the meaning of that Act, that is received at a scheduled waste facility and is reasonably capable of being applied to land at that facility. There will be specified exceptions to the requirement to pay waste contributions relating to the use of new concrete and asphalt and the use of substances for leachate management, landfill lining systems and landfill gas collection systems and of plastic sheeting.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88 (5) and 323 (the general regulation-making power) and paragraph (e) of the definition of *waste* in the Dictionary.

Clause 1            Protection of the Environment Operations (Waste) Amendment (Land Waste) Regulation 2007

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## **Protection of the Environment Operations (Waste) Amendment (Land Waste) Regulation 2007**

under the

Protection of the Environment Operations Act 1997

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Land Waste) Regulation 2007*.

### **2 Commencement**

This Regulation commences on 1 March 2007.

### **3 Amendment of Protection of the Environment Operations (Waste) Regulation 2005**

The *Protection of the Environment Operations (Waste) Regulation 2005* is amended as set out in Schedule 1.

Protection of the Environment Operations (Waste) Amendment (Land Waste) Regulation 2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3A

Insert after clause 3:

#### 3A Additional substances prescribed as waste

For the purposes of paragraph (e) of the definition of *waste* in the Dictionary to the Act, a substance is prescribed as waste if the substance:

- (a) is not otherwise included as waste within the meaning of the Act, and
- (b) is reasonably capable of being applied to land at a scheduled waste facility, and
- (c) is received by a waste facility to which section 88 of the Act applies.

### [2] Clause 11A Deductions from contributions

Insert at the end of clause 11A (1) (b):

, or

- (c) an amount in respect of waste referred to in clause 3A received by the occupier that has been or is to be used for a land application purpose by the occupier.

### [3] Clause 11A (3A)

Insert after clause 11A (3):

#### (3A) Waste used for a land application purpose

For the purposes of subclause (1) (c), waste has been or is to be used for a land application purpose at a waste facility if:

- (a) it is new asphalt or concrete, obtained from a batching plant that is used at the facility for roads or other construction works, or
- (b) it is any one or more of the following substances that is used at the facility for leachate collection systems associated with leachate management in accordance with conditions of an environment protection licence:
  - (i) geonets,
  - (ii) geotextiles,

Protection of the Environment Operations (Waste) Amendment (Land  
Waste) Regulation 2007

Schedule 1 Amendments

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- (iii) drainage layer media (having a thickness not greater than 300 mm) placed over landfill base liners,
  - (iv) piping,
  - (v) electrical equipment,
  - (vi) any other machinery, or
- (c) it is any one or more of the following substances that is used at the facility for landfill lining systems (including landfill cell bases and sides) or associated stormwater management systems in accordance with conditions of an environment protection licence:
- (i) geomembranes,
  - (ii) geotextiles,
  - (iii) clay liners (having a thickness not greater than 900 mm),
  - (iv) piping, or
- (d) it is any one or more of the following substances that is used at the facility for landfill gas collection systems associated with landfill gas management in accordance with conditions of an environment protection licence:
- (i) drainage gravels (not exceeding the minimum amount required in any applicable licence),
  - (ii) piping,
  - (iii) electrical equipment,
  - (iv) any other machinery, or
- (e) it is plastic sheeting that is used at the facility as a daily cover for waste.





New South Wales

# Residential Tenancies Amendment (Social Housing) Regulation 2007

under the

Residential Tenancies Act 1987

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

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

Under the *Residential Tenancies Regulation 2006*, residential tenancy agreements in respect of premises let by certain social housing providers are excluded from the definition of **social housing tenancy agreement** for the purposes of the *Residential Tenancies Act 1987*.

The object of this Regulation is to provide that the exclusion does not apply to a residential tenancy agreement in respect of premises let by an organisation in connection with the housing project known as the “Bonnyrigg Living Communities Project”.

This Regulation is made under the *Residential Tenancies Act 1987*, including section 3, the definition of **social housing tenancy agreement**, and section 133 (the general regulation-making power).

Clause 1 Residential Tenancies Amendment (Social Housing) Regulation 2007

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## **Residential Tenancies Amendment (Social Housing) Regulation 2007**

under the

Residential Tenancies Act 1987

### **1 Name of Regulation**

This Regulation is the *Residential Tenancies Amendment (Social Housing) Regulation 2007*.

### **2 Amendment of Residential Tenancies Regulation 2006**

The *Residential Tenancies Regulation 2006* is amended as set out in Schedule 1.

Residential Tenancies Amendment (Social Housing) Regulation 2007

Amendment

Schedule 1

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## Schedule 1    Amendment

(Clause 2)

### **Clause 5 Agreements excluded from definition of “social housing tenancy agreement”**

Insert at the end of the clause:

- (2) However, subclause (1) does not apply to a residential tenancy agreement in respect of premises let by an organisation (as referred to in subclause (1) (b)) in connection with the housing project known as the “Bonnyrigg Living Communities Project”.



New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Bus Lanes) Regulation 2007

under the

Road Transport (Safety and Traffic Management) Act 1999

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

ERIC ROOZENDAAL, M.L.C.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*:

- (a) to enable bus lanes to be created by means of road markings as well as by traffic signs, and
- (b) to re-instate a repealed provision that enabled only drivers of public buses and special purpose vehicles to use bus only lanes, and
- (c) to clarify the circumstances in which drivers of public buses may make right or left turns at an intersection from any bus lane, and
- (d) to provide that the additional road rules applicable to drivers of public buses set out in Division 2 of Part 17 of the *Australian Road Rules* apply to such drivers only while they are driving in bus lanes, and
- (e) to place further limitations on the use of bus only lanes by drivers other than drivers of public buses or special purpose vehicles.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

Clause 1            Road Transport (Safety and Traffic Management) (Road Rules)  
                         Amendment (Bus Lanes) Regulation 2007

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## **Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Bus Lanes) Regulation 2007**

under the

Road Transport (Safety and Traffic Management) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Bus Lanes) Regulation 2007*.

### **2 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Bus Lanes) Regulation 2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

[1] **Clause 15 Vehicles permitted to travel in bus lane, tram lane, transit lane or truck lane**

Insert “(other than a bus only lane)” after “bus lane” in clause 15 (1) (e).

[2] **Clause 15 (1) (f)**

Insert “(other than a bus only lane)” after “bus lane”.

[3] **Clause 15 (2), definition of “bus only lane”**

Omit the definition. Insert instead:

*bus only lane* means:

- (a) a bus lane beginning at a bus lane sign of the kind referred to in rule 154 of the *Australian Road Rules* where the words “bus only” or “buses only” appear on or with the sign, or
- (b) a bus lane beginning at a bus lane road marking (within the meaning of Schedule 1) where the road marking consists of the words “bus only” or “buses only”.

[4] **Schedule 1 Qualifications on application of Australian Road Rules**

Insert in alphabetical order in clause 1:

*bus lane road marking* means a road marking consisting of:

- (a) the letters “BL”, or
- (b) the words “bus lane”, or
- (c) the words “bus only” or “buses only”.

*intersection* has the same meaning as it has in the *Australian Road Rules*.

*marked lane* has the same meaning as it has in the *Australian Road Rules*.

*road marking* has the same meaning as it has in the *Australian Road Rules*.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Bus Lanes) Regulation 2007

Schedule 1 Amendments

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**[5] Schedule 1 Qualifications on application of Australian Road Rules**

Omit clause 5. Insert instead:

**4 Certain marked lanes taken to be bus lanes**

- (1) Despite rule 154 (2) of the *Australian Road Rules*, a bus lane for the purposes of rule 154 (1) of those Rules is a marked lane, or part of a marked lane:
- (a) beginning at a bus lane sign (whether or not there is also a bus lane road marking) and ending at the nearest of the following:
    - (i) an end bus lane sign,
    - (ii) a traffic sign that indicates the beginning of another special purpose lane, or
  - (b) beginning at a bus lane road marking (if there is no bus lane sign) and ending at the next intersection.
- (2) In this clause:
- end bus lane sign* means an end bus lane sign of the kind referred to in rule 154 of the *Australian Road Rules*.
- special purpose lane* has the same meaning as it has in the *Australian Road Rules*.

**5 Only public buses and special purpose vehicles may travel in bus only lanes** (cf MTR, r 54 (6) (za))

- (1) For the purposes of rule 154 (1) of the *Australian Road Rules* (as qualified in its operation by clause 4 of this Schedule), rule 158 of those Rules does not apply so as to permit a driver (except the driver of a public bus or a special purpose vehicle) to drive a vehicle in a bus lane if:
- (a) in the case of a bus lane beginning at a bus lane sign—the words “bus only” or “buses only” appear on or with the sign, or
  - (b) in the case of a bus lane beginning at a bus lane road marking (if there is no bus lane sign)—the road marking consists of the words “bus only” or “buses only”.
- Note.** Rule 158 of the *Australian Road Rules* provides generally for exceptions to the prohibition on driving in bus lanes. This subclause will not affect the application of that rule to bus lanes marked by bus lane signs or road markings on or with which the words “bus only” or “buses only” do not appear.
- (2) In this clause, *special purpose vehicle* has the same meaning as it has in clause 15 of this Regulation.

Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Bus Lanes) Regulation 2007

Amendments

Schedule 1

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**5A Buses turning from bus lanes** (cf MTR, r 72AA)

- (1) Despite the provisions of Divisions 1 and 2 of Part 4 of the *Australian Road Rules*, the driver of a public bus may cause the vehicle to turn to the right or left at an intersection from any bus lane if:
  - (a) the turn is in accordance with a signal displayed by B lights erected at or near the intersection and any road marking indicating how the turn is to be made, and
  - (b) the turn may be made with safety to the public.
- (2) In this clause:

*B lights* has the same meaning as it has in the *Australian Road Rules*.

**5B Additional rules applying to public bus drivers**

Division 2 of Part 17 of the *Australian Road Rules* applies to the driver of a public bus only while the driver is driving the bus in a bus lane.

**[6] Dictionary**

Insert “(as qualified in its operation by clause 4 of Schedule 1)” after “*Australian Road Rules*” in the definition of *bus lane* in Part 1.





New South Wales

# Threatened Species Conservation Amendment (Wollemi Pine) Regulation 2007

under the

Threatened Species Conservation Act 1995

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

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

## Explanatory note

The objects of this Regulation are as follows:

- (a) to prohibit a person from entering or remaining in the Wollemi Pine critical habitat, or any part of it, if the area is closed by the Director-General by means of a public notice,
- (b) to allow the Director-General to also close the Wollemi Pine critical habitat, or any part of it, by written order (this being an alternative means of closing the critical habitat without disclosing the location of the critical habitat to the public),
- (c) to allow a designated officer to direct a person to leave the Wollemi Pine critical habitat if it has been closed by public notice or by a written order,
- (d) to allow a designated officer to direct a person to leave the Wollemi Pine critical habitat or to cease or modify a particular activity within the Wollemi Pine critical habitat if he or she is of the opinion that the person is contravening the new provisions of the Regulation or causing damage to the Wollemi Pine critical habitat, or is likely to do so,
- (e) to give a designated officer the power to remove a person from the Little Penguin and Wollemi Pine critical habitats if the person fails to comply with a direction,
- (f) to prescribe all offences under the *Threatened Species Conservation Regulation 2002* as penalty notice offences and to prescribe a penalty of \$500 for each of those offences if dealt with by penalty notice,
- (g) to make other minor amendments by way of law revision.

This Regulation is made under the *Threatened Species Conservation Act 1995*, including sections 51 and 150 (the general regulation-making power) and under section 160 of the *National Parks and Wildlife Act 1974*.

Clause 1           Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
2007

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## **Threatened Species Conservation Amendment (Wollemi Pine) Regulation 2007**

under the

Threatened Species Conservation Act 1995

### **1 Name of Regulation**

This Regulation is the *Threatened Species Conservation Amendment (Wollemi Pine) Regulation 2007*.

### **2 Amendment of Threatened Species Conservation Regulation 2002**

The *Threatened Species Conservation Regulation 2002* is amended as set out in Schedule 1.

Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
2007

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Omit the definition of *authorised officer*. Insert in alphabetical order:

*designated officer* means:

- (a) an officer or employee of the Department of Environment and Conservation, or
- (b) a person who is authorised by the Director-General to exercise the powers conferred on a designated officer by this Regulation, or
- (c) a police officer.

### [2] Clause 3 (2)

Insert at the end of clause 3:

- (2) A person who, immediately before the commencement of the *Threatened Species Conservation Amendment (Wollemi Pine) Regulation 2007*, was authorised by the Director-General to exercise the powers conferred on an authorised officer by this Regulation is taken, on that commencement, to be authorised to exercise the powers conferred on a designated officer by this Regulation.

### [3] Clause 11 Directions given by a designated officer

Omit “an authorised officer” wherever occurring from clause 11 (1) and (3) (b).

Insert instead “a designated officer”.

### [4] Clause 11 (1)

Omit “Regulation”. Insert instead “Part”.

### [5] Clause 11 (3)

Omit “the authorised officer”. Insert instead “the designated officer”.

Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
2007

Schedule 1 Amendments

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**[6] Clause 11A**

Insert after clause 11:

**11A Removal of persons who fail to comply with a direction**

A designated officer may remove from the Little Penguin critical habitat, or any part of it, any person who fails to comply with a direction under clause 11 and any vehicle, vessel, animal or other property in the possession of the person.

**[7] Clause 12 Defences**

Omit “this Regulation”. Insert instead “this Part”.

**[8] Clause 12 (e) (i)**

Omit “National Parks and Wildlife Service”.

Insert instead “Department of Environment and Conservation”.

**[9] Clause 12 (e) (ii)**

Omit “an authorised officer”. Insert instead “a designated officer”.

**[10] Clause 12 (e) (iii)**

Omit “NSW Fisheries, the Waterways Authority or the Environment Protection Authority”.

Insert instead “the Department of Primary Industries or the Maritime Authority of NSW”.

**[11] Clause 12 (e) (iv)**

Insert “(either unconditionally or subject to conditions)” after “given”.

**[12] Part 2A**

Insert after Part 2:

**Part 2A Wollemi Pine critical habitat**

**12A Definitions**

In this Part:

*damage* to the Wollemi Pine critical habitat includes:

- (a) picking any plant within the Wollemi Pine critical habitat, and
- (b) clearing or removing any vegetation (whether or not living) within the Wollemi Pine critical habitat, and

Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
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Schedule 1

(c) harming any animal within the Wollemi Pine critical habitat, and

(d) introducing, or causing the spread of, *Phytophthora cinnamomi* within the Wollemi Pine critical habitat.

**harm** an animal includes hunt, shoot, poison, net, snare, spear, pursue, capture, trap, injure or kill, but does not include harm by changing the habitat of an animal.

**pick** a plant means gather, pluck, cut, pull up, destroy, poison, take, dig up, remove or injure the plant or any part of the plant.

**Wollemi Pine critical habitat** means any area of land declared by the Minister to be the critical habitat of the endangered species *Wollemia nobilis* (Wollemi Pine), by notification published in the Gazette under section 47 of the Act (as amended from time to time under section 49 of the Act).

**12B Application and operation of Part**

(1) This Part does not have effect until the notification referred to in the definition of **Wollemi Pine critical habitat** is published in the Gazette.

(2) Nothing in this Part affects the operation of Part 2 of the *National Parks and Wildlife Regulation 2002*.

**Note.** For example, under Divisions 1 and 3 of Part 2 of the *National Parks and Wildlife Regulation 2002*, a park authority may regulate the use and closure of a national park by means of a public notice, a written notice or an oral direction and an authorised officer may remove a person from a national park in certain circumstances.

**12C Closure of Wollemi Pine critical habitat by public notice**

(1) The Director-General may close the Wollemi Pine critical habitat, or any part of it, to the public by means of a notice displayed in, or at the boundary of, the Wollemi Pine critical habitat or the part of it to which the notice relates.

(2) The notice may close the Wollemi Pine critical habitat, or any part of it, to the public at all times or during specified times.

(3) A person must not:

(a) enter the Wollemi Pine critical habitat, or the part of it, when it is closed to the public in accordance with this clause, or

Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
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- (b) remain, or leave a vehicle parked, in the Wollemi Pine critical habitat or any part of it when it is closed to the public in accordance with this clause.

Maximum penalty: 50 penalty units.

**12D Closure of Wollemi Pine critical habitat by order**

- (1) The Director-General may, by order in writing, close to the public the Wollemi Pine critical habitat or any part of it.
- (2) The order may close the Wollemi Pine critical habitat, or any part of it, to the public at all times or during specified times.

**Note.** The Director-General may decide not to disclose the location of critical habitat to the public under section 146 of the *Threatened Species Conservation Act 1995*. This clause gives the Director-General an alternative means of closing the critical habitat without disclosing the location of the critical habitat to the public.

**12E Directions given by a designated officer**

- (1) If the Wollemi Pine critical habitat, or any part of it, is closed to the public in accordance with clause 12C or 12D, a designated officer may direct a person to leave the area that is closed to the public.
- (2) If a designated officer is of the opinion that a person is contravening this Part or causing damage to the Wollemi Pine critical habitat, or is likely to do so, the officer may make one or more of the following directions:
- (a) direct the person to cease a particular activity within the Wollemi Pine critical habitat,
- (b) direct the person to modify a particular activity within the Wollemi Pine critical habitat so as to avoid any damage or likelihood of damage to the Wollemi Pine critical habitat,
- (c) direct the person to leave the Wollemi Pine critical habitat.
- (3) A person must not, without reasonable excuse, fail or refuse to comply with a direction given under subclause (1) or (2).  
Maximum penalty: 50 penalty units.
- (4) A person is not guilty of an offence of failing or refusing to comply with a direction given under subclause (1) or (2) unless it is established that the designated officer:
- (a) warned the person that a failure or refusal to comply with the direction is an offence, and
- (b) identified himself or herself to the person as a designated officer.

Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
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**12F Removal of persons who fail to comply with a direction**

A designated officer may remove from the Wollemi Pine critical habitat, or any part of it, any person who fails or refuses to comply with a direction under clause 12E and any vehicle, animal or other property in the possession of the person.

**12G Defences**

It is a defence to a prosecution for an offence against this Part if the defendant proves that the act constituting the offence:

- (a) was authorised to be done, and was done in accordance with, a licence granted under the *National Parks and Wildlife Act 1974* or under Part 6 of the *Threatened Species Conservation Act 1995*, or
- (b) was the subject of a certificate issued under section 95 (2) of the *Threatened Species Conservation Act 1995*, or
- (c) was authorised to be done by or under Part 2 of the *Rural Fires Act 1997*, the *State Emergency and Rescue Management Act 1989* or the *State Emergency Service Act 1989* and was reasonably necessary in order to avoid a threat to life or property, or
- (d) was carried out:
  - (i) by an officer or employee of the Department of Environment and Conservation in the exercise of his or her functions as such an officer or employee, or
  - (ii) by a designated officer in the exercise of his or her functions as such an officer, or
  - (iii) with the consent of the Director-General given (either unconditionally or subject to conditions) in the form of a licence, permit, approval or other form of written authorisation.

