



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 23 June 2008

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

Act No. 32 2008 – An Act to amend the Public Finance and Audit Act 1983 to provide for review by the Auditor-General in connection with the restructuring of the State's electricity industry. [Auditor-General (Supplementary Powers) Bill].

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

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 25 June 2008

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

Act No. 33, 2008 - An Act to amend the Exotic Diseases of Animals Act 1991 to make further provision with respect to the detection, containment and eradication of certain animal diseases; to make amendments with respect to proceedings under other primary industry legislation; and for other purposes. [Exotic Diseases of Animals Amendment Act 2008].

Act No. 34, 2008- An Act to amend the Western Lands Act 1901 and the Crown Lands Act 1989 with respect to the establishment of development districts and the granting of special purpose leases in the Western Division; and for other purposes. [Western and Crown Lands Amendment (Special Purpose Leases) Act 2008].

LYNN LOVELOCK,
Clerk of the Parliaments

Proclamations



New South Wales

Commencement Proclamation

under the

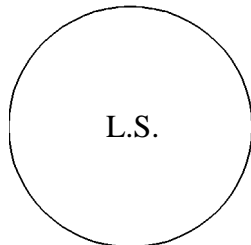
Casino, Liquor and Gaming Control Authority Act 2007 No 91

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Casino, Liquor and Gaming Control Authority Act 2007*, do, by this my Proclamation, appoint 1 July 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

Commencement Proclamation

under the

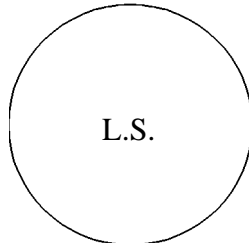
Jury Amendment Act 2008 No 24

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Jury Amendment Act 2008*, do, by this my Proclamation, appoint 1 July 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

Commencement Proclamation

under the

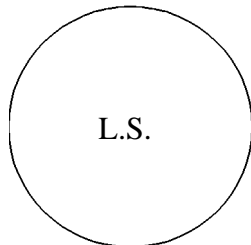
Liquor Act 2007 No 90

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Liquor Act 2007*, do, by this my Proclamation, appoint 1 July 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

Commencement Proclamation

under the

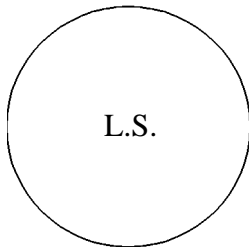
Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007 No 92

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007*, do, by this my Proclamation, appoint 1 July 2008 as the day on which that Act (other than Schedule 1 [5] to that Act) commences.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



Minister for Gaming and Racing

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the whole of the above Act on 1 July 2008 with the exception of an amendment (which commenced on 30 May 2008) to the *Casino Control Act 1992* relating to the determination of devices as gaming machines.



New South Wales

Commencement Proclamation

under the

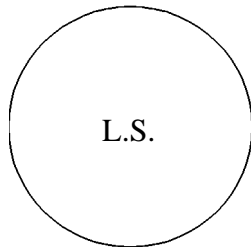
National Gas (New South Wales) Act 2008

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *National Gas (New South Wales) Act 2008*, do, by this my Proclamation, appoint the day on which section 7 of the *National Gas (South Australia) Act 2008* of South Australia commences as the day on which the *National Gas (New South Wales) Act 2008* commences.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



IAN MACDONALD, M.L.C.,
Minister for Energy

GOD SAVE THE QUEEN!



New South Wales

Commencement Proclamation

under the

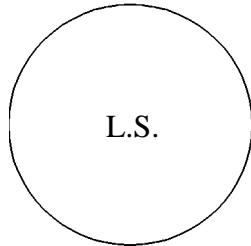
Racing Legislation Amendment Act 2006 No 91

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Racing Legislation Amendment Act 2006*, do, by this my Proclamation, appoint 1 July 2008 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provisions of the *Racing Legislation Amendment Act 2006* other than Schedule 1.1 and 1.3 to that Act (which commenced on the date of assent to that Act).



New South Wales

Commencement Proclamation

under the

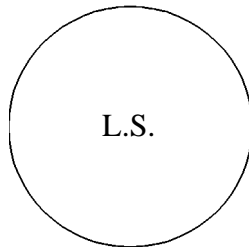
Summary Offences and Law Enforcement Legislation
Amendment (Laser Pointers) Act 2008 No 30

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Act 2008*, do, by this my Proclamation, appoint 27 June 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

Water Management Act 2000

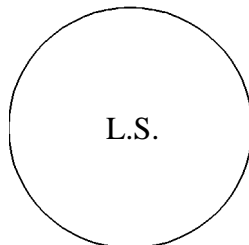
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of sections 55A and 88A of the *Water Management Act 2000*, do, by this my Proclamation, declare that, on and from 1 July 2008:

- (a) Part 2 of Chapter 3 of that Act applies to each water source to which the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008* or the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008* applies, and to all categories and subcategories of access licences in relation to any such water source, and
- (b) Part 3 of Chapter 3 of that Act applies to each water source to which the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008* or the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008* applies, and to all water use approvals and water supply work approvals in relation to any such water source.

Signed and sealed at Sydney, this 25th day of June 2008.

By Her Excellency's Command,



NATHAN REES, M.P.,
Minister for Water

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Regulations



New South Wales

Agricultural Industry Services (Interstate Arrangements) Amendment Regulation 2008

under the

Agricultural Industry Services Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Industry Services Act 1998*.

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

Explanatory note

The object of this Regulation is to declare that the *Murray Valley Citrus Industry Development Order 2008* made under section 8 of the *Agricultural Industry Development Act 1990* of Victoria is a recognised foundation instrument for the purposes of the *Agricultural Industry Services Act 1998*.

This Regulation is made under the *Agricultural Industry Services Act 1998*, including sections 32D and 51 (the general regulation-making power).

Clause 1 Agricultural Industry Services (Interstate Arrangements) Amendment
 Regulation 2008

Agricultural Industry Services (Interstate Arrangements) Amendment Regulation 2008

under the

Agricultural Industry Services Act 1998

1 Name of Regulation

This Regulation is the *Agricultural Industry Services (Interstate Arrangements) Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Agricultural Industry Services (Interstate Arrangements) Regulation 2004

The *Agricultural Industry Services (Interstate Arrangements) Regulation 2004* is amended as set out in Schedule 1.

Agricultural Industry Services (Interstate Arrangements) Amendment
Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 4 Declaration of Murray Valley Citrus Industry Development Order 2008 (Vic) as recognised foundation instrument

Omit “2004” from clause 4 (1). Insert instead “2008”.



New South Wales

Associations Incorporation Amendment (Fees) Regulation 2008

under the

Associations Incorporation Act 1984

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Associations Incorporation Act 1984*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Associations Incorporation Act 1984*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Associations Incorporation Act 1984*, including section 73 (the general regulation-making power).

Clause 1 Associations Incorporation Amendment (Fees) Regulation 2008

Associations Incorporation Amendment (Fees) Regulation 2008

under the

Associations Incorporation Act 1984

1 Name of Regulation

This Regulation is the *Associations Incorporation Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Associations Incorporation Regulation 1999

The *Associations Incorporation Regulation 1999* is amended as set out in Schedule 1.

Associations Incorporation Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 5)

Column 1		Column 2
Item	Matter for which fee payable	Fee
1	Application for specification by Director-General as to the manner in which a special resolution may be passed (section 5 (1) (b) of the Act)	\$34
2	Application for incorporation (section 9 (g) of the Act)	\$105
3	Issue of replacement certificate of incorporation where the Director-General is satisfied that the original was lost or destroyed	\$34
4	Application for reservation of name (section 13 (2) of the Act)	\$40
5	Application for approval of change of name (section 14 (3) (c) of the Act)	\$51
6	Notice of alteration of objects or rules of incorporated association (section 20 (2) of the Act)	\$39
7	Application for extension of period within which annual general meeting to be held or permission that annual general meeting be held in another calendar year (section 26 (3) of the Act)	\$24
8	Lodgment of annual statement (section 27 (1) (d) of the Act)	\$45
9	Additional fee for late lodgment of annual statement (section 73 (1) (b1) of the Act):	
	(a) if the statement is lodged more than one month after the date of the annual general meeting, but less than 2 months after that date	\$21
	(b) if the statement is lodged 2 or more months after the date of the annual general meeting	\$27

Associations Incorporation Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1		Column 2
Item	Matter for which fee payable	Fee
10	Application for extension or further extension of period within which an annual statement must be lodged (section 27 (2) of the Act)	\$24
11	Application for amalgamation of incorporated associations (section 46 (3) (e) of the Act)	\$105
12	Application for incorporation by company limited by guarantee or registered co-operative (section 48 (3) (d) of the Act)	\$105
13	Request for Minister's approval for incorporated association to become registered as company or co-operative (section 56 (1) of the Act)	\$51
14	Request for inspection of document lodged with the Director-General (section 59 (3) (a) of the Act)	\$16
15	Issue of uncertified copy of, or extract from, document lodged with the Director-General (section 59 (3) (b) of the Act):	
	(a) if a fee has been paid for inspection of the document:	
	(i) for the first page	Nil
	(ii) for each additional page	\$1
	(b) if a fee has not been paid for inspection of the document:	
	(i) for the first page	\$16
	(ii) for each additional page	\$1
16	Issue of certified copy of, or extract from, document lodged with the Director-General (section 59 (3) (b) of the Act):	
	(a) for the first page	\$17
	(b) for each additional page	\$2
17	Issue of extract from computerised record forming part of the register (referred to in section 59 (1) of the Act) that the Director-General keeps for the purposes of the Act	\$16
18	Issue of certificate by Director-General stating current status of association (section 62 (1) (a) and (b) of the Act)	\$34
19	Issue of certificate by Director-General stating compliance with certain provisions of the Act (section 62 (1) (c)–(f) of the Act)	\$67

Associations Incorporation Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1		Column 2
Item	Matter for which fee payable	Fee
20	Issue of certificate by Director-General to the effect that an association or other body is a former association of an incorporated association (clause 6 (2) of Schedule 2 to the Act)	\$34



New South Wales

Business Names Amendment (Fees) Regulation 2008

under the

Business Names Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Business Names Act 2002*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Business Names Regulation 2004 (the Principal Regulation)* as follows:

- (a) to increase certain fees payable in connection with the administration of the *Business Names Act 2002 (the Act)*,
- (b) to reduce the processing component fee for the replacement of a certificate of registration under the *Licensing and Registration (Uniform Procedures) Act 2002* (item 4 of Schedule 2 (Fees) to the Principal Regulation—*the Schedule*),
- (c) to reduce the overall fee for an application for the Minister's direction under section 6 (2) of the Act on whether a business name is to be registered, and to correct an inadvertent error relating to the basic component of the fee by setting it to "Nil" so as to indicate that registration activity is not involved in the making of such a direction (item 5 of the Schedule),
- (d) to simplify the Schedule by replacing existing items 7–10 with one item, being an application fee for an extract (either certified or not) from the Register of business names (not being an application associated with the application to inspect that Register) (item 7 of the Schedule),
- (e) to clarify that the fee for an application for an evidentiary certificate as to the contents of the Register of business names relates to a certificate provided under section 26 (Evidentiary certificates) of the Act (item 8 of the Schedule),
- (f) to clarify that if a person's application for registration of a business name is refused because of an order under section 21 (1) of the Act, the power to waive part of the fee for a subsequent application for registration made by the same person within

Business Names Amendment (Fees) Regulation 2008

Explanatory note

one month after the refusal does not extend to the processing component of that fee (clause 12 (1) of the Principal Regulation).

