



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Regulations



New South Wales

Liquor Amendment (Special Events— Extended Trading Periods) Regulation (No 3) 2008

under the

Liquor Act 2007

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

GRAHAM WEST, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to prescribe the 2 hour period from 10 pm to midnight on several Sundays during the staging of the 2008 Rugby League World Cup as an extended period during which hotels and clubs are permitted to trade.

This Regulation is made under the *Liquor Act 2007*, including section 13.

Clause 1 Liquor Amendment (Special Events—Extended Trading Periods)
 Regulation (No 3) 2008

Liquor Amendment (Special Events—Extended Trading Periods) Regulation (No 3) 2008

under the

Liquor Act 2007

1 Name of Regulation

This Regulation is the *Liquor Amendment (Special Events—Extended Trading Periods) Regulation (No 3) 2008*.

2 Amendment of Liquor Regulation 2008

The *Liquor Regulation 2008* is amended by inserting after clause 38A (b) (iv) the following subparagraphs:

- (v) Sunday 26 October 2008,
- (vi) Sunday 2 November 2008,
- (vii) Sunday 9 November 2008,
- (viii) Sunday 16 November 2008.



New South Wales

Local Government (General) Amendment (Tenders) Regulation 2008

under the

Local Government Act 1993

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

PAUL LYNCH, M.P.,
Minister for Local Government

Explanatory note

Section 55 of the *Local Government Act 1993* requires a council to invite tenders before entering into certain contracts. The object of this Regulation is to amend the *Local Government (General) Regulation 2005* to require a person who submits a tender for the provision of domestic or other waste management services to provide information about the continued employment or engagement by the successful tenderer of persons employed or engaged under pre-existing contracts for provision of the same kind of services. Clause 178 (2) of the Regulation requires a council to take this information into account in considering tenders for contracts for the provision of domestic or waste management services.

This Regulation is made under the *Local Government Act 1993*, including section 748 and clause 5 of Schedule 6.

Clause 1 Local Government (General) Amendment (Tenders) Regulation 2008

Local Government (General) Amendment (Tenders) Regulation 2008

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Tenders) Regulation 2008*.

2 Amendment of Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* is amended as set out in Schedule 1.

Local Government (General) Amendment (Tenders) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 170 Tender documents

Insert after clause 170 (1) (d):

, and

- (e) if the proposed contract is for the performance of domestic or other waste management services of the same kind as those performed under a contract in force immediately before the tenders are invited (an *existing contract*)—specify the information which must be submitted about the continuity of employment of workers employed or engaged by the contractor under the existing contract to perform the domestic or other waste management services (the *existing workers*).

[2] Clause 170 (1A)

Insert after clause 170 (1):

- (1A) Without limiting subclause (1) (e), information that must be submitted is:
 - (a) a statement as to whether or not the proposed contractor intends to offer the existing workers employment or engagement with the contractor if the tender is accepted, and
 - (b) if employment or engagement is offered—relevant details of the terms and conditions of employment or engagement that will be offered (including details of remuneration, preservation of accrued or accruing leave and other entitlements, hours of work, working conditions and rights to negotiate working conditions under the *Industrial Relations Act 1996*, the conduct of training with respect to industrial rights and occupational health and safety, duration of the employment or engagement and rights with respect to trade union membership).

[3] Clause 170 (3) and (4)

Insert after clause 170 (2):

- (3) Subclause (1) (e) does not apply to tender documents issued before the commencement of this subclause.

Local Government (General) Amendment (Tenders) Regulation 2008

Schedule 1 Amendments

(4) In this clause:

domestic or other waste management services means the storage, treatment, processing, collecting, removal, disposal, destruction, sorting or recycling of domestic waste and other waste.

[4] Clause 178 Acceptance of tenders

Insert after clause 178 (1):

- (1A) Without limiting subclause (1), in considering the tenders submitted for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of clause 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender was submitted.

Orders



New South Wales

State Property Authority Order (No 4) 2008

under the

State Property Authority Act 2006

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19 of the *State Property Authority Act 2006*, make the following Order.
Dated, this 22nd day of October 2008.

By His Excellency's Command,

JOHN WATKINS, M.P.,
Minister for Finance

Explanatory note

The object of this Order is to include certain property in Schedule 1 to the *State Property Authority Act 2006* which will have the effect of transferring the property to the State Property Authority.

This Order is made under section 19 of the *State Property Authority Act 2006*.

Clause 1 State Property Authority Order (No 4) 2008

State Property Authority Order (No 4) 2008

under the

State Property Authority Act 2006

1 Name of Order

This Order is the *State Property Authority Order (No 4) 2008*.

2 Commencement

This Order commences on 1 November 2008.

3 Amendment of State Property Authority Act 2006 No 40

The *State Property Authority Act 2006* is amended as set out in Schedule 1.

State Property Authority Order (No 4) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Property transferred to Authority

Insert at the end of the matter appearing under the heading “Miscellaneous properties”:

Part Lots 1, 2, 3 and 4, Section 67 in Deposited Plan 758258 resumed by notification in the Government Gazette of 4 August 1916 on pages 4456 and 4457 (exclusive of the area of 19.5 perches dedicated as public highway by notification in the Government Gazette of 10 July 1953 on page 2229)

Part of Section 67 in Deposited Plan 758258 (being an area of 10.5 perches) resumed by notification in the Government Gazette of 10 July 1953 on page 2226

Lot 11 in Deposited Plan 855757

Lot 1 in Deposited Plan 793927

Lot 1 in Deposited Plan 786901

Lot C in Deposited Plan 332740

Lot 2 in Deposited Plan 13714

Lot 1 in Deposited Plan 64069 (exclusive of the railway being Lot 12 in Deposited Plan 1033149)

Lot 230 in Deposited Plan 801016

Lot 2 in Deposited Plan 984009

Lot 5, Section 9 in Deposited Plan 758144

Lot 1 in Deposited Plan 339822

Lot 1 in Deposited Plan 534593

Lot 12, Section 43 in Deposited Plan 759092

Lot 13, Section 43 in Deposited Plan 759092

Lot 14, Section 43 in Deposited Plan 759092

Lot 506 in Deposited Plan 757298

Lot 10, Section E in Deposited Plan 216

Lot 6 in Deposited Plan 31807

Lot 2 in Deposited Plan 800379

State Property Authority Order (No 4) 2008

Schedule 1 Amendments

Lot 1 in Deposited Plan 976890
Lot B in Deposited Plan 312377
Lot 13, Section 11 in Deposited Plan 758338
Lot 20, Section 2 in Deposited Plan 758379
Lot 19 in Deposited Plan 809583
Lot 20 in Deposited Plan 809583
Lot 1 in Deposited Plan 393026
Lot 2 in Deposited Plan 393026
Lot 1 in Deposited Plan 653776
Lot 8, Section B in Deposited Plan 11044
Lot 1 in Deposited Plan 738251
Lot 31 in Deposited Plan 710351
Lot 2 in Deposited Plan 157408
Lot B in Deposited Plan 330987
Lot 4 in Deposited Plan 39252
Lot 2 in Deposited Plan 38167
Lot 18 in Deposited Plan 41609
Lot 1 in Deposited Plan 217093
Lot 523 in Deposited Plan 820183
Lot 525 in Deposited Plan 820183
Lot 9A, Section 8 in Deposited Plan 758827
Lot 101 in Deposited Plan 706838
Lot B in Deposited Plan 159686
Lot 101 in Deposited Plan 829763
Lot 408 in Deposited Plan 821783
Lot 2 in Deposited Plan 603204
Lot 2 in Deposited Plan 863439
Lot 67 in Deposited Plan 866556
Lot 3 in Strata Plan 47954
Lot 6, Section 21 in Deposited Plan 758606

State Property Authority Order (No 4) 2008

Amendments

Schedule 1

Lot 7, Section 21 in Deposited Plan 758606
Lot 8, Section 21 in Deposited Plan 758606
Lot 9, Section 21 in Deposited Plan 758606
Lot 466 in Deposited Plan 824127
Lot 7, Section 5 in Deposited Plan 759003
Lot 1 in Deposited Plan 109636
Easement for Access 20 feet wide shown in Deposited Plan 109636 and resumed by notification in the Government Gazette of 11 May 1951 on page 1395
Lot 1 in Deposited Plan 158221
Lot 2 in Deposited Plan 158221
Lot 6, Section 23 in Deposited Plan 758032
Lot 63 in Deposited Plan 752057
Lot 358 in Deposited Plan 754308
Lot 2 in Deposited Plan 668015

[2] Schedule 1

Insert at the end of the matter appearing under the heading "Leases":

Lease of shop 1/105 Beardy Street, Armidale (and lock-up shed number 4) registered as dealing number AD784044

Lease of part of ground floor (being an area of 102 square metres on the westernmost side of the building), 21–23 Clifford Street, Goulburn shown hatched black on the plan with AC745966 registered as dealing number AC745966

Lease of 41B Mitchell Street, Bourke registered as dealing number AB322858

Lease of suite 2, ground floor, 15–17 Watt Street, Gosford registered as dealing number AB873479

Lease of suite 2/6 Macquarie Street, Taree (and car spaces numbered 3, 4, 5 and 6) registered as dealing number AC660749

Lease of 39 Kable Avenue, Tamworth (exclusive of car space number 1) registered as dealing number AB839753

Lease of 3A Nowra Lane, Nowra registered as dealing number AD194549

State Property Authority Order (No 4) 2008

Schedule 1 Amendments

Lease of suite 5, 407–409 Bong Bong Street, Bowral registered as dealing number 7509871

Lease of suite 3.02, 44–46 Mandarin Street, Villawood, Sydney registered as dealing number AB278991, variation of lease registered as dealing number AB987886

Lease of ground floor, shop 5, 490 Banna Avenue, Griffith registered as dealing number AC796023

Lease of suite 1, ground floor, 520 Swift Street, Albury registered as dealing number AD932182

Lease of unit 11, 3 Orient Street, Batemans Bay registered as dealing number AD761598

Lease of Lot 1 in Deposited Plan 508765 being 73–75 Johnston Street, Wagga Wagga registered as dealing number 8802284, variation of lease registered as dealing number AD49332

Lease of Lot 8 in Strata Plan 30495 being 8/112 Keppel Street, Bathurst registered as dealing number AC347917

Lease of level 22, Sydney Central, 477 Pitt Street, Sydney registered as dealing number 9823096

Lease of level 23, Sydney Central, 477 Pitt Street, Sydney registered as dealing number 9823097

Lease of level 24, Sydney Central, 477 Pitt Street, Sydney registered as dealing number 9823098

Lease of office B, first floor, Lot 1 Fitzroy Street, Grafton (and car spaces lettered A, B, C, D and E) registered as dealing number AC920842

Lease of Lot 1 in Deposited Plan 114557 and Lot 1 in Deposited Plan 1017064 being 41 St Andrews Street, Maitland registered as dealing number AD703787

Lease of suite 3A (including small store room) and suite 3B, 490 David Street, Albury, shown edged red on the plan with AB382627 (and car spaces numbered 34, 35, 36 and 37) registered as dealing number AB382627

Lease of suite 2, 85 Tamar Street, Ballina registered as dealing number 9351386

Lease of ground floor, 50 Wingewarra Street, Dubbo, known as Unit GC, and ground floor, 54 Wingewarra Street, Dubbo, known as Unit GB, registered as dealing number AB685070

State Property Authority Order (No 4) 2008

Amendments

Schedule 1

Lease of Lot 4 in Strata Plan 33968 being 4/11 Packard Avenue, Castle Hill registered as dealing number AB423352

Lease of office suite 13B, level 2, Gateway Centre, 237 Mann Street, Gosford registered as dealing number AB450673

Lease of suite G3, ground floor, 50 Victoria Street, Grafton registered as dealing number AE56016

Lease of suite 5, Conway Street, 17 Conway Street, Lismore registered as dealing number AB924867

Lease of level 3, 4–8 Woodville Street, Hurstville registered as dealing number AD947558

Lease of B231 and B233 Bradfield Road, West Lindfield as described in Schedule 4 to the lease registered as dealing number 9602360

Lease of B231 and B233 Bradfield Road, West Lindfield as described in Schedule 4 to the lease registered as dealing number AB183205

Lease of B231 and B233 Bradfield Road, West Lindfield as described in Schedule 4 to the lease registered as dealing number AB183204

Lease of level 1, 175 Scott Street, Newcastle registered as dealing number AE48216

Lease of suite 1, level 3, The Metro, corner of Scott and Watt Streets, Newcastle registered as dealing number AC406642

Lease of Lots 4, 5 and 6 in Strata Plan 65943 at 1 Darling Street, Tamworth registered as dealing number 8789017

Lease of Lot 2 in Deposited Plan 544670 at 8 Baylis Street, Wagga Wagga registered as dealing number AD973582

Lease of area B, first floor, 29(51) Hely Street, Wyong registered as dealing number AC947319

Lease of area 3, 3rd floor, 43 Burelli Street, Wollongong and shown on plan with AC207393 registered as dealing number AC207393

Lease of shop 17, Valley Fair Shopping Centre, Victoria Street, Taree registered as dealing number AD919931

Lease of shop 1B, Penrith Centre Shopping Mall, 518 High Street, Penrith (and car spaces numbered 12, 13, 14 and 15) registered as dealing number AA709018

Lease of level 24, Governor Macquarie Tower, 1 Farrer Place, Sydney registered as dealing number 6215606

OFFICIAL NOTICES

Department of Lands

DUBBO OFFICE

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

Phone: (02) 6883 3300 Fax: (02) 6882 6920

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

Column 1

Land District: Coonabarabran.
Local Government Area:
Warrumbungle Shire
Council.
Locality: Cookabingie.
Reserve No.: 94059.
Public Purpose: Future
public requirements.
Notified: 12 December 1980.
Lot 9, DP No. 754965,
Parish Cookabingie, County Napier;
Lot 10, DP No. 754965,
Parish Cookabingie, County Napier;
Lot 13, DP No. 754965,
Parish Cookabingie, County Napier.
File No.: DB04 H 444.

Column 2

The part being Lot 9,
DP No. 754965, Parish
Cookabingie, County Napier,
of an area of 607.8 hectares.

Note: Purchase of Perpetual Lease 107377 by D & A Funke.

GOULBURN OFFICE

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

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

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

Column 1

Land District: Goulburn
Local Government Area:
Goulburn Mulwaree
Parish: Uringalla
County: Argyle
Reserve No.: 84050
Purpose: For Soil Conservation
Date of Notification: 9 November 1962
File Reference: GB03 H 292

Column 2

The whole being Lots 266,
269 and 278, DP 750053
comprising an area of
approximately 320.3 ha

Note: The purpose of this revocation is to facilitate conversion of Perpetual Lease 108032.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

Parish – Narrawa;
County – King;
Land District – Crookwell;
Shire – Upper Lachlan

Description: Crown road through Lot 2, DP 551413 (in 2 parts); Lot 148, DP 754131; Lot 346, DP 754121 and Crown road over Narrawa Creek south of Lot 2, DP 551413.

SCHEDULE 2

Roads Authority: Upper Lachlan Shire Council. Council's Reference: kr. File No. 6.2.23. File No.: GB03 H 270.

SCHEDULE 1

*Parish – Willeroo;
County – Argyle;
Land District – Goulburn;
Shire – Goulburn Mulwaree*

Description: Crown road north and west of Lot 5, DP 1103340 and north of Lot 84, DP 750056.

SCHEDULE 2

Roads Authority: Goulburn Mulwaree Council. Council's Reference: 2003/0460/DA. File No.: GB05 H 273.

SCHEDULE 1

*Parish – Jellore;
County – Camden;
Land District – Moss Vale;
Shire – Wingecarribee*

Description: Crown road through Lot 158, DP 751275.

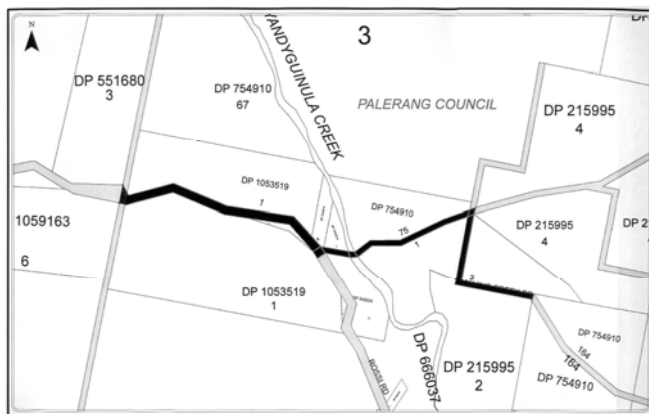
SCHEDULE 2

Roads Authority: Wingecarribee Shire Council. Council's Reference: DA 03/0612. File No.: GB04 H 744.

SCHEDULE 1

*Parish – Thurrallilly;
County – Murray;
Land District – Queanbeyan;
Shire – Palerang*

Description: Crown road shown coloured black in diagram below.



SCHEDULE 2

Roads Authority: Palerang Council. Council's Reference: As per Solicitor Elrington Boardman Allport – MJP:80436:rjh. File No.: 08/4876.

SCHEDULE 1

*Parish – Jellore;
County – Camden;
Land District – Moss Vale;
Shire – Wingecarribee*

Description: Crown road south of Lot 12, DP 1124890 and Lot 8, DP 1094783.

SCHEDULE 2

Roads Authority: Wingecarribee Shire Council. Council's Reference: 7810/12; LUA 06/0799. File No.: 08/8952.

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 hereunder.

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

DESCRIPTION

*Parish – Cathcart;
County – Wellesley;
Land District – Bombala;
L.G.A. – Bombala Shire Council*

Lots 12 and 13, DP 1105462 (Lot 12 being land in part CT Volume 2802, Folios 178-180 and Lot 13, being land in CT Volume 2802, Folios 178-180; Volume 3183, Folio 221 and Lot 1, DP 455179).

File No.: 08/2226.BA.

Note: In accordance with section 44 of the Roads Act 1993, the Crown consents to the land in Lots 12 and 13, DP 1105462, being vested in the Bombala Shire Council as operational land, to be given by the Council as compensation for other land acquired by the Council for the purpose of the Roads Act.

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

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 of the Crown Lands Act 1989, the land described in the Schedules hereunder, is declared to be Crown Land.

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

SCHEDULE 1

Land District – Lismore;
Local Government Area – Lismore City Council;
Parish – Lismore;
County – Rous

Lot 15 in Deposited Plan 249967, at 22 James Road, Goonellabah, being land within Certificate of Title 15/249967 and said to be in the possession of Her Most Gracious Majesty Queen Elizabeth II (New South Wales Agriculture).

File No.: GF06 H 376.

SCHEDULE 2

Land District – Lismore;
Local Government Area – Lismore City Council;
Parish – Lismore;
County – Rous

Lot 16 in Deposited Plan 249967, at 20 James Road, Goonellabah, being land within Certificate of Title 16/249967 and said to be in the possession of the Minister for Agriculture and Fisheries.

File No.: 08/6416.

ROADS ACT 1993 – ORDER

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in Schedule 1 is hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in schedule 1, ceases to be Crown road.