**[13] Part 4 and Schedule 1**

Insert after Part 3:

**Part 4 Penalty notices**

**34 Penalty notice offences**

- (1) For the purposes of section 160 of the *National Parks and Wildlife Act 1974*:
  - (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and

Threatened Species Conservation Amendment (Wollemi Pine) Regulation  
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- 
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1, and
  - (c) each person referred to in subclause (3) is a prescribed person.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.
- (3) For the purposes of section 160 of the *National Parks and Wildlife Act 1974*, the following persons are prescribed persons for all offences referred to in Schedule 1:
- (a) the Director-General,
  - (b) any officer or employee of the Department of Environment and Conservation,
  - (c) any person who is authorised by the Director-General to exercise the powers conferred on a designated officer by this Regulation,
  - (d) any police officer,
  - (e) any officer or employee of a government department in respect of which an arrangement has been made under section 11 (1) of the *National Parks and Wildlife Act 1974*,
  - (f) any officer, employee or servant of a statutory corporation or council, or of trustees, in respect of whom or which an arrangement has been made under section 11 (2) or (4) of the *National Parks and Wildlife Act 1974*.

## Schedule 1 Penalty notice offences

(Clause 34)

Column 1	Column 2
Provision	Penalty \$
<b>Offences under this Regulation</b>	
Clause 7 (1)	\$500
Clause 7 (2)	\$500
Clause 7A (1)	\$500



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<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty \$</b>
Clause 8 (1)	\$500
Clause 9	\$500
Clause 10 (1)	\$500
Clause 10 (2)	\$500
Clause 11 (2)	\$500
Clause 12C (3)	\$500
Clause 12E (3)	\$500

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**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**THREATENED SPECIES CONSERVATION ACT 1995**

Declaration under s47(3) of land as critical habitat for Wollemi Pine (*Wollemia nobilis*)

I hereby declare all known extant areas of the Wollemi Pine and the surrounding habitat in the catchment as critical habitat. The critical habitat is located within the catchment where the Wollemi Pine occurs within the Wollemi National Park. This represents some 5,000 ha of the 500,000 ha Wollemi National Park.

The Director-General has declined to prepare map of the critical habitat for publication at this stage, in accordance with section 146 of the Threatened Species Conservation Act 1995.

This constitutes notice of the declaration under s 48(c).

BOB DEBUS,  
Minister for the Environment

LISA CORBYN,  
Director General Department of Environment and Conservation

**Notice under s67(1) of approval of Wollemi Pine Recovery Plan**

I hereby give notice of the approval of the Wollemi Pine (*Wollemia nobilis*) Recovery Plan.

LISA CORBYN,  
Director General Department of Environment and Conservation

Information relating to the sale and inspection of the Wollemi Pine Recovery Plan and critical habitat declaration can be found on the following website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).



New South Wales

## Workers Compensation Amendment (Index Number) Regulation 2007

under the

Workers Compensation Act 1987

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

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

### Explanatory note

The object of this Regulation is to update an index number that is used for the purposes of the indexation of benefits under the *Workers Compensation Act 1987*.

This Regulation is made under the *Workers Compensation Act 1987*, including sections 79 and 280 (the general regulation-making power).

Clause 1            Workers Compensation Amendment (Index Number) Regulation 2007

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## **Workers Compensation Amendment (Index Number) Regulation 2007**

under the

Workers Compensation Act 1987

### **1 Name of Regulation**

This Regulation is the *Workers Compensation Amendment (Index Number) Regulation 2007*.

### **2 Amendment of Workers Compensation Regulation 2003**

The *Workers Compensation Regulation 2003* is amended by inserting the following at the end of the Table to clause 13:

1 April 2007

200.9



New South Wales

# Workers Compensation Amendment (Transitional) Regulation 2007

under the

Workers Compensation Act 1987

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

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

## Explanatory note

The object of this Regulation is to allow workers whose proceedings for common law damages have been discontinued or struck out because the proceedings were commenced in the six months immediately prior to the commencement of amendments to the workers compensation legislation in 2001 (the **2001 amendments**) to claim lump sum compensation and, in certain cases, work injury damages as if the workers had been injured after the commencement of the 2001 amendments.

The commencement of a discontinued or struck out claim would otherwise constitute an irrevocable election under section 151A of the *Workers Compensation Act 1987* (as in force before the commencement of the 2001 amendments) with the effect of preventing an affected worker from claiming lump sum compensation in respect of his or her injuries. This, in turn, would prevent the worker from lodging a further claim for work injury damages because of the operation of section 280A of the *Workplace Injury Management and Workers Compensation Act 1998*.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power) and clause 1 of Part 20 of Schedule 6 to the Act.

Clause 1            Workers Compensation Amendment (Transitional) Regulation 2007

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## **Workers Compensation Amendment (Transitional) Regulation 2007**

under the

Workers Compensation Act 1987

### **1 Name of Regulation**

This Regulation is the *Workers Compensation Amendment (Transitional) Regulation 2007*.

### **2 Amendment of Workers Compensation Regulation 2003**

The *Workers Compensation Regulation 2003* is amended as set out in Schedule 1.

Workers Compensation Amendment (Transitional) Regulation 2007

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 2)

### Part 23, Division 3, Subdivision 4A

Insert after clause 229:

#### Subdivision 4A Amendments relating to work injury damages—transitional provisions

##### 229A Application of 2001 amendments relating to work injury damages to discontinued transitional proceedings

(1) In this Subdivision:

*discontinued transitional proceedings* means proceedings to recover damages in respect of a transitional injury that were commenced in the 6 month period immediately before the commencement of Schedule 1.1 to the *Workers Compensation Legislation Further Amendment Act 2001* and are discontinued or struck out in connection with the application to the proceedings of section 151C of the 1987 Act.

*transitional injury* means an injury notice of which was given to the employer in the 6 month period immediately before the commencement of Schedule 1.1 to the *Workers Compensation Legislation Further Amendment Act 2001*.

- (2) Despite clause 9 (1) of Part 18C of Schedule 6 to the 1987 Act, an amendment made by Schedule 1 to the *Workers Compensation Legislation Further Amendment Act 2001* extends to the recovery of damages in respect of a transitional injury in relation to which discontinued transitional proceedings were commenced (even though the proceedings were commenced before the commencement of that Schedule).
- (3) The commencement of discontinued transitional proceedings is to be ignored for the purposes of section 151A of the 1987 Act (as in force when the proceedings were commenced), with the result that the commencement of the proceedings does not operate (and is taken never to have operated) as an election to claim damages for the purposes of that section.
- (4) Section 151D of the 1987 Act does not apply to the commencement of proceedings in respect of a transitional injury that may be commenced because of the operation of this clause (and that could not otherwise have been commenced).

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**OFFICIAL NOTICES**

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**Appointments**

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**EDUCATION ACT 1990**

Notification of Appointment to the Board of Studies

I, CARMEL TEBBUTT, M.P., Minister for Education and Training, in pursuance of Schedule 1, Clause 8 of the Education Act 1990, appoint Mr Larry GRUMLEY as a Member of the Board of Studies, being a nominee provided by section 100 (3) (e) of the said Act, for a term commencing on and from 1 September 2006 until 31 August 2009.

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

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## Department of Lands

### DUBBO OFFICE

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

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

#### 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*

Trangie Agricultural  
Research Station (R50521)  
Reserve Trust

##### *COLUMN 2*

Reserve No. 50521  
Public Purpose: Experiment  
Farm  
Notified: 10 February 1915  
File Reference: DB84 R 97

#### SCHEDULE

##### *COLUMN 1*

Wollar Bushfire Brigade  
(R90855) Reserve Trust

##### *COLUMN 2*

Reserve No. 90855  
Public Purpose: Bush Fire  
Brigade Purposes  
Notified: 5 August 1977  
File Reference: DB81 R 206

### GOULBURN OFFICE

**159 Auburn Street (PO Box 748), Goulburn NSW 2580**

**Phone: (02) 4824 3700      Fax: (02) 4822 4287**

#### 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 public roads and the rights of passage and access that previously existed in relation to the roads are extinguished. Upon closing, title to the lands, comprising the former public roads, vests in the body specified in the Schedules hereunder.

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

#### SCHEDULE 1

*Parish – Clyde; County – Wallace;  
Land District – Cooma; L.G.A. – Snowy River.*

Lots 1 and 2, DP 1105390 (not being land under the Real Property Act).

File No.: GB02 H 334:JK.

Note: On closing, the title for the land in Lots 1 and 2, DP 1105390 remains vested in the State of New South Wales as Crown Land.

#### SCHEDULE 2

*Parish – Crackenback; County – Wallace;  
Land District – Cooma; L.G.A. – Snowy River.*

Lot 1, DP 1105388 (not being land under the Real Property Act).

File No.: GB02 H 334:JK.

Note: On closing, the title for the land in Lot 1, DP 1105388 remains vested in the State of New South Wales as Crown Land.

#### SCHEDULE 3

*Parish – Burra; County – Murray;  
Land District – Braidwood; L.G.A. – Palerang.*

Lot 1, DP 1105132 (not being land under the Real Property Act).

File No.: GB03 H 125:JK.

Note: On closing, the title for the land in Lot 1, DP 1105132 remains vested in the State of New South Wales as Crown Land.

## NOTIFICATION OF CLOSING OF A 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 public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

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

\_\_\_\_\_  
Description

## SCHEDULE 1

*Parish – Jerrara and Nattery; County – Argyle  
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Lots 50, 51, 52, 53 and 54, DP 1106641 (not being land under the Real Property Act)

File Reference: GB05 H 69:JK

Note: On closing, the titles for the land in Lot 50, 51, 52, 53 and 54, DP 1106641 remains vested in the State of New South Wales as Crown land

## RESERVATION OF CROWN LAND

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

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

## SCHEDULE

## COLUMN 1

Land District: Goulburn  
Local Government Area:  
Goulburn Mulwaree  
Council

Locality: Goulburn  
Lot 7005, DP 750038 #,  
Parish Nattery, County Argyle  
Area: About 1.214ha  
File Reference: GB80 H 1979

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

## COLUMN 2

Reserve No. 1012831  
Public Purpose: Future  
public requirements

## SCHEDULE

## COLUMN 1

Land District: Crookwell  
Local Government Area:  
Upper Lachlan Council  
Locality: Binda  
Lot 7013, DP 753012 #,  
Parish Binda, County Georgiana  
Area: About 6000m<sup>2</sup>  
File Reference: GB95 H 434

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

## COLUMN 2

Reserve No. 1013168  
Public Purpose: Future  
public requirements

## SCHEDULE

## COLUMN 1

Land District: Young  
Local Government Area:  
Young Shire Council  
Locality: Young  
Lot 7093, DP 754611 #,  
Parish Young, County Monteagle  
Area: About 4000m<sup>2</sup>  
File Reference: GB05 H 528

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

## COLUMN 2

Reserve No. 1013169  
Public Purpose: Future  
public requirements

## SCHEDULE

## COLUMN 1

Land District: Queanbeyan  
Local Government Area:  
Palerang Council  
Locality: Hoskinstown  
Lot 54, DP 754895,  
Parish Molonglo, County Murray  
Lot 55, DP 754895,  
Parish Molonglo, County Murray  
Lot 56, DP 754895,  
Parish Molonglo, County Murray  
Lot 144, DP 754895,  
Parish Molonglo, County Murray  
Lot 7006, DP 754895 #,  
Parish Molonglo, County Murray  
Area: About 143.78ha  
File Reference: GB82 H 467

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

## COLUMN 2

Reserve No. 1013170  
Public Purpose: Future  
public requirements

**GRAFTON OFFICE**  
**76 Victoria Street (Locked Bag 10), Grafton NSW 2460**  
**Phone: (02) 6640 3400 Fax: (02) 6642 5375**

**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. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Land District – Lismore; L.G.A. – Lismore City.*

Roads Closed: Lot 1, DP 1105689 at Keerrong, Parish Blakebrook, County Rous.

File No.: GF05 H 98.

**SCHEDULE**

On closing, the land within Lot 1, DP 1105689 becomes vested in Lismore City Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: LW:TMI:P19438:M12/05.

**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

*Land District – Lismore; LGA – Ballina*

Roads Closed: Lot 1, DP 1069337 at East Ballina, Parish Ballina, County Rous.

File Reference: GF03 H 433.

On closing, the land within Lot 1, DP 1069337 will remain vested in the State of New South Wales as Crown Land.

**HAY OFFICE**

**126 Lachlan Street (PO Box 182), Hay NSW 2711**  
**Phone: (02) 6993 1306 Fax: (02) 6993 1135**

**APPOINTMENT OF MEMBERS OF LOCAL LAND BOARDS**

IN pursuance of the provisions of the Crown Lands Act 1989, the undermentioned persons have been appointed as members of the local land board for the Land Districts particularised hereunder for a term commencing this day and expiring 31 December 2007.

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

**SCHEDULE**

*Balranald South*

Bernard STANDEN.

*Coleambally*

John McINNES.

*Cootamundra and Cootamundra Central*

Hugh ROBERTS and Beryl INGOLD.

*Corowa*

Angus McNEILL and Kevin REGAN.

*Hay*

Maxwell LUGSDIN and Anthony CULLENWARD.

*Hillston*

David FENSOM and Ian CASHMERE.

*Lake Cargellico*

Ernest HAYES.

*Mirrool*

John DONALDSON.

*Temora and Temora Central*

Lindsay FRATER.

*Urana*

Bruce DAY and Ian COGHILL.

*Wagga Wagga*

William KEMBER.

*Wyalong*

Geoffrey WEST.

*Yanco*

Dawn NEWMAN.

**MAITLAND OFFICE****Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****NOTIFICATION OF CLOSING OF ROAD****SCHEDULE**

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. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

On closing, the land within Lots 1 to 5, DP1072667 and Lot 20, DP1072668 remains vested in Muswellbrook Shire Council as operational land for the purposes of the Local Government Act 1993. Council's reference: 580/32.

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

\_\_\_\_\_  
Description

*Parish – Clanricard; County – Brisbane*

*Land District – Muswellbrook*

*Local Government Area – Muswellbrook*

Roads Closed: Lots 1 to 5, DP 1072667 and Lot 20, DP 1072668 at Bengalla subject to easement for electricity transmission line and access thereto of variable width created by Deposited Plan 1072667.

File Reference: MD 98 H 47.

**TAREE OFFICE****98 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6591 3500 Fax: (02) 6552 2816****NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

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

\_\_\_\_\_  
Description

*Land District – Kempsey*

*Local Government Area – Nambucca Shire Council*

Road closed: Lot 2 D.P.1106562 at Eungai Creek. Parish of Unkya, County of Raleigh. File No. TE06 H 51

Note: On closing, the land within lot 1 remains vested in Council as operational land for the purposes of the Local Government Act 1993. Council's reference: SF632.

**WESTERN DIVISION OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 3000 Fax: (02) 6883 3099**

**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

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Administrative District: Cobar.	Part of Reserve 1011448
Council: Cobar.	comprising the whole of
Parish: Cobar.	Allotments 4, 5, 6 and 7,
County: Robinson.	section 5, DP 2780 of 3367
Location: North Cobar.	square metres.
Reserve: 1011448.	
Purpose: For future public requirements.	
Date of Notification: 31 March 2006.	
File No.: WL05 H 113.	

**ADDITION TO A WESTERN LANDS LEASE**

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

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

SCHEDULE

Western Lands Lease No.: 11521*.
Name of Lessee: Sandra Jean SCOTT.
Area Added: Lot 1, DP 1107943, Parish of Wallangulla, County of Finch, of 2655 square metres (Folio Identifier 1/1107943).
Total Area Following Addition: Lot 1, DP 1107943 and Portion 45, DP 752756, Parish of Wallangulla, County of Finch, of 6836 square metres. (Folio Identifiers 1/1107943 and 45/752756).
Date of Addition: 16 February 2007.
Administrative District: Walgett North.
Shire: Walgett.

\*Pursuant to the provisions of section 18J, Western Lands Act 1901, the conditions annexed to Western Lands Lease 11521, have been revoked and the following conditions have been annexed thereto.

**CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 11521**

(1) In the conditions annexed to the lease, the expression "the Minister" means the Minister administering the Western Lands Act 1901, and any power, authority,

duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Natural Resources as the Minister may from time to time approve.

- (2) In these conditions and reservations the expression "the Commissioner" means the Commissioner charged with the administration of the Western Lands Act 1901 ("the Act") in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty's Heirs and Successors and the Minister.
- (b) The lessee agrees to occupy use and keep the Premises at the risk of the lessee and hereby releases to the full extent permitted by law the Lessor from all claims and demands of every kind resulting from any accident damage or injury occurring therein and the lessee EXPRESSLY AGREES that the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or the personal property of the lessee.
- (c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The lessee will (without in any way limiting the liability of the lessee under any other provision of this lease) forthwith take out and thereafter during the Term keep current a public risk insurance policy for \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the lessee) whereby the Minister shall during the continuance of this lease be indemnified against all actions suits claims demands proceedings losses damages compensations costs charges and expenses mentioned or referred to in this lease to which the Minister shall or may be liable.
- (5) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (6) The rent shall be due and payable annually in advance on 1 July in each year.
- (7) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
- "GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
- (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be

provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.

- (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (8) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (9) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (10) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (11) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (12) The land leased shall be used only for the purpose of Erection of Dwelling and Business Purposes (Walk –In Mine).
- (13) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (14) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (15) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those other lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (16) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (17) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (18) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (19) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (20) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (21) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Infrastructure Planning and Natural Resources within 3 months of the date of gazettal of the granting.
- (22) The lessee may enclose the leased land with a suitable fence to the satisfaction of the Commissioner, but only if it does not interfere with or impede the use of any existing track or road on the leased land or adjacent to the leased land.

## GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

The Conditions and Reservations annexed to such leases are those conditions published in the *New South Wales Government Gazette* of 18 February 2005, Folios 434 – 435.