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Business Names Act 2002*, including sections 5 and 40 (the general regulation-making power).

Business Names Amendment (Fees) Regulation 2008

Clause 1

Business Names Amendment (Fees) Regulation 2008

under the

Business Names Act 2002

1 Name of Regulation

This Regulation is the *Business Names Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Business Names Regulation 2004

The *Business Names Regulation 2004* is amended as set out in Schedule 1.

Business Names Amendment (Fees) Regulation 2008

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 12 Circumstances in which fees may be waived or refunded

Omit "\$24" from clause 12 (1).

Insert instead "the processing component of that fee".

[2] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 11)

Column 1	Column 2	Column 3	Column 4
Matter	Basic component	Processing component	Total fee
Fees relating to registration under the Licensing and Registration (Uniform Procedures) Act 2002			
1 Application for granting of registration of a business name	\$121	\$25	\$146
2 Application for renewal of registration of a business name	\$94	\$16	\$110
3 Application for restoration of business name	\$94	\$32	\$126
4 Application for replacement of certificate of registration	Nil	\$16	\$16
Other fees			
5 Application for Minister's direction under section 6 (2) of the Act	Nil	\$100	\$100
6 Application to inspect Register (including the provision of an extract of a registered business name from the Register)	Nil	\$14 for each registered business name inspected	\$14 for each registered business name inspected

Business Names Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2	Column 3	Column 4
Matter	Basic component	Processing component	Total fee
7 Application for an extract (either certified or not) of a registered business name from the Register (not being associated with an application to inspect Register under item 6)	Nil	\$14 for each extract provided	\$14 for each extract provided
8 Application for evidentiary certificate under section 26 of the Act as to contents of Register	Nil	\$24	\$24



New South Wales

Casino, Liquor and Gaming Control Authority Regulation 2008

under the

Casino, Liquor and Gaming Control Authority Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino, Liquor and Gaming Control Authority Act 2007*.

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

Explanatory note

The object of this Regulation is to prescribe the persons and bodies to whom information can be divulged by a person who has acquired the information in the exercise of functions under the gaming and liquor legislation.

This Regulation is made under the *Casino, Liquor and Gaming Control Authority Act 2007*, including sections 17 and 47 (the general regulation-making power).

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

Clause 1 Casino, Liquor and Gaming Control Authority Regulation 2008

Casino, Liquor and Gaming Control Authority Regulation 2008

under the

Casino, Liquor and Gaming Control Authority Act 2007

1 Name of Regulation

This Regulation is the *Casino, Liquor and Gaming Control Authority Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Definition

In this Regulation:

the Act means the *Casino, Liquor and Gaming Control Authority Act 2007*.

4 Divulging of information

For the purposes of section 17 (2) (b) of the Act, the persons and bodies listed in Schedule 1 are prescribed.

Casino, Liquor and Gaming Control Authority Regulation 2008

Persons and bodies to whom information may be divulged

Schedule 1

Schedule 1 Persons and bodies to whom information may be divulged

(Clause 4)

1 New South Wales

Director-General of the Department of the Arts, Sport and Recreation
Commissioner, NSW Office of Liquor, Gaming and Racing,
Department of the Arts, Sport and Recreation
Director of Liquor and Gaming

2 Other Australian jurisdictions

Queensland Office of Gaming Regulation
Victorian Commission for Gambling Regulation
Gaming and Wagering Commission of Western Australia
Western Australian Department of Racing, Gaming and Liquor
South Australian Independent Gambling Authority
South Australian Office of the Liquor and Gambling Commissioner
Tasmanian Gaming Commission
Tasmanian Department of Treasury and Finance (Revenue, Gaming and
Licensing Division)
Northern Territory Treasury (Racing, Gaming and Licensing Division)
Australian Capital Territory Gambling and Racing Commission
Australian Transaction Reports and Analysis Centre (AUSTRAC)

3 New Zealand

Gambling Commission
Department of Internal Affairs

4 Great Britain

Gambling Commission

5 United States of America

Nevada Gaming Commission
Nevada Gaming Control Board
New Jersey Casino Control Commission

Casino, Liquor and Gaming Control Authority Regulation 2008
Schedule 1 Persons and bodies to whom information may be divulged

New Jersey Department of Law and Public Safety (Division of Gaming Enforcement)

Oregon Department of State Police (Gaming Enforcement Division)

6 Canada

Ontario Alcohol and Gaming Commission

Alberta Gaming and Liquor Commission

Manitoba Gaming Control Commission

Saskatchewan Liquor and Gaming Authority

7 Singapore

Ministry of Home Affairs

Casino Regulatory Authority



New South Wales

Casino Control Amendment (Liquor) Regulation 2008

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

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

Explanatory note

The object of this Regulation is to make amendments to the *Casino Control Regulation 2001* that are consequential on the enactment of the *Liquor Act 2007* and on the amendments made to the *Casino Control Act 1992* by the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007*. In particular, the provisions of the *Liquor Act 1982* that are set out in the *Casino Control Regulation 2001* and that apply to licensed premises in the casino and the casino environs are replaced by modified provisions of the *Liquor Act 2007*.

This Regulation is made under the *Casino Control Act 1992*, including sections 89 and 170 (the general regulation-making power).

Clause 1 Casino Control Amendment (Liquor) Regulation 2008

Casino Control Amendment (Liquor) Regulation 2008

under the

Casino Control Act 1992

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Liquor) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Casino Control Regulation 2001

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Casino Control Amendment (Liquor) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] **Clause 3 Definitions**

Omit the definitions of *Infringement Processing Bureau* and *IPB Code*.

[2] **Clause 3, definition of “liquor”**

Omit “*Liquor Act 1982*”. Insert instead “*Liquor Act 2007*”.

[3] **Clause 10 Certain contracts not controlled contracts**

Omit clause 10 (2) (m). Insert instead:

- (m) contracts relating to the provision of training courses approved under section 64 of the Act or training courses conducted with the approval of the Authority under Part 4A of this Regulation (as in force before 1 July 2008) or under Division 1 of Part 5 of the *Liquor Regulation 2008*,

[4] **Part 4A**

Omit the Part. Insert instead:

Part 4A Responsible service of alcohol training

34B Definitions

In this Part:

licence, *licensee* and *licensed premises* have the same meanings as they have in the *Liquor Act 2007*, as applied by Schedule 5 and modified by Schedule 6.

recognised RSA certificate means a recognised RSA certificate within the meaning of Division 1 of Part 5 of the *Liquor Regulation 2008*, and includes any recognised RSA certificate within the meaning of this Part (before its substitution by the *Casino Control Amendment (Liquor) Regulation 2008*) and in force immediately before 1 July 2008.

staff member, in relation to licensed premises, means any agent or employee of, or person purporting to act on behalf of, the licensee of the premises.

Casino Control Amendment (Liquor) Regulation 2008

Schedule 1 Amendments

34C Obligations of licensee as to responsible service of alcohol

The licensee of licensed premises must not cause or permit a staff member to sell, supply or serve liquor by retail on the premises unless the staff member holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

34D Obligations of staff members as to responsible service of alcohol

A staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the staff member holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

34E Obligations in relation to persons carrying on certain security activities

- (1) The licensee of licensed premises must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about the premises unless the person holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

- (2) A person must not, in the course of the person's employment, carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

Note. Under the *Security Industry Act 1997*, a person who is employed to act as a crowd controller, venue controller or bouncer is required to hold a class 1C licence under that Act.

34F Conduct of promotional activities

For the purposes of this Part:

- (a) liquor that is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to have been sold, supplied or served by retail, and
- (b) any person by whom liquor is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to be a staff member.

Casino Control Amendment (Liquor) Regulation 2008

Amendments

Schedule 1

34G Licensee to keep register of recognised RSA certificates

- (1) It is a condition of a licence for licensed premises that the licensee must keep a register containing:
 - (a) a copy of the recognised RSA certificate for the licensee, and
 - (b) a copy of the recognised RSA certificate for each staff member whose duties include the sale, supply or service of liquor by retail, and
 - (c) a copy of the recognised RSA certificate for each person employed or engaged by the licensee to carry on activities as a crowd controller or bouncer on or about the licensed premises.
- (2) It is a condition of a licence for licensed premises that the licensee must make the register kept under this clause available for inspection on request by a police officer or inspector.

[5] Clause 35 Application of Liquor Act 2007 to casino

Omit “*Liquor Act 1982*” wherever occurring in clause 35 (1) and (2).

Insert instead “*Liquor Act 2007*”.

[6] Clause 35 (2) (b)

Omit “section 42”. Insert instead “section 61”.

[7] Clause 35A Drinking water to be available free of charge on licensed premises

Omit clause 35A (2). Insert instead:

- (2) In this clause and in clauses 35B–35E:
licence, licensee and *licensed premises* have the same meanings as they have in the *Liquor Act 2007*, as applied by Schedule 5 and modified by Schedule 6.

[8] Clauses 35C–35E

Insert after clause 35B:

35C Discount liquor promotions or advertisements

- (1) This clause applies to any promotion or advertisement involving the discounting of liquor that is conducted, or published, by or on behalf of a licensee.
- (2) If a promotion or advertisement to which this clause applies:
 - (a) appears in the printed or electronic media, or

Casino Control Amendment (Liquor) Regulation 2008

Schedule 1 Amendments

-
- (b) is conducted on or in the vicinity of the licensed premises or appears inside or in the vicinity of the licensed premises, or
 - (c) is made available for the public to participate in or view, the Authority may, by notice in writing, require the licensee to include, as part of the promotion or advertisement, a message that encourages the responsible consumption of alcohol.
- (3) The Authority may, in making any such requirement, specify:
- (a) the content of the message, and
 - (b) the manner in which the message is to appear as part of the promotion or advertisement (including the size, colour and nature of the message and its placement in relation to the promotion or advertisement).
- (4) A licensee must comply with a notice given to the licensee under this clause.
Maximum penalty: 50 penalty units.

35D Codes of practice

- (1) The Authority may approve of a code of practice that deals with the responsible sale, supply, service and promotion of liquor.
- (2) The Authority may approve of any such code of practice for all licences or for particular licences only.
- (3) If the Authority approves of a code of practice in relation to a licence, it is a condition of the licence that the licensee complies with the code.

35E Display and availability of licence etc

- (1) This clause applies to any member of staff of licensed premises who:
 - (a) sells, supplies or serves liquor on the licensed premises, or
 - (b) carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises, or
 - (c) exercises any functions under the *Liquor Act 2007* (as applied by Schedule 5 and modified by Schedule 6).
- (2) It is a condition of a licence that a copy of each of the following are available at all times for the information of the members of staff of the licensed premises to which this clause applies:
 - (a) the licence,

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- (b) any minors area authorisation held in relation to the licence,
 - (c) any conditions imposed by the Authority on the licence or any such authorisation.

[9] Clause 38 Divulging of information

Omit the clause.