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

SCHEDULE 1

Parish – Cudgen;
County – Rous
Land District – Murwillumbah;
Shire – Tweed Shire Council

The southern most 64.92 metres of Crown public road east of Lot 33, DP 7482 and intersection. Width to be Transferred: 20.115

SCHEDULE 2

Roads Authority: Tweed Shire Council. Department of Lands Reference: GF05 H 155

SCHEDULE 1

Parish – Mooball;
County – Rous
Land District – Murwillumbah;
Shire – Tweed Shire Council

Crown public road south of Lot 162, DP 755721 and intersections. Width to be Transferred: 20.115

SCHEDULE 2

Roads Authority: Tweed Shire Council. Department of Lands Reference: GF06 H 471

SCHEDULE 1

Parish – Tomki;
County – Rous
Land District – Casino;
Shire – Richmond Valley Council

Crown public road south of Lot 2 and Lot 1, DP 829185. Width to be Transferred: 20.115

SCHEDULE 2

Roads Authority: Richmond Valley Council. Department of Lands Reference: GF06 H 341

SCHEDULE 1

Parish – South Lismore;
County – Rous
Land District – Lismore;
Shire – Lismore City Council

Crown Public Road from Caniaba Road to the southern boundary of Lot 12, DP 707482. Width to be Transferred: 30.175

SCHEDULE 2

Roads Authority: Lismore City Council. Department of Lands Reference: 08/2854

SCHEDULE 1

Parish – Woolgoolga;
County – Fitzroy
Land District – Grafton;
Shire – Coffs Harbour City Council

Crown public road known as Centenary Drive from the Pacific Highway to the southern prolongation of the western boundary of Lot 7005, DP 1054457. Width to be Transferred: Variable

SCHEDULE 2

Roads Authority: Coffs Harbour City Council. Department of Lands Reference: GF06 H 33

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

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. 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

SCHEDULE

Parishes – Mycotha and Argoon;
County – Boyd;
Land of District – Coleambally;
L.G.A. – Murrumbidgee

Lot 1, DP 1128026, Parishes of Mycotha and Argoon,
 County of Boyd. File No.: GH07 H 77(MR).

Note: (1) On closing, title for the land comprised in Lot 1 remains vested in the Murrumbidgee Shire Council as Operational Land.

HAY OFFICE

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Shirley Patricia SMITH (re-appointment), William Edward MULHAM (re-appointment), Doris M MILLS (re-appointment), Kathleen Ruth SINCLAIR (re-appointment), Shirley Ann POWELL (re-appointment).	Deniliquin Historic Buildings Trust.	Reserve No.: 150018. Public Purpose: Preservation of historical sites and buildings. Notified: 4 March 1988. File No.: HY90 R 16.

Term of Office

For a term commencing 11 December 2008 and expiring
 10 December 2013.

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

<i>Column 1</i>	<i>Column 2</i>
Land District: Newcastle Local Government Area: Newcastle City Council Locality: Waratah West Lot 2727, DP 755247, Parish Newcastle, County Northumberland Area: About 708m ² File Reference: MD06 R 12/1	Reserve No. 1016128 Public Purpose: Community Purposes

Note: Reserve 90101 for Boy Scouts notified 14 April 1972 folio 1303 is, pursuant to section 89 of the Crown Lands Act 1989, hereby effectively revoked by this notification this day.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lifestyle Solutions (Australia) Ltd	Waratah West Community Reserve (R1016128)Trust	Reserve No. 1016128 Public Purpose: Community Purposes Notified: This day File Ref.: MD06 R 12/1

For a term commencing the date of this notice

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Waratah West Community Reserve (R1016128)Trust	Reserve No. 1016128 Public Purpose: Community Purposes Notified: This day File Ref.: MD06 R 12/1

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

ORDER SPECIFYING ADDRESS FOR SERVICE OF NOTICES ON RESERVE TRUST

PURSUANT to the provisions of section 97(1) of the Crown Lands Act 1989, I order that the address for service of documents on the reserve trust specified in Column 1 of the Schedules hereunder, which is trustee of the reserve referred to opposite thereto in Column 2, is the address specified opposite the name of the reserve trust in Column 3 of the Schedules.

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

Column 1

Narooma
(R.1013988)
Reserve Trust.

Column 2

Reserve No.: 1013988.
Public Purpose:
Government purposes.
Notified: 17 August 2007.
File No.: NA07 R 12/1.

Column 3

C/- Tim Shepherd,
Cnr Graham and
Burrawang Streets,
Narooma NSW
2546.

SCHEDULE 2

Column 1

South Coast
Correctional
Centre
(R1014289)
Reserve Trust.

Column 2

Reserve No.: 1014289.
Public Purpose:
Government purposes.
Notified: 14 December 2007.
File No.: 07/5550.

Column 3

C/- G. Schipp,
Dept of Correctional
Services, Level 6,
20 Lee Street,
Sydney NSW 2001.

ORANGE OFFICE

92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6391 4300 Fax: (02) 6362 3896

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

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

SCHEDULE 1

Description

Parish – Langdale;
County – Westmoreland;
Land District – Bathurst;
Shire – Oberon

Road Closed: Lot 1 in Deposited Plan 1127726. File No.: CL/00068.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

SCHEDULE 2

Description

Parish – Bathurst;
County – Bathurst;
Land District – Bathurst;
L.G.A. – Bathurst Regional

Road Closed: Lot 1 in Deposited Plan 1129060. File No.: 07/5581.

Note: On closing, the land within Lot 1, DP 1129060 remains vested in Bathurst Regional Council as operational land for the purposes of the Local Government Act 1993.

Council Reference: 25.00092-02.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
James Harold PLUMMER (re-appointment)	Glenbrook Native Plant Reserve Trust	Reserve No. 86305 Public Purpose: Preservation of Native Flora Notified: 9 June 1967 File Ref.: MN80 R 288/2
Horst Gunter MEY (re-appointment)		
Philip Michael BENDALL (re-appointment)		
Richard James TURNER (re-appointment)		
Rodney Peter JAMES (new member)		
James Norman WARD (new member)		
Philip John WILLIS (new member)		

For a term commencing
the date of this notice and
expiring 23 October 2013.

DECLARATION OF PUBLIC PURPOSE

IT is hereby notified pursuant to section 3 of the Crown Lands Act 1989, that the following purpose shown in Schedule 1 is declared to be a public purpose for the purpose of sections 80, 87, 135 and 136 of that Act.

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

SCHEDULE 1

State Park.

File No.: LANDS08/689

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Wentworth Park (Open Space Areas) Reserve Trust	Dedication No. 1002206 Public Purpose: Public Park Notified: 10 November 1885 File Ref.: MN98 R 55/1

ERRATUM

IN the notification appearing in the *Government Gazette* of 17 October, 2008, Folio 10001, under the heading "Notice of Public Purpose Pursuant to section 34A (2) (b) of the Crown Lands Act 1989" it should read "the Crown reserve specified in Column 2 of the Schedule hereunder, is to be occupied for the additional purpose specified in Column 1 of the Schedule".

File No.: MN92 R 35

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

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

**DRAFT PLAN OF MANAGEMENT FOR
CROWN RESERVE (MANNING REGIONAL
CROWN RESERVE) UNDER DIVISION 6
OF PART 5 OF THE CROWN LANDS ACT 1989
AND CROWN LANDS REGULATIONS 2006**

A draft plan of management has been prepared for the Manning Regional Crown Reserve. This Reserve covers an extensive tract of Crown lands along the coast of the Greater Taree City Local Government Area. The main purpose of the plan is to provide direction and a strategic framework for the ongoing management of the lands.

Inspection of the draft plan can be made during normal business hours at the offices of Greater Taree City Council, 2 Pulteney Street Taree and Wynter Street Wingham; the Department of Lands Office at 98 Victoria Street, Taree. The draft plan is also available to view on the Lands website www.lands.nsw.gov.au.

Representations are invited from the public on the draft plan, which will be on exhibition from Friday 24 October 2008 to 24 November 2008. Submissions should be made in writing, and be sent to the Team Leader, Land Management, Department of Lands, PO Box 440, Taree NSW 2430, by 4 pm on 26 November 2008. Telephone enquiries should be directed to the Taree Office on (02) 6591 3526.

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

Description of Reserve

Parish: Stewart, Harrington & Oxley County: Macquarie
Parish: Bohnock & Beryan County: Gloucester
Land District: Taree Shire: Greater Taree City
Reserve 1012108 for the purposes of Access and Public Requirements, Tourism Purposes and Environmental and Heritage Conservation notified 11 August 2006.
File No.: TE06 R 33. GA2: 538853

**REVOCATION OF RESERVATION OF
CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservations 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>
Land District: Taree	The part being:
Local Government Area: Great Lakes Council	Lot 801, DP 1127108
Locality: Wallis Lake	Parish: Forster
Reserve No: 56146	County: Gloucester
Public Purpose: From Sale or Lease Generally	Area: 1834 m ²
Notified: 11 May 1923	
File No: TE06 H 216	

**REVOCATION OF RESERVATION OF
CROWN LAND**

PURSUANT to Section 90 of the Crown Lands Act 1989, the reservations 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>
Land District: Port Macquarie	The part being:
Local Government Area: Port Macquarie Hastings Council	Lot 44, DP 753697
Locality: Debenham	Parish: Hastings
Reserve No.: 74040	County: Hawes
Public Purpose: General	Area: 159.92 ha
Notified: 16 February 1951	
File No.: TE07R5	

**REVOCATION OF RESERVATION OF
CROWN LAND**

PURSUANT to Section 90 of the Crown Lands Act 1989, the reservations 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>
Land District: Port Macquarie	The part being:
Local Government Area: Port Macquarie Hastings Council	Lot 1, DP 1131036 (proposed)
Locality: Sancrox	Parish: Macquarie
Reserve No: 754434	County: Macquarie
Public Purpose: Future Public Requirements	Area: 6652 m ²
Notified: 29 June 2007	
File No: TE08/1156	

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

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 *Government Gazette* of 25 May 2007, Folios 2974-2975.

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

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

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

WLL No.	Name of Lessee	File No.	Folio identifier	Area m ²	Term of Lease	
					From	To
WLL 14950	Edwin HODGE	07/4104	44/1066289	2549	16-Oct-2008	15-Oct-2028
WLL 16009	David ARTHY	08/2901	47/1120765	2521	16-Oct-2008	15-Oct-2028
WLL 16018	Russell SCOPELLITI	08/3306	143/1073508	1475	16-Oct-2008	15-Oct-2028
WLL 14597	Stjepan MATIC	WLL14597	72/1076808	1637	20-Oct-2008	19-Oct-2028
WLL 14928	Anne GALLOWAY and Bruce SMITH	WLL14928	430/1076808	2517	20-Oct-2008	19-Oct-2028
WLL 15016	Helle Edelweiss JENSEN	07/5531	22/1073508	2533	20-Oct-2008	19-Oct-2028
WLL 16001	Joseph WALKER	08/2698	76/1057617	2449	20-Oct-2008	19-Oct-2028
WLL 16083	Gina MELASHICH, Nicholas MELASHICH, Alex MELASHICH, Andrew MELASHICH and Elaina MELASHICH	08/4800	29/1120765	2431	20-Oct-2008	19-Oct-2028
WLL 16207	Terence MADGWICK	08/8113	179/1120765	2525	20-Oct-2008	19-Oct-2028
WLL 16002	Eva WUNSCH and Maynard Joseph LAUGHTON	08/2779	46/1120765	2314	20-Oct-2008	19-Oct-2028
WLL 16198	Susan ADAMSON and Gavin ADAMSON	08/7709	178/1120765	1990	21-Oct-2008	20-Oct-2028
WLL 15007	Steinar Markus RAPP	07/5307	201/1076808	1964	22-Oct-2008	21-Oct-2028
WLL 16209	Wendy Ellen BANCROFT	08/8123	168/1120765	2498	22-Oct-2008	21-Oct-2028
WLL 15055	Gregory STRUTT, Helen Vivienne STRUTT, Henry John Robert STRUTT	08/0617	93/1073508	2698	22-Oct-2008	21-Oct-2028
WLL 16021	Roman HRUBY	08/3400	382/1076808	2535	22-Oct-2008	21-Oct-2028
WLL 16085	Danilo RAKETIC	08/4790	87/1120765	2364	22-Oct-2008	21-Oct-2028
WLL 16183	Milenko KRSTIC	08/6958	113/1120765	2357	22-Oct-2008	21-Oct-2028
WLL 15056	Helen Vivienne STRUTT, Gregory STRUTT and Henry John Robert STRUTT	08/0616	92/1073508	2648	22-Oct-2008	21-Oct-2028

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Ivanhoe Recreation & Sports Ground Reserve Trust	Reserve No. 79392 Public Purpose: Public Recreation Notified: 8 March 1957 File Ref.: WL98 R 1027/1

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Central Darling Shire Council	Ivanhoe Recreation & Sports Ground Reserve Trust	Reserve No. 79392 Public Purpose: Public Recreation Notified: 8 March 1957 File Ref.: WL98 R 1027/1

For a term commencing the date of this notice

ERRATUM

IN the notification appearing in the *Government Gazette* of 26 September 2008, Folio 9582-9583, appearing under the heading "Granting of a Western Lands Lease", the term of Western Lands Lease 16224 should read from 24-Sep-2008.

ERRATUM

IN the notification appearing in the *Government Gazette* of 22 August 2008, Folio 7920, appearing under the heading "Granting of a Western Lands Lease", the Folio Identifier for Western Lands Lease 15075 should read 78/1073508.

ERRATUM

IN the *Government Gazette* of 9 May 2008, folio 3731 under the heading "REVOCATION OF RESERVATION OF CROWN LAND", the reference to Reserve No. 5498 in Column 2 to an area of 48.21 ha should have read 40.64 ha.

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

Department of Planning



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008*.

2 Aims of Policy

The aims of this Policy are:

- (a) to extend the categories of development in government educational establishments that may be carried out without the need for development consent, and
- (b) to identify certain types of development as exempt development when carried out in existing non-government educational establishments, and
- (c) to identify certain types of development as complying development when carried out in existing schools and TAFE establishments, and
- (d) to specify the conditions for that complying development, and
- (e) to clarify other matters relating to development in connection with schools.

3 Land to which Policy applies

This Policy applies to the State.

4 Amendment of State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 is amended as set out in Schedule 1.

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 27 Definitions

Insert in alphabetical order in the clause:

government school has the same meaning as it does in the *Education Act 1990*.

non-government school has the same meaning as it does in the *Education Act 1990*.

TAFE establishment has the same meaning as it does in the *Technical and Further Education Commission Act 1990*.

[2] Clause 29 Development permitted without consent

Insert at the end of clause 29 (1) (a) (vi):

or

(vii) a toilet block,

[3] Clause 29 (3)

Insert “, if the classroom is located more than 5m from any property boundary” after “located”.

[4] Clause 31 Exempt development

Insert at the end of the clause:

(2) Development for a purpose specified in Schedule 1 that is carried out by a person other than a public authority is exempt development if:

(a) it is carried out on land within the boundaries of an existing educational establishment, and

(b) it meets the development standards for the development specified in Schedule 1, and

(c) it complies with clause 20 (2) (Exempt development).

Note. Clause 20 (1) covers development carried out by or on behalf of a public authority.

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

Schedule 1 Amendments

[5] **Clauses 31A–31C**

Insert after clause 31:

31A Complying development—government schools and TAFE establishments

- (1) Development carried out by or on behalf of a public authority on land within the boundaries of an existing government school or TAFE establishment is complying development if:
 - (a) it is carried out for the purpose of the construction of, or alterations or additions to, any of the following:
 - (i) a library or an administration building,
 - (ii) a gym, indoor sporting facility or hall,
 - (iii) a classroom, lecture theatre, laboratory, trade or training facility,
 - (iv) a tuckshop, cafeteria, bookshop or child care facility to provide for students or staff (or both),
 - (v) a car park, and
 - (b) it complies with the requirements of this clause.
- (2) To be complying development, the development must:
 - (a) be permissible, with consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) not be carried out within 1m of any public sewer except with the written approval of the authority that has management or control of the main.

Note. Section 76A of the Act also provides that certain development cannot be complying development.
- (3) Development is not complying development if it can be carried out on the land without consent.

Note. Clause 29 sets out the types of development that may be carried out by or on behalf of a public authority in connection with existing educational establishments without consent.
- (4) The following are the development standards for complying development under this clause:
 - (a) **Building height standard.** The building height of a building must not exceed 12m.
 - (b) **Side and rear setback standard.** A building must be located at least 5m from any side or rear boundary of the land.

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

Amendments

Schedule 1

-
- (c) **Materials standard.** Any new external walls or roof of a building must be constructed of non-reflective material.
 - (d) **Noise standard.** A building to be used for the purpose of a gym, indoor sporting facility or hall that is located less than 20m from a common boundary with land zoned residential must be designed to meet the acoustic performance elements contained in item 11.05.e of the State government publication *School Facilities Standards—Design Standard—Version 1/09/2006*.
 - (e) **Overshadowing standard.** A building must not overshadow any adjoining residential property so that:
 - (i) solar access to any habitable room on the adjoining property is reduced to less than the minimum level (being 2 hours of solar access between 9 am and 3 pm at the winter solstice) or is reduced in any manner (if solar access to any habitable room on the adjoining property is already below the minimum level), or
 - (ii) solar access to the principal private open space of the adjoining property is reduced to less than the minimum level (being 3 hours of solar access to not less than 50% of that principal private open space between 9 am and 3 pm at the winter solstice) or is reduced in any manner (if solar access to the principal private open space of the adjoining property is already below the minimum level).

31B Complying development—non-government schools

- (1) Development carried out on land within the boundaries of an existing non-government school is complying development if:
 - (a) it is carried out for the purposes of the construction of, or alterations or additions to, any of the following:
 - (i) a library or an administration building,
 - (ii) a classroom, lecture theatre, laboratory, trade or training facility,
 - (iii) a tuckshop, cafeteria, bookshop or child care facility to provide for students or staff (or both),
 - (iv) a car park, and
 - (b) it complies with the requirements of this clause.
- (2) To be complying development, the development:
 - (a) must be permissible, with consent, in the zone in which it is carried out, and

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

Schedule 1 Amendments

- (b) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (c) must, if undertaken on unsewered land, have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system, and
- (d) must not be carried out within 1m of any public sewer except with the written approval of the authority that has management or control of the main.

Note. Section 76A of the Act also provides that certain development cannot be complying development.

- (3) Development is not complying development if it can be carried out on the land without consent.

Note. Clause 29 (3) allows certain development to be carried out in connection with an existing non-government school without consent.

- (4) The following are the development standards for complying development under this clause:
 - (a) **Building height standard.** The building height of a building must not exceed 6.5m.
 - (b) **Side and rear setback standard.** A building must be located at least 5m from any side or rear boundary of the land.
 - (c) **Materials standard.** Any new external walls or roof of a building must be constructed of non-reflective material.

31C Complying development certificates

A complying development certificate for development that is complying development under this Division is subject to the following conditions:

- (a) development must be carried out in accordance with the plans and specifications to which the complying development certificate relates,
- (b) any demolition work must be carried out in accordance with *AS 2601—2001 The Demolition of Structures*, published by Standards Australia on 13 September 2001,
- (c) run-off and erosion controls must be implemented in accordance with the plans to which the complying development certificate relates (before any disturbance to the soil at the site) and maintained throughout the period of the works,

State Environmental Planning Policy (Infrastructure) Amendment (Schools and TAFE Establishments) 2008

Amendments

Schedule 1

-
- (d) any removal or lopping of vegetation must be carried out in accordance with State government publication *School Facilities Standards—Landscape Standard—Version 22* (March 2002),
 - (e) development must be carried out in accordance with all relevant requirements of the Blue Book,
 - (f) building materials and equipment must be stored wholly within the work site,
 - (g) work must be carried out only between 7 am and 7 pm, Monday to Friday, and between 8 am and 4 pm on a Saturday,
 - (h) work must not be carried out on a Sunday or public holiday,
 - (i) before a building is occupied, a certificate of compliance, if required, must be obtained from the local water supply and sewer authority.