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

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

## SCHEDULE

*Administrative District – Walgett North; Shire – Walgett; Parish – Wallangulla; County – Finch.*

WLL No.	Name of Lessee	Lot	Deposited Plan No.	Folio identifier	Area	Term of Lease	
						From	To
WLL14744	James West SIMPSON and Gloria Jean CHRISTIAN as Joint Tenants	174	1073508	174/1073508	2563m2	20-02-2007	19-02-2027
WLL14660	Kenneth Ian JENKINS and Michael Ian JENKINS as Joint Tenants	2	1066289	2/1066289	2556m2	20-02-2007	19-02-2027
WLL14815	Patrick Harold CUTHEL and Kay Francis CUTHEL as Joint Tenants	146	1073508	146/1073508	2504m2	20-02-2007	19-02-2027
WLL14739	Marcus DART	46	1057617	46/1057617	2452m2	20-02-2007	19-02-2027

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## Department of Natural Resources

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### WATER ACT 1912

Notice under Section 22B of the Water Act 1912

The subject notice cancels and replaces the 22B notice published on 15 December 2006

THE Department of Natural Resources pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the Boomi River, Unregulated Barwon River, and Unregulated Darling River (Barwon/Darling River System) all upstream of Lake Wetherell is insufficient to meet all requirements with respect to the taking of water therefrom hereby gives notice to all holders of permits, authorities and licenses issued under Part 2 of the Water Act 1912, that are denoted to be "B" and "C" class water entitlements that from midday, 23 February 2007, extraction of water from those above named rivers is hereby suspended until further notice.

Dated this 21st day of February 2007.

DENNIS MILLING,  
Manager,  
Licensing Northern,  
Compliance and Licensing Division,  
Department of Natural Resources

GA2:494484.

### WATER ACT 1912

AN application for a license under Part 5 of the Water Act 1912, as amended, has been received as follows:

#### *Murrumbidgee Valley*

W F MONTAGUE PTY LTD for a bore on Lot 1, DP 616858, Parish of Selwyn, County of Wynyard, for a water supply for irrigation purposes (orchard – 25 hectares) (new license) (Reference: 40BL191345).

W F MONTAGUE PTY LTD for a bore on Lot 3, DP 8416, Parish of Selwyn, County of Wynyard, for a water supply for irrigation purposes (orchard – 15 hectares) (new license) (Reference: 40BL191346).

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 23 March 2007, as prescribed by the Act.

S. F. WEBB,  
Licensing Manager,  
Murray/Murrumbidgee Region

Department of Natural Resources,  
PO Box 156, Leeton NSW 2705.



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# Department of Planning

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New South Wales

## **Great Lakes Local Environmental Plan 1996 (Amendment No 45)**

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*. (N04/00044/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 45)

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## **Great Lakes Local Environmental Plan 1996 (Amendment No 45)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 45)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to provide for the development of certain land at Seven Mile Beach that is consistent with the integration of natural and developed landscape and conservation values attributed to the land, and
- (b) to direct the future use of certain land at Seven Mile Beach in a manner that ensures sensitivity to the physical, social and natural environmental values, and the environmental heritage, of the land, and
- (c) to achieve ecological sustainability through a harmonious integration between the natural and developed landscape, and
- (d) in recognition of aims set out in paragraphs (a) to (c), to rezone the land from Zone No 1 (c) (Future Urban Investigation Zone) to a proposed new Zone 2 (g) (Environmental Living and Low-Impact Development Zone) and to Zone No 7 (a1) (Environmental Protection Zone).

### **3 Land to which plan applies**

This plan applies to Part Lots 103, 142 and 178 of DP 753168, as shown edged heavy black on the map marked "Great Lakes Local Environmental Plan 1996 (Amendment No 45)" deposited in the office of the Great Lakes Council.

### **4 Amendment of Great Lakes Local Environmental Plan 1996**

*Great Lakes Local Environmental Plan 1996* is amended as set out in Schedule 1.

Great Lakes Local Environmental Plan 1996 (Amendment No 45)

Amendments

Schedule 1

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 7 What zones apply in this plan?

Insert after the matter relating to Zone No 2 (f):

Zone No 2 (g) (Environmental Living and Low-Impact Development Zone)

### [2] Clause 8 Zone objectives and development control table

Insert after the matter relating to Zone No 2 (f) in the Table to the clause:

#### **Zone No 2 (g) (Environmental Living and Low-Impact Development Zone)**

##### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, and
- (b) to ensure that residential development does not have an adverse effect on those values, and
- (c) to provide for other types of low-impact development that complement and support the residential development and which do not have an adverse effect on the special ecological, scientific or aesthetic values of the land.

##### **2 What is permitted without development consent?**

Development for the purpose of:  
environmental protection works.

##### **3 What is permitted only with development consent?**

Development for the purpose of:

advertisements; bushfire hazard reduction; carparks; child care centres; commercial premises; communication facilities; community facilities; convenience stores; dwelling-houses; entertainment facilities; environmental facilities; exhibition homes; hotels; medical centres; multiple dwellings; off-site promotional signs; recreation areas; recreation facilities; residential flat buildings;

## Great Lakes Local Environmental Plan 1996 (Amendment No 45)

## Schedule 1 Amendments

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restaurants; roads; serviced apartments; shops; tourist facilities; utility installations.

**4 What is prohibited?**

Any development not included in Item 2 or 3.

**[3] Clause 32 Specific developments**

Insert at the end of the Table to the clause:

**5 Development at Seven Mile Beach, The Lakes Way, Forster**

- (1) This clause applies to Part Lots 103, 142 and 178 DP 753168 at The Lakes Way, Forsters as shown edged heavy black on the map marked "Great Lakes Local Environment Plan 1996 (Amendment No 45)".
- (2) The Council must not grant consent to development on land to which this clause applies unless the gross floor area (excluding pedestrian walkways, colonnades, balconies, decks and carparks) of all buildings on the land proposed to be used for shops and commercial premises will not exceed 1,000 square metres.
- (3) The Council may grant consent to the subdivision of the land only if the Council is satisfied that:
  - (a) adequate measures are to be implemented to achieve the preservation and management of biological diversity on, and ecological integrity of, the land, and
  - (b) adequate measures are to be implemented to achieve the protection and management of significant habitat, including that used by threatened species, for conservation purposes, and
  - (c) adequate measures are to be implemented to facilitate fauna movement within and through the land, and
  - (d) adequate measures are to be implemented to protect the land from bush fire while not unreasonably compromising the ecological values of the land, and
  - (e) adequate controls are to be implemented that:
    - (i) ensure that the buildings on each lot respect the natural features of the land by utilising designs that minimise tree removal and by the use of colours and materials that reflect the surrounding environment, and

Great Lakes Local Environmental Plan 1996 (Amendment No 45)

Amendments

Schedule 1

- 
- (ii) reflect a unified design theme for the land whilst providing for differences in character on a precinct basis, and
      - (f) mechanisms are in place (including funding, monitoring, and auditing mechanisms) to ensure the ongoing implementation and effectiveness of the measures and controls referred to in paragraphs (a)–(e).
  - (4) In considering whether to grant consent to development on the land to which this clause applies, the Council must have regard to the following:
    - (a) the capability of the land for the proposed development,
    - (b) the protection of significant vegetation and habitats,
    - (c) the facilitation of fauna movement within and through the land,
    - (d) the protection of the scenic attributes of the land,
    - (e) the protection of the development from bushfire while not unreasonably compromising the ecological values of the land,
    - (f) any controls that are in place in accordance with subclause (3) (e).
  - (5) Despite any other provision of this plan, the Council must not grant consent to any subdivision for residential purposes of the land to which this clause applies unless the Council is satisfied that any building to be erected on a lot created by the subdivision will comply with any controls that are in place in accordance with subclause (3) (e).

**[4] Dictionary**

Insert in alphabetical order:

*Environmental protection works* means works associated with the rehabilitation of land towards its natural state or any other work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

**[5] Dictionary, definition of “Map”**

Insert in appropriate order:

Great Lakes Local Environmental Plan 1996 (Amendment No 45)



New South Wales

## **Lismore Local Environmental Plan 2000 (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*. (GRA6323861/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 31)

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## **Lismore Local Environmental Plan 2000 (Amendment No 31)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 31)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from partly Zone No 1 (a) (the General Rural Zone) and partly Zone No 1 (r) (the Riverlands Zone) to Zone No 4 (a) (the Industrial Zone) under *Lismore Local Environmental Plan 2000*.

### **3 Land to which plan applies**

This plan applies to part Lot 2, DP 587430, Wyrallah Road, Monaltrie, as shown edged heavy black and lettered "4 (a)" on the map marked "Lismore Local Environmental Plan 2000 (Amendment No 31)" deposited in the office of Lismore City Council.

### **4 Amendment of Lismore Local Environmental Plan 2000**

*Lismore Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of *the map* in Schedule 7 the following words:

Lismore Local Environmental Plan 2000 (Amendment No 31)



New South Wales

## **Marrickville Local Environmental Plan 2001 (Amendment No 30)**

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*. (SRE0000069/S69)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1           Marrickville Local Environmental Plan 2001 (Amendment No 30)

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## **Marrickville Local Environmental Plan 2001 (Amendment No 30)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Marrickville Local Environmental Plan 2001 (Amendment No 30)*.

### **2 Aims of plan**

This plan aims:

- (a) to amend the definition of ***bulky goods salesroom or showroom*** contained in *Marrickville Local Environmental Plan 2001* to provide that a bulky goods salesroom or showroom does not include a building or place used for the sale of foodstuffs or clothing, and
- (b) to promote the economic use of land by allowing, with the consent of Marrickville Council, retailing of bulky goods, engineering supplies, tools and vehicle parts and accessories on land at 500 Princes Highway, St Peters.

### **3 Land to which plan applies**

- (1) To the extent that this plan allows bulky goods and other types of retailing on certain land, it applies to Lot 1, DP 1022755, known as 500 Princes Highway, St Peters, as shown coloured magenta on the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 30)—Additional Uses Development and Site Specific Development Controls Map” deposited in the office of Marrickville Council.
- (2) To the extent that this plan amends a definition in *Marrickville Local Environmental Plan 2001*, it applies to all land within the local government area of Marrickville under that plan.

### **4 Amendment of Marrickville Local Environmental Plan 2001**

*Marrickville Local Environmental Plan 2001* is amended as set out in Schedule 1.

Marrickville Local Environmental Plan 2001 (Amendment No 30)

Amendments

Schedule 1

## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 1 Definitions

Omit “purchase or hire.” from paragraph (b) of the definition of *bulky goods salesroom or showroom*.

Insert instead:

purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing.

### [2] Schedule 1, definition of “the additional uses development and site specific development controls map”

Insert in appropriate order:

Marrickville Local Environmental Plan 2001 (Amendment No 30)—Additional Uses Development and Site Specific Development Controls Map

### [3] Schedule 2 Additional uses development and site specific development controls

Insert in Columns 1 and 2, respectively, in appropriate order of street name and number:

#### **500 Princes Highway, St Peters**

Lot 1, DP 1022755, as shown coloured magenta on the map marked “Marrickville Local Environmental Plan 2001 (Amendment No 30)—Additional Uses Development and Site Specific Development Controls Map”

The *additional uses development* for the purpose of bulky goods salesrooms or showrooms.

The *additional uses development* for the purpose of sale, hire or display of engineering supplies or tools or vehicle parts and accessories, but only if the gross floor area of the building proposed to be used is at least 500m<sup>2</sup>.



New South Wales

## **North Sydney Local Environmental Plan 2001 (Amendment No 16)**

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*. (S04/01869/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 16)

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## **North Sydney Local Environmental Plan 2001 (Amendment No 16)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 16)*.

### **2 Aims of plan**

The aims of this plan are as follows:

- (a) to amend the foreshore building area controls, including the objectives of those controls, under the *North Sydney Local Environmental Plan 2001 (the principal plan)*,
- (b) to amend the foreshore building line under the principal plan.

### **3 Land to which plan applies**

This plan applies to the land to which the principal plan applies.

### **4 Amendment of North Sydney Local Environmental Plan 2001**

*North Sydney Local Environmental Plan 2001* is amended as set out in Schedule 1.

North Sydney Local Environmental Plan 2001 (Amendment No 16)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 38 Development within the foreshore building area

Insert at the end of clause 38 (1) (d):

- , and
- (e) protect intertidal ecology and any sea wall or rock platform on foreshore land, and
- (f) ensure that if development has been carried out in the foreshore building area, future development does not result in the further encroachment of that area, and
- (g) prevent any further terracing of the foreshore building area, and
- (h) facilitate public access to foreshore land.

### [2] Clause 38 (2) (b)

Omit “retaining walls, or”.

### [3] Clause 38 (2) (d)

Omit the paragraph.

### [4] Clause 38 (2) (f)–(i)

Insert at the end of clause 38 (2) (e):

- , or
- (f) retaining walls, other than sea retaining walls, with a maximum height of 500mm, or
- (g) structures to provide public access to the foreshore (including pathways, stairs and boardwalks) with a maximum height of 1.2 metres, or
- (h) structures to provide private access to the foreshore, including access for the aged or disabled, pathways and stairs, or
- (i) landscaping.

### [5] Schedule 2 Definitions

Insert in appropriate order in the definition of *map*:

North Sydney Local Environmental Plan 2001 (Amendment No 16)

North Sydney Local Environmental Plan 2001 (Amendment No 16)

Schedule 1      Amendments

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**[6] Schedule 6 Exempt development**

Insert in Column 2 at the end of the matter set out opposite the heading “**Water heaters (excluding solar systems, which are dealt with separately in this table)**”:

Foreshore	Not within foreshore building area
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New South Wales

## **North Sydney Local Environmental Plan 2001 (Amendment No 17)**

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*. (SRE0000063/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 17)

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## **North Sydney Local Environmental Plan 2001 (Amendment No 17)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 17)*.

### **2 Aims of plan**

This plan aims to amend *North Sydney Local Environmental Plan 2001* as follows:

- (a) to rezone part of the land to which this plan applies to the Commercial Zone,
- (b) to rezone part of the land to the Residential A2 Zone,
- (c) to rezone part of the land to the Residential C Zone and reclassify it from community land to operational land within the meaning of the *Local Government Act 1993*,
- (d) to rezone part of the land to the Residential D Zone (Neighbourhood Business),
- (e) to adjust the open space building line area for part of the land,
- (f) to amend the minor internal alterations provisions in the exempt development schedule to exclude works to heritage items,
- (g) to amend the rainwater tank provisions in the exempt development schedule in respect of water tanks in conservation areas.

### **3 Land to which plan applies**

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to Lot Y, DP 441127, being a part of 50 Miller Street, North Sydney, as shown distinctively coloured on Sheet 1 of the map marked "North Sydney Local Environmental Plan 2001 (Amendment No 17)" deposited in the office of North Sydney Council.



North Sydney Local Environmental Plan 2001 (Amendment No 17)

Clause 4

- 
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to Lot 1, DP 181967, 61 Bay Road, Waverton and Lot 6, Section 1, DP 1098, 63 Bay Road, Waverton, as shown distinctively coloured and edged heavy black on Sheet 3 of that map.
  - (3) In respect of the aim referred to in clause 2 (c), this plan applies to Lot 1, DP 793871, 57 Kirribilli Avenue, Kirribilli, as shown distinctively coloured and edged heavy black on Sheet 4 of that map.
  - (4) In respect of the aim referred to in clause 2 (d), this plan applies to Lot 1, DP 189990, 71 Bay Road, Waverton, as shown distinctively coloured and edged heavy black on Sheet 3 of that map.
  - (5) In respect of the aim referred to in clause 2 (e), this plan applies to Lot 8, Section 3, DP 4319, 31 Belmont Avenue, Wollstonecraft, as shown distinctively coloured, hatched by distinctive coloured lines and edged heavy black on Sheet 2 of that map.
  - (6) In respect of the aims referred to in clause 2 (f) and (g), this plan applies to all land under *North Sydney Local Environmental Plan 2001*.

#### **4 Amendment of North Sydney Local Environmental Plan 2001**

*North Sydney Local Environmental Plan 2001* is amended as set out in Schedule 1.

North Sydney Local Environmental Plan 2001 (Amendment No 17)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 2 Definitions

Insert in appropriate order in the definition of *map*:

North Sydney Local Environmental Plan 2001 (Amendment No 17)

### [2] Schedule 6 Exempt development

Insert in Column 2 of the matter relating to “**Minor internal alterations**” and “**1 Residential premises**” before the matter relating to “Type”:

Heritage	Not to a heritage item.
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### [3] Schedule 6

Insert “(other than in conservation areas)” after “Water tanks” in Column 1.

### [4] Schedule 6

Insert after the matter relating to Water tanks (as amended by Schedule 1 [3]):

<b>Water tanks in conservation areas</b>	Heritage	Not to a heritage item.
	Siting	At or above ground level.  Located in the rear yard or positioned so as not to be visible from a public place or cause impact on a neighbour’s amenity.
	Size	Maximum installed height 1.8m above ground level (including any stand).
		Must comply with clause 16 (1) (a)–(l) and (p)–(u) of <i>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</i> .

North Sydney Local Environmental Plan 2001 (Amendment No 17)

Amendments

Schedule 1

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**[5] Schedule 11 Operational land**

Insert in alphabetical order of street name in Part 2 of the Schedule under the heading "**Kirribilli**":

Lot 1, DP 793871, 57 Kirribilli Avenue



New South Wales

## **North Sydney Local Environmental Plan 2001 (Amendment No 25)**

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*. (9041326/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 North Sydney Local Environmental Plan 2001 (Amendment No 25)

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## North Sydney Local Environmental Plan 2001 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *North Sydney Local Environmental Plan 2001 (Amendment No 25)*.

### 2 Aims of plan

The plan aims to amend *North Sydney Local Environmental Plan 2001 (the Principal Plan)*:

- (a) to rezone Lot 3, DP 616826, Yeo Street, Neutral Bay to the Road Zone under the Principal Plan, and
- (b) to rezone part of Kareela Road, Cremorne to the Road Zone under the Principal Plan, and
- (c) to rezone Lot 6, DP 848753, Bank Street, North Sydney to the Railways Zone under the Principal Plan, and
- (d) to allow development for the purposes of shop top housing to be carried out with development consent in the Residential D Zone (Neighbourhood Business) under the Principal Plan, and
- (e) to allow duplex development to be carried out within conservation areas or on land identified as a heritage item on:
  - (i) vacant land, or
  - (ii) land that contained a building, work or place, or a fixed component, that was identified as an uncharacteristic element on the Principal Plan when it came into effect, and
- (f) to omit a clause relating to site specific development control plans, and
- (g) to allow, with consent, development for the purposes of professional consulting rooms to be carried out at 34 McLaren Street, North Sydney, and
- (h) to include in the list of exempt development instant gas water heaters on balconies, but only if they are placed near floor level and are not visible from a public place, and

North Sydney Local Environmental Plan 2001 (Amendment No 25)

Clause 3

- 
- (i) to remove certain restrictions on development for the purposes of refreshment rooms along Blues Point Road.

**3 Land to which plan applies**

This plan applies to all land to which the Principal Plan applies.

**4 Amendment of North Sydney Local Environmental Plan 2001**

*North Sydney Local Environmental Plan 2001* is amended as set out in Schedule 1.

North Sydney Local Environmental Plan 2001 (Amendment No 25)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Part 2 General provisions for the development of land

Insert “shop top housing;” in alphabetical order in item 2 of the matter relating to the Residential D Zone (Neighbourhood Business) in the Table to Part 2.

