



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 33
Friday, 14 March 2008

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LEGISLATION

Regulations

TRANS-TASMAN MUTUAL RECOGNITION ARRANGEMENT

NOTICE

I, Morris Iemma, as the designated person for the State of New South Wales and in accordance with section 43 of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth, endorse the proposed regulations set out in the Schedule to this notice for the purposes of sections 43 and 48 of that Act.

MORRIS IEMMA,
Premier
New South Wales



Trans-Tasman Mutual Recognition Amendment Regulations 2008 (No. 1)¹

Select Legislative Instrument 2008 No.

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trans-Tasman Mutual Recognition Act 1997*.

Dated 2008

Governor-General

By His Excellency's Command

Minister for Innovation, Industry, Science and Research

Regulation 1

1 Name of Regulations

These Regulations are the *Trans-Tasman Mutual Recognition Amendment Regulations 2008 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Trans-Tasman Mutual Recognition Regulations 1999*

Schedule 1 amends the *Trans-Tasman Mutual Recognition Regulations 1999*.

Schedule 1 Amendment

(regulation 3)

[1] Regulation 5

substitute

5 Extension of special exemptions

For subsection 48 (2) of the Act, the exemption of the laws specified or described in Schedule 3 to the Act is extended until 30 April 2009.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

OFFICIAL NOTICES

Appointments

FIRE SERVICES JOINT STANDING COMMITTEE ACT 1998

Fire Services Joint Standing Committee
Appointment of Members

I, NATHAN REES, M.P., Minister for Emergency Services, in pursuance of section 4 (2) (b) of the Fire Services Joint Standing Committee Act 1998, appoint the following person as a Member of the Fire Services Joint Standing Committee:

Shane FITZSIMMONS, AFSM,
for the remainder of the three-year period expiring on 5 July 2009.

NATHAN REES, M.P.,
Minister for Emergency Services

TOURISM NEW SOUTH WALES ACT 1984

Tourism New South Wales
Appointment of Part-Time Members

IT is hereby notified that in pursuance of section 4(3), 4(4) and 4(5) of the Tourism New South Wales Act 1984 (as amended), that the following person be appointed as a part-time member of the Board of Tourism New South Wales for the term of office specified:

To appoint Leslie CASSAR, AM, as a part-time member and Chairman of the Board of Tourism New South Wales from 14 December 2007, to the date of the Governor's approval.

MATT BROWN, M.P.,
Minister for Housing
and Minister for Tourism

TOURISM NEW SOUTH WALES ACT 1984

Tourism New South Wales
Appointment of Part-Time Members

IT is hereby notified that in pursuance of section 4(3), 4(4) and 4(5) of the Tourism New South Wales Act 1984 (as amended), that the following people be appointed as a part-time member of the Board of Tourism New South Wales for the term of office specified:

To appoint Ruth FAGAN; Russell BALDING, AO; Helen WONG; John THORPE, AM; Nicholas PAPALLO, OAM and Phil HELÉ as part-time members of the Board of Tourism New South Wales from 14 December 2007, to the date of the Governor's approval.

MATT BROWN, M.P.,
Minister for Housing
and Minister for Tourism

TOURISM NEW SOUTH WALES ACT 1984

Tourism New South Wales
Appointment of Part-Time Members

IT is hereby notified that in pursuance of section 4(3), 4(4) and 4(5) of the Tourism New South Wales Act 1984 (as amended), that the following person be appointed as a part-time member of the Board of Tourism New South Wales for the term of office specified:

To appoint Leslie CASSAR, AM, as a part-time member and Chairman of the Board of Tourism New South Wales from the date of the Governor's approval, to 27 June 2008.

MATT BROWN, M.P.,
Minister for Housing
and Minister for Tourism

TOURISM NEW SOUTH WALES ACT 1984

Tourism New South Wales
Appointment of Part-Time Members

IT is hereby notified that in pursuance of section 4(3), 4(4) and 4(5) of the Tourism New South Wales Act 1984 (as amended), that the following people be appointed as a part-time member of the Board of Tourism New South Wales for the term of office specified:

To appoint Ruth FAGAN; Russell BALDING, AO; Helen WONG; John THORPE, AM; Nicholas PAPALLO, OAM and Phil HELÉ as part-time members of the Board of Tourism New South Wales from the date of the Governor's approval to 27 June 2008.

MATT BROWN, M.P.,
Minister for Housing
and Minister for Tourism

Department of Lands

DUBBO OFFICE

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

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

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

*Local Government Area – Mid-Western Regional Council;
Land District of Mudgee*

Lot 1 DP 1122363, Parish of Wialdra, County of Phillip (not being land under the Real Property Act). File No: DB05H94.

Note: On closing, the title for Lot 1 shall vest in The State of New South Wales as Crown Land.

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

<i>Column 1</i>	<i>Column 2</i>
Land District: Crookwell. Local Government Area: Upper Lachlan Shire Council. Locality: Upper Tarlo. Reserve No.: 92980. Public Purpose: Future public requirements. Notified: 4 July 1980. File No.: GB04 H 496/1.	The whole being Lot 276, DP No. 750052, Parish Upper Tarlo, County Argyle, of an area of 23.78 hectares.

Note: To facilitate conversion of Perpetual Lease 107553.

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

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Land District – Grafton;
L.G.A. – Clarence Valley Council*

Roads Closed: Lot 12, DP 111211 at Alummy Creek, Parish Great Marlow, County Clarence.

File No.: GF07 H 87.

Schedule

On closing, the land within Lot 12, DP 111211 becomes vested in Clarence Valley Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: DWS: 97142.

Description

Land District – Grafton; L.G.A. – Bellingen

Roads Closed: Lot 100, DP 1119420 at Urunga, Parish Newry, County Ralieggh.

File No.: GF05 H 847.

Schedule

On closing, the land within Lot 100, DP 1119420 becomes vested in Bellingen as operational land for the purposes of the Local Government Act 1993.

Councils Reference: AD/07/394:ADM0082.

Description

Land District – Murwillumbah; L.G.A. – Byron

Road Closed: Lot 1, DP 1122772 at Main Arm, Parish Mullumbimby, County Rous.

File No.: GF05 H 819.

Schedule

On closing, the land within Lot 1, DP 1122772 remains vested in the State of New South Wales as Crown Land.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Tess Camellia Wood (new member)	Burringbar Public Recreation Reserve Trust	Reserve No. 67652 Public Purpose: Public Recreation Notified: 3 June 1938 File Reference: 07/4393
Kevin Harvey (re-appointment)		
Shaun Michael Priest (re-appointment)		
Patrick Joseph O'Connor (re-appointment)		
Gary David Marshall (re-appointment)		
Giordano Mark Paron (re-appointment)		
Stephen Birney (re-appointment)		

For a term commencing the date of this notice and expiring 13 March 2013.

PLAN OF MANAGEMENT FOR CROWN LAND UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006

A draft plan of management has been prepared for the Crown reserves described hereunder, part is under the trusteeship of Coffs Coast State Park Trust with the remainder managed by Department of Lands.

The draft plan may be inspected during normal business hours at:

Department of Lands
36 Marina Drive, Coffs Harbour NSW;
Coffs Harbour City Library
Cn of Coff and Duke Street, Coffs Harbour NSW;
Coffs Coast Visitor Information Centre
Cn of Elizabeth and McLean Street, Coffs Harbour NSW;
Coffs Harbour Fishermans Cooperative
Marina Drive, Coffs Harbour NSW;
Coffs Harbour Deep Sea Fishing Club
Jordan Esplanade, Coffs Harbour NSW;
The draft plan may also be viewed on the Department of Lands website: www.lands.nsw.gov.au

Representations in relation to the draft plan are invited from the public. These may be made in writing for a period of 42 days commencing 29 February 2008 and should be sent to the Manager, Department of Lands, PO Box 291J, Coffs Harbour Jetty NSW 2450.

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

Description of Reserves

*Land District – Bellingen;
Local Government Area – Coffs Harbour;
Parish – Coff; County – Fitzroy*

Reserve 140093 for Community & Sporting Club Facilities, notified 8 December 1995, comprising Lot 1 DP 714757 & Lot 22 DP 850150.

Reserve 140101 for Port Facilities and Services, notified 28 June 1996, comprising Lot 543 DP 45472.

Reserve 140102 for Public Recreation & Environmental Protection, notified 28 June 1996 comprising Lot 545 DP 45256, Lot 2 DP 630934, Lot 206 DP 739570, Lot 1 DP 807876, Lot 21 DP 850150, Lot 1 DP 740302 & Lot 7056 DP 1114092.

Reserve 1003728 for Port Facilities and Services, notified 18 October 2002 comprising Lot 546 DP 45226.

Reserve 46304 for Public Baths, notified 8 February 1911 comprising Lot 7015 DP752817.

Part Reserve 1011268 for Future Public Requirements, notified 3 February 2006 comprising Lot 547 DP45226 & Lot 204 DP739570.

Road reservations within and adjoining above lands.

All Lands effected by the plan (excluding public roads) are Part Reserve 1012190 for the public purpose of Access and Public Requirements, Rural Services, Tourism Purposes and Environmental and Heritage Conservation, notified 25 August 2006.

Location: Coffs Harbour Jetty Foreshores, Coffs Harbour.
File No: 08/2034.

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**

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE*Column 1*

Land District: Narrandera
Local Government Area:
Murrumbidgee Shire
Council

Locality: Darlington Point

Lot	Sec.	D.P. No.	Parish	County
7018		750908 #	Waddi	Boyd
7001		750908 #	Waddi	Boyd
7016		750908 #	Waddi	Boyd
7017		750908 #	Waddi	Boyd
255		750908	Waddi	Boyd
277		750908	Waddi	Boyd

Area: 24.85ha

File Reference: 07/5695/1.

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

Column 2

Reserve No. 68938

Public Purpose:

Public Recreation

Notified: 5 January 1940

Lot	Sec.	D.P. No.	Parish	County
7012		1024215	Waddi	Boyd
7011		1024215	Waddi	Boyd

New Area: 25.86ha

HAY OFFICE

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

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

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

Description

*Land District of Deniliquin;
L.G.A. – Murray*

Lots 1 and 2 D.P. 1123851, Parish of Mathoura, County of Cadell File No: HY 97 H 07 and HY 88 H 299.

Note: (1) On closing, title for the land comprised in Lots 1 and 2 will remain vested in the State of New South Wales as Crown Land.

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

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 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 – Cessnock;
Village – Kitchener;
County – Northumberland;
Land District – Maitland;
Local Government Area – Cessnock

The Crown public roads and laneways, being of variable widths, shown by solid black shading on the diagram hereunder.

**SCHEDULE 2**

Roads Authority: Cessnock City Council.
File No: MD00 H 191.24 and MIN07/3498.
Council's Reference: Bernie Mortomore.

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 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 – Ellalong; County – Northumberland;
Land District – Maitland;
Local Government Area – Cessnock

That part of the Crown Public Road, known as Dry Creek Road, Ellalong, being 20.115 metres wide and variable width, commencing from the northern boundary of Lot 1 DP709474 and extending southward along that boundary to where it intersects with the existing council road.

Note: Licence 382731 is partly affected by this notice.

SCHEDULE 2

Roads Authority: Cessnock City Council.
File No: MD02H381.
Council's Reference: Bernie Mortomore.

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

Parish – Kahibah; County – Northumberland;
Land District – Newcastle;
Local Government Area – Lake Macquarie

Road Closed: Lot 4, DP1121882 at Charlestown.
File Reference: MD 06 H 390.

Schedule

On closing, the land within Lot 4 DP1121882 remains vested in Lake Macquarie City Council as operational land for the purposes of the Local Government Act 1993. Council's reference: F2007/00528.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Bingara	The part within Lot 1
Local Government Area: Gwydir Shire	DP 721934 and Lot 143
Locality: Bingara	DP 754851 of 15.63 hectares,
Reserve No.: 93758	Parish Molroy, County
Public Purpose: Future Public Requirements	Murchison.
Notified: 10 October, 1980	
File Reference: ME80H989	

ERRATUM

IN the notification appearing in the Government Gazette of 23 November, 1990, Folio 10212, under the sub-heading "Column C Corporate Name" delete "Newton Park (D560008) Reserve Trust" and insert "Newtown Park (D560008) Reserve Trust" in lieu thereof.

File No.: ME88R9.

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

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

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished. On road closing, title to the lands comprising the former public roads vests in the body specified in the Schedule hereunder.

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

Description

Parish: Heathcote; County: Cumberland;
Land District: Metropolitan;
Local Government Area: Wollongong

Road Closed: Lots 2 & 3 DP 1116245 at Helensburgh.

File Reference: NA03H15.

Schedule

On closing, the land within Lots 2 & 3 DP 1116245 remains vested in Wollongong City Council as operational land for the purposes of the Local Government Act 1993. Council's reference: Q:RMC.

Description

Parish: Calderwood; County: Camden;
Land District: Kiama;
Local Government Area: Wollongong

Road Closed: Lot 141 DP 1121705 at Dapto.

File Reference: NA05H268.

Schedule

On closing, the land within Lot 141 DP 1121705 remains vested in Wollongong City Council as operational land for the purposes of the Local Government Act 1993. Council's reference: CP&P:RMC.

Description

Parish: Mumbulla; County: Auckland;
Land District: Bega;
Local Government Area: Bega Valley

Road Closed: Lots 1 to 4 DP 1121035 at Brogo.

File Reference: NA06H40 & 48.

Schedule

On closing, the land within Lots 1 to 4 DP 1121035 remains vested in the State of New South Wales as Crown land.

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 – The Gap; County – Gordon;
Land District – Molong; Shire – Cabonne*

Road Closed: Lot 1 in Deposited Plan 1120807.

File No.: OE05 H 283.

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

SCHEDULE 2

Description

*Parish – Somers; County – Bathurst;
Land District – Blayney; Shire – Blayney*

Road Closed: Lot 1 in Deposited Plan 1120806.

File No.: OE05 H 158.

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

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules 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 Schedules.

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

SCHEDULE 1*Column 1*

The person for the time being holding the office of Councillor, Cowra Shire Council (ex-officio member), Roland Peter RYAN (re-appointment), Robert VAN DYKE (new member), Joedy Ann LEE (new member), Nerilyn Gai HUBBARD (new member), Robert Francis SLY (new member), John Alfred RANKIN (re-appointment), John Patrick DEVERY (re-appointment).

Column 2

Cowra Showground, Racecourse and Paceway Trust.

Column 3

Dedication No. 590004
Public Purpose: Racecourse and showground addition.
Notified: 17 February 1909.
File No.: OE80 R 276/9.

Term of Office

For a term commencing this day and expiring 13 March 2013.

SCHEDULE 2*Column 1*

The person for the time being holding the office of Mayor of Bathurst, Bathurst Regional Council (ex-officio member), Michelle SCHMIEDEL (new member), Cavan STRAIN (new member), Terry STRAIN (new member), Lois Elva PETFORD (re-appointment), Douglas COPPARD (re-appointment), Joy Yvonne DRYSDALE (re-appointment).

Column 2

Wattle Flat Heritage Lands Trust.

Column 3

Reserve No.: 190105.
Public Purpose:
Environmental protection and public recreation.
Notified: 24 December 1992.
File No.: OE94 R 12.

Term of Office

For a term commencing the date of this notice and expiring 13 March 2013.

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 MEMBER

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Michael Peter MERTON (new member).	Governor Phillip Lookout (R85716) Reserve Trust.	Reserve No.: 85716. Public Purpose: Public recreation, promotion of the study and the preservation of native flora and fauna. Notified: 25 March 1966. File No.: MN80 R 148/3.

Term of Office

For a term commencing the date of this notice and expiring 18 July 2009.

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 22 February 2008, Folio 1159, under the heading "ESTABLISHMENT OF RESERVE TRUST" Column 1 and Folio 1160 under the heading "APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST" Column 2, "(D500014)" should read "(R1014568)".

File No.: 08/1332.

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

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>
O'Connell Gardens (R46751) Reserve Trust.	Reserve No.: 46751. Public Purpose: Wharf. Notified: 28 June 1911. File No.: 08/2067.

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>
Lane Cove Council.	O'Connell Gardens (R46751) Reserve Trust.	Reserve No.: 46751. Public Purpose: Wharf. Notified: 28 June 1911. File No.: 08/2067.

PLAN OF MANAGEMENT FOR CROWN RESERVES AT MT YORK, UNDER PART 5, DIVISION 6 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2000

A draft plan of management has been prepared for Crown Reserves at Mt York described below, which are in part under the trust management of Blue Mountains City Council.

Inspection of the draft plan can be made at Katoomba and Springwood Council offices, Council Libraries, The Imperial Hotel Mount Victoria and can be viewed on Council's website: <<http://www.bmcc.nsw.gov.au>>.

Representations are invited from the public on the draft plan. The plan will be on exhibition from Friday, 14 March 2008, for a period of 28 days. Submissions will be received up to 11 April 2008 and should be sent to Mr Soren Mortensen, Bushland Management Officer, Blue Mountains City Council, Locked Bag 1005, Katoomba NSW 2780, or by email to smortensen@bmcc.nsw.gov.au.

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

Description of Reserves

Land District – Penrith and Lithgow;
L.G.A. – Blue Mountains and Lithgow;
Parish – Hartley; County – Cook

Crown Reserves: R52033 for Public Recreation, R84969 for Soil Conservation, R95036 Future Public Requirements, R93921 for Access, R52037 for Public Recreation, R53925 Public Recreation, R1006524 Non-notified Reserve, R10006525 Non-notified Reserve, R1011448 For Future Public Requirements (various parcels), Crown Roads (various), having a total area of approximately 653 hectares.

Location: Mount York Reserve is located at Hartley Vale and Mount Victoria in the Western Blue Mountains, New South Wales.

File No.: MN92 R 10.

WAGGA WAGGA OFFICE
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650
Phone: (02) 6937 2700 Fax: (02) 6921 1851

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land 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: Gundagai	Reserve No. 751415
Local Government Area: Gundagai Shire Council	Public Purpose: Future Public Requirements
Locality: Kimo, Clarendon (Parish, County)	Notified: 29 June 2007
<i>Lot D.P. No. Parish County</i>	
3 751415 Kimo Clarendon	
4 751415 Kimo Clarendon	
Area: 1.214ha	
File Reference: WA05H340	

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

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

Parish – Albury;
County – Goulburn;
Land District – Albury;
City – Albury

SCHEDULE 1

Griffith Drive being the Crown Public Road east of Lots 412, 413 and 414 DP 596868; through Lot 5 DP 1028580.

Bretton Road being the easternmost 350 metres of Crown Public Road north of Lot 200 DP 575597.

Barwonga Drive being the Crown Public Road east of Lot 80 DP 609254, Lot 832 DP 776707, Lot 81 DP 609524; through Lot 62 DP 1101779; north of Lot 62 DP 1101779 and Lot 501 DP 606385.

SCHEDULE 2

Roads Authority: Albury City Council.

File No: WA07H243.

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Warren Donald Preston (new member)	Pucawan Recreation Reserve Trust	Reserve No. 43148 Public Purpose: Public Recreation
Robert Anthony Cartwright (re-appointment)		Notified: 14 October 1908 File Reference: WA80R167/1
Robert Ernest Anderson (re-appointment)		
Brian Raymond Jennings (re-appointment)		

For a term commencing the date of this notice and expiring 20 March 2013.

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

**REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Bourke.	The part being Lot 6495,
Local Government Area: Bourke Shire Council.	DP No. 769321, Parish
Locality: Bourke.	Wanaaring, County Ularara,
Reserve No.: 539.	of an area of 1.619 hectares.
Public Purpose: Village purposes.	
Notified: 23 May 1883.	
File No.: WL99 R 164/1.	
Note: The land described in Column 2 is held under Western Lands Lease 8405.	

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>
Kevin John TAYLOR (re-appointment), Thomas James HYNES (new member), Selina LAROVERE-NAGAS (new member), Michael John McKEE (re-appointment), Margaret Mary CORRADINI (re-appointment), Cheryl Ann KRUTLI (re-appointment).	Broken Hill Regional Events Centre Reserve Trust.	Dedication No.: 630055. Public Purpose: Racecourse. Notified: 15 July 1949. File No.: WL90 R 53/1.

Term of Office

For a term commencing the date of this notice and expiring
13 March 2013.

WITHDRAWAL OF LANDS FROM WESTERN LANDS LEASES

PURSUANT to section 35Q of the Western Lands Act 1901, the lands described in Column 1 of the Schedule hereunder, are withdrawn from the leases described in Column 2 of the Schedule for the purpose of being dedicated as public roads.

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

SCHEDULE

Descriptions

Counties of Yancowinna and Farnell; Administrative District – Broken Hill; Unincorporated Area

<i>Column 1 Lot/DP</i>	<i>Column 2 Lease Affected</i>	<i>Column 3 Title Affected</i>	<i>Column 4 Withdrawn Area (ha)</i>	<i>Column 5 New Lease Area (ha)</i>
2/1121009	3597	6672/822014	50.32	3992
3/1121009 4/1121009	4807	1/757294 6488/769317	28.05	1380
11/1121009	3872	1773/763689	27.51	10925
14/1121009 16/1121009	4668	2526/764489	27.44	7435
15/1121009	5443	3161/765366	18.11	7830
17/1121009	4669	2525/764488	39.85	2797

<i>Column 1 Lot/DP</i>	<i>Column 2 Lease Affected</i>	<i>Column 3 Title Affected</i>	<i>Column 4 Withdrawn Area (ha)</i>	<i>Column 5 New Lease Area (ha)</i>
18/1121009 19/1121009	3873	6443/763140 1772/763691	50.45	11831
20/1121009	3871	1771/763690	41.87	5208
21/1121009	3034	4598/767762	123.5	59649
23/1121009	2631	586/761625	79.56	8208
24/1121009	2630	583/761622	48.43	8272
25/1121009	6923	3773/766186	188.5	51835
26/1121009 28/1121009	3300	1255/762934	36.23	29324
29/1121009	12789	4882/43255	16.87	16354
30/1121009 31/1121009 33/1121009 34/1121009	4910	2630/764835 1/752615	77.03	12116
35/1121009	8740	4193/764660	83.22	33736
36/1121009	4909	2633/764836	5.478	6165
38/1121009 40/1121009 41/1121009 43/1121009	1139	3/757309 6481/769310	19.90	2662

File No.: WL07 H 14.

DEDICATION OF CROWN LAND AS PUBLIC ROAD

PURSUANT to section 12 of the Roads Act 1993, the Crown Land described in Schedule 1 hereunder, is from the date of publication of this notice, dedicated as public road. The public road hereby dedicated is declared not to be Crown road within the meaning of the Roads Act 1993.

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

SCHEDULE 1

Descriptions

*Counties of Yancowinna and Farnell;
Administrative District – Broken Hill;
Unincorporated Area*

<i>Lot/DP</i>	<i>Lot/DP</i>
2/1121009	25/1121009
3/1121009	26/1121009
4/1121009	28/1121009
11/1121009	29/1121009
14/1121009	30/1121009
15/1121009	31/1121009

<i>Lot/DP</i>	<i>Lot/DP</i>
16/1121009	33/1121009
17/1121009	34/1121009
18/1121009	35/1121009
19/1121009	36/1121009
20/1121009	38/1121009
21/1121009	40/1121009
23/1121009	41/1121009
24/1121009	43/1121009

File No.: WL07 H 14.

WITHDRAWAL OF LANDS FROM WESTERN LANDS LEASES

PURSUANT to section 35Q of the Western Lands Act 1901, the lands described in Column 1 of the Schedule hereunder, are withdrawn from the leases described in Column 2 of the Schedule for the purpose of being dedicated as public roads.

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

SCHEDULE

Descriptions

*Counties of Evelyn, Mootwingee and Farnell; Administrative Districts – Broken Hill and Milparinka;
Unincorporated Area*

<i>Column 1 Lot/DP</i>	<i>Column 2 Lease Affected</i>	<i>Column 3 Title Affected</i>	<i>Column 4 Withdrawn Area (ha)</i>	<i>Column 5 New Lease Area (ha)</i>
1/1121443	6597	3779/766192	59.34	21611
2/1121443	6595	3776/766189	32.37	11348
3/1121443	2432	482/761341	114.6	26934
4/1121443	3371	480/761347	201.3	47252
5/1121443	5637	3460/765749	29.84	8077
6/1121443	5846	3458/765747	72.65	58699
7/1121443	2539	479/761345	172.2	52546
8/1121443	2420	478/761346	67.51	47644
9/1121443	2421	483/761342	108.6	26880
10/1121443	2954	995/762147	100.9	20946
11/1121443	6035	3548/765900	55.56	19638

File No.: WL07 H 55.

DEDICATION OF CROWN LAND AS PUBLIC ROAD

PURSUANT to section 12 of the Roads Act 1993, the Crown Land described in Schedule 1 hereunder, is from the date of publication of this notice, dedicated as public road. The public road hereby dedicated is declared not to be Crown road within the meaning of the Roads Act 1993.

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

SCHEDULE 1

Descriptions

*Counties of Evelyn, Mootwingee and Farnell;
Administrative Districts – Broken Hill and Milparinka;
Unincorporated Area*

<i>Lot/DP</i>
5/1121443
6/1121443
7/1121443
8/1121443
9/1121443
10/1121443
11/1121443

FILE No.: WL07 H 55.

<i>Lot/DP</i>
1/1121443
2/1121443
3/1121443
4/1121443

Department of Primary Industries

COAL MINE HEALTH AND SAFETY ACT 2002

Appointment of a Member of Coal Competence Board

I, IAN MACDONALD MLC, Minister for Mineral Resources appoint Stephen Thomas BRACKEN as a member to the Coal Competence Board pursuant to Section 132 (1) (b) of the Coal Mine Health and Safety Act 2002 commencing on the date of this appointment instrument and expiring on 30 June 2009.

Dated this 3rd day of March 2008.

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

FISHERIES MANAGEMENT ACT 1994

Notice of Receipt of Application for Aquaculture Lease

Notification under s.163 (7) of the Fisheries Management Act 1994, and Cl.33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for three (3) new aquaculture leases over public water land for the purpose of cultivating Sydney rock oysters. Location is the Clyde River, described as follows:

- Approx. 1.4 hectares over previously unleased ground, adjoining oyster lease OL79/122 (to be known as AL08/001, if granted)
- Approx. 1.4 hectares over previously unleased ground, adjoining oyster lease AL05/001 (to be known as AL08/002, if granted)
- Approx. 0.4 hectares over previously unleased ground, adjoining oyster lease OL57/201 (to be known as AL08/003, if granted)

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposals, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the areas specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease numbers AL08/001, AL08/002 and/or AL08/003 to be signed and dated with a return address.

If additional expressions of interest are received, NSW DPI may offer the areas for leasing through a competitive public tender process, auction or ballot. The applicant will be required to obtain development consent from Council under Part 4 of the Environmental Planning and Assessment Act 1979. If granted, the leases will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act 1994, and any conditions of consent as imposed by Council.

Specific details of the proposed leases can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the applications must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Conservation & Aquaculture Branch,
Aquaculture Administration Section, Port Stephens Fisheries
Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

BILL TALBOT,
Director, Fisheries Conservation & Aquaculture Branch
Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Instrument of Appointment to Councils and Committees

I, IAN MACDONALD, MLC, Minister for Primary Industries, pursuant to sections 229 and 230 of the Fisheries Management Act 1994, appoint the persons named in column 1 of the schedule below as members of the council or committee listed in column 2 of the schedule as representatives of the Nature Conservation Council of NSW, from the date hereof until 31 July 2010.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Claudette Rechterik	Advisory Council on Recreational Fishing
Claudette Rechterik	Recreational Fishing Saltwater Trust Expenditure Committee
Giselle Firme	Abalone Management Advisory Committee
Leif Lemke	Estuary General Management Advisory Committee
David Holland	Estuary Prawn Trawl Management Advisory Committee
Arthur Dye	Lobster MAC Management Advisory Committee
Attila Kaszo	Marine and Estuarine Recreational Charter Management Advisory Committee
Roberta Dixon	Ocean Hauling Management Advisory Committee
Giselle Firme	Ocean Trap and Line Management Advisory Committee
Toni Burnell	Ocean Trawl Management Advisory Committee
Giselle Firme	Seafood Industry Advisory Council

Dated this 3rd day of March 2008.

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

FISHERIES MANAGEMENT ACT 1994

Notice of Receipt of Application for Aquaculture Lease

Notification under s.163 (7) of the Fisheries Management Act 1994, and Cl.33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating

Sydney rock oysters. Location is Wonboyn Lake, described as follows:

- Approx. 0.43 hectares over southern portion of former oyster lease OL78/193 (to be known as AL07/022 if granted)

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL07/022 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232.

Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Conservation & Aquaculture Branch, Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

BILL TALBOT,
Director, Fisheries Conservation & Aquaculture Branch
Department of Primary Industries

EXOTIC DISEASES OF ANIMALS ACT 1991

Appointment of Inspector

I, STEPHEN ELLIOTT DUNN, Deputy Chief Veterinary Officer, in accordance with the terms of my appointment pursuant to section 66(2) of the Exotic Diseases of Animals Act 1991 ("the Act"), pursuant to section 68 of the Act appoint the persons specified in the schedule below as Inspectors under the Act, from date of appointment until 31 December 2008.

Schedule

Brett Kenneth Rankin
Katherine Allison Goulding
Charles Patrick Mifsud
Glenn Allen Douglas
Leeanne Patricia Raines
Greg Thomas Glasgow
Gregory Raymond Clark

Dated this 11th day of March 2008.

STEPHEN ELLIOTT DUNN,
Deputy Chief Veterinary Officer

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Section 7A Order

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 7A of the Gene Technology (GM Crop Moratorium) Act 2003 (the Act) and, after taking into account advice provided by the Expert Committee, being satisfied that the canola industry meets the criteria specified in section 7A(3) of the Act hereby declare that licensed GM canola is approved for commercial cultivation in New South Wales.

Definition

'licensed GM canola' means GM canola in respect of which a GMO licence is in force under the Gene Technology Act 2000 of the Commonwealth authorising dealings with the GM canola that are inherently necessary for its commercial cultivation.

This Order commences on the date of publication in the Government Gazette.

Note: The current GMO licences in force under the Gene Technology Act 2000 of the Commonwealth in relation to the commercial release of GM canola are DIR020/2002 (Roundup Ready® canola) and DIR021/2002 (InVigor® hybrid canola).

Dated this 12th day of March 2008.

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

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T08-0050)

No. 3449, EDWIN GEORGE ROOTES AND JOHN T NEMISH, area of 60 units, for Group 1, dated 29 February, 2008. (Orange Mining Division).

(T08-0051)

No. 3450, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 6 units, for Group 1, dated 6 March, 2008. (Orange Mining Division).

(T08-0052)

No. 3451, MALACHITE RESOURCES NL (ACN 075 613 268), area of 42 units, for Group 1 and Group 6, dated 7 March, 2008. (Inverell Mining Division).

(T08-0053)

No. 3452, CENTAURUS RESOURCES LIMITED (ACN 120 281 969), area of 18 units, for Group 1, dated 7 March, 2008. (Orange Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(07-259)

No. 3156, now Exploration Licence No. 7093, ARASTRA EXPLORATION PTY LTD (ACN 085 025 798), Counties of Mootwingee and Yungnulgra, Map Sheet (7336), area of 94 units, for Group 1, dated 4 March, 2008, for a term until 4 March, 2010.