New South Wales

State Environmental Planning Policy No 14—Coastal Wetlands (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/01186-1:MA)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy No 14—Coastal Wetlands
(Amendment No 16)

State Environmental Planning Policy No 14—Coastal Wetlands (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 14—Coastal Wetlands (Amendment No 16)*.

2 Aim of Policy

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 28) contained amendments to *State Environmental Planning Policy No 14—Coastal Wetlands* that had the aim of extending its operation with respect to land within the Illawarra Regional Business Park site. The map amendments inadvertently failed to continue the identification of other existing wetlands.

The aim of *State Environmental Planning Policy No 14—Coastal Wetlands (Amendment No 16)* is to correct the error by inserting a replacement map that reinstates all those existing wetlands, including those within the Illawarra Regional Business Park site.

3 Land to which Policy applies

This Policy applies to land shown edged heavy black on the map marked “State Environmental Planning Policy No 14—Coastal Wetlands (Amendment No 16)—Map 57”, deposited in the office of the Department.

4 Amendment of State Environmental Planning Policy No 14—Coastal Wetlands

State Environmental Planning Policy No 14—Coastal Wetlands is amended by omitting paragraph (1) from the definition of *the map* in clause 3 and by inserting instead the following paragraph:

- (1) State Environmental Planning Policy No 14—Coastal Wetlands (Amendment No 16)—Map 57.



New South Wales

Wyong Local Environmental Plan 1991 (Amendment No 176)

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*. (C07/00032/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 176)

Wyong Local Environmental Plan 1991 (Amendment No 176)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 176)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies, being land that was deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Wyong, being part Lot 8102, DP 1085360, part Lot 8106, DP 1085360 and part Lot 312, DP 808521, Johns Road, Wadalba, as shown edged heavy black and lettered "2 (e)" or "10 (a)" on the map marked "Wyong Local Environmental Plan (Amendment No 176)" deposited in the office of Wyong Shire Council.

4 Amendment of Wyong Local Environmental Plan 1991

Wyong Local Environmental Plan 1991 is amended by inserting in appropriate order in the definition of *the map* in clause 7 (1) the following words:

Wyong Local Environmental Plan 1991 (Amendment No 176)

Department of Primary Industries

NOXIOUS WEEDS ACT 1993

Weed Control Order No. 23

Removal of *Gaura lindheimeri* and addition of *Ligustrum* species as noxious weeds

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to sections 7 and 8 of the Noxious Weeds Act 1993 hereby amend the Order titled "Weed Control Order No. 20 – Order declaring certain plants to be noxious weeds" published in *NSW Government Gazette* No. 110 of 31 August 2006 at pages 6828 – 7058 as follows:

1. Omit from Schedule 5 under the corresponding columns, the following:

<i>Common name</i>	<i>Scientific name</i>	<i>Alternate scientific name</i>	<i>Area to Which the Weed Control Order Applies</i>	<i>Control measures</i>	<i>Control Class</i>
Clockweed	<i>Gaura lindheimeri</i>		Whole of NSW	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5

2. Insert into Schedule 4 in alphabetical order and under the corresponding columns, the following:

<i>Common name</i>	<i>Scientific name</i>	<i>Alternate scientific name</i>	<i>Area</i>	<i>Control measures</i>	<i>Class</i>
Privet (Broad-leaf)	<i>Ligustrum lucidum</i>		Glen Innes Severn Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Privet (European)	<i>Ligustrum vulgare</i>		Glen Innes Severn Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Privet (Narrow leaf/ Chinese)	<i>Ligustrum sinense</i>		Glen Innes Severn Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4

This order takes effect from the date of its publication in the *Government Gazette*.

Dated this 20th day of October 2008.

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

OFFSHORE PETROLEUM ACT 2006

Commonwealth of Australia

Delegation Under Section 48 of the Offshore Petroleum Act 2006 (the Act)

THE Joint Authority in respect of the offshore area in respect of the State of New South Wales hereby revokes all existing delegations made pursuant to section 48 of the Act and delegates all its functions and powers under the Act (other than the power to delegate), or under an Act that incorporates the Act, to the following two persons together:

- the person from time to time performing the duties of General Manager, Offshore Resources Branch, Resources Division, Commonwealth Department of Resources, Energy and Tourism, as the person representing the Commonwealth Minister; and
- the person from time to time holding, occupying, or performing the duties of the office of Director of Coal and Petroleum Development, Department of Primary Industries of the State of New South Wales, as the person representing the State Minister.

MARTIN JOHN FERGUSON,
Minister for Resources and Energy
Dated this 7th day of October 2008.

IAN MICHAEL MACDONALD,
Minister for Mineral Resources
Dated this 16th day of October 2008.

PLANT DISEASES ACT 1924

OR97: Order under Section 13A

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 13A of the Plant Diseases Act 1924 ("the Act"), believe that this Order is necessary in order to avoid an undue hazard to the environment, and by this Order I hereby:

- (a) from 1 November 2008, authorise an inspector to enter all land or premises described in Schedule 1 below to carry out the survey work specified in Schedule 2 below, to control the pests Australian plague locust, Spur-throated locust and Migratory locust; and
- (b) provide that the process for objecting to the carrying out of the survey work is as specified in Schedule 3 below.

SCHEDULE 1

Land and premises

1. All land or premises, excluding those described in paragraph 2 of this Schedule, located within the Rural Lands Protection Districts of:

Milparinka	Hay
Broken Hill	Riverina
Balranald /Wentworth	Walgett
Wanaaring	Coonamble
Wilcannia	Nyngan
Bourke	Condobolin
Cobar	Narrandera
Hillston	Murray
Moree	Coonabarabran

Narrabri
Northern Slopes
Tamworth
Young
Hume

Dubbo
Molong
Forbes
Wagga Wagga
Mudgee-Merriwa

2. Land upon which an intensive livestock production facility is located including dairies, feedlots, piggeries, poultry sheds and any other form of intensive livestock production.

SCHEDULE 2

Survey work

In this Order:

Survey work means any one or a combination of the following tasks:

- (a) visually survey any lands by vehicle or foot; or
- (b) take locust specimens; or
- (c) identify egg beds with labelled pegs; or
- (d) take samples of locust egg beds using a spade, shovel, mattock or similar instrument; or
- (e) monitor known locust egg beds and known locust populations.

SCHEDULE 3

Process for Objecting to the carrying out of survey work.

1. An occupier of land or premises on which survey work authorised by this Order is to be carried out may object to the carrying out of the survey work.
2. An objection must:
 - (a) be in writing addressed to the Director-General of the NSW Department of Primary Industries, and
 - (b) identify the property concerned and state the name and contact details of the person objecting.
3. An objection will only be considered if it is:
 - (a) received by the Director-General, NSW Department of Primary Industries, Locked Bag 21, Orange NSW 2800 by 4:00 pm on 31 October 2008, or
 - (b) delivered to an inspector who, for the purpose of carrying out the survey work, has entered the land or premises of the person objecting to the survey work being carried out.
4. An objection received under paragraph 3(a) of Schedule 3 but not within the time specified in that paragraph, may be considered before the time that an inspector attends a property to carry out the locust surveys.

Note: This Order remains in force for 6 months from the date it is made.

Dated this 14th day of October 2008.

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

PLANT DISEASES ACT 1924**ORDER [OR98]**

Order authorising entry onto land or premises for the carrying out of Fruit Fly treatments in the New South Wales Fruit Fly Exclusion Zone

I, IAN MACDONALD, M.L.C., Minister for Primary Industries do by this Order:

1. pursuant to section 3 (2) of the Plant Diseases Act 1924, revoke the Order titled "OR96: Order under section 13A" published in *New South Wales Government Gazette* No. 54 of 16 May 2008 on page 3948, and
2. pursuant to sections 13A and 13B respectively of the Plant Diseases Act 1924, having formed the belief that this Order is necessary in order to avoid an adverse effect on trade in fruit:
 - (a) authorise an inspector to enter all land or premises located within the area known as the New South Wales Fruit Fly Exclusion Zone to carry out the fruit fly treatment specified in Schedule 1, to control the pest Queensland Fruit Fly, and
 - (b) provide that the process for objecting to carrying out of fruit fly treatment is as specified in Schedule 2.

SCHEDULE 1**Fruit Fly Treatment**

In this Order:

Fruit Fly treatment means any one or a combination of the following:

- (a) Fruit fly bait spraying: A registered insecticide plus protein autolysate extract is applied to plant foliage as a spot spray from a backpack spray unit. Note: The registered insecticide is Hy-Mal[®] that has the active constituent maldison. The protein autolysate extract is Pinnacle[®] or Natflav 500[®]. This pesticide is to be used in accordance with the Hy-Mal[®] label directions for "Fruit Fly Lure Eradication only".
- (b) Fruit fly bait spraying: Naturalure Fruit Fly Bait Concentrate[®] which is a protein and sugar based bait containing the active constituent spinosad is applied to plant foliage as a spot spray from a backpack spray unit. Note: The registered pesticide is to be used in accordance with the Naturalure[®] label directions for use for the control of fruit flies.
- (c) Cover spray of fruit trees: A registered insecticide spray is applied to the plant foliage and fruit on fruit trees as a mist spray from a backpack spray unit or by a powered spray unit. Note: The registered insecticide is Lebaycid[®] that has the active constituent fenthion.
- (d) Cover spraying of compost heaps and ground under Queensland fruit fly infested trees: An insecticide, containing the active constituent chlorpyrifos, is applied to compost heaps and ground under infested trees as a mist spray from a backpack spray unit or by a powered spray unit. Note: The pesticide is to be used in accordance with Permit Number PER9830 (Version 1) issued by the Australian Pesticide & Veterinary Medicines Authority.

- (e) Fruit fly male annihilation blocks: A fibre board block, containing the active constituents maldison and methyl eugenol, is fixed by a nail to a light pole or hung by wire in vegetation 1.5 to 2.0 metres above the ground. Note: The pesticide is to be used in accordance with Permit Number PER10169 (Version 1) issued by the Australian Pesticide & Veterinary Medicines Authority.
- (f) Fruit removal and disposal: Fruit and or vegetables are picked from the fruit fly host plant and placed in a sealed bag for disposal in a local government authority waste disposal facility.
- (g) The release of sterile Queensland Fruit Fly.

SCHEDULE 2

Objection to fruit fly treatment authorised by the Order

1. An occupier of land or premises on which fruit fly treatment is authorised by this Order to be carried out may object to the carrying out of the fruit fly treatment.
2. An objection must:
 - (a) be in writing addressed to the Director-General of the NSW Department of Primary Industries, and
 - (b) identify the property concerned, the name and contact details of the person objecting.
3. An objection will only be considered if it is:
 - (a) received by the Regional Director DPI Relations South West, NSW Department of Primary Industries, Private Mail Bag, Yanco NSW 2703 before the time that an inspector attends the property to undertake the work and in any event by 17 October 2008, or
 - (b) given to an inspector who, for the purpose of carrying out the fruit fly treatment, has entered the land or premises of the person objecting to the fruit fly treatment being carried out.

Definitions

In this Order:

Fruit Fly means any species of fruit fly of the Family *Tephritidae*.

New South Wales Fruit Fly Exclusion Zone means the area known as the New South Wales Fruit Fly Exclusion Zone, as declared in Proclamation P178 published in the *New South Wales Government Gazette* No. 11 of 19 January 2007, at pages 186-187.

This Order remains in force for 6 months from the date it is made.

Dated this 22nd day of October 2008.

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

Note: The NSW Department of Primary Industries reference is OR98. For further information contact the Department on (02) 6391 3593 or (02) 6042 4207.

PLANT DISEASES ACT 1924**ORDER [OR99]**

Order authorising entry onto land or premises for the carrying out of Fruit Fly treatments in the New South Wales Fruit Fly Risk Reduction Zone

I, IAN MACDONALD, M.L.C., Minister for Primary Industries pursuant to sections 13A and 13B respectively of the Plant Diseases Act 1924, having formed the belief that this Order is necessary in order to avoid an adverse effect on trade in fruit:

- (a) authorise an inspector to enter all land or premises located within the area known as the New South Wales Fruit Fly Risk Reduction Zone to carry out the fruit fly treatment specified in Schedule 1, to control the pest Queensland Fruit Fly, and
- (b) provide that the process for objecting to carrying out of fruit fly treatment is as specified in Schedule 2.

SCHEDULE 1**Fruit Fly Treatment**

In this Order:

Fruit Fly treatment means any one or a combination of the following:

- (a) Fruit fly bait spraying: A registered insecticide plus protein autolysate extract is applied to plant foliage as a spot spray from a backpack spray unit. Note: The registered insecticide is Hy-Mal[®] that has the active constituent maldison. The protein autolysate extract is Pinnacle[®] or Natflav 500[®]. This pesticide is to be used in accordance with the Hy-Mal[®] label directions for "Fruit Fly Lure Eradication only".
- (b) Fruit fly bait spraying: Naturalure Fruit Fly Bait Concentrate[®] which is a protein and sugar based bait containing the active constituent spinosad is applied to plant foliage as a spot spray from a backpack spray unit. Note: The registered pesticide is to be used in accordance with the Naturalure[®] label directions for use for the control of fruit flies.
- (c) Cover spray of fruit trees: A registered insecticide spray is applied to the plant foliage and fruit on fruit trees as a mist spray from a backpack spray unit or by a powered spray unit. Note: The registered insecticide is Lebacyd[®] that has the active constituent fenthion.
- (d) Cover spraying of compost heaps and ground under Queensland fruit fly infested trees: An insecticide, containing the active constituent chlorpyrifos, is applied to compost heaps and ground under infested trees as a mist spray from a backpack spray unit or by a powered spray unit. Note: The pesticide is to be used in accordance with Permit Number PER9830 (Version 1) issued by the Australian Pesticide & Veterinary Medicines Authority.
- (e) Fruit fly male annihilation blocks: A fibre board block, containing the active constituents maldison and methyl eugenol, is fixed by a nail to a light pole or hung by wire in vegetation 1.5 to 2.0 metres above the ground. Note: The pesticide is to be used in accordance with Permit Number PER10169 (Version 1) issued by the Australian Pesticide & Veterinary Medicines Authority.

- (f) Fruit removal and disposal: Fruit and or vegetables are picked from the fruit fly host plant and placed in a sealed bag for disposal in a local government authority waste disposal facility.
- (g) The release of sterile Queensland Fruit Fly.

SCHEDULE 2

Objection to fruit fly treatment authorised by the Order

1. An occupier of land or premises on which fruit fly treatment is authorised by this Order to be carried out may object to the carrying out of the fruit fly treatment.
2. An objection must:
 - (a) be in writing addressed to the Director-General of the NSW Department of Primary Industries, and
 - (b) identify the property concerned, the name and contact details of the person objecting.
3. An objection will only be considered if it is:
 - (a) received by the Regional Director South West, NSW Department of Primary Industries, Private Mail Bag, Yanco NSW 2703 before the time that an inspector attends the property to undertake the work and in any event by 17 October 2008, or
 - (b) given to an inspector who, for the purpose of carrying out the fruit fly treatment, has entered the land or premises of the person objecting to the fruit fly treatment being carried out.

Definitions

In this Order:

Fruit Fly means any species of fruit fly of the Family Tephritidae.

New South Wales Risk Reduction Zone means the New South Wales Local Government Areas of Bland, Coolamon, Greater Hume, Lachlan, Lockhart and Wagga Wagga.

This Order remains in force for 6 months from the date it is made.

Dated this 22nd day of October 2008.

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

Note: The NSW Department of Primary Industries reference is OR99. For further information contact the Department on (02) 6391 3593 or (02) 6042 4207.

PLANT DISEASES ACT 1924**Section 28C**

Delegation of Functions of the Director-General under Proclamation

I, DOUGLAS FRAZER HOCKING, Acting Director-General of the NSW Department of Primary Industries, pursuant to section 28C of the of the Plant Diseases Act 1924 ("the Act"):

1. revoke the delegations under the Act made on 11 November 2005 and 9 September 2005, and any delegations revived as a result of these revocations;

2. delegate the functions conferred or imposed on the Director-General of the NSW Department of Primary Industries by the Proclamation made pursuant to the Act and listed in Column 1 of the Schedule below and published in the NSW Government Gazette as listed in Column 2 of Schedule below to the member of staff of the NSW Department of Primary Industries who from time to time holds, occupies or performs the duties of the positions described below:

Director, Animal and Plant Biosecurity, or
 Director, Compliance Operations, or
 Director, Compliance Standards and RLPB Alliance

—
 SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Proclamation P42	No. 53 on 30/4/99, page 2948
Proclamation P43	No. 4 on 8/1/99, page 35
Proclamation P48	No. 4 on 8/1/1999, page 34
Proclamation P77	No. 4 on 8/1/99, page 34
Proclamation P83	No. 1 on 7/1/00, page 19
Proclamation P125	No. 54 on 1/3/02, page 1268
Proclamation P128	No. 12 on 16/1/04, page 203
Proclamation P129	No. 201 on 1/11/02, page 5040
Proclamation P131	No. 33 on 31/1/2003, page 671
Proclamation P132	No. 25 on 24/1/2003, page 458
Proclamation P144	No. 12 on 16/1/04, page 202
Proclamation P147	No. 47 on 27/2/2004, page 840
Proclamation P155	No. 116 on 7/7/04, page 5763

Made this 16th day of October 2008.

D. F. HOCKING,
 Acting Director-General,
 NSW Department of Primary Industries

PLANT DISEASES ACT 1924

Section 28C

Delegation of Functions of the Director-General

I, DOUGLAS FRAZER HOCKING, Acting Director-General of the NSW Department of Primary Industries, pursuant to section 28C of the of the Plant Diseases Act 1924 (“the Act”):

1. revoke the delegation under the Act made on 10 October 2000 and any delegations revived as a result of this revocation; and
2. delegate the functions of the Director-General contained in the section listed in Column 1 of the Schedule to the member of staff of the NSW Department of Primary Industries who from time to time holds, occupies or performs the duties of the position listed in Column 2 of the Schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Section 9 (1) (b)	Executive Director, Fisheries, Compliance and Regional Relations
Section 11 (1) (3)	Manager, Agricultural Compliance
Section 13 (3) (a)	Manager, Agricultural Compliance
Section 13B (2)	Executive Director, Fisheries, Compliance and Regional Relations
Section 19 (3)	Manager, Agricultural Compliance

Made this 16th day of October 2008.

D. F. HOCKING,
 Acting Director-General,
 NSW Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T08-0111)

No. 3413, now Exploration Licence No. 7215, GOLD AND COPPER RESOURCES PTY LIMITED (ACN 124 534 863), County of Ashburnham, Map Sheet (8631), area of 1 units, for Group 1, dated 7 October 2008, for a term until 7 October 2010.