[10] Clause 39

Omit the clause. Insert instead:

39 Evidence of age

Any of the following documents is, for the purposes of the Act, evidence that the person is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age and only if the document has not expired and otherwise appears to be in force:

- (a) a motor vehicle driver or rider's licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of another State or Territory or under the law of another country,
- (b) a Photo Card issued under the *Photo Card Act 2005*,
- (c) a document (referred to as *an existing RTA proof of age card*) issued by the Roads and Traffic Authority under section 117EA of the *Liquor Act 1982* and in force immediately before 1 July 2008,
Note. Existing RTA proof of age cards cease to be valid for any purpose on 14 December 2008.
- (d) a proof of age card (however described) issued by a public authority of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age,
- (e) an Australian or foreign passport.

[11] Clause 40 Casino precinct

Omit the clause.

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[12] Clause 41 Penalty notice offences

Omit clause 41 (2). Insert instead:

- (2) For the purposes of section 150 of the *Liquor Act 2007* (as applied by this Regulation and modified to read as set out in Schedule 6):
- (a) each offence created by a provision specified in Column 1 of Part 3 of Schedule 8 is prescribed, and
 - (b) the prescribed amount of penalty for such an offence is the amount specified opposite the offence in Column 2 of Schedule 8.

[13] Schedules 5 and 6

Omit the Schedules. Insert instead:

Schedule 5 Application of Liquor Act 2007 to casino

(Clause 35)

Part 1 Provisions of Liquor Act 2007 applying to licensed premises

Sections 3–11, 40 (1) and (2), 52, 53, 56, 66–75, 77, 79–81, 91, 92, 95, 97, 99–102, 111–113, 117–119, 123–136, 145–147, 149–152, 155, 157, 158 and 160.

Clauses 2, 3, 17–21 and 26 of Schedule 1.

Part 2 Additional provisions of Liquor Act 2007 applying to casino premises

Sections 22, 27, 40 (4) and (5), 41–43, 45–47, 55, 60, 61, 76, 78, 82–85, 87–90, 94, 107, 120, 121 and 137–143.

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Schedule 6 Applied provisions of Liquor Act 2007 as modified

(Clause 35)

Part 1 Preliminary

3 Regard to be had to harm minimisation and other measures

Each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:

- (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
- (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
- (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

4 Definitions

- (1) In this Act:

Authority means the Casino, Liquor and Gaming Control Authority constituted under the *Casino, Liquor and Gaming Control Authority Act 2007*.

bar area means a part of licensed premises (being a part not operated by a casino operator) in which liquor is ordinarily sold or supplied for consumption on the premises, but does not include:

- (a) a restaurant, or
- (b) a part of the licensed premises in respect of which a minors area authorisation under section 121 is in force, whenever the authorisation operates to authorise the use by a minor of that part, or
- (c) a part of the licensed premises in which liquor is sold or supplied exclusively to residents.

beer means liquor that is beer, ale, lager, pilsener, porter, stout or any other fermented malt liquor or any fermented liquor made from hops or that for the purposes of sale is held out to be beer.

casino has the same meaning as in the *Casino Control Act 1992*.

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casino environs means premises the subject of an order under section 89 (3) of the *Casino Control Act 1992*.

casino operator means a person who is the holder of a licence under Part 2 of the *Casino Control Act 1992* to operate a casino.

close associate means a close associate within the meaning of the *Casino, Liquor and Gaming Control Authority Act 2007*.

Director means the Director of Liquor and Gaming holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

employ includes engage under a contract for services and **employee** includes a person engaged under a contract for services.

evidence of age document for a person means any of the following documents that bears a photograph of the person and that indicates (by reference to the person's date of birth or otherwise) that the person has attained a particular age, but does not include any such document that has expired or otherwise appears not to be in force:

- (a) a motor vehicle driver or rider's licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of another State or Territory or under the law of another country,
- (b) a Photo Card issued under the *Photo Card Act 2005*,
- (c) a document (referred to as **an existing RTA proof of age card**) issued by the Roads and Traffic Authority under section 117EA of the *Liquor Act 1982* and in force immediately before the repeal of that section,
Note. Existing RTA proof of age cards cease to be valid for any purpose on 14 December 2008.
- (d) a proof of age card (however described) issued by a public authority of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age,
- (e) an Australian or foreign passport.

financial institution means a bank or authorised deposit-taking institution.

former Act means the *Liquor Act 1982* as applied and modified under the regulations under the *Casino Control Act 1992*.

inspector means an inspector within the meaning of the *Casino, Liquor and Gaming Control Authority Act 2007*.

intoxicated—see section 5.

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licence means a licence in force under section 10.

licensed premises means the premises or part of the premises in the casino or casino environs on which the sale or supply of liquor is authorised by a licence.

licensee means the holder of a licence.

liquor means any of the following:

- (a) a beverage which, at 20° Celsius, contains more than 1.15% ethanol by volume,
- (b) anything that is not a beverage referred to in paragraph (a) but, for the purposes of sale, is held out to be beer or spirits,
- (c) any vapour that would, as a liquid, be a beverage as referred to in paragraph (a),
- (d) an alcohol-based food essence (being a food flavouring preparation in liquid form that, at 20° Celsius, contains more than 1.15% ethanol by volume) that is packaged:
 - (i) in the case of vanilla essence (whether natural or imitation)—in a container of more than 100 millilitres capacity, or
 - (ii) in any other case—in a container of more than 50 millilitres capacity,

except in circumstances where the alcohol-based food essence is sold in that container by wholesale.

local liquor accord—see section 131.

manager of licensed premises means a person appointed by the licensee under section 66 to manage the licensed premises.

meal means a genuine meal consumed by a person at a dining table and includes, in the case of a licence that authorises the sale of liquor to a resident for consumption away from the licensed premises:

- (a) a meal supplied by the licensee for immediate consumption (otherwise than at a dining table) on or away from the premises, and
- (b) a picnic-style hamper supplied by the licensee for consumption (otherwise than at a dining table) away from the premises on the same day as it is supplied.

minor means a person who is under the age of 18 years.

owner of premises means the person entitled to the rents or profits of the premises.

prohibited drug and **prohibited plant** have the same meanings as in the *Drug Misuse and Trafficking Act 1985*.

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related corporation of a licensee means a corporation that, within the meaning of the *Corporations Act 2001* of the Commonwealth, is a related body corporate of the licensee.

resident of licensed premises means a person (other than the licensee) who resides, or is staying overnight in, a part of the premises that has been set aside for the purposes of accommodation.

responsible adult, in relation to a minor, means an adult who is:

- (a) a parent, step-parent or guardian of the minor, or
- (b) the minor's spouse or de facto partner, or
- (c) for the time being standing in as the parent of the minor.

responsible person for licensed premises means any of the following:

- (a) the licensee,
- (b) the manager of the premises,
- (c) an employee or agent of the licensee or manager,
- (d) a person acting or purporting to act on behalf of the licensee or manager.

restaurant means premises (however described) in respect of which the primary purpose is the business of preparing and serving meals to the public.

sell includes any of the following:

- (a) barter or exchange,
- (b) offer, agree or attempt to sell,
- (c) expose, send, forward or deliver for sale,
- (d) cause or permit to be sold or offered for sale.

supply includes dispose of or deliver.

- (2) In this Act, a reference to the **exercise of a function** includes a reference to the exercise or performance of a power, authority or duty.
- (3) Notes included in the text of this Act do not form part of this Act.

5 Meaning of "intoxicated"

- (1) For the purposes of this Act, a person is **intoxicated** if:
 - (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and

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- (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.
 - (2) Accordingly, a reference in this Act to *intoxication* in relation to licensed premises is a reference to the presence of intoxicated persons on the licensed premises.
 - (3) The Director is to issue guidelines to assist in determining whether or not a person is intoxicated for the purposes of this Act. Such guidelines are to be made publicly available in such manner as the Director considers appropriate.
 - (4) The guidelines issued by the Director may also indicate circumstances in which a person may be assumed not to be intoxicated for the purposes of this Act.

6 Exemptions from Act

- (1) This Act does not apply to or in respect of the following:
 - (a) [not applied]
 - (b) the sale of spirituous or distilled perfume as perfumery only and not for drinking,
 - (c) the sale of liquor for medicinal purposes by:
 - (i) a registered medical practitioner, or
 - (ii) a nurse authorised under the *Nurses and Midwives Act 1991* to practise as a nurse practitioner, or
 - (iii) a midwife authorised under that Act to practise as a midwife practitioner, or
 - (iv) a registered pharmacist,
 - (d) the sale of liquor to an adult at an auction conducted by an auctioneer, but only if the requirements referred to in subsection (2) are complied with,
 - (e) the sale of liquor taken in execution or under similar process, or forfeited to the Crown, if the sale is by or on behalf of the sheriff or a sheriff's officer, or a bailiff or a police officer,
 - (f), (g) [not applied]
 - (h) the sale of liquor authorised by a law of the Commonwealth for the export of the liquor from the Commonwealth,
 - (i) the sale of liquor that is part of a sale of flowers or food designed to be delivered as a gift to a person (not being the purchaser) specified by the purchaser, but only if:

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- (i) the liquor is delivered together with the flowers or food to the person so specified at a place other than the premises at which the business of the vendor is conducted, and
 - (ii) the liquor has been purchased by the vendor on a retail basis, and
 - (iii) the volume of liquor supplied in respect of each gift delivered by the vendor does not exceed 2 litres, and
 - (iv) the person to whom the liquor is delivered is an adult,
- (j), (k) [not applied]
- (l) the sale or supply of liquor in such other circumstances as may be prescribed by the regulations under the *Casino Control Act 1992*.
- (2) For the purposes of subsection (1) (d) of the Act, the following requirements are prescribed:
- (a) the auctioneer conducting the auction must be a person who carries on business (or is employed) as a professional auctioneer,
 - (b) the auction must be publicly promoted as an auction involving the sale of liquor,
 - (c) the Authority must be notified, in the form and manner approved by the Authority, that the auctioneer sells liquor by auction otherwise than under the authority of a licence under this Act,
 - (d) the auctioneer must comply with any direction given to the auctioneer by the Authority as to the quantity or type of liquor that may be sold by auction or as to the manner or frequency in which liquor is sold by auction.

Part 2 Principal offences relating to sale and supply of liquor

7 Licence required to sell liquor

- (1) A person must not sell liquor unless the person is authorised to do so by a licence.
Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.
- (2) A person does not commit an offence under subsection (1) if the person is an employee or agent of a licensee and the sale is made

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in accordance with this Act and the authorisation conferred by the licence.

- (3) A person who is the occupier, manager or person apparently in control of any premises on or from which liquor is sold in contravention of subsection (1) is taken to have sold the liquor unless it is proved that the person:
- (a) had no knowledge of the sale, and
 - (b) had used all due diligence to prevent the sale of liquor on or from the premises.

8 Keeping or using unlicensed premises

- (1) A person must not:
- (a) open, keep or use any premises for the purpose of selling liquor, or
 - (b) permit any premises to be opened, kept or used by another person for the purpose of selling liquor, or
 - (c) have the care or management of any premises opened, kept or used for the purpose of selling liquor, or
 - (d) assist in conducting the business of any premises opened, kept or used for the purpose of selling liquor,

unless the premises are licensed premises or are otherwise authorised under this Act to be used for the sale or supply of liquor.

Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.

- (2) A person who is found on, or who is found entering or leaving, any premises opened, kept or used in contravention of subsection (1) is guilty of an offence.