(07-263)

No. 3160, now Exploration Licence No. 7095, STANDARD MINES PTY LTD (ACN 125 577 451), Counties of Culgoa and Narran, Map Sheet (8239), area of 25 units, for Group 1, dated 5 March, 2008, for a term until 5 March, 2010.

(07-264)

No. 3161, now Exploration Licence No. 7096, STANDARD MINES PTY LTD (ACN 125 577 451), County of Culgoa, Map Sheet (8139), area of 4 units, for Group 1, dated 5 March, 2008, for a term until 5 March, 2010.

(07-331)

No. 3230, now Exploration Licence No. 7094, EAST COAST MOLYBDENUM PTY LTD (ACN 126611827), County of Goulburn, Map Sheet (8326), area of 24 units, for Group 1, dated 4 March, 2008, for a term until 4 March, 2010.

(07-332)

No. 3231, now Exploration Licence No. 7092, EAST COAST MOLYBDENUM PTY LTD (ACN 126611827), Counties of Clive and Drake, Map Sheet (9339), area of 20 units, for Group 1, dated 4 March, 2008, for a term until 4 March, 2010.

(07-456)

No. 3315, now Exploration Licence No. 7079, WOLF MINERALS LIMITED (ACN 121 831 472), Counties of Bland and Bourke, Map Sheet (8329), area of 173 units, for Group 1, dated 14 February, 2008, for a term until 14 February, 2010.

PETROLEUM APPLICATION

(07-574)

No. 95, now Petroleum Exploration Licence No. 456, MACQUARIE ENERGY PTY LTD (ACN 113 972 473), area of 82 blocks, for petroleum, dated 5 March, 2008, for a term until 5 March, 2012. (Armidale Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

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

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

(T99-0238)

Exploration Licence No. 5714, MALACHITE RESOURCES NL (ACN 075 613 268), area of 13 units. Application for renewal received 11 March, 2008.

(05-305)

Exploration Licence No. 6542, MINING EXPLORATION PTY LTD (ACN 113 513 321), area of 11 units. Application for renewal received 10 March, 2008.

(01-197)

Exploration Licence No. 6557, REGINALD THOMAS O'BRIEN AND NORMAN EDWARD SLAPE, area of 2 units. Application for renewal received 7 March, 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authority has been renewed:

(04-559)

Exploration Licence No. 6357, COBAR OPERATIONS PTY LTD (ACN 103 555 853), County of Robinson, Map Sheets (8034, 8035), area of 25 units, for a further term until 19 December, 2009. Renewal effective on and from 29 February, 2008.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(05-307)

Exploration Licence No. 6545, MALACHITE RESOURCES NL (ACN 075 613 268), County of Georgiana and County of Westmoreland, Map Sheet (8830), area of 100 units. Cancellation took effect on 6 February, 2008.

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

MINING ACT 1992

Notification of Appointments of Arbitrators

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources, pursuant to section 139 of the Mining Act 1992, appoint as members of the Arbitration Panel the persons listed in Schedule 1 from the date hereof until the 1st January 2011.

Schedule 1

Brydget Barker-Hudson
Paul Garde
Patricia Lane
Michael J Lawrence
Margaret MacDonald-Hill
Phillip Watson

Dated this 12th day of February 2008.

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

NOXIOUS WEEDS ACT 1993

Appointment of Member to Noxious Weeds Advisory Committee

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 58 of the Noxious Weeds Act 1993 ("the Act"), have determined that Ms Elisa ARCIONI be appointed to the Noxious Weeds Advisory Committee as a community representative, for a term expiring on 30 October 2009.

Dated this 2nd day of March 2008.

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

PLANT DISEASES ACT 1924

Proclamation P183

PROCLAMATION to regulate the importation, introduction and bringing into specified part of New South Wales, known as the Greater Sunraysia (NSW Portion) Pest Free Area, of certain fruit and packaging on account of the pest Queensland fruit fly (*Bactrocera tryoni*).

His Excellency the Lieutenant Governor,

I, the Hon J J Spigelman AC, Lieutenant Governor of the State of New South Wales, being of the opinion that the importation, introduction or bringing in of certain fruit and packaging into the specified portion of the State, known as the Greater Sunraysia (NSW Portion) Pest Free Area, is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*), with the advice of the Executive Council and pursuant to section 4(1) of the Plant Diseases Act 1924 ("the Act"), do by this Proclamation regulate the importation, introduction or bringing into the Greater Sunraysia (NSW Portion) Pest Free Area in the manner set out in this Proclamation.

1. The specified portion of New South Wales to which this Proclamation applies is to be known as the Greater Sunraysia (NSW Portion) Pest Free Area, and is as described in Schedule 2 below;
2. Queensland fruit fly host material is prohibited, unless the:
 - a. The Queensland fruit fly host produce, as listed in Schedule 1, is imported, introduced or brought into the Greater Sunraysia (NSW Portion) Pest Free Area:
 - i. in accordance with written conditions of movement, as approved from time to time by the Executive Director, Biosecurity Compliance and Mine Safety, the Director, Animal and Plant Biosecurity, or the Director, Compliance Operations, or
 - ii. with the specific written approval of the Executive Director, Biosecurity Compliance and Mine Safety, the Director, Animal and Plant Biosecurity, or the Director, Compliance Operations, and in compliance with any conditions specified in that approval.
 - b. Used packaging which has contained fruit susceptible to Queensland fruit fly, is allowed entry provided it is imported, introduced or brought into the Greater Sunraysia (NSW Portion) Pest Free Area in a manner approved from time to time by the Executive Director, Biosecurity Compliance and Mine Safety, the Director, Animal and Plant Biosecurity, or the Director, Compliance Operations, or with the specific written approval of the Executive Director, Biosecurity Compliance and Mine Safety, the Director, Animal and Plant Biosecurity, or the Director, Compliance Operations, and in compliance with any conditions specified in that approval.

Definitions

In this Proclamation:

Executive Director, Biosecurity Compliance and Mine Safety means the person for the time being occupying or acting in the position of Executive Director, Biosecurity Compliance and Mine Safety of NSW Department of Primary Industries.

Director, Animal and Plant Biosecurity means the person for the time being occupying or acting in the position the

Director, Animal and Plant Biosecurity of NSW Department of Primary Industries.

Director, Compliance Operations means the person for the time being occupying or acting in the position the Director, Compliance Operations of NSW Department of Primary Industries.

Greater Sunraysia (NSW Portion) Pest Free Area means a part of New South Wales declared as a restricted area under this Proclamation (P183) for the control of Queensland fruit fly.

PFA means that part of another State or Territory declared as a Pest Free Area for the control of Queensland fruit fly.

Queensland fruit fly means the pest *Bactrocera tryoni* (Froggatt)

Queensland fruit fly host material means any Queensland fruit fly host produce or used packaging.

Queensland fruit fly host produce means any fruit, plant or vegetable listed in Schedule 1.

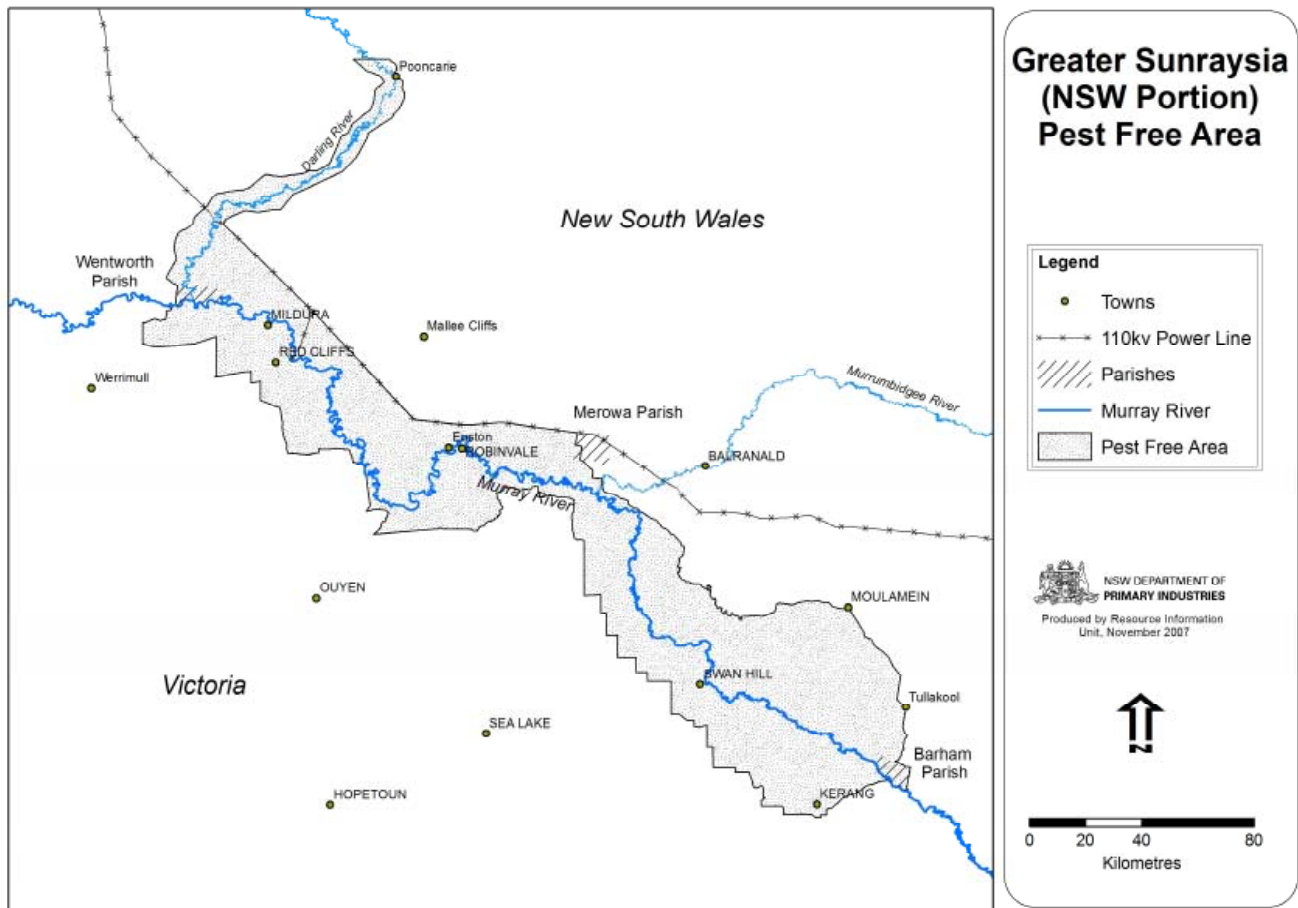
Used packaging means any packaging that has contained Queensland fruit fly host produce.

SCHEDULE 1 – HOST FRUIT

Abiu	Lemon
Acerola	Lime
Apple	Loganberry
Apricot	Longan
Avocado	Loquat
Babaco	Lychee
Banana	Mandarin
Black Sapote	Mango
Blackberry	Mangosteen
Blueberry	Medlar
Boysenberry	Miracle Fruit
Brazil Cherry	Mulberry
Breadfruit	Nashi
Caimito (Star Apple)	Nectarine
Cape Gooseberry	Orange
Capsicum	Passionfruit
Carambola (Starfruit)	Pawpaw
Cashew Apple	Peach
Casimiro (White Sapote)	Peacharine
Cherimoya	Pear
Cherry	Pepino
Chilli	Persimmon
Citron	Plum
Cumquat (or Kumquat)	Plumcot
Custard Apple	Pomegranate
Date	Prickly Pear
Dragon Fruit (Than Lung)	Pummelo
Durian	Quince
Eggplant	Ramutan
Feijoa	Raspberry
Fig	Rollinia
Granadilla	Santol
Grape	Sapodilla
Grapefruit	Shaddock
Grumichama	Soursop
Guava	Sweetsop (Sugar Apple)
Hog Plum	Strawberry
Jaboticaba	Tamarillo
Jackfruit	Tangelo
Jew Plum	Tomato
Ju jube	Wax jambu (Rose Apple)
Kiwifruit	

SCHEDULE 2 – GREATER SUNRAYSLIA (NSW PORTION) PEST FREE AREA

The area of land bounded by a line commencing at the intersection of the Murray River and the western boundary of the Parish of Wentworth, County of Wentworth then in a generally northerly direction by the Wentworth parish boundary to its intersection with the Silver City Highway then in a generally northerly direction along the Silver City Highway to its intersection with the High Darling Road, then in a generally northerly direction along the High Darling Road to its intersection with the Polia Road then along Polia road in a generally north westerly direction to the Mullingar property main gate then in an easterly direction to the Pooncarie Menindee road, then in a generally south westerly direction to Pooncarie then in a generally southerly direction along the Wentworth Pooncarie Road to the intersection with the 110kv Broken Hill electricity transmission line, then in a generally south easterly direction along the 110kv transmission line to the intersection with the north western corner of the parish of Merowa, County of Taila, then in a generally southerly direction along the western edge of the Merowa parish to the intersection with the Sturt Highway then in a generally easterly direction along the Sturt Highway to the intersection with the Weimby Road then in a generally south easterly direction along the Weimby road to Windomal Landing then generally south easterly along the Windomal road to the Mallee Highway then in a generally southerly direction along the Mallee Highway to its intersection with the Wakool River then in a generally south easterly direction along the Wakool River to the intersection with the Moulamein Road then in a generally easterly direction along the Moulamein Road to the intersection with the Moulamein Barham road then in a generally south westerly direction along the Moulamein Barham road to its intersection with the northern boundary of the Parish of Barham, County of Wakool then in a generally south easterly direction along the north and eastern boundary of the Barham parish to the intersection with the Murray River then in a generally north westerly direction along the Murray River to the point of commencement.



Note: The NSW Department of Primary Industries reference is P183. For further information contact the Department on (02) 6391 3593.

Signed and sealed at Sydney this 5th day of March 2007.

By His Excellency's Command,

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

GOD SAVE THE QUEEN!

Roads and Traffic Authority

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Narraweena in the Warringah 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 Warringah Council area, Parish of Manly Cove and County of Cumberland, shown as:

Description of Land	Title
Lot 1 DP 376687	C.T. Vol. 6051 Fol. 235
Lot 1 DP 109733	C.T. Vol. 2527 Fol. 142
Lot 2 DP 109733	C.T. Vol. 4108 Fol. 208
Lot 3 DP 109733	C.T. Vol. 2297 Fol. 242
The area of ½ perch shown on DP 448048 being part of Lot 16 DP 6364	C.T. Vol. 5251 Fol. 46
Lot 4 DP 109733	C.T. Vol. 4047 Fol. 26
The area of ¼ perch shown on DP 448048 being part of Lot 1 DP 12337	C.T. Vol. 6232 Fol. 112
That part of Lot 2 DP 12337 exclusive of: that part of Lot A DP 393184 within the said Lot 2; and also exclusive of the area of 66 sq.ft. shown on DP448048 within the said Lot 2	C.T. Vol. 4047 Fol. 26
The area of 66 sq. ft. shown on DP 448048 and being part of Lot 2 DP 12337	C.T. Vol. 7094 Fol. 104
That part of Lot 3 DP 12337 exclusive of that part of Lot A DP 393184 within the said Lot 3	C.T. Vol. 4047 Fol. 26
That part of Lot 4 DP 12337 exclusive of: that part of Lot A DP 393184 within the said Lot 4	C.T. Vol. 3935 Fol. 185
That part of Lot 5 DP 12337 exclusive of: that part of Lot A DP 393184 within the said Lot 5; and also exclusive of Lot B DP 393184	C.T. Vol. 3609 Fol. 4
That part of Lot 6 DP 12337 exclusive of that part of the area of 14 perches shown on DP 437315 which is within the said Lot 6	C.T. Vol. 4401 Fol. 163
Lot 5 DP 109733	C.T. Vol. 4192 Fol. 118
That part of Lot 7 DP 12337 exclusive of Lot 5 DP 109733; and also exclusive of that part of the area of 14 perches shown on DP437315 which within the said Lot 7	C.T. Vol. 5973 Fol. 163
Lot 6 DP 109733	C.T. Vol. 4055 Fol. 94
Lot 7 DP 109733	C.T. Vol. 3573 Fol. 170
Lot 8 DP 109733	C.T. Vol. 3573 Fol. 170

(RTA Papers: FPP 8M129; RO 479.11056)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Oxford Falls in the Warringah 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 Warringah Council area, Parish of Manly Cove and County of Cumberland, shown as:

<u>Description of Land</u>		<u>Title</u>
Lot 2	DP 346650;	C.T. Vol. 3338 Fol. 137
Lot 1	DP 346650	C.T. Vol. 3560 Fol. 246
3 acres 0 roods 10 ¼ perches	shown on RTA Plan 0397.479.SS.0136	Folio Identifier 1061/752038 and Folio Identifier 1060/752038

(RTA Papers: FPP 8M129; RO 479.11056)

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

Notice of Compulsory Acquisition and Dedication as
Public Road of Land at Table Top in the Albury City
Council area

THE Roads and Traffic Authority of New South Wales
by its delegate declares, with the approval of Her
Excellency the Governor, that the land described in the
Schedule below is acquired by compulsory process
under the provisions of the Land Acquisition (Just
Terms Compensation) Act 1991 for the purposes of the
Roads Act 1993 and further dedicates the land as
public road under Section 10 of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Albury
City Council area, Parish of Yambula and County of
Goulburn, shown as Lot 67 Deposited Plan 1119851,
being part of the land in Certificate of Title 1/946636.

The land is said to be in the possession of Rail
Corporation New South Wales.

(RTA Papers FPP 8M760; RO 4.1073)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Tumut Plains in the Tumut Shire Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the
Tumut Shire Council area, Parishes of Tumut and
Blowering, Counties of Wynyard and Buccleuch,
shown as Lots 52 and 53 Deposited Plan 1107979.

(RTA Papers: FPP 4M4684; RO 439.1055)

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

Notice of Compulsory Acquisition and Dedication as
Public Road of Land at Moree in the Moree Plains
Shire Council area

THE Roads and Traffic Authority of New South Wales
by its delegate declares, with the approval of Her
Excellency the Governor, that the land described in the
Schedule below is acquired by compulsory process
under the provisions of the Land Acquisition (Just
Terms Compensation) Act 1991 for the purposes of the
Roads Act 1993 and further dedicates the land as
public road under Section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the
Moree Plains Shire Council area, Parish of Peacumboul
and County of Courallie, shown as Lots 1 to 5 inclusive
Deposited Plan 1110353, being parts of the land in
Travelling Stock and Camping Reserve No 18684
notified in the Government Gazette of 9 September
1893 on page 7158.

The land is said to be in the possession of the Crown
and Moree Rural Lands Protection Board.

(RTA Papers FPP 7M3899; RO 17/291.1356)

ROADS ACT 1993

Order – Sections 46, 49, 54 and 67

Newcastle City Council area

Dedication of Land as Public Road and Declaration as a Controlled Access Road of part of the New England Highway at Tarro and Beresfield

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a controlled access road the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE 1

ALL those pieces or parcels of land situated in the Newcastle City Council area, Parishes of Hexham and Alnwick and County of Northumberland shown as:

Lots 20 to 23 inclusive, Deposited Plan 846450;

Lots 1 and 2 Deposited Plan 545732;

Lot 101 Deposited Plan 849413; and

Lots 3 and 4 Deposited Plan 225218.

The above Lots are all shown on RTA Plan 0009 325 AC 4003_1 and _2.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Newcastle City Council area, Parish of Alnwick and County of Northumberland, shown as:

Lots 5 to 8 inclusive, Deposited Plan 237978;

Lots 9 to 12 inclusive, Deposited Plan 1050285;

Lot 11 Deposited Plan 870851;

Lot 16 Deposited Plan 846450;

Lot 2 Deposited Plan 508570;

Lots 4 and 7 to 22 inclusive, Deposited Plan 227556;

Lot 2 Deposited Plan 503725;

Lot 11 Deposited Plan 595193;

Lot 16 Deposited Plan 591833;

Lots 5 and 14 to 21 inclusive, Deposited Plan 842856;

Lot 100 Deposited Plan 732607; and

Lot 24 Deposited Plan 225218.

The above Lots are all shown on RTA Plan 0009 325 AC 4003_1 and _2.

SCHEDULE 3

ALL those pieces or parcels of public road situated in the Newcastle City Council area, Parish of Alnwick and County of Northumberland, shown as:

Lot 151 Deposited Plan 584196;

Lot 1 Deposited Plan 599231;

Lot 18 Deposited Plan 846450;

Lot 33 Deposited Plan 227556; and

Lot 100 Deposited Plan 1044219.

The above Lots are all shown on RTA Plan 0009 325 AC 4003_1 and _2.

SCHEDULE 4

Between the points A and B;

between the points C and D; and

between the points E and F, all shown on RTA Plan 0009 325 AC 4003 _2.

(RTA Papers 9/325.31)

ROAD TRANSPORT (GENERAL) ACT 2005

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

ORANGE 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 4.6 metre high vehicles may be used subject to any requirements or conditions set out in the Schedule.

GARRY STYLES,
General Manager,
Orange City Council
(by delegation from the Minister for Roads)
22 February 2008

SCHEDULE**1. Citation**

This Notice may be cited as Orange City Council 4.6 metre high vehicle Route Notice No. 2/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 4.6 metre high 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 No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
4.6.	509.	Northern Distributor Road, Orange City Council.	Escort Way.	Mitchell Highway.	Both Directions.

ROAD TRANSPORT (GENERAL) ACT 2005

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

ORANGE 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 4.6 metre high vehicles may be used subject to any requirements or conditions set out in the Schedule.

GARRY STYLES,
General Manager,
Orange City Council
(by delegation from the Minister for Roads)
22 February 2008

SCHEDULE**1. Citation**

This Notice may be cited as Orange City 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 30 September 2010 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 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
4.6.	MR 245.	Forest Road, Orange City Council.	Huntley Road.	Stephen Place.	Both Directions.
4.6.	309.	Stephen Place, Orange City Council.	Forest Road.	Stephen Place.	Both Directions.

ROAD TRANSPORT (GENERAL) ACT 2005

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

ORANGE 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 B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

GARRY STYLES,
General Manager,
Orange City Council
(by delegation from the Minister for Roads)
22 February 2008

SCHEDULE**1. Citation**

This Notice may be cited as Orange City Council 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 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 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 No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	MR 245.	Forest Road, Orange City Council.	Huntley Road.	Stephen Place.	Both Directions.
25.	309.	Stephen Place, Orange City Council.	Forest Road.	Stephen Place.	Both Directions.

ROAD TRANSPORT (GENERAL) ACT 2005

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

ORANGE 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 B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

GARRY STYLES,
General Manager,
Orange City Council
(by delegation from the Minister for Roads)
22 February 2008

SCHEDULE**1. Citation**

This Notice may be cited as Orange City Council B-Double Route Notice No. 2/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 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 No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	509.	Northern Distributor Road, Orange City Council.	Escort Way.	Mitchell Highway.	Both Directions.

ROADS TRANSPORT (GENERAL) ACT 2005

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

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

Mr DAVID JOHN SHERLEY,
General Manager,
Bathurst Regional Council
(By delegation from the Minister for Roads)
Dated: 14 March 2008

SCHEDULE

1. Citation

This Notice may be cited as the Bathurst Regional Council B-Doubles Notice No. 4/ 2008.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

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

4. Application

4.1 This Notice applies to B-Doubles that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Bathurst Regional Council.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>
25	000	Havannah Street, Bathurst	Rocket Street	Panorama Avenue
25	000	Panorama Avenue, Bathurst	Havannah Street	Pit Straight
25	000	Pit Straight, Bathurst	Panorama Avenue	Mountain Straight
25	000	Mountain Straight, Bathurst	Pit Straight	Pit Complex

Department of Water and Energy

WATER ACT 1912

APPLICATIONS for Licences under Part 5 of the Water Act, 1912, as amended, have been received as follows:

Lachlan River Valley

Noel Douglas & Diane June McKay for a bore on Lot 6 DP875582, Parish Glenlogan, County Bathurst for a water supply for irrigation (cereals, lucerne). New Licence – 70BL226548.

Barry Robert & Marlene Adelheid Ann Peterson, for a bore on Lot 7 DP835028, Parish Bangaroo, County Bathurst for a water supply for irrigation and stock purposes (cereals, lucerne and vineyards). New Licence – 70BL226657.

Applications for Licences under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Act. An Application for a Licence Under Section 10 of Part 2 of the Water Act, have been received as follows:

Lachlan River Valley

Richard James Biddulph, for 2 pumps on Belubula River, on Lots 61 & 62 DP192649, Parish Collet, County Ashburnham, for irrigation (cereals, lucerne)(replacement Licence – increase in irrigation area, change of pump site no increase in pumping capacity, existing entitlement) (Ref: 70SL091115).

XTH (2) Pty Limited, Scott Cameron Bennett and Cassandra Margaret Bennett for a pump on the Belubula River, on Lot 1 DP1034324, Parish Canowindra, County Bathurst, for water supply for stock, domestic and irrigation purposes, 41 hectares (lucerne, cereal, hay and vegetables). (New Licence – allocation obtained by way of Permanent Transfer Scheme, transferring from existing entitlement and combining with an existing entitlement—no increase in pumping capacity, no additional lands to be irrigated.) (Ref: 70SL091114).

An application for a Licence under Part 8 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Act. An Application for a Licence Under Section 167(1) of Part 8 of the Water Act, has been received as follows:

Lachlan River Valley

Carrathool Shire Council, for a Controlled Work (Levee), on Reserve Lot 7002 DP1025444, Part Lot 4 DP 224809, Part Reserve Lot 1 DP249067, Part of Road Reserve South of Lot 273 DP 755189 and Part Road South of Lot 4 DP224809, Parish Redbank, County Nicholson, for prevention of inundation of land by floodwater (Ref: 70CW808662).

Any inquiries regarding the above should be directed to the undersigned on (02) 6850 2800. Written objections, specifying grounds, must be lodged with the Department of Water and Energy, PO Box 291, Forbes NSW 2871, within 28 days of the date of this publication.

VIV RUSSELL,
Licensing Manager

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

Murrumbidgee Valley

Victor James Payne for a bore on Lot 2 DP 715579, Parish Wood, County Wynyard for a water supply for irrigation purposes (20 hectares – Blueberries). New Licence. (Ref. 40BL191771)

Any enquiries regarding the above should be directed to the undersigned on (02) 6953 0700. Written submissions, specifying objections, must be lodged with the Department of Water and Energy, PO Box 156, Leeton NSW 2705, within 28 days of the date of publication.

S.F. WEBB,
Licensing Manager

AN application for a Licence, under the Section 10 of Part 2 of the Water Act, 1912, as amended, has been received as follows:

Richard Graham for a proposed earthen bywash dam (capacity 40.0 megalitres) and pump on a 1st order unnamed watercourse being Lot 4 DP1054301, Parish Fairy Meadow, County Murray for the conservation of water and irrigation of 14.0 hectares (improved pasture)(new Licence – dam in excess of MHRDC) (not subject to the 2003 Shoalhaven River catchment embargo). (Ref: 10SL056797)

Any inquiries regarding the above should be directed to the undersigned on (02) 4429 4442. Written objections, specifying grounds, must be lodged with the Department of Water and Energy, PO Box 309, Nowra NSW 2541, within 28 days of the date of this publication as prescribed by the Act.

WAYNE RYAN,
Licensing Officer

WATER ACT 1912

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

Application for a licence under Section 10 of Part 2 of the Water Act 1912 has been received as follows:

BARWON

Border Rivers Valley

Daryl Leslie CLEEVE for a pump on the Dumaresq River on Lot 10 DP 845233 Parish Bebo, County Arrawatta for irrigation of 50 hectares (lucerne) (New licence, water obtained by permanent transfer scheme) (Ref: 90SL100968).

Written objections to the application specifying grounds thereof may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected and must be lodged with the Department of Water and Energy, Locked Bag 10, Grafton NSW 2460 within 28 days of the date of publication.

AN application for a licence under section 10 of Part 2 of the Water Act 1912 has been received as follows:

NORTH COAST

Stephen Laurence MCDONALD and Maureen Alice MCDONALD for four pumps on the Richmond River on Lot 8 DP 941, Lot 9 DP 941, Lot 1 DP 123838, Lot 19 DP 755630, Lot 20 DP 755630, Parish Tatham, County Richmond for water supply for farming purposes and irrigation of 26.5 hectares (application to replace existing licences) (Ref:30SL067009). No increase in authorised area.

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

MACQUARIE

Frank John MCKILLOP and Roshelle MCKILLOP for a proposed artesian bore, Lot 9 DP751596, Parish Ridge, County Clyde for water supply for stock and domestic purposes (new licence) (Ref:80BL244845).

Written objections to the application specifying the grounds thereof must be lodged with the Department of Water and Energy, Locked Bag 10, Grafton NSW 2460 within 28 days of the date of publication.

DENNIS MILLING,
Manager Licensing

WATER ACT 1912

THE Local Land Board for the Land District of Maitland will, at 10.00 a.m. on Tuesday 1st April 2008, at the Cessnock Court House, Maitland Road, Cessnock, publicly inquire as to the desirability of granting applications for licence under Part 2 of the Water Act, 1912 by Stanford Land Pty Ltd for a 50mm centrifugal pump Congewai Creek, on Lot 7 & 8 DP 7396, Parish Ellalong, County Northumberland for water supply for irrigation of 6 hectares and by Fame Cove Three Pty Ltd for a 50mm centrifugal pump Congewai Creek, on Lot 9 & 10 DP 1069057, Parish Ellalong, County Northumberland for water supply for irrigation of 6 hectares.

DENNIS MILLING,
Manager Licensing North
Department of Water and Energy

Other Notices

CO-OPERATIVES ACT 1992

Merger of Co-operatives

Western Suburbs Housing Co-Operative Ltd and
Cumberland Housing Co-Operative Limited

PURSUANT to the merger of the above co-operatives to form the Affordable Community Housing Co-operative Limited, the registration of Western Suburbs Housing Co-Operative Ltd and of the Cumberland Housing Co-Operative Limited were cancelled in accordance with section 311C of the Co-operatives Act 1992, on 29 February 2008.

Dated this 29th day of February 2008.

DEBORAH KREIG,
Delegate of the Registrar of Co-operatives

CO-OPERATIVES ACT 1992

Notice under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-Operatives Act 1992 NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

ACF Rural Trading Co-operative Limited.

Dated this 11th day of March 2008.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

DISTRICT COURT ACT 1973

District Court of New South Wales
Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Parkes, 10:00 a.m., 22 September 2008 (2 weeks).

Dated this 10th day of March 2008.

R. O. BLANCH,
Chief Judge

EDUCATION ACT 1990

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for Public
School

THE Minister for Education and Training, with the approval of His Excellency the Governor, declares by delegate that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Education Act.

Dated at Sydney, this 7th day of March 2008.

R. MASTERTON
(by Delegation)

SCHEDULE

Dungog Public School

All that piece or parcel of land situate in the Local Government Area and Parish of Dungog, County Durham being Lots 2 & 3 DP 834489 of 1.249 hectares.