(T08-0034)

No. 3434, now Exploration Licence No. 7217, AUSTRALIAN ASIAN PACIFIC MINES PTY LTD (ACN 128 772 887), County of Cowper, Map Sheets (8236, 8237), area of 82 units, for Group 1, dated 14 October 2008, for a term until 14 October 2010.

(T08-0082)

No. 3484, now Exploration Licence No. 7216, RODINIA RESOURCES PTY LTD (ACN 129 217 885), Counties of Cowper and Gunderbooka, Map Sheets (8137, 8138), area of 30 units, for Group 1, dated 13 October 2008, for a term until 13 October 2010.

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

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

(C03-0534)

Authorisation No. 285, DIRECTOR GENERAL NSW DEPARTMENT OF PRIMARY INDUSTRIES ON BEHALF OF THE CROWN, area of 807 hectares. Application for renewal received 20 October 2008.

(02-83)

Exploration Licence No. 6025, LFB RESOURCES NL (ACN 073 478 574), area of 71 units. Application for renewal received 17 October 2008.

(04-534)

Exploration Licence No. 6328, CLANCY EXPLORATION LIMITED (ACN 105 578 756), area of 14 units. Application for renewal received 20 October 2008.

(04-552)

Exploration Licence No. 6342, WESTERN PLAINS RESOURCES LTD (ACN 109 426 502), area of 15 units. Application for renewal received 17 October 2008.

(04-577)

Exploration Licence No. 6346, TRITTON RESOURCES PTY LTD (ACN 100 095 494), area of 78 units. Application for renewal received 21 October 2008.

(05-3281)

Exploration Licence No. 6421, BEMAX RESOURCES LIMITED (ACN 009 247 858), area of 84 units. Application for renewal received 17 October 2008.

(05-238)

Exploration Licence No. 6481, GOSLING CREEK PTY. LIMITED (ACN 115 351 981), area of 13 units. Application for renewal received 17 October 2008.

(06-218)

Exploration Licence No. 6662, CLANCY EXPLORATION LIMITED (ACN 105 578 756), area of 15 units. Application for renewal received 20 October 2008.

(06-248)

Exploration Licence No. 6664, PLATSEARCH NL (ACN 003 254 395), area of 68 units. Application for renewal received 17 October 2008.

(06-247)

Exploration Licence No. 6668, PLATSEARCH NL (ACN 003 254 395), area of 32 units. Application for renewal received 17 October 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(02-67)

Exploration Licence No. 5977, CONRAD SILVER MINES PTY LTD (ACN 106 967 506), Counties of Hardinge and Murchison, Map Sheets (9137, 9138), area of 32 units, for a further term until 26 August 2010. Renewal effective on and from 8 October 2008.

(05-269)

Exploration Licence No. 6512, SILVER MINES LIMITED (ACN 107 452 942), County of Clive, Map Sheets (9239, 9240), area of 100 units, for a further term until 5 March 2010. Renewal effective on and from 14 October 2008.

(06-108)

Exploration Licence No. 6590, TUNGSTEN NSW PTY LTD (ACN 123 370 365), Counties of King and Monteagle, Map Sheets (8628, 8629), area of 106 units, for a further term until 2 July 2010. Renewal effective on and from 14 October 2008.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(06-6998)

Exploration Licence No. 5542, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheet (7230), area of 12 units. Cancellation took effect on 9 October 2008.

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

PART CANCELLATION

NOTICE is given that the following authority has been cancelled in part:

(03-35)

Exploration Licence No. 6132, PLATSEARCH NL (ACN 003 254 395), EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454) AND TRIAKO RESOURCES LIMITED (ACN 008 498 119).

Description of area cancelled:

An area of 31 units has been cancelled. For further information contact Titles Branch.

Part cancellation took effect on 7 October 2008.

The authority now embraces an area of 43 units.

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

TRANSFERS

(06-58)

Exploration Licence No. 6567, formerly held by MITHRIL RESOURCES LTD (ACN 099 883 922) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 15 October 2008.

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

EXPIRY

Mining Lease No. 1542 (Act 1992), CENTENNIAL NEWSTAN PTY LIMITED (ACN 101 508 865), Parish of Awaba and County of Northumberland. This title expired on 17 October 2008.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

QUEANBEYAN CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

GARY CHAPMAN,
General Manager,
Queanbeyan City Council
(by delegation from the Minister for Roads)
Dated: 25 September 2008

SCHEDULE

1. Citation

This Notice may be cited as Queanbeyan City Council 25 Metre B-Double route Notice No. 1/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30th September 2010, unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which 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

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	Aurora Place.	Aurora Avenue, Queanbeyan.	Entire road.	Access for RTA Motor Registry only.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

BEGA VALLEY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

DOUG MEIN,
General Manager,
Bega Valley Council
(by delegation from the Minister for Roads)
Dated: 25 September 2008

SCHEDULE

1. Citation

This Notice may be cited as Bega Valley Council 4.6 Metre High Vehicle Route Notice No. 1/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31st December 2012, unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
4.6m.	Kerrisons Lane, Bega.	HW1 Princes Highway.	Bega Salesyards.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

UPPER LACHLAN SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

JOHN BELL,
General Manager,
Upper Lachlan Shire Council
(by delegation from the Minister for Roads)
Dated: Monday, 22nd September 2008

SCHEDULE
1. Citation

This Notice may be cited as Upper Lachlan Shire Council 25 Metre B-Double route Notice No. 1/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30th September 2010, unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	MR52 North.	Grabben Gullen Road.	MR54, intersection with MR248 East (Laggan Road).	“Rosedale” property, G and A Kadwell, 4071 Grabben Gullen Road, Crookwell (Lots 56, 57, 58, 59, 60 and 61, DP 2474).

ROADS ACT 1993

Variation of a road widening order applying to the Mitchell Highway at West Dubbo in the Dubbo City Council area

THE Roads and Traffic Authority of New South Wales, by its delegate and with the consent of the Minister for Roads by this order under section 27 of the Roads Act 1993, varies the road widening order published in Government Gazette No 19 of 13 February, 1970 on page 483 applying to the Mitchell Highway at West Dubbo by excluding the land described in the schedule below from the operation of that order.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Dubbo City Council area, Parish of Dubbo and County of Gordon shown as Lots 7, 10, 11, 14, 16, 17 and 18 Deposited Plan 237893.

(RTA Papers FPP 7/422.125; RO 7/422.125)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Menah in the Mid-Western Regional Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Mid-Western Regional Council area, Parish of Munna and County of Wellington, shown as Lots 3 and 4 Deposited Plan 1119986.

(RTA Papers: FPP 6M2827; RO 18/ 308.1158)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Drummoyne in the Canada Bay City Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Canada Bay City Council area, Parish of Concord and County of Cumberland, shown as Lots B and C Deposited Plan 421080.

(RTA Papers: FPP 8M6687; RO F3/93.12051)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Kensington in the Randwick Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

 SCHEDULE

ALL those pieces or parcels of land situated in the Randwick Council area, Parish of Alexandria and County of Cumberland, shown as:

<u>Description of land</u>	<u>Title Particulars</u>
Lot 2 Deposited Plan 250223	Folio Identifier 2 / 250223
Lot 24 Deposited Plan 607990	Folio Identifier 24 / 607990
Lot 25 Deposited Plan 607990	Certificate of Title Volume 9170 Folio 23
Lot 1 shown on RTA Plan 0000.381.SS.0385, having an area of 2 roods 2 perches or thereabouts	Notification of appropriation in Government Gazette No 76 dated 21 June 1968, page 2470

(RTA Papers: FPP 381.1226; RO 381.1226)



Roads and Traffic Authority

**NOTICE OF SUSPENSION AND DEMAND FOR SURRENDER
OF DRIVER LICENCE NOTICE**

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, pursuant to section 48 of the *Transport Administration Act 1988*, approve the form of the notice in the Schedule hereunder for use as a suspension notice under section 205 and 206 of the *Road Transport (General) Act 2005*.

A handwritten signature in black ink that reads 'Les Wielinga'.

Les Wielinga
Chief Executive
Roads and Traffic Authority

10.10.08

Roads and Traffic Authority
ABN 64 480 155 255



Centennial Plaza
260 Elizabeth St, Surry Hills NSW 2010

PO Box K198 Haymarket NSW 1238
DX13 Sydney

T 02 9218 6888

www.rta.nsw.gov.au

SCHEDULE

PAB 17 New South Wales Police Force NOTICE OF SUSPENSION AND DEMAND FOR SURRENDER OF DRIVER LICENCE	PART "A"	NOTICE NUMBER
OR		
NOTICE OF SUSPENSION OF AUTHORITY TO DRIVE IN NSW (Road Transport (General) Act 2005 Section 205 or 206)		
SURNAME (BLOCK LETTERS)		GIVEN NAMES (BLOCK LETTERS)
M		
who furnished place of residence as		
		Postcode
State of Issue	Licence No.	Class
		D.O.B.
Under the provisions of the Road Transport (General) Act 2005, a Police Officer may at any time within 48 hours of a person being charged or issued a penalty notice for a relevant offence mentioned in the Act, suspend and require surrender of a NSW driver licence or suspend the authority given to a visiting driver to drive in NSW. As a result of you being:		
CHARGED WITH THE OFFENCE OF		
Short title of Offence Section/Clause Law Part Code Field CAN No. (if applicable) On (day) / / (ddmmccyy) at am/pm at (Police Station / location) Date of offence YOUR NSW DRIVER LICENCE or YOUR AUTHORITY TO DRIVE IN NSW AS A VISITING DRIVER IS SUSPENDED ON AND FROM / / (date). UNTIL THE CHARGE AS SHOWN ABOVE IS HEARD AND DETERMINED BY A COURT OR UNTIL THE CHARGE IS WITHDRAWN (if that should happen). YOU MUST NOT DRIVE ON A ROAD or ROAD RELATED AREA DURING THE PERIOD OF SUSPENSION		
ISSUED A PENALTY NOTICE		
Penalty Notice Number Offence Code On (day) / / (ddmmccyy) at am/pm at (location) YOUR NSW DRIVER LICENCE or YOUR AUTHORITY TO DRIVE IN NSW AS A VISITING DRIVER IS SUSPENDED ON AND FROM / / (date). The suspension remain in force until whichever of the following occurs first: a) for an offence of exceeding the speed limit by more than 45km/h, a period of 6 months has elapsed from the date of the offence, that is, until / / OR b) for a Learner or Provisional licence holder exceeding the speed limit by more than 30km/h but not more than 45km/h, or a Learner licence holder driving unaccompanied by a supervising driver, a period of 3 months has elapsed from the date of the offence, that is, until / / OR c) if you elected to have the penalty notice determined by a court, until the matter is heard and determined by a court or a decision is made not to continue with proceedings, OR d) a decision is made not to enforce the penalty notice YOU MUST NOT DRIVE ON A ROAD or ROAD RELATED AREA DURING THE PERIOD OF SUSPENSION		
RIGHT OF APPEAL		
You have the right to appeal the suspension of your NSW licence or your authority to drive in NSW as a visiting driver. The appeal must be lodged with a Local Court in NSW within 28 days of receiving this notice. Unless the Court in the meantime orders otherwise, you must not drive unless the Court upholds your appeal. Please present this notice when lodging an appeal.		
ORDER TO SURRENDER DRIVER / RIDER LICENCE - NSW LICENSEES ONLY		
I hereby require you to surrender your NSW driver licence; (Tick appropriate box). <input type="checkbox"/> a) to me immediately <input type="checkbox"/> b) to Police station by no later than / / (ddmmccyy) <input type="checkbox"/> c) refused to surrender immediately (Failure to comply with this requirement may lead to further penalty)		
ACKNOWLEDGEMENT OF RECEIPT OF NOTICE		
Notice of Suspension and Demand for Surrender of Driver Licence or Notice of Suspension of Authority to Drive in NSW as a Visiting Driver received by me on: / / at am/pm and I understand that I am not permitted to drive on a road or road related area during the period of suspension. Signature Witness Name		
THIS NOTICE ISSUED BY		
Name (please print)	Signature	Station of Issue
		On date (ddmmccyy)
		Charge Station of issue

Max 10/24/01 4/20/08

THE FORM OF THIS NOTICE IS APPROVED BY THE RTA FOR ISSUE BY POLICE AS REQUIRED BY SECTION 205(2) & 206(1) OF THE ROAD TRANSPORT (GENERAL) ACT 2005

Other Notices

ANTI-DISCRIMINATION ACT 1977

Exemption Order

- (A) Under the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), and on the recommendation of the Anti-Discrimination Board, but for the purposes only of meeting the Applicant's legal obligations pursuant to Manufacturing Licence Agreements, Technical Assistance Agreements, Proprietary Information Agreements, and or license agreements granted by the US Department of State, pursuant to the United States International Traffic in Arms Regulations ('ITAR') and Export Administration Regulations ('EAR') ('the US Regulations'), the Applicant is granted an exemption from the provisions of sections 8, 10 and 51 of the Anti Discrimination Act 1977 to the extent necessary to permit the Applicant to do the following:
- (a) ask present and future employees and contractors to declare, to the best of their knowledge and belief, their:
 - a. exact citizenship (including any dual citizenship); and/or
 - b. place of birth;
 - (b) require present and future employees (including contractors' staff) and contract workers to wear a badge to reflect the fact of access to controlled technology or levels of access to any controlled technology. Such badges may be coded but not in such a way as to identify the citizenship, as declared, or place of birth of the person or the reasons for that person's level of access;
 - (c) require employees and contractors involved in projects which use technology and/or material to which the US Regulations apply to notify the Applicant of any change to their citizenship status which occurs to the best of their knowledge and belief;
 - (d) restrict access, by means of transfer if necessary, to controlled technology and the performance of particular roles in the Applicant's organisation connected with the use of controlled technology, to particular members of the Applicant's workforce, based on their citizenship, as declared, or place of birth;
 - (e) reject applications from prospective employees and contractors for positions related to projects which use controlled technology, based on the prospective employee or contractor's citizenship, as declared, or place of birth but not on the basis of the prospective employee's descent, or ethnic or ethno-religious or national origin;
 - (f) advertise controlled positions with the Applicant as being subject to this exemption order; and
 - (g) record and maintain a register of those employees (including contractors' staff) and contract workers that are permitted to access controlled material or work on controlled projects due to citizenship or place of birth status and access to such register is to be limited to only those employees (including contractors' staff) and contract workers of the Applicant with a need to know.
- (B) This Exemption Order does not extend to any other identification, collection, storage or use of information in relation to any employee in respect of that employee's race, colour, nationality, descent or ethnic, ethno-religious or national origin. Except to the extent expressly provided herein, this Exemption Order does not excuse, or purport to excuse, the Applicant from complying with their obligations pursuant to the Anti-Discrimination Act 1977 (NSW) or any other legislation or at common law.
- (C) The Applicant is required, prior to taking any action permitted by this Exemption Order, to provide all employees, and prospective employees with:
- (i) express notice that they may be adversely affected by this exemption if they are not an Australian citizen or if they hold dual citizenship;
 - (ii) a reasonable explanation in plain English of the nature of any adverse effects of such action to them; and
 - (iii) information (at the time of recruitment in the case of prospective employees) about how they can apply for Australian citizenship.
- (D) In addition to the above conditions the Applicant is required to:
1. produce comprehensive anti-discrimination policies governing all aspects of the work and workforce, including management, and with particular regard to race discrimination, vilification and harassment and victimisation;
 2. establish concise and comprehensive dispute resolution and grievance procedures to receive, investigate and resolve discrimination complaints and grievances and, in particular, those relating to race discrimination, vilification and harassment and victimisation;
 3. implement training programs, including at induction, to ensure that all members of the Applicants' workforces, including management, are fully informed of their rights and obligations under such policies and procedures particularly with regard to issues of race discrimination, vilification, harassment and victimisation;
 4. ensure that all members of the workforce, including management, receive regular education and training in issues of discrimination, particularly race discrimination, vilification, harassment and victimisation;
 5. take steps to fully inform the workforce, including management, of their rights under the Anti-Discrimination Act 1977 (NSW) (ADA) and, in particular (but not limited to) the complaints procedure under the ADA and to ensure that all members of the workforce, including management, are aware of the rights of aggrieved persons to take their complaints to the Anti-Discrimination Board and through the Administrative Decisions Tribunal;
 6. take steps to fully inform the workforce, including management, of the requirements of, and their rights and obligations under, the Racial Discrimination Act 1975 (Cth); and

7. notify the Board if the discriminatory terms and provisions of the relevant US legislation and/or Regulations are repealed or become inoperative, so that this Exemption Order may be revoked or amended.

(E) The Applicant is required to advise the Anti-Discrimination Board, every six months from the date of this Exemption Order, over the three year period specified in the order, of:

- (1) The steps they have taken to comply with all the above conditions, including:
- the number of job applicants rejected for ITAR purposes, but subsequently appointed to other roles within each reporting period
 - the number of employees retrenched or redeployed due to ITAR requirements and any steps taken to minimise retrenchment or redeployment, and any steps taken generally to mitigate the impact of the Applicant's responsibility under ITAR on the deployment of its workforce within each reporting period;
 - the number of vacancies advertised within each reporting period, including the number of such vacancies where candidates were required to satisfy ITAR related requirements.
- (2) The implementation and compliance generally with the terms of this Exemption Order.

(F) The Applicant is required to take all reasonable steps to ensure that any employees adversely affected by this exemption order, retain employment with the Applicant, and do not suffer a reduction in wages, salary or opportunity for advancement.

If the Applicant, in order to enable it to comply with the US Regulations or related contractual obligations associated with the US Regulations, moves a member of the workforce from one project to another, the Applicant must take reasonable steps both to explain to that person why the transfer has occurred and to avoid any race-based hostility that might result from the transfer.

Where prospective employees adversely affected by this Exemption Order would otherwise have been acceptable to the Applicant as employees, the Applicant is required to consider and, if feasible, implement reasonable and practicable alternatives to rejection, such as employment in other work or obtaining the necessary approvals under the US Regulations.

In this Exemption Order:

- the expression "the Applicant" means Raytheon Australia Pty Ltd, Aerospace Technical Services Pty Ltd, Australian Maritime Surveillance Pty Ltd, Aeronautical Consulting, Training & Engineering Pty Ltd and any related entity as defined under Section 9 of the Corporations Act; and
- the expression "controlled technology" means any technical data, defence service, defence article, technology or software which is the subject of export controls under the US Regulations.
- the expression "controlled position" means employment in positions which require the employee to access controlled technology

This exemption is for a period of three years.

Dated this 15 day of October 2008.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

ANTI-DISCRIMINATION ACT 1977

Exemption Order

UNDER the provisions of Section 126(4) of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 49ZYB(1)(a) and (b), 49ZYH and 51 of the Anti-Discrimination Act 1977 to SageCo Pty Ltd on 31 May 2005 for a period of five (5) years to do the following:

- advertise positions for persons over 40 years of age;
- enable SageCo Pty Ltd, and employers and principals using its services, to recruit people over 40 years of age through its "SageConnect" initiative; and
- enable SageCo Pty Ltd to screen registrations for "SageCommunity" on the basis of age and limit eligibility for its programs to people over 40 years of age.

Is varied to substitute Adage Pty Ltd in place of SageCo Pty Ltd to provide these services in the same terms. To the extent that the exemption applied to SageCo Pty Ltd it is revoked.