Maximum penalty: 5 penalty units.

9 Sale or supply of liquor contrary to licence

- (1) A licensee or an employee or agent of a licensee must not sell or supply liquor, or cause or permit liquor to be sold or supplied:
- (a) in contravention of the conditions to which the licence is subject, or
 - (b) otherwise than in accordance with the authority conferred on the licensee by or under this Act.

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- (2) Without limiting subsection (1), a licensee must not:
- (a) keep licensed premises open for the sale or supply of liquor, or
 - (b) sell or supply liquor,
- at a time when the licensee is not authorised under this Act to sell or supply liquor.
- (3) A licensee must not sell, or employ or permit another person to sell, liquor on premises other than premises on which the licensee is authorised by the licence or this Act to sell the liquor.
- Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.

Part 3 Licence

10 Authority may grant licence

- (1) The Authority may grant a licence authorising the licensee to sell or supply liquor by retail on the premises specified in the licence (being premises forming part of the casino or casino environs):
 - (a) in the case of a licence held by a casino operator:
 - (i) for consumption on the licensed premises, or
 - (ii) to a resident for consumption away from the licensed premises, but only if the requirements of subsection (4) are complied with, or
 - (b) in any other case—for consumption on the licensed premises only.
- (2) A licence authorises the licensee to sell or supply liquor in accordance with this Act and the conditions of the licence.
- (3) The authorisation conferred by a licence is subject to this Act and the regulations under the *Casino Control Act 1992*.
- (4) The following requirements are specified for the purposes of subsection (1) (a) (ii):
 - (a) the sale of liquor for consumption away from the licensed premises must be ancillary to the provision of a meal for consumption away from the licensed premises,
 - (b) the volume of liquor supplied to any such resident on any one day must not exceed 2 litres.

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11 Licence conditions—general provisions

- (1) A licence is subject to:
 - (a) such conditions as may be imposed, or are taken to have been imposed, by the Authority (whether at the time the licence is granted or at any later time) under this Act, and
 - (b) such conditions as are imposed by this Act or as may be prescribed by the regulations under the *Casino Control Act 1992*, and
 - (c) such other conditions as are authorised to be imposed on the licence under this Act.
- (2) A licensee must comply with any conditions to which the licence is subject.
Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.
- (3) For the purposes of this Act, a condition to which a licence is subject includes any provision of this Act that imposes a requirement or restriction (other than as an offence) on or in relation to the licence, licensee or licensed premises concerned.

22 Licensed restaurants—primary purpose test

- (1) A licence for premises to be used as a restaurant must not be granted in respect of the premises if the primary purpose of the business or activity carried out on the premises is the sale or supply of liquor.
- (2) The authorisation conferred by a licence for a restaurant does not apply if the primary purpose of the business or activity carried out on the licensed premises is the sale or supply of liquor.

27 Requirement to provide food on licensed premises

- (1) Liquor may only be sold or supplied on licensed premises if food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied under the authorisation of the licence.
- (2) If any requirements are prescribed by the regulations under the *Casino Control Act 1992* in relation to the nature and quality of any such food, those requirements must be complied with.
- (3) Subsection (1) is subject to such exceptions as may be approved by the Authority in relation to any particular licensed premises.

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Part 4 Licensing procedures and related matters**40 Licence applications**

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may only be made by a corporation.
- (3) [not applied]
- (4) An application for a licence must:
 - (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by the fee determined by the Authority, and
 - (c) [not applied]
 - (d) comply with such other requirements as may be approved by the Authority.
- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.
Maximum penalty: 20 penalty units.

41 Statement as to interested parties

- (1) An application for a licence must be accompanied by a written statement, made by a person having knowledge of the facts, specifying:
 - (a) that the person has made all reasonable inquiries to ascertain the information required to complete the statement, and
 - (b) whether there are any persons (other than financial institutions) who will be interested in the business, or the profits of the business, carried on under the licence, and
 - (c) if there are any such persons, their names and dates of birth and, in the case of a proprietary company, the names of the directors and shareholders.
- (2) For the purposes of subsection (1), a person is interested in the business, or the profits of the business, carried on under the licence if the person is entitled to receive:
 - (a) any income derived from the business, or any other financial benefit or financial advantage from the carrying

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on of the business (whether the entitlement arises at law or in equity or otherwise), or

- (b) any rent, profit or other income in connection with the use or occupation of premises on which the business is to be carried on.

42 Investigations, inquiries and referrals in relation to licence applications

- (1) If the Authority receives an application for a licence, the Authority may carry out such investigations and inquiries in relation to the application as the Authority considers necessary for a proper consideration of the application.
- (2) [not applied]
- (3) [not applied]
- (4) The Authority may refer to the Commissioner of Police details of the application together with any supporting information in relation to the application that the Authority considers to be appropriate for referral to the Commissioner.
- (5) The Commissioner of Police may inquire into, and report to the Authority on, such matters concerning the application as the Authority may request.

43 Authority may require further information

- (1) The Authority may, by notice in writing, require a person who has applied to the Authority for a licence, or a close associate of any such person, to do one or more of the following things:
- (a) provide, in accordance with directions in the notice, such information as, in the opinion of the Authority, is relevant to the investigation of the application and is specified in the notice,
- (b) produce, in accordance with directions in the notice, such records as, in the opinion of the Authority, are relevant to the investigation of the application and permit examination of the records, the taking of extracts from them and the making of copies of them,
- (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),
- (d) furnish to the Authority such authorisations and consents as the Authority requires for the purpose of enabling the Authority to obtain information (including financial and

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other confidential information) from other persons concerning the person and the person's associates.

- (2) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.
- (3) The Authority may refuse to determine an application if a requirement made under this section in relation to the application is not complied with.

45 Decision of Authority in relation to licence application

- (1) The Authority may, after considering an application for a licence, grant the licence or refuse to grant the licence.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
 - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and
 - (c) if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under Part 3A of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.
- (4) The Authority must refuse an application if it determines, after subsection (5) has been complied with:
 - (a) that the applicant is not a suitable person to be the holder of a licence, or
 - (b) that a person who is, was or will be a close associate of the applicant is not a suitable person to be a close associate of the holder of a licence, or
 - (c) that a person who occupies a position of authority in the corporation that is the applicant is not a suitable person to

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occupy such a position in a corporation that is to be the holder of a licence.

- (5) A determination under subsection (4) may not be made unless:
- (a) the applicant has been made aware of reasons for the possibility of such a determination, and
 - (b) the applicant has been given an opportunity to make submissions, and to bring to the attention of the Authority any matter related to those reasons that the applicant thinks fit.

46 Duration of licences

- (1) Except during any period of suspension, a licence continues to be in force until such time as it is surrendered to the Authority, cancelled or otherwise ceases to be in force or, in the case of a licence that is granted for a specified term, when that term expires.
- (2) A licence may be surrendered only in accordance with such arrangements as may be approved by the Authority.

47 Granting of licence

- (1) The Authority may determine a fee (not exceeding \$2,000) for the granting of a licence. If any such fee is determined, the licence does not take effect unless the fee has been paid.
- (2) The Authority may, in granting a licence, specify requirements that are to be complied with before the licence takes effect. The licence does not take effect until such time as any such requirements have been complied with.
- (3) A licence is to be in the form approved by the Authority.

52 Authority may impose special licence conditions**(1) Conditions relating to harm minimisation**

The Authority may impose conditions on a licence prohibiting or restricting activities (such as promotions or discounting) that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).

(2) Conditions relating to serving of liquor

The Authority may impose conditions on a licence requiring a licensee, in specified circumstances:

- (a) to cease to serve liquor on the licensed premises, or

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(b) to restrict access to the licensed premises in a manner and to the extent provided by the conditions, or both, from a time of day that is earlier than the time at which, as otherwise required by the licence, trading must cease.

(3) **Conditions relating to local liquor accords**

The Authority may impose conditions on a licence requiring the licensee to participate in, and to comply with, a local liquor accord.

53 Authority may impose, vary or revoke licence conditions

(1) Without limiting any other provision of this Act, the Authority may at any time:

- (a) on application by the Commissioner of Police, or
- (b) on the Authority's own initiative,

impose conditions not inconsistent with this Act to which a licence is to be subject.

(2) The Authority may at any time:

- (a) on application by the licensee or the Commissioner of Police, or
- (b) on the Authority's own initiative,

vary or revoke a condition of a licence that has been imposed (or taken to have been imposed) by the Authority under this Act.

(3) An application under subsection (1) or (2) must:

- (a) be in the form and manner approved by the Authority, and
- (b) in the case of an application by a licensee—be accompanied by the fee determined by the Authority, and
- (c) be accompanied by such information and particulars as may be required by the Authority, and
- (d) comply with such other requirements as may be approved by the Authority.

(4) The Authority must not impose a condition on a licence after it has been granted, or vary or revoke a condition that has been imposed (or taken to have been imposed) by the Authority, unless the Authority has:

- (a) given the licensee a reasonable opportunity to make submissions in relation to the proposed decision, and
- (b) taken any such submissions into consideration before making the decision.

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55 Requirement to provide information in relation to persons interested in licensee's business

- (1) If a person (other than the licensee or a financial institution) becomes interested in the business, or the conduct of the business, carried out on licensed premises, it is a condition of the licence that the Authority is provided with the following information within 28 days after the other person becomes so interested:
 - (a) the name and date of birth of the person so interested and, in the case of a proprietary company, the names of the directors and shareholders,
 - (b) a statement, signed by the licensee, that the licensee has made all reasonable inquiries to ascertain the information referred to in paragraph (a).
- (2) For the purposes of subsection (1), a person is interested in the business, or the conduct of the business, carried out on licensed premises if the person is entitled to receive:
 - (a) any income derived from the business, or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise), or
 - (b) any rent, profit or other income in connection with the use or occupation of the premises on which the business is to be carried on.
- (3) The information required to be provided to the Authority under this section may be provided by the interested person.
- (4) If a person ceases to be a person who, in accordance with this section, is interested in the business, or the conduct of the business, carried out on licensed premises, it is a condition of the licence that the Authority is, within 28 days of the person ceasing to have that interest, notified in writing that the person is no longer such an interested person.

56 Incident registers

- (1) If the sale or supply of liquor after midnight on licensed premises is authorised at least once a week on a regular basis, it is a condition of the licence that the licensee maintains an incident register in the form approved by the Authority.
- (2) An incident register required to be kept under this section is to record details of the following incidents that occur outside of the standard trading period for the licensed premises:

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- (a) any incident involving violence or anti-social behaviour occurring on the licensed premises,
 - (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the licensed premises and that involves a person who has recently left, or been refused admission to, the premises,
 - (c) any incident that results in a person being turned out of the licensed premises under section 77.
- (3) The incident register must also record details of any action taken in response to any such incident.