ELECTRICITY SUPPLY ACT 1995

Independent Pricing and Regulatory Tribunal

Invitation to Comment

Application for Electricity Retail Supplier Licence

THE Tribunal has received an application for an electricity retail supplier's licence under the Electricity Supply Act 1995, from Sanctuary Energy Pty Ltd (ABN 62 128 995 433) to operate in New South Wales.

The Tribunal seeks public submissions on this application. Submissions should address the assessment criteria contained in the Electricity Supply Act 1995.

A copy of this application can be viewed and downloaded from the Tribunal's website at www.ipart.nsw.gov.au.

All submissions should reach the Tribunal by COB 2 May 2008. Please direct all enquiries to Mr Gary Drysdale on (02) 9290 8477.

Reference No.: 08/83.

Dated: 11 March 2008.

JAMES P. COX,
Chief Executive Officer
and Full Time Member

Independent Pricing and Regulatory Tribunal,
PO Box Q290, QVB Post Office NSW 1230.

ERRATUM

Glen Innes Correctional Complex

Glen Innes Correctional Centre

NOTICES of Proclamations relating to Glen Innes Correctional Complex and Glen Innes Correctional Centre were published in the *New South Wales Government Gazette* No. 30 on 7 March 2008 at pages 2218 and 2220.

These Notices of Proclamations were erroneously attributed to Her Excellency Professor Marie Bashir, AC, CVO, Governor of New South Wales.

The Instruments of Proclamation were in fact signed by His Excellency the Hon. J. J. Spigelman, AC, Lieutenant-Governor of New South Wales.

The Notices are correct in all other particulars and the date of commencement remains 7 March 2008 in each instance.

GEOGRAPHICAL NAMES ACT 1966

Notice of Amendment of Address Locality Boundary between McDougalls Hill and Gowrie within the Singleton Council Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended the boundary between the address localities of McDougalls Hill and Gowrie within the Singleton Local Government Area as shown on map GNB3803-1-A.

The position and extent for these features is shown on map GNB3803-1 and are recorded within the Geographical Names Register of New South Wales. This information can be accessed through the Boards web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Amendment to Address Locality Boundaries between Merrylands/Guildford and Granville/South Granville within the Parramatta City Council Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended the boundary between the address localities of Merrylands/Guildford and Granville/South Granville in the City of Parramatta Local Government Area as shown on map GNB3483-2-A.

The position and extent of these address localities are shown on map GNB3532-2 and are recorded within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

HEALTH ADMINISTRATION ACT 1982

Order Amending the Name of an Approved Quality Assurance Committee

PURSUANT to section 20E(1) of the Health Administration Act 1982, I, REBA MEAGHER, M.P., Minister for Health, do by this order hereby amend the name of the "Illawarra Area Health Service's Northern Illawarra Quality Committee" and associated:

Neurosciences Peer Review Group
Gastroenterology Peer Review Group
Cancer Services Peer Review Group
Nephrology and Urology Peer Review Group
Internal Medicine Peer Review Group
Maternal Peer Review Group
Paediatrics Peer Review Group
Intensive Care Peer Review Group
Emergency Medicine Peer Review Group
Anaesthetics Peer Review Group
Orthopaedics, Plastics and Faciomaxillary Peer Review Group
Surgical Peer Review Group
Ear, Nose and Throat and Ophthalmology Peer Review Group
Nuclear Medicine, Pathology and Imaging Peer Review Group
Rehabilitation Peer Review Group
Psychiatry Peer Review Group"

(approval published in the *New South Wales Government Gazette* No. 128 of 12 November 1999) so that it is instead known as the "South Eastern Sydney and Illawarra Area Health Service's Southern Hospital Network Patient Safety and Quality Committee".

This order shall take effect on gazettal of this order.

Signed this 4th day of March 2008.

REBA MEAGHER, M.P.,
Minister for Health

LOCAL GOVERNMENT ACT 1993

ERRATUM

The Hon. J. J. SPIGLEMAN, AC,
Lieutenant Governor

I, the Hon. J. J. Spigleman, AC, Lieutenant Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 736 of the Local Government Act 1993, do amend the proclamation published in *New South Wales Government Gazette* No. 12 of 1 February 2008, altering the boundaries of the Areas of Clarence Valley and Armidale Dumaresq in the manner outlined in the Schedule below.

Signed and sealed at Sydney, this 5th day of March 2008.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SCHEDULE

1. Omitting from Schedule A the reference to "DP 623563" and replacing it with a reference to "DP 623562";
2. Omitting from Schedule B the reference to "DP 623563" and replacing it with a reference to "DP 623562";
3. Omitting from Schedule C the reference to "DP 623563" and replacing it with a reference to "DP 623562".

MARITIME SERVICES ACT 1935

Direction that Holders of Certificates of Competency are Deemed to Hold a General Boat Licence and Exempting such Licences from Certain Provisions of the Water Traffic Regulations – NSW

Direction

THE Maritime Authority of NSW (trading as NSW Maritime) does, pursuant to section 38(4A)(a) of the Maritime Services Act 1935, HEREBY DIRECT that the type of licences specified in Schedule 1 is deemed to be held by the persons specified in Schedule 2 and is NOT subject to the provisions of the Water Traffic Regulations – NSW specified in Schedule 3.

SCHEDULE 1

Licence to which this Direction applies

A General Licence issued under Clause 15D(1)(c) of the Water Traffic Regulations – NSW, being a General Boat Licence (but not a Personal Watercraft or a Young Adult Licence).

SCHEDULE 2

Persons to which this Direction applies

Persons holding the following Certificates of Competency (including Restricted Certificates of Competency) issued pursuant to Part 3B of the Commercial Vessels Act 1979 – NSW:

- (a) Coxswain;
- (b) Master Class 5;
- (c) Mate Class 4 ;
- (d) Master Class 4;
- (e) Master Class 3;
- (f) Second Mate Class 2;
- (g) Chief Mate Class 2;
- (h) Master Class 2;
- (i) Second Mate Class 1;
- (j) Chief Mate Class 1;
- (k) Master Class 1;
- (l) Coxswain (Fishing);
- (m) Skipper Class 3;
- (n) Skipper Class 2;
- (o) Skipper Class 1.

SCHEDULE 3

Conditions not applicable to a deemed General Boat Licence under this Direction

- (a) A General Licence that is deemed to be held for the purposes of this Direction is NOT subject to and is Exempt from the following provisions of the Water Traffic Regulations – NSW:
 - (i) Clause 15G, but ONLY in relation to the requirement for drivers to produce licences upon request by an authorised officer;
 - (ii) Clause 15H, relating to the requirements for the grant of an initial licence;
 - (iii) Clause 15J, relating to the duration of licences; and
 - (iv) Clause 15L(c) relating to fees for licences.
- (b) A General Licence that is deemed to be held for the purposes of this Direction is valid only for the duration of the Certificate of Competency to which it applies, and ceases to exist upon the expiry, cancellation, or suspension of that Certificate of Competency or the deemed General Licence.
- (c) Administrative action or Court sanction may be imposed with respect to a deemed General Licence in the same manner as if such Licence had been issued in accordance with the requirements of Clause 15H of the Water Traffic Regulations – NSW.

Revocation of This Direction

This Direction may be revoked at any time by the Chief Executive or Deputy Chief Executive of NSW Maritime or the General Manager Recreational Boating, NSW Maritime or their Delegates.

Date of Effect

This Direction is effective on and from the date of publication in the *New South Wales Government Gazette*.

Dated this 10th day of March 2008.

TREVOR WILLIAMS,
A/General Manager,
Recreational Boating,
NSW Maritime

NSW FIRE BRIGADE

Erratum

NOTICE appearing in the *New South Wales Government Gazette* No. 11 of 19 January 2007, page 201:

Batlow Fire District

Comprising the existing Fire District in Tumut Shire Council, with additions and deletions as delineated on Map No. 218/06/1 kept in the office of the NSW Fire Brigades.

NOTICE appearing in the *New South Wales Government Gazette* No. 80 of 15 June 2007, page 3793:

Sydney Fire District

Comprising the existing Fire District in Ku-ring-gai Council, with additions and deletions as delineated on Map No. 037/06/1 kept in the office of the NSW Fire Brigades.

NSW SCIENTIFIC COMMITTEE

Notice of Preliminary Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list Coastal Cypress Pine Forest in the NSW North Coast Bioregion as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act.

A copy of the Determination, which contains the reasons for the determination, may be obtained free of charge on the Internet www.environment.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967, Hurstville NSW 1481. Tel.: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Department of Environment and Climate Change Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determination may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding the Preliminary Determination. Send submissions to: Scientific Committee, PO Box 1967, Hurstville NSW 1481. Attention Suzanne Chate. Submissions must be received by 9 May 2008.

Professor LESLEY HUGHES,
Chairperson

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the purposes of Rail Corporation New South Wales

RAIL CORPORATION, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions

of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Rail Corporation, as authorised by the Transport Administration Act, 1988.

Dated this 26th day of February 2008.

VINCE GRAHAM,
Chief Executive Officer

SCHEDULE

All that parcel of land situated at Thirlmere in the Local Government Area of Wollondilly, Parish of Couridjah, County of Camden and State of New South Wales, being identified Lot 10 catalogued in the offices of Rail Corporation New South Wales as R 30769 having an area of 2014 square metres and said to be in the possession of Wollondilly Shire Council.

RailCorp Reference: F2007/28715 and D2008/11846.

CONTAMINATED LAND MANAGEMENT ACT 1997)

Environment Protection Authority

Declaration of Remediation Site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21114 / Area Number 3247

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

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

That section of Lots A and B, DP 157127 and that section of Lot 1, DP 1042275, as shown on the map attached and identified as part of 624 Young Street, Albury, in the Local government Area of Albury City, New South Wales.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"):

- Benzene, Toluene, Ethylbenzene and Xylene (BTEX); and,
- Petroleum Hydrocarbons (TPH).

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in s.9 of the Act and has determined that the contamination at the site warrants regulation under the Act for the following reasons:

- The groundwater is contaminated with separate phase and dissolved phase hydrocarbons including benzene;
- The contaminated groundwater has migrated offsite beneath the adjoining roadway and footpath and will continue to migrate toward residential areas;
- Benzene is a known human carcinogen and is toxic to humans; and,
- There is a risk to workers from accidental exposure to hydrocarbon vapours which may occur in excavation/ service utilities in the impacted areas.

4. Further action under the Act

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

5. Submissions invited

The public may make written submissions to the EPA on:

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

Submissions should be made in writing to:

Acting Manager Contaminated Sites
Department of Environment and Conservation
PO Box A290
SYDNEY SOUTH NSW 1232

or faxed to (02) 9995 5930

by not later than 12 April 2008.

NIALL JOHNSTON,
A/Manager, Contaminated Sites,
Department of Environment and Conservation

Dated: 11 March 2008

NOTE:

Remediation order may follow

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

Variation/Revocation

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

Information recorded by the EPA

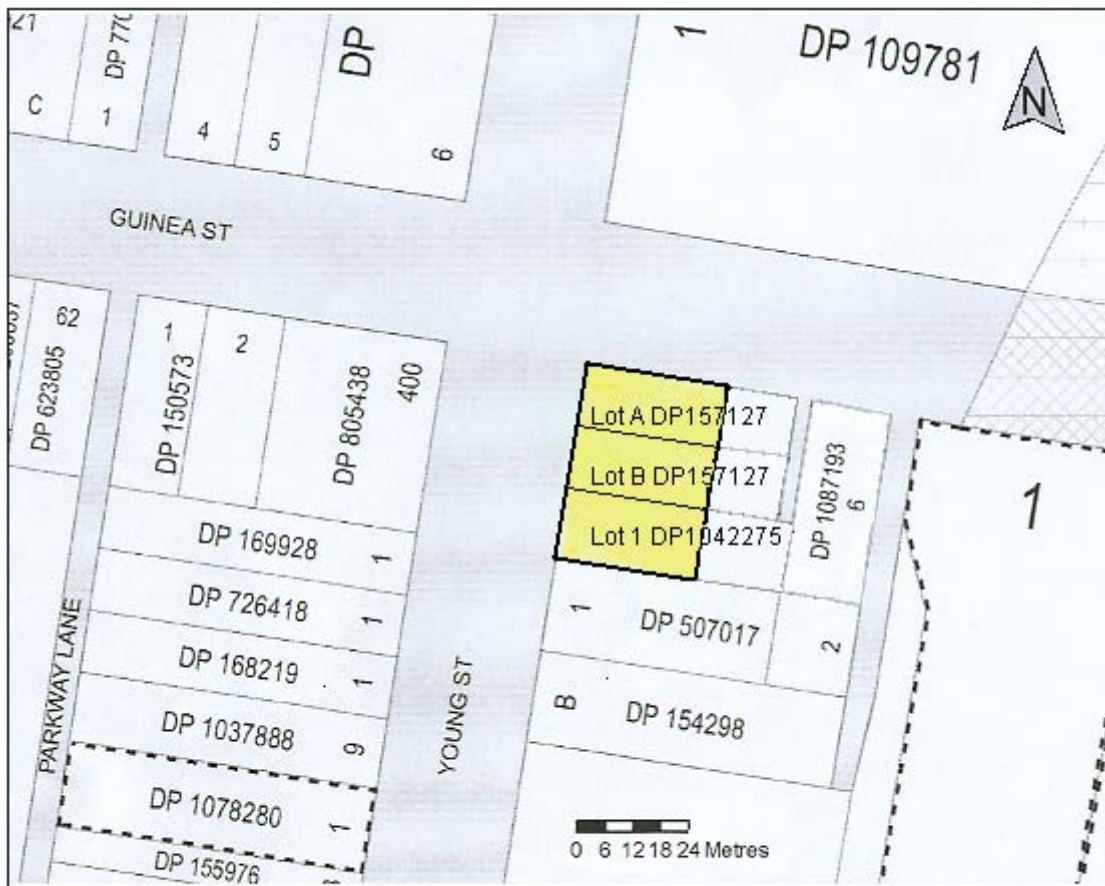
Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.


Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

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



KEY:
 Declaration Area

MOUNT PANORAMA MOTOR RACING ACT 1989

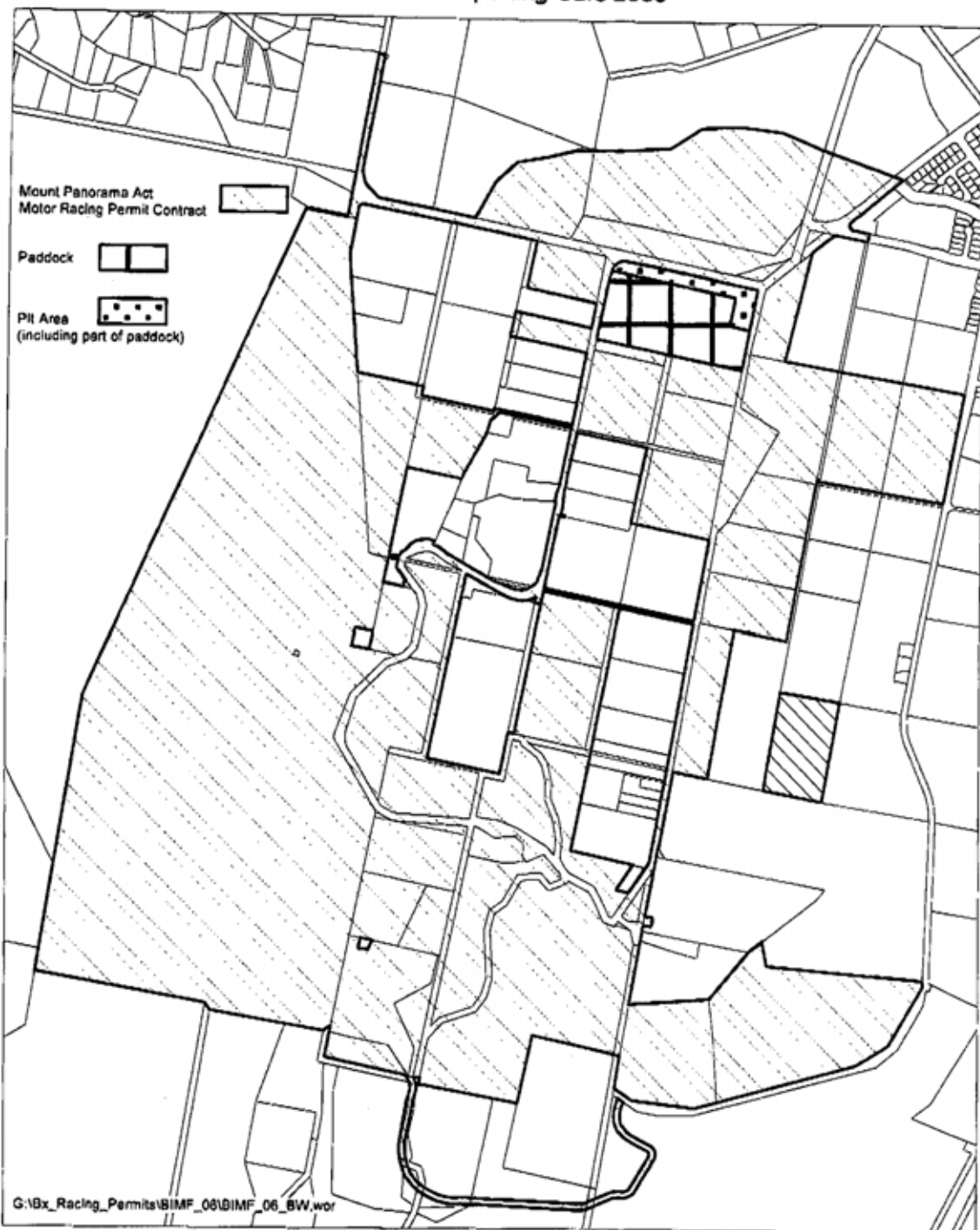
Conduct of Motor Racing and Associated Events
Mount Panorama

IN pursuance of the provisions of section 4 of the Mount Panorama Motor Racing Act 1989, I declare that the lands, as shown by hatching on the diagram hereunder, shall constitute the Mount Panorama Circuit for the purpose of motor racing, practice and associated events during the period 17 March to 23 March 2008, both dates inclusive.

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

BATHURST REGIONAL COUNCIL

Mt Panorama Circuit
Festival of Sporting Cars 2008



G:\Bx_Racing_Permits\BIMF_06\BIMF_06_BW.wor

Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information in this Plan.

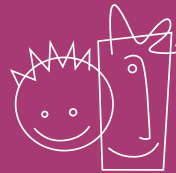
Date 24/01/2006

Note: The colours on this Plan do not indicate zones under the Bathurst Local Environmental Plan 1997.

Department of Lands

**The Working With Children
Employer Guidelines**

the working
with children
check 



nsw commission for
children & young people

FEBRUARY 2008

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Commissioner's Foreword

The communities that children and young people live in and the organisations they are part of are important to their well-being.

And every day children and young people across NSW spend time with adults in organisations such as schools, childcare centres, refuges, sporting clubs and hospitals.

Keeping children and young people safe in the workplace is part of your broader responsibility, as an employer, to manage risks within your organisation.

These Guidelines will show you how to meet your responsibilities under the Working With Children program.

The Commission for Children and Young People has also developed other resources to complement these Guidelines and help you create a safer, friendlier organisation for kids. You can find these resources on the Commission's website at www.kids.nsw.gov.au/safefriendly.

Gillian Calvert

NSW Commissioner for Children and Young People

Explanatory Note

The Working With Children Employer Guidelines (this document) supersede the 2004 *Working With Children Check Guidelines*.

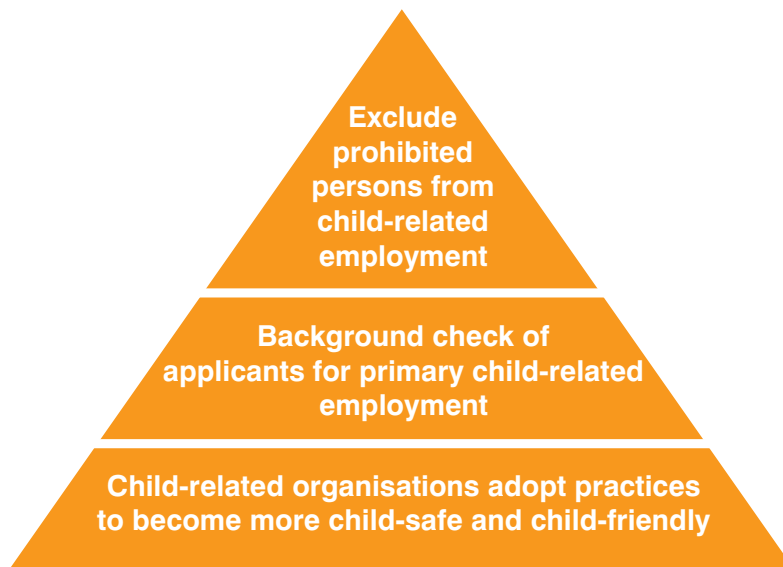
The information in these Guidelines is correct at 2 January 2007. Updates are available from the Commission for Children and Young People's website at www.kids.nsw.gov.au.

This printed document has been adapted from an electronic version which is available on the Commission's website at www.kids.nsw.gov.au and there are many references within the text to on-line resources. Cross references to other sections or sub-sections in this document are printed in *blue italicised text* (with section number provided).

New South Wales Working With Children program

All employers in NSW, including self employed people, have responsibilities under the Working With Children program.

There are three key strategies to the Working With Children program:



Exclusion of prohibited persons

This strategy focuses on specified, identified offenders and targets the high risk population of known offenders, called prohibited persons.

Under the *Commission for Children and Young People Act 1998* prohibited persons are prevented from working in child-related employment. People who have committed serious sex offences against children or adults, or serious physical assault, kidnap or murder offences against children are prohibited persons.

Further information on your obligations regarding prohibited persons is available at [Don't employ prohibited persons in child-related employment \(section 2.1\)](#).

Working With Children background checks

The Working With Children background check involves checking the relevant records of people who are being recruited to child-related employment to consider whether they indicate any risk to children.

Relevant records are examined to develop an estimate of the risk to children. The result of the estimate of the risk is used by you, the employer, to inform your final recruitment decision.

For further information on the Working With Children background check, go to [When must you do the Working With Children background check? \(section 3.3.3\)](#).

Together, the Working With Children background check and exclusion of prohibited persons make up the Working With Children Check.

Developing child-safe and child-friendly organisations

This strategy builds your organisation so it is a safe and friendly environment for children and minimises the risk of harm occurring.

Experience shows us that your commitment to risk management helps make your organisation safer for children, young people and the adults who work there.

By making your organisation safer and more welcoming places for children, you provide the foundation for the other strategies above, and make them more effective.

The Commission for Children and Young People has developed resources to help you put in place policies, procedures and mechanisms for identifying and managing the risks in your organisation, your activities and your staff positions, and for assuring quality.

These resources include recruitment, supervision, training, complaints and disciplinary procedures which address the identified organisational and situational risks. They also include the establishment of participatory mechanisms that guard against risk by creating a culture and environment that promotes openness, makes children feel welcome and encourages children to tell you if something is worrying them.

You can find these resources on the Commission's website at www.kids.nsw.gov.au/safefriendly.

Do you provide child-related employment?

To assist you in determining whether a position is child-related employment, it is recommended you complete the form, *Is the position child-related employment?* (attachment 6.3), for each position

Section

1

Do you provide child-related employment?

To assist you in determining whether a position is child-related employment, it is recommended you complete the form, *Is the position child-related employment?* (attachment 6.3), for each position.

1.1. Is the nature of the work “employment”?

Employment is:

- performance of work under a contract of employment; or
- performance of work as a self-employed person; or
- performance of work as a subcontractor; or
- performance of work as a volunteer for an organisation; or
- undertaking practical training as part of an educational or vocational course; or
- performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- performance of the duties of a foster carer (ie an authorised carer within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*).

1.2 Do you employ people in child-related employment?

Child-related employment is employment:

- in the work settings listed below; and
- that primarily involves contact with children; and
- that involves direct contact with children; and
- where that contact is not directly supervised by a person having the capacity to direct the employee in the course of the employment.

All four criteria must be satisfied for the position to be child-related employment.

1.2.1 The work settings

You employ people in child-related employment if you provide employment in NSW:

- in pre-schools, kindergartens and child care centres (including residential child care centres);
 - pre-schools, kindergartens and child care centres are those defined under the *Children and Young Persons (Care and Protection) Act 1998*, as well as those provided in commercial or recreational facilities
- as a babysitter or childminder that is arranged by a commercial agency;
- involving the private tuition of children;
 - private tuition means tuition formally arranged for children, where the person is actively teaching
- in schools or other educational institutions (not being universities);
 - educational institutions aimed at post-secondary students are not child-related employment
 - employers whose primary purpose is not education are not educational institutions, even when they run an educational program
- on school buses; or
 - school buses cover those accepting travel passes from students travelling to and from school at the start and finish of the school day
 - excursion bus drivers should be under the direction of the accompanying teachers, therefore they are not in child related employment
- involving regular provision of taxi services for the transport of children with a disability;
- involving the provision of child protection services;
- involving fostering or other child care;
 - other child care covers child care akin to residential out of home care, boarding or home stay arrangements and respite care

You employ people in child-related employment if you provide employment in NSW:

- in refuges used by children;

- in detention centres (within the meaning of the *Children (Detention Centres) Act 1987*);

- involving the provision of counselling or other support services for children;
 - other support services for children covers youth services, family support services and other welfare services
 - only staff delivering the counselling or other support service are in child-related employment

- involving the direct provision of child health services;
 - child health services covers medical and dental services, ambulances and those therapies listed in “extras cover” by the major health insurance funds
 - only the health staff, including allied health staff, directly delivering the service are in child-related employment

- in wards of public or private hospitals in which children are patients;

- in clubs, associations, movements, societies, institutions or other bodies (including bodies of a cultural, recreational or sporting nature) having a significant child membership or involvement;
 - museums, councils, galleries and other like institutions are child-related employment if they provide programs specifically for children

- in entertainment venues where the clientele is primarily children;
 - public fairs and events intended for children, children’s theatres, computer games arcades, vacation care centres, public swimming pools and sports facilities are child-related employment
 - zoos, aquariums, theme parks, fun parks, general theatres, circuses and cinemas are child-related employment if they provide programs specifically for children

- at overnight camps for children
 - overnight camps covers activity specifically for children involving overnight accommodation, for example in tents, temporary shelters or group accommodation with organised recreation or programs

- in any religious organisation;

1.2.2 Primarily involves contact with children

The position primarily involves contact with children when direct contact with children is an essential requirement of the job. For example, a builder/carpenter contractor working in a school is not in child-related employment as contact with children is not an essential requirement of their job.

1.2.3 Direct contact with children

To involve direct contact with children, it must be face to face contact. Contact with children by telephone or online is not direct contact.

1.2.4 Not directly supervised

Supervised refers to supervising the employee's contact with children. An employee is not directly supervised when:

- there is no officer on site with the capacity to direct the employee during their contact with children; or
- there are periods of more than a few minutes when the employee is not in view of this officer or other delegated officer.

1.2.5 Capacity to direct the employee

A person can direct if they have a higher authority or they are delegated. For example, a teacher supervising children on an excursion is a delegate of the school so can direct a bus driver on such excursions.

1.2.6 If you are still not sure whether a position is child-related employment

If you are not sure whether a position is child-related employment, go to the Commission for Children and Young People's website at www.kids.nsw.gov.au/check or contact your Approved Screening Agency.

1.3 What if you are not based in NSW?

If you employ staff in child-related employment in NSW, but you are based outside of NSW then you must comply with the Working With Children Check.

If an employee is engaged to work with children outside NSW, but their work occasionally requires them to work with children in NSW the Working With Children Check does not apply. For example, a teacher employed by a Queensland school on an excursion to NSW with children from their class is not required to do the NSW Working With Children Check.

1.4 What if you don't provide child-related employment?

All employers have a responsibility to manage risks to children within their workplaces. The Commission for Children and Young People helps employers do this by providing our Child-safe Child-friendly resources.

For further information on managing risks in your workplace go to [What are other employment screening options? \(section 5.1\)](#) and the Commission for Children and Young People's Child-safe Child-friendly resources, at www.kids.nsw.gov.au/safefriendly.

If you do not employ people in child-related employment, you are *still* required to report relevant employment proceedings to the Commission for Children and Young People.

Any employer can be required, if requested, to provide information to the Commission for Children and Young People or Approved Screening Agencies about employees who have been the subject of relevant employment proceedings.

For further information go to [Relevant employment proceedings \(section 4\)](#).

Your obligations as an employer

As an employer, the Working With Children Check requires that you:

- don't employ prohibited persons in child-related employment;
- do Working With Children background checks;
- report relevant employment proceedings; and
- keep records and protect confidentiality.

Section

2

Your obligations as an employer

As an employer, the Working With Children Check requires that you:

- don't employ prohibited persons in child-related employment;
- do Working With Children background checks;
- report relevant employment proceedings; and
- keep records and protect confidentiality.

2.1 Don't employ prohibited persons in child-related employment

It is an offence for prohibited persons to apply for or otherwise attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteering or self employed.

You must ask all preferred applicants for child-related employment to declare that they are not a prohibited person. To do this use the *Prohibited Employment Declaration* (attachment 6.4).

For further information on your obligations go to [Prohibited persons](#) (section 3.2).

2.2 Do Working With Children background checks

You must conduct Working With Children background checks for:

- preferred applicants for paid child-related employment;
- foster carers; and
- ministers, priests, rabbis, muftis or other like religious leaders or spiritual officers of a religion entering into child-related employment.

Working With Children background checks are not available for any other employees or self-employed people.

For further information on how to do Working With Children background checks go to [Do you need to do Working With Children background checks?](#) (section 3.3).

2.3 Report relevant employment proceedings

All employers must notify the Commission for Children and Young People of the details of any employee against whom relevant employment proceedings have been completed since 3 July 1995.

If you subsequently discover that a relevant employment proceeding was wrongly notified to the Commission for Children and Young People, you must tell the Commission.

Both the Commission for Children and Young People and the NSW Ombudsman have a role in the notification of relevant employment proceedings. However, not all employers are subject to the NSW Ombudsman's scheme. For further information on employers' obligations under the NSW Ombudsman refer to the NSW Ombudsman's *Child Protection in the Workplace: Responding to Allegations Against Employees* (June 2004, 3rd edition) at www.ombo.nsw.gov.au.

For further information on relevant employment proceedings and how to notify them to the Commission for Children and Young People go to [Relevant Employment Proceedings](#) (section 4).

2.4 Keep records and protect confidentiality

The Working With Children Check depends on accurate and reliable information. To maintain the integrity of the Check it is important that information collected is used in a fair, responsible and accountable way.

You must keep records of investigations and findings leading to relevant employment proceeding notifications so that it is available for future reference.

You must keep all information regarding the Working With Children Check confidential. It is an offence to disclose information obtained as part of the Working With Children Check, except in specified circumstances.

For further information on your obligations to maintain the confidentiality of the Working With Children Check go to [Maintaining confidentiality](#) (section 5.2).

Where a person who has been the subject of a relevant employment proceeding makes an application to access documents from you which contain information about those proceedings under the *Freedom of Information Act 1989*, you must provide them with access.



A step-by-step guide for
child-related employment

Section

3

3.1 Recruitment for child-related employment

Before you recruit you should know whether the position is child-related employment.

Job applicants should know in advance if they will be required to declare they are not a prohibited person or require a Working With Children background check. You should make this information available in your job advertisement or information package.