### [2] Clause 22 Duplexes and dwelling-houses

Omit clause 22 (4). Insert instead:

#### (4) Restriction on development of duplexes

Despite the Table to Part 2, a duplex must not be erected on land that is located within a conservation area or is identified as a heritage item, unless:

- (a) the land is vacant, or
- (b) the land contained a building, work or place, or a fixed component, identified as an uncharacteristic element on the appointed day, or
- (c) all of the following apply:
  - (i) the duplex is situated substantially within the fabric of an existing building,
  - (ii) the appearance of the existing building, as visible from a public place, is conserved,
  - (iii) the majority of significant fabric of the existing building is conserved.

### [3] Clause 37 Site specific development control plans

Omit the clause.

### [4] Clause 60 Refreshment rooms, Residential D Zone, Blues Point Road

Omit the clause.

North Sydney Local Environmental Plan 2001 (Amendment No 25)

Amendments

Schedule 1

**[5] Clause 65**

Insert after clause 64:

**65 34 McLaren Street, North Sydney**

(1) **Subject land**

This clause applies to that part of Lot 1, DP 62370 that extends northward for a distance of 38.3 metres from the southern boundary of that lot and which is known as 34 McLaren Street, North Sydney.

(2) **Objective**

The specific objective of the control in relation to the subject land is to permit professional consulting rooms on the subject land.

(3) **Control**

Despite the Table to Part 2, development for the purposes of professional consulting rooms is permitted, with development consent, on the land.

**[6] Schedule 2 Definitions**

Insert in appropriate order in the definition of *map*:

North Sydney Local Environmental Plan 2001 (Amendment No 25)—Sheets 1, 2 and 3

**[7] Schedule 2**

Insert in alphabetical order:

*shop top housing* means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

**[8] Schedule 6 Exempt development**

Omit the matter relating to water heaters from Schedule 6. Insert instead:

**Water heaters (excluding solar systems, which are dealt with separately in this table)**

Siting

Subject to the following, all water heaters must be located on ground level and behind the building line.

Instant gas water heaters may be located on balconies, but only if they are near floor level and not visible from a public place.



## North Sydney Local Environmental Plan 2001 (Amendment No 25)

## Schedule 1 Amendments

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**[9] Schedule 7 Complying development**

Insert the following after “*North Sydney Development Control Plan 2002.*” in the matter relating to “**Controls—Landscaped area**” in Part 1 (Part 1 Single storey dwellings—not in conservation areas):

If the landscaped area of a site, expressed as a percentage of site area, is less than the minimum landscaped area percentage set out for that site in clause 20, that landscaped area must not be reduced.

**[10] Schedule 7, Part 2 Single storey dwellings—in conservation areas**

Insert the following after “*North Sydney Development Control Plan 2002.*” in the matter relating to “**Controls—Landscaped area**”:

If the landscaped area of a site, expressed as a percentage of site area, is less than the minimum landscaped area percentage set out for that site in clause 20, that landscaped area must not be reduced.

**[11] Schedule 7, Part 3 Attached dwellings and apartment buildings**

Insert the following after “*North Sydney Development Control Plan 2002.*” in the matter relating to “**Controls—Landscaped area**”:

If the landscaped area of a site, expressed as a percentage of site area, is less than the minimum landscaped area percentage set out for that site in clause 20, that landscaped area must not be reduced.

**[12] Schedule 13 Refreshment rooms, Residential D zone, Blues Point Road**

Omit the Schedule.



New South Wales

## **Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)— Werrington Mixed-Use Area**

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*. (P00/00506/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

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## **Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area*.

### **2 Aims of plan**

The aims of this plan are as follows:

- (a) to rezone certain land for urban development that provides for residential opportunities and employment opportunities, particularly in high technology industries,
- (b) to permit a diverse housing mix which provides affordability and choice,
- (c) to maximise the benefits of proximity to public transport by providing residential development at a minimum average net density of 30 dwellings per hectare, encouraging high intensity employment uses and limiting the provision of on-site car parking,
- (d) to implement an integrated transport network that optimises safe and direct access to public transport and associated services or facilities,
- (e) to reduce and limit car dependency by way of providing safe and direct access to public transport, and by providing walking and cycling facilities and direct pedestrian linkages between the proposed university railway station and the surrounding education precinct,
- (f) to promote urban design outcomes that deliver active and vibrant street frontages with a high degree of surveillance particularly along prominent access routes, streets and boulevards in both residential and employment areas,

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Clause 3

- 
- (g) to provide, within site constraints, a site responsive development that achieves best practice in ecologically sustainable development and enhances the conservation values of the site by protecting and enhancing waterbodies, riparian land, remnant native vegetation, corridor linkages and native fauna habitat and the level of biodiversity on the site both during and after development.

**3 Land to which plan applies**

This plan applies to land within the City of Penrith, as shown edged heavy black on the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area” deposited in the office of Penrith City Council.

**4 Amendment of Penrith Local Environmental Plan 1998 (Urban Land)**

*Penrith Local Environmental Plan 1998 (Urban Land)* is amended as set out in Schedule 1.

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 8 Zones indicated on the map

Insert in appropriate order:

**Zone No 10 (a) Mixed-Use—Residential**

**Zone No 10 (b) Mixed-Use—Employment**

### [2] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Development Control Table to the clause:

**Zone No 10 (a) Mixed-Use—Residential**

#### (a) Objectives of the zone

- (i) to provide for a residential environment that is vibrant, attractive and safe for residents and visitors, and
- (ii) to provide a safe and efficient pedestrian access that directly links people with public transport facilities, housing and employment areas and the surrounding education precinct, and
- (iii) to create a public transport node that provides opportunity for a range of transport services and access to the proposed university railway station, and
- (iv) to promote opportunities for a range of housing types, including affordable housing, and
- (v) to promote residential development at a density which maximises the benefits of proximity to public transport, and
- (vi) to integrate recreational, community and educational activities, and
- (vii) to permit retail or commercial activities that do not undermine the regional, district and local commercial centre hierarchy, and
- (viii) to conserve areas of biological diversity, heritage significance and environmental sensitivity.

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Amendments

Schedule 1

**(b) (i) Without development consent**

- bushfire hazard reduction
- family day-care homes
- home activities

**(b) (ii) Only with development consent**

- backpacker's hostels
- bed and breakfast establishments
- child care centres
- commercial premises
- community facilities
- drains
- dual occupancies
- dwelling houses
- general stores
- guesthouses
- health care consulting rooms
- home businesses
- motels
- multi-unit housing
- parking areas
- pedestrian bridges
- places of assembly
- places of worship
- public parks and gardens
- recreation areas
- restaurants
- roads
- serviced apartments
- shops
- transport interchanges
- utility installations
- utility undertakings

**(b) (iii) Prohibited**

Any land use other than those included in items (b) (i) and (b) (ii).

**Zone No 10 (b) Mixed-Use—Employment**

**(a) Objectives of the zone**

- (i) to provide for an employment environment that is prosperous, vibrant, attractive and safe, and
- (ii) to promote opportunities for a range of businesses capable of generating employment in high technology developments, and

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Schedule 1 Amendments

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- (iii) to provide a safe and efficient access that directly links employment generating activities with the local and regional marketplace and the surrounding education precinct, and
- (iv) to promote the use of public transport, and
- (v) to ensure compatibility of development with the surrounding built form, and
- (vi) to ensure employment uses integrate with surrounding residential, recreational and educational activities, and
- (vii) to conserve areas of biological diversity, heritage significance and environmental sensitivity, and
- (viii) to ensure development recognises existing prominent landscape features and vistas, and
- (ix) to promote development that provides a high density of employment to take advantage of the proximity to the proposed railway station.

**(b) (i) Without development consent**

- bushfire hazard reduction

**(b) (ii) Only with development consent**

- |                               |                            |
|-------------------------------|----------------------------|
| • advertising structures      | • parking areas            |
| • child care centres          | • pedestrian bridges       |
| • commercial premises         | • public parks and gardens |
| • drains                      | • recreational facilities  |
| • education establishments    | • roads                    |
| • high technology development | • utility installations    |
| • hospitals                   | • utility undertakings     |
| • motels                      |                            |

**(b) (iii) Prohibited**

Any land use other than those included in items (b) (i) and (b) (ii).

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Amendments

Schedule 1

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**[3] Clause 38**

Insert after clause 37:

**38 Development of the Werrington Mixed-Use Area**

- (1) This clause applies to land shown edged heavy black on Sheet 1 of the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area”.
- (2) The objectives of this clause are as follows:
  - (a) to permit a balanced mix of land uses that optimise employment opportunities for the City of Penrith and Western Sydney by allocating an area of 8 ha for mixed uses with an employment focus and an area of 6 ha for mixed uses with a residential focus, excluding land required for drainage, bushland conservation and transport interchange purposes,
  - (b) to promote business activities involved in high technology development which facilitates links to surrounding tertiary institutions,
  - (c) to enhance the environmental qualities of the site and its locality by identifying a conservation area associated with the woodland and creek,
  - (d) to establish a transport interchange to service the proposed university railway station.
- (3) The council must not grant consent to development on land to which this clause applies unless it is satisfied the development demonstrates the following:
  - (a) a high degree of accessibility, that is safe and direct, both within the site and between the surrounding residential areas and educational institutions,
  - (b) extensive provision has been made for pedestrian, vehicular and public transport access to and egress from the transport interchange,
  - (c) no direct vehicular access to development fronting the Great Western Highway,
  - (d) active street frontages with a high degree of surveillance along French Street,
  - (e) a high level of pedestrian amenity, including provision of pathways and cycleways within the site, and to and from surrounding development,



Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Schedule 1 Amendments

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- (f) a high level of environmental performance of buildings (including water management and energy efficiency),
  - (g) substantial compliance with the structure plan.
- (4) The council must not grant consent to development on land to which this clause applies unless it has taken into account the following (to the extent that they are relevant to the proposed development):
- (a) whether the development enhances and protects the environmental qualities of watercourses, riparian land, remnant bushland and biological corridor linkages,
  - (b) whether the development provides employment opportunities, particularly high technology developments,
  - (c) whether the development provides for the delivery of community facilities, services and recreational opportunities,
  - (d) in the case of any proposed residential or other development located in the vicinity of the Main Western Railway Line or the Great Western Highway, the impact of noise or vibration on any such development.
- (5) Nothing in this plan prevents the council from consenting to the subdivision of land to which this clause applies for the following purposes:
- (a) the extension of French Street north to the railway line,
  - (b) the identification or allocation of land for the purposes of the transport interchange to be provided in conjunction with the proposed railway station,
  - (c) the creation of a road link from French Street to the western boundary of the adjoining land, between the Werrington campus of the University of Western Sydney,
  - (d) the division of a single allotment of land that is within two or more zones so as to create, in relation to each of the those zones, a single allotment that is wholly within the zone.
- (6) The council must not grant consent to development on land to which this clause applies unless it is of the opinion that the proposed development has taken into account the following matters (to the extent that they are relevant to the proposed development):
- (a) the presence of threatened species, populations and ecological communities,

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Amendments

Schedule 1

- 
- (b) the local and regional significance of the vegetation on the land,
  - (c) the impact of the proposed development, including the effect of clearing or bushfire mitigation measures or both or any other threatening processes, on flora and fauna species existing on or likely to utilise the land,
  - (d) any measures to be taken to ameliorate any impacts,
  - (e) the significance of any flora and fauna species, population or ecological community listed under the *Threatened Species Conservation Act 1995*,
  - (f) the requirements of any threat abatement plan under the *Threatened Species Conservation Act 1995*.

**[4] Schedule 2 Definitions**

Insert in alphabetical order:

***high technology development*** means an enterprise that:

- (a) has, as a primary function, research into or the manufacture, development, production, processing, distribution or assembly of:
  - (i) computer software or hardware, or
  - (ii) electronics or micro electronic systems or goods, or
  - (iii) communications or telecommunications systems, goods or components, or
  - (iv) other information based technology, and
- (b) may include ancillary office and storage accommodation, and
- (c) does not present a hazard or potential hazard to the neighbourhood and does not involve the use of potentially offensive or offensive materials, and
- (d) does not, by reason of the scale and nature of its manufacturing, development, production or assembly, interfere with the amenity of the neighbourhood, and
- (e) does not involve sales directly to the public from the premises other than online sales.

***online sales*** means sales that have all of the following characteristics:

- (a) the vendor and purchaser communicate only by telephone, fax or the Internet or similar communications systems,
- (b) the purchaser does not attend the premises,

Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—  
Werrington Mixed-Use Area

Schedule 1 Amendments

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- (c) the purchaser does not collect the required goods from the premises. (The required goods are delivered to the purchaser via the telecommunications system or collected by or delivered to the purchaser from premises remote from the site of the premises from which the sale was made.)

*structure plan* means Sheet 2 of the map marked “Penrith Local Environmental Plan 1998 (Urban Land) (Amendment No 13)—Werrington Mixed-Use Area”.

**[5] Schedule 2, definition of “the map”**

Insert in appropriate order:

Penrith Local Environmental Plan 1998 (Urban Land)  
(Amendment No 13)—Werrington Mixed-Use Area—  
(Sheet 1)



New South Wales

## **Wollondilly Local Environmental Plan 1991 (Amendment No 71)**

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*. (P04/00144/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Wollondilly Local Environmental Plan 1991 (Amendment No 71)

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## **Wollondilly Local Environmental Plan 1991 (Amendment No 71)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Wollondilly Local Environmental Plan 1991 (Amendment No 71)*.

### **2 Aims of plan**

This plan aims to amend *Wollondilly Local Environmental Plan 1991*:

- (a) to rezone part of the land to which this plan applies to Zone No 2 (a) (Residential “A” Zone) and part of that land to Zone No 7 (e) (Environmental Protection “E” (Ecological Significance) Zone) so as to provide for:
  - (i) the use of part of the land to which this plan applies for residential purposes, and
  - (ii) the protection of areas of ecological significance, and
- (b) to provide that, where certain subdivision of the land to which this plan applies occurs, contributions are to be made towards the provision of regional transport infrastructure and services to satisfy needs that will arise from urban development of the land.

### **3 Land to which plan applies**

This plan applies to land within the local government area of Wollondilly, being Lots 1 and 2, DP 588912, Marsh Road, Silverdale, as shown edged heavy black on the map marked “Wollondilly Local Environmental Plan 1991 (Amendment No 71)” deposited in the office of Wollondilly Shire Council.

### **4 Amendment of Wollondilly Local Environmental Plan 1991**

*Wollondilly Local Environmental Plan 1991* is amended as set out in Schedule 1.

Wollondilly Local Environmental Plan 1991 (Amendment No 71)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Definitions

Insert at the end of the definition of *the map* in clause 6 (1):

Wollondilly Local Environmental Plan 1991 (Amendment No 71)

### [2] Clause 51

Insert after clause 50:

#### 51 Development of certain land at Marsh Road, Silverdale

- (1) This clause applies to Lots 1 and 2, DP 588912, Marsh Road, Silverdale, as shown edged heavy black on the map marked “Wollondilly Local Environmental Plan 1991 (Amendment No 71)”.
- (2) The consent authority must not consent to a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made for contributions to the provision of regional transport infrastructure and services in relation to the land comprising that lot.
- (3) The object of subclause (2) is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from urban development of land to which this clause applies.
- (4) The reference in subclause (2) to a lot of less than 40 hectares does not include a reference to any such lot that is:
  - (a) identified in the certificate of the Director-General as a residue lot, or
  - (b) proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities or any other public purpose.
- (5) The consent authority must not consent to a subdivision of land to which this clause applies unless it has considered the following:
  - (a) the protection of water quality in, and the ecological integrity of, any special area in the vicinity of that land,
  - (b) the security of any special area in the vicinity of that land,

## Wollondilly Local Environmental Plan 1991 (Amendment No 71)

## Schedule 1 Amendments

- 
- (c) whether the subdivision and any future development of the land will adversely affect the operation of the adjacent Sydney Water Catchment Authority helipad.
- (6) This clause does not apply to a subdivision of land for the purpose of rectifying an encroachment on any existing allotment.
- (7) *State Environmental Planning Policy No 1—Development Standards* does not apply to development to which this clause applies.
- (8) This clause has effect despite any other provision of this plan.
- (9) In this clause, *special area* has the same meaning as in the *Sydney Water Catchment Management Act 1998*.



New South Wales

## **Young Local Environmental Plan 1991—Urban Lands (Amendment No 24)**

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*. (Q04/00048/PC)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1 Young Local Environmental Plan 1991—Urban Lands (Amendment No 24)

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## Young Local Environmental Plan 1991—Urban Lands (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Young Local Environmental Plan 1991—Urban Lands (Amendment No 24)*.

### 2 Aims of plan

This plan aims to amend *Young Local Environmental Plan 1991—Urban Lands* to rezone the land to which this plan applies from Zone No 1 (c) (Rural “C” Zone) to partly Zone No 2 (a) (Residential Zone) and partly Zone No 6 (a) (Open Space “A” (Existing Recreation) Zone) so as to ensure that the zoning of the land is compatible with existing land uses and land use patterns in the surrounding locality and to permit the expansion of residential land.

### 3 Land to which plan applies

This plan applies to land situated in the local government area of Young, being Lots 980–983, DP 754611, Binalong and Demondrille Streets, Young, as shown edged heavy black and lettered “2 (a)” or “6 (a)” on the map marked “Young Local Environmental Plan 1991—Urban Lands (Amendment No 24)” deposited in the office of Young Shire Council.

### 4 Amendment of Young Local Environmental Plan 1991—Urban Lands

*Young Local Environmental Plan 1991—Urban Lands* is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Young Local Environmental Plan 1991—Urban Lands  
(Amendment No 24)

## Department of Primary Industries

### MINERAL RESOURCES

NOTICE is given that the following applications have been received:

#### EXPLORATION LICENCE APPLICATIONS

(07-105)

No. 3002, **HIGHLAKE RESOURCES PTY LTD** (ACN 83 701 018), area of 91 units, for Group 1, dated 2 February, 2007. (Wagga Wagga Mining Division).

(07-111)

No. 3008, **PROACTIVE ENERGY DEVELOPMENTS LTD** (ACN 112 714 440), area of 36 units, for Group 8, dated 7 February, 2007. (Sydney Mining Division).

(07-112)

No. 3009, **CHALLENGER MINES LTD** (ACN 090 166 528), area of 6 units, for Group 1, dated 8 February, 2007. (Wagga Wagga Mining Division).

(07-118)

No. 3015, **PLATSEARCH NL** (ACN 003 254 395), area of 100 units, for Group 1 and Group 6, dated 14 February, 2007. (Broken Hill Mining Division).

(07-119)

No. 3016, **SANGREAL PTY LTD** (ACN 123 764 269), area of 28 units, for Group 1, dated 14 February, 2007. (Orange Mining Division).