60 Transfer of licence

- (1) The Authority may, on application made in accordance with this section, approve the transfer of a licence to a person who, in the opinion of the Authority, would be entitled to apply for the same kind of licence in relation to the licensed premises.
- (2) An application for approval to transfer a licence may be made by the licensee or the person to whom the licence is proposed to be transferred.
- (3) [not applied]
- (4) An application for approval to transfer a licence must:
 - (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by the fee determined by the Authority and such information and particulars as may be prescribed by the regulations under the *Casino Control Act 1992*, and
 - (c) if made by a person other than the licensee—be accompanied by the written consent of the licensee to the proposed transfer, and
 - (d) comply with such other requirements as may be approved by the Authority.
- (5) An application for approval to transfer a licence to another person is to be dealt with and determined by the Authority as if it were an application for the granting of a licence to the other person and the other person was the applicant for the licence. Accordingly, sections 40–43 and 45–47 apply in relation to an application under this section.
- (6)–(10) [not applied]

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- (11) The Authority must not approve the transfer of a licence unless satisfied:
- (a) that practices will be in place at the licensed premises of the transferee as soon as the licence is transferred that ensure as far as reasonably practicable that liquor is sold, supplied and served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
 - (b) that those practices will remain in place.
- (12) The transfer of a licence has effect as if the licence had been granted to the transferee.

61 Application for transfer of licence on dispossession of licensee

- (1) This section applies in relation to a licence if:
- (a) the licensee is evicted from the licensed premises, or
 - (b) the owner of the licensed premises comes into, or becomes entitled to, possession of the licensed premises to the exclusion of the licensee, or
 - (c) the owner of the licensed premises comes into possession of the premises.
- (2) An application for a transfer of the licence may be made by the owner of the licensed premises.
- (3) The owner of the licensed premises who comes into, or is entitled to, possession of the premises is taken to be the licensee of the premises until:
- (a) the day that is 28 days after this section becomes applicable, or
 - (b) the day on which an application is made under subsection (2),
- whichever first occurs.
- (4) If an application is made under subsection (2) not later than 28 days after this section becomes applicable, the applicant is, until the application is determined by the Authority, taken to be the licensee under the licence to which the application relates.
- (5) The Authority is not to determine an application for the transfer of a licence under this section unless:
- (a) the Authority is satisfied:
 - (i) that notice of the application was given to the dispossessed licensee at least 3 clear days before the

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Authority determines the application (or that all reasonable steps necessary for giving notice were taken by or on behalf of the applicant and that failure to give notice was not due to any neglect or default of the applicant), and

- (ii) if so notified, that the dispossessed licensee has been given a reasonable opportunity to make submissions in relation to the application, and
 - (b) the Authority is satisfied that any lessee of the licensed premises has been notified of the application for the transfer of the licence and been given a reasonable opportunity to make submissions in relation to the application, and
 - (c) the Authority has taken any submissions made under this subsection into consideration.
- (6) Section 60 applies, with such modifications as are necessary, in relation to an application for the transfer of a licence under this section.

66 Appointment of managers

A licensee:

- (a) must appoint a manager approved by the Authority under this Act for the licensed premises, and
- (b) must not cause or permit the conduct of business under the licence for a period of more than 28 days except under the personal supervision and management of a person so approved.

Maximum penalty: 50 penalty units.

67 Restrictions on who may be appointed as manager

- (1) The following provisions apply to the appointment under section 66 of a manager of licensed premises:
 - (a) a person may not be appointed as the manager of licensed premises unless the person is approved by the Authority to manage licensed premises and the approval applies to the premises or class of premises concerned,
 - (b) only an individual may be appointed to manage licensed premises,
 - (c) a person cannot be appointed as the manager of licensed premises if at the time of the appointment the person already holds an appointment as the manager of other licensed premises.

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- (2) [not applied]
 - (3) An appointment in contravention of this section is void for the purposes of this Act.

68 Approval of persons to manage licensed premises

- (1) An application for the Authority's approval of a person to manage licensed premises must be in the form and manner approved by the Authority and be accompanied by the fee determined by the Authority.
- (2) The Authority may grant any such application or refuse to grant the application.
- (3) In determining an application for approval of a person to manage licensed premises, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence.
- (4) The Authority's approval may not be given unless the Authority is satisfied that the person concerned:
 - (a) is a fit and proper person to manage licensed premises, and
 - (b) understands the person's responsibilities in relation to, and is capable of implementing, practices in place at licensed premises for ensuring the responsible sale, supply and service of alcohol and the prevention of intoxication, and
 - (c) if the Authority has required the person to attend a course of training or instruction approved by the Authority—has completed the course to the standard required by the Authority.
- (5) If the Authority is satisfied that there is nothing that might preclude the Authority from approving of the person to manage licensed premises, but requires more information before making a final decision, the Authority may give a provisional approval of the person to be such a manager.
- (6) A provisional approval is sufficient to authorise the appointment of the person, in accordance with section 69, as manager of the licensed premises until such time as the Authority confirms the approval of the person.
- (7) An approval or provisional approval of a person to manage licensed premises may be given so as to apply in relation to any particular licensed premises, to all licensed premises of a specified class or to all licensed premises, as the Authority thinks fit.

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69 Notice of appointments

- (1) A licensee must give the Authority notice of the appointment of a person as manager of licensed premises.
Maximum penalty: 20 penalty units.
- (2) The appointment of a manager is not in force until the licensee has given the Authority notice of the appointment as required by this section, accompanied by the declaration referred to in subsection (5) (b).
- (3) The appointment of a manager is revoked by the licensee giving notice under this section of the appointment of a new manager or by the licensee or manager giving the Authority notice of the manager's ceasing to act as manager.
- (4) A notice under this section may specify a day that is later than the day the notice is given as the day the notice is to take effect, and the notice takes effect accordingly.
- (5) A notice under this section:
 - (a) must be completed in writing in the form approved by the Authority, and
 - (b) must be accompanied by a declaration in writing, in a form approved by the Authority, of the person to be appointed as manager of the premises concerned:
 - (i) signifying the person's acceptance of the appointment, and
 - (ii) certifying such matters as the form of notice may require (including matters relating to the person's responsibilities in relation to, and capacity to implement, practices in place at the premises for ensuring the responsible sale, supply and service of alcohol, and the prevention of intoxication, on the premises).
- (6) In any proceedings in which the question of whether notice was given to the Authority under this section is at issue, the party alleged to have given the notice bears the onus of establishing on the balance of probabilities that the notice was given.

70 Liability of licensee for contravention by manager

The licensee of licensed premises is taken to have contravened any provision of this Act that the manager of the licensed premises has contravened as a result of section 91 unless the licensee establishes that the licensee:

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- (a) did not authorise or knowingly permit the contravention by the manager, and
 - (b) maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent any such contravention occurring.

71 Liability of directors etc of corporate licensees

- (1) If a licensee that is a corporation contravenes (whether by act or omission) any provision of this Act, each person who occupies a position of authority in the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) If a licensee that is a corporation is taken to have contravened (whether by act or omission) any provision of this Act or the regulations under the *Casino Control Act 1992* by reason of a contravention by the manager of the licensed premises, each person who occupies a position of authority in the corporation is taken to have contravened the same provision unless the person establishes that the person:
 - (a) was not knowingly a party to any authorisation by the corporation of the contravention by the manager, and
 - (b) took all reasonable steps (within the scope of the person's authority) to ensure that the corporation maintained control over and supervision of the activities of the manager of the licensed premises in an effort to prevent any such contravention by the manager occurring.
- (3) A person may be proceeded against and convicted under a provision in accordance with this section whether or not the corporation or manager of the licensed premises has been proceeded against or convicted.
- (4) This section does not affect any liability imposed on a corporation or the manager of licensed premises for an offence committed by the corporation or manager under this Act.
- (5) Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular intention, is evidence that the corporation had that intention at that time.

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72 Corporate licences—interpretative provisions

- (1) A reference in this Act to a *position of authority* in a corporation is a reference to the position of chief executive officer, director or secretary of the corporation.
- (2) For the purposes of this Act, a person who occupies a position of authority in a corporation is to be regarded as interested in an application for a licence made by the corporation and as interested in the business of the licensed premises to which a licence held by the corporation relates.
- (3) For the purposes of this Act, a person who is a shareholder in a corporation is not (merely because of being a shareholder) to be regarded as a person who will be interested in an application for a licence made by the corporation or in the business, or the profits or conduct of the business, to be carried on pursuant to the licence applied for or of the licensed premises to which a licence held by the corporation relates.

Part 5 Regulation and control of licensed premises**Division 1 Conduct on licensed premises****73 Prevention of excessive consumption of alcohol on licensed premises**

- (1) A licensee must not permit:
 - (a) intoxication, or
 - (b) any indecent, violent or quarrelsome conduct, on the licensed premises.Maximum penalty: 100 penalty units.
- (2) A licensee or an employee or agent of a licensee must not, on the licensed premises, sell or supply liquor to an intoxicated person. Maximum penalty: 100 penalty units.
- (3) A person (other than a licensee or an employee or agent of a licensee) must not, on licensed premises, supply liquor to an intoxicated person. Maximum penalty: 10 penalty units.
- (4) If an intoxicated person is on licensed premises, the licensee is taken to have permitted intoxication on the licensed premises unless the licensee proves:

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- (a) that the licensee, and the licensee's employees or agents, took the steps set out in subsection (5) or all other reasonable steps to prevent intoxication on the licensed premises, or
 - (b) that the intoxicated person did not consume alcohol on the licensed premises.
- (5) For the purposes of subsection (4) (a), the following are the relevant steps:
- (a) asked the intoxicated person to leave the premises,
 - (b) contacted, or attempted to contact, a police officer for assistance in removing the person from the premises,
 - (c) refused to serve the person any alcohol after becoming aware that the person was intoxicated.

74 Sale of stolen goods and possession, use or sale of drugs on licensed premises

- (1) A licensee must not permit the licensed premises to be used for the sale of:
- (a) any goods that the licensee suspects of being stolen, or
 - (b) any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.
- (2) A licensee must not permit the possession or use on the licensed premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.
- (3) An employee or agent of a licensee or a person (other than the licensee) in charge of licensed premises must not permit the licensed premises to be used for the sale of:
- (a) any goods that the employee, agent or person suspects of being stolen, or
 - (b) any substance that the employee, agent or person suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.
- (4) An employee or agent of a licensee or a person (other than the licensee) in charge of licensed premises must not permit the possession or use on the licensed premises of any substance that the employee, agent or person suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.

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- (5) It is a defence to a prosecution for an offence under this section if it is proved that the goods concerned were not stolen or that the substance concerned was not a prohibited plant or a prohibited drug.

75 Directions to licensees and staff of licensed premises

- (1) The Authority may give a licensee, or any employee or agent of a licensee, a written direction concerning any matter relating to the licensed premises (including any conduct on the licensed premises).
- (2) The direction takes effect when the direction is given to the licensee or person concerned or on a later date specified in the direction.
- (3) A licensee, employee or agent who, without reasonable excuse, fails to comply with a direction under this section is guilty of an offence.
Maximum penalty: 50 penalty units.
- (4) The power conferred by this section includes a power to give a direction to adopt, vary, cease or refrain from any practice on or in respect of the licensed premises.
- (5) The Authority may revoke or vary a direction given under this section.
- (6) A direction under this section must not be inconsistent with this Act and the authorisation conferred by the licence concerned.

Division 2 Exclusion of persons from licensed premises**76 Self-exclusion of patrons from licensed premises**

- (1) A person (*the participant*) may request a licensee to enter into an agreement (*a self-exclusion agreement*) with the person under which the person agrees to be prevented from entering or remaining on the licensed premises specified in the agreement.
- (2) A self-exclusion agreement is to be in the form approved by the Authority. The approved form may contain specified requirements that must be complied with in relation to such an agreement, including specifying the circumstances in which licensees are required to comply with a request to enter into an agreement. The approved form may also include provision for the manner in which a self-exclusion agreement may be terminated by the parties to the agreement.