To assist you in determining whether a position is child-related employment it is recommended you complete the form, *Is the position child-related employment?* (attachment 6.3), for each position. This form will help you decide whether a position requires a Working With Children background check. In addition, if an estimate of risk is being undertaken on the person in the position the Approved Screening Agency will require you to provide the form at that stage. Keep the form with your records for future reference.

3.2 Prohibited persons

3.2.1 Who is a prohibited person

A prohibited person is a person who is convicted of the following (whether in NSW or elsewhere):

- serious sex offence;
- child-related personal violence offence;
- murder of a child;
- indecency offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution;
- possession, distribution or publication of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

A prohibited person includes a Registrable person under the *Child Protection (Offenders Registration) Act 2000*.

A person is convicted if a charge against them is proven in court and recorded as such. It includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

A person employed in child-related employment before 2 January 2007 who has previously been convicted of a child-related personal violence offence is not a prohibited person in relation to their current position.

It is an offence for a prohibited person to work in child-related employment, including in a self-employed capacity. For more information go to [What are the offences and penalties?](#) (section 5.3).

The only situation in which a prohibited person can work in child-related employment is where all the children with whom the person will have contact are related to:

- the person; or
- the employer, and the person is related to the employer.

Some prohibited persons can apply for a review of their prohibited status. However, a prohibited person who has been convicted of any of the following offences can not apply for a review of their status:

- murder of a child;
- sexual intercourse with a child under 16 years;
- sexual intercourse with a child 16-18 years if the offender was a guardian, school teacher, coach, health professional or in similar position of providing special care at the time of the offence;
- the production of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

A review can result in an order declaring that prohibition under the *Commission for Children and Young People Act 1998* does not apply to the person. A review can also result in a conditional order declaring that prohibition under the *Commission for Children and Young People Act 1998* does not apply to the person subject to specified conditions. Where a conditional order exists, you should ask the person for a copy of the order to confirm that the requirements of the position comply with the conditions of the order.

For more information on applying for a review of prohibited person status go to the Commission for Children and Young People's website (www.kids.nsw.gov.au/check).

3.2.2 When to seek Prohibited Employment Declarations

You must ask all preferred applicants for child-related employment to complete a *Prohibited Employment Declaration* (attachment 6.4) to declare that they are not a prohibited person. This includes volunteers and students on placement. It is an offence to employ anyone in child-related employment without requiring them to disclose whether they are a prohibited person. For more information go to [What are the offences and penalties?](#) (section 5.3).

3.2.3 How often to get Prohibited Employment Declarations signed

A *Prohibited Employment Declaration* (attachment 6.4) must be completed each time a person enters into child-related employment with you.

The Declaration is current while a person remains an employee with you. It is not necessary for employees to complete another Declaration during their term of employment, regardless of the length of time they are employed. For information on people being re-employed on a short-term basis go to [Short-term employees](#) (section 3.3.5).

If you transfer ownership to a new employer, all completed *Prohibited Employment Declarations* should be handed over to that new employer. The new employer is not required to ask existing employees to complete a *Prohibited Employment Declaration* again.

If an employee currently engaged in child-related employment becomes a prohibited person, it is their responsibility to vacate that position. You should formally and regularly remind employees of this obligation.

3.2.4 Storing Prohibited Employment Declarations

The employee should return the *Prohibited Employment Declaration* (attachment 6.4) to you for your records. You must keep the Declaration in a secure location, such as on the employee's personnel file.

3.2.5 How long to keep Prohibited Employment Declarations

You must keep *Prohibited Employment Declarations* (attachment 6.4) for two years after a person ceases their employment with you. However, as some employers are required to keep personnel records, such as *Prohibited Employment Declarations*, for longer you should also refer to the relevant legislation or guidelines for your industry.

3.2.6 Commission for Children and Young People may request Prohibited Employment Declarations for auditing purposes

You are not required to submit *Prohibited Employment Declarations* (attachment 6.4) to an Approved Screening Agency or the Commission for Children and Young People, unless requested for the purposes of undertaking an estimate of risk or auditing and monitoring.

If you are not able to provide the Commission for Children and Young People with a *Prohibited Employment Declaration* when requested, and you do not have a reasonable excuse, you may be guilty of an offence. For further information, go to [Failing to produce information when requested by the Commission for Children and Young People](#) (section 5.3.6).

Where you provide such information in good faith and with reasonable care as part of the Working With Children Check you are protected from any action, liability or claim.

3.2.7 If a prohibited person applies for child-related employment

If you become aware that a prohibited person has applied for child-related employment, you should refuse them the position.

If you become aware that a person currently in child-related employment is a prohibited person, move them out of child-related employment immediately.

In either situation you must then notify your Approved Screening Agency.

3.3 Do you need to do Working With Children background checks?

3.3.1 Who must be checked?

The Working With Children background check is mandatory for:

- preferred applicants for paid child-related employment;
- ministers, priests, rabbis, muftis or other religious leaders or spiritual officials of religion seeking child-related employment; and
- foster carers.

Working With Children background checks are not available for any other employees or self-employed people.

For further information go to [Do you provide child-related employment?](#) (section 1).

The Commission for Children and Young People can take enforcement action against any employer who does not do the Working With Children background check where it is mandatory. For further information follow the link to [What are the offences and penalties?](#) (section 5.3).

3.3.2 Who is not checked?

You *cannot* request a Working With Children background check for preferred applicants for whom it is not mandatory.

You may wish to perform other types of background checks, such as reference checks, as part of your employment screening.

For more information on other checks go to [What are other employment screening options?](#) (section 5.1).

For more information on recruiting and selection for child-related employment, go to the Commission for Children and Young People's Child-safe Child-friendly resources at www.kids.nsw.gov.au/safefriendly.

3.3.3 When must you do the Working With Children background check?

The Working With Children background check is a pre-employment check. You must do the check before the person starts a position in child-related employment.

You cannot check existing employees or people at times other than recruitment for child-related employment.

The check is current while a person remains in the same position in child-related employment with you. People returning from leave into the same child-related employment do not need to be rechecked. Existing employees are only checked if they are recruited to a different child-related employment position within the organisation. For example, if a child care worker employed by a council is transferred to another of that council's child care positions, even in a different child care centre, the council does not need to do a new background check. However, if a council child care worker is appointed as a council youth worker, the council must request a new background check, as this is a different type of employment.

If you transfer ownership to a new employer, the *Working With Children Background Check Consent* (attachment 6.5) and *Working With Children Background Check Request* (attachment 6.6) forms should be handed over to the new employer. The new employer is not required to recheck existing employees remaining in the same position in child-related employment.

There are special provisions for some people re-employed on a short-term basis in the same position in child-related employment. For more information go to [Short-term employees](#) (section 3.3.5).

3.3.4 What to do if you need to employ a person urgently

In most cases the Working With Children background check can be completed relatively quickly. Should a situation arise where it is not practicable for the Working With Children background check to be undertaken prior to the commencement of employment, a request for checking must be completed as soon as possible after the person commences. In any case, the request should be sent immediately.

Go to [How to obtain a Working With Children background check](#) (section 3.5).

In these cases you must request the employee complete a *Prohibited Employment Declaration* (attachment 6.4) and you should advise employees that their ongoing employment is conditional upon the satisfactory outcome of the Working With Children background check. You should also consider modifying the work requirements of the new employee until the check is completed. Modifications may include limiting the access of the person to children or providing additional supervision in the interim. As the Working With Children background check process is generally short, any variation to the work will be for a limited period of time.

3.3.5 Short-term employees

If you are employing a person for a period of less than six months you are not required to request the Working With Children background check if:

- you have previously undertaken a Working With Children background check on that person within the last 12 months; and
- the person is being employed in the same kind of child-related employment as they were when the check was undertaken.

The 12 month period starts from the date on the *Advice to employers – results of background check* letter you will receive from your Approved Screening Agency.

You are also not required to ask the person to fill in another *Prohibited Employment Declaration* if they have previously completed one within the 12 month period.

For example, an aquatic centre employed a children's swimming instructor for three weeks during January 2007 following completion of a *Prohibited Employment Declaration* and a Working With Children background check being undertaken. The centre wishes to employ the same instructor again in the same role during October 2007. As the centre has previously requested a Working With Children background check on the instructor within the last 12 months, it is not required to undertake another check at this stage.

The Minister can appoint an employer-related body to request the Working With Children background check for short-term employees on behalf of its employer members.

To be appointed as an employer-related body, organisations must first meet the standards set by the Commission for Children and Young People. These standards relate to procedures for joining up member employers, verification of identification, records management and security, disclosure of information, auditing and monitoring requirements and timeframes.

Visit the Commission for Children and Young People's website for contact details of employer-related bodies at www.kids.nsw.gov.au/check.

3.3.6 What records are checked in the Working With Children background check

There are three types of records considered in the Working With Children background check: relevant criminal records, relevant apprehended violence orders (AVOs) and relevant employment proceedings.

For further information on relevant records go to [Background information – What records are checked in the Working With Children background check?](#) (section 5.4).

3.4 How to register for the Working With Children background check

You must register with an Approved Screening Agency (ASA) who will undertake the Working With Children background check on preferred applicants for child-related employment on your behalf.

3.4.1 **What are Approved Screening Agencies?**

The Minister has appointed Approved Screening Agencies to carry out the Working With Children background check.

3.4.2 **Which Approved Screening Agency should you register with?**

The Approved Screening Agencies do Working With Children background checks for the following sectors:

Commission for Children and Young People

Ph: (02) 9286 7219 Fax: (02) 9286 7201

- child care and child-minding;
- foster care;
- transport sector (not government school bus services);
- entertainment venues where the clientele is primarily children (not sports venues);
- religious organisations;
- non-government schools (not private educational service providers);
- private tutors (not sports coaches);
- welfare; and
- law enforcement and justice.

Catholic organisations in any of the above sectors should register with the Catholic Commission for Employment Relations.

NSW Department of Education and Training

Ph: (02) 9836 9200 Fax: (02) 9836 9222

- government schools, TAFE colleges and private educational service providers;
- school bus services;
- taxi services for the transport of children with a disability in government schools; and
- homestay service providers.

NSW Department of Health

Ph: (02) 9391 9800 Fax: (02) 9391 9795

- wards of public and private hospitals;
- direct services for children in health or allied health fields;
- health counselling and support services;
- employment agencies for health or allied health staff; and
- ambulances.

NSW Department of Arts, Sport and Recreation

Ph: (02) 9006 3774 Fax: (02) 9006 3900

- sport and recreation clubs or associations;
- sports coaching;
- overnight sport and recreation camps; and
- sport and recreation venues where the clientele is primarily children (such as public swimming pools and leisure centres).

Catholic Commission for Employment Relations

Ph: (02) 9390 5255 Fax: (02) 9267 9303

- Catholic education;
- Catholic welfare;
- Catholic religious organisations; and
- Catholic health services.

If you receive funding from, or are regulated by, one of the Approved Screening Agencies, you should register with that Approved Screening Agency to carry out the Working With Children background check on your behalf.

If you receive funding from, or are regulated by, a government department that is not an Approved Screening Agency, you should register with the Approved Screening Agency that best represents your industry.

If you work across a number of industries, or are funded by a number of Approved Screening Agencies, you should register with the Approved Screening Agency that best represents and understands the industry in which the majority of your work is undertaken.

You can contact the Commission for Children and Young People on 02 9286 7219 or email check@kids.nsw.gov.au for advice if you are not sure which Approved Screening Agency to register with.

For further information go to [What you should expect from your Approved Screening Agency \(section 5.8\)](#).

3.4.3 How do you register with an Approved Screening Agency?

To register, fill out the *Employer Registration Form* (attachment 6.1) and send it to the relevant Approved Screening Agency.

You must nominate a contact officer within your organisation, or other authorised persons, who can be contacted by the Approved Screening Agency to discuss Working With Children background check requests.

If your details change, such as your address, the contact officer or authorised persons, you must complete the *Amendment to Employer Registration Details Form* (attachment 6.2) and send it to your Approved Screening Agency.

3.5 How to obtain a Working With Children background check

3.5.1 Identifying the preferred applicant accurately

Before you request a Working With Children background check you must ask preferred applicants to provide documents to support their identity. This must include original documents adding up to a minimum of 100 points as required by the 100 Point Check under the *Financial Transaction Reports Act 1988*.

You must confirm that you have sighted the required documents on the *Working With Children Background Check Request Form* (attachment 6.6). Return the documents to the person once you've done this.

The following lists set out the value of each document according to the 100 Point Check.

70 points

Name of preferred applicant verified from one of the following (more than one document from this list cannot be counted):

- Birth Certificate
- Birth Card issued by the NSW Registry of Births, Deaths and Marriages
- Citizenship Certificate
- Current Australian passport
- Expired Australian passport which has not been cancelled and was current within the preceding 2 years
- Current passport from another country or diplomatic documents.

For a preferred applicant under 18 years, one document from the above list, or the following, is sufficient:

- Identity of the applicant verified by an educational institution, either on a student card or a letter signed by the principal, deputy principal, head teacher, deputy head teacher or enrolment officer, confirming that the applicant currently attends the institution.

40 points

Name and photograph/signature of preferred applicant verified from one of the following (more than one document can be counted):

- Current driver photo licence issued by an Australian state or territory
- Identification card issued to a public employee
- Identification card issued by the Australian or any state government as evidence of a person's entitlement to a financial benefit
- Identification card issued to a student at a tertiary education institution.

35 points

Name and address of preferred applicant verified from any of the following (more than one document can be counted):

- Document held by a cash dealer giving security over property
- A mortgage or other instrument of security held by a financial body
- Council rates notice
- Document from current employer or previous employer within the last two years
- Land Titles Office record
- Document from the Credit Reference Association of Australia.

25 points

Name of preferred applicant verified from any of the following (more than one document can be counted):

- Current credit card or account card from a bank, building society or credit union
- Local council rates notices
- Current telephone, water, gas or electricity bill
- Foreign driver's licence
- Medicare Card
- Electoral roll compiled by the Australian Electoral Commission
- Lease/rent agreement
- Current rent receipt from a licensed real estate agent
- Records of a primary, secondary, or tertiary educational institution attended by the applicant within the last 10 years
- Records of a professional or trade association of which the applicant is a member.

3.5.2 Requesting consent from the preferred applicant

The Working With Children background check will not be completed on a person without their consent. You must ask preferred applicants for their consent, whether they are new to your organisation, or you already employ them and they are the preferred applicant for another child-related position in your organisation.

Preferred applicants must complete the *Working With Children Background Check Consent Form* (attachment 6.5) which is to be retained by you.

The Commission for Children and Young People may require you to provide a copy of the consent form for auditing and monitoring purposes. If you are not able to produce such information without a reasonable excuse you may be guilty of an offence. For further information, go to *Failing to produce information when requested by the Commission for Children and Young People* (section 5.3.6).

3.5.3 How long to keep consent forms

You should keep the *Working With Children Background Check Consent Forms* (attachment 6.5) for as long as you retain other personnel records.

3.5.4 Information you are required to provide to your Approved Screening Agency

To request a Working With Children background check, you must complete the *Working With Children Background Check Request Form* (attachment 6.6) and send it to your Approved Screening Agency.

A request will not be processed if:

- the check is for a preferred applicant for whom the Working With Children background check is not mandatory;
- the check is for an existing employee who is not changing to a different child-related employment position;
- you have used the wrong form;
- there is data missing on the form; or
- the form is not signed by an authorised person.

3.6 What happens if the Working With Children background check shows no relevant records exist

Your Approved Screening Agency will notify you using the *Advice to employers – results of background check* letter if there is no information to suggest that the preferred applicant poses any greater risk to children than any other employee.

You then decide whether or not to employ the person based on the Working With Children background check, findings of interviews, referee checks and any other screening procedure you have used.

All employers who provide child-related employment should adopt child-safe and child-friendly practices to manage their risks to children. For further information go to the Commission for Children and Young People's Child-safe Child-friendly resources (www.kids.nsw.gov.au/safefriendly).

3.7 What happens if a relevant record exists

If a relevant record exists, your Approved Screening Agency will do an estimate of risk and provide it to you.

3.7.1 Verifying the records

Your Approved Screening Agency will contact you to verify that the position is primary child-related employment.

If you notified a relevant employment proceeding and a risk estimate is being conducted on that person, then an Approved Screening Agency may contact you for further information.

For further information go to *What does an estimate of risk take into account?* (section 5.6).

For further information on what happens if a preferred applicant's relevant records show they are a prohibited person go to *If a prohibited person applies for child-related employment* (section 3.2.7).

3.7.2 Providing information to the Approved Screening Agency

Your Approved Screening Agency may contact you as part of undertaking the estimate of risk to gather information, which could include:

- the position description, detailing roles, responsibilities and supervision arrangements;
- the organisation's plan for managing risks to children posed by staff;
- forms such as the *Working With Children Background Check Consent Form*, *Is the position child-related employment?* Form and *Prohibited Employment Declaration*; and
- any other relevant information.

As part of the estimate of risk, an Approved Screening Agency may also contact employers who have notified relevant employment proceedings to obtain further details regarding the nature of such proceedings.

For further information on relevant employment proceedings go to [Relevant employment proceedings](#) (section 4).

3.7.3 Are you protected when you provide information?

Where you act in good faith and with reasonable care as part of the Working With Children Check you are protected from any action, liability or claim.

However, there are penalties for inappropriate disclosure of information regarding the Working With Children Check. For further information go to [Breaching confidentiality](#) (section 5.3.5).

3.7.4 Making your employment decision

Once the estimate of risk is complete, your Approved Screening Agency will send you a letter informing you of the outcome.

It is your decision whether to employ a person who has been subject to a Working With Children background check. Using all the information you have, including the estimate of risk, you then decide whether it is appropriate to employ the person in the position.

If a person has been checked and an estimate of risk has been undertaken, you should consider:

- the safety and welfare of children as the paramount consideration;
- the estimate of risk outcome provided by the Approved Screening Agency;
- the findings of interviews, referee checks and any other screening procedure you have used; and
- the nature of the position, including the type of contact with children and your organisation's capacity to manage risk effectively.

You may consider making changes in your organisation to make it more child-safe and child-friendly before offering employment.

Where the preferred applicant does not have a relevant record against him or her, but a referee raises concern in relation to child-related employment, you need to make a judgement about the person's suitability for employment. Approved Screening Agencies will not do an estimate of risk for these matters.

3.7.5 When to notify the Commission for Children and Young People about your employment decision

You must notify the Commission for Children and Young People if you decide not to employ the person in child-related employment based on the outcome of the estimate of risk. Where you offer the person another position that is not child-related employment, this is considered rejecting that preferred applicant for child-related employment and you must notify these cases. To do this you should complete the *Employment Decision Notification* Form (attachment 6.7) and send it to the Commission for Children and Young People.

The Commission for Children and Young People uses this information for auditing and monitoring the Working With Children background checking process only. Identifying information is not released to any person, including future employers.

If you fail to notify the Commission for Children and Young People of an applicant rejected for child-related employment, the Commission may take enforcement action. For further information, follow the link to [What are the offences and penalties?](#) (section 5.3).

Relevant employment proceedings

Section

4

Relevant employment proceedings are considered as part of the Working With Children background check. This allows employers who are aware of serious harm occurring in workplaces to pass on this information to potential future employers.

All employers must notify the Commission for Children and Young People of the name and other identifying particulars of any employee (either paid or unpaid) against whom relevant employment proceedings have been completed by the employer since 3 July 1995. The person subject to the relevant employment proceeding need not have been in child-related employment. Notifications must be made using the *Relevant Employment Proceedings Notification* Form (attachment 6.8).

If you do not notify relevant employment proceedings the Commission for Children and Young People can take enforcement action. For further information follow the link to [What are the offences and penalties?](#) (section 5.3).

Not all inappropriate professional conduct will constitute a relevant employment proceeding. Where conduct is not reportable as a relevant employment proceeding, you should respond in accordance with your own workplace policies and procedures.

4.1 What is a relevant employment proceeding?

A relevant employment proceeding is a completed disciplinary proceeding where an employer (or professional or other body that supervises the professional conduct of the employee) has found reportable conduct occurred.

Reportable conduct includes:

- any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child; or
- any child pornography offence or misconduct involving child pornography; or
- any child-related personal violence offence; or
- an offence of filming for indecent purposes committed against, with, or in the presence of, a child under section 21G or 21H of the *Summary Offences Act 1988*; or
- any assault, ill-treatment or neglect of a child; or
- any behaviour that causes psychological harm to a child, whether or not the child consents; or
- an act of violence committed by an employee in the course of employment and in the presence of a child has occurred; or
- there is some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive or there is insufficient evidence.

Do not notify the Commission for Children and Young People where completed employment proceedings have found:

- the alleged reportable conduct or act of violence did not occur; or
- the allegations were false, vexatious or misconceived.

It is not necessary to notify the Commission for Children and Young People where the conduct is exempted from notification by a class or kind agreement.

For further information, follow the link to [What is reportable conduct and 'an act of violence' for the purposes of a relevant employment proceeding?](#) (section 5.5).

The NSW Ombudsman document *Child Protection in the Workplace: Responding to Allegations Against Employees (June 2004, 3rd edition)* provides further assistance on what constitutes reportable conduct. It is available from the NSW Ombudsman's website at www.ombo.nsw.gov.au.

4.1.1 When is an employment proceeding considered "completed"?

You are required to notify the Commission for Children and Young People when a relevant employment proceeding is completed, not when an allegation is made.

An employment proceeding is considered completed when:

- you have undertaken an investigation;
- you have ended the investigation, either because you have enough information, or you cannot get any more information;
- a finding is made on the basis of the investigation; and
- a decision is made as to the disciplinary action, if any, that should be taken.

An employment proceeding is completed regardless of whether or not you have taken disciplinary action against the employee or whether or not the employee has exercised or exhausted any right of appeal or review.

An investigation must still be undertaken if an employee resigns. However, if you cannot investigate fully because the employee resigns or otherwise does not respond to requests for information, the investigation is considered completed.

4.1.2 What is a class or kind agreement?

A class or kind agreement is an agreement made between the Commission for Children and Young People and an employer which changes some of the relevant employment proceeding reporting arrangements of that employer.

Class or kind agreements recognise the individual conditions, complaint processes and professionalism that employers provide. Oversight of complaints processes by the NSW Ombudsman is often a key factor in a making class or kind agreement.

4.1.3 What reportable conduct does not include

Reportable conduct does not include:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant professional standards; or
- conduct that is exempted from notification by a class or kind agreement under these Guidelines; or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the employer is an agency to which *Part 3A of the Ombudsman Act 1974* applies and the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

Examples of behaviours that are not reportable conduct include:

- touching a non-intimate part of a child's body to attract a child's attention, to guide or to comfort a child;
- a school teacher raising his or her voice or shouting to attract attention or to restore order in the classroom;
- conduct that is established to be accidental;
- providing medical care to a child who is hurt;
- use of reasonable physical force to disarm a child seeking to harm themselves or another;
- not acting in response to a situation, such as a physical fight between children, where an employee's own safety may be put at risk;
- not providing supervision where this was for good reason and in a low risk situation; and
- actions found to have been appropriate physical contact in classes such as sport, drama, dance, etc.

4.1.4 What is trivial or negligible use of physical force?

Trivial or negligible use of physical force is force which is not significant enough to cause concern for, or harm to, a child. It may be ordinary, although intentional, use of force, such as forcing a child to move when they refuse. Force that may be trivial for a ten year old child may not be trivial for a two year old. Matters must be considered on their individual merits.

For employers subject to *Part 3A of the Ombudsman Act 1974*, allegations of trivial or negligible use of physical force are only exempt from notification if they are investigated and recorded by the employer according to workplace employment procedures.

You should carefully examine any repeat "trivial or negligible" use of force.

4.2 Which matters should not be notified to the Commission for Children and Young People?

DO NOT NOTIFY the Commission for Children and Young People of employment proceedings completed before 3 July 1995.

DO NOT NOTIFY the Commission for Children and Young People if you have completed the employment proceedings and found that an incident was not reportable conduct or an act of violence.

DO NOT NOTIFY the Commission for Children and Young People if the conduct is not required to be notified by a class or kind agreement under these Guidelines.

DO NOT NOTIFY the Commission for Children and Young People if you have completed the employment proceedings and found the allegation is:

- false - the alleged conduct did not occur; or
- vexatious - the allegation was made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made; or
- misconceived - even though the allegation was made in good faith the person making the allegation misunderstood what actually occurred; or

- conduct reasonable for discipline, management or care of children having regard to the situation; or
- regarding the use of physical force which is trivial or negligible, where your organisation is one to which *Part 3A of the Ombudsman Act 1974* applies and there is a documented investigation of the matter.

4.3 What are the categories for relevant employment proceedings?

When you notify a relevant employment proceeding to the Commission for Children and Young People, you need to categorise those proceedings as either a Category One or Category Two relevant employment proceeding.

This two tier reporting system recognises the complexities of employee behaviour in a child protection context.

If you are in doubt about which category is appropriate in a particular instance, you should contact the Commission for Children and Young People for advice, or classify the matter as Category One.

4.3.1 **Category One classification**

Category One matters trigger an estimate of risk if the person has a Working With Children background check.

You should report as Category One all relevant employment proceedings where the investigation has found:

- reportable conduct; or
- an act of violence took place; or
- some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive and you think that the conduct should be considered in an estimate of risk when the person next seeks child-related employment.

4.3.2 **Category Two classification**

Category Two matters by themselves do not trigger an estimate of risk if the person has a Working With Children background check. A Category Two matter will be considered in an estimate of risk if there are other relevant records for the person.

You should report as Category Two all relevant employment proceedings where the investigation has found some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive. You may notify such conduct as Category One if you consider the matter should be considered in an estimate of risk when the person next seeks child-related employment

4.4 How do you notify the Commission for Children and Young People of a relevant employment proceeding?

To notify the Commission for Children and Young People of a relevant employment proceeding, you must:

- complete the *Relevant Employment Proceedings Notification Form* (attachment 6.8); and
- submit this to the Commission.

Notification to the Commission for Children and Young People should be within one month of completing a relevant employment proceeding.

You should also complete the *Relevant Employment Proceedings Summary* (attachment 6.9) and keep it with your records. This form records the information which will be required by an Approved Screening Agency when undertaking an estimate of risk. For further information on your obligations to keep records and provide access to employees, go to [What information do you need to record?](#) (section 4.5).

You are required to complete this form regardless of whether you are subject to the NSW Ombudsman's scheme under *Part 3A of the Ombudsman Act 1974*.

The requirements in the Summary are consistent with good practice under the NSW Ombudsman's scheme as detailed in *Child Protection in the Workplace: Responding to Allegations Against Employees (June 2004, 3rd edition)*. This document is available from the NSW Ombudsman's website at www.ombo.nsw.gov.au.

4.4.1 **Notifying the employee**

You *must* inform the employee that you have notified the Commission for Children and Young People of a relevant employment proceeding involving them. To do this, you must use the *Relevant Employment Proceedings Employee Advisory Letter* (attachment 6.10), adding your details where relevant.

Under the *Freedom of Information Act 1989* where an employee makes a request for access to documents with regard to relevant employment proceedings, you are required to show them all related documents. This includes the *Relevant Employment Proceedings Summary*.

4.5 What information do you need to record?

4.5.1 **Keep records of relevant employment proceedings**

You must make complete records of relevant employment proceedings, including the information you have provided to the Commission for Children and Young People, the reasons for your decision to categorise a proceeding as Category One or Two and the *Relevant Employment Proceedings Summary* (attachment 6.9). You must retain this information so that it is available for future reference. This duty applies despite any other requirement for disposal of records.

It is important to retain this information as an Approved Screening Agency may contact you at any time as part of undertaking an estimate of risk to obtain further details on a relevant employment proceeding.

When employers receive an application under the *Freedom of Information Act 1989* they must take into account their obligation to protect confidential information. Schedules to the *Freedom of Information Act 1989* exempt some documents from disclosure. For example, you should not unreasonably disclose personal information about someone other than the applicant. You should also not release any information being used in a police investigation.

If the Commission for Children and Young People requests that you provide this information and you are not able to without a reasonable excuse, you may be guilty of an offence. For further information, go to [Failing to produce information when requested by the Commission for Children and Young People](#) (section 5.3.6).

If you transfer ownership to a new employer, all records of relevant employment proceedings should be transferred and kept by the new employer.

If you close down, all records relating to relevant employment proceedings should be forwarded to the Commission for Children and Young People with the *Relevant Employment Proceeding Records Release Form* (attachment 6.11). These records will be kept in a secure place and will be used only for the purposes of conducting an estimate of risk as part of the Working With Children background check.

You should also notify all employees to whom the records relate that the records have been forwarded to the Commission for Children and Young People for storage purposes should the need for an estimate of risk arise in the future. Employees have a right under the *Freedom of Information Act 1989* to access these records. For further information go to [Access to information for employees](#) (section 4.5.3).

4.5.2 Confidentiality of relevant employment proceedings

You must keep relevant employment proceedings confidential. Any information you obtain should only be provided to people who are authorised to see such information, and only if they need to see it.

For further information go to [Maintaining confidentiality](#) (section 5.2).

4.5.3 Access to information for employees

Under the *Freedom of Information Act 1989*, where a person has been the subject of a relevant employment proceeding, the person is entitled to apply for:

- access to any documents from your organisation which contain information about those proceedings. This includes the information you have provided to the Commission for Children and Young People and the *Relevant Employment Proceedings Summary*; and
- amendment of the records relating to information about relevant employment proceedings if they consider the information is incomplete, incorrect, out of date or misleading.

This is regardless of whether the person is a current employee or not.

You are not permitted to charge any fees to a person applying for access to relevant employment proceedings records under the *Freedom of Information Act 1989*.

This entitlement applies to information held by any employer in NSW, regardless of whether the *Freedom of Information Act 1989* applies to them in other circumstances.

An application by a person under the *Freedom of Information Act 1989* must be dealt with by you within 21 days. If you do not deal with the application within 21 days the employee may complain to the NSW Ombudsman.

If you refuse access to information requested in a Freedom of Information application, or refuse to amend records, the applicant can either:

- request you to review the decision through an 'internal review'. However, as an internal review can only be made by a person equal or senior to the person who made the first decision, if that first decision was made by the principal officer of the employer there is no scope for internal review;
- if the internal review is unsuccessful, or unable to occur, request the NSW Ombudsman to review the matter as an 'external review';
- if the external review is unsuccessful, or there is good reason not to undertake one, make an application to the Administrative Decisions Tribunal, which will review the merits of the matter and make a binding decision.

Advice about the operation of the *Freedom of Information Act 1989* may be obtained from the Freedom of Information Unit of the NSW Ombudsman by phoning (02) 9286 1000.

4.6 When can you withdraw a relevant employment proceeding notification?

If you have notified the Commission for Children and Young People about a relevant employment proceeding and later decide it is not a relevant employment proceeding, or if the notification was made in error, you must write to the Commission to request that the notification be removed.

If an employee believes they have been wrongly notified to the Commission for Children and Young People, they should take this matter up with the employer, as the decision to withdraw a notification rests with the employer.

4.7 How can the categories of relevant employment proceedings be reviewed?

The Commission for Children and Young People can reclassify categories in certain circumstances:

- on request by employers if sufficient evidence is provided;
- or where further notifications are made; or
- when Approved Screening Agencies identify categories that require review during the conduct of an estimate of risk. Approved Screening Agencies will refer these to the Commission for Children and Young People for review.