(07-120)

No. 3017, **ELISA LUKES**, area of 72 units, for Group 1, dated 15 February, 2007. (Armidale Mining Division).

(07-121)

No. 3018, **ILUKA RESOURCES LIMITED** (ACN 008 675 018), area of 64 units, for Group 10, dated 15 February, 2007. (Broken Hill Mining Division).

(07-122)

No. 3019, **ATLAS RESOURCES PTY LIMITED** (ACN 003 463 036), area of 24 units, for Group 1, dated 16 February, 2007. (Sydney Mining Division).

(07-125)

No. 3022, **ROCKWELL RESOURCES PTY LIMITED** (ACN 107 798 998), area of 38 units, for Group 1, dated 19 February, 2007. (Broken Hill Mining Division).

(07-126)

No. 3023, **SANGREAL PTY LTD** (ACN 123 764 269), area of 77 units, for Group 1, dated 20 February, 2007. (Orange Mining Division).

(07-127)

No. 3024, **REVEAL RESOURCES PTY LIMITED** (ACN 120 095 141), area of 48 units, for Group 1, dated 20 February, 2007. (Cobar Mining Division).

(07-128)

No. 3025, **ELEPHANT MINES PTY LIMITED** (ACN 097 799 025), area of 21 units, for Group 1, dated 20 February, 2007. (Sydney Mining Division).

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

NOTICE is given that the following applications have been granted:

#### EXPLORATION LICENCE APPLICATIONS

(06-4132)

No. 2838, now Exploration Licence No. 6696, **PANGAEA MINERALS PTY LIMITED** (ACN 120 631 316), Counties of Fitzgerald and Yungnulgra, Map Sheet (7636), area of 6 units, for Group 1, dated 5 January, 2007, for a term until 4 January, 2009.

(06-4156)

No. 2859, now Exploration Licence No. 6715, **COMPASS RESOURCES N.L.** (ACN 010 536 820), Counties of Fitzgerald, Yantara and Yungnulgra, Map Sheet (7437, 7537), area of 100 units, for Group 1, dated 7 February, 2007, for a term until 6 February, 2009.

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

NOTICE is given that the following application has been refused:

#### EXPLORATION LICENCE APPLICATION

(06-4174)

No. 2878, **GOLDEN CROSS OPERATIONS PTY. LTD.** (ACN 050 212 827), County of Wynyard, Map Sheet (8526, 8527). Refusal took effect on 14 February, 2007.

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

NOTICE is given that the following applications have been withdrawn:

#### EXPLORATION LICENCE APPLICATIONS

(06-4206)

No. 2910, **RIMFIRE AUSTRALIA PTY LTD** (ACN 121 382 554), County of Murray, Map Sheet (8727). Withdrawal took effect on 13 February, 2007.

(06-4207)

No. 2911, **RIMFIRE AUSTRALIA PTY LTD** (ACN 121 382 554), County of Buccleuch, County of Cowley and County of Harden, Map Sheet (8628). Withdrawal took effect on 13 February, 2007.

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

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

(T00-0185)

Exploration Licence No. 5830, **ALKANE EXPLORATION LTD** (ACN 000 689 216), area of 4 units. Application for renewal received 20 February, 2007.

(T02-0448)

Exploration Licence No. 6064, **TRIAKO RESOURCES LIMITED** (ACN 008 498 119), area of 10 units. Application for renewal received 14 February, 2007.

(04-504)

Exploration Licence No. 6384, AUSTRALIA ORIENTAL MINERALS NL (ACN 010 126 708), area of 6 units. Application for renewal received 20 February, 2007.

(04-624)

Exploration Licence No. 6388, TACKLE RESOURCES PTY LTD (ACN 107 112 587), area of 13 units. Application for renewal received 16 February, 2007.

(04-503)

Exploration Licence No. 6389, AUSTRALIA ORIENTAL MINERALS NL (ACN 010 126 708), area of 9 units. Application for renewal received 20 February, 2007.

(T04-0622)

Exploration Licence No. 6392, STANNUM PTY LTD (ACN 121 771 695), area of 66 units. Application for renewal received 16 February, 2007.

(04-573)

Exploration Licence No. 6393, AUZEX RESOURCES LIMITED (ACN 106 444 606), area of 49 units. Application for renewal received 15 February, 2007.

(07-9999)

Consolidated Coal Lease No. 739 (Act 1973), THE NARDELL COLLIERY PTY LTD (ACN 001 205 312), area of 4.5 hectares. Application for renewal received 16 February, 2007.

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

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### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T00-0056)

Exploration Licence No. 5785, COBAR OPERATIONS PTY LTD (ACN 103 555 853), Counties of Robinson and Yanda, Map Sheet (7936, 8035, 8036), area of 264 units, for a further term until 4 October, 2008. Renewal effective on and from 8 January, 2007.

(T00-0144)

Exploration Licence No. 5964, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Roxburgh, Map Sheet (8831), area of 38 units, for a further term until 11 July, 2008. Renewal effective on and from 7 February, 2007.

(T02-0021)

Exploration Licence No. 5983, ISOKIND PTY LIMITED (ACN 081 732 498), County of Robinson, Map Sheet (8035), area of 11 units, for a further term until 29 August, 2008. Renewal effective on and from 14 February, 2007.

(T04-0019)

Exploration Licence No. 6240, COMET RESOURCES LIMITED (ACN 060 628 202), County of Wellington, Map Sheet (8731, 8732), area of 50 units, for a further term until 16 May, 2008. Renewal effective on and from 14 February, 2007.

(T04-0020)

Exploration Licence No. 6241, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), Counties of Cunningham

and Kennedy, Map Sheet (8332, 8432), area of 15 units, for a further term until 16 May, 2008. Renewal effective on and from 14 February, 2007.

(T04-0018)

Exploration Licence No. 6246, GIRALIA RESOURCES NL (ACN 009 218 204), County of Narromine, Map Sheet (8532), area of 12 units, for a further term until 24 May, 2008. Renewal effective on and from 14 February, 2007.

(T04-0057)

Exploration Licence No. 6290, SILVER STANDARD AUSTRALIA PTY LIMITED (ACN 009 250 051), Counties of Bligh, Lincoln and Napier, Map Sheet (8733, 8734, 8833, 8834), area of 100 units, for a further term until 25 August, 2008. Renewal effective on and from 14 February, 2007.

(T03-0009)

Exploration Licence No. 6292, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Argyle, Map Sheet (8728), area of 26 units, for a further term until 16 September, 2008. Renewal effective on and from 9 February, 2007.

(04-501)

Exploration Licence No. 6302, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), Counties of Booroondarra, Mouramba and Robinson, Map Sheet (7934, 8033, 8034), area of 256 units, for a further term until 22 September, 2008. Renewal effective on and from 14 February, 2007.

(04-572)

Exploration Licence No. 6324, PAULINE KAYE PERRY, County of Ashburnham, Map Sheet (8531), area of 2 units, for a further term until 11 October, 2008. Renewal effective on and from 14 February, 2007.

(04-584)

Exploration Licence No. 6337, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Oxley, Map Sheet (8334, 8434), area of 60 units, for a further term until 3 November, 2008. Renewal effective on and from 14 February, 2007.

(C03-0078)

Coal Lease No. 374 (Act 1973), WAMBO COAL PTY LIMITED (ACN 000 668 057), Parish of Lemington, County of Hunter, Map Sheet (9032-1-N, 9132-4-N), area of 382.3 hectares, for a further term until 21 March, 2026. Renewal effective on and from 17 January, 2007.

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

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### CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(05-253)

Exploration Licence No. 6494, INDEPENDENCE GROUP NL, County of Canbelego, Map Sheet (8235, 8335), area of 254 units. Cancellation took effect on 2 January, 2007.

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

**APIARIES ACT OF 1985**

## Appointment of Inspector

I, B D BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 5 (1) of the *Apiaries Act 1985* ("the Act") appoint Melanie Gai SCANES as an Inspector under the Act:

Dated this 20th day of February 2007.

B. D. BUFFIER,  
Director-General  
NSW Department of Primary Industries

**COAL MINES HEALTH AND SAFETY ACT 2002**

## Appointment of Assessor to Board of Inquiry into Mine Safety Enforcement Policy

I, IAN MACDONALD, MLC, Minister for Mineral Resources, pursuant to section 113(6) of the *Coal Mines Health and Safety Act 2002* appoint Mr Jim Cox as an assessor for the purposes of the special inquiry of the Board of Inquiry constituted by me today under section 113(1) of that Act.

Dated this 14th day of February 2007.

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

**COAL MINES HEALTH AND SAFETY ACT 2002**

## Appointment of Board of Inquiry into Mine Safety Enforcement Policy

I, IAN MACDONALD MLC, Minister for Mineral Resources, pursuant to section 113(1) of the *Coal Mines Health and Safety Act 2002* appoint the Honourable Dr James J Macken AM LLD. (Hon Syd) as the Board of Inquiry into Mine Safety Enforcement Policy.

Dated this 14th day of February 2007.

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

**COAL MINE HEALTH AND SAFETY ACT 2002**

## Instrument of Appointment

I, ALAN COUTTS, Deputy Director-General of NSW Department of Primary Industries - Mineral Resources, pursuant to instrument of delegation under section 214 (2), and pursuant to section 145 of the *Coal Mine Health and Safety Act 2002* (the Act), hereby appoint Owen Stuart BARRY as an inspector.

Dated this 19th day of February 2007.

ALAN COUTTS,  
Deputy Director-General  
NSW Department of Primary Industries  
– Mineral Resources  
(By subdelegation under section 214(2) of the Act)

**COAL MINES HEALTH AND SAFETY ACT 2002**

## Constitution of Board of Inquiry &amp; Terms of Reference

AS it appears to me that, in accordance with recommendations of the *NSW Mine Safety Review Report* (February 2005) by the Hon Neville Wran AC QC and Jan McClelland, an investigation under section 113(1) of the *Coal Mines Health and Safety Act 2002* (the Act) is necessary to examine the issue of mine safety enforcement policy and the processes used by the NSW Department of Primary Industries (NSWDPI) to implement the policy with terms of reference including:

- the adequacy of the legislative framework for mine health and safety enforcement policies;
- the role of the DPI Inspectorate, including the qualifications and experience of staff, resourcing and training;
- the implementation of policies, including developing a strategic approach to enforcement with a view to long-term improvement in compliance;
- the range and application of sanctions available to inspectors, and if inadequate, sanctions that might apply;
- the role of employers, unions and DPI in enforcement of breaches under the relevant legislation;
- the adequacy of monitoring and reporting systems;
- prosecutions; and
- benchmarking the policies and practices of comparable mine health and safety agencies,

that issue being a matter relating to the safety and health of persons in mines as referred to in section 113(1)(d) of the Act, I, IAN MACDONALD MLC, Minister for Mineral Resources:

- (a) pursuant to section 113(1)(d) of the Act, constitute the Honourable Dr James J Macken AM LLD. (Hon Syd) as a Board of Inquiry to conduct a special inquiry into that issue, including examination of the matter listed above; and
- (b) pursuant to section 113 of the Act, require the Board of Inquiry to prepare a report on its findings by 1 August 2007 from the date of the commencement of the inquiry.

This Board of Inquiry is to be known as the Board of Inquiry into Mine Safety Enforcement Policy.

Dated this 14th day of February 2007.

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

**PLANT DISEASES ACT 1924**

## Appointment of Inspectors

I, B D BUFFIER, Director-General of the NSW Department of Primary Industries, pursuant to section 11 (1) of the *Plant Diseases Act 1924* ("the Act") appoint the persons named in Schedule as inspectors under the Act:

## Schedule

Kent Ashley HUTCHINSON  
Patricia Louise LORD  
Suzanne Lee GREENING

Dated this 20th day of February 2007.

B.D. BUFFIER,  
Director-General  
NSW Department of Primary Industries

**STOCK DISEASES ACT 1923**

## Revocation of Appointment and Appointment

I, B D BUFFIER, Director-General of the NSW Department of Primary Industries:

- (a) pursuant to section 6(3)(a) of the *Stock Diseases Act 1923* ('the Act') hereby revoke all and any appointment, published in *New South Wales Government Gazette* of Luzia RAST as an inspector under the Act; and
- (b) pursuant to section 6(1) of the *Stock Diseases Act 1923*, hereby appoint Luzia RAST as an inspector under the Act.

Dated this 20th day of February 2007.

B. D. BUFFIER,  
Director-General  
NSW Department of Primary Industries

**NOXIOUS WEEDS ACT 1993**

## Weed Order No 21

Declaration of *Egeria densa* to be a noxious weed

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to sections 7 and 8 of the *Noxious Weeds Act 1993* hereby amend Weed Control Order No. 20 signed by me on 30 August 2006 and published in the NSW Government Gazette No. 110 on 31 August at page 6828 by:

1. Inserting into Schedule 5 of that order, in alphabetical order and under the corresponding columns, the following:

<i>Common name</i>	<i>Scientific name</i>	<i>Alternative scientific name</i>	<i>Area to which the weed Control Order applies</i>	<i>Control measures</i>	<i>Class</i>
Leafy elodea Dense waterweed Egeria	<i>Egeria densa</i>	<i>Elodea densa</i>	Whole of NSW	The requirements in the <i>Noxious Weeds Act 1993</i> for a notifiable weed must be complied with.	5

This order commences on the 1 July 2007.

Dated this 20th day of February 2007.

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

## Roads and Traffic Authority

### ROADS ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, make the amendment in the Schedule to the routes and areas previously specified on or in which 19m CML B-Doubles may be used.

LES WIELINGA,  
Chief Executive,  
Roads and Traffic Authority

#### SCHEDULE

**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 19m CML B-Double Notice No. 1/2007.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those 19 metre B-Doubles where gross weight exceeds 50 tonnes and that comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within Wingecarribee Shire

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
19	260	Bowral Road, Mittagong	Old Bowral Road (north junction)	South of Old Bowral Road (south junction)	
19	260	Mittagong Road, Bowral	South of Old Bowral Road (south junction)	Victoria Street	
19	260	Bong Bong Street, Bowral	Victoria Street	Station Street	
19	000	Station Street, Bowral	Bong Bong Street, Bowral	Banyette Street	
19	000	Banyette Street	Woolworths Petrol Plus	Station Street	

## ROAD TRANSPORT (VEHICLE REGISTRATION) ACT 1997

## Notice Fixing Fees

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, pursuant to section 8 (1) (k) of the Road Transport (Vehicle Registration) Act 1997 and clause 79 of the Road Transport (Vehicle Registration) Regulation 1998, make the Notice set forth hereunder.

This Notice takes effect on 26 February 2007.

LES WIELINGA,  
Chief Executive,  
Roads and Traffic Authority

## Amendments

The Notice Fixing Fees published in *Government Gazette* No. 82 of 23 June 2006 at pages 4712 to 4715 is amended by inserting the following services and fees in the Schedule to that Notice.

Item 24. Personalised Yellow plates – delete the words ‘and motorcycle’

<i>Column 1</i>	<i>Column 2</i>
	\$
32. Sydney Harbour Bridge plates	
(i) Order fee (standard only)	30
(ii) Annual style fee	49
(iii) Remake fee	30
(iv) Remake fee (Limited Edition)	100
33. Motorcycle plates	
(i) Order fee (excluding standard yellow)	30
(ii) Annual style fee (personalised yellow or custom yellow)	20
(iii) Annual style fee (black or coloured)	30
(iv) Annual style fee (metallic)	40
(v) Annual content fee (personalised)	20
(vi) Annual content fee (personalised plus)	150
(vii) Remake fee (excluding standard yellow)	30

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

Notice of Compulsory Acquisition of Land at Beecroft,  
Cheltenham, Epping and North Epping in the Hornsby  
Shire Council area

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

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

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**SCHEDULE**

ALL those pieces or parcels of public road situated in the Hornsby Shire Council area, Parish of Field of Mars and County of Cumberland, shown as Lot 1 Deposited Plan 869961, Lots 14 and 17 Deposited Plan 1024853, Lot 18 Deposited Plan 1021014, Lot 18 Deposited Plan 1024862, Lots 4 and 7 Deposited Plan 1021024 and Lots 52 and 58 Deposited Plan 851681.

The land is said to be in the possession of the Crown.

(RTA Papers FPP 6M4256; RO F2/201.12256)

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

Notice of Compulsory Acquisition of Land at Woodford  
in the Blue Mountains City Council area

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

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

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**SCHEDULE**

ALL those pieces or parcels of Crown land situated in the Blue Mountains City Council area, Parish of Linden and County of Cook, shown as:

Lot 29 Deposited Plan 1092379, being part of the land in Reserve No 53571 for Public Recreation notified in Government Gazette No 240 of 17 October 1919 on page 5698; and

Lots 30 and 31 Deposited Plan 1092379, being parts of the land in Reserve No 53511 for Public Recreation notified in Government Gazette No 226 of 19 September 1919 on page 5255 and said to be in the possession of the Crown and Memorial Park (R53511) Reserve Trust (trustee).

(RTA Papers FPP 6M459)



## Other Notices

### CONTAMINATED LAND MANAGEMENT ACT 1997

Notice to End Remediation Declaration  
Section 22 of the Contaminated Land  
Management Act 1997

File No.: HO1201/09 – Notice No.: 22011

THE Environment Protection Authority (“EPA”)\* is satisfied that it no longer has reasonable grounds to believe that the following land is contaminated in such a way as to present a significant risk of harm. As a result, remediation declaration number 21003, dated 21 August 2000, relating to the following land ceases to be in force on the date on which this notice is published in the *NSW Government Gazette*.

Land to which this notice applies

116 Tudor Street, Hamilton NSW, comprising Lot 1, 2, 3 and 4 of DP 732785, in the local government area of Newcastle and that part of Tudor Street, Hamilton between Bridge Street and Milton Street.

A map of the site is available for inspection at the EPA’s offices located at 59-61 Goulburn Street, Sydney.

NIALL JOHNSTON,  
A/Manager Contaminated Sites,  
Department of Environment and Conservation

NOTE:

Information recorded by councils

Section 59 of the Contaminated Land Management Act 1997 requires the EPA to inform the relevant local council as soon as practicable after this notice is issued. In light of the notice the council may choose to modify the planning certificate relating to the land concerned issued pursuant to s149 of the Environmental Planning and Assessment Act 1979.

\* The EPA is part of the Department of Environment and Conservation (NSW)

### CORPORATIONS ACT 2001

Notice Under Section 601AC of the Corporations Act 2001 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.

Newcastle District Housing Co-operative Limited

Dated this fourteenth day of February 2007.

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

### ELECTRICITY SUPPLY ACT 1995 LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of an Easement

TRANSGRID, by its delegate Paul Phillips, declares, with the approval of Her Excellency the Governor, that the interests described in Schedule 1 to this notice in the land described in Schedule 2 to this notice are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney this 21st day of February 2007.