The duration of the exemption dated 31 May 2005 remains the same and will remain in force for a period of five years from that date.

Dated this 15th day of October 2008.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Surface Coal Mining
- Coal Preparation
- Underground Coal Mining

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/383.htm>

Notice is also given that the recognised traineeship vocation of Coal Mining is now repealed.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Hospitality
- Hospitality (Kitchen Operations)
- Hospitality (Asian Cookery)
- Hospitality (Catering Operations)

and the trade vocations of:

- Hospitality (Commercial Cookery)
- Hospitality (Asian Cookery)
- Hospitality (Patisserie),

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/383.htm>

Notice is also given that the recognised traineeship vocation of Hospitality Operations is now repealed.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Health Services – Hospital/Health Services Pharmacy Support, under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Order will take effect from the date of publication in the NSW Government Gazette.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/381.htm>

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Tourism
- Events
- Tourism (Retail Travel Sales)
- Tourism (Tour Wholesaling)
- Tourism (Visitor Information Services)
- Tourism (Guiding),

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/382.htm>

Notice is also given that the recognised traineeship vocation of Tourism Operations is now repealed.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Metalliferous Mining (Open Cut).
- Metalliferous Mining (Underground)
- Metalliferous Mining (Processing).
- Mining Exploration
- Small Mining
- Mine Emergency

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/383.htm>

Notice is also given that the recognised traineeship vocation of Metalliferous Mining is now repealed.

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to Section 54a

THE incorporation of Beresfield Memorial Cricket Club Inc (Y1194919) cancelled on 10 October 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

The incorporation of Iranian Community Organisation Incorporated (Y0757314) cancelled on 10 October 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 22nd day of October 2008.

ANTHONY DONOVAN,
Acting Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act, 1984.

Cancellation is effective as at the date of gazettal.

Orange Stock Selling Agents' Association Inc
Y1593118
Bangalow Clay Court Tennis Club Incorporated
INC9883977
Humane Education Services Incorporated
INC9886318
Western Sydney Housing Information & Resource
Network Incorporated Y0291145
Killara Ladies Probus Club Incorporated Y2067627
Gong on Incorporated Inc9883603
Glen Innes Rodeo Committee INC INC9885521
Raymond Terrace Lemon Tree Passage Meals on
Wheels INC Y0512208
Eco-Village and Co-Housing Network of Australia
(ECNA) Incorporated INC9885094
Riverina and Districts Animal Rescue Incorporated
INC9888767
South West Rocks Amateur Swimming Club INC
Y1196815

CHRISTINE GOWLAND,
Manager/ Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce
20 October 2008

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to
Section 54a

THE incorporation of Wakehurst Pistol Club Inc (Y0074105) cancelled on 1 August 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 16th day of October 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

CHARITABLE TRUSTS ACT 1993

Notice Under Section 15

Proposed Cy-Pres Scheme Relating To

The Will of the Late Margaret Mary Arthur

SECTION 9(1) of the Charitable Trusts Act 1993 permits the application of property cy-pres where the spirit of the original trust can no longer be implemented.

Margaret Mary Arthur died on 21 September 2004 leaving a will dated 11 May 1995. Mrs Arthur directed that her estate be divided in equal shares between the Intellectually and Physically Handicapped Children's Association of NSW and the Guide Dog Association of NSW and ACT for their

general purposes. Intellectually and Physically Handicapped Children's Association of NSW was deregistered on 1 August 2004, and the gift therefore fails.

There remains approximately \$54,000.00 for distribution. The solicitor for the trustees has recommended a scheme whereby the funds are applied to The Northcott Society, as an organisation which most closely resembles the Intellectually and Physically Handicapped Children's Association of NSW in its purposes and functions. The Northcott Society is said to provide support specifically for children and young persons, and its clients have a range of disabilities.

The Solicitor General has determined that this is an appropriate matter in which the Attorney General should approve a cy-pres scheme under section 12(1)(a) of the Charitable Trusts Act 1993. The proposed scheme enables the bequest in the will of Margaret Mary Arthur to the 'Intellectually and Physically Handicapped Children's Association of NSW' be applied to another organisation, being The Northcott Society for its general purposes, which provides a suitable and effective means of using the trust property.

Take note that within one month after the publication of this notice any person may make representations or suggestions to the Attorney General in respect of the proposed scheme. Enquiries are to be directed to (02) 9224 5274.

LAURIE GLANFIELD,
Director General
Attorney General's Department

Date 15 October 2008.

**DISTRICT COURT PRACTICE NOTE
(CRIME) NO. 8**

Removal of Judgments from the Internet

Commencement

1. This Practice Note commences 1 December, 2008.

Application

2. This Practice Note applies to criminal jury trials.

Definitions

3. In this Practice Note:

Accessible repository includes, but is not limited to, the NSW Caselaw and the Australian Legal Information Institute (AustLII) judgment repositories on the Internet

Application to the Court includes a written application

Judgment includes the reasons, orders, catchwords and other identifying details

Identified judgment means any judgment that may impact on jury deliberations in a particular criminal trial

Medium neutral citation means the year, court identifier and decision number of a judgment, for example, [2008] NSWDC 12.

Introduction

4. The purpose of this Practice Note is to ensure, for jury trials, that an electronic version of a judgment, which details specifics of the proceedings or related proceedings, is removed from the Internet for the duration of the trial or another appropriate period.

Process

5. A party that locates an identified judgment in an accessible repository is to bring the judgment and its location to the attention of the Court and all parties to the case.
6. For an identified judgment to be removed from an accessible repository, a party must make an application to the Court, no less than five working days before a jury is to be empanelled in the trial. The application must contain grounds for the request.
7. The application to the Court should contain the following information about the identified judgment:
 - the case title
 - the medium neutral citation
 - date of the judgment
 - the jurisdiction of the judgment
 - an estimated length of time before the identified judgment can be returned to the accessible repository.
8. The Court will determine the application and may direct the identified judgment to be temporarily removed from the accessible repository for the duration of the trial, or another appropriate period.

The Hon Justice R. O. BLANCH,
Chief Judge
21 October, 2008

ELECTRICITY (CONSUMER SAFETY) ACT 2004

Order
Section 15

I, VIRGINIA JUDGE, Minister for Fair Trading, declare pursuant to section 15 of the Electricity (Consumer Safety) Act 2004 that the scheme for the approval or certification of models of declared electrical articles respectively conducted by the person specified in Schedule One to this Order is:

- (a) for a period of five years from the date of the publication of this Order in the Gazette, a recognised external approval scheme for the purposes of Part 2 of the Act;
- (b) subject to the conditions specified in Schedule Two to this Order; and
- (c) authorised, pursuant to clause 15 of the conditions specified in Schedule Two, to use the accepted mark specified in Schedule Three to this Order.

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

Interpretation

In this Order, "Commissioner" means the Commissioner for Fair Trading, Department of Commerce.

SCHEDULE ONE

SAA Approvals Pty Ltd (ACN 125 451 327)

SCHEDULE TWO

These conditions apply to the approval of declared articles only.

- (1) The scheme shall notify the Commissioner of any changes to personnel conducting the assessment of approval applications, to signatories to approvals, and to management and directors within two weeks of any such change.

- (2) The scheme shall not authorise or otherwise permit other persons to approve an article on behalf of the scheme.
- (3) The scheme shall not approve an article (including a modification to an approved article and any renewal to that article) unless the scheme is satisfied the article complies with –
 - (a) the class specification nominated for the article (including any modifications) to that specification by order in the Government Gazette; and
 - (b) any model specification nominated by the Commissioner in writing to the scheme.

applicable at the time of approval.

Note 1: In the case of a modified article, the complete article must comply with the nominated specification. This compliance is not limited to requirements associated with the modification.

Note 2: A modified article is an article that is not of the same design, materials and construction as the originally approved article. Minor modifications as detailed by an exemption issued under the Electricity (Consumer Safety) Act 2004 are exempt.

- (4) The scheme shall, where an approval has been granted, provide the applicant, by written notice, with the following particulars-
 - (a) the name of the approval holder;
 - (b) a description of the model (including marked brand or trade name);
 - (c) the fact that the scheme has approved the article;
 - (d) the date of the approval;
 - (e) the duration of the approval;
 - (f) the mark to be applied to the article to evidence that approval;
 - (g) the model reference code; and
 - (h) the declared class
- (5) The scheme shall, where an approval of a modified article has been granted, provide the applicant for that approval with written notice of the granting of that approval and of the details of the modification.
- (6) The scheme shall, where an approval has been renewed, provide the applicant for that renewal with written notice of that renewal.
- (7) The scheme shall maintain a computerised record of all approvals (including modifications and renewals). The record shall contain-
 - (a) the approval particulars listed in clause 4 above;
 - (b) details of any modified or renewed approval; and
 - (c) details of any changes in the name of the approval holder, in the model reference code or in the description of an approved article.
- (8) The scheme shall provide to the Commissioner and other relevant authorities as directed, the computerised records described in item 7 above.
- (9) The scheme shall not grant an approval period (including any renewal period) of longer than five years. A modified approval shall not alter the date of expiry of the approval.

- (10) The scheme may extend an approval but only where the Commissioner's written authorisation has been provided. The extension period is determined by the Commissioner.
- (11) The scheme shall cancel or suspend an approval within five working days of written advice from the Commissioner to cancel or suspend an approval. The scheme shall advise the approval holder and other relevant authorities as directed, in a form acceptable to the Commissioner, within five working days of a cancellation or suspension.
- (12) The scheme shall advise the Commissioner and other relevant authorities as directed, in the form acceptable to the Commissioner, within five working days, of the details where it becomes aware that an article, marked with the scheme's mark, has been sold or is on sale without the approval of the scheme.
- (13) The scheme shall advise the Commissioner and other relevant authorities as directed, in the form acceptable to the Commissioner, within 5 working days, of the details of any cancellation of an approval.
- (14) The scheme shall allow the Commissioner to make an assessment of the scheme, which may include an inspection of the premises and examination of documentation in relation to the schemes approval processes and issued approvals, as determined by the Commissioner.
- (15) The scheme shall only authorise the use of the mark accepted by the Minister or the Regulatory Compliance Mark, where the requirements of all the relevant parts of AS/NZS 4417 are fulfilled, to evidence an approval of a declared article.
- (16) The scheme shall on request provide the Commissioner with all records, including test reports and photographs, submitted to the scheme associated with an approval granted by the scheme. These records shall be maintained for at least 10 years from the date of expiry of the approval or any subsequent renewal.
- (17) The scheme agrees to pay the Commissioner in accordance with the attached "Schedule of Payment".

RECOGNISED EXTERNAL APPROVAL SCHEMES

Schedule of Payment

- | | |
|--|--------|
| 1. Initial application fee | \$3500 |
| 2. Annual fee payable on the anniversary of the schemes approval | \$2000 |
| 3. Annual assessment fee at \$152 per hour (See clause 14) | |

SCHEDULE THREE

SAA number EA.

FIRE BRIGADES ACT, 1989

Order under Section 5 (2)

I, the Honourable JAMES JACOB SPIGELMAN, AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance

of section 5 (2) of the Fire Brigades Act, 1989, do, by this my Order, vary the Orders published in Government Gazette No. 37 of 4 March 1983 (Yenda) and No 55 of 5 May 2000 (Gosford), and reconstitute the Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 15 day of October 2008.

By Her Excellency's Command,

TONY KELLY, M.L.C.,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

GOSFORD Fire District

Comprising the existing Fire District in Gosford City Council, with additions and deletions as delineated on Map No. 304/06/1 kept in the office of the NSW Fire Brigades.

YENDA Fire District

Comprising the existing Fire District in Griffith City Council, with additions and deletions as delineated on Map No. 512/07/1 kept in the office of the NSW Fire Brigades.

GEOGRAPHICAL NAMES BOARD

Erratum

IN the notice referring to the assignment of the name Pidgree Waterhole, Folio 2660, 18 July 1980, the name was incorrectly spelt, the correct spelling is as Pidgee Waterhole. This notice corrects that error.

W WATKINS,
Chairman

Geographical Names Board
PO Box 143, BATHURST 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of proposal to amend the Address Locality Name of Megalong within the Blue Mountains Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the address locality name of Megalong to Megalong Valley in the Blue Mountains Local Government Area as shown on map GNB3726-1-B.

The proposed amended name is shown on map GNB3726-1-B which may be viewed at Blue Mountains Council Customer Service Centre, 2 Civic Place, Katoomba NSW and the Blackheath Library, Community Hall, Great Western Highway, Blackheath from Wednesday 22 October 2008 until Friday 21 November 2008. A copy of the above map will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 during the above dates.

Any person wishing to make comment upon this proposal may prior to 21 November 2008 write to the Secretary of the Board with that comment. This proposal may also be viewed and submissions lodged to the Geographical Names Board web site at www.gnb.nsw.gov.au

All submissions lodged in accordance with section 9 of the Geographical Names Act 1966 may be subject to a freedom of information application.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

NATIONAL PARKS AND WILDLIFE ACT 1974

Avisford Nature Reserve
Burnt-Down Scrub Nature Reserve
Coolumbooka Nature Reserve
Coramba Nature Reserve
Munro Island Nature Reserve
Tumblong State Conservation Area
Plans of Management

A plan of management for Coolumbooka Nature Reserve was adopted by the Minister for Climate Change and the Environment on 1st July 2008. Plans of management for Avisford, Burnt-Down Scrub, Coramba and Munro Island Nature Reserves and for Tumblong SCA were adopted by the Minister on 21 July 2008.

Copies of the Avisford plan may be obtained from the NPWS office at 1/160 Church Street, Mudgee NSW 2850 (phone 6372 7199). Copies of the Burnt-Down Scrub plan may be obtained from the NPWS office at 68 Church Street, Glen Innes NSW 2370 (ph 6732 5133). Copies of the Coolumbooka plan may be obtained from the NPWS office at 153 Maybe Street, Bombala NSW 2632 (ph 6458 4080). Copies of the Munro Island plan may be obtained from the NPWS office at Level 3, 49 Victoria Street, Grafton NSW 2460 (ph 6641 1500). Copies of the Tumblong plan may be obtained from the NPWS office at 7a Adelong Road, Tumut NSW 2720 (ph 6947 7000). The plans are also available on the web site: www.environment.nsw.gov.au.

POISONS AND THERAPEUTIC GOODS ACT, 1966

Order Under Clause 175(1)

Poisons and Therapeutic Goods Regulation 2008

Restoration of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008, a direction has been issued that the withdrawal of authority of Jennifer Ann O'Neill, RN0433385, of 1/20 Kokoda Street Abbotsford NSW 2046, to be in possession of or supply drugs of addiction as authorised by clauses 101 and 103 of the Regulation for the purposes of her profession as a nurse, shall cease to operate from 24 October 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales,
Sydney, 15 October 2008

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 175(1),

Poisons and Therapeutic Goods Regulation 2008.

Withdrawal of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008 an order has been made on Pauline Denise Harley, RN1283003, 4 Barnett Street, Ashcroft, 2168 prohibiting her until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation.

This order is to take effect on and from 24 October 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales

Sydney, 16 October 2008.

PRACTICE NOTE SC CL 9

Supreme Court Common Law Division – Removal of judgments from the Internet

Commencement

1. This Practice Note commences 1 November 2008.

Application

2. This Practice Note applies to criminal jury trials in the Common Law Division.

Definitions

3. In this Practice Note:

Accessible repository includes, but is not limited to, the NSW Caselaw and the Australian Legal Information Institute (AustLII) judgment repositories on the Internet

Application to the Court includes a written application

Judgment includes the reasons, orders, catchwords and other identifying details

Identified judgment means any judgment that may impact on jury deliberations in a particular criminal trial

Medium neutral citation means the year, court identifier and decision number of a judgment, for example, [2008] NSWSC 12.

Introduction

4. The purpose of this Practice Note is to ensure, for jury trials, that an electronic version of a judgment, which details specifics of the proceedings or related proceedings, is removed from the Internet for the duration of the trial or another appropriate period.

Process

5. A party that locates an identified judgment in an accessible repository is to bring the judgment and its location to the attention of the Court and all parties to the case.

6. For an identified judgment to be removed from an accessible repository, a party must make an application to the Court, no less than five working days before a jury is to be empanelled in the trial. The application must contain grounds for the request.

7. The application to the Court should contain the following information about the identified judgment:
- the case title
 - the medium neutral citation
 - date of the judgment
 - the jurisdiction of the judgment
 - an estimated length of time before the identified judgment can be returned to the accessible repository.
8. The Court will determine the application and may direct the identified judgment to be temporarily removed from the accessible repository for the duration of the trial, or another appropriate period.

J J SPIGELMAN, AC,
Chief Justice of New South Wales
20 October 2008

Related information

This Practice Note was issued on 20 October 2008 and commenced on 1 November 2008.

Supreme Court Act 1972.

Practice Note SC CL 2 Supreme Court, Common Law Division – Criminal Proceedings.

SYDNEY WATER ACT 1994

Erratum

IN the notice appearing in the New South Wales Government Gazette No. 36 of the 20th March 2008, Folio 2462, under the heading “Sydney Water Act 1994 Land Acquisition (Just Terms Compensation) Act 1991”, the words “AND VARIABLE” are added to Schedule 1 after the word “WIDE”. This erratum now amends that error within the gazettal dated 20th March 2008.

Signed for the Sydney Water Corporation by its Attorneys on 15 October 2008.

Signed
PETER VINCENT BYRNE

Signed
MARK ROWLEY

Who hereby state at the time of executing this the Power of Attorney Registered No. 606 Book 4541 under the Authority of which this instrument has been executed.

File No.: 2003/08913F.

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by Mr John A Watkins following his retirement from the portfolios of Deputy Premier, Minister for Transport and Minister for Finance on 5 September 2008.

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

JUDGES, MAGISTRATES AND RELATED GROUP

15 September 2008

www.remtribunals.nsw.gov.au

JUDGES, MAGISTRATES AND RELATED GROUP

Section 1: Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the Act), as amended, requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination of the remuneration to be paid to these office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money.
2. The Judges Magistrates and Related Group comprises such offices as are listed in the Schedules of the Act and, in addition are defined as judicial offices (within the meaning of the *Judicial Officers Act 1986*) or offices which the Government considers should belong to that Group or are directly involved with the judicial system. The offices have been grouped together by the Tribunal for remuneration purposes only.
3. A principal feature of remuneration for Judges has been the agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This Agreement provides that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. This relativity however, remains acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remains at an appropriate level, and the Remuneration Tribunal should have regard to the base salary plus non financial benefits (such as motor vehicles) when determining judicial remuneration.
4. Since that time, the New South Wales Tribunal has maintained the remuneration of a State Supreme Court Judge at approximately 85% of the remuneration of a Justice of the High Court.
5. The Commonwealth Remuneration Tribunal has determined an increase in salary of 4.3 percent for Federal Judges and Magistrates effective from 1 July 2008.

Section 2: 2008 Review

6. In the 2007 Report the Tribunal indicated that, for the 2008 Review the Tribunal would be undertaking a fundamental review of the internal relativities within this Group to consider whether or not they are still appropriate.
7. The Government has submitted that the longstanding nexus between State and Federal judicial remuneration be maintained and that both the Government and the Attorney General's Department support the retention of the internal relativities.
8. The Tribunal has received a number of submissions for the current review from Judges Magistrates and other office holders in this group. Most sought retention of the nexus with the federal judiciary and also sought retention of the internal relativities.