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- (3) If a request is made by a person to enter into a self-exclusion agreement, the licensee must enter into the agreement if the circumstances in which the request is made comply with the circumstances specified in the form approved by the Authority.
 - (4) A self-exclusion agreement may, if the licensee who enters into the agreement is a party to a local liquor accord, also apply in relation to any or all of the other licensed premises that are subject to the accord, but only if those other premises are specified in the agreement. In any such case, the licensee of each of the premises is taken to have entered into the agreement concerned.
 - (5) Each of the parties to a self-exclusion agreement is required to comply with the terms of the agreement.
 - (6) It is lawful for a responsible person for licensed premises specified in a self-exclusion agreement, using no more force than is reasonable in the circumstances:
 - (a) to prevent the participant from entering the licensed premises, and
 - (b) to remove the participant, or cause the participant to be removed, from the licensed premises.
 - (7) No civil or criminal liability is incurred by a responsible person for licensed premises to which a self-exclusion agreement relates:
 - (a) for any act done or omitted to be done in good faith, and in accordance with this section, to or in respect of the participant concerned, or
 - (b) if the participant enters or remains on the licensed premises to which the agreement relates.

77 Non-voluntary exclusion of persons from licensed premises

- (1) In this section:

authorised person means a licensee, an employee or agent of a licensee or a police officer.

vicinity of licensed premises means any place less than 50 metres from any point on the boundary of the premises.
- (2) An authorised person may refuse to admit to, or may turn out of, licensed premises any person:
 - (a) who is at the time intoxicated, violent, quarrelsome or disorderly, or

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- (b) whose presence on the licensed premises renders the licensee liable to a penalty under this Act, or
 - (c) who smokes, within the meaning of the *Smoke-free Environment Act 2000*, while on any part of the licensed premises that is a smoke-free area within the meaning of that Act, or
 - (d) who uses, or has in his or her possession, while on the premises any substance that the authorised person suspects of being a prohibited plant or a prohibited drug, or
 - (e) whom the authorised person, under the conditions of the licence or according to a term (of the kind referred to in section 134) of a local liquor accord, is authorised or required to refuse access to the licensed premises.
- (3) If, under subsection (2), a person has been refused admission to, or has been turned out of, licensed premises, an authorised person may, at any time, refuse to admit that person to the licensed premises or may turn the person out of the licensed premises.
- (4) If a person in respect of whom an authorised person is, under subsection (2) or (3), entitled to refuse admission to the licensed premises is on the premises, the person must, on being required so to do by an authorised person, leave the premises.
Maximum penalty: 50 penalty units.
- (5) For the purposes of this section, such reasonable degree of force as may be necessary may be used to turn a person out of licensed premises.
- (6) A person who has been refused admission to, or turned out of, licensed premises in accordance with this section because the person was intoxicated, violent, quarrelsome or disorderly, must not re-enter or attempt to re-enter the premises within 24 hours of being refused admission or being turned out.
Maximum penalty: 50 penalty units.
- (7) After the 24-hour period ends in relation to any such person, an authorised person is not prevented from exercising the powers under subsection (3) in relation to the person.
- (8) A person who has been refused admission to, or turned out of, licensed premises in accordance with this section because the person was intoxicated, violent, quarrelsome or disorderly, must not, without reasonable excuse:
- (a) remain in the vicinity of the premises, or

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- (b) re-enter the vicinity of the premises within 6 hours of being refused admission or being turned out.
Maximum penalty: 50 penalty units.
- (9) Without limiting subsection (8), a person has a reasonable excuse for remaining in, or re-entering, the vicinity of the licensed premises if:
- (a) the person reasonably fears for his or her safety if he or she does not remain in, or re-enter, the vicinity of the premises, or
 - (b) the person needs to remain in, or re-enter, the vicinity of the premises in order to obtain transport, or
 - (c) the person resides in the vicinity of the premises.
- (10) In the prosecution for an offence under subsection (8), the burden of proving that a person had a reasonable excuse for remaining in, or re-entering, the vicinity of the licensed premises concerned is on the person charged.
- (11) The functions that may be exercised under this section by an authorised person who is a licensee or employee or agent of a licensee may only be exercised in relation to the licensed premises to which the licensee's licence relates.
- (12) A reference in this section to turning a person out of licensed premises includes a reference to causing the person to be turned out.

78 Banning orders

- (1) The Authority may, by order in writing given to a person, prohibit the person from entering or remaining on the licensed premises specified in the order.
- (2) An application for an order under this section may be made by:
 - (a) an inspector, or
 - (b) the Commissioner of Police.
- (3) The application must be in the form approved by the Authority.
- (4) The Authority may make such an order under this section only if the Authority is satisfied that the person the subject of the proposed order has repeatedly been intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of licensed premises.
- (5) [not applied]

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- (6) An order under this section must specify a period (not exceeding 6 months) during which the order is in force.
 - (7) In deciding whether to make an order under this section, the Authority is not to take into consideration the person's race or ethnic or national origins.
 - (8) A person who is the subject of an order under this section must not enter or attempt to enter, or remain on, the licensed premises to which the order relates.

Maximum penalty: 50 penalty units.

Division 3 Disturbance complaints

79 Making of complaint

- (1) A person may complain to the Authority that the quiet and good order of the neighbourhood of licensed premises are being unduly disturbed because of:
 - (a) the manner in which the business of the licensed premises is conducted, or
 - (b) the behaviour of persons after they leave the licensed premises (including, but not limited to, the incidence of anti-social behaviour or alcohol-related violence).
- (2) Such a complaint must be in writing and be made or verified by statutory declaration.
- (3) A complaint under this section may only be made by any of the following persons (referred to in this Division as *the complainant*):
 - (a) a person authorised in writing by 3 or more persons residing in the neighbourhood of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents,
 - (b) the Commissioner of Police,
 - (c) a person authorised by the local consent authority in relation to the licensed premises,
 - (d) a person who satisfies the Authority that his or her interests, financial or other, are adversely affected by the undue disturbance to which the person's complaint relates.
- (4) A complaint may relate to more than one licensed premises.

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80 Authority may convene conference

- (1) If the Authority receives a complaint under this Division, the Authority may convene a conference to hear submissions relating to the complaint.
- (2) A conference may relate to more than one complaint.
- (3) A conference convened in relation to licensed premises the subject of a complaint may be extended to include any other licensed premises if the Authority is satisfied:
 - (a) that the evidence given in support of the complaint would support a complaint against the other licensed premises, or
 - (b) that, assuming that the complaint is shown to be justified, action taken in relation to the licensed premises the subject of the complaint will be ineffective unless similar action is taken in relation to the other licensed premises.
- (4) Any licensed premises to which a conference is extended as referred to in subsection (3) is, for the purposes of this Division, taken to be the subject of a complaint under this Division.
- (5) Notice of the time and place of the conference is to be given to all complainants and the licensee or licensees as specified by the Authority.
- (6) The conference is to be presided over by the Authority and the procedure at the conference is to be determined by the Authority.

81 Decision by Authority in relation to complaint

- (1) The Authority may, after giving each complainant present and the licensee (if present) a reasonable opportunity to be heard in relation to a complaint under this Division:
 - (a) impose a condition on the licence concerned, or
 - (b) adjourn the conference subject to implementation and continuation of undertakings given by the licensee, or
 - (c) issue a warning to the licensee, or
 - (d) take no action.
- (2) The conditions that may be imposed on a licence include, but are not limited to, conditions relating to any one or more of the following:
 - (a) noise abatement,
 - (b) prohibition of the sale or supply of liquor before 10 am and after 11 pm,

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- (c) prohibition of, or restriction on, activities (such as promotions or discounting) that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption),
 - (d) restricting the trading hours of, and public access to, the licensed premises,
 - (e) requiring the licensee to participate in, and to comply with, a local liquor accord.
- (3) The Authority is to take the following matters into consideration before making a decision under subsection (2):
 - (a) the order of occupancy between the licensed premises and the complainant,
 - (b) any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises,
 - (c) any changes in the activities conducted on the licensed premises over a period of time.
 - (4) For the purposes of subsection (3), *complainant* does not include a complainant who is the Commissioner of Police or a person authorised by the local consent authority.

Division 4 Closure orders**82 Short-term closure of licensed premises**

- (1) The Authority may, by notice served on a licensee or a person apparently in charge of licensed premises, order the licensee to close the licensed premises from a time specified in the order until a later specified time.
- (2) The Authority may only make an order under this section:
 - (a) on the application of the Commissioner of Police, and
 - (b) only if the Authority is satisfied that a serious breach of this Act has occurred, or is likely to occur, on the premises and that the closure of the premises is necessary to prevent or reduce a significant threat or risk to the public interest.
- (3) Without limiting the generality of subsection (2), circumstances in which there may be a significant threat or risk to the public interest include circumstances in which there is:
 - (a) a threat to public health or safety, or
 - (b) a risk of substantial damage to property, or
 - (c) a significant threat to the environment, or

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- (d) a risk of serious offences (having a maximum penalty of not less than 2 years imprisonment) being committed on the premises.
 - (4) An order may not require the closure of premises for a period longer than 72 hours.
 - (5) Subject to subsection (4), an order may require the closure of premises until specified conditions are met.
 - (6) A licensee must not fail to comply with an order made under this section.
Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.
 - (7) More than one order closing the same premises may not be made under this section in any period of one week.

83 Urgent application for short-term closure order

- (1) An application under section 82 may be made by telephone.
- (2) The Authority must not issue an order under section 82 on an application made by telephone unless the Authority is satisfied that the order is required urgently and that it is not practicable for the application to be made in person.
- (3) An application under this section must be made by facsimile if the facilities to do so are readily available for that purpose.
- (4) A member of the Authority who issues an order under section 82 on an application made by telephone must:
 - (a) complete and sign the order, and
 - (b) furnish the order to the applicant or inform the applicant of the terms of the order and of the date and time when it was signed.
- (5) If an order under section 82 is issued on an application made by telephone and the applicant is not furnished with the order, the applicant must:
 - (a) complete a form of order in the terms indicated by the member of the Authority under subsection (4), and
 - (b) write on the form the name of the member of the Authority and the date and time when the order was signed.
- (6) A form of order so completed is taken to be an order issued under section 82.