PAUL PHILLIPS,  
General Manager,  
Business Services

#### SCHEDULE 1

Easement rights as described under the heading "Memorandum of Energy Transmission Easement" in Memorandum AB283819 filed at Land and Property Information NSW.

#### SCHEDULE 2

All those pieces or parcels of land situate in the Parish of Qwyarigo, County of Clarence in the Local Government Area of Clarence Valley being that part of Lot 37, Deposited Plan 739799 and Lot 38, Deposited Plan 739799 shown as "easement proposed to be acquired" on Deposited Plan 641489 and said to be in the possession of Clarence Valley Council (P.17598/1); and

All those pieces or parcels of land situate in the Parish of Qwyarigo, County of Clarence in the Local Government Area of Clarence Valley being that part of Lot 166, Deposited Plan 789434 and Lot 167, Deposited Plan 789434 shown as "proposed easement for transmission line 45 metres wide" on Deposited Plan 265857 and said to be in the possession of Clarence Valley Council (P.50008/1).

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

#### NOTICE

I, the Hon. John Della Bosca, Minister for Commerce, pursuant to section 60 (2) (b) of the Land Acquisition (Just Terms Compensation) Act 1991, notify the amount of \$21,823 as the maximum amount of compensation in respect of solatium for land acquisitions taking effect on or after 1 March 2007.

Dated at Sydney, this 21st day of February 2007.

The Hon. JOHN DELLA BOSCA, M.P.,  
Minister for Commerce

### LOCAL GOVERNMENT ACT 1993

Baradine Sewerage Augmentation

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Baradine Sewerage Augmentation Scheme are vested in Warrumbungle Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

#### SCHEDULE

Works of sewerage for the town of Baradine comprising vacuum type sewerage reticulation, rising main, oxidation type treatment works, effluent irrigation and all works incidental thereto.

DoC Ref. S859

**LOCAL GOVERNMENT ACT 1993**

## Hay (Raw Water) Water Supply

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Hay (Raw Water) Water Supply Scheme are vested in Hay Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

**SCHEDULE**

Works of water supply for the town of Hay comprising new reservoir, pipeline, upgrade of electrical services and new switchroom for Leonard Street Pumping Station, data acquisition and control system and all works incidental thereto.

DoC Ref. W694

**LOCAL GOVERNMENT ACT 1993**

## Murwillumbah Sewerage Augmentation

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Murwillumbah Sewerage Augmentation Scheme are vested in Tweed Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

**SCHEDULE**

Works of sewerage for the town of Murwillumbah comprising upgrading of the Murwillumbah Sewerage Treatment Plant to a capacity of 16,000 EP incorporating an effluent re-use scheme and all works incidental thereto.

DoC Ref. S933

**LOCAL GOVERNMENT ACT 1993**

## Gulgong Water Supply Augmentation

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Gulgong Water Supply Augmentation Scheme are vested in Mid-Western Regional Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

**SCHEDULE**

Works of water supply for the town of Gulgong comprising reticulation improvements, water treatment plant and all works incidental thereto.

DoC Ref. W696

**LOCAL GOVERNMENT ACT 1993**

## New Brighton Sewerage

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of New Brighton Sewerage Scheme are vested in Byron Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

**SCHEDULE**

Works of sewerage for the towns of New Brighton and West Billinudgel including sewerage pressure mains and individual household pumps and electrical switchboards and all pipeline connections, modifications to the existing Ocean Shores Pumping Station PS5016, new pumps and switchgear to existing Ocean Shores Pumping Station PS5012, duplication of 400 metres of the existing Ocean Shores Sewerage Rising Main RM5009, new effluent pumping station at the constructed wetland at Ocean Shores Sewerage Treatment Plant and all works incidental thereto.

DoC Ref. S142

**LOCAL GOVERNMENT ACT 1993**

## Bangalow Sewerage

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Bangalow Sewerage Scheme are vested in Byron Shire Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

**SCHEDULE**

Works of sewerage for the town of Bangalow comprising interim works of sewerage treatment plant including new pasveer channel effluent decanter, uv system, alum dosing system and catch/balance pond, establishment of effluent re use scheme and all works incidental thereto.

DoC Ref. S129

**LOCAL GOVERNMENT ACT 1993**

## Forster/Green Point Sewerage Augmentation

THE Minister for Water Utilities of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Forster/Green Point Sewerage Augmentation Scheme are vested in Great Lakes Council.

DAVID CAMPBELL, M.P.,  
Minister for Water Utilities

**SCHEDULE**

Works of sewerage for the towns of Forster and Green Point comprising provision of sewerage facilities to Green Point, telemetry for Forster/Green Point Sewerage, Forster reticulation septicity improvements, Forster Sewerage Treatment Plant Stage 1 Augmentation and all works incidental thereto.

DoC Ref. S858

**LOCAL GOVERNMENT ACT 1993**

## Mittagong Regional Sewerage Scheme

## Vesting of land in Wingecarribee Shire Council

THE Minister for Water Utilities of the State of New South Wales, declares that the land described in the Schedule hereto, which was acquired for the purpose of the Mittagong Regional Sewerage Scheme is vested in Wingecarribee Shire Council.

DAVID CAMPBELL, M. P.,  
Minister for Water Utilities

## SCHEDULE

## LAND

Lot 22 in Deposited Plan 1029384.

Lot 10 in Deposited Plan 1038354.

DoC Reference: 326

**MARITIME SERVICES ACT 1935**

## Section 38 (4A)

Direction Exempting Certain Members of Surf Lifesaving NSW from the Requirement to Hold a General Licence Under Clause 15E (2) of the Water Traffic Regulations – NSW

## Direction

I, Brett Moore, General Manager Recreational Boating of the Maritime Authority of NSW (Trading as NSW Maritime), do pursuant to section 38 (4A) of the Maritime Services Act 1935 HEREBY DIRECT that Clauses 15E (2) and 15G (1) of the Water Traffic Regulations – NSW relating to the requirement to hold and/or produce a General Boat Licence DO NOT APPLY to the persons described in Schedule 1 provided that the persons comply with Conditions 1 and 2 set out in Schedule 2.

I have made this Direction after receiving an application from Surf Life Saving NSW (“SLSNSW”), a person affected by the Regulations and being satisfied that compliance with the Regulations is unnecessary due to the availability of a SLSNSW Licensing Scheme.

The Direction is conditional upon SLSNSW complying with Conditions 3 to 6 set out in Schedule 2.

## SCHEDULE 1

Persons to whom this Direction applies

Members of SLSNSW driving SLSNSW Inflatable Rescue Boats for SLSNSW activities at a speed of or exceeding 10 knots UNLESS:

- (a) NSW Maritime has deemed that member incapable of safely operating a vessel; and
- (b) excluded that person, in writing, from the operation of this Direction.

## SCHEDULE 2

Conditions of this Direction

In order for this Direction to apply the driver must comply fully with conditions 1 and 2 set out below and SLSNSW must comply fully with conditions 3 to 6 set out below:

## Driver

1. (a) The person must hold a current SLSNSW Inflatable Rescue Boat Licence issued by SLSNSW after successful completion of supervised practical training conducted by a SLSNSW appointed trainer based on:
  - (i) the SLSNSW (Training Division) System,
  - (ii) the SLSNSW IRB Standard Operating Procedures,
  - (iii) the current Surf Life Saving Australia “Powercraft Manual”, and
  - (iv) relevant parts of the NSW Maritime Boating Handbook,

and comply with all conditions of that Licence,  
OR

- (b) The person must be undergoing supervised practical training conducted by a SLSNSW Club for a SLSNSW Inflatable Rescue Boat Licence.
2. A person driving a SLSNSW Inflatable Rescue Boat on any navigable water must stop the boat if requested to do so by an Officer of NSW Maritime or a police officer and must produce, within a reasonable time, his or her SLSNSW Inflatable Rescue Boat Licence, or evidence that he or she is undergoing supervised practical training for a SLSNSW Inflatable Rescue Boat Licence, for inspection by the officer.

## Surf Life Saving NSW

3. SLSNSW must provide NSW Maritime with specimens of Inflatable Rescue Boat Licences upon request from NSW Maritime.
4. SLSNSW must maintain a SLSNSW Inflatable Rescue Boat Licence database in a form approved by NSW Maritime.
5. SLSNSW must, on request, provide an Officer of NSW Maritime or a Police Officer with details of any SLSNSW member holding a SLSNSW Inflatable Rescue Boat Licence.
6. SLSNSW must cancel a member’s SLSNSW Inflatable Rescue Boat Licence, record the cancellation of the Licence on its database and notify the person and the person’s SLSNSW Club of the cancellation upon notification from NSW Maritime that a member has been excluded from the operation of this Direction.

## IT IS NOTED THAT:

- (a) If conditions 1 or 2 are not adhered to the driver will be deemed not to hold the required licence and to be operating contrary to Clause 15 (2) of the Water Traffic Regulations – NSW (i.e. to be unlicensed); and
- (b) if conditions 3 to 6 are not adhered to NSW Maritime will consider revocation of this Direction.

## REVOCATION OF PREVIOUS DIRECTION

The Direction dated 29 October 1998 and all other Directions by NSW Maritime relating to members of SLSNSW driving a SLSNSW Inflatable Rescue Boat are revoked.

## TRANSITIONAL

A person to which the Direction dated 29 October 1998 relating to members of SLSNSW driving a SLSNSW Inflatable Rescue Boat applied is deemed to comply with Condition 1 (a) of Schedule 2 of this Direction for a period of six (6) months from the date of effect of this Direction.

## REVOCATION OF THIS DIRECTION

This Direction may be revoked at any time by the Chief Executive of NSW Maritime or the General Manager, Recreational Boating, NSW Maritime.

## DATE OF EFFECT

This Direction is effective from 26 February 2007.

DATED this 14th day of February 2007.

BRETT MOORE,  
General Manager,  
Recreational Boating

**MARITIME SERVICES ACT 1935**

## Section 38 (4A)

Direction Exempting Certain Members of Surf Lifesaving NSW from the Requirement to Hold a Personal Watercraft Licence Under Clause 15E (1) of the Water Traffic Regulations – NSW

## Direction

I, Brett Moore, General Manager Recreational Boating of the Maritime Authority of NSW (Trading as NSW Maritime), do pursuant to section 38 (4A) of the Maritime Services Act 1935 HEREBY DIRECT that Clauses 15E (1) and 15G (1) of the Water Traffic Regulations – NSW relating to the requirement to hold and/or produce a Personal Watercraft Licence DO NOT APPLY to the persons described in Schedule 1 provided that the persons comply with Conditions 1 and 2 set out in Schedule 2.

I have made this Direction after receiving an application from Surf Life Saving NSW (“SLSNSW”), a person affected by the Regulations and being satisfied that compliance with the Regulations is unnecessary due to the availability of a SLSNSW Licensing Scheme.

The Direction is conditional upon SLSNSW complying with Conditions 3 to 6 set out in Schedule 2.

**SCHEDULE 1**

## Persons to Whom this Direction Applies

Members of SLSNSW driving SLSNSW Rescue Water Craft for SLSNSW activities at any speed UNLESS:

- (a) NSW Maritime has deemed that member incapable of safely operating a vessel; and
- (b) excluded that person, in writing, from the operation of this Direction.

**SCHEDULE 2**

## CONDITIONS OF THIS DIRECTION

In order for this Direction to apply the driver must comply fully with conditions 1 and 2 set out below and SLSNSW must comply fully with conditions 3 to 6 set out below:

## Driver

1. (a) The person must hold a current SLSNSW Rescue Water Craft Licence issued by SLSNSW after successful completion of supervised training conducted by a SLSNSW appointed trainer based on:
  - (i) the SLSNSW (Training Division) System,
  - (ii) the SLSNSW RWC Standard Operating Procedures,
  - (iii) the current Surf Life Saving Australia “Powercraft Manual”, and
  - (iv) relevant parts of the NSW Maritime Boating Handbook and Personal Watercraft “Ride Smart” Handbook,
 and comply with all conditions of that Licence,
 

OR
- (b) The person must be undergoing supervised practical training conducted by a SLSNSW Club for a SLSNSW Rescue Water Craft Licence.

2. A person driving a SLSNSW Rescue Water Craft on any navigable water must stop the craft if requested to do so by an Officer of NSW Maritime or a police officer and must produce, within a reasonable time, his or her SLSNSW Rescue Water Craft Licence, or evidence that he or she is undergoing supervised practical training for a SLSNSW Rescue Water Craft Licence, for inspection by the officer.

## Surf Life Saving NSW

3. SLSNSW must provide NSW Maritime with specimens of Rescue Water Craft Licences upon request from NSW Maritime.
4. SLSNSW must maintain a SLSNSW Rescue Water Craft Licence database in a form approved by NSW Maritime.
5. SLSNSW must, on request, provide an Officer of NSW Maritime or a Police Officer with details of any SLSNSW member holding a SLSNSW Rescue Water Craft.
6. SLSNSW must cancel a member’s SLSNSW Rescue Water Craft Licence, record the cancellation of the Licence on its database and notify the person and the person’s SLSNSW Club of the cancellation upon notification from NSW Maritime that a member has been excluded from the operation of this Direction.

## IT IS NOTED THAT:

- (a) If conditions 1 or 2 are not adhered to the driver will be deemed not to hold the required licence and to be operating contrary to Clause 15 (1) of the Water Traffic Regulations – NSW (i.e. to be unlicensed); and
- (b) if conditions 3 to 6 are not adhered to NSW Maritime will consider revocation of this Direction.

## REVOCATION OF THIS DIRECTION

This Direction may be revoked at any time by the Chief Executive of NSW Maritime or the General Manager, Recreational Boating, NSW Maritime.

## DATE OF EFFECT

This Direction is effective from 26 February 2007.

DATED this 14th day of February 2007.

BRETT MOORE,  
General Manager,  
Recreational Boating

**NSW MARITIME**

## Pesticide Use Notification Plan

## 1. Introduction

THIS pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation). The plan sets out how NSW Maritime will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns or controls.

The aim of this plan is to satisfy the community’s general right to know about pesticide applications made to outdoor public spaces that are owned or controlled by public authorities. The plan allows members of the community to take informed action to minimise their risk of contact with pesticides.

NSW Maritime ensures that pesticides are applied to public places in a safe responsible manner, minimising harm to the community or the environment.

The plan sets out how NSW Maritime will notify the community about any pesticide applications made by it or its contractors to publicly accessible outdoor areas.

The plan describes:

- what public places are covered by the plan;
- who regularly uses these public places, and an estimate of the level of use;
- how and when NSW Maritime will provide the community with information about its pesticide applications in public places;
- how the community can access this plan and get more information about Maritime's notification arrangements;
- how future reviews of the plan will be conducted; and
- contact details for anyone wishing to discuss this plan with NSW Maritime.

Pesticide use on publicly accessible outdoor lands controlled by NSW Maritime is minimal, and includes:

- the occasional use of herbicides on road verges, boundary fences, lawns, garden beds and paved areas;
- control of rodents using rodenticide baited traps; and
- control of termites in timber wharf and jetty structures.

These pesticide applications are normally done by contractors.

## 2. Public Places Covered By This Plan

NSW Maritime proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls in NSW:

- car parks, gardens and other publicly accessible areas at its Head Office site (Rozelle, Sydney)
- public land owned or controlled by NSW Maritime, that includes:
  - road verges and/or boundary fences;
  - lands surrounding the Pilot Station at Yamba;
  - wharves and adjacent areas at 'Snug Cove', Eden;
  - other wharves owned by NSW Maritime, including wharves at Manly and Circular Quay; and
  - various minor land holdings associated with offices and wharves throughout NSW.

NSW Maritime has estimated the level of community use, regular user groups and types of pesticide use in each of the above categories of public place in the following table:

<i>Public Places</i>	<i>Regular User Groups</i>	<i>Level of Use of Public Place</i>	<i>Type of Pesticide Use</i>
Car parks, gardens and other accessible areas at Head Office site	<ul style="list-style-type: none"> <li>• visitors to NSW Maritime Head Office</li> <li>• staff and contractors of NSW Maritime</li> </ul>	Medium (during office hours) Very low (after hours and on weekends)	<ul style="list-style-type: none"> <li>• spot herbicides</li> <li>• broad scale non-selective herbicides</li> <li>• bait rodenticides</li> </ul>
Road verges and/or boundary fences	<ul style="list-style-type: none"> <li>• local residents and visitors</li> <li>• staff and contractors of local businesses</li> <li>• construction workers</li> </ul>	Medium (during office hours) Low (after hours and on weekends)	<ul style="list-style-type: none"> <li>• spot herbicides</li> <li>• broad scale non-selective herbicides</li> </ul>
Lands surrounding Yamba Pilot Station	<ul style="list-style-type: none"> <li>• visitors to Pilot Station</li> <li>• staff and contractors of NSW Maritime</li> <li>• members of the general public, including families, visiting adjacent parklands</li> </ul>	Low to Medium (Pilot Station is only for specialised business – few visitors; adjacent parklands not heavily used)	<ul style="list-style-type: none"> <li>• spot herbicides</li> <li>• broad scale non-selective herbicides</li> </ul>
Wharves and adjacent areas at 'Snug Cove', Eden	<ul style="list-style-type: none"> <li>• members of the public, including tourists and families</li> <li>• commercial vessel operators and crew</li> <li>• staff of local businesses</li> </ul>	High	<ul style="list-style-type: none"> <li>• spot herbicides (to control weeds amongst paving and similar areas)</li> <li>• bait rodenticides</li> <li>• bait termiticides</li> <li>• injected termiticides</li> </ul>
Other wharves owned by NSW Maritime – including wharves at Manly and Circular Quay	<ul style="list-style-type: none"> <li>• members of the public, including tourists and families</li> <li>• commercial vessel operators and crew</li> <li>• staff of local businesses</li> </ul>	Medium to very high	<ul style="list-style-type: none"> <li>• bait termiticides</li> <li>• injected termiticides</li> <li>• bait rodenticides</li> </ul>

<i>Public Places</i>	<i>Regular User Groups</i>	<i>Level of Use of Public Place</i>	<i>Type of Pesticide Use</i>
Various minor land holdings associated with offices and wharves throughout NSW	<ul style="list-style-type: none"> <li>visitors, staff and contractors</li> </ul>	<p>Medium (during office hours)</p> <p>Very low (after hours and on weekends)</p>	<ul style="list-style-type: none"> <li>spot herbicides</li> <li>possibly other pesticides if and when required</li> </ul> <p>(very limited, with most sites never being subject to pesticide use on publicly accessible outdoor land)</p>

### 3. Notification Arrangements

This section of the plan describes how and when NSW Maritime will provide notice of pesticide use in public places and arrangements for emergency pesticide applications.