4.7.1 How to request a review of categories by the Commission for Children and Young People

If you have notified a Category Two relevant employment proceeding and believe it should be changed to a Category One, you should write to the Commission for Children and Young People and notify this change of category. The Commission will not undertake a review in this situation.

If you have notified a Category One relevant employment proceeding and have reasonable grounds to believe that it should be reclassified to a Category Two, you should write to the Commission for Children and Young People to request a review of the category.

In deciding whether to refer a matter to the Commission for Children and Young People for review, you should consider:

- the circumstances surrounding the conduct;
- the nature and seriousness of the employee's behaviour; and
- the nature and seriousness of any disciplinary action taken.

When a request is received, the Commission will review the matter and determine whether it should be reclassified.

4.7.2 Review of notifications by the Commission for Children and Young People

The Commission for Children and Young People will review Category Two matters to determine whether they should be moved to Category One or updated where:

- there is a further notification of a Category Two employment proceeding; or
- the matter is referred from an Approved Screening Agency while undertaking an estimate of risk.

The Commission for Children and Young People will also review Category One matters to determine whether they should be moved to Category Two or updated where the matter is referred from an Approved Screening Agency while undertaking an estimate of risk.

To conduct these reviews, the Commission for Children and Young People may request additional details of those proceedings from you and the employee. This review process will consider such criteria as:

- the type and severity of the matters;
- whether the matters indicate a pattern of behaviour that is of concern; and
- other relevant records held on the person.

Any person subject to a relevant employment proceeding which is transferred between categories or updated will be notified by the Commission for Children and Young People.

The Commission for Children and Young People will also notify the employer who provided the original notification.



Background information

Section

5

5.1 What are other employment screening options?

You can find out more about a preferred applicant by conducting thorough reference checks with people who have worked with them before, or who know them well. Further information on conducting reference checks is available in the Commission for Children and Young People's Child-safe Child-friendly resources at www.kids.nsw.gov.au/safefriendly.

People who are not in child-related employment can apply for a National Criminal History Record Check through NSW Police on a fee-for-service basis. You should advise the person to go to their local Police Station if they wish to make an application.

People who are in child-related employment, but are not eligible for the Working With Children background check, can apply to NSW Police for access to their personal information, including NSW criminal records, under the *Freedom of Information Act 1989*. Further information is available from the NSW Police website at www.police.nsw.gov.au.

5.2 Maintaining confidentiality

You must keep all information regarding the Working With Children Check confidential.

Any information you obtain should only be provided to people who are authorised to see such information, and only if they need to see it.

It is an offence to disclose information obtained as part of the Working With Children Check, except in specified circumstances. For more information on the offences and penalties, go to [What are the offences and penalties?](#) (section 5.3).

In addition, all NSW public sector agencies, including local government organisations, are required to treat personal information in accordance with the information protection principles in *Privacy and Personal Information Protection Act 1998* subject to applicable exemptions.

If you are a non-government organisation, any personal information relating to prohibited persons and Working With Children background checks that you collect and hold should follow the Information Protection Principles in the *Privacy and Personal Information Protection Act 1998*.

These principles relate to:

- the manner and purpose of collecting personal information;
- asking or persuading individuals to provide personal information;
- the storage and security of personal information;
- information relating to records kept by the record keeper;
- accessing records containing personal information;
- altering records containing personal information;
- checking the accuracy, etc of personal information before use;
- limits on use of personal information; and
- limits on disclosure of personal information.

You will find more information about these principles from Privacy NSW (Office of the Privacy Commissioner) at www.lawlink.nsw.gov.au/pc.

If a person feels that their privacy has been breached they should complain to the employer first. If they are not satisfied with the employer's response they can make a complaint to Privacy NSW or the Office of the Federal Privacy Commissioner, depending on the type of employer they are making the complaint about. More information on how to make a complaint regarding breach of privacy is available from Privacy NSW. Telephone (02) 9228 8585 or website at www.lawlink.nsw.gov.au/lawlink/privacynsw/ll_pnsw.nsf/pages/PNSW_index.

5.3 What are the offences and penalties?

Proceedings can be brought against a person at any time for up to two years after any of the following offences are committed under the *Commission for Children and Young People Act 1998*:

- a prohibited person applying for, undertaking or remaining in child-related employment;
- engaging anyone in child-related employment without requiring them to disclose whether they are a prohibited person;
- not undertaking the Working With Children background check as required under the *Commission for Children and Young People Act 1998*;
- failing to notify the Commission for Children and Young People of a rejected applicant for child-related employment;
- failing to notify the Commission for Children and Young People of a relevant employment proceeding;
- breaching confidentiality; and
- failing to produce information when requested by the Commission for Children and Young People.

5.3.1 Prohibited persons

It is an offence for prohibited persons to apply for or otherwise attempt to obtain, undertake or remain in child-related employment. A person found guilty of any of these offences may be imprisoned for two years and/or fined.

It is an offence to engage anyone in child-related employment without requiring them to disclose whether they are a prohibited person. It is also an offence to employ, or continue to employ a person you know is a prohibited person, in child-related employment. A person or corporation found guilty of any of these offences may be fined.

However, it is not an offence for a person employed in child-related employment before 2 January 2007 who had previously been convicted of a child-related personal violence offence to remain in that employment. It is also not an offence for you to continue to employ such a person.

It is an offence to knowingly make a false statement in response to a request relating to a person's status as a prohibited person. A person found guilty of this offence may be imprisoned for 12 months and/or fined.

For further information on prohibited persons go to *Prohibited persons* (section 3.2).

5.3.2 Not undertaking the Working With Children background check

If you do not undertake the Working With Children background check as required under the *Commission for Children and Young People Act 1998* the Commission for Children and Young People may serve you with an enforcement notice. It is an offence not to comply with the requirements of an enforcement notice without a reasonable excuse. The maximum penalty for not complying is imprisonment for six months and/or a fine.

For further information go to [Do you need to do Working With Children background checks?](#) (section 3.3).

5.3.3 Failing to notify the Commission for Children and Young People of a rejected applicant for child-related employment

If you fail to notify the Commission for Children and Young People of the details of a person whose application for child-related employment has been rejected due to an estimate of risk, the Commission may serve you with an enforcement notice.

It is an offence not to comply with the requirements of an enforcement notice without a reasonable excuse. The maximum penalty for not complying is imprisonment for six months and/or a fine.

For further information go to [When to notify the Commission about your employment decision](#) (section 3.7.5).

5.3.4 Failing to notify the Commission for Children and Young People of a relevant employment proceeding

If you do not notify the Commission for Children and Young People of the name and other relevant identifying particulars of any employee (either paid or unpaid) against whom relevant employment proceedings have been completed since 3 July 1995, you may be served with an enforcement notice.

It is an offence not to comply with the requirements of an enforcement notice without a reasonable excuse. The maximum penalty for not complying is imprisonment for six months and/or a fine.

For further information on your obligations to notify relevant employment proceedings, including matters which do not need to be notified, go to [Relevant employment proceedings](#) (section 4).

5.3.5 Breaching confidentiality

It is an offence to disclose any information obtained as part of the Working With Children Check, unless the disclosure is:

- made in good faith for the purposes of the Working With Children Check; or
- made with the consent of the person to whom the information relates; or
- ordered by a court or other judicial body; or
- made with other lawful excuse, for example, you are compelled to provide information to police for law enforcement purposes.

It is also an offence to dishonestly obtain confidential information relating to the Working With Children Check.

A person found guilty of any of these offences may be imprisoned for six months and/or fined.

For further information go to [Maintaining confidentiality](#) (section 5.2).

5.3.6 Failing to produce information when requested by the Commission for Children and Young People

The Commission for Children and Young People may issue you with a notice requiring you to provide the Commission with information or documents relating to the Working With Children Check. This information is collected only for the purposes of undertaking an estimate of risk or monitoring and auditing.

It is an offence not to comply with this notice without a reasonable excuse. It is also an offence to knowingly provide the Commission for Children and Young People with information that is false or misleading. A person found guilty of either of these offences may be fined.

5.4 What records are checked in the Working With Children background check?

There are three types of records considered in the Working With Children background check: relevant criminal records, relevant apprehended violence orders (AVOs) and relevant employment proceedings.

5.4.1 Relevant criminal records

A relevant criminal record is a criminal record of a person with respect to a charge or conviction for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any assault, ill treatment, neglect of, or psychological harm to, a child;
- any registrable offence;
- offences of attempting, or of conspiracy or incitement, to commit any of the above offences;
- and if any offence above was:
 - committed in New South Wales and was punishable by penal servitude or imprisonment for 12 months or more; or
 - committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in New South Wales.

A relevant criminal record includes all matters irrespective of whether they are otherwise considered spent and all relevant offences committed as a juvenile.

Relevant criminal records include charges which:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

A relevant criminal record does not include an offence:

- that was a serious sex offence when committed if the conduct constituting the offence has ceased to be an offence in NSW; or
- involving sexual activity or an act of indecency if the conduct occurred in a public place and it *would not* have been an offence in NSW if it did not occur in a public place.

5.4.2 Relevant Apprehended Violence Orders

An Apprehended Violence Order (other than an interim order):

- made by a court under Part 15A of the *Crimes Act 1900*; or
- an external protection order (within the meaning of Part 15A of the *Crimes Act 1900*) which is registered in NSW;
made on the application of a police officer or other public official for the protection of a child (or a child and others).

It does not include orders made before 3 July 1995.

5.4.3 Relevant employment proceedings

Relevant employment proceeding records are findings by an employer that the following conduct occurred or may have occurred:

- reportable conduct - any sexual offence or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence;
- any child-related personal violence offence;
- any assault, ill treatment or neglect of a child;
- any behaviour that causes psychological harm to a child; or
- an act of violence committed by an employee in the course of employment and in the presence of a child.

5.5 What is reportable conduct and an act of violence for the purposes of relevant employment proceedings?

Reportable conduct includes the following:

5.5.1 Sexual offences

Sexual offences include sexual assault, the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child. Sexual assault refers to sexual intercourse by a person with a child.

5.5.2 Sexual misconduct

Sexual misconduct describes a range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours may include:

- any sexual relationship with a child;
- inappropriate conversations of a sexual nature;

- comments that express a desire to act in a sexual manner with individual children or young people;
- unwarranted and inappropriate touching of a child, or in the presence of a child;
- sexual exhibitionism in the presence of a child;
- personal correspondence (including electronic communication) with a child or young person in respect of the adult's sexual feelings for a child or young person;
- deliberate exposure of children and young people to sexual behaviour of others including display of pornography;
- possession of child pornography; and
- patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse.

Sexual misconduct includes '*grooming behaviour*', or patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse. However, such abuse need not have happened for grooming to have occurred. The grooming process can include:

- persuading a child that a 'special' relationship exists – spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules, etc.;
- testing of boundaries – undressing in front of the child, allowing the child to sit on the lap, talking about sex, 'accidental' touching of genitals, etc.;
- establishing relationships outside the employment relationship – grooming should not be assumed where such relationships are the result of a relationship established before employment; and/or
- inappropriate personal correspondence, including electronic communication, with a child.

These behaviours may not indicate risk if they occur in isolation, but if there is a pattern of behaviour occurring, it may indicate grooming.

5.5.3 Physical assault

Physical assault must include all three of the following elements:

- it is an act committed on or towards a child; and
- it involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
- it is either hostile or reckless (a reckless act is one where a person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk).

A child does not have to be physically injured in order for an assault to have taken place. However, a child must be put in fear that they will be harmed as a result of the act.

Assault is a serious matter against a person in child-related employment. Physical contact which is part of a daily work relationship should not automatically be considered to be assault even if there is anger or emotion involved. Shouting at a child would not be considered as assault.

Physical contact which is an inevitable part of everyday life does not amount to assault. Physical assault does not include behaviour that is reasonable for the purposes of discipline, management or care of children, or the use of physical force that is trivial or negligible, but only if the employer is an agency to which Part 3A of the *Ombudsman Act 1974* applies and

the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

5.5.4 Ill-treatment

Ill-treatment of a child occurs where a child is corrected or disciplined in excess of what is reasonable or appropriate for the situation.

Discipline may be considered excessive if it is a disproportionate response to a child's behaviour. Discipline can be considered inappropriate if it is unsuitable for the child for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards. You should consider whether the treatment may affect the long-term well-being of the child.

For example, locking a child in a cupboard as punishment for talking, or tying a child to a chair because they wandered, are excessive and inappropriate forms of discipline that would be regarded as ill-treatment.

5.5.5 Neglect

Neglect occurs when a child is harmed by the failure to provide basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child. Generally neglect offences are linked to a person with care responsibilities for a child, such as a foster carer.

Neglect can be ongoing or a single significant incident. However, neglect typically develops as a pattern of behaviour that results in harm to a child over a period of time. For example, accidentally leaving a child locked in a room alone for a short period, and after all standard workplace procedures have been followed, is not considered to be neglect, though it may be inappropriate professional conduct.

When considering whether a child is being, or has been, neglected, it may be useful to focus on the effect on the child. Incidents that do not suggest any impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

5.5.6 Behaviour that causes psychological harm

There are three elements in a finding of behaviour that causes psychological harm. There must be:

- significant emotional harm or trauma to a child;
- inappropriate behaviour by the offender; and
- a causal link between the behaviour and the harm.

The consequences of psychological harm are long-term and include feelings of guilt, distress, low self-esteem, depression, self-destructive behaviour and can result in delays to normal development, interpersonal relationships and learning development. Psychological harm is typically characterised by a consistent or repetitive pattern of behaviour by the employee. Isolated or minor incidents generally do not result in significant psychological harm or trauma.

Examples of behaviour that causes psychological harm may include repeated acts that degrade or belittle a child and isolating a child by continually denying them the opportunity to participate or restricting their freedom of movement.

The NSW Ombudsman document *Child Protection in the Workplace: Responding to Allegations Against Employees (June 2004, 3rd edition)* provides further assistance on what constitutes reportable conduct. It is available from the NSW Ombudsman's website at www.ombo.nsw.gov.au.

5.5.7 What is an 'act of violence'?

For an act of violence to be reportable, it must be an act or series of related acts that:

- involve violent conduct;
- are committed in the course of employment;
- are committed in the presence of a child; and
- result in injury, either physical or emotional, to the child.

An act of violence is not necessarily committed on, or directed at, a child. It also includes violent conduct towards property as well as violent conduct towards persons. For example, where an employee acts with violence towards another adult in the workplace in the presence of a child, this can result in a relevant employment proceeding. However, small and insignificant actions such as throwing a book on the ground or slamming doors do not constitute acts of violence and should not be reported.

A reportable act of violence does not include acts which are trivial or negligible. Some behaviour, such as a one-off incident of an employee hitting a desk in front of a child in anger, may be undesirable in the workplace. However, it does not constitute an act of violence.

In all instances the act of violence must result in injury, either physical or psychological, to the child.

5.6 What does an estimate of risk take into account?

Before proceeding with an estimate of risk the Approved Screening Agency will confirm that the position is child-related employment, the records are relevant, the records belong to the applicant and the applicant is not a prohibited person.

The estimate of risk is based on three components:

- the level of risk inherent in a particular position;
- the level of control an organisation has over its risks; and
- the extent of caution needed in employing a particular individual.

As part of conducting an estimate of risk, a risk assessor will:

- contact the preferred applicant to verify their personal details and confirm that the records relate to them;
- undertake an assessment of the vulnerability of the child(ren), the level of dependency of children on the position holder and the level of supervision provided;
- undertake an assessment of the adequacy of the plan in place to address the risk to children posed by staff; and
- undertake an assessment of a preferred applicant's previous history of relevant offending and/or proceedings.

The estimate of risk is undertaken according to an established framework developed by the Commission for Children and Young People.

5.7 How to make your workplace child-safe and child-friendly

Research shows that in preventing child abuse within workplaces, organisational practices are as important as who is employed.

In recognition of this, the Commission for Children and Young People has created a set of web-based resources to assist employers keep children and young people safe and reduce the risk of abuse.

These resources include templates and checklists on developing policies, codes of conduct, recruitment and selection, induction, supporting staff and managing complaints.

The Child-safe Child-friendly resources are available from the Commission for Children and Young People's website at www.kids.nsw.gov.au/safefriendly.

Through their participation, children and young people can make an important contribution to helping organisations become more child-safe and child-friendly. For more information on getting children and young people involved in your organisation, follow the link to the Commission for Children and Young People's *TAKING PARTicipation seriously* kit at www.kids.nsw.gov.au/publications.

5.8 What you should expect from your Approved Screening Agency

Your Approved Screening Agency will:

- conduct the Working With Children background check;
- undertake an estimate of risk of any preferred applicant whose check has identified a relevant record;
- notify you of the outcome of any estimate of risk conducted;
- provide you with assistance and advice about the Working With Children Check;
- protect the security and confidentiality of all information obtained during the Working With Children Check; and
- carry out internal audits to make sure the Working With Children Check retains its integrity.

Your Approved Screening Agency should carry out the Working With Children background check and estimates of risk in a manner that is:

- timely;
- responsive to your needs; and
- consistent with strict standards of fairness towards the preferred applicant.

5.9 What you should expect from the Commission for Children and Young People

The Commission for Children and Young People will:

- develop Guidelines for the implementation of the Working With Children Check;
- develop consistent standards for the practices of Approved Screening Agencies for Working With Children background checking;
- develop policies and procedures that support a timely and responsive service;
- coordinate an approach to the Working With Children background check which promotes integrity, consistency and probity;
- monitor and audit the Working With Children Check processes;
- review the Working With Children Check on a regular basis and recommend legislative changes to improve the processes as required;
- respond to issues you may raise in relation to your Approved Screening Agency; and
- maintain relevant employment proceeding and Apprehended Violence Order (AVO) records for the purposes of the Working With Children Check.

5.10 What to do if you have a complaint about service

If you have a complaint about the service provided by your Approved Screening Agency you should first contact the Agency.

If the matter cannot be resolved by the Approved Screening Agency you should contact the Commission for Children and Young People who may be able to assist you. The Commission for Children and Young People has the power to audit and monitor compliance with the Working With Children Check.

If your Approved Screening Agency is the Commission for Children and Young People, you can find out more information about making a complaint to the Commission for Children and Young People at www.kids.nsw.gov.au/about.

All of the Approved Screening Agencies, apart from the Catholic Commission for Employment Relations, are within the jurisdiction of the NSW Ombudsman. The NSW Ombudsman will be able to provide you with further information if you wish to make a complaint. Information on the NSW Ombudsman is available at www.ombo.nsw.gov.au.

5.11 What is the relevant legislation?

5.11.1 **Commission for Children and Young People Act 1998**

This Act establishes the Commission for Children and Young People as an independent organisation with the aim of making NSW a better place for children and young people.

In relation to the Working With Children program, the Commission for Children and Young People's functions include encouraging employers to develop their capacity to be safe and friendly for children, facilitating Working With Children background checking for child-related employment and reviewing the status of Prohibited persons.

5.11.2 **Part 3A of the Ombudsman Act 1974**

Under this part the NSW Ombudsman is to keep under scrutiny the systems for:

- preventing reportable conduct by employees of designated NSW Government agencies, non-government agencies and other public authorities; and
- handling and responding to reportable allegations or convictions involving those employees.

5.11.3 **Child Protection (Offenders Registration) Act 2000**

Under the *Child Protection (Offenders Registration) Act 2000* a person who has been found guilty of a registrable offence against children, as defined by the Act, is known as a "Registrable person". A number of strict reporting obligations and limits are placed on such persons. A Registrable person automatically becomes a Prohibited person under the *Commission for Children and Young People Act 1998*.

5.11.4 **Freedom of Information Act 1989**

This Act gives people the legal right to:

- obtain access to information held as records by NSW Government agencies, Government Ministers, local government and other public bodies;
- request amendments to personal records that are inaccurate; and
- appeal against a decision not to grant access to information or to amend personal records.

The *Commission for Children and Young People Act 1998* expands the coverage of the *Freedom of Information Act 1989* to any employer who has information on relevant employment proceedings.

5.12 Glossary

Approved Screening Agency: An employer or employer-related body approved by the Minister to carry out all or any of the relevant Working With Children background checking procedures.

Child: A person who is under 18 years of age.

Child-related employment: Child-related employment is employment:

- that primarily involves contact with children; *and*
- that involves direct contact with children; *and*
- where that contact is not directly supervised by a person having the capacity to direct the employee in the course of employment; *and*
- in the specific work settings listed at 1.2.1.

All four criteria must be satisfied for the position to be child-related employment. See [Do you provide child-related employment?](#) (section 1).

Child-related personal violence offence: An offence committed by an adult involving intentionally wounding or causing grievous bodily harm to a child or an offence of attempting, or of conspiracy or incitement, to commit such an offence.

In NSW, a child-related personal violence offence is specifically the offence of:

- maliciously wounding or inflicting grievous bodily harm to a child; or
- maliciously shooting at, or discharging any kind of loaded arms at a child;
 - with the intent to do grievous bodily harm to a child, or resist, or prevent arrest.

It does not include an offence committed by an adult who is less than three years older than the child concerned.

Conviction: A charge proven in court and recorded as such, including a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

Employee: Any person who is engaged in employment.

Employer: A person who:

- in the course of business, arranges for the placement of a person in employment with others; or
- engages a person under a contract to perform work.

Employer-related body: Any body which supervises, represents or has other functions with respect to an employer for the purposes of Working With Children background checks.

Employment:

- performance of work under a contract of employment; or
- performance of work as a self-employed person; or
- performance of work as a subcontractor; or

- performance of work as a volunteer for an organisation; or
- undertaking practical training as part of an educational or vocational course; or
- performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- performance of the duties of an authorised carer within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.

Employment screening: Screening a preferred applicant as part of employment. This may involve interviews, reference checks, the Working With Children background check and other criminal records checks where available.

Enforcement notice: A notice issued by the Commission for Children and Young People to an employer for failure to comply with requirements to undertake the Working With Children background check, notify the Commission of rejected applicants or notify the Commission of relevant employment proceedings.

The notice contains:

- the reasons why you've received it;
- what you must do; and
- the period of time you have to demonstrate that you've met your obligations. By law, this period cannot be less than 28 days.

Estimate of risk: The process of analysing information gathered through Working With Children background checking to estimate the level of risk a person in child-related employment may pose to children in the workplace. Employers are provided with the outcome of an estimate of risk in the *Advice to employers – results of background check* letter.

Neglect: Neglect occurs when a child is harmed by the failure to provide basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child. Generally neglect offences are linked to a person with care responsibilities for a child, such as a foster carer.

Neglect can be ongoing or a single significant incident. However, neglect typically develops as a pattern of behaviour that results in harm to a child over a period of time. For example, accidentally leaving a child locked in a room alone for a short period, and after all standard workplace procedures have been followed, is not considered to be neglect, though it may be inappropriate professional conduct.

When considering whether a child is being, or has been, neglected, it may be useful to focus on the effect on the child. Incidents that do not suggest any impact on the long-term physical, emotional or intellectual well-being of the child are unlikely to constitute neglect.

Paid: A reference to paid includes any person who receives a salary or remuneration such as cash or fee for the performance of work, but does not include reimbursement of 'out-of-pocket' expenses, receipt of 'in kind' or similar benefits.

Physical assault: Physical assault must include all three of the following elements:

- It is an act committed on or towards a child; and
- It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
- It is either hostile or reckless (a reckless act is one where the person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have taken place, i.e. the child does not have to be injured.

Physical contact which is an inevitable part of everyday life does not amount to an assault.

Prohibited person: A person convicted of a serious sex offence, the murder of a child, a child-related personal violence offence, or a Registrable Person, other than where there is an order in force declaring that Division 2, Part 7 of the *Commission for Children and Young People Act 1998* does not apply to the person in respect of the offence.

(Behaviour that causes) psychological harm: Inappropriate behaviour that results in significant emotional harm or trauma to a child. There needs to be a causal link between the inappropriate behaviour and the harm.

Registrable offence: Any of the following offences against a child:

- murder;
- sexual offences;
- indecency offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution; or
- possession or publication of child pornography.

Registrable person: A person who has been found guilty of a registrable offence against children under the *Child Protection (Offenders Registration) Act 2000*.

Relevant record: Relevant records include Relevant criminal records, Relevant Apprehended Violence Orders and Relevant employment proceedings.

Serious sex offence:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child; or

- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

Offences that are no longer offences in New South Wales are not included.

Offences involving sexual activity or an act of indecency are excluded if the conduct constituting the offence occurred in a public place and would not have constituted an offence in New South Wales if the place were not a public place.

Sexual offences: Sexual offences include sexual assault, the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child. Sexual assault refers to sexual intercourse by a person with a child.

Short-term employee: A person employed for a period of less than six months.

Spent conviction: Those offences included on a person's criminal record which, because of the passage of time and legislative preconditions having been met, are no longer to be considered in any administrative decision making.

Sexual offences and child-related personal violence offences can never be "spent" for the purposes of the Working With Children Check.

Unpaid: Work for which payment, including fee or similar remuneration, is not made, for example a volunteer.

Working With Children background check: The process of gathering and assessing relevant information about a preferred applicant for child-related employment to assist employers make an informed decision on whether or not to employ an applicant for a position. For further information go to [How to obtain a Working With Children background check](#) (section 3.5).

Working With Children Check: The Working With Children Check consists of two parts, the Working With Children background check and exclusion of prohibited persons.

Working With Children Program: The Working With Children Program consists of three key strategies:

- exclusion of prohibited persons;
- Working With Children background check; and
- developing child-safe and child-friendly organisations.

For further information go to [New South Wales Working With Children program](#) (page 2).

Forms

Forms

Section

6

ATTACHMENT 1

6.1 EMPLOYER REGISTRATION

I certify that I am an employer who engages people, on a paid and/or voluntary basis, in child-related employment as defined in the Commission for Children and Young People Act 1998.

I am aware of my obligations as an employer under the Commission for Children and Young People Act 1998.

I acknowledge that the registration details I provide may be collected by, used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check.

I consent to the registration details I provide being used by the Commission for Children and Young People and/or any Approved Screening Agency to send me updates with regard to the Working With Children Check.



All fields must be completed to be registered. Please use block letters.

Name: _____

Signature: _____

Position: _____ Date: _____

Working With Children background checks are conducted by the Approved Screening Agencies listed below. Please select the Approved Screening Agency which best represents the industry in which you operate. You should contact the Commission for Children and Young People if you cannot identify the appropriate Approved Screening Agency.

- Commission for Children and Young People Fax 9286 7201
- NSW Department of Education and Training Fax 9836 9222
- NSW Department of Health Fax 9391 9795
- NSW Department of Arts, Sport and Recreation Fax 9006 3900
- Catholic Commission for Employment Relations Fax 9267 9303

EMPLOYER REGISTRATION DETAILS

Australian business number (ABN): _____

Employer name: _____

Postal address: _____

Town/suburb: _____ State: _____ Postcode: _____

RELEVANT CONTACT PERSON

Title (Mr/Mrs/Ms/Miss/Dr etc): _____ Given name (s) _____

Family name: _____

Position: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Additional authorised persons:

NAME (title, given name(s), surname)	POSITION	SIGNATURE

The information provided may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to the Approved Screening Agency you have identified above. No cover sheet is required.

ATTACHMENT 2

6.2 AMENDMENT TO EMPLOYER REGISTRATION DETAILS



Please use block letters.

Employer name: _____

Employer ID number: _____

Australian Business Number (ABN): _____

I request that the following changes be made to my employer registration details.

Please tick the relevant box to indicate the changes required and print in block letters the details to be changed.

NEW DETAILS

Employer name: _____

Address: _____

Telephone number: _____

Fax number: _____

Contact Email: _____

Change of ownership. Please provide a copy of the first page of the contract transferring ownership:

Closure of business (date): _____

Delete authorised person/s (list name/s): _____

Add authorised person/s below

NAME	POSITION	SIGNATURE

Name: _____

Signature: _____

Position: _____ Date: _____

This information may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the Commission for Children and Young People Act 1998.

NOTE: This form is to be sent to the relevant Approved Screening Agency. No cover sheet is required.

APPROVED SCREENING AGENCY CONTACTS

- Commission for Children and Young People Fax 9286 7201
- NSW Department of Education and Training Fax 9836 9222
- NSW Department of Health Fax 9391 9795
- NSW Department of Arts, Sport and Recreation Fax 9006 3900
- Catholic Commission for Employment Relations Fax 9267 9303

ATTACHMENT 3

6.3 IS THE POSITION CHILD-RELATED EMPLOYMENT?

Title of the position: _____

Date: _____

PART 1: IS THIS POSITION CHILD-RELATED EMPLOYMENT?**1. Does the position involve any of the following? (tick all that apply):**

- work under a contract of employment
- work as a self-employed person or as a subcontractor
- work as a volunteer for an organisation
- undertaking practical training as part of an educational or vocational course
- work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation
- duties of an authorised carer

If no box is checked this position is not child-related employment and you do not need to proceed further. If you have checked any box proceed to question 2.

2. Does the position fit within any of the following work settings? (tick all that apply):

- involving the provision of child protection services
- in pre-schools, kindergartens and child care centres (including residential child care centres)
- in schools or other educational institutions (not being universities)
- in detention centres (within the meaning of the *Children (Detention Centres) Act 1987*)
- in refuges used by children
- in wards of public or private hospitals in which children are patients
- in clubs, associations, movements, societies, institutions or other bodies (including bodies of a cultural, recreational or sporting nature) having a significant child membership or involvement
- in any religious organisation
- in entertainment venues where the clientele is primarily children
- as a babysitter or childminder that is arranged by a commercial agency
- involving fostering or other child care
- involving regular provision of taxi services for the transport of children with a disability
- involving the private tuition of children
- involving the direct provision of child health services
- involving the provision of counselling or other support services for children
- on school buses
- at overnight camps for children

If no box is checked this position is not child-related employment and you do not need to proceed further. If you have checked any box proceed to question 3.

ATTACHMENT 3 (CONTINUED)

3. Does the position primarily involve contact with children?

Examples: The position of a school bus driver primarily involves contact with children as it is an essential requirement of the position that the driver transports children between their homes and school. The position of an electrician working in a school does not primarily involve contact with children, as it is not an essential requirement of the position that the electrician has contact with children.

Yes

No

If "No" is checked this position is not child-related and you do not need to proceed further. If you have checked "Yes" proceed to question 4.

**4. Does the position involve direct contact with children?**

Direct contact means face to face contact. *Examples: A school bus driver has direct contact with children. A telephone-based youth counsellor does not have direct contact with children.*

Yes

No

If "No" is checked this position is not child-related employment and you do not need to proceed further. If you have checked "Yes" proceed to question 5.

5. How frequently does the person working in this position operate in the view of an adult who has the authority to direct them?

Always

Never, or infrequently or intermittently

If "Always" is checked this position is not child-related employment and you do not need to proceed further.

If you have checked "Never, or infrequently or intermittently" then the position is child-related employment. The preferred applicant must complete a Prohibited Employment Declaration and you need to complete the question in Part 2 below to determine if a request for a background check is also required à

Note that preferred applicants who are related (i.e. all the children with whom the person will have contact are related to the person, or are related to the employer and the person is related to the employer) are exempt from these requirements.