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- (7) An order under section 82 issued on an application made by telephone is to be furnished by the Authority by transmitting it by facsimile, if the facilities to do so are readily available, and the copy produced by that transmission is taken to be the original document.
- (8) In this section:
- (a) *telephone* includes radio, facsimile or other communication device, and
 - (b) a reference to facsimile includes a reference to any electronic communication device which transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

84 Order by Authority for long-term closure of licensed premises

- (1) The Authority may, on the application of the Commissioner of Police, order a licensee to close the licensed premises from a time specified in the order until a later specified time.
- (2) The Authority may not make an order under this section unless:
 - (a) the licensee or manager of the licensed premises is the subject of an investigation by the NSW Police Force, or the licensed premises are the subject of a complaint under Division 3, or disciplinary action under Part 9 has been (or is proposed to be) taken by the Authority against the licensee or manager or a close associate of the licensee, and
 - (b) the licensee has been given notice of the application for closure of the licensed premises and has been given a reasonable opportunity to make submissions to the Authority in relation to the application, and
 - (c) the Authority is satisfied that a serious breach of this Act has occurred, or is likely to occur, on the licensed premises and that the closure of the premises is necessary to prevent or reduce a significant threat or risk to the public interest.
- (3) Without limiting the generality of subsection (2), circumstances in which there may be a significant threat or risk to the public interest include circumstances in which there is:
 - (a) a threat to public health or safety, or
 - (b) a risk of substantial damage to property, or
 - (c) a significant threat to the environment, or

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- (d) a risk of serious offences (having a maximum penalty of not less than 2 years imprisonment) being committed on the premises.
 - (4) An order ceases to have effect at the time specified or when a complaint concerning the licensee or manager of the premises is determined under this Act, whichever is the earlier.
 - (5) An order may not require the closure of premises for a period longer than 6 months.
 - (6) An order may require the closure of premises until specified conditions are met.
 - (7) A licensee must comply with an order made under this section.
Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.

85 Further long-term closure orders

- (1) The Authority may grant 2 or more orders in respect of premises under section 84.
- (2) An application for another order may be made, and determined, before the end of a current order.

Division 5 Late hour entry declarations**87 Authority may make late hour entry declaration**

- (1) The Authority may, in accordance with this Division, make a late hour entry declaration.
- (2) The purpose of such a declaration is to prevent patrons entering licensed premises during late trading hours even though the premises are authorised to trade during that time.
- (3) A late hour entry declaration must be in writing and specify:
 - (a) the area or locality to which it applies, and
 - (b) the licensed premises (or class of licensed premises) to which it applies, and
 - (c) the times when it applies.
- (4) A late hour entry declaration has effect despite any other provision of this Act or the conditions of a licence relating to any licensed premises to which the declaration applies.

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88 Effect of late hour entry declaration

- (1) The licensee of any licensed premises to which a late hour entry declaration applies must not permit patrons to enter the licensed premises during the time the declaration applies.
Maximum penalty: 50 penalty units.
- (2) For the avoidance of doubt, patrons already present in licensed premises at the time from which a late hour entry declaration applies to the premises may:
 - (a) leave the premises at any time, or
 - (b) remain on the premises while the premises are authorised to trade,but are not permitted to re-enter the premises during the time the declaration applies.

89 Provisions relating to making of late hour entry declaration

- (1) The Authority must give written notice of a proposed late hour entry declaration:
 - (a) to each licensee whose licensed premises are the subject of the proposed declaration, and
 - (b) to the local consent authority for those premises.
- (2) Any such licensee or the local consent authority may, within 21 days after the notice is given to that licensee or that authority (as the case requires), make a written submission to the Authority in relation to the proposed declaration.
- (3) The Authority must, before deciding whether to make a late hour entry declaration, take into consideration any submissions received by the Authority under subsection (2).

90 Authority may vary or revoke late hour entry declaration

- (1) The Authority may, in accordance with this section, vary or revoke a late hour entry declaration.
- (2) The Authority must give written notice of a proposed variation or revocation of a late hour entry declaration:
 - (a) to each licensee whose licensed premises are subject to the declaration, and
 - (b) to the local consent authority for those premises.
- (3) Any such licensee or the local consent authority may, within 21 days after the notice is given to that licensee or that authority (as

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the case requires), make a written submission to the Authority in relation to the proposed variation or revocation.

- (4) The Authority must, before deciding whether to vary or revoke a late hour entry declaration, take into consideration any submissions received by the Authority under subsection (3).

Division 6 General provisions relating to licensed premises

91 Responsibilities and liabilities in relation to licensed premises

- (1) The manager of any licensed premises is, subject to this Act, responsible at all times for the personal supervision and management of the conduct of the business of the licensed premises under the licence.
- (2) If an element of an offence under this Act or the regulations under the *Casino Control Act 1992* is an act or omission by a licensee, the manager of the licensed premises is, while responsible under subsection (1), responsible for the offence as though that person were also the licensee and is liable for the offence accordingly.
- (3) This section does not affect any liability of a licensee for a contravention by the licensee of a provision of this Act.

92 Control of business conducted on licensed premises

- (1) A licensee or a related corporation of the licensee must not:
- (a) lease or sublease the right to sell liquor on the licensed premises, or
 - (b) lease or sublease any part of the licensed premises on which liquor is ordinarily sold or supplied, or
 - (c) lease or sublease any other part of the licensed premises except with the approval of the Authority.

Maximum penalty: 50 penalty units.

- (2) The owner of licensed premises must not:
- (a) lease or sublease any part of the premises on which liquor is ordinarily sold or supplied to any person other than the licensee or a related corporation of the licensee, or
 - (b) except with the approval of the Authority, lease or sublease any other part of the licensed premises to any person other than the licensee or a related corporation of the licensee.

Maximum penalty: 50 penalty units.

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94 Boundaries of licensed premises

- (1) The boundaries of licensed premises are to be specified by the Authority when the licence is granted.
- (2) The specified boundaries of any licensed premises may be changed by the Authority on the Authority's own initiative or on the application of:
 - (a) the owner of the premises, or
 - (b) the licensee, or
 - (c) a casino operator.

95 Name of licensed premises

- (1) A licensee must cause to appear and be maintained on the front of the licensed premises, in accordance with subsection (1A), a sign that specifies:
 - (a) a name for the licensed premises (not being a name that is a prohibited name for the licensed premises under this section), and
 - (b) the name of the licensee, and
 - (c) any other particulars prescribed by the regulations under the *Casino Control Act 1992*.Maximum penalty: 5 penalty units.
- (1A) The sign referred to in subsection (1) must so appear and be maintained near the principal public entrance to the licensed premises in such a manner that it may be read from the part of a public place on which the front of the premises abuts.
- (2) A licensee must not alter the name referred to in subsection (1)
 - (a) unless the Authority has:
 - (a) approved in writing of the proposed new name, and
 - (b) endorsed the change of name on the licence.Maximum penalty: 5 penalty units.
- (3) The Authority may not approve an alteration of the name of licensed premises if the name as proposed to be altered is a prohibited name for the licensed premises under this section.
- (4) A licensee must not cause or permit the use on any sign displayed on the exterior of the licensed premises or in any advertising with respect to the licensed premises of a name that is a prohibited name for the licensed premises under this section.
Maximum penalty: 5 penalty units.

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- (5) A name is a prohibited name for licensed premises under this section if:
- (a) it is a name or a name of a kind, or contains words or words of a kind, prescribed by the regulations under the *Casino Control Act 1992* as prohibited, either in relation to all licensed premises or in relation to the particular class of licensed premises of which the licensed premises form part, or
 - (b) it is a name that the Authority has notified the licensee in writing is prohibited as being objectionable, inappropriate or misleading.
- (6) A regulation for the purposes of subsection (5) may be made so as to apply to licensed premises generally or so as to apply only to a specified class or specified classes of licensed premises.
- (7) A name may not be prohibited in respect of licensed premises by notification under this section if the regulations under the *Casino Control Act 1992* provide that the name is permitted for use in relation to the licensed premises concerned or in relation to the particular class of licensed premises concerned.
- (8) It is a defence to a prosecution for an offence under this section if it is proved that:
- (a) the licensee had taken all reasonable precautions to avoid commission of the alleged offence, and
 - (b) at the time of the alleged offence, the licensee did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

97 Breath analysis equipment

- (1) Evidence of the results of a test indicating the presence or concentration of alcohol in the breath or blood of a person by means of a breath analysing instrument installed on licensed premises is not admissible:
- (a) in any civil proceedings against the licensee of the licensed premises (subject to subsection (2)), or
 - (b) in any criminal proceedings.
- (2) This section does not prevent the admission into evidence in civil proceedings of the results of a test if it is established that at the time of the test:
- (a) the breath analysing instrument concerned did not comply with the relevant Australian Standard (as in force at the date of the manufacture of the instrument), or

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- (b) the licensee was aware or should have been aware that the instrument was not operating correctly, or
 - (c) subsection (4) was being contravened in respect of the breath analysing instrument concerned.
- (3) For the purposes of this section, a *breath analysing instrument* is an instrument that is designed to ascertain by analysis of a person's breath the concentration of alcohol present in the person's breath or blood, being an instrument of a type specified in AS 3547—1997: *Breath alcohol testing devices for personal use*, published by Standards Australia. That standard, as in force from time to time, is the relevant Australian Standard for the purposes of this section.
- (4) At all times that a breath analysing instrument installed on licensed premises is available for use by patrons on those premises there must be prominently displayed on or in close proximity to the instrument a sign that complies with the following requirements:
- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument,
 - (b) the sign must display the following matter in print of a type size and character that will be clearly legible to a person using the instrument:
 IMPORTANT INFORMATION ABOUT BREATH TESTING
 Readings given by this instrument are NOT ACCEPTED by the Police or the Courts.
 Your blood alcohol level can rise for 1 hour or more after your last drink.
- (5) If subsection (4) is contravened, the licensee of the licensed premises is guilty of an offence.
 Maximum penalty: 20 penalty units.

Part 6 Miscellaneous offences and regulatory controls

99 Responsible sale, supply, service or promotion of liquor

- (1) The regulations under the *Casino Control Act 1992* may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the sale, supply, service and promotion of liquor.

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- (2) In particular, the regulations under the *Casino Control Act 1992* may make provision for or with respect to the following:
- (a) restricting or prohibiting the conduct of promotions or other activities (including the discounting or supply of liquor free of charge) that could result in misuse or abuse of liquor, such as binge drinking or excessive consumption,
 - (b) the standards to be observed on licensed premises in the sale and service of liquor, for the purpose of preventing misuse or abuse of liquor,
 - (c) requiring licensees, managers and other persons engaged in the sale, supply, service and promotion of liquor and other activities on the licensed premises to undergo courses of training that will promote responsible practices in those activities,
 - (d) specifying the circumstances in which the Authority may, in accordance with those regulations, require promotions or advertisements that involve the discounting of liquor to be accompanied by messages that encourage the responsible consumption of alcohol.
- (3) Without limiting subsection (2), the regulations under the *Casino Control Act 1992* may adopt with or without modification the standards contained in an industry code of practice as standards to be observed on licensed premises in the sale, supply, service and promotion of liquor.

100 Sale of undesirable liquor products

- (1) A licensee must not sell or supply any of the following liquor products:
- (a) an alcoholic ice block—a product that is sold in an individual package or individual packages for consumption in frozen form and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (c) any milk product that is sold or supplied under a name that consists of, or includes, the words “Moo Joose” and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,

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(d) any alcoholic vapour that is sold or supplied for consumption in that form.

Maximum penalty: 50 penalty units.

- (2) In subclause (1) (c), *milk product* includes any product made from reconstituted milk (that is, any substance in the nature of milk that has been prepared from milk concentrate or milk powder).