These notification requirements are based on NSW Maritime's assessment of:

- the level of usage of public places where pesticides may be applied (see above table);
- the extent to which members of the public who are most likely to be sensitive to pesticides (e.g. young children, sick, pregnant and elderly people) and are likely to use these areas regularly (see above table);
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (low to medium - most activities do not involve contact with plants or soil, however, construction workers may come into direct contact with treated soil on occasions); and
- the type of pesticides used (see above table).

Notice of pesticide use will be provided by a combination of:

- temporary and permanent signs;
- information in NSW Maritime's weekly newsletter; and
- information on NSW Maritime's website.

How and when notice of pesticide use will be provided

#### *Car parks, gardens and other accessible areas at Head Office site*

For these areas, a permanent sign at the public entrance gate will be displayed to inform staff and visitors that the following pesticides may be in use:

- spot herbicides
- broad scale non-selective herbicides
- bait rodenticides

A periodic article will be posted in the staff newsletter, Tidelines, reminding staff that the above herbicides are used on the Head Office site.

Information on pesticide use by NSW Maritime and its contractors will also be posted on NSW Maritime's website.

#### *Road verges and/or boundary fences*

For these areas, temporary signs will be provided at public access points stating that the following pesticides are in use:

- spot herbicides
- broad scale non-selective herbicides

These signs will be displayed around the time the above herbicides are actually being used – for at least 48 hours prior to application and for at least 48 hours afterwards.

A periodic article will be posted in the staff newsletter, Tidelines, reminding staff that herbicides are used on public places owned or controlled by NSW Maritime.

Information on pesticide use by NSW Maritime and its contractors will also be posted on NSW Maritime's website.

#### *Lands surrounding Yamba Pilot Station*

For these areas, temporary signs will be displayed at the main gate stating that the following pesticides are in use:

- spot herbicides
- broad scale non-selective herbicides

These signs will be displayed around the time the above herbicides are actually being used – for at least 48 hours prior to application and for at least 48 hours afterwards.

In addition, permanent signs will be placed at 50 metre intervals around the outside of the Pilot Station fence, informing the public that the above herbicides may be in use on the enclosed land.

A periodic article will be posted in the staff newsletter, Tidelines, reminding staff that herbicides are used on public places owned or controlled by NSW Maritime.

Information on pesticide use by NSW Maritime and its contractors will also be posted on NSW Maritime's website.

#### *Wharves and adjacent areas at 'Snug Cove', Eden*

For these areas, permanent signs at public entry points will be displayed to inform members of the public that the following pesticides may be in use:

- spot herbicides
- bait rodenticides
- bait termiticides
- injected termiticides

In addition, whenever herbicides are being applied, signs stating that application is in progress will be displayed immediately adjacent to the affected area(s).

A periodic article will be posted in the staff newsletter, Tidelines, reminding staff that herbicides are used on public places owned or controlled by NSW Maritime.

Information on pesticide use by NSW Maritime and its contractors will also be posted on NSW Maritime's website.

#### *Other wharves owned by NSW Maritime – including wharves at Manly and Circular Quay*

For these areas, permanent signs at public entry points will be displayed to inform members of the public that the following pesticides may be in use:

- bait rodenticides

- bait termiticides
- injected termiticides

A periodic article will be posted in the staff newsletter, *Tidelines*, reminding staff that herbicides are used on public places owned or controlled by NSW Maritime.

Information on pesticide use by NSW Maritime and its contractors will also be posted on NSW Maritime's website.

*Various minor land holdings associated with offices and wharves throughout NSW*

For these areas, permanent or temporary signs will be displayed at public access points stating that the following pesticides are in use:

- spot herbicides
- other pesticides if and when required

Permanent signs will be displayed at the particular site if a long term and/or ongoing program of pesticide use is to take place.

Temporary signs will be used for any one-off or occasional use. Such signs will only be displayed around the time pesticides are actually being used – for at least 48 hours prior to application and for at least 48 hours afterwards.

A periodic article will be posted in the staff newsletter, *Tidelines*, reminding staff that herbicides are used on public places owned or controlled by NSW Maritime.

Information on pesticide use by NSW Maritime and its contractors will also be posted on NSW Maritime's website.

*Special measures for sensitive places*

Clause 11J (1) of the Pesticides Regulation defines a sensitive place to be any:

- school or pre-school;
- kindergarten;
- childcare centre;
- hospital;
- community health centre;
- nursing home; or
- place declared to be a sensitive place by the Environment Protection Authority (now a part of the Department of Environment and Conservation).

Most of the public lands owned or controlled by NSW Maritime are in 'maritime precincts' and are typically associated with ports or port facilities. As such, these lands are likely to remain well separated from any sensitive places.

However, NSW Maritime operates numerous small offices throughout NSW, including in suburban, shopping and residential areas. It is therefore possible that small-scale pesticide use may take place near a sensitive place.

Where pesticides are to be used adjacent to any sensitive place, NSW Maritime will ensure that the occupier of that place is informed by whatever means are most practicable (e.g. phone, door-knock or letterbox drop). This will be at least 48 hours prior to non-emergency pesticide use and preferably at least 30 minutes prior to any emergency pesticide use.

This is in addition to the notification arrangements outlined above.

*Notification of emergency pesticide applications*

NSW Maritime is unlikely to require the emergency application of any pesticides.

However, in cases where emergency pesticide applications in public places are required to deal with biting or dangerous pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard), a sign will be provided (as far as practicable) at the time and place of application for the following pesticide uses:

- pesticide use as required by the particular situation

*Pesticide contractors and lessees of public places*

The above notification arrangements will apply:

- where NSW Maritime uses contractors to apply pesticides on its behalf; and
- where persons or organisations hold an existing lease on NSW Maritime land that remains a public place.

*Public places where no notice will be provided – small scale use of domestically available pesticide products*

In cases of such small scale pesticide use, notice will not be provided at the following public places:

- road verges and/or boundary fences
- lands surrounding Yamba Pilot Station
- various minor land holdings associated with offices and wharves throughout NSW (unless use at a particular site is long term and/or ongoing – for which a permanent sign would be used as outlined previously)

These places are those for which permanent signs are not proposed. This provision of the Pesticide Use Notification Plan is intended to avoid unnecessary notifications for 'trivial' applications that pose very little risk to the public. Examples of such applications would include:

- small scale applications of spot herbicides using domestically available products;
- small scale use of sealed traps for rodents; and
- small scale use of domestically available 'surface sprays' to control insects, spiders or other pests (if required).

It is noted that these places would not normally be heavily used by sensitive users such as young children or the elderly

4. What information will be provided

In accordance with clause 11L (2) (g) of the Pesticides Regulation, notice of pesticide use will include the following information:

- the full product name(s) of the pesticide(s) to be used
- the purpose of the use, clearly setting out what pest or pests are being treated
- the proposed date(s) or date range of the pesticide use
- the places where the pesticide is to be used
- contact telephone number and email address of the NSW Maritime officer who people can contact to discuss the notice

- any warnings regarding re-entry to or use of the place, if specified on the pesticide product label or the APVMA<sup>1</sup> permit

<sup>1</sup> The Australian Pesticides and Veterinary Medicines Authority (APVMA), the national government body responsible for assessing and registering (or otherwise approving) all pesticide products in Australia and for their regulation up to and including the point of retail sale.

Where possible, signs will be of a standardised design that will be easily recognisable to the public, staff and visitors.

#### 5. How the community will be informed of this plan

NSW Maritime will advise residents of this plan and its contents by:

- making a copy of the plan available for viewing, free of charge, at its main office at James Craig Road, Rozelle NSW;
- placing a copy of the plan on the its website; and
- placing a notice in The Sydney Morning Herald newspaper.

#### 6. Future reviews of the plan

The notification plan will be reviewed every 5 years or when circumstances require a review of the plan. The review will include:

- a report on progress of implementing the plan;
- placing the plan on public exhibition, with any proposed changes and calling for public submissions; and
- in light of public submissions, making recommendation for alterations (if applicable) to the plan.

#### 7. Contact details

Anyone wishing to contact NSW Maritime to discuss the notification plan or to obtain details of pesticide applications in public places should contact:

Geoff Houston,  
Building Manager/Architect  
Phone: 9563 8849  
Fax: 9563 8844  
Email: [ghouston@maritime.nsw.gov.au](mailto:ghouston@maritime.nsw.gov.au)

or access the NSW Maritime website at [www.maritime.nsw.gov.au](http://www.maritime.nsw.gov.au)

CHRIS OXENBOULD,  
Chief Executive,  
NSW Maritime

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### NATIONAL PARKS AND WILDLIFE ACT 1974

#### Oakhill Aboriginal Place

IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do, by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

The values of the Aboriginal Place include the site of a former Aboriginal reserve, the site of camps occupied by Aboriginal people from the late 1880s to 1950s and the burials of Aboriginal children residing in the camps in the early 1900s.

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

#### Description

#### *Land District – Yass; LGA – Yass Valley*

All that piece or parcel of land in the Parish of Yass, County of King, containing a total area of 5.2 hectares (in 2 parts); **FIRSTLY**, commencing at the south western corner of Lot 1 as shown on Deposited Plan 1004268 and then by Map Grid of Australia bearings 100 degrees 40 minutes 20 seconds and 81.75 metres and then 11 degrees 0 minutes and 18.92 metres and then 101 degrees 28 minutes and 9.29 metres and then 10 degrees 40 minutes 20 seconds and 47.515 metres and then 63 degrees 8 minutes and 36.9 metres and then 146 degrees 0 minutes and 77.0 metres and then 196 degrees 0 minutes and 28.26 metres and then 100 degrees 41 minutes 30 seconds and 41.93 metres and then 218 degrees 12 minutes 10 seconds and 170.60 metres and then 235 degrees 23 minutes and 15.435 metres to intersect the northern alignment of Orion Street and westerly along that alignment for 280 degrees 4 minutes 20 seconds and 219.57 metres and then northerly easterly along the eastern alignment of Cooks Hill Road for 43 degrees 32 minutes 20 seconds and 160.085 and then 30 degrees 7 minutes and 25.67 metres to the point of commencement and **SECONDLY**, commencing at the south eastern corner of Lot 3 as shown on Deposited Plan 1071431 and then by Map Grid of Australia bearings 213 degrees 50 minutes 20 seconds and 32.81 metres to intersect the western alignment of Cooks Hill Road and then south westerly along that alignment for 223 degrees 32 minutes 20 seconds and 160.385 metres to intersect the northern alignment of Orion Street and westerly along that alignment for 280 degrees 4 minutes 20 seconds and 34.185 metres and then northerly 17 degrees 3 minutes 40 seconds and 166.265 metres to intersect the northern alignment of Reddall Street and then easterly along that alignment for 100 degrees 40 minutes 20 seconds and 115.625 metres to the point of commencement.

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### NATIONAL PARKS AND WILDLIFE ACT 1974

#### Goorenggai (Goorenggai) Aboriginal Place

IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do, by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

The values of the Aboriginal Place include stone arrangements constructed by Aboriginal people and used for ceremonial purposes in pre-contact and historical times.

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

#### Description

#### *Land District – Gloucester; LGA – Great Lakes*

County Gloucester, Parish Carrington, at North Arm Cove, 5.351 hectares, being Lot 783 in Deposited Plan 13400.

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### NATIONAL PARKS AND WILDLIFE ACT 1974

#### Ukerebagh Island Aboriginal Place

IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do, by this my Order, declare such of the lands described hereunder as an Aboriginal Place.



The values of the Aboriginal Place include a former Aboriginal reserve, an Aboriginal and Pacific Islander settlement from the 1920s to 1960s, the birthplace of Neville Bonner, Australia's first Indigenous Parliamentarian, the bringing together of Aboriginal and Pacific Islander people in the mid 1970s to oppose the island's development and continued use for teaching children about Aboriginal culture and recreation by Aboriginal and Pacific Islander people.

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

Description

*Land District – Murwillumbah; LGA – Tweed*

County Rous, Parish Terranora, at South Tweed Heads, about 82.46 hectares, being the whole of Ukerebagh Island dedicated as part of Ukerebagh Nature Reserve by notice in the NSW Government Gazette on 1 August 1980.

**PIPELINES ACT 1967**

Licence No. 27 – Variation No. 1

Notification of Grant of Variation to Licence Area

I, Joseph Guerino Tripodi in exercise of the powers conferred on me by section 19 of the Act, do hereby grant the application for Variation No. 1 of the Licence Area specified in Licence No. 27 to Central Ranges Pipeline Pty Ltd (ABN 38 108 218 355):

- (i) by including therein the lands described in the First Schedule; and
- (ii) by excluding therein the lands described in the Second Schedule.

Signed at Sydney, this Twenty fourth day of January 2007.

JOE TRIPODI,  
Minister for Energy

FIRST SCHEDULE

Lands to be Included

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Lands, Sydney office.

<i>Deposited Plan Number</i>	<i>Instrument Item Number</i>
DP 1098951	Item A
DP 1098954	Pipeline Easement 15 wide

SECOND SCHEDULE

Lands to be Excluded

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney office.

<i>Deposited Plan Number</i>	<i>Instrument Item Number</i>
DP 1029589	Item: whole instrument

**PIPELINES ACT 1967**

Notification of Vesting of Easements for Pipeline

Central Ranges Pipeline Pty Ltd

Pipeline Licence No. 27 – Central Ranges  
Natural Gas Pipeline

I, Joseph Guerino Tripodi in exercise of the powers conferred on me by section 21 of the Pipelines Act 1967, hereby declare that the lands and easements over the lands described in the First Schedule are vested in Central Ranges Pipeline Pty Ltd (ABN 38 108 218 355) being Variation No. 1 to Licence No. 27.

The restrictions as to user declared in the Second Schedule hereby apply over the lands described in the First Schedule.

Signed at Sydney, this Twenty fourth day of January 2007.

JOE TRIPODI,  
Minister for Energy

FIRST SCHEDULE

Lands to be Included

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Lands, Sydney office.

<i>Deposited Plan Number</i>	<i>Instrument Item Number</i>
DP 1098951	Item A
DP 1098954	Pipeline Easement 15 wide

SECOND SCHEDULE

Restriction as to User

The following restrictions apply to the above Deposited Plans

Without affecting the generality of any requirement imposed by the Pipelines Act or regulations thereunder, the owner or occupier of land over which there is an easement for pipeline must not within the easement, except with the prior consent in writing of the person in whom the easement is vested:

- (a) Excavate (including blasting), drill or dig.
- (b) Erect, place or permit to be erected or placed any building, structure (including fence posts), plant, apparatus or equipment, earthworks, utility services or other improvements whether permanent or temporary on, over or under the land.
- (c) Alter or disturb existing levels, contours or gradients.
- (d) Plant or cultivate any tree within 3 metres of the pipeline or any apparatus or works.
- (e) Place on or use any part of the land for the transport, carriage or support of any heavy object, vehicle or implement, which could in any way cause or be likely to cause damage to the pipeline.
- (f) Undertake any other activity that represents a danger to the pipeline or is a danger to the operation of the pipeline or its apparatus or works including signs, vent pipes and cathodic protection systems including anode beds and electrolysis test points.

**PIPELINES ACT 1967**

Central Ranges Pipeline Pty Ltd

Pipeline Licence No. 27 – Central Ranges Pipeline

Notification of Extinguishment Under Section 21A

IT is hereby notified that, pursuant to section 21A of the Pipelines Act 1967, the easement over lands excluded from the Licence Area consequent to the grant of Variation No. 1 to Pipeline Licence No. 27, as specified in the Schedule, is extinguished and such restrictions as to user as may have applied, cease to have effect.

Signed at Sydney, this Twenty fourth day of January 2007.

JOE TRIPODI,  
Minister for Energy

**SCHEDULE**

Lands to be Excluded

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plan lodged at the NSW Department of Lands, Sydney office.

<i>Deposited Plan Number</i>	<i>Instrument Item Number</i>
DP 1029589	Item: whole instrument

**WORKERS COMPENSATION ACT 1987****NOTICE**

Concerning indexation of WorkCover benefits and damages

THE WorkCover Authority of New South Wales, pursuant to section 82 of the Workers Compensation Act 1987, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from 1 April 2007, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

**TABLE**

<i>Provision Specifying, or providing for, the adjustable amount</i>	<i>Column 1</i>	<i>Column 2</i>
	<i>Adjustable Amount</i>	<i>Adjustable Amount</i>
Workers Compensation Act 1987		
s. 25 (1) (a)	\$211,850.00	\$325,400.00
s. 25 (1) (b)	\$66.60	\$102.30
s. 35	\$1,000.00	\$1,535.90
s. 37 (1) (a) (i)	\$235.20	\$361.30
s. 37 (1) (a) (ii)	\$187.10	\$287.40
s. 37 (1) (a) (iii)	\$170.00	\$261.10
	\$153.00	\$235.00
s. 37 (1) (b)	\$62.00	\$95.20
s. 37 (1) (c)	\$44.30	\$68.00
	\$99.10	\$152.20
	\$164.16	\$252.10
	\$230.90	\$354.60
	\$66.60	\$102.30

s. 63A (3)	\$1,500.00	\$2,303.90
s. 40	\$1,000.00	\$1,535.90
Sch.6 Pt.4 Cl.7	\$341.30	\$524.20

(Latest Index Number: 200.9)

JON BLACKWELL,  
Chief Executive Officer,  
Workcover Authority

**WORKERS COMPENSATION ACT 1987****NOTICE**

Concerning indexation of benefits covered by Workers Compensation Act 1926

THE WorkCover Authority of New South Wales, pursuant to section 82 of, and Parts 3-4 of Schedule 6 to the Workers Compensation Act 1987, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from 1 April 2007, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

**TABLE**

<i>Provision Specifying, or providing for, the adjustable amount</i>	<i>Column 1</i>	<i>Column 2</i>
	<i>Adjustable Amount</i>	<i>Adjustable Amount</i>
Workers Compensation Act 1987 (re 1926 Act)		
Sch. 6 Pt. 3 Cl. 2 (2)	\$76,700.00	\$117,850.00
Sch. 6 Pt. 3 Cl. 2 (3)	\$38.30	\$58.80
Sch. 6 Pt. 4 Cl. 4 (1) (b) (i)	\$44.80	\$68.80
Sch. 6 Pt. 4 Cl. 4 (1) (b) (ii)	\$22.50	\$34.60
Sch. 6 Pt. 4 Cl. 4A (2) (a)	\$196.00	\$301.00
Sch. 6 Pt. 4 Cl. 4A (2) (b)	\$155.90	\$239.50
Sch. 6 Pt. 4, Cl.4A (2) (c)	\$141.60	\$217.50
	\$127.50	\$195.80

(Latest Index Number: 200.9)

JON BLACKWELL,  
Chief Executive Officer,  
Workcover Authority

**WORKERS' COMPENSATION (DUST DISEASES) ACT 1942****NOTICE**

Concerning indexation of benefits

THE WorkCover Authority of New South Wales, pursuant to section 8 (3) (d) of the Workers' Compensation (Dust Diseases) Act 1942, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from 1 April 2007, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

<i>Provision Specifying, or providing for, the adjustable amount</i>	<i>Column 1</i>	<i>Column 2</i>
	<i>Adjustable Amount</i>	<i>Adjustable Amount</i>
s. 8 (2B) (b) (i)	\$141,250.00	\$216,950.00
s. 8 (2B) (b)( ii)	\$137.30	\$210.90
s. 8 (2B) (b) (iii)	\$69.40	\$106.60

(Latest Index Number: 200.9)

JON BLACKWELL,  
Chief Executive Officer,  
Workcover Authority



INDEPENDENT  
TRANSPORT  
SAFETY AND  
RELIABILITY  
REGULATOR

## Rail Safety (Guidelines for Certification of Competency Amendment) 2007 – No 5

Under the Rail Safety Act 2002

I, **CAROLYN WALSH**, Chief Executive of the Independent Transport Safety and Reliability Regulator, pursuant to sections 36, 38, 39 and 116A of the Rail Safety Act 2002 make this Guideline which amends the Guidelines for Certification of Competency appearing in the Government Gazette dated 24 December 2003.