PART 2: DO YOU NEED TO REQUEST A BACKGROUND CHECK**6. Does the position involve any of the following (tick all that apply):**

paid employment

employment as a minister, priest, rabbi, mufti or other like religious leader or spiritual official of a religion

duties involving the fostering of children

If no box is checked this position does not require a background check and you do not need to proceed further. However, because the position is child-related employment you are encouraged to assess the level of risk associated with the position as this may help you evaluate your risk management planning and practice associated with it. A tool to help you do this can be found at www.kids.nsw.gov.au/check.

ATTACHMENT 4

6.4 PROHIBITED EMPLOYMENT DECLARATION

The *Commission for Children and Young People Act 1998* makes it an offence for a prohibited person (a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable person under the *Child Protection (Offenders Registration) Act 2000*) to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission, Administrative Decisions Tribunal or Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.



For further information on what is child-related employment see the *Working With Children Employer Guidelines*.

Section 33B of the Commission for Children and Young People Act 1998 defines a serious sex offence as:

- an offence, involving sexual activity or acts of indecency, committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence, involving sexual activity or acts of indecency, committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child; or
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

NOTE: A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Section 33B of the *Commission for Children and Young People Act 1998* defines a child-related personal violence offence as an offence committed by an adult:

- involving intentionally wounding or causing grievous bodily harm to a child; or
- of attempting, or of conspiracy or incitement, to commit such an offence.

Under Commission for Children and Young People Act 1998:

- it is an offence for a prohibited person to apply for or otherwise attempt to obtain, undertake or remain in child related employment;
- employers must ask existing employees, both paid and unpaid, and preferred applicants for child-related employment to declare if they are a prohibited person or not;
- all people in child-related employment must inform their employers if they are a prohibited person or remove themselves from child-related employment; and
- penalties are imposed for non compliance.

ATTACHMENT 4 (CONTINUED)

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the *Commission for Children and Young People Act 1998*, or if I am a Registrable Person under the *Child Protection (Offenders Registration) Act 2000*.



I have read and understood the above information in relation to the *Commission for Children and Young People Act 1998*. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

I declare that I am not a person prohibited by the Act from seeking, obtaining, undertaking or remaining in child related employment.

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

All fields must be completed. Please use block letters.

Name: _____

Aliases (previous/other names): _____

Date of birth: _____

Signature: _____

Date: _____ Contact telephone number: _____

Contact Email: _____

NOTE: Seek legal advice if you are unsure of your status as a prohibited person.

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER

ATTACHMENT 5

**6.5 WORKING WITH CHILDREN BACKGROUND
CHECK CONSENT**

All fields must be completed. Please use block letters.

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

Identifying document type (e.g. driver's licence/passport): _____

Identifying document number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Contact telephone number: _____ Contact Email: _____

Title of position applied for: _____

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for child-related employment, several checks will be undertaken to ascertain my suitability, including:

1. a national criminal record check for charges and/or convictions (including spent convictions) for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any child-related personal violence offence;
- any assault, ill treatment or neglect of, or psychological harm to a child and any registrable offence;

punishable by imprisonment for 12 months or more.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

ATTACHMENT 5 (CONTINUED)

2. a check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren; and
3. a check for relevant employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct. Reportable conduct means any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), any child-related personal violence offence, or any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.



I understand that a conviction for a serious sex offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) or child-related personal violence offence (including but not limited to, intentionally wounding or causing grievous bodily harm to a child) will automatically prohibit me from child-related employment. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a Registrable person under the Child Protection (Registrable Offenders) Act 2000, I am prohibited from child-related employment.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an Approved Screening Agency from sources such as courts, police, prosecutors and past employers to enable a full and informed estimate of risk.

I acknowledge that:

- the above information and any information obtained during the Working With Children background check may be collected and used by and/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check;
- the Commission for Children and Young People or any Approved Screening Agency may share the information obtained during the Working With Children background check with each other to support further estimates of risk arising from additional Working With Children background checks;
- the outcome of an estimate of risk conducted with information obtained through the Working with Children Check by the Approved Screening Agency may be provided to my current or prospective employers or an employer-related body (where applicable) only for background checking purposes;
- details of my relevant records will not be released to my current or prospective employers;
- any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences; and
- the information provided may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the Commission for Children and Young People Act 1998.

Name: _____

Signature: _____ Date: _____

NOTE: This form is to be kept by the employer.

ATTACHMENT 6

6.6 WORKING WITH CHILDREN BACKGROUND CHECK REQUEST

I certify that (please tick):

- I am a representative of the employer engaging the individual(s) listed below and have the authority to submit their name and details to the certified Approved Screening Agency, with which my organisation is registered, for the Working With Children background check;
- I have completed the form, *Is the position child-related employment?*, for the position(s) listed below and have determined that a background check is required;
- information in relation to the background checking process has been provided to all individuals whose names are submitted;
- all individuals have consented to these checks using the Working With Children Background Check consent form;
- I have verified the identity of all individuals whose names are submitted for background checking as required by the 100 point check and retained copies of identification documents for my records. (*The Working With Children Guidelines* provide information on how to accurately identify preferred applicants); and
- this request is made only for preferred applicants to a position that I am seeking to fill.

Name: _____

Signature: _____

Position: _____ Date: _____

All fields must be completed for the check to be processed. Please use block letters.

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____ ABN: _____

Relevant contact person: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Number of requests: _____ Total number of pages: _____

This information may be used for monitoring and auditing compliance with procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to your Approved Screening Agency.

Page: ____ of _____

ATTACHMENT 6 (CONTINUED)

DETAILS OF INDIVIDUALS TO BE CHECKED Please use block letters.



Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

Identifying document type (e.g. driver's licence/passport): _____

Identifying document number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Contact telephone number: _____ Contact email: _____

Title of position applied for: _____

Short-term employee (i.e. being employed for a period of less than six months): (Please tick) Yes No

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

Identifying document type (e.g. driver's licence/passport): _____

Identifying document number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Contact telephone number: _____ Contact email: _____

Title of position applied for: _____

Short-term employee (i.e. being employed for a period of less than six months): (Please tick) Yes No

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

This information may be used for monitoring and auditing compliance with procedures and standards for the Working With Children Check in accordance with Section 36(1)(f) of the *Commission for Children and Young People Act 1998*.

Page: ____ of _____

ATTACHMENT 7

6.7 EMPLOYMENT DECISION NOTIFICATION

All fields must be completed. Please use block letters.

APPLICANT DETAILS

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Type of position (Please tick):

Paid employee Religious leader/spiritual official of a religion Foster carer

Title of position applied for: _____

Date applicant was rejected for child-related employment: _____

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Telephone number: _____ Fax number: _____

Relevant contact person: _____

Contact Email: _____

Position of relevant contact person: _____

I certify that the above details are correct and that I am providing this information in accordance with Section 40 of the *Commission for Children and Young People Act 1998*. I have the authority of the organisation to submit these details to the Commission for Children and Young People.

Name: _____

Position: _____

Signature: _____ Date: _____

NOTE: This form is to be sent to the Commission for Children and Young People.

ATTACHMENT 8

**6.8 RELEVANT EMPLOYMENT PROCEEDINGS
NOTIFICATION**

All fields must be completed. Please use block letters.

EMPLOYEE DETAILS

Family name: _____

Given name(s): _____

Previous names/aliases: _____

Date of birth: _____ Gender: (Please tick) Male Female

Place of birth (city, state, country): _____

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Phone: _____ Fax: _____

Contact Email: _____

Name of relevant contact person: _____

Position of relevant contact person: _____

Date of completion of relevant employment proceedings: _____

Is the above individual currently an employee of your organisation? Yes No

CATEGORY OF RELEVANT EMPLOYMENT PROCEEDING

(Please tick the appropriate box)

This is a Category One proceeding This is a Category Two proceeding

I certify that the above mentioned individual has been the subject of employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct and that I have the authority to submit these details to the Commission for Children and Young People for background checking purposes.

I have advised the employee using the *Relevant Employment Proceedings Employee Notification Letter*.

Name: _____ Position: _____

Signature: _____ Date: _____

This information may be used for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

NOTE: This form is to be sent to the Commission for Children and Young People and is not to be provided to any other person or organisation.

ATTACHMENT 9

**6.9 RELEVANT EMPLOYMENT
PROCEEDINGS SUMMARY**

All fields must be completed. Please use block letters.

EMPLOYEE DETAILS

1. Family name: _____
2. Given name(s): _____
3. Date of birth: _____ 4. Gender: (Please tick) Male Female
5. Title of position: _____
6. Was the person related to any victim(s): Yes No
[Related includes relationships by blood, adoption, marriage or domestic partnership. It also includes a person who has guardianship, parental responsibility or custody of a child.]
7. Was the person a stranger to any victim(s): Yes No
[If the victim was known to the perpetrator more than 24 hours before the offence then that victim is not a stranger.]

INFORMATION ON THE VICTIM(S)

If more than one victim, record separate information for each victim

8. Sex: (Please tick) Male Female
9. Age at the time of incident(s): _____
[If the incident(s) occurred over a period of time, the age of the victim when the incident(s) started]
10. Did the child require any service directly as a result of the incident(s)? Yes No.
 If yes, list the service(s) provided: _____
[Interventions could include medical treatment or counselling]

INFORMATION ON THE INVESTIGATION

11. Date(s) of the incident(s): _____
[If the behaviour occurred over an extended period record the estimated date of commencement and the date this matter was first reported to the employer]
12. What was the nature of the incident(s): _____

[Include if the behaviour was a one off act or a pattern of behaviour; if the behaviour was committed against, with or in the presence of a child; if the behaviour involved violence (threatened or actual)]

ATTACHMENT 9 (CONTINUED)

13. Were there any personal, family or other factors that may have contributed to the employee's behaviour?

[Consider factors such as the employee's alcohol and drug use, emotional state, relationship difficulties, recent changes in their family, access to and use of support from family and friends, attitude to authority, attitude to physical discipline, and culture.]



14. Place(s) where the incident(s) occurred: _____

15. Were any of the place(s) a public place or institution: (Please tick) Yes No

[A public place is defined as an area maintained for or used by the people or community, or any area that is open to the scrutiny of others]

16. Period during which the investigation occurred: _____

17. List all persons interviewed, the title of their position, and the date(s) of the interview(s) held with them
[If children were interviewed record their position title as non-student/student; if parents were interviewed record their position title as parent]

PERSONS INTERVIEWED	TITLE OF POSITION	DATE OF INTERVIEW

18. Position of the person who conducted the investigation: _____

OUTCOME OF THE INVESTIGATION

19. Is there any evidence of a breach of reportable conduct? (Please tick) Yes No

20. Category of relevance for notification (tick all that apply):

Sexual offence/assault

[For this finding a sexual offence against, with or in the presence of a child has occurred, regardless of their consent. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child]

Sexual misconduct

[For this finding you must be able to demonstrate that a behaviour or a pattern of behaviour exists aimed at the involvement of children in sexual acts, this includes grooming behaviour]

Physical assault

[For this finding all the following must be satisfied: it is an act committed on or towards a child; it involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and it is either hostile or reckless (a reckless act is one where a person would reasonably foresee the likelihood of inflicting injury or fear and ignores the risk)]

Neglect of a child

[For this finding you must be able to demonstrate that there is some impact on the long-term physical, emotional or intellectual well-being of the child]

ATTACHMENT 9 (CONTINUED)

 Psychological harm to a child

[For this finding all the following must be satisfied: the behaviour resulted in significant emotional harm or trauma to the child; the offender's behaviour was inappropriate; and there is a causal link between the offender's behaviour and the harm to the child]

 **Child pornography offence or misconduct**

[This includes filming for indecent purposes]

 An act of violence

[For this finding you must be able to demonstrate that an act or series of related acts occurred that: involved violent conduct; it was committed in the course of employment; in the presence of a child; and resulted in injury, either physical or psychological, to the child]

 There is some evidence that reportable conduct or an act of violence has occurred, however the finding is inconclusive or there is insufficient evidence.

Name: _____

Position: _____

Signature: _____

Date: _____

NOTE: If requested, this form must be provided to the Commission for Children and Young People or an Approved Screening Agency for background checking purposes.

ATTACHMENT 10

6.10 RELEVANT EMPLOYMENT PROCEEDINGS EMPLOYEE ADVISORY LETTER



Dear *(insert employee name)*

Section 39 of the *Commission for Children and Young People Act 1998* requires employers to provide details to the Commission for Children and Young People of any employee, either paid or volunteer, who has been the subject of a relevant employment proceeding.

Under the Act, a relevant employment proceeding means employment proceedings against an employee by the employer that involve:

- reportable conduct by the employee; or
- an act of violence committed by the employee in the course of employment and in the presence of a child.

Your name is being registered with the Commission for Children and Young People in relation to the employment proceeding involving ...

It has been given a Category ... classification.

[Select applicable paragraph from two options below]

(If Category One)

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, the nature of this relevant employment proceeding will be taken into consideration during the background checking process to determine your suitability for such employment.

OR

(If Category Two)

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, this relevant employment proceeding will not be taken into consideration during the background checking process to determine your suitability for such employment. However, if you are the subject of another relevant employment proceeding, or a have relevant criminal record or relevant Apprehended Violence Order, this employment proceeding may be taken into consideration during the background checking process.

If you do not agree with this notification and wish to dispute it, you should contact *{insert name and contact details of employer's relevant officer}* to discuss this further.

The Commission for Children and Young People does not release details of relevant employment proceedings to future or prospective employers when providing advice to them. The only information held by the Commission for Children and Young People is your name, sex, date and place of birth and the relevant employment proceeding category. Records of the relevant employment proceeding are maintained by *{name of employer}*. If *{name of employer}* closes down, your relevant employment proceeding records will be forwarded to the Commission for Children and Young People. Such records will be kept in a secure place and will be used only for the purposes of the background checking process where relevant.

Your entitlement to access information on relevant employment proceedings

Under the *Freedom of Information Act 1989* you are entitled to access any documents held by *{insert name of employer}* relating to this relevant employment proceeding. You can also request that such documents be amended if you consider them to be incomplete, incorrect, out of date or misleading. There is no fee or charge for making a request for access to, or amendment of, documents.

To access documents, or request amendments, you should *{insert employer's requirements, such as "complete the attached FOI application form" or "write a letter requesting access and listing the documents you wish to access"}*.

ATTACHMENT 10 (CONTINUED)

You should contact *{insert name and contact details of employer's contact person/ FOI officer}* for further information.

If you do not receive a response to your request within 21 days you may complain to the NSW Ombudsman (phone 9286 1000 or 1800 451 524).

If you are refused access to information requested in a FOI application, or refused your requested amendments, you can:

- request that *{insert name of employer}* reviews the decision through an internal review;
- if you are not satisfied with the internal review, or it is unable to occur, request that the NSW Ombudsman reviews the matter;
- if you are not satisfied with the NSW Ombudsman's review, or there is good reason not to request one, make an application to the Administrative Decisions Tribunal, which will consider the merits of the matter and make a binding decision.

Further information about FOI is available from the NSW Ombudsman by telephoning phone 9286 1000 or 1800 451 524 or visiting their website at <http://www.ombo.nsw.gov.au>

Please contact *{insert name and contact details of employer's relevant officer}* if you require any further information on this matter.

Yours sincerely

Name (of Manager/CEO as appropriate)

Position title

Employer organisation name

Date



ATTACHMENT 11

**6.11 RELEVANT EMPLOYMENT PROCEEDING
RECORDS RELEASE**

All fields must be completed. Please use block letters.

EMPLOYER DETAILS

Employer name: _____

Employer ID number: _____

Address: _____

Suburb/Town: _____ State: _____ Postcode: _____

Telephone number: _____ Fax number: _____

Contact Email: _____

Relevant contact person: _____

Position of relevant contact person: _____

I certify that:

I am a representative of the employer named above and have the authority to release the enclosed records relating to relevant employment proceedings to the Commission for Children and Young People;

I consent to the release of the enclosed records relating to relevant employment proceedings to the Commission for Children and Young People; and

I have notified all employees to which the records relate that the records have been forwarded to the Commission for Children and Young People.

Name: _____

Position: _____

Signature: _____ Date: _____

NOTE: This form is to be sent to the Commission for Children and Young People with the employer's relevant employment proceeding records.



PUBLIC LOTTERIES ACT 1996

Keno – Approval of Rules

I, THE HONOURABLE GRAHAM WEST, MP, Minister for Gaming and Racing and Minister for Sport and Recreation, being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as “the Act”) pursuant to section 23 (1) of the Act DO HEREBY APPROVE the Rules annexed to this instrument for the conduct of Games of Keno by the joint licensees Jupiters Gaming (NSW) Pty Limited and ClubKENO Holdings Pty Limited.

Dated this 12th day of March 2008.

the Honourable GRAHAM WEST, M.P.,
Minister for Gaming and Racing
Minister for Sport and Recreation

KENO RULES

1. General

These Rules govern the playing of Keno and are effective on and from 14 March 2008. They consist of Keno Rules dated 23 November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001, 1st March 2002 1st September 2002, 1st February 2003, 27th June 2003, 18 October 2004 21 November 2005, 01 September 2006, 04 September 2006 and 14 March 2008)

Subject to the Act and these Rules, the Game of Keno is the exclusive responsibility of the Licensees and the Venues.

2. Definitions

- (a) In these Rules unless inconsistent with the context:
- (i) **“Act”** means the Public Lotteries Act 1996, as that Act may be amended from time to time, and any regulations made thereunder;
 - (ii) **“Approved”** means approved in writing by the Minister and “Approval” has a corresponding meaning;
 - (iii) **“Backup Site”** means the site at which the computer system which acts as a backup to the Central Site Computer is located;
 - (iv) **“Bonus Prize”** means an Approved prize offered to Subscribers to a Game of Keno over and above those prizes indicated on any Schedule of Prizes;
 - (v) **“Box” or “Boxed”** means an option on the “Quinella Place”, “Quinella”, “Exact Quinella”, “Trio”, “Trifecta”, “Quartet”, “Five Up” and “Superfecta” bet types in a game of Keno Racing that allows a Subscriber to forecast the result of the game by combining their selected Rows into all possible combinations on one Entry. A Subscription is payable in respect of each combination;
 - (vi) **“Casino Licensee”** means a holder of a licence granted under Section 18 of the Casino Control Act 1992;
 - (vii) **“Category”**, and references to a game being of a particular “Category”, means a Category listed in a table in the licence held by the Licensees, which governs the apportionment of each Subscription for each game, including the Commission and the Keno Prize Fund Contribution. Each type of game is allocated a Category under these Rules;
 - (viii) **“Central Site”** means the site at which the Central Site Computer is operative and in direct control of the computing of the Game of Keno;
 - (ix) **“Central Site Computer”** means the computer system that is used to process, store and display the Game of Keno;
 - (x) **“Chip”** means a chip issued by a Casino Licensee under the Casino Control Act 1992;
 - (xi) **“Club”** means a club holding a certificate of registration under the Registered Clubs Act 1976.

- (xii) **“Column” or “Columns”** means the 8 numbers in 1 column of the Keno Grid whereby:
- Column 1 means the numbers: 1, 11, 21, 31, 41, 51, 61 and 71,
- Column 2 means the numbers: 2, 12, 22, 32, 42, 52, 62 and 72,
- Column 3 means the numbers: 3, 13, 23, 33, 43, 53, 63 and 73,
- Column 4 means the numbers: 4, 14, 24, 34, 44, 54, 64 and 74,
- Column 5 means the numbers: 5, 15, 25, 35, 45, 55, 65 and 75,
- Column 6 means the numbers: 6, 16, 26, 36, 46, 56, 66 and 76,
- Column 7 means the numbers: 7, 17, 27, 37, 47, 57, 67 and 77,
- Column 8 means the numbers: 8, 18, 28, 38, 48, 58, 68 and 78,
- Column 9 means the numbers: 9, 19, 29, 39, 49, 59, 69 and 79, and
- Column 10 means the numbers: 10, 20, 30, 40, 50, 60, 70 and 80;
- (xiii) **“Combination”** means a combination of 1 to 10, 15, 20 and 40 Spots selected by the Subscriber from the 80 available numbers, where each Combination is taken to be a separate Game played by the Subscriber;
- (xiv) **“Combination Bet”** means an advanced form of Entry whereby a Subscriber may play 2 or more different Combinations in the same game on the same Entry.
- The Subscriber (or in the case of a Standard Superplay, the Central Site Computer) selects the Spots and creates non-intersecting groups of those Spots (“Groups”) on the one Entry. A Group may comprise of a minimum one Spot only. A Spot may not form (and will not be counted as forming) part of more than one Group. All Spots forming part of a particular Group will be identified on the Receipt Ticket by the same alpha or alpha numeric character, which character will be different from the characters allocated to the Spots comprising other Groups.
- The Combinations are formed by combining all the Spots in a Group or by combining all the Spots in a Group with all the Spots in another Group or Groups. The Subscriber must nominate the types of Combinations (except in the case of a Superplay, in which case the types of Combinations are pre-programmed), the amount to be wagered for each Combination and the number of games to be played. A Subscriber may (but need not) nominate all types of Combinations capable of being formed using the Groups selected (“All Combinations Bet”). For each type of Combination, the Subscriber must play the maximum number of Combinations which can be played using the Groups selected. This maximum number is as calculated by the Central Site Computer and specified on the Receipt Ticket;
- (xv) **“Combo Bet”** has the same meaning as Combination Bet;
- (xvi) **“Commission”** means an amount paid to a Venue by Subscribers, in the Venue’s own right (and not as agent of the Licensees), and which:
- (A) the Venue is entitled to deduct and retain from the Gross Subscription which the Venue receives from the Subscriber and deals with as agent of the Subscriber, pursuant to Rule 7(f); or
- (B) the Operating Company is directed by the Subscriber to pay to the Venue, on behalf of the Subscriber, from the face value of a Prepaid Voucher, in accordance with the terms of the Prepaid Voucher and Rule 9B(a); or

- (C) the Venue is entitled to deduct and retain from the amount received from a Subscriber for the purchase of a Gift Voucher, in accordance with Rule 9A(b).
- (xvii) **“Corner” or “Corners”** means a square of 4 adjacent numbers in the Keno Grid;
- (xviii) **“Crossed Cheque”** means a cheque crossed as referred to in section 53 of the Cheques Act 1986 of the Commonwealth;
- (xix) **“Customer Session”** means the period of time when a Subscriber either:
- (i) makes an Entry in a Game of Keno; or
 - (ii) checks a Receipt Ticket; or
 - (iii) cancels an Entry in a Game of Keno
- to that time when the End Customer Terminal key is activated;
- (xx) **“Customised Superplay”** means a form of Combination Bet where the types of Combinations, the Groups and the Spots forming part of each Group applicable to that Combination Bet have been previously programmed for a particular Venue to accommodate particular Subscribers at that Venue and made available by that Venue from time to time;
- (xxi) **“Delayed Start Entry”** means an Entry for a game which is not open at the time the Receipt Ticket for that Entry is issued;
- (xxii) **“Delayed Start Game”** means an Approved game in which Delayed Start Entries are permitted;
- (xxiii) **“Drawing”, “Draw” or “Drawn”** means the random selection by a Draw Device of 20 winning numbers;
- (xxiv) **“Draw Device”** means a device Approved for conducting a Draw being an electronically operated device which selects at random and one at a time, from a set of one to eighty numbers, the 20 winning numbers, in each Game of Keno;
- (xxv) **“Entry”** means an entry referred to in Rule 7;
- (xxvi) **“Entry Form”** means an Approved form that may be completed by a person wishing to enter a Game of Keno;
- (xxvii) **“Game of Keno”** means the competition styled “Club Keno” or “Star Keno” conducted under the Act and “Keno”, “Keno game” and “game” shall have the same meaning;
- (xxviii) **“Game Results Inquiry”** means a request from a Subscriber to display on a Terminal or to display on and print from a Terminal the results of a game or games;
- (xxix) **“Gift Voucher”** means an Approved document issued by a Venue which is the acknowledgment of the payment of money by a Subscriber and which entitles the holder (whether the initial Subscriber or another) to enter a particular type of Game of Keno;
- (xxx) **“Group”** has the meaning given in Rule 2(a)(xiv);
- (xxxi) **“Gross Subscription”** means (subject to Rule 11 regarding cancellation of Entries) the amount prescribed by the Minister to be paid by a Subscriber for entry to a Game of Keno, and includes the amount of Commission received and retained by a Venue pursuant to Rule 7(f), and also includes the face value of Gift Vouchers, Prepaid Vouchers and Subscription Chips which have been used as Subscriptions for Games of Keno;

- (xxxii) **“Heads or Tails?”** means the form of the Game of Keno, being a Category Q game, which may be played separately to other forms of the Game of Keno, the object of which is to forecast the distribution of the Drawn numbers. In this form of game, a Subscriber attempts to forecast the result of a single Game of Keno as being one of “Heads”, “Tails” or “Evens” as described following:
- (a) The result of a game is “Heads” when 11 or more of the 20 numbers Drawn in that Game of Keno are numbers in the range 1 to 40 inclusive;
 - (b) The result of a game is “Tails” when 11 or more of the 20 numbers Drawn in that Game of Keno are numbers in the range 41 to 80 inclusive;
 - (c) The result of a game is “Evens” when ten (10) of the 20 numbers Drawn in that Game of Keno are numbers in the range 1 to 40 inclusive and ten (10) of the 20 numbers Drawn in the same Game of Keno are numbers in the range 41 to 80 inclusive;
- If the Subscriber correctly forecasts the result of that game, then, subject to these Rules, a prize will be payable calculated in accordance with Rule 18(c);
- (xxxiii) **“Hotel”** means the holder of an hotelier’s licence under the *Liquor Act 1982* (NSW) or an Hotel Licence under the *Liquor Act 2007* but not being a general bar licence;
- (xxxiv) **“Inspector”** means a person appointed by the Minister as an inspector under Section 69 of the Act to undertake functions associated with the conduct of the Game of Keno;
- (xxxv) **“Jackpot”** means the Regular Keno Jackpot and Keno Racing Jackpot;
- (xxxvi) **“Jackpot Fill”** means the sum described as the Jackpot Fill (if any) in Rule 18;
- (xxxvii) **“Jackpot Growth”** means (as the case may be):
- (a) for the Regular Keno Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(b); and
 - (b) for the Keno Racing Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(c);
- (xxxviii) **“Keno Bonus”** means the form of the Game of Keno, being a Category I game, which may only be played in conjunction with certain other forms of the Game of Keno as determined by the Operating Company (except Keno Racing), by which:
- (a) the Subscription for the Game of Keno it is played in conjunction with is multiplied by the Multiplier for the sole purpose of determining the prize payable on that Game of Keno in accordance with the Schedule of Prizes; and
 - (b) where Keno Bonus is played in conjunction with a Regular Keno Jackpot, the Keno Bonus Jackpot Prize is payable on winning a Regular Keno Jackpot game;
- (xxxix) **“Keno Bonus Jackpot Prize”** means the prize offered in respect of a Keno Bonus game played by a Subscriber in conjunction with Regular Keno Jackpot where a Regular Keno Jackpot Prize is payable and the Multiplier is either 2, 3, 4, 5 or 10.;
- (xl) **“Keno Day”** means the period between the start of Keno trading and the close of Keno trading, identified by the calendar day on which that period commenced;
- (xli) **“Keno Grid”** means the standard layout of the range of the numbers 1 to 80 on a Standard Game Entry Form;
- (xlii) **“Keno Prize Fund”** means the account established for payment of prizes that receives from Net Subscriptions an amount equal to the Keno Prize Fund Contributions;

- (xliii) **“Keno Prize Fund Contribution”** means:
- (a) for Heads or Tails? being a Category Q game - an amount equal to 80% of Subscriptions; and
 - (b) for Regular Keno, Keno Roulette, Keno Racing, Lucky Last and Keno Bonus, all being Category I games - an amount equal to 75% of Subscriptions;
- (xliv) **“Keno to Go”** means a Multi-Game Entry for not less than 50 games;
- (xlv) **“Keno Racing”** means the form of the Game of Keno, being a Category I game, which may be played separately to other forms of the Game of Keno, the object of which is to forecast the distribution of the Drawn numbers across the Rows of the Keno Grid in each game. In this form of the Game of Keno, a Subscriber attempts to forecast which Row shall be “First”, “Second”, “Third”, “Fourth”, “Fifth” or “Sixth” as described following:
- (a) “First” is the Row that has the most amount of Drawn numbers at the end of the Game of Keno;
 - (b) “Second” is the Row that has the second most amount of Drawn numbers at the end of the Game of Keno;
 - (c) “Third” is the Row that has the third most amount of Drawn numbers at the end of the Game of Keno;
 - (d) “Fourth” is the Row that has the fourth most amount of Drawn numbers at the end of the Game of Keno;
 - (e) “Fifth” is the Row that has the fifth most amount of Drawn numbers at the end of the Game of Keno;
 - (f) “Sixth” is the Row that has the sixth most amount of Drawn numbers at the end of the Game of Keno;

Where two or more Rows have the same amount of Drawn numbers at the end of the Game of Keno, the Row that achieved that amount of Drawn numbers earliest in time in the Game of Keno shall be placed ahead of the other Row or Rows and so on until an order is achieved. (In the event that two or more Rows each have no Drawn numbers at the end of the Game of Keno, each of these Rows shall be deemed to finish equal in the next available place in that Game).

In this form of Game of Keno, a Subscriber may select one or more bet types in attempting to forecast the order of the Rows. These bet types are described as follows:

- (a) “Win”, where a Subscriber attempts to forecast which Row shall be “First”;
- (b) “Place”, where a Subscriber attempts to forecast that a selected Row shall be either “First”, “Second” or “Third” ;
- (c) “Quinella Place”, where a Subscriber attempts to forecast any two Rows that shall be “First”, “Second” or “Third” irrespective of their order;
- (d) “Quinella”, where a Subscriber attempts to forecast which two Rows shall be “First” and “Second” irrespective of their order;
- (e) An “Exact Quinella”, where a Subscriber attempts to forecast which two Rows shall be “First” and “Second” in the correct order;
- (f) A “Trio”, where a Subscriber attempts to forecast which three Rows shall be “First”, “Second” and “Third” irrespective of their order;

- (g) A “Trifecta”, where a Subscriber attempts to forecast which three Rows shall be “First”, “Second” and “Third” in the correct order;
- (h) A “Quartet”, where a Subscriber attempts to forecast which four Rows shall be “First”, “Second”, “Third” and “Fourth” in the correct order;
- (i) A “Five Up”, where a Subscriber attempts to forecast which five Rows shall be “First”, “Second”, “Third”, “Fourth” and “Fifth” in the correct order; and
- (j) A “Superfecta”, where a Subscriber attempts to forecast which six Rows shall be “First”, “Second”, “Third”, “Fourth”, “Fifth” and “Sixth” in the correct order.