Supreme Court Judges

9. The submission from the Judges of the Supreme Court recommends that judicial salaries should be increased by 4.3 percent to retain the 85% nexus with the salary of a High Court Judge.

In making this recommendation the Judges' submission points out that:

"...The Supreme Court continues to dispose of its significant workload and continues to work towards the reduction in backlogs as appears from the statistical annexure to the submission of filings, disposals and pending cases.

The demands on NSW Supreme Court Judges, in the busiest Supreme Court in Australia, are, we think, greater than in any other Court of equivalent jurisdiction."

President, Industrial Relations Commission

10. The President's submission also supports retaining the existing nexus between the remuneration of Federal and State Judges. The President has made the following additional comment:

"...[given] the positive economic outlook both at the national and State level and the growth in wages, a proper case exists for an increase of 4.3% in Judges' salaries and for those whose salaries are related thereto. This is justifiable on both economic grounds and having regard to the principles for the fixation of remuneration which has been adopted by the Tribunal."

Chief Judge of the District Court

11. The Chief Judge's submission considers the existing relativities between the salaries of Supreme Court Judges and District Court Judges to be appropriate as there has been no significant change in jurisdictional limits since the DCJ civil jurisdiction was increased to \$750,000. The Chief Judge notes that there has similarly been no change in the jurisdiction between the DCJ and the Local Court.
12. A number of office holders, Chief Magistrate (on behalf of the Magistrates and Deputy Chief Magistrates), Crown Prosecutors and Public Defenders and the Deputy Presidents of the Workers Compensation Commission sought adjustments. The Tribunal met with those office holders from this Group who wished to discuss their submissions.

Specific Issues Raised

Chief Magistrate

13. The Chief Magistrate has submitted that the relativities between his Office and those of Magistrates and Deputy Chief Magistrates should be increased. In support of his submission that Chief Magistrate points to:
- Court's criminal caseload has increased by 34.66% since 1994.
 - Increasing responsibility for finalisation of serious criminal matters that have previously been finalised by the District Court.
 - The increasing complexity of the work undertaken because these matters are more serious.

- Direct involvement in therapeutic justice initiatives (i.e. MERIT, circle sentencing).
- Increase in jurisdiction and caseload in the Court's civil jurisdiction, in particular in the children's care jurisdiction.

14. The Chief Magistrate has also drawn attention to the different salary relativities between Magistrates in NSW and Federal Court Magistrates. Remuneration for Federal Magistrates is 78% of a Federal Court Judge; by comparison remuneration for NSW Magistrates is currently 72% of the remuneration of a Supreme Court Judge.

Crown Prosecutors and Public Defenders

15. The submission from the Crown Prosecutors seeks an increase in relativities based on the change in work, responsibilities and accountabilities and their assessment of other position holders within the Group ie Magistrates. While not wishing to diminish the importance of the work of Magistrates, the submission notes that Crown Prosecutors and Public Defenders appear in the higher courts; Crown Prosecutors and Public Defenders are recruited from the ranks of barristers whereas in general Magistrates are drawn from the ranks of solicitors; and the cases they undertake are far more complex and onerous. The Crown Prosecutors submit that it is in the public interest to ensure that the salary of a Crown Prosecutor is at a level sufficient to attract and retain barristers of excellent calibre and that salaries remain competitive with the incomes earned at the private Bar.

16. The submission from the Public Defenders essentially provides arguments similar to those of the Crown Prosecutors.

Deputy Presidents, Workers Compensation Commission

17. Deputy Presidents again seek relativity with District Court Judges. The submission argues that the current relativity with the Deputy Senior Crown Prosecutor and the Deputy Senior Public Defender is anomalous. It is argued that these roles do not carry the responsibility of decision making, let alone decision making at an appellate level. Nor do they carry the responsibility for assisting in the management and policy development of a large tribunal such as the Workers Compensation Commission which deals with over 10,000 claims each year.

Conveyance Allowance

A number of submissions sought an increase to the Conveyance Allowance arising from the increase in motor vehicle costs particularly rises in fuel costs.

Salary Relativities

The Tribunal noted the background to the existing salary relativities in its 2007 review.

"...The current relativities between office holders in the Judges, Magistrates and Related Group were established in 2002 following an extensive review of specific office holders who work directly within the judicial system. This review included Commissioners of the Industrial Relations Commission, Commissioners of the Land and Environment Court, Crown Prosecutors, Public Defenders and the Deputy Director of Public Prosecutions.

Following that review the Tribunal determined that the remuneration for these office holders should be set in relation to judicial remuneration levels. For remuneration purposes these office holders were removed from the Public Office Holders Group and listed within the Judges, Magistrates and Related Group. The salaries of these office holders are linked to those paid to a Judge of the Supreme Court.

The Tribunal notes that the 85 percent relativity of Supreme Court judges with Judges of the High Court has been in place since 1990 and that internal relativities were last reviewed in 2002. The Tribunal considers that it is time to undertake a review of the internal relativities for this Group to assess their continued relevance and applicability. The Tribunal will, therefore, as part of the 2008 annual review be seeking detailed submissions from all affected office holders in this Group on this matter.”

18. For the current review the Tribunal has had regard to the submissions received and the views of the Government and the Attorney General’s Department. The Tribunal has also been informed both by the Government, and in discussions with office holders with whom it met, that there were no issues surrounding recruitment. Retention was raised as an issue by the Crown Prosecutors but it was noted that suitably qualified candidates were being recruited into their ranks.

Chief Magistrate Submission

19. The Chief Magistrate considers that the relativities should be increased on the basis of increased workload, increased responsibilities and interstate comparisons. These changes, the Chief Magistrate argues, have taken place since 1994 (the time of the last relativity adjustment for Magistrates).
20. The relativities for Magistrates were last reviewed in 2003. At that time the Chief Magistrate argued that the existing relativities were appropriate and should not be adjusted. The Tribunal, in its Report of June 2003, summarised the Chief Magistrate’s submission in respect of internal relativities, jurisdiction and recruitment in the following terms

“...The Chief Magistrate considers that the existing relativity between the State Supreme Court Judges and Federal Court Judges should be maintained and not be affected by the size of the increase determined for Federal Judges.

He has emphasised that:

There be no alteration to the internal relativities other than on the basis of an appropriate work value investigation.

There has been no significant change in the jurisdiction of the NSW Courts to warrant a change in existing relativities.

Because of existing relativities, and the level of remuneration payable to Magistrates, the quality of candidates has improved by attracting applications from experienced members of the criminal and civil bar and Crown Prosecutors and Public Defenders.

Maintaining appropriate levels of remuneration for the Magistracy would ensure continued attraction of experienced and qualified members of the Bar to the Local Court which ultimately will enhance the administration and application of justice in NSW.

The changes in jurisdiction, the improvements in the performance of the Court and in particular the increasing number of matters being brought to finality in the Local Court.”

21. The Tribunal also notes the comments of the Chief Judge of the District Court that there has been no change in the jurisdiction between the District Court and the Local Court. The Tribunal will examine whether there have been changes in the jurisdiction between these two Courts since 2003. If significant changes in responsibility have occurred then the Tribunal would be willing to review the question of relativities between the Local Court and the District Court again in the 2009 Determination.. Prior to that Determination the Tribunal will undertake its own research into this matter to investigate whether changes appear to be necessary.
22. The Tribunal rejects any attempt to provide increases to Magistrates on the basis of interstate comparisons. This approach can only lead to a return to "leap frogging". The relativities between interstate and federal local courts and magistracies are a matter for those specific bodies and may have regard to factors that are not applicable in NSW. In the Federal jurisdiction, for example, there is no District Court.
23. The Tribunal also notes that there has been no shortage of qualified applicants to fill vacant Magistrate positions.

Crown Prosecutors and Public Defenders

24. The Crown Prosecutors and Public Defender submissions have raised nothing new to support their case. Comparison with salaries of other office holders is not a valid approach to remuneration setting. The salaries of Magistrates have been set having regard to the role and responsibilities of that office. A similar approach was adopted for the Crown Prosecutors and Public Defenders. The Tribunal reviewed the remuneration of these office holders in 2003 and submissions since that time have not demonstrated a compelling case to change the existing relativities on the basis of increased responsibilities. As with Magistrates, the Tribunal has received no evidence to suggest that recruitment to the ranks of the Crowns or Public Defenders is an issue. That some Crowns choose to become Magistrates may be a reflection of a number of matters beyond remuneration levels. On the information provided, the Tribunal cannot support an increase in the internal relativities for these two groups.

Deputy Presidents Workers Compensation Commission

25. The office holders have made repeated representations to the Tribunal since the creation of these positions seeking parity with Judges of the District Court. This proposal has not been supported by the former Tribunal or the current Tribunal. The salary rate for the office of Deputy President is related to the role and responsibilities of the position rather than any link with similarly remunerated offices.
26. The Tribunal has considered this matter exhaustively and can find no reason to link the Deputy Presidents of the Workers Compensation Commission to District Court Judges. The Tribunal notes that if the President is dissatisfied with this assessment then he may wish to seek an amendment to the legislation to formally link the Deputy Presidents with District Court Judges. In this regard the Tribunal notes that the remuneration of the Judges of the former Compensation Court was established by statute rather than by any determination of this Tribunal.

Conveyance Allowance

27. As noted above the Tribunal has received a number of submissions seeking to increase the Conveyance Allowance.

28. The Tribunal undertook a comprehensive review of the Conveyance Allowance during the 2006 annual review. As a result of that review the Tribunal found that an increase in the conveyance allowance was warranted and increased the rates to \$22,000, \$19,800 and \$15,840 per annum.
29. In determining the quantum of this Allowance the Tribunal used the average of a range of costs associated with a range of vehicles. The range of vehicles reflected the vehicles which at the time were leased by NSW Judges and Magistrates. Costs associated with leasing motor vehicles were based on the method used in the NSW public sector to determine the annual costs to an officer who salary sacrifices to lease a motor vehicle. In the case of the Supreme Court Judges, given their nexus with Federal Court Judges, the Tribunal in its 2009 annual review will consider whether this methodology continues to be appropriate for Supreme Court Judges.
30. Using the same methodology used in previous years the Tribunal has reviewed the allowance. The review finds that there has been no substantial change in the cost of leasing the sample motor vehicles since 2007. On this basis, no further increase in the Conveyance Allowance is warranted at this time. It should also be noted that as a matter of principle the Tribunal is not minded to increase an allowance on the basis of temporary increases in vehicle running costs when such relief is not available to the wider community.

Section 3 Conclusion

31. The Tribunal has completed its own review of judicial remuneration and can see no reason at this time to change either the external relativities or the internal relativities for this Group. The Tribunal's own review of judicial remuneration supports the Government's recommendation.
32. In making its determination the Tribunal has had regard to economic indicators, increases in remuneration for other groups in the State Public Sector and increases in judicial remuneration in other jurisdictions, particularly in the Commonwealth jurisdiction. The Tribunal has also had regard to the efficiencies in the NSW Court system which remains the largest in Australia.
33. The Tribunal has also adjusted the Acting Judges rates and the Acting Deputy Presidents of the Workers Compensation Commission rates to reflect the daily equivalent of their full time counterparts.
34. The Tribunal, after considering the views of the Assessors, and having regard to increases determined for Federal Judges considers that an increase of 4.3 percent would be appropriate and so determines.
35. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to the office holders in this Group on and from 1 October 2008 shall be as set out in Determinations Nos 1-6.
36. The Tribunal has also made a Report and Determination on Travel Allowances for NSW Judges and Magistrates. The Report and Determination are attached at Determination No 7.

**The Statutory and Other Offices
Remuneration Tribunal
Helen Wright**

Dated: 15 September 2008

DETERMINATION No 1

REMUNERATION OF JUDGES – effective from 1 October 2008

	Salary \$ per annum
Chief Justice of the Supreme Court	373,340
President of the Court of Appeal	349,580
President of the Industrial Relations Commission	349,580
Judge of the Supreme Court	333,630
President, Workers Compensation Commission	333,630
Vice-President of the Industrial Relations Commission	333,630
Deputy President of the Industrial Relations Commission	333,630
Judge of the District Court	300,270
Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)	300,270

DETERMINATION No 2**REMUNERATION OF MAGISTRATES – effective from 1 October 2008**

	Salary \$ per annum
Chief Magistrate	300,270
Deputy Chief Magistrate	253,730
Chairperson of Licensing Court	253,730
State Coroner	253,730
Senior Children's Magistrate	253,730
Chief Industrial Magistrate	244,420
Deputy Chairperson, Licensing Court	244,420
Magistrate	240,220
Chairperson Victims Compensation Tribunal (NOTE 2)	240,220
Children's Magistrate	240,220
Deputy State Coroner	240,220

NOTE 2: When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

DETERMINATION No 3**REMUNERATION OF RELATED OFFICE HOLDERS – effective from 1 October 2008**

	Salary \$ per annum
Chairperson, Law Reform Commission	333,630
Solicitor-General	333,630
Director of Public Prosecutions	333,630
Crown Advocate	300,270
Deputy Director of Public Prosecutions	300,270
Senior Crown Prosecutor	270,240
Senior Public Defender	270,240
Deputy Senior Crown Prosecutor	243,220
Deputy Senior Public Defender	243,220
Solicitor for Public Prosecutions	243,220
Deputy Presidents, Workers Compensation Commission	243,220
Senior Commissioner Land and Environment Court	233,540
Crown Prosecutor	222,200
Public Defender	222,200
Commissioner Land and Environment Court	220,200
Commissioner Industrial Relations Commission	220,200

DETERMINATION No 4**ACTING JUDGES**Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court	\$1,445 per day
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District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court	\$1,300 per day
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Workers Compensation Commission

Acting Deputy President of the Workers Compensation Commission	\$1,010 per day
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DETERMINATION No 5**CONVEYANCE ALLOWANCE**

Full time Office Holders receiving salary equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$22,000 pa.

Full time Office Holders receiving salary equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$19,800 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$15,840 pa.

The Conveyance Allowance determined here shall not count towards Judges' pension or for superannuation purposes.

DETERMINATION No 6**ANNUAL LEAVE LOADING OF JUDGES, MAGISTRATES AND RELATED GROUP ON – effective from 1 October 2008****Annual Leave Loading**

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Personnel Handbook, to each of the following office holders:

- Magistrates Group listed in Determination No 2
- Office Holders listed in Determination No 3 of this Determination
- Deputy President of the Industrial Relations Commission (not being a judicial member)

**The Statutory and Other Offices
Remuneration Tribunal**

Helen Wright

Dated: 15 September 2008

Report and Determination – Travel Allowances for NSW Judges and Magistrates**REPORT****a) Background:**

1. Remuneration” is defined in the Statutory and Other Offices Remuneration Act 1975, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the Act.
2. “Allowance” is defined as follows

“allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

 - (a) a Judge or Acting Judge of a court, or*
 - (b) any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition.*
3. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

b) Current Review:

4. For the current review the Tribunal has had regard to movements in the travel rates as published in the Australian Taxation Office’s Ruling 2007/21 and the rates adopted for the NSW Public Sector generally. The Tribunal also undertook a survey of accommodation rates in regional New South Wales.

c) Principles Adopted

5. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - a. Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of work on official business. Such costs include accommodation, meals and incidental expenses.
 - b. Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.

- c. Office holders are not expected to gain or lose financially as a result of travelling on official business.
 - d. Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.
6. The rates for accommodation across NSW vary considerably from town to town. There will be some country towns where the country daily rate will be of financial advantage to the Judge and there will be some (a much lesser number) where the Judge or Magistrate could be financially disadvantaged. With the exception of Newcastle and Wollongong a common rate for Judges and a common rate for Magistrates should be maintained for the remainder of NSW in the knowledge that across a year a Judge or Magistrate will most likely be neither financially advantaged or disadvantaged.

d) Conclusions

7. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2007/21. Non metropolitan accommodation rates and meal rates have also been adjusted as set out in the Determination.
8. After reviewing the survey of intra state accommodation and meal costs, the Tribunal makes the following determination (Determination No 7) effective on and from 1 October 2008.

**Statutory and Other Offices
Remuneration Tribunal**

Helen Wright

Dated: 15 September 2008

DETERMINATION No 7**TRAVEL ALLOWANCES FOR JUDGES AND MAGISTRATES- effective from 1 October 2008**

Pursuant to section 13 of the Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 October 2008.

A Travel necessitating an overnight stay**Capital City Rates**

Adelaide	\$350.00
Brisbane	\$372.00
Canberra	\$357.00
Darwin, Hobart	\$336.00
Perth	\$416.00
Melbourne, Sydney	\$406.00
Newcastle and Wollongong	\$288.35
Other areas	
Judges	\$247.10
Magistrates	\$210.20

CONDITIONS

General conditions are to be as determined from time to time by the Attorney General. In addition the following specific conditions will apply.

The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation. Where the judge/magistrate stays overnight at non commercial accommodation then one third of the daily rate is to be paid.

Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

B Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$21.10
Lunch	\$23.65
Dinner	\$40.65

**Statutory and Other Offices
Remuneration Tribunal**

Helen Wright

Dated: 15 September 2008

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

PUBLIC OFFICE HOLDER GROUP

15 September 2008

www.remtribunals.nsw.gov.au

PUBLIC OFFICE HOLDERS GROUP

Section 1 Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, (the Act), requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges, Magistrates and Related Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for this Group is determined as a fixed salary amount. Employer on costs such as Superannuation Guarantee Levy are, unlike the Senior Executive Service, additional to the salary amount determined. The Government considers that there should be no direct nexus with the remuneration of the Judges, Magistrates and Related Group. The Tribunal has supported this position in past Determinations.
3. The Tribunal's Report and Determination of 2007 provided a general increase of 2.5% to the Public Office Holders Group.
4. During the year the Tribunal made a determination pursuant to section 14 of the Act. A new position of Executive Manager, Parliamentary Services was created to manage the common functions of Parliament House. The successful applicant subsequently chose to receive remuneration packaging rather than a salary and as such has been listed with the Section 11A Office Holders within the CES and SES determinations.

Section 2 Submissions Received

Government Submission

5. The Government has asked the Tribunal to consider a number of factors, including the key national economic indicators and salary movements across the NSW public sector. Particular emphasis is given to the Government's wages policy as articulated in the *Economic and Financial Statement* of February 2006.
6. The Government submission recommends that this Group receive an increase similar to that determined for the CES and SES.

Commissioner Law Reform Commission

7. The Commissioner Law Reform Commission has sought an increase in remuneration for his office on the basis of increased responsibility, functions and workload,. The Commissioner is seeking an increase in remuneration equivalent to the salary of a District Court Judge.

Section 32008 Tribunal Review

8. As with the SES, the Tribunal has had regard to award increases settled since its 2007 Determination for the major public sector wage groups. These agreements have on average delivered increases of 4 percent although the Government Submission for 2008 confirms that, consistently with the Government's Wages Policy, increases beyond 2.5 percent have been achieved by way of agency savings. The Tribunal for reasons outlined in the Chief Executive Service and Senior Executive Service Report has stated its reasons for providing an annual increase beyond 2.5 percent. The Tribunal will adopt a similar approach with the Public Office Holder Group and determine an increase of 3.9 percent effective on and from 1 October 2008.