Dated, this 21<sup>st</sup> day of February 2007.

Carolyn Walsh

Chief Executive Officer  
Independent Transport Safety and Reliability Regulator

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### Explanatory Note

The object of this amendment is to amend the Guidelines relating to the Certification of Competency originally gazetted on 24 December 2003 to clarify the criteria for becoming an authorised third-party issuer of Certificates of Competency and the conditions for granting certification to persons performing railway safety work and make some other consequential changes.

A revised version of the Certificates of Competency Guideline consolidating all amendments in this Guideline is available on the ITSRR website: [www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au).



INDEPENDENT  
TRANSPORT  
SAFETY AND  
RELIABILITY  
REGULATOR

## Rail Safety (Guidelines for Certification of Competency Amendment) 2007 – No 5

### Part 1 – Preliminary

#### 1. Name of Guideline

This is the Rail Safety (Guidelines for Certification of Competency Amendment) 2007 – No 5.

#### 2. Commencement

This Guideline commences on 23 February 2007.

#### 3. Application

- (a) All railway operators issuing certificates of competency from the date of this Guideline must comply with this Guideline.
- (b) All third party issuers of certificates of competency that have been authorised by ITSRR as at the date of commencement must comply with Clause 5.2 from 1 May 2007.

#### 4. Amendment

The Guidelines for the Certification of Competency made under the Rail Safety Act 2002 are amended as set out in Schedule 1 below.

### Schedule 1

1. Delete in Guideline 1.4 in line 1 “Guideline 5.5” and insert instead “Guideline 5.7”.
2. Delete in Guideline 1.5 in line 1 “their accreditation” and insert instead “section 36 of the Rail Safety Act 2002”.
3. In Guideline 2.4:
  - a. Insert the words “the following standards and guidelines as amended from time to time” after the word “in” in line 2;
  - b. Insert the following as the first bullet point:

“ Rail Safety (Safety Management Systems) Guideline 2006”.

4. Omit Guideline 4.4 and renumber Guideline 4.5 as Guideline 4.4.
5. Omit Guideline 4.6 and renumber Guideline 4.7 as Guideline 4.5.
6. Omit Guidelines 5.2, 5.3, 5.4, 5.5, 5.6 and 5.7 and replace with the following:

#### **Criteria for becoming an issuer of Certificates of Competency**

5.2 Third parties seeking authorisation to issue Certificates of Competency must meet the following criteria to the satisfaction of the ITSRR:

- (a) Be an organisation that:
  - (i) Is a Registered Training Organisation meeting the requirements of the New South Wales Vocational Education Training Accreditation Board or an equivalent registering body in another State or Territory and registered to deliver the Units of Competency appropriate to the tasks performed by railway employees performing railway safety work,and
  - (ii) Has an arrangement with an operator of a railway to issue certificates of competency for its rail safety workers.

#### **Qualifications to be held by persons undertaking training and competence assessment for the purposes of issuing a Certificate of Competency**

5.3 For the purposes of training and the assessment of competence qualifications to be held by persons undertaking training and competence assessment are:

- (a) **For training assessment:** possess a minimum of the three stated competencies from the Training and Assessment Training Package (TAA04) or is able to demonstrate equivalent competencies.
- (b) **For training delivery:** possess the stated Certificate IV in Training and Assessment from the Training and Assessment Package (TAA04) or is able to demonstrate equivalent competencies;

Note: Assessors who hold BSZ401A, BSZ402A and BSZ403A from the Training Package for Assessment and Workplace Training (BSZ98) do not have to upgrade their competencies to comply with the revised Australian Quality

Training Framework (AQTF) standard.

- 5.4 For the purposes of the practical assessment of a railway employee's competence to undertake railway safety work:
- (a) Possess current qualifications in the competency or competencies being assessed, and
  - (b) Possess a minimum of two years' practical experience in each competency being assessed.

#### **Characteristics of certification**

- 5.5 The only form of competency certification acceptable under the Act for railway safety work is a Certificate of Competency issued in accordance with these Guidelines, unless exemption has been given by the ITSRR.
- 5.6 Issuers of Certificates of Competency must comply with the following requirements:
- (a) A Certificate may be issued for any period up to, but not exceeding, five years. Once a CoC reaches the expiry date stipulated on the CoC, it becomes invalid and a new CoC must be issued;
  - (b) The issuer may only issue a Certificate to an applicant if the issuer has satisfied itself that the applicant:
    - (i) Has supplied current and accurate information relating to his or her competency to perform railway safety work,
    - (ii) Has undertaken in writing to comply with any term or condition required by the issuer in respect of the Certificate.
  - (c) A Certificate of Competency must be issued only to a railway employee who fully complies with the medical standards required under any health and fitness Guidelines issued by the ITSRR,
  - (d) A Certificate of Competency is issued only to a railway employee who is, in all respects, a fit and proper person. For the purposes of these Guidelines, what constitutes fit and proper is to include (but is not limited to):
    - (i) Compliance with the requirements of an operator's policies and programs in respect of fatigue, drug and alcohol, including any

rehabilitation action required of the person in respect of drug or alcohol,

- (ii) Criteria specified in Guideline 6.1(h),
- (e) A Certificate of Competency remains valid for the lesser of the following periods, either:
  - (i) The full period it is issued for,
  - or
  - (ii) The period in which the holder possesses the competency required by the issuer,
- (f) As a condition of issue, the issuer of a Certificate of Competency must require the recipient to produce it upon the request of an authorised officer.

#### **Granting of certification to a person performing railway safety work**

5.7 A higher level of competency identification is required of railway employees performing railway safety work in respect of:

- (a) Work involving the operation or movement of a train or trains, or
- (c) Work on or about railway infrastructure relating to the repair, maintenance or upgrading of railway tracks or any rolling stock or associated works or equipment,
- (d) Work involving certification as to the safety of infrastructure or rolling stock (or any item of infrastructure or rolling stock).

The level of competency identification required of persons performing work under these conditions is a matter for the operator to determine.

5.8 The granting of a Certificate of Competence to a person performing railway safety work within paragraph (a), (b) or (c) of Guideline 5.7 is to be contingent on the person:

- (a) In respect of training:
  - (i) Satisfying the relevant competency standards contained in the existing Unit or Units of Competency of a national Training



Package endorsed by the Australian National Training Authority (ANTA),

Or

- (ii) Satisfying the competence standards set by an operator for the operators railway safety work, where no nationally endorsed Units of Competency exist,

Or

- (iii) Satisfying the minimum training requirements prescribed by a manufacturer of rolling stock, plant or equipment where the certification being sought relates to the operation of the same and the system is founded on risk management principles,

Or

- (iv) Satisfying the minimum training and assessment requirements set by the operator of a non-commercial operation, where the competence assessment system has been accepted by the ITSRR.

- (b) In respect of a practical assessment (on-the-job or otherwise):

- (i) Satisfying the practical assessment criteria set by the operator for the railway safety work

7. Renumber Guideline 5.8 as Guideline 5.9.

8 Delete in Guideline 7.7(b) "according to parameters set by the ITSRR" and insert instead after "for", ".".

9. Insert in Guideline 7.11(c), after the word "record" the following " , unless exemption has been granted by ITSRR".

10. Delete in line 2 of Guideline 7.13 :

- a. "or (b) of Guideline 5.5" and insert " , (b) or (c) of Guideline 5.7"
- b. "or the exception category of Guideline 5.6".

4. Delete Guideline 8.3.

# 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

### AUBURN COUNCIL

Erratum

IN *New South Wales Government Gazette* No. 32 of 16 February 2007, Folio 938, the notice published under the heading Auburn City Council, Renaming of Public Road was incorrect, the following notice replaces that in full.

### AUBURN COUNCIL

Roads Act 1993, Section 162(1)

Roads (General) Regulation 1994, Clause 7

Proposal to Rename Public Road – North Parade, Auburn

NOTICE is hereby given that Council proposes to rename North Parade to Gallipoli Parade, Auburn.

In accordance with the Roads Act 1993, any person wishing to make a submission in relation to this proposal may do so in writing to the General Manager, PO Box 118, Auburn NSW 1835, prior to 7 March 2007. J. BURGESS, General Manager, Auburn Council, PO Box 118, Auburn NSW 1835. [3013]

### BEGA VALLEY SHIRE COUNCIL

Pesticides Use Notification Plan

THE Pesticides Use Notification Plan, prepared in accordance with the requirements of the Pesticide Regulation 1995, has been adopted by Council. The Plan details how information will be provided to the community about pesticide applications made in public places so that they can avoid contact with pesticides if they wish.

Copies of the Plan are available on the Council website [www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au), by email [council@begavalley.nsw.gov.au](mailto:council@begavalley.nsw.gov.au) or by phone (02) 6499 2222. D. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega NSW 2550. [3014]

### BAULKHAM HILLS SHIRE COUNCIL

Roads Act 1993 and Roads (General) Regulation 2000

Name Public Road as Hidden Valley Lane

NOTICE is hereby given pursuant to the Roads (General) Regulation 2000, as amended, and Clause 162 of the Roads Act 1993, as amended, Baulkham Hills Shire Council resolved on 21 November 2006, to name a public road as "Hidden Valley Lane", location described below.

<i>Description</i>	<i>Name</i>
The section of road that commences at the intersection of Pitt Town Road, Kenthurst, between Lot 212, DP 752047 and Lot 1, DP 550165 and continues north to near intersection Cattai Ridge Road next to Cattai Creek bridge and ends at the northern boundary of Lot 77, DP 752047.	Hidden Valley Lane.

For further enquiries regarding this matter please contact Council's Team Leader - Land Information Management, Lesa Robinson on 9843 0474. D. WALKER, General Manager, Baulkham Hills Shire Council, PO Box 75, Castle Hill NSW 1765. [3015]

### CABONNE COUNCIL

Roads Act 1993, Section 10

NOTICE is hereby given that Cabonne Council dedicates the lands described in the Schedule below as public road under section 10 of the Roads Act 1993. G. L. P. FLEMING, General Manager, Cabonne Council, PO Box 17, Molong NSW 2866.

#### SCHEDULE

All that piece or parcel of land known as Lot 35 in DP 1092964 in the Shire of Cabonne, Parish of Clarendon, County of Bathurst and as described in Folio Identifier 35/1092964.

All that piece or parcel of land known as Lot 3 in DP 1093785 in the Shire of Cabonne, Parish of Clarendon, County of Bathurst and as described in Folio Identifier 3/1093785. [3016]

### CABONNE COUNCIL

Roads Act 1993, Section 10

NOTICE is hereby given that Cabonne Council closes the public road as described in the Schedule below under section 10 of the Roads Act 1993. G. L. P. FLEMING, General Manager, Cabonne Council, PO Box 17, Molong NSW 2866.

#### SCHEDULE

All that piece or parcel of land known as Lot 1, DP 1075530 and Lot 2 in DP 1075530 at Boree Lane, in the Shire of Cabonne, Parish of Barton, County of Ashburnham, and as described in Folio Identifier 1/1075530 and Folio Identifier 2/1075530. [3017]

### DUBBO CITY COUNCIL

Pesticide Notification Plan

DUBBO CITY COUNCIL wishes to advise that the Pesticide Use Notification Plan has been adopted.

The plan ensures the general public and all sensitive places (e.g. schools, hospitals, nursing homes and pre-schools etc.) are notified of pesticide applications by Council by way of on-site signage, media releases and personal notification for designated sensitive places.

This is a requirement of the newly amended Pesticides Act which will come into force on 1 February 2007.

Copies of the plan can be downloaded from Council's website at [www.dubbo.nsw.gov.au](http://www.dubbo.nsw.gov.au) or obtained from Council's Civic Administration Building, Church Street, Dubbo.

For further information please contact Council's Customer Service Centre on (02) 6801 4000.

This plan will become effective as of 15 February 2007.

M. RILEY, General Manager, Dubbo City Council, PO Box 81, Dubbo NSW 2830. [3018]

### LAKE MACQUARIE CITY COUNCIL

#### Proposed Renaming Of Roads

NOTICE is given by Council in pursuance of Section 162.1 of the Roads Act 1993, as amended, proposes to rename the following roads:

<i>Location/Description</i>	<i>Proposed Name</i>
Doull Lane, Morisset Park	Edgewater Drive
Part of Morisset Park Road, Morisset Park commencing at the prolongation of the western boundary of lot 107 DP 7395 through to the western boundary of lot 8 DP 129377	Trinity Point Drive
Kookaburra Drive, Cardiff Heights	Kookaburra Close
Part of Awaba Street, Morisset fronting the southern most boundaries of lots 1 and 2 DP 804316	Pleasant Place

Written objections to the proposed naming will be accepted up to one month after publication date of this Notice. The reasons for objection need to be clearly stated. For further information, contact Stephen Pichaloff on (02) 4921 0534. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre NSW 2310. [3019]

### LAKE MACQUARIE CITY COUNCIL

#### Renaming of Roads

NOTICE is given in accordance with Section 162.1 of the Roads Act 1993, as amended. Council has renamed the following roads:

<i>Location/Description</i>	<i>Proposed New Name</i>
Crawford Lane – Mount Hutton, commencing at the northern most corner of lot 7 DP 851815 thence in a south eastern direction to the eastern most corner of lot 3 DP 1078108	Kariboo Lane
Crawford Lane – Mount Hutton, commencing at the southern most corner of lot 3 DP 1078108 thence in a north eastern direction to a point 61.45 metres along the eastern boundary of lot 13 DP17261	Langdon Way

No objections to the proposed renaming were received within the advertising period. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310. [3020]

### LAKE MACQUARIE CITY COUNCIL

#### Proposed Naming of Roads

NOTICE is given by Council in pursuance of Section 162.1 of the Roads Act 1993, as amended, proposes to name the following roads:

<i>Location</i>	<i>Name</i>
Subdivision of Lot 115 DP 719985	Glasshouse Ridge
Auklet Road, Mount Hutton	Orchid Way
Subdivision of Lot 5 Section T DP 5355 and Lots 61 to 62 DP 856871	Rani Close
Thompson Road, Speers Point	
Subdivision of Lot 3 DP 525181 and Lot 12 DP 881186	Harmony Crescent
Melody Lane, Mount Hutton	

Written objections to the proposed naming will be accepted up to one month after publication date of this Notice. The reasons for objection need to be clearly stated. For further information contact Stephen Pichaloff on (02) 4921 0534. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310. [3021]

### RICHMOND VALLEY COUNCIL

#### Erratum – Naming of Road

NOTICE is hereby given that the *New South Wales Government Gazette* notice published on 16 February 2007, Folio 2996, for the naming of Nowlan Place should have been Lot 1, DP 1095715. BRIAN WILKINSON, General Manager, Richmond Valley Council, Locked Bag 10, Casino NSW 2470. [3022]

### TWEED SHIRE COUNCIL

#### Roads Act 1993, Section 10

#### Dedication of Land as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of Council dated 4 July 2006 has resolved to dedicate the land described hereunder as public road pursuant to Section 10 of the Roads Act, 1993. Mike Rayner, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW, 2484.

#### SCHEDULE 1

Lot 1, DP 1095491, Cudgen Creek Bridge, Kingscliff.

[3023]

### WINGECARRIBEE SHIRE COUNCIL

#### Roads Act 1993, Part 2, Division 2, Section 16

#### Dedication of Land as Public Road

NOTICE is hereby given by Wingecarribee Shire Council that in pursuance of Part 2, Division 2, Section 16 of the Roads Act 1993, the land as described in the Schedule below is hereby dedicated as public road. MIKE HYDE, General Manager, Wingecarribee Shire Council, PO Box 141, Moss Vale NSW 2577. (Council Reference: RD2316).

## SCHEDULE

Land left as residue in a common law subdivision of Lot 4 of the Vine Lodge Estate at Exeter comprising (inter alia) part of 1920 acres and 300 acres parcels granted to Henry Badgery in 1839. The land is identified in the diagram below.



[3024]

## WOLLONGONG CITY COUNCIL

Land Acquisition (Just Terms Compensation) 1991

Notice of Compulsory Acquisition of Land

WOLLONGONG CITY COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in Schedule 1 below and easement described in schedule 2 below, excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993, for the purpose of a bush fire station and associated access. Dated at Wollongong this 20th day of February 2007. ROD OXLEY, General Manager and Chief Executive Officer.

## SCHEDULE 1

Lot 310, DP 1080848.

## SCHEDULE 2

Right of access variable width as shown marked "A" in DP 1080848, over Lots 31 and 32, DP 751299. [3025]

## ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of STEPAS JAREMBAUSKAS, late of Parramatta, formerly of Beecroft, in the State of New South Wales, retired, who died on 3 November 2006, must send particulars of the claim to the executor, Arvydas Rupsys, 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 executor has notice. Probate was granted in New South Wales on 12 February 2007. FRANK M. DEANE & CO. (in association with Adams Raves Marsh & Co.), Solicitors, Level 9, 227 Elizabeth Street, Sydney NSW 2000 (DX 255 Sydney), tel.: (02) 9264 3066. [3026]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ADA DALGLEISH, late of 71 King Street, Glenbrook, in the State of New South Wales, widow, who died on 7 July 2006, must send particulars of the claim to the executors, Peter Kenneth Dalgleish, David William Dalgleish and Ross James Dalgleish, c.o. Denis M. Anderson, Solicitor, 10 Regent Street, Kogarah NSW 2217, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 20 December 2006. DENIS M. ANDERSON, Solicitor, 10 Regent Street, Kogarah NSW 2217 (PO Box 148, Kogarah 1485), tel.: (02) 9587 0440. [3027]

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