If the Subscriber correctly forecasts the result of that game, then, subject to these Rules, a prize shall be payable calculated in accordance with Rule 18(d);

- (xlvi) **“Keno Racing Jackpot”** means the form of the Game of Keno Racing, the object of which is to correctly forecast either the first four Rows in the correct order (“Quartet”), the first five Rows in the correct order (“Five Up”) or the first six Rows in the correct order (“Superfecta”);
- (xlvii) **“Keno Racing Jackpot Prize”** means the prize offered in respect of an Entry in a Keno Racing Jackpot which correctly forecasts either the first four rows in the correct order (“Quartet”), the first five rows in the correct order (“Five Up”) or the first six rows in the correct order (“Superfecta”);
- (xlviii) **“Keno Roulette”** means the form of the Game of Keno, being a Category I game, which may be played separately to other forms of the Game of Keno, the object of which is to forecast the first number Drawn in each game. In this form of the game, a Subscriber may select one or more bet types in attempting to forecast the result of a single game. These bet types are described as follows:
 - (a) “Straight Up” means a type of bet where a Subscriber attempts to forecast that the first number Drawn in a Game of Keno shall be a single selected number in the range 1 to 80 in the Keno Grid;
 - (b) “Pairs” means a type of bet where a Subscriber attempts to forecast that the first number Drawn in a Game of Keno shall be one of a selected Pair of numbers in the Keno Grid;
 - (c) “Corners” means a type of bet where a Subscriber attempts to forecast that the first number Drawn in a Game of Keno shall be one of a selected Corner of numbers in the Keno Grid;
 - (d) “Columns” means a type of bet where a Subscriber attempts to forecast that the first number Drawn in a Game of Keno shall be one of a selected single Column of numbers in the Keno Grid;
 - (e) “Rows” means a type of bet where a Subscriber attempts to forecast that the first number Drawn in a Game of Keno shall be one of a single selected Row of numbers in the Keno Grid;
 - (f) “Quarters” means a type of bet where a Subscriber attempts to forecast that the first ball Drawn in a Game of Keno shall be 1 of a single selected Quarter of numbers in the Keno Grid;

If the Subscriber correctly forecasts the result of that game, then, subject to these Rules, a prize will be payable calculated in accordance with Rule 18(e);

- (xlix) **“Keno Runner”** means a person authorised by a Venue to collect Subscriptions directly from the Subscriber;

- (l) **“Key Employee”** has the meaning assigned to “key employee” by Section 4 of the Act;
- (li) **“Kwikpik”** means the form of entry whereby:
 - (a) a Subscriber nominates the Subscription for each game, the number of Spots and the number of games and the Terminal selects the Spots; or
 - (b) in Keno Racing, a Subscriber nominates the bet type, the Subscription and, where applicable, whether the bet shall be Boxed and the Terminal selects the Rows; or
 - (c) in Keno Roulette, a Subscriber nominates the bet type, the number of selections to be made, the Subscription and the Terminal selects the Straight Ups, Pairs, Corners, Columns, Rows or Quarters as applicable; or
 - (d) in Heads or Tails? Prepick and Let it Run, a Subscriber nominates the bet type, the number of games, the Subscription and the Terminal selects the Heads, Tails or Evens selection for each game;
- (lii) **“Let it Run”** means the form of Prepick in which, subject to Rule 9(c) and 9(l), if the Subscriber correctly forecasts the result of the first game in a chosen series, the amount of the prize as specified in Rule 18(c) on that game is carried over as the Subscription for the next game in the series and in which this procedure continues until such time as the series of games is complete or the Subscriber incorrectly forecasts one of the game results in the series or the Subscriber cancels the ticket;
- (liii) **“Licensees”** means Clubkeno Holdings Pty Limited ABN 51 002 821 570 and Jupiters Gaming (NSW) Pty Limited ABN 16 003 992 327;
- (liv) **“Lucky Last”** means the form of the Game of Keno, being a Category I game, which may only be played in conjunction with certain other forms of the Game of Keno as determined by the Licensees (except Heads or Tails?, Keno Racing and Keno Roulette), the object of which is to match a selected number against the last number Drawn in that game;
- (lv) **“Major Prize”** means a prize of more than \$1,000 won in a Game of Keno but does not include that part of the prize comprising the Jackpot Fill, Jackpot Growth or Keno Bonus Jackpot Prize (if any);
- (lvi) **“Minister”** means the Minister for the time being administering the Act or the Minister’s duly appointed representative, delegate or replacement;
- (lvii) **“Multi - Game”** means the form of Entry whereby a Subscriber enters a number of games;
- (lviii) **“Multiplier”** means the multiplier that applies to the cumulative total of the twenty numbers Drawn from numbers between 1 and 80 where:
 - (a) the multiplier of 1x is assigned to the cumulative totals set out in Part A of the schedule;
 - (b) the multiplier of 2x is assigned to the cumulative totals set out in Part B of the schedule;
 - (c) the multiplier of 3x is assigned to the cumulative totals set out in Part C of the schedule;
 - (d) the multiplier of 4x is assigned to the cumulative totals set out in Part D of the schedule;
 - (e) the multiplier of 5x is assigned to the cumulative totals set out in Part E of the schedule; and
 - (f) the multiplier of 10x is assigned to the cumulative totals set out in Part F of the schedule;

- (lix) **“Net Subscription”** means the amount which the Venues hold and deal with as agent of the Licensees in accordance with Rule 7(h), being the Gross Subscription less the Commission including that part of the face value of a Gift Voucher, Prepaid Voucher or a Subscription Chip which has been used as a Subscription, remaining after payment of the Venue’s Commission in accordance with Rule 9A(b), Rule 9B(a) or Rule 9C(c), as the case may be;
- (lx) **“Operating Company”** means Jupiters Gaming (NSW) Pty Limited ABN 16 003 992 327;
- (lxi) **“Pair” or “Pairs”** means a range of 2 vertically or horizontally adjacent numbers in the Keno Grid;
- (lxii) **“Parlay”** means the form of Entry whereby a Subscriber, subject to Rule 15(d), chooses to subscribe all or part of the Total Prize Money instead of collecting the Total Prize Money;
- (lxiii) **“Premises”** means the premises owned or occupied by a Venue, at which a Venue is permitted to accept Entries and Subscriptions for Games of Keno pursuant to these Rules, and in respect of a Casino Licensee means the area or areas defined or redefined as the boundaries of the casino pursuant to section 19 of the Casino Control Act 1992;
- (lxiv) **“Prepaid Voucher”** means an Approved document issued by the Operating Company or a Venue, which is an acknowledgment of the payment of money (whether by the Operating Company or a Venue) and which operates as a direction to the Operating Company to pay an amount on behalf of the holder, and entitles the holder to enter a particular type of Game of Keno;
- (lxv) **“Prepick”** means the form of Heads or Tails? in which a Subscriber can vary a selection of Heads, Tails or Evens over a series of up to five (5) consecutive games of Heads or Tails? in a single Entry;
- (lxvi) **“Print Pay Ticket”** means a ticket issued by a Terminal detailing all games entered and all prizes won by an Entry;
- (lxvii) **“Pro-rating”** means the proportional reduction in value of all Major Prizes, Bonus Prizes and additional Approved prizes, in a Game of Keno so that the aggregate value of those prizes equals \$3,000,000;
- (lxviii) **“Quarter” or “Quarters”** means the 20 numbers in a quarter of the Keno Grid whereby:
- Quarter 1 means the 20 numbers: 1 to 5 inclusive, 11 to 15 inclusive, 21 to 25 inclusive and 31 to 35 inclusive,
- Quarter 2 means the 20 numbers: 6 to 10 inclusive, 16 to 20 inclusive, 26 to 30 inclusive and 36 to 40 inclusive,
- Quarter 3 means the 20 numbers: 41 to 45 inclusive, 51 to 55 inclusive, 61 to 65 inclusive and 71 to 75 inclusive, and
- Quarter 4 means the 20 numbers: 46 to 50 inclusive, 56 to 60 inclusive, 66 to 70 inclusive and 76 to 80 inclusive;
- (lxix) **“Quick Pick”** has the same meaning as Kwikipik;
- (lxx) **“Receipt Ticket”** means the serial numbered ticket issued by a Terminal on which is recorded the particulars of an Entry;
- (lxxi) **“Regular Keno”** means the form of Game of Keno, being a Category I game, in which a person selects 1 to 10, 15, 20 or 40 numbers, from the set: 1 to 80, the object being to match (or in some cases not to match) those numbers against the 20 winning numbers Drawn in each game;

- (lxxii) **“Regular Keno Jackpot”** means the form of the Game of Keno the object of which is to match all seven (7), eight (8), nine (9) or ten (10) spots selected, as the case may be, against the winning numbers Drawn in that game;
- (lxxiii) **“Regular Keno Jackpot Prize”** means the prize offered in respect of a Regular Keno Jackpot game played by a Subscriber which matches all Spots selected against the 20 winning numbers Drawn in that game.
- (lxxiv) **“Replay”** means the form of Entry whereby a Subscriber submits a Receipt Ticket and issues verbal instructions for any particular of the Entry which varies from the particulars recorded on the Receipt Ticket;
- (lxxv) **“Row” or “Rows”** means a range of 10 numbers in 1 row of the Keno Grid whereby:
 Row 1 means the range 1 to 10 inclusive,
 Row 2 means the range 11 to 20 inclusive,
 Row 3 means the range 21 to 30 inclusive,
 Row 4 means the range 31 to 40 inclusive,
 Row 5 means the range 41 to 50 inclusive,
 Row 6 means the range 51 to 60 inclusive,
 Row 7 means the range 61 to 70 inclusive,
 Row 8 means the range 71 to 80 inclusive;
- (lxxvi) **“Schedule of Prizes”** means the lists of prizes specified in Rule 18;
- (lxxvii) **“Senior Writer”** means the person authorised by a Venue to be in control of the operation of Keno at the Premises of that Venue;
- (lxxviii) **“Set Bet”** has the same meaning as Superplay;
- (lxxix) **“Spot”** means an integer selected from the range of 1 to 80;
- (lxxx) **“Standard Game Entry Form”** means the Approved form that may be completed by a person wishing to play Regular Keno;
- (lxxxii) **“Standard Superplay”** means a form of Combination Bet where the number of Groups, the size of each Group and the types of Combinations applicable to that Combination Bet have been pre-programmed into the Central Site Computer by the Operating Company and made available to Subscribers generally from time to time, the details for which are set out in the officially sanctioned brochures displayed or available for inspection at any Venue. The Central Site Computer selects the Spots forming part of each Combination;
- (lxxxiii) **“Standout”** means an option on the “Quinella Place”, “Quinella”, “Exact Quinella”, “Trio”, “Trifecta”, “Quartet”, “Five Up” and “Superfecta” bet types in a game of Keno Racing that allows a Subscriber to nominate a particular Row or Rows that will finish “First” or “Second”, in the case of a “Quinella” or “Exact Quinella”; “First”, “Second” or “Third” in the case of a “Quinella Place”; “Trio” or “Trifecta”; “First”, “Second”, “Third” or “Fourth” in the case of a “Quartet”; “First”, “Second”, “Third”, “Fourth” or “Fifth” in the case of a “Five Up”; “First”, “Second”, “Third”, “Fourth”, “Fifth” or “Sixth” in the case of a “Superfecta” and to forecast the results of the game by combining these selections with other selected Rows to fill the other placing(s). A Subscription is payable in respect of each combination;

- (lxxxiii) **“Subscriber”** means:
- (i) a person who subscribes to the Game of Keno by way of Entry; and
 - (ii) where the context permits in, and for the purposes of, Rules 9A and 9B a person who purchases a Gift Voucher and a person who receives a Prepaid Voucher; and
 - (iii) where, in its absolute discretion, the Operating Company thinks it appropriate, includes a person who bears or submits a Receipt Ticket; and
 - (iv) where any person defined in sub paragraph (i), (ii) or (iii) is under a legal incapacity or has died, includes the legal personal representative of such person;
- (lxxxiv) **“Subscription”** means a Gross Subscription unless otherwise stated in these Rules;
- (lxxxv) **“Subscription Chip”** means a Chip used by a Subscriber either for entry to a Game of Keno or for the purchase of a Gift Voucher;
- (lxxxvi) **“Superplay”** means the form of Entry whereby a Subscriber nominates:
- (a) a Standard Superplay; or
 - (b) a Customised Superplay.
- In both cases the Subscriber nominates the amount to be wagered for each Combination and the number of games;
- (lxxxvii) **“Supervisor”** means a person appointed by the Operating Company to supervise the operation of Keno games;
- (lxxxviii) **“Terminal”** means an Approved device for either:
- (i) the processing of Entries, the issuing of Receipt Tickets and the processing of claims; or
 - (ii) the processing of Entries and the issuing of Receipt Tickets;
- (lxxxix) **“Total Prize Money”** means the total amount of money payable to a person, as a result of the person winning money in respect of a Customer Session in a Game of Keno (whether or not that Customer Session relates to one, or more than one, game or Entry in the Game of Keno);
- (xc) **“Unclaimed Prize Claim Form”** means the document to be completed by a Subscriber in the event that:
- (i) a Receipt Ticket is lost or mutilated; or
 - (ii) a Receipt Ticket's record is no longer resident on magnetic media on the Central Site Computer;
- (xci) **“Venue”** means a Club, a Casino Licensee or a Hotel, appointed by the Licensees with Approval to accept Subscriptions for games of keno, and refers to the Venue acting in its own right, or as agent of the Licensees or of the Subscriber, as the context requires.
- (xcii) **“Verbal Entry”** means the form of Entry which may be effected by the issue of verbal instructions by a person wishing to enter a Game of Keno and the issue of a Receipt Ticket;
- (xciii) **“With the Field”** means an option on the “Quinella Place”, “Quinella”, “Exact Quinella”, “Trio”, “Trifecta”, “Quartet”, “Five Up” and “Superfecta” bet types in a game of Keno Racing that allows a Subscriber to combine their selected Rows with all the remaining Rows in the Keno Grid. A Subscription is payable in respect of each combination;

- (xciv) **“Writer”** means a person authorised by a Venue to operate a Terminal at the Premises of that Venue.
- (b) In these Rules unless inconsistent with the context:
- (i) a reference to the singular shall include the plural, and vice versa;
 - (ii) a reference to a person shall include an organisation of persons whether incorporated or unincorporated;
 - (iii) except in relation to a Delayed Start Entry a reference to a number of games shall be taken to mean a number of consecutive games commencing with the game which is open at the time the Receipt Ticket for that Entry is issued;
 - (iv) headings are for convenient reference only and have no effect in limiting or extending the language of the provisions to which they refer;
 - (v) all references to sums of money are references to Australian dollars.

3. Application of these Rules

- (a) These Rules are to be read subject to the Act and shall apply to every Game of Keno. If there is any inconsistency between the Act and these Rules, the Act will prevail to the extent of any inconsistency.
- (b) These Rules shall be binding on all Subscribers and by making an Entry in a Game of Keno, purchasing a Gift Voucher or accepting a Prepaid Voucher, Subscribers agree to be bound by these Rules.

4. Object

The object of the Game of Keno, known as Regular Keno, is to select from 1 to 10, 15, 20 or 40 numbers, from the set: 1 to 80 and to match (or in some games not to match) those numbers against the 20 winning numbers Drawn in each game. A number of other forms of the Game of Keno also exist. These may be varied or discontinued and other forms of the Game of Keno may be introduced by the Operating Company from time to time.

5. Eligibility for Inclusion in a Game of Keno.

In order to be eligible for inclusion in a Game of Keno, a Receipt Ticket, the details of which must be recorded and be resident on magnetic media at the Central Site, must be issued to the Subscriber.

5A. Ineligibility of Certain Persons to Enter a Game of Keno

- (a) A Key Employee, an Inspector or an employee of the Licensees must not enter a Game of Keno.
- (b) An employee of a Venue during such time as that employee is in any way engaged in the operation of a Game of Keno must not enter a Game of Keno.
- (c) No person under the age of 18 years shall be permitted to enter a Game of Keno, whether personally, through another person, by mail, by electronic means or otherwise.
- (d) No person may make an Entry on behalf of a person under the age of 18 years.

6. Key Staff

(a) Operating Company

A Supervisor must be present at all times while the game is in progress at the Central Site or at the Backup Site where a Draw Device is operative and the Supervisor is responsible for ensuring that the game is conducted in accordance with these Rules.

(b) Venue

A Senior Writer must be present at the Premises at all times while the game is in progress at those Premises and the Senior Writer is responsible for ensuring that the game is conducted in accordance with these Rules.

6A. Responsibility of Venue

- (a) A Venue that is a Club must at all times ensure that Games of Keno conducted on its Premises are conducted in accordance with the Public Lotteries Act 1996 and these Rules and in a manner that does not contravene the Registered Clubs Act 1976 and regulations made under that Act.
- (b) A Venue that is a Casino Licensee must at all times ensure that Games of Keno conducted on its Premises are conducted in accordance with the the Public Lotteries Act 1996 and these Rules and in a manner that does not contravene the Casino Control Act 1992 and regulations made under that Act.
- (c) A Venue that is a Hotel must at all times ensure that Games of Keno conducted on its Premises are conducted in accordance with the Public Lotteries Act 1996 and these Rules and in a manner that does not contravene the Liquor Act 1982 and regulations made under that Act, or the *Liquor Act 2007* and regulations made under that Act.

7. Entry and Entry Forms

- (a) Entry in a Game of Keno may only be made through a Venue in accordance with these Rules.
- (b) Entry in a Game of Keno, not being a Delayed Start Game, may only be made:
 - (i) either:
 - (a) by way of an Entry Form;
 - (b) by Replay; or
 - (c) in relation to:
 - (i) Lucky Last;
 - (ii) Heads or Tails?;
 - (iii) Keno Racing;
 - (iv) Keno Roulette;
 - (v) Parlay;
 - (vi) Kwikipik;
 - (vii) Superplay; or
 - (viii) Keno Bonus,

by Verbal Entry; and

- (ii) by payment of the appropriate Subscription.
- (c) A Subscriber to a game of Heads or Tails? may only make one selection (ie. "Heads" or "Tails" or "Evens") per Game per Entry.
- (d) A Subscriber to a game of Keno Racing or Keno Roulette may make more than 1 selection per Entry.
- (e) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers and Rule 9C relating to Subscription Chips, each Gross Subscription must be paid by a Subscriber to a Venue (or to a Keno Runner on behalf of a Venue) and the Venue will hold the Gross Subscription as agent of the Subscriber until the Entry is completed.
- (f) Subject to Rule 9A relating to Gift Vouchers and Rule 9B relating to Prepaid Vouchers, a Subscriber must pay a Commission to the Venue in consideration for the Venue acting as agent of the Subscriber, and for that purpose authorises the Venue to retain from the Gross Subscription received from the Subscriber an amount calculated as:

[Gross Subscription - Keno Prize Fund Contribution] x 44%,

by way of Commission, after the Entry is completed.

- (g) After a Subscriber has completed an Entry Form, a Replay or a Verbal Entry and the Gross Subscription has been received by the Venue, the Venue, on behalf of the Licensees, will deliver a Receipt Ticket to the Subscriber. A separate Receipt Ticket will be issued in respect of a Delayed Start Entry. The Entry is completed by the delivery of the Receipt Ticket and the Venue is taken to have discharged its duty as agent to the Subscriber by the delivery of the Receipt Ticket in accordance with this Rule.
- (h) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers and Rule 9C relating to Subscription Chips, once the Entry is completed the Venue will be entitled to apply the Commission to its own account and will hold the Net Subscription as agent for and on behalf of the Licensees.
- (i) All marks appearing on an Entry Form shall be taken to have been made exclusively by the Subscriber and it is the responsibility of the Subscriber to ensure that the particulars recorded on a Receipt Ticket are identical to either those on the Entry Form submitted, or the Verbal Entry made, by the Subscriber.
- (j) Replay will be permitted only on the Keno Day on which the submitted Receipt Ticket was issued or on the following Keno Day.
- (k) If the particulars recorded on a Receipt Ticket are inconsistent with the particulars resident on magnetic media at the Central Site, the latter shall prevail to the exclusion of the former and shall determine what prize, if any, a Subscriber is entitled to claim.
- (l) Except in relation to a Delayed Start Game, an Entry will be for the game which is open at the time the Receipt Ticket for that Entry is issued. A Delayed Start Entry will be for the next Delayed Start Game.
- (m) Instructions printed on an Entry Form are to be read and construed as part of these Rules except that, in the event of any inconsistency, the latter shall prevail to the exclusion of the former.
- (n) An Entry Form shall be returned to the Subscriber on request.
- (o) Where a Subscriber enters a Game of Keno as the trustee, representative or nominee of another person, the Licensees, the Venue and every other person shall be taken not to have knowledge or to be on notice, whether actual or constructive, of any such arrangement and the transaction will be taken to have been conducted solely with the Subscriber.

- (p) Upon presentation of a Receipt Ticket a Subscriber may on the Keno Day on which that Receipt Ticket was issued but after the payment of any prize won by the Entry of which that Receipt Ticket is evidence request a Print Pay Ticket. A Subscriber shall be taken to have requested in accordance with this Rule a Print Pay Ticket in respect of each Entry effected by a Keno Runner on that Subscriber's behalf.
- (q) No person may promote or take part in the formation of a syndicate for fee or reward for the purpose of making an Entry in a Game of Keno, except a Venue as authorised by the Operating Company.
- (r) No person may advertise by any means that he or she or some other person will accept money for a share in an Entry in a Game of Keno, except as provided by Rule 7(q).

8. Keno Runners

- (a) A Keno Runner may operate from anywhere within the Premises of the Venue which has authorised the Keno Runner.
- (b) The Keno Runner must return to the Subscriber all original Receipt Tickets, Entry Forms and Print Pay Tickets.
- (c) Any dispute between a Keno Runner and a Subscriber shall be brought to the attention of the Senior Writer.
- (d) A Keno Runner will not be responsible for the placement of Entries in any particular Game of Keno but will use best endeavours to place the Entry in the next available game. Acceptance of Subscriptions does not constitute an official Entry until such time as a Receipt Ticket has been issued.

9. Subscriptions

- (a) Acceptable forms of payment of a Subscription include:
 - (i) the tender of cash;
 - (ii) the tender of a Gift Voucher or Prepaid Voucher, in accordance with its terms;
 - (iii) the tender of a Subscription Chip, but only to a Casino Licensee;
 - (iv) Parlay;
 - (v) any combination of the above.
- (b) No form of credit betting will be allowed.
- (c) Except as provided in Rule 9(d) - (k) inclusive the minimum Subscription for a game shall be \$1 and Subscriptions may increment in multiples of \$1 per game up to a maximum of \$9,999 for each Entry.
- (d) The aggregate of the Subscriptions payable for games comprising a Keno to Go Entry and Keno Bonus, played in conjunction with all Games of Keno on a Keno to Go Entry shall be discounted by an amount equivalent to the Subscription payable in respect of 1 game played by a Subscriber for every 50 games played by a Subscriber to be played in respect of that Entry. Where a Keno to Go Entry is cancelled in accordance with Rule 11, the amount of any refund shall be reduced by an amount equal to the total amount by which the aggregate of the Subscriptions paid in respect of that Entry was discounted pursuant to this Rule 9(d).
- (e) The minimum Subscription payable in respect of a Combination Bet Entry (excluding a Jackpot Entry) shall be:
 - (i) Where not less than 4 and not more than 19 Combinations are played - \$0.50 per Combination;

- (ii) Where not less than 20 and not more than 49 Combinations are played - \$0.20 per Combination;
- (iii) Where not less than 50 Combinations are played - \$0.10 per Combination.
- (f) Subscriptions in respect of Combination Bet Entries where not less than 4 Combinations are played may increment in multiples of \$0.10 per Combination.
- (g) A Subscription tendered in respect of a Delayed Start Entry must be for the same amount as the Subscription tendered in respect of Entry in the game which is open at the time the Delayed Start Entry is effected.
- (h) The minimum Subscription for a game of Heads or Tails? played by a Subscriber (including Prepick and Let it Run) shall be \$1. Subscriptions may increment in multiples of \$1 per game played by a Subscriber (provided that all games played by a Subscriber on an Entry must increment by the same amount) up to a maximum of \$500 per game played by a Subscriber (excluding Let it Run where the maximum allowable Subscription for the first game played by a Subscriber which is the subject of the Entry shall be \$500 per Entry). In relation to the second and subsequent Games which are the subject of a Let it Run Entry, the maximum allowable Subscription specified in Rule 9(c) shall not apply but eligibility for entry in the next Game of Keno shall be subject to the aggregate Subscription limits set out in Rule 9(j).
- (i) The minimum Subscription in respect of a game of Keno Racing shall be \$0.50 per each bet made subject to a minimum aggregate Subscription per game of Keno Racing of \$1.
- (j) Notwithstanding any Rule to the contrary, the aggregate of the Subscriptions that may be bet on one of the results of a game of Heads or Tails? in any one Game of Keno between the opening and closure of that game shall not exceed:
 - (i) for all Subscriptions placed on the result of Heads, \$500,000;
 - (ii) for all Subscriptions placed on the result of Tails, \$500,000;
 - (iii) for all Subscriptions placed on the result of Evens, \$170,000.

In the event that the prize in respect of any Let it Run game played by a Subscriber would, but for this Rule, result in the total Subscriptions for the next game exceeding the above limits, the Entry on the next game played by that Subscriber will not be accepted and the prize in respect of the previous game will be paid to that Subscriber.

- (k) The Subscription paid for Keno Bonus must be equivalent to the Subscription paid for the game it is played in conjunction with.
- (l) In circumstances where Keno Bonus is being played in conjunction with Let it Run, the amount of the prize that is carried over as the Subscription for the next game in the series shall be applied as follows:
 - (i) 50% of the prize as Subscription for Keno Bonus; and
 - (ii) 50% of the prize as Subscription for the game Keno Bonus is being played in conjunction with.
- (m) If the number of games of Keno Bonus being played on an Entry is less than the number of other Games of Keno being played on the Entry, Keno Bonus will be played in conjunction with the first and following games of Keno.
- (n) Subject to Rule 9A relating to Gift Vouchers, Rule 9B relating to Prepaid Vouchers and Rule 9C relating to Subscription Chips, Subscriptions will be received by a Venue as follows:
 - (i) until the Entry is completed the Venue will hold the Gross Subscription as agent of the Subscriber pursuant to Rule 7(e);

- (ii) once the Entry is completed, the Venue will:
 - (a) retain and hold that part of the Gross Subscription which constitutes the Commission in its own right (and not as agent of the Licensees); and
 - (b) hold the Net Subscriptions, being the balance of the Gross Subscription on behalf and as agent of the Licensees,
- in accordance with Rule 7(h).

9A. Gift Vouchers

- (a) A Subscriber must pay to a Venue, for the issue of a Gift Voucher, an amount equal to the face value of the Gift Voucher or present to a Casino Licensee a Subscription Chip with the face value equal to the face value of a Gift Voucher.
- (b) A Subscriber must pay a Commission to the Venue in respect of the issue of the Gift Voucher, and for that purpose, the Subscriber authorises the Venue to retain a proportion of the face value of the Gift Voucher received from the Subscriber calculated as:

[Face Value of the Gift Voucher - Keno Prize Fund Contribution for the Category of game able to be played with that Gift Voucher] x 44%,

by way of Commission.
- (c) A Gift Voucher must be presented by way of Subscription in a Game of Keno within 12 months of the date of purchase, or such shorter period as may be notified at the time of purchase.
- (d) Where payment of a Subscription for a Game of Keno is made by the tender of a Gift Voucher in accordance with Rule 9(a)(ii), the Venue will hold the Gift Voucher, as agent of the Subscriber until the Entry is completed.
- (e) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, the Venue will have discharged its duty as agent to the Subscriber.
- (f) Notwithstanding Rule 7(f), the Venue is not entitled to charge the Subscriber any Commission for acting as agent of the Subscriber in accordance with Rule 9A(d).

9B. Prepaid Vouchers

- (a) A Venue is entitled to charge a Commission for the issue of a Prepaid Voucher or for the delivery (by the Venue) of a Prepaid Voucher issued by the Operating Company, and for that purpose, under the terms of the Prepaid Voucher, the Subscriber will be taken to direct the Operating Company to apply a proportion of the face value of the Prepaid Voucher calculated as:

[Face Value of Prepaid Voucher - Keno Prize Fund Contribution for the Category of game able to be played with that Prepaid Voucher] x 44%,

in payment to the Venue, on behalf of the Subscriber, of the Commission charged by the Venue for the issue or delivery of the Prepaid Voucher.
- (b) A Prepaid Voucher must be presented by way of Subscription in a Game of Keno within 7 days of the date of issue, or such shorter period as may be notified at the time of issue or delivery to the Subscriber.
- (c) Where payment of a Subscription for a Game of Keno is made by the tender of a Prepaid Voucher in accordance with Rule 9(a)(ii), the Venue will hold the Prepaid Voucher, as agent of the Subscriber until the Entry is completed.

- (d) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, the Venue will have discharged its duty as agent to the Subscriber.
- (e) Notwithstanding Rule 7(f), the Venue is not entitled to charge the Subscriber any Commission for acting as agent of the Subscriber in accordance with Rule 9B(c).

9C. Subscription Chips

The provisions of this Rule 9C apply to a Casino Licensee only:

- (a) A Subscriber must pay to a Casino Licensee, for the issue of a Subscription Chip, an amount equal to the face value of the Subscription Chip.
- (b) Where payment of a Subscription for a Game of Keno is made by the tender of a Subscription Chip in accordance with Rule 9(a)(iii), a Casino Licensee will hold the Subscription Chip as agent of the Subscriber until the Entry is completed.
- (c) Once the Entry is completed and the Receipt Ticket delivered to the Subscriber, a Casino Licensee will have discharged its duty as agent of the Subscriber and will be entitled to retain from the face value of the Subscription Chip an amount equal to the Commission which a Casino Licensee is entitled to charge under Rule 7(f), and will hold the amount representing the balance of the face value of the Subscription Chip as a Net Subscription on behalf and as agent of the Licensees.

10. Jackpot

- (a) No Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize or Keno Racing Jackpot Prize greater than or equal to \$10,000 will be paid until verified by the Inspector and the Supervisor.
- (b) An amount equivalent to 10% of Gross Subscriptions in a Regular Keno Jackpot will be allocated from Net Subscriptions on that Regular Keno Jackpot to the Regular Keno Jackpot Prize available for that Regular Keno Jackpot.
- (c) The following amounts will be allocated from Net Subscriptions on the Keno Racing Jackpot to the Keno Racing Jackpot Prize available for that Keno Racing Jackpot:
 - (i) in respect of a "Quartet" Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions;
 - (ii) in respect of the "Five Up" Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions; and
 - (iii) in respect of the "Superfecta" Keno Racing Jackpot, an amount equivalent to 4% of Gross Subscriptions.
- (d) The Jackpot Fill and Jackpot Growth component of the Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize and Keno Racing Jackpot Prize is fixed and payable in respect of the first \$1.00 of the Subscription paid for a game played by a Subscriber to which that prize relates irrespective of the amount actually subscribed and does not increase proportionately to the amount of the Subscription.
- (e) The amount of the Regular Keno Jackpot Prize and Keno Racing Jackpot Prize will be the sum of:
 - (i) the Subscription paid in respect of the game multiplied by the prize (with respect to a Quartet Keno Racing Jackpot Prize as defined in Rule 18(d)) or Major Prize (as the case may be);

- (ii) the Jackpot Fill (if any); and
- (iii) the Jackpot Growth for the relevant game.