Commissioner Law Reform Commission

9. The Tribunal last examined the role of this position in 1994 but provided no special increase at that time. The Tribunal notes that the Law Reform Commission was the subject of a review in 2006 and that the Commission is still awaiting implementation of the recommendations of that Report.
10. The work of the Law Reform Commission is onerous, complex and demanding. While this is not a unique situation, the Commissioner is also required to take on additional managerial and administrative duties in addition to his role of reviewing and recommending to the Government proposals for law reform. Increased workload is not a factor that the Tribunal considers when assessing the level of remuneration for office holders. In this regard the Tribunal notes that this issue was addressed in the 2006 review and that one of the recommendations not yet implemented was for the appointment of a second full time Commissioner of the Law Reform Commission. The Tribunal also does not consider that the remuneration for the office should be equated to that of a District Court Judge even though in the late 70s and early 80s there existed such a nexus. That nexus, however, was broken long ago. Nevertheless, the Tribunal does consider that the role and responsibilities of this office have increased since 1994 and will provide a special increase on this occasion.

Section 4 Conclusion

11. Having regard to the above and after considering the views of the Assessors, the Tribunal considers that an increase of 3.9 percent would be appropriate and so determines.
12. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2008 shall be as specified in Annexure A.

The Statutory and Other Offices Remuneration Tribunal

Helen Wright
Dated: 15 September 2008

3

ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2008**

Salary	\$ per annum
Commissioner Police Integrity Commission	389,830
Ombudsman	379,280
President, Mental Health Review Tribunal	250,125
Chairperson, Consumer Trader and Tenancy Tribunal	250,125
President, Guardianship Tribunal	244,905
Deputy Chairperson Consumer Trader and Tenancy Tribunal	231,335
Deputy Chairperson, Law Reform Commission	229,665
Deputy President Administrative Decisions Tribunal	220,260
Deputy President Mental Health Review Tribunal	220,260
Commissioner, Law Reform Commission	220,260
Registrar Workers Compensation Commission	214,435
Clerk of the Legislative Assembly	214,435
Clerk of the Parliaments	214,435
Senior Chairperson (Government and Related Employees Appeals Tribunal) - not being a judicial office holder.	211,215
Deputy President, Guardianship Tribunal	191,605
Senior Member, Consumer Trader and Tenancy Tribunal	188,805
Deputy Clerk, Legislative Assembly	184,080
Deputy Clerk, Legislative Council	184,080
Chairman, Transport Appeals Board	175,690
Chairman, Local Land Boards	175,690
Registrar, Aboriginal Land Rights Act 1983	170,060

ANNEXURE A (CONT'D)

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2008**

	Salary \$ per annum
Chairperson, Government and Related Employees Appeals Tribunal who is legally qualified (not being the holder of a judicial office or a magisterial office)	162,720
Member, Consumer Trader and Tenancy Tribunal	162,720
Assessor (Civil Claims)	162,720
Chairperson, Government and Related Employees Appeals Tribunal (not being the holder of a judicial office or a magisterial office)	153,635
Member of the New South Wales Aboriginal Land Council	113,275 (Note 1)
Assessor Civil Claims (daily rate)	\$675 per day

Note 1 The Chairperson shall receive an allowance of 10% (ie. a total of \$124,605 per annum) and the Secretary and Treasurer shall receive an allowance of 5% (ie. a total of \$118,940 per annum).

LEAVE LOADING

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

**The Statutory and Other Offices
Remuneration Tribunal**

Helen Wright

Dated: 15 September 2008

REPORT

And

DETERMINATION

Under

SECTION 24C

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

15 September 2008

www.remtribunals.nsw.gov.au

CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE***Section 1: Background**

1. Section 24C of the Statutory and Other Offices Remuneration Act 1975 (the Act) provides for the Tribunal to determine annual remuneration packages for the SES to take effect on and from 1 October in that year.
2. The SES was introduced in the NSW public sector in 1989. The key features of the SES are:
 - classified into eight remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - remuneration packages expressed as total cost of employment
 - conditions of employment contained in the contract of employment
 - each officer is required to enter into an individual performance agreement with the Minister (in the case of the CEO) or the CEO (in the case of an SES officer)
 - provision for annual increase in remuneration based on performance assessment.
3. In addition to the SES some officers in the Public Office Holders Group elected, pursuant to section 11A of the Act to receive remuneration packages under arrangements similar to those applicable to the SES.
4. The Senior Officer (SO) classification was introduced in December 1996. The work value of SO Levels (1-3) mirrors that of SES Levels (1 – 3) with lower rates of remuneration for SOs intended to recognise tenured employment, superannuation and leave loading payments on behalf of the SOs by the Government.

* Unless otherwise stated, the Chief Executive Service and Senior Executive Service are referred collectively in this Report and Determination as SES.

Section 2: 2008 Review

Government submission

5. The Government has provided its Submission for 2008 to the Tribunal. The submission contains details of key national economic indicators, details of salary movements across the NSW public sector and public sector remuneration for SES and non SES across Australia.
6. The Submission reinforces the Government's commitment to its wages policy as articulated in the Economic and Financial Statement of February 2006. In essence this policy is to maintain the real wage improvements previously achieved by limiting increases to a net cost of 2.5 percent (representing the average CPI inflation rate over the previous decade). Increases beyond 2.5 percent are to be subject to negotiated productivity trade offs. The Government informed the Tribunal that negotiations with the major wage groups would be based on the Government's wages policy.
7. Since the Tribunal's 2007 annual Determination the Government has negotiated wage Agreements consistently with its wages policy. The Government Submission notes that in these Agreements the funding cap of 2.5 percent has been maintained and that increases beyond this amount are being funded through savings measures within the employing agency. Such increases have averaged 4 percent. Examples include State Transit Workers, NSW Nurses and Railcorp workers. In each case the Government Submission confirms that increases beyond 2.5 percent have been achieved through agency productivity improvements. The Government has adopted a similar position with the other major wage groups (Teachers, Public Servants, Fire Fighters) which are currently either under negotiation or arbitration before the Industrial Relations Commission.
8. The Submission has also provided interstate comparisons of SES remuneration increases over the previous 12 months. These comparisons show that on average there has been a increase in remuneration of 3.9 percent.
9. The Government has recommended to the Tribunal that increases for the SES and Section 11A Office Holders be limited to 2.5 percent. This recommendation is consistent with the position adopted for other major wages groups.

"...The Government's wages policy is to maintain the real value of significant wage increases over time and the Government will fund wage increases and associated costs at 2.5 percent a year, the Reserve Bank of Australia's 2-3 percent target inflation range."

Treasury Forecasts

10. The Government has again provided a detailed analysis from the NSW Treasury on the NSW budget strategy for the next 12 months. NSW Treasury anticipates that the Consumer Price Index (CPI) for Sydney in 2008/2009 will be 3 percent and wages growth as measured by the Wage Price Index (WPI) is expected to be 4 percent in the next 12 months.

11. Treasury has also provided details of the forward NSW budget estimates which are predicated upon average expense increases not exceeding average receipt increases over the forward years. Treasury forecasts that expenses and receipts are both expected to grow by around 4.5 percent a year in the four years to 2011/2012.
12. In respect of Wages Policy the NSW Treasury submission has again stressed how wages growth in the NSW public sector has exceeded increases in both the inflation rate and those of employees in the NSW private sector and the public sector in the rest of Australia. The Wages Policy is intended to maintain the gains achieved without putting undue pressure on the State Budget.

Recruitment Allowance and Retention Allowance

13. The Government submission supports an increase in the levels of Recruitment Allowances and Retention Allowances. The submission notes that the Recruitment Allowance and the Retention Allowance provide the Government with the necessary flexibility to attract and retain staff with particular skills in a tight labour market.

Commissioner, NSW Electoral Commission

14. The Commissioner has written to the Tribunal asking for a review of the remuneration of his position. The Commissioner is seeking an increase in remuneration for his office on the basis of the June 2008 amendments to the Election Funding and Disclosures Act 1981.

Section 3: 2008 Tribunal Review

15. In 2007, the Tribunal determined an increase of 2.5 percent for the SES. This was lower than the award increases previously achieved by other public sector employees, particularly Senior Officers. The Tribunal noted at the time:

“...For the current review the Tribunal has had regard to the 2007 award increases of Senior Officers which amounted to 4 percent effective from 1 July 2007. The Tribunal has also noted the importance placed by the Government on its wages policy in the upcoming wage negotiations and on its commitment to providing general increases not greater than 2.5 percent. The Tribunal is prepared to support this objective.

The Tribunal is mindful, however, that if it provides an increase of 2.5 percent there will be some compression between the respective levels of the SES and Senior Officers and it would not wish to see any further compression occur. The Tribunal continues to support remuneration for the SES being set at sufficiently attractive levels to ensure Government Agencies can recruit SES officers of high calibre and recognises that any significant salary compression would be inimical to this approach. The Tribunal’s determination takes effect from 1 October 2007 and is in effect until 30 September 2008. During this period the Government may reach agreement with public sector groups regarding future wage increases. The Tribunal notes that any further award increase beyond 2.5 percent would, in accordance with the Government’s Wages Policy, only be achieved through negotiated productivity savings. The Tribunal has long maintained that the

SES has a lead role in achieving productivity savings. The Tribunal will, therefore, monitor closely the results of any concluded award agreements and, should they provide for increases beyond 2.5 percent per annum the Tribunal will, pursuant to Section 24D of the Act, write to the Premier and seek a special reference to review remuneration levels for the SES.”

16. Since the 2007 Determination the Tribunal has noted that increases achieved by the Transport Workers, Nurses and Health Workers have been in the order of 3.9 percent. The Tribunal has also noted that the increase in the Labour Price Index for the year ending 30 June 2008 was 3.9 percent and that other key economic indicators are of the same order.
17. While the Tribunal is mindful of the Government’s recommendation it is also aware of the important role played by the SES in driving the Government’s reform agenda and in achieving the productivity improvements envisaged by the Government’s wages policy. The Tribunal has stated this view on previous occasions and continues to support this view. The Government needs to be able to recruit the best possible candidates to the Senior Executive Service to lead and direct the public sector.
18. The challenges of attracting the best people to the SES should not be underestimated. The SES is not immune from the challenges posed by an ageing workforce and skill shortages on the one hand and, on the other, an increasingly mobile workforce which recognises no State or national or international boundaries. The challenges for the public sector to recruit the “best and the brightest” from within its own ranks and from the private sector to the SES are formidable. The Tribunal has anecdotal evidence that recruitment to the SES is becoming more difficult. Any further compression of remuneration, particularly with the Senior Officers, would only exacerbate this problem. The Government has been addressing some of the issues by making the conditions of public employment more attractive. This will only go so far. Coupled with this approach is the need to ensure that remuneration levels are set at a competitive level to meet the challenges ahead.
19. The Tribunal will therefore make a determination that goes beyond the Government’s recommendation of limiting increases to 2.5 percent.
20. The Tribunal, after considering the views of the Assessors will determine an increase of 3.9 percent effective on and from 1 October 2008. The Tribunal considers that 2.5 percent should be passed on to each and every SES officer subject to satisfactory performance. In undertaking performance reviews CEOs should approve up to a further 1.4 percent increase in circumstances where there have been, in the view of the CEO, productivity improvements within the Agency sufficient to warrant the additional increase.
21. In its 2007 Report the Tribunal suggested a review of the SES structure. The Tribunal is aware that such a review is being undertaken by the Public Sector Workforce Office of the Department of Premier and Cabinet and is expected to be completed shortly. Given the issues raised by the Tribunal above, it is hoped that

this review will address the remuneration issues alluded to above and in particular the on going issue of compression with the Senior Officers. The Tribunal is of the view that the establishment of the Senior Officer classification has created a competitive market for recruitment to the SES ranks. Conditions of employment and award increases provide far more certainty for Senior Officers than for the equivalent SES. As noted above, the Government through the Public Sector Workforce Office is addressing some of the issues surrounding employment conditions for the SES. However, an appropriate level of remuneration which recognises the differences in employment arrangements between the two groups would also assist to make entry to SES more attractive. While not a matter for the Tribunal, it is understood that the review will examine whether the current remuneration structure is meeting the needs of the public sector and, if not, whether greater flexibility is needed. The Tribunal, as always remains ready to provide assistance if required.

Recruitment Allowance and Retention Allowance

22. The Recruitment and Retention Allowances were introduced in 1996 to address the difficulties the Government was experiencing in recruiting and retaining SES officers with specialist skills, following the abolition of the specialist market rates the previous year. The Allowances were last varied in 2007 and are reviewed annually to maintain their continued relevance for the purpose for which they were introduced.

Section 11A Office Holders

Commissioner Electoral Commission

23. The Tribunal has considered the submission from the Electoral Commissioner carefully. The Tribunal notes that the remuneration for this office was significantly increased in 2004. The recent amendments to the Electoral Funding and Disclosure Act 1981 may provide for some additional compliance and audit responsibilities for the Election Funding Authority of NSW of which the Commissioner is Chairperson but, given that the new arrangements have only just commenced it may be prudent consider this matter at the time of the 2009 review when their impact may be more appropriately assessed.
24. Section 11A Office Holders are statutory appointees who exercise independent statutory functions and some of whom also have responsibilities similar to those of CEOs. These office holders, pursuant to Section 11A of the Act, have access to remuneration packaging identical to the SES. However, unlike the SES, their employment status is governed by legislation specific to each office holder and they are not subject to annual performance appraisal. For the current review the Tribunal has determined a general increase of 3.9 percent for this Group.

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 15 September 2008

ANNEXURE A

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2008.

Determination No 1.

The remuneration package ranges for executive office holders shall be:

<u>CES/SES</u>	<u>Per annum range</u>		
Remuneration Level 8	\$371,251	to	\$428,900
Remuneration Level 7	\$296,051	to	\$371,250
Remuneration Level 6	\$263,401	to	\$296,050
Remuneration Level 5	\$228,301	to	\$263,400
Remuneration Level 4	\$209,401	to	\$228,300
Remuneration Level 3	\$184,351	to	\$209,400
Remuneration Level 2	\$171,851	to	\$184,350
Remuneration Level 1	\$146,750	to	\$171,850

Determination No 2 - Recruitment Allowance

To the remuneration package amounts determined above there may be added a Recruitment Allowance up to the maximum for each level as set out hereunder, subject to the approval of the Director General of the Department of Premier and Cabinet. The Allowance will apply for new SES offices and appointment renewals, where it has been established that a specific skill is necessary for recruitment purposes and the performance of the duties of the position.

Officers in receipt of a Recruitment Allowance are not eligible for payment of a Retention Allowance.

<u>CES/SES</u>		<u>Maximum Allowance</u>
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

ANNEXURE A (Cont.)

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2008

Determination No 3 - Retention Allowance

SES Officers shall be eligible for a Retention Allowance up to the maximum for each level as set out hereunder. The Allowance will apply on and from the date of approval by the Director General of the Department of Premier and Cabinet and will accrue on an annual basis or part thereof and the total amount will be payable upon the completion of the term of appointment.

Officers in receipt of a Retention Allowance are not eligible for payment of a Recruitment Allowance.

<u>CES/SES</u>		<u>Maximum Allowance</u>
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

Determination No 4.

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills shall be:

<u>Specialist Medical Skills</u>	<u>Per Annum range</u>		
Remuneration Level 6	\$271,300	to	\$332,300
Remuneration Level 5	\$270,050	to	\$320,250
Remuneration Level 4	\$265,550	to	\$308,150
Remuneration Level 3	\$253,400	to	\$294,050
Remuneration Level 2	\$237,750	to	\$275,950
Remuneration Level 1	\$219,350	to	\$252,000

Determination No 5.

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills shall be:

<u>General Medical Skills</u>	<u>Per annum range</u>		
Remuneration Level 2	\$190,900	to	\$221,550
Remuneration Level 1	\$175,450	to	\$201,450

ANNEXURE B

DETERMINATION OF REMUNERATION OF PUBLIC OFFICE HOLDERS WHO HAVE ELECTED TO BE PROVIDED WITH EMPLOYMENT BENEFITS PURSUANT TO SECTION 11A OF THE ACT EFFECTIVE ON AND FROM 1 OCTOBER 2008**Determination No 6.**

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

<u>Public Office Holder</u>	<u>Remuneration</u>
Auditor General	\$400,000
Commissioner, NSW Crime Commission	\$392,450
Full Time Member and CEO, Independent Pricing and Regulatory Tribunal	\$354,420
Electoral Commissioner	\$311,450
Valuer General	\$289,300
Public Trustee	\$272,500
Executive Manager Parliamentary Services	\$228,250

**The Statutory and Other Offices
Remuneration Tribunal**

Helen Wright
Dated: 15 September 2008



INDEPENDENT
TRANSPORT
SAFETY AND
RELIABILITY
REGULATOR

Rail Safety (Certification of Competency) Guideline 2008 – No 1

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 issue this guideline with respect to the certification of competency. This guideline replaces the previously gazetted Guidelines for Certification of Competency (Gazettes No 134 of 29.8.2003 and No 198 of 24.12.2003).

This Guideline commences on 1 November 2008.

Dated, this 17th day of October 2008

Carolyn Walsh

Chief Executive Officer
Independent Transport Safety and Reliability Regulator

Explanatory Note

The object of this Guideline is to repeal and replace the Guidelines for the Certification of Competency previously made under the *Rail Safety Act 2002* to facilitate the transition to the new competency arrangements for railway employees that will apply the proposed new Rail Safety Bill. This Guideline is substantially similar to the previous Guideline with changes to improve drafting and rationalisation of some requirements. Once the new Rail Safety Bill comes into force section 36 of the *Rail Safety Act 2002* will continue to operate for a transitional period of 2 years.

Rail Safety (Certification of Competency) Guideline 2008 – No 1

1. Name of Guideline

This is the *Rail Safety (Certification of Competency) Guideline 2008 – No 1*

2. Definitions and Meanings

Applicant: means the person who has applied for a certificate of competency or otherwise the person being assessed for the purposes of being issued a certificate of competency.

Holder: means a person to whom the certificate of competency is issued.

Issuer: means the operator of a railway who issues certificates of competency under section 36(1) or a person other than the operator that is authorised by ITSRR to issue certificates of competency under section 36.

Nationally endorsed competency standards and qualifications: refers to a unit or units of competency and qualifications contained in a nationally endorsed Industry Training Package.

Railway employee: means a railway employee carrying out railway safety work.

Training and Assessment Package means the set of nationally endorsed standards and qualifications for recognising and assessing people's skills in training and assessment.

3. Purpose of Guideline

The purpose of this Guideline is to set out requirements for railway operators and other third parties issuing certificates of competency under section 36 of the Act.

4. Application

This Guideline applies to:

- (a) all operators of a railway,
- (b) all persons authorised by ITSRR to issue certificates of competency.

5. Criteria for a person other than a railway operator to be authorised to issue Certificates of Competency

- 5.1 A person other than a railway operator may be authorised by ITSRR to issue certificates of competency to railway employees of an operator of a railway if the person seeking authorisation:
- 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;
 - ii. has an arrangement with an operator of a railway to issue certificates of competency for its railway employees;
 - iii. can demonstrate to ITSRR that it has adequate systems and procedures in place to meet the requirements of this Guideline including, without limitation:
 1. procedures and processes for the assessment of an applicant for a certificate of competency;
 2. procedures and processes for the verification of any information provided by the applicant;
 3. procedures and processes for the maintenance of registers required under this Guideline including procedures and processes for the amendment or correction of any register and withdrawal of any certificates issued as a consequence of any notification made to it under this Guideline.