10A. Bonus Prizes

- (a) The Operating Company may allocate Approved sums from the Prize Fund to be used for Bonus Prizes at Approved times of the day and Approved days of the week.
- (b) Subject to Rule 10A(c) a Bonus Prize shall be won by the game played by a Subscriber or Entry (as the case may be) which first meets Approved requirements for that Bonus Prize.
- (c) Where in the Game of Keno in which the Approved requirements for a Bonus Prize are first met, and more than one game played by a Subscriber or Entry (as the case may be) meets those requirements the Bonus Prize shall be shared among those games or Entries (as the case may be) in accordance with Rule 19(f).
- (d) The word "Bonus" may be printed on Receipt Tickets. The presence of the word "Bonus" on a Receipt Ticket does not necessarily indicate that an Entry is eligible to win a Bonus Prize. The absence of the word "Bonus" from a Receipt Ticket does not necessarily indicate that the Entry is ineligible to win a Bonus Prize.
- (e) Combination Bet Entries, Superplay Entries, Lucky Last Entries, Heads or Tails? (including Prepick and Let it Run) Entries, Keno Racing Entries and Keno Roulette Entries are ineligible to win a Bonus Prize.

11. Cancellations

- (a) An Entry may be cancelled only:
 - (i) at the Premises of the Venue at which the Entry was accepted;
 - (ii) on the Keno Day on which the Entry was accepted; and
 - (iii) during the displayed trading hours of those Premises.
- (b) Subject to Rule 11(a) and Rule 11(c), an Entry may be cancelled at any time prior to the closure of the game to which that Entry relates or prior to the Drawing of the first number in the game to which that Entry relates, whichever occurs first.
- (c) A Multi-Game Entry may not be cancelled in respect of those games in which a number has been Drawn. A Multi-Game Entry of more than 200 games may not be cancelled after the first number in the 201st game has been Drawn.
- (d) Subject to Rule 11(e), if an Entry is cancelled in accordance with these Rules, the Venue will refund to the Subscriber in cash (or, in the case of a Casino Licensee only, cash and/or Chips to an equivalent value) the Commission which relates to that Entry and, on behalf of the Licensees, the Net Subscription in relation to that Entry, and the Gross Subscription in respect of the cancelled Entry will be reduced by the refunded amount for the purposes of these Rules.
- (e) If an Entry is cancelled in accordance with these Rules and a Gift Voucher or Prepaid Voucher was tendered for the Subscription for the Entry, the Venue will return the Gift Voucher or Prepaid Voucher to the Subscriber, or, if some Games of Keno have been Drawn, return to the Subscriber a replacement Gift Voucher or Prepaid Voucher with a face value equal to the Subscription payable for the cancelled Games of Keno. The Venue is not entitled to receive any Commission in respect of the issue of a replacement Gift Voucher or Prepaid Voucher. The Gross Subscription in respect of the cancelled Entry will be reduced by the value of the replacement Gift Voucher or Prepaid Voucher for the purposes of these Rules.

12. The Draw

- (a) The drawing of the winning numbers must:
 - (i) take place:
 - (a) by means of a Draw Device;
 - (b) at the Central Site, the Premises of a Venue, the Backup Site or other Approved site;
 - (c) if the Draw takes place at the Premises of a Venue - in an area open at that time to those persons who would normally have access to those Premises;
 - (d) if the Draw takes place at any other Approved site - in an area open to the public during Approved hours; and
 - (e) in a manner which enables it to be witnessed by an Inspector; and
 - (ii) be captured on an Approved medium.
- (b) The Operating Company will determine when a game opens and closes.
- (c) The Draw will be carried out as soon as practicable after the close of the game. Each Game of Keno will be identified during the Keno Day on which it is played by a number from 0 to 999 and thereafter by the relevant Keno Day and that number.
- (d) If an incorrect number is displayed as having been Drawn the final number will flash until the incorrect number has been removed and the correct number displayed.
- (e) If a Draw Device malfunctions, the Draw will continue in accordance with Approved procedures.

13. Display of Winning Numbers

Subject to these Rules the winning numbers of the most recently completed Game of Keno and the Multiplier will be displayed at the Premises of a Venue during the Venue's displayed trading hours. The winning numbers and the Multiplier will also be available by a Game Results Inquiry.

14. Winning Entries

- (a) Notwithstanding any other Rule, a winning game played by a Subscriber will be one where the number(s) selected for that game match the number(s) Drawn and resident on magnetic media at the Central Site as the winning number(s) for that Game of Keno in such a way as to entitle the Subscriber to a prize in accordance with the applicable Schedule of Prizes, to a Bonus Prize or to an additional Approved prize.
- (b) Subject to Rule 17 a prize may only be claimed by submitting a Receipt Ticket.
- (c) A prize will only be payable where the particulars recorded on the Receipt Ticket submitted indicate that the game played by a Subscriber is a winning game and those particulars correspond with the particulars resident on magnetic media at the Central Site.
- (d) A Receipt Ticket submitted in respect of a successful claim will not be returned to the Subscriber.
- (e) A Game of Keno may include an additional Approved prize or prizes.

15. Payment Of Prizes

- (a) Regardless of the amount of a Subscription, the maximum liability in respect of:
- (i) a Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize will be the amount showing as the Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize at that time resident on magnetic media at the Central Site, reduced (if required) in accordance with Rule 19 and increased (if required) in relation to the prize (with respect to a Quartet Keno Racing Jackpot Prize as defined in Rule 18(d)) or Major Prize (as the case may be) having regard to the amount of the Subscription and the Multiplier (if relevant).
- (b) Subject to Rule 15(f), where a win requires the issue of a cheque drawn on the Prize Fund or a cheque drawn on a Venue, the details of the payee must be provided by the Subscriber.
- (c) Public personal anonymity will be at Subscriber request, made to an employee of the Operating Company or Venue at the time the win is confirmed. The Subscriber acknowledges that the Licensees may publish, or cause to be published the name of the Venue, and/or geographic location at which the Subscription was accepted, and the amount of the prize. A Subscriber may at any time revoke a request for anonymity.
- (d) Subject to Rules 16, 17 and 20, a claim for the payment of a prize may be made at the Premises of any Venue up to twelve months after the Keno Day on which the game in respect of which the prize is claimed was Drawn.
- (i) For prizes under \$10,000, the first \$2,000 of the Total Prize Money, subject to the limit specified by that Venue, may be paid in cash (or, in the case of a Casino Licensee, cash and/or Chips). Amounts over \$2,000 of the Total Prize Money will be paid by means of a Crossed Cheque payable to the claimant or if the claimant requests, by means of electronic funds transfer to an account nominated by the claimant.
 - (ii) Prizes of \$10,000 and over will be paid by means of a Crossed Cheque payable to the claimant drawn on the Prize Fund. Subject to the limit specified by that Venue, the first \$2,000 of the Total Prize Money may be paid in cash (or, in the case of a Casino Licensee, cash and/or chips).
- (e) Prizes resulting from an Unclaimed Prize Claim Form will be paid by cheque drawn on the Prize Fund.
- (f) Any cheques issued in payment or part payment of a prize will be crossed and marked "Not Negotiable" and payable to "Account Payee Only" and will be drawn in favour of the Subscriber.
- (g) The payment of prizes to Subscribers known to be under legal incapacity or disability or to those Subscribers who are known to have died before receiving any or all of a particular prize shall be made in accordance with the laws of New South Wales.
- (h) Prizes won in a Delayed Start Game will be paid no sooner than the Keno Day following the Keno Day on which that Delayed Start Game was Drawn.
- (i) Where a prize is calculated to be an amount which is an exact multiple of \$0.10 that prize will be payable. Where a prize is calculated to be an amount which is not an exact multiple of \$0.10 the prize payable will be the nearest amount below the calculated prize which is an exact multiple of \$0.10.

16. Unclaimed Prizes

- (a) Details of prizes will remain accessible from magnetic media on the Central Site Computer for up to 12 calendar months after the Keno Day to which they relate. After this period prizes may be paid only after submission of an Unclaimed Prize Claim Form forwarded by the Subscriber to the Operating Company.
- (b) All correspondence to a Subscriber relevant to an unclaimed prize shall bear the signature of a representative of the Operating Company and following review by the Inspector will issue to the Subscriber. In the event of a dispute, the decision of the Inspector will be final.

17. Lost or Mutilated Receipt Tickets and Vouchers

- (a) If a Receipt Ticket, submitted by a Subscriber for processing, is unable to be read by a Terminal or the Writer, or the Receipt Ticket has been lost, a claim for payment may be made by the submission of an Unclaimed Prize Claim Form.
- (b) If the details given by the Subscriber satisfy the Operating Company and Inspector that a win has occurred, the prize will be paid in accordance with Rule 15.
- (c) If a Gift Voucher or Prepaid Voucher, submitted by a person for processing, including a Gift Voucher presented for refund in accordance with Rule 17(d), is unable to be validated by a Terminal or a Writer, or has expired or been lost, a claim for a refund of the face value of the Gift Voucher or Prepaid Voucher may not be made.
- (d) If, having purchased a Gift Voucher, a Subscriber does not agree to the conditions of purchase described in Rule 17(c), a refund of the face value of the Gift Voucher can be made. This refund can only be made by returning the Gift Voucher to the same Venue from which the Gift Voucher was purchased and on the same day as the Gift Voucher was purchased.

18. Schedules of Prizes

- (a) The following Approved Schedule of Prizes applies to all Games of Keno other than Lucky Last, Heads or Tails?, Keno Racing and Keno Roulette and Keno Bonus where it is played in conjunction with Lucky Last, Heads or Tails?, Keno Racing or Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots Matched	Number of Spots Selected				
	1	2	3	4	5
0					
1	3				
2		12	1	1	
3			44	4	2
4				120	14
5					640

Number of Spots Matched	Number of Spots Selected				
	6	7	8	9	10
0					
3	1	1			
4	5	3	2	1	1

5	80	12	7	5	2
6	1,800	125	60	20	6
7		\$5,000 plus Keno Bonus Jackpot Prize of \$7,000 (if payable) plus Jackpot Growth	675	210	50
8			\$25,000 plus Keno Bonus Jackpot Prize of \$38,000 (if payable) plus Jackpot Growth	2,500	580
9				\$100,000 plus Keno Bonus Jackpot Prize of \$180,000 (if payable) plus Jackpot Growth	10,000
10					\$250,000 plus Jackpot Fill of \$750,000 plus Keno Bonus Jackpot Prize of \$2,900,000 (if payable) plus Jackpot Growth

Number of Spots Matched	Number of Spots selected		
	15	20	40
0		100	250,000
1		10	25,000
2		2	2,200
3			200
4			35
5	1		7
6	2		2

7	4		1
8	20	2	
9	50	7	
10	250	20	
11	2,000	100	
12	12,000	450	
13	50,000	1,200	1
14	100,000	5,000	2
15	250,000	10,000	7
16		15,000	35
17		25,000	200
18		50,000	2,200
19		100,000	25,000
20		250,000	250,000

- (b) The following Approved Schedule of Prizes applies only to games of Lucky Last and Keno Bonus where it is played in conjunction with a game of Lucky Last. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots selected	Lucky Last Prize
1	60
2	30
3	20
4	15
5	12
6	10
7	8.50
8	7.50
9	6.50
10	6
15	4
20	3
40	1.5

- (c) The following Approved Schedule of Prizes applies only to games of Heads or Tails? and Keno Bonus where it is played in conjunction with a game of Heads or Tails?. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Selections	Result	Heads or Tails? Prize
Heads	Heads	2
Tails	Tails	2
Evens	Evens	4

- (d) The following Approved Schedule of Prizes applies only to games of Keno Racing. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Racing Prize
Win	6
Place	2
Quinella Place	7
Quinella	21
Exact Quinella	42
Trio	42
Trifecta	252
Quartet	
First correct	1
First 2 correct	3
First 3 correct	10
All 4 correct	800 plus Jackpot Growth
Five Up	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
All 5 correct	3,000 plus Jackpot Growth
Superfecta	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
First 5 correct	100
All 6 correct	10,000 plus Jackpot Growth

- (e) The following Approved Schedule of Prizes applies only to games of Keno Roulette and Keno Bonus where it is played in conjunction with a game of Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Roulette Prize
Straight Up	60
Pair	30
Corner	15

Column	7.50
Row	6
Quarter	3

19. Pro-rating and Sharing of Prizes

- (a) The maximum aggregate liability for all Major Prizes in any one Game of Keno, excluding Bonus Prizes and additional Approved prizes, shall be \$3,000,000 . Where except for this Rule 19(a) the total amount of such Major Prizes would exceed \$3,000,000 Pro-rating shall apply.
- (b) Subject to Rule 19(c) where Pro-rating applies the amount payable in respect of each Major Prize affected shall be as follows:

$$\text{Amount payable} = X \div Y \times \$3,000,000$$

where

X = the amount which except for this Rule would have been payable in respect of the game played by a Subscriber.

Y = the total prize amount which, except for this Rule, would have been payable in respect of all Major Prizes for a Game of Keno.

- (c) Notwithstanding the application of Pro-rating no Major Prize will be reduced to a value less than \$1,000.
- (d) Where there is more than one Regular Keno Jackpot, or Keno Racing Jackpot winner, the Jackpot Growth and Jackpot Fill will be shared among those Regular Keno Jackpot or Keno Racing Jackpot winners in the same proportion that the amount of the Subscription (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscriptions (disregarding Keno Bonus) paid by all winners on the winning combination of Spots.
- (e) Where there is more than one Keno Bonus Jackpot Prize winner, the Keno Bonus Jackpot Prize will be shared amongst those Keno Bonus Jackpot Prize winners in the same proportion that the amount of the Subscriptions (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscription (disregarding Keno Bonus) paid by all winner on the winning combination of Spots.
- (f) Where there is more than one Bonus Prize winner, the Bonus Prize will be shared among those Bonus Prize winners in proportion to the amount of the Subscription paid by each winner on the winning combination of Spots.

20. Limitation of Liability

- (a) Without limitation to the following provisions of this Rule 20, the Licensees shall have no responsibility or liability to a Subscriber until an Entry is validly made and a Receipt Ticket is delivered to that Subscriber.
- (b) The Licensees shall have no responsibility or liability to a Subscriber or to any other person by reason of the loss or destruction for any reason or from any cause of a Receipt Ticket beyond the amount of the Net Subscription paid in respect of the Receipt Ticket unless, at the discretion of the Licensees, the criteria as set out in Rules 16 and 17 are met.

- (c) The Licensees shall have no responsibility or liability to pay a Subscriber who claims a prize and is unable to submit a Receipt Ticket. The Licensees shall have discharged all liability in relation to payment of a prize by making payment to a person who has submitted a prize winning Receipt Ticket. The official record of payment shall be the image resident on magnetic media at the Central Site.
- (d) The Licensees and each of their employees shall have no liability or responsibility to a Subscriber beyond the Net Subscription paid in respect of a Receipt Ticket, or any other person, in respect of:
- (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function or discretion conferred or contemplated by the Rules in or about the conduct of the Game of Keno; and
 - (ii) without prejudice to the generality of Rule 20(d)(i) hereof, any negligence, omission, delay or failure in relation to:
 - (i) the payment of prizes;
 - (ii) the processing and issue of a Receipt Ticket following acceptance of an Entry Form, Replay or Verbal Entry instructions;
 - (iii) the processing of a prize winning Receipt Ticket;
 - (iv) the inclusion of an Entry in a particular Game of Keno received by way of an Entry Form or Verbal Entry instructions.
- (e) Each and every Venue shall have no responsibility or liability to a Subscriber or to any other person by reason of the loss or destruction for any reason or from any cause of a Receipt Ticket beyond the amount of the Commission paid in respect of the Receipt Ticket.
- (f) Each and every Venue and every employee of a Venue shall have no liability or responsibility to a Subscriber beyond the Commission paid by the Subscriber in respect of the relevant game or any person for or in respect of:
- (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function or discretion conferred or contemplated by the Rules in or about the conduct of any Game of Keno; and
 - (ii) without prejudice to the generality of Rule 20(f)(i) hereof, any negligence, omission, delay or failure in relation to:
 - (i) the payment of prizes;
 - (ii) the processing and issue of a Receipt Ticket following acceptance of an Entry Form, Replay or Verbal Entry instructions;
 - (iii) the processing of a prize winning Receipt Ticket;
 - (iv) the inclusion of an Entry in any particular Game of Keno received by way of an Entry Form or Verbal Entry instructions.
- (g) The Licensees and every Venue, and each employee of the Licensees or a Venue, shall have no liability or responsibility to a Subscriber or any person for or in respect of any failure, disruption or malfunction of equipment used in the conduct of Games of Keno whether at the Central Site or at the Premises of a Venue or any other location, electrical power, telecommunications links or magnetic media at the Central Site.

- (h) The Licensees and every Venue, and each employee of the Licensees or a Venue, shall have no liability or responsibility for any consequence of interference with or interruption to any Game of Keno due to fire, storm, flood, riot, civil commotion, strike, failure or disruption of electrical power supply or telecommunications or other cause not within the reasonable control of such person.
- (i) The State of New South Wales, the Crown in right of that State, the Government of that State, the Minister, an Inspector, their successors and the employees and agents and every one of them shall have as ample protection from liability in respect of their acts and omissions (whether arising from, or contributed to, by negligence or otherwise) and the acts, omissions and contingencies the subject of Rules 20(a) to 20(i) inclusive as those protected by the said Rules.

21. Disqualifications

- (a) Notwithstanding that a Receipt Ticket may have been issued, Entry in the Game of Keno may be disqualified and no claim shall be entered in respect of it if the Licensees are of the opinion that it should be disqualified.
- (b) The reasons for disqualification by the Licensees may include but are not limited to:
 - (i) tender of insufficient Subscription or if the form of Subscription is not acceptable;
 - (ii) the Subscriber has defaulted in payment of any previous fee;
 - (iii) reasonable suspicion of fraud or attempted fraud (whether computer related or otherwise);
 - (iv) a Receipt Ticket failing any security tests run at the Central Site;
 - (v) reasonable suspicion of unauthorised use of a Terminal;
 - (vi) reasonable suspicion that the Subscriber is ineligible to enter a game under Rule 5A or Rule 7(a); or
 - (vii) any other breach of the Rules which in the opinion of the Licensees justifies disqualification.
- (c) An Entry which has been disqualified in accordance with this Rule 21 may, in the absolute discretion of the Licensees, and with Approval, be reinstated.
- (d) Without limiting the operation of Rule 20, the liability of the Licensees to a Subscriber who has an Entry disqualified and reinstated under this Rule 21 will be limited to the amount of any prize won by that reinstated Entry.

22. Amendment

- (a) These Rules may only be amended, added to or repealed, in whole or in part, at any time by the Licensees with Approval.
- (b) Any amendment, addition or repeal will be effective on the date on which it is published in the New South Wales Government Gazette, or such later date as is specified in the New South Wales Government Gazette.
- (c) The Licensees shall have no responsibility to a Subscriber or any person for or in respect of any change to the Rules.

SCHEDULE

Part A – 1 x Multiplier

211	212	213	214	216	219	222	223	225	226	228	229	231	233	235	237	239	241	242	244
245	247	249	251	252	254	255	258	260	261	263	264	266	269	271	273	276	278	280	281
283	285	287	288	290	291	293	295	296	298	300	301	303	304	307	308	311	313	315	316
318	321	322	324	326	328	330	332	334	335	337	338	342	344	345	348	350	352	353	355
356	358	359	367	370	373	375	378	380	382	385	389	390	393	395	397	407	411	412	416
422	424	426	428	430	433	434	437	440	442	444	445	447	450	452	454	456	458	462	464
467	469	471	472	474	477	479	481	482	483	484	486	488	489	490	491	494	496	498	499
501	503	505	507	511	516	519	521	523	525	528	530	532	534	536	537	538	540	541	543
545	546	547	549	552	554	555	556	557	559	561	562	564	566	568	570	573	575	577	579
581	583	584	587	589	591	593	595	598	600	607	609	611	613	615	616	618	620	623	626
628	630	632	633	635	640	642	643	645	647	649	651	653	655	656	657	658	664	666	669
671	673	674	676	677	678	681	682	686	691	692	693	694	695	697	698	706	708	709	710
711	712	713	715	717	718	719	721	722	723	725	727	728	730	732	733	736	737	741	743
746	747	751	759	762	765	767	768	773	778	783	785	786	788	789	792	793	797	800	802
805	807	808	812	813	815	818	820	823	827	828	831	832	834	835	837	842	847	852	853
855	858	861	869	873	874	877	879	883	884	887	888	890	892	893	895	897	898	899	901
902	903	905	907	908	909	910	911	912	914	922	923	925	926	927	928	929	934	938	939
942	943	944	946	947	949	951	954	956	962	963	964	965	967	969	971	973	975	977	978
980	985	987	988	990	992	994	997	1000	1002	1004	1005	1007	1009	1011	1013	1020	1022	1025	1027
1029	1031	1033	1036	1037	1039	1041	1043	1045	1047	1050	1052	1054	1056	1058	1059	1061	1063	1064	1065
1066	1068	1071	1073	1074	1075	1077	1079	1080	1082	1083	1084	1086	1088	1090	1092	1095	1097	1099	1101
1143	1146	1148	1149	1151	1153	1156	1158	1162	1164	1166	1168	1170	1173	1175	1176	1178	1180	1183	1186
1187	1190	1192	1194	1196	1198	1204	1208	1209	1213	1223	1225	1227	1230	1231	1235	1238	1240	1242	1245
1247	1250	1253	1261	1262	1264	1265	1267	1268	1270	1272	1275	1276	1278	1282	1283	1285	1286	1288	1290
1292	1294	1296	1298	1299	1302	1304	1305	1307	1309	1312	1313	1316	1317	1319	1320	1322	1324	1325	1327
1329	1330	1332	1333	1335	1337	1339	1340	1342	1344	1347	1349	1351	1354	1356	1357	1359	1360	1362	1365
1366	1368	1369	1371	1373	1375	1376	1378	1379	1381	1383	1385	1387	1389	1391	1392	1394	1395	1397	1398
1401	1404	1406	1407	1408	1409														

Part B – 2 x Multiplier

215	218	221	230	234	248	270	277	317	320	327	333	360	362	365	372	374	377	379	381
383	386	388	392	398	404	406	414	420	425	427	429	436	443	449	453	461	466	473	487
492	508	510	513	527	531	542	558	567	571	580	585	588	596	601	604	610	634	641	644
659	660	661	663	668	672	680	683	685	687	690	696	701	703	714	724	731	735	738	742
749	752	755	756	760	764	766	771	775	776	777	780	781	784	795	798	801	803	806	810
814	817	819	822	825	836	839	840	843	844	845	849	854	856	860	864	865	868	871	878
882	885	889	896	906	917	919	924	930	933	935	937	940	948	952	957	959	960	961	976
976	979	986	1010	1016	1019	1024	1032	1035	1040	1049	1053	1062	1078	1089	1093	1107	1110	1112	1128
1133	1147	1154	1159	1167	1171	1177	1184	1191	1193	1195	1200	1206	1214	1216	1222	1228	1232	1234	1237
1241	1243	1246	1248	1255	1258	1260	1287	1293	1300	1303	1343	1350	1372	1386	1390	1399	1402	1405	

Part C – 3 x Multiplier

217	227	232	238	243	250	253	256	259	262	267	272	275	279	282	284	286	289	292	294
297	299	302	305	306	309	310	312	314	319	323	329	336	339	341	346	347	351	357	361
363	364	368	369	371	384	391	396	402	408	409	410	417	421	432	435	438	439	441	446
448	451	455	459	463	465	468	470	475	476	478	480	485	493	495	497	500	502	504	506
509	512	515	517	518	520	522	524	526	529	533	535	539	544	548	550	551	553	560	563
565	569	572	574	576	578	582	586	590	592	594	597	602	605	606	608	612	614	617	619
624	625	627	629	631	637	638	639	646	648	650	652	654	662	665	667	670	675	679	689
700	702	704	707	716	720	726	729	734	739	740	744	745	748	750	753	757	761	763	770
774	779	787	791	794	796	799	804	809	811	816	821	824	826	829	833	841	846	850	857
859	863	867	870	872	875	876	880	881	886	891	894	900	904	913	916	918	920	931	941
945	950	953	955	958	966	968	970	972	974	981	982	983	989	991	993	995	996	1001	1003
1006	1008	1012	1014	1015	1018	1023	1026	1028	1030	1034	1038	1042	1044	1046	1048	1051	1055	1057	1060
1067	1069	1070	1072	1076	1081	1085	1087	1091	1094	1096	1098	1100	1102	1103	1105	1108	1111	1114	1116
1118	1120	1123	1125	1127	1135	1140	1142	1144	1145	1150	1152	1155	1157	1161	1165	1169	1172	1174	1179
1181	1182	1185	1188	1199	1203	1210	1211	1212	1218	1224	1229	1236	1249	1251	1252	1256	1257	1259	1263
1269	1273	1274	1279	1281	1284	1291	1297	1301	1306	1308	1310	1311	1314	1315	1318	1321	1323	1326	1328
1331	1334	1336	1338	1341	1345	1348	1353	1358	1361	1364	1367	1370	1377	1382	1388	1393	1403		

Part C – 4 x Multiplier

210	240	340	343	354	376	400	423	599	622	758	769	772	782	790	830	838	848	851	862
998	1021	1197	1220	1244	1266	1277	1280	1380	1410										

Part D – 5 x Multiplier

220	236	257	265	274	325	349	366	387	394	399	401	403	405	413	418	419	431	457	460
514	621	636	688	699	705	754	866	915	921	932	984	999	1106	1160	1163	1189	1201	1202	1207
1215	1217	1219	1221	1226	1233	1254	1271	1295	1346	1355	1363	1384	1400						

Part E – 10 x Multiplier

224	246	268	331	415	603	684	936	1017	1205	1289	1352	1374	1396						
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TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURY CITY COUNCIL

Roads Act 1993, Section 162

Road Renaming

NOTICE is given that Albury City Council has renamed part of Old Sydney Road through the suburbs of Table Top and Thurgoona. Old Sydney Road south of its junction with Table Top Road to its intersection with the Riverina Highway has been renamed as Table Top Road. Mr Leslie G. Tomich, General Manager, Albury City Council, PO Box 323, Albury NSW 2640. [3817]

ALBURY CITY COUNCIL

Roads Act 1993, Section 162

Road Renaming

NOTICE is given that Albury City Council has renamed the southern section of Sargeant Road in the suburb of Table Top. Sargeant Road south Perryman Lane to Olympic Way has been renamed as Marnie Road. LESLIE G. TOMICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640, tel.: (02) 6023 8111. [3818]

BLUE MOUNTAINS CITY COUNCIL

Local Government Act 1993, Section 50 (1), (4)

Notification of Vesting of Land

NOTICE is hereby given pursuant to section 50 (1) and (4) of the Local Government Act 1993, that the land in the Schedule below is vested in the Blue Mountains City Council. PHILLIP PINYON, General Manager, Blue Mountains City Council, Locked Bag 1005, Katoomba NSW 2780.

SCHEDULE

Lot 11 in Deposited Plan 24339, shown on this plan as "Public Garden and Recreation Space" and comprising of the land in certificate of title Volume 6146, Folio105.

[3819]

CLARENCE VALLEY COUNCIL

Roads Act 1993

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993 the Clarence Valley Council dedicates the lands described in Schedule 1 hereunder as public road. Dated 6 March 2008. STUART MCPHERSON, General Manager, Clarence Valley Council, Locked Bag 23, Grafton NSW 2460.

SCHEDULE 1

Land shown as intended to be dedicated as public road in the Plan of Subdivision, Deposited Plan 1111211, situated on Lawrence Road in the locality of Alamy Creek in the Parish of Great Marlow, County of Clarence.

[3820]

LIVERPOOL CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LIVERPOOL CITY 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 drainage and open space. GENERAL MANAGER, Liverpool City Council, 1 Hoxton Park Road, Liverpool, NSW 2170.

SCHEDULE

Lot 107 DP 1050119.

[3821]

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 1112690, Parish of Bherwerre, County of St Vincent – Sanctuary Point Road, Sanctuary Point.

[3822]

SUTHERLAND SHIRE COUNCIL

Roads Act 1993, Roads (General) Regulation 2000

Naming of Road

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

- Rename Part of Old Illawarra Road from the southern corner of David Road to the northern boundary of No 85 Thomas Mitchell Drive, Barden Ridge to Thomas Mitchell Drive, Barden Ridge

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

[3823]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of Council dated 21 August 2007 has resolved to dedicate the land described hereunder as public road pursuant to Section 10 of the Roads Act, 1993. Mike Rayner, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW, 2484.

SCHEDULE 1

Lot 1 DP 1104678. [3824]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of JOHN ARTHUR FAIRLESS DENT (in the will called JOHN ARTHUR DENT) late of Waverley in the State of New South Wales, retired, who died on 26 October 2007 must send particulars of their claim to the executor, David Leslie Scutts, care of Truman Hoyle Lawyers, Level 11, 68 Pitt Street Sydney, within one calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 4 December 2007. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street Sydney NSW, DX 263 SYDNEY, Ref: SR 7556, tel.: (02) 9226 9888. [3825]

COMPANY NOTICES

NOTICE of Final Meeting of Members – In The Matter of The Corporations Act 2001 and in the matter of MA & MC FERRIS PTY LTD, ACN 001 137 444, (in liquidation) – Notice is hereby given pursuant to Section 509 of the Corporations Act 2001, that the final meeting of the Members of the abovenamed Company will be held on 22 April 2008, 9am at the office of Crosbie Warren Sinclair, cnr Pacific Highway & Warabrook Boulevard, Warabrook NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the Company disposed of and hearing any explanation that may be given by the Liquidator. Dated this 10th March 2008. BRENT ANTONY PERKINS, Liquidator, Crosbie Warren Sinclair, Box 29 Hunter Region Mail Centre NSW 2310, tel.: (02) 49234000. [3826]

NOTICE of final meeting of members – In the matter of The Corporations Act 2001 and in the matter of CANPIK PTY LTD, ACN 002 796 803, (in liquidation) – Notice is hereby given pursuant to Section 509 of the Corporations Act 2001, that the final meeting of the Members of the abovenamed Company will be held on 15 April 2008, 9am at the office of Crosbie Warren Sinclair, cnr Pacific Highway & Warabrook Boulevard, Warabrook NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the Company disposed of and hearing any explanation that may be given by the Liquidator. Dated this 6th March 2008. BRENT ANTONY PERKINS, Liquidator, Crosbie Warren Sinclair, Box 29 Hunter Region Mail Centre NSW 2310, tel.: (02) 49234000. [3827]

OTHER NOTICES**PERFORMANCE METALCRAFT**

A.C.N. 084 929 742
A.B.N. 45 084 929 742
16 Euston Street
Rydalmere NSW 2116
Telephone: (02) 9638 2419
Fax: (02) 9638 2429

Email: enquiries@performancemetalcraft.com.au

NOTICE Details: Performance Metalcraft to sell Nissan Skyline GTR R32 at Public Auction as permitted under the Uncollected Goods Act 1966 14 days from publication of this notice. [3828]

GLOUCESTER ROSEVILLE PTY LIMITED

Loss of Share Certificate

SHARE CERTIFICATE for Shares numbered 1 to 5250 and 30501 to 30750 inclusive in the names of Jennie McKinnon and Ian Keith McKinnon in the abovenamed company having been lost or destroyed, notice is hereby given that it is the intention of the abovenamed company after the expiration of twenty one days after the publication of this advertisement to issue a duplicate thereof. [3829]

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