6. Requirements for persons undertaking training and competence assessment where issuing a Certificate of Competency

- 6.1 A person who delivers training for the purposes of issuing a Certificate of Competency must possess:
- i. current qualifications in the competency or competencies being assessed, and
 - ii. Certificate IV in Training and Assessment from the Training and Assessment Training Package (TAA04), or be able to demonstrate equivalent competencies, or
 - iii. work under the direct supervision of a person who has the competencies specified in (i) or (ii).

- 6.2 A person who conducts competency assessments in relation to the issue of a Certificate of Competency must possess:
- i. current qualifications in the competency or competencies being assessed, and
 - ii. the following competencies from the Training and Assessment Training Package (TAA04), (as amended from time to time) or be able to demonstrate equivalent competencies:
 - a. TAAASS401A Plan and organise assessment;
 - b. TAAASS402A Assess competence;
 - c. TAAASS404A Participate in assessment validation, and
 - iii. a minimum of two years' practical experience in each competency being assessed.
- 6.3 Two persons who collectively possess the requirements referred to in clause 6.2 may work together to conduct the assessments.
- 6.4 For the purposes of meeting the requirements of this clause, persons who hold competencies under the superseded Training Package for Assessment and Workplace Training (BSZ98) are considered to possess corresponding competencies of the Training and Assessment Training Package (TAA04).

7. Requirements for Issuer of Certificates of Competency:

- 7.1 An issuer may only issue a certificate of competency to an applicant if the issuer is satisfied that the applicant:
- (i) is considered to be of good health and fitness to perform the railway safety work;
 - (ii) is a fit and proper person;
 - (iii) is considered to have sufficient knowledge, skills, responsibility and aptitude to perform the railway safety work to which the certificate relates.
- 7.2 In relation to 7.1(i) the issuer is to be satisfied that the applicant fully complies with and has met all the medical standards required under the Act for the particular class of railway safety work to which the certificate is to relate.
- 7.3 In relation to 7.1(ii) the issuer is to:

- i. be satisfied that the applicant demonstrates a commitment to the relevant railway operator's policies and programs with respect to fatigue, drug and alcohol including any rehabilitation action required of the person in respect of any drug or alcohol issues;
- ii. have regard to the results of any positive tests of the applicant indicating the presence of alcohol or drugs in accordance with the *Rail Safety (Drug and Alcohol Testing) Regulation 2003*.

7.4 In relation to 7.1(iii) an issuer must assess competency by reference to:

- i. the nationally endorsed competency standard(s) or qualification(s) which are applicable to the railway safety work activities the applicant will perform, or
- ii. where there are no nationally endorsed competency standard(s) or qualification(s) applicable to the railway safety work activities the applicant will perform, the competency standards set by the operator for those work activities, and
- iii. by reference to the knowledge and skills that would enable the applicant to carry out the railway safety work safely.

7.5 Before issuing certificates of competency to an applicant an issuer must consider whether the applicant possesses:

- i. relevant communication skills such as competency in spoken and written English language where appropriate to the competencies sought,
- ii. relevant numeracy skills where appropriate to the competencies sought.

7.6 In determining whether or not a person meets the requirements of Clause 7 the issuer must be satisfied that the applicant has supplied current and accurate information relating to his or her competency to perform railway safety work including a current and accurate record of work experience.

7.7 For the purposes of 7.4, a certificate purporting to have been issued under the Australian Qualifications Framework to an applicant certifying that the applicant has certain qualifications or units of

competency is evidence that the applicant has those qualifications or units of competence.

- 7.8 A certificate of competency must not be issued to an applicant unless the applicant has undertaken to and agreed in writing to:
- i. ensure all competencies required under this clause will be maintained;
 - ii. comply with all work procedures and requirements set by the railway operator including all requirements relating to fatigue, drug and alcohol, health and fitness;
 - iii. notify the issuer and the relevant railway operator or issuer of any changes which may affect the accuracy of the matters attested to in the certificate of competency.

8. Form of certificates of competency

- 8.1 The certificate of competency must be issued in a form that is durable and able to be carried by its holder. (For example equivalent to a plastic driver's licence or a plastic credit card).
- 8.2 The information contained in the certificate of competency must be consistent with the record of information contained in the register with respect to the holder.
- 8.3 The information contained in the certificate is to include the following:
- (a) Unique alphanumeric identifier for the certificate,
 - (b) Unique alphanumeric identifiers for the operators whose operations it is valid for,
 - (c) Photograph of the certificate holder identical to that contained in the person's active register record, unless exemption has been granted by the ITSRR,
 - (d) Sample of the person's usual signature,
 - (e) Dates of issue and expiry of the card,
 - (f) Text to the effect that the certificate is issued under the NSW Rail Safety Act and regulations,

- (g) The person's highest level of current rail safety related competency qualifications, be they nationally recognised or specific to railway operators or both. Alphanumeric coding or words may be used. Nationally endorsed competency standards and qualifications should be referenced using their unique identifier codes. Railway operator specific competencies should be identified using the coding or words specific to the railway operator.
- (h) Name of the person holding the identification.

8.4 A certificate of competency may be issued for any period up to, but not exceeding five years.

8.5 A certificate of competency ceases to be valid:

- (i) if the holder ceases to meet any of the requirements in Clause 7;
- (ii) if the certificate of competency is reported as lost to the issuer or the relevant railway operator;
- (iii) if the certificate of competency is fraudulently obtained;
- (iv) if the certificate of competency is superseded by a new certificate of competency;
- (v) upon its expiry.

8.6 The certificate of competency must, as a condition of issue, require the holder to produce it upon the request of an authorised officer appointed by ITSRR.

9. Obligations of a railway operator certifying the competency of its own railway employees

9.1 A railway operator issuing certificates of competency must:

- i. have adequate systems in place to implement this Guideline;
- ii. have effective internal procedures for identifying and rectifying identified deficiencies in any individual's competency or systems relating to competency,
- iii. have systems to ensure the quality of training and assessment provided by internal and external training and assessment providers is appropriate for the competency being certified.

10. Requirements where certificate of competency is no longer valid

10.1 Where the issuer has formed a reasonable belief that a holder to whom it has issued a certificate of competency:

- i. no longer possesses the competency it requires; or
- ii. has been issued the certificate on the basis of fraudulent or incorrect information;

it must give written notification of this to the holder of the certificate and the register where the holder's record is located.

10.2 In forming a reasonable belief about a holder under this clause, the issuer must consider any of the following as relevant:

- (i) Failure by the holder to maintain current competency,
- (ii) Breach by the holder of current work procedures set by the operator,
- (iii) Failure by the holder to comply with any of the railway operator's requirements or instructions,
- (iv) Breaches by the holder of the operator's drug and alcohol policy and program,
- (v) Change in the holder's health and fitness status,
- (vi) Relevant details from the holder's work history with the operator on whose behalf he or she is undertaking railway safety work,

10.3 Where the issuer is not satisfied that the competencies a certificate of competency attests to are current or relevant in respect of a holder, it may:

- (i) Identify the new relevant competencies,
- (ii) Review the training content and delivery, as well as the relevant assessment strategies and tasks,
- (iii) Develop new training and assessment strategies that meet the needs of its operations, or engage an authorised third party to undertake this.

- 10.4 Where any certificate of competency is superseded or otherwise becomes invalid the issuer must require the holder to render the certificate of competency unusable or to return it to the issuer.
- 10.5 Where a railway operator that was not the issuer of a certificate has a reasonable belief in relation to the matters in clause 10.1 with respect to a holder, it must notify the issuer who must take the appropriate action under this provision.
- 10.6 An operator of a railway responsible for work undertaken by a holder of a certificate must notify the issuer of the certificate of competency as soon as practicable of when a certificate ceases to be valid in respect of a person's competency.

11. Approved form of register for the purposes of sections 36(6) and 39 of the Act.

- 11.1 For the purposes of section 39 of the Act the approved person for keeping the particulars of certificates in a register is the person or persons nominated by the operator or authorised third party certificate issuer for this purpose.
- 11.2 For the purposes of section 39 of the Act the approved form of the register, and the approved form of the particulars of certificates that are to be kept in the register are:
 - (a) Unique alphanumeric identifier for the specific certificate of competency;
 - (b) Unique alphanumeric identifiers for the operators whose operations it is valid for;
 - (c) Photograph of the certificate holder's face unobscured by sunglasses or headwear. A new photograph is to be scanned into the register record whenever the certificate is renewed;
 - (d) Sample of the person's usual signature;
 - (e) Name of the person who is the holder of the certificate of competency or certificates of competency issued in his or her name;
 - (f) Present residential and postal address;
 - (g) An immediate contact telephone number or e-mail address, including an after hours telephone number if applicable;

- (h) Dates of issue and expiry of any certificate or certificates issued to the person;
- (i) Current competencies of the holder of the certificate of competency. Wherever possible, competencies must be referenced using the unique identifier codes of nationally endorsed competency standards;
- (j) Original certifying documentation (or copies certified by a Justice of the Peace) of the person's qualifications and competencies in respect of which the Certificate is issued, including details of the certifying institutions;
- (k) A current and accurate record of the person's work experience. The issuer of the certificate of competency may need to give consideration to higher requirements including references from previous supervisors;
- (l) A record indicating that a current medical certificate is on file that includes any medical condition relevant to the work being carried out under the certificate of competency,
- (m) Date of birth of the certificate holder;
- (n) Fit and proper data of the holder of the certificate, including:
 - (i) Details of any occurrence notifiable under the Act which the certificate holder was involved in. A record must include occurrences notifiable under the rail safety statutes of the other States and Territories;
 - (ii) Any breach of an operator's policies and programs in respect of drugs and alcohol and fatigue, including information on any rehabilitation or disciplinary action taken by operators in respect of drugs and alcohol;
 - (iii) Relevant details from the person's work history, including any commendable conduct.

11.3 Documentation and data relevant to all persons the issuer certifies as competent must be maintained and readily accessible and include, without being limited to, documentation and data on their identity, experience, training, aptitude, medical fitness and competency in assigned duties.

- 11.4 In accordance with section 32(2) of the Act all persons who keep a register of certificates of competency may provide such information to ITSRR or another operator of a railway or any person who keeps a register.
- 11.5 Operators and authorised third parties must establish adequate processes for handling complaints relating to the particulars of the certificates of competency that it holds.
- 11.6 Operators and authorised third parties must promptly amend the active record of any certificate of competency holder when it receives advice that the person's competency is no longer current for any reason. Operators and authorised third parties should have only one register and each person to whom they have issued certificates of competency only one active record.
- 11.7 A third party issuer of certificates must report annually to the ITSRR on the operation of its systems for the issuing of certificates of competency.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BERRIGAN SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BERRIGAN SHIRE COUNCIL declares, with the approval of His Excellency the Lieutenant Governor, that the interest in land described in the Schedule below, excluding minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a municipal waste collection centre. Dated at Berrigan, this 14th day of October 2008. ROWAN PERKINS, General Manager, Berrigan Shire Council, PO Box 137, Berrigan NSW 2712.

SCHEDULE

Lot 159, DP 823017. [4243]

BERRIGAN SHIRE COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BERRIGAN SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the interest in land described in the Schedule below, excluding minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a municipal waste collection centre. Dated at Berrigan, this 14th day of October 2008. ROWAN PERKINS, General Manager, Berrigan Shire Council, PO Box 137, Berrigan NSW 2712.

SCHEDULE

Lot 176, DP 752299.
Lots 243 and 244, DP 823016. [4244]

LAKE MACQUARIE CITY COUNCIL

Naming of Road

COUNCIL advises that in accordance with Section 162.1 of the Roads Act 1993, as amended, Council has named the following road:

<i>Location / Description</i>	<i>New Road Names</i>
Subdivision of Lot 1 DP 343719 and Lot 1 DP 506708 – Ocean Street Dudley	Knoll Avenue, Dudley

No objections to the proposed name was received within the advertising period. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre NSW 2310. [4245]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ERRATUM

THE Port Macquarie-Hastings Council notice published in the *Government Gazette* of the 17 October 2008, No. 132, folio 4234 contained an error in the description of the easement to be acquired:

SCHEDULE 2 of Folio 4234 read

“Easement to drain water marked (A) shown on DP 1071933”

SCHEDULE 2 of folio 4234 should have read

“Right of Carriageway 5 wide marked (A) shown on DP1071933”

This erratum now amends that error with the gazettal date remaining 17 October 2008. [4246]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ERRATUM

THE Port Macquarie-Hastings Council notice published in the *Government Gazette* of the 17 October 2008, No. 132, folio 4235 contained errors in the description of the land and the easement to be acquired:

Folio 4235 read

“PORT MACQUARIE-HASTINGS COUNCIL declares with the approval of Her Excellency the Governor, that the land described in Schedule 1 below and the easement described in Schedule 2 below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for sewerage purposes. Dated at Port Macquarie, 14 October 2008, ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444

SCHEDULE 1

Lot 1, DP 1083704

SCHEDULE 2

Easement to drain water marked (A) shown on DP 1083704.”

Folio 4235 should have read

“PORT MACQUARIE-HASTINGS COUNCIL declares with the approval of Her Excellency the Governor, that the easement described in Schedule 1 below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for sewerage purposes. Dated at Port Macquarie, 14 October 2008, ANDREW ROACH, General Manager,

Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444

SCHEDULE 1

Right of Carriageway 5 wide and variable marked (A) shown on DP 1083704.”

This erratum now amends that error with the gazettal date remaining 17 October 2008 [4247]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ERRATUM

THE Port Macquarie-Hastings Council notice published in the Government Gazette of the 17 October 2008 No 132 folio 4236 contained an error in the description of the easement to be acquired:

SCHEDULE 2 of Folio 4236 read

“Easement to drain water marked (A) shown on DP 1083894”

SCHEDULE 2 of folio 4236 should have read

“Right of Carriageway 5 wide and variable marked (A) shown on DP1083894”

This erratum now amends that error with the gazettal date remaining 17 October 2008. [4248]

NAMBUCCA SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

NAMBUCCA SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a public road. Dated at Macksville, this 17th day of October 2008. MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447.

SCHEDULE

Lot 1, Deposited Plan 1095709. [4249]

SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Public Road

NOTICE is hereby given that, pursuant to section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated as public road. R. PIGG, General Manager, Shoalhaven City Council, Bridge Road, Nowra NSW 2541.

SCHEDULE

Lot 1 in Deposited Plan 1098101, Parish Farnham, County of St Vincent, Corner Sussex Inlet Road and Old Berrara Road, Sussex Inlet. [4250]

RANDWICK CITY COUNCIL

Local Government Act 1993, Section 50

Notice of Vesting of Drainage Reserve in Council

NOTICE is hereby given that in accordance with section 50 (4) of the Local Government Act 1993, the land described in the Schedule below is vested in Randwick City Council. RAY BROWNLEE, General Manager, Randwick City Council, 30 Frances Street, Randwick NSW 2031.

SCHEDULE

Lot 92, Deposited Plan 826443.

Lot 52, Deposited Plan 7745. [4251]

TENTERFIELD SHIRE COUNCIL

Local Government Act 1993, Section 553

Extension of Water Mains

NOTICE is given in accordance with section 553 of the Local Government Act 1993, by Tenterfield Shire Council that water mains have been extended as described in the accompanying Schedule in Jennings. Properties located within the prescribed distance of the new water mains will be liable for the water supply service availability charge as from the expiration of twenty-one (21) days after the publication of this notice, or the date of connection of the property to the water main, whichever is earlier. A separate notice will be issued to affected property owners within 21 days of this notice confirming this notification.

SCHEDULE 1

Gladstone Street

From existing water main at the south eastern corner of the Aspley/Gladstone Street intersection in a north easterly direction within the Gladstone Street road reserve for a distance of 135.8 metres to the south eastern corner of Lot 8, section 1, DP 758540.

SCHEDULE 2

Gladstone Street

From existing water main at the eastern corner of the Graham/Gladstone Street intersection in a north easterly direction within the Gladstone Street road reserve for a distance of 79.1 metres to the middle of Lot 11, section 2, DP 758540.

DON RAMSLAND, General Manager, Tenterfield Shire Council, PO Box 214, Tenterfield NSW 2372. [4252]

TENTERFIELD SHIRE COUNCIL

Local Government Act 1993, Section 553

Extension of Sewer Mains

NOTICE is given in accordance with section 553 of the Local Government Act 1993, by Tenterfield Shire Council that sewer mains have been extended as described in the accompanying Schedule in Tenterfield. Properties located within the prescribed distance and are capable of being connected to the new sewer mains will be liable for the annual sewerage charge. Land which is not connected to these mains shall become liable for the sewerage local rate after

sixty (60) days from the date of this notice. Land connected before the expiration of the sixty (60) days shall be liable for the local rate from the date of connection. A separate notice will be issued to affected property owners within 60 days of this notice confirming this notification.

SCHEDULE 1

Bulwer Street

From existing sewer main manhole adjacent to Lot 8, section 56, DP 758959 northwards for a distance of 24.8 metres along the eastern side of Bulwer Street road reserve to the south eastern corner of Lot 7, section 56, DP 609012.

DON RAMSLAND, General Manager, Tenterfield Shire Council, PO Box 214, Tenterfield NSW 2372. [4253]

YOUNG SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that Young Shire Council, pursuant to section 162 of the Roads Act 1993, and in accordance with Part 2, Division 2 of the Roads Regulation 2008, has named the roads described hereunder:

<i>Description of road</i>	<i>Proposed name</i>
Proposed new road, that will run east off Binalong Street (at it's northern end), within Lots 980 and 981, DP 754611	Mayoh Place
Proposed new road, that will run east off Binalong Street (at it's southern end), within Lots 982 and 983, DP 754611	Garland Place
Unnamed Crown Road and proposed new road, that runs east off Jasprizza Lane (midway along the road), between Lots 1193 and 1502, DP 754611 and into Lot 102, DP 588844	Schoolhouse Road
Proposed new road to run north off Schoolhouse Road, within Lot 102, DP 588844	Chellew Road
Forest Road, at Murringo, that runs south of Murringo Road, adjacent Lots 78 and 79, DP 754598 and Lot 8, DP 855402	Parkman Road

P. VLATKO, General Manager, Young Shire Council, Boorowa Street (Locked Bag No. 5), Young NSW 2594.

[4254]

WILLOUGHBY CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that Council in pursuant of section 162 of the Roads Act 1993 has named the sections of road prescribed herein under as:

<i>Lane</i>	<i>Name</i>	<i>Location</i>
W48	Riach	From Courallie Road to Kameruka Road, Northbridge

Authorised by resolution of Council dated 13 October 2008. N. TOBIN, General Manager, Willoughby City Council, PO Box 57, Chatswood NSW 2057. [4255]

OTHER NOTICES

ELECTRICITY SUPPLY ACT 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

TRANSGRID, by its delegate Michael GATT, declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the land described in Schedule 1 to this Notice is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 20 day of August 2008.

MICHAEL GATT,
General Manager Corporate

SCHEDULE 1

All that piece or parcel of land situate in the Local Government Area of Holroyd, Parish of Prospect and County of Cumberland. being Lot 1 in Deposited Plan 1129303 being part of the land comprised in Certificate of Title 4/1056295 said to be in the possession of Holroyd City Council. [4256]

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