101 Authority may restrict or prohibit sale or supply of undesirable liquor products

- (1) The Authority may, by notice in writing given to a licensee, restrict or prohibit the licensee selling or supplying a liquor product specified in the notice.
- (2) The Authority may restrict or prohibit the sale or supply of any such specified liquor product by notice under this section only if the Authority is satisfied that:
- (a) the name of the liquor product, or its design or packaging, is indecent or offensive, or
 - (b) the name of the liquor product, or its design or packaging, encourages irresponsible, rapid or excessive consumption of the product, or
 - (c) the name of the liquor product, or its design or packaging, is likely to be attractive to minors, or
 - (d) the liquor product is likely, for any reason, to be confused with soft drinks or confectionery, or
 - (e) the liquor product is, for any other reason, likely to have a special appeal to minors, or
 - (f) it is otherwise in the public interest to restrict or prohibit the licensee selling or supplying the liquor product.
- (3) The Authority must not give a notice under this section unless the Authority is satisfied that:
- (a) the liquor product is being sold on the licensed premises to which the proposed notice relates, and
 - (b) the premises are situated in an area or locality in respect of which there are significant concerns regarding intoxication or underage or irresponsible drinking.
- (4) The Authority must not give a notice under this section to a licensee unless the Authority has:

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- (a) provided the licensee with a reasonable opportunity to make submissions in relation to the proposed restriction or prohibition, and
 - (b) taken any such submissions into consideration in deciding whether to give the notice.
- (5) [not applied]
- (6) A notice under this section may, but need not, relate to a liquor product that is an undesirable liquor product as referred to in section 100.
- (7) A licensee must comply with a notice given to the licensee under this section.
- Maximum penalty: 50 penalty units.

102 Authority may restrict or prohibit undesirable promotion of liquor

- (1) The Authority may, by notice in writing given to a licensee, restrict or prohibit the licensee carrying on, or being involved in, an activity that:
 - (a) promotes the sale or supply of liquor, and
 - (b) is specified or described in the notice.
- (2) The Authority may restrict or prohibit any such activity only if the Authority is of the opinion that:
 - (a) the promotion is likely to have a special appeal to minors because of the use of designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason, or
 - (b) the promotion is indecent or offensive, or
 - (c) the promotion involves the provision of liquor in non-standard measures or the use of emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication, or
 - (d) the promotion involves the provision of free drinks, or extreme discounts or discounts of a limited duration, that creates an incentive for patrons to consume liquor more rapidly than they otherwise might, or
 - (e) the promotion otherwise encourages irresponsible, rapid or excessive consumption of liquor, or
 - (f) the restriction or prohibition is otherwise in the public interest.

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- (3) A licensee must comply with a notice given to the licensee under this section.

Maximum penalty: 50 penalty units.

- (4) The Authority must not give a notice under this section unless the Authority has issued publicly available guidelines that indicate the kinds of activities or promotions that the Authority would consider being the subject of a notice under this section.

107 Production of licence on licensed premises

- (1) A responsible person for licensed premises must, if requested to do so by a police officer or inspector while on the licensed premises, produce the licence to the officer or inspector.

Maximum penalty: 5 penalty units.

- (2) A person does not commit an offence under subsection (1) if the person is an employee or agent of the licensee (otherwise than in the capacity as manager of the licensed premises).

111 Carrying liquor away from licensed premises

- (1) A person must not carry away any liquor from licensed premises.

Maximum penalty: 5 penalty units.

- (2) A person does not commit an offence under subsection (1) if:
- (a) the liquor was in the person's possession when the person entered the licensed premises, or
 - (b) the sale of liquor for consumption away from the licensed premises is authorised under the licence and the liquor was, in accordance with section 10 (4), sold to the person for consumption away from licensed premises.

112 Obtaining liquor by false representation

A person must not obtain, or attempt to obtain, liquor on licensed premises by falsely representing that the person:

- (a) is a resident of the premises or a guest of a resident of the premises, or
- (b) is intending to eat, or has eaten, a meal on the premises, or
- (c) is intending to purchase, or make use of, a product or service provided or supplied on the premises, or
- (d) is attending a function on the premises, or
- (e) is an employee or agent of the licensee.

Maximum penalty: 5 penalty units.

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113 Carrying liquor for sale

- (1) A person must not:
 - (a) carry liquor about for the purpose of sale, or
 - (b) offer or expose liquor for sale at or on any place other than a place at or on which liquor may lawfully be sold, or
 - (c) carry liquor, for the purpose of sale, to a place other than a place at or on which liquor may lawfully be sold.

Maximum penalty: 20 penalty units.

- (2) If liquor is carried, offered or exposed by a person in contravention of subsection (1) and is so carried, offered or exposed on behalf of another person, that other person is taken to have contravened that subsection.
- (3) It is a defence to a prosecution for a contravention of subsection (1) or (2) if it is proved that the liquor was carried, offered or exposed for the purpose of a sale that may lawfully be made.
- (4) In the prosecution for an offence under this section, the burden of proving that liquor that has been carried about, or carried to any place, was not so carried for the purpose of sale is on the person charged.

Part 7 Special provisions relating to minors**Division 1 Underage drinking****117 Offences relating to sale or supply of liquor to minors**

- (1) **Selling liquor to minors**

A person must not sell liquor to a minor.
Maximum penalty: 100 penalty units or 12 months imprisonment (or both).
- (2) **Supplying liquor to minors on licensed premises**

A person must not supply liquor to a minor on licensed premises.
Maximum penalty: 100 penalty units or 12 months imprisonment (or both).
- (3) It is a defence to a prosecution for an offence under subsection (1) or (2) if it is proved that:
 - (a) the person to whom the liquor was sold or supplied was of or above the age of 14 years, and

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- (b) before the liquor was sold or supplied to the person the defendant was provided with an evidence of age document that may reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years.
- (4) **Supplying liquor to minors on other premises**
A person must not, on any premises (other than licensed premises) in the casino or the casino environs, supply liquor to a minor unless the person is a parent or guardian of the minor.
Maximum penalty: 100 penalty units or 12 months imprisonment (or both).
- (5) It is a defence to a prosecution for an offence under subsection (4) if it is proved that the defendant was authorised to supply liquor to the minor by the parent or guardian of the minor.
- (6) **Obtaining liquor for minors from licensed premises**
A person must not obtain liquor from licensed premises on behalf of a minor unless the person is the parent or guardian of the minor.
Maximum penalty: 100 penalty units or 12 months imprisonment (or both).
- (7) It is a defence to a prosecution for an offence under subsection (6) if it is proved that the defendant was authorised to obtain liquor on behalf of the minor by the parent or guardian of the minor.
- (8) **Allowing liquor to be sold or supplied to minors on licensed premises**
A licensee must not, on licensed premises, allow liquor to be sold or supplied to a minor.
Maximum penalty: 100 penalty units or 12 months imprisonment (or both).
- (9) It is a defence to a prosecution for an offence under subsection (8) if it is proved that the liquor was supplied to the minor by the parent or guardian of the minor.
- (10) **Burden of proof**
In the prosecution for an offence under this section, the burden of proving that a person was a parent or guardian of a minor, or was authorised by a parent or guardian of a minor, is on the person charged.
- (11) [not applied]

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- (12) For the purposes of this section, *supply* of liquor includes serving liquor to a person.

118 Offences relating to consumption etc of liquor by minor**(1) Minor not to obtain, consume or carry away liquor**

A minor must not:

- (a) consume liquor on licensed premises, or
- (b) consume liquor on the premises of an unlicensed restaurant unless the minor consumes the liquor in the company of, and with the permission of, his or her parent or guardian, or
- (c) obtain, or attempt to obtain, liquor for consumption on licensed premises, or
- (d) carry liquor away, or attempt to carry liquor away, from licensed premises unless the minor was ordered or requested by another person to carry the liquor away from the licensed premises.

Maximum penalty: 20 penalty units.

(2) Person not to send, order or request minor to obtain liquor

A person must not:

- (a) send a minor to licensed premises, or
- (b) order or request a minor to go to licensed premises, for the purpose of obtaining liquor.

Maximum penalty: 30 penalty units.

119 Licensee not to allow minors to sell or supply liquor on licensed premises

- (1) A licensee must not cause or allow a minor to sell, supply or serve liquor on the licensed premises except with the approval of the Authority.

Maximum penalty: 50 penalty units.

- (2) The Authority must not give approval under this section that would allow a person under the age of 18 years to be in the casino.

120 Responsible adult not to allow minor to consume liquor on licensed premises

- (1) If, under this Act or as required by the conditions of a licence, a minor is required to be accompanied by a responsible adult while on licensed premises, the responsible adult who is accompanying

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the minor must not allow the minor to consume liquor on the licensed premises.

Maximum penalty: 30 penalty units.

- (2) In the prosecution for an offence under this section, the defendant has the burden of proving that he or she was not the responsible adult in relation to the minor at the relevant time.

Division 2 Minors on licensed premises

121 Minors on licensed premises in company of responsible adult

- (1) The Authority may, on the application by a licensee, grant an authorisation (*a minors area authorisation*) to enable the use by a minor of a specified part of licensed premises in the casino environs while in the company of a responsible adult.
- (2) The specified part of the licensed premises to which a minors area authorisation applies may, if the authorisation so provides, comprise the whole of the premises.
- (3) An application for a minors area authorisation must:
- (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by such fee as is determined by the Authority, and
 - (c) comply with such other requirements as may be approved by the Authority.
- (4) In determining an application for a minors area authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence.
- (5) If, before an application for a minors area authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change.
Maximum penalty: 20 penalty units.
- (6) The Authority may determine a fee in respect of the granting of a minors area authorisation. If any such fee is determined, the authorisation does not take effect unless the fee has been paid.
- (7) The Authority may, in granting a minors area authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with.

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- (8) A minors area authorisation:
- (a) is subject to such conditions:
 - (i) as are imposed by the Authority (whether at the time the authorisation is granted or at a later time), or
 - (ii) as are imposed by or under this Act or as are prescribed by the regulations under the *Casino Control Act 1992*, and
 - (b) may be varied or revoked by the Authority on the Authority's own initiative or on application by the licensee or the Commissioner of Police.
- (9) Any such application by a licensee to vary or revoke a minors area authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by such fee as is determined by the Authority.
- (10) For the purposes of this Act, any condition to which a minors area authorisation is subject is taken to be a condition of the licence to which the authorisation relates.
- (11) A minors area authorisation has effect only while all the conditions to which it is subject are being complied with.
- (12) The Authority must not impose a condition on a minors area authorisation, or revoke or vary such an authorisation, other than a variation made on application by a licensee, unless the Authority has:
- (a) given the licensee to whom the authorisation relates a reasonable opportunity to make submissions in relation to the proposed decision, and
 - (b) taken any such submissions into consideration before making the decision.
- (13) This section does not authorise the revocation or variation of a condition to which a minors area authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations under the *Casino Control Act 1992*.

123 Minor not to enter or remain on licensed premises

- (1) A minor who:
- (a) enters or remains in a bar area of licensed premises not operated by a casino operator, or

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- (b) in contravention of the conditions of the licence, enters or remains in a part of licensed premises operated by a casino operator,
is guilty of an offence.
Maximum penalty: 20 penalty units.
- (2) A minor does not commit an offence under subsection (1) if the minor is an apprentice or trainee (within the meaning of the *Apprenticeship and Traineeship Act 2001*) and has entered, or is on, the premises concerned for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee.
- (3) A minor does not commit an offence under subsection (1) (a) if the minor:
- (a) is present in the bar area only for so long as is reasonably necessary to pass through the area in order to conveniently gain access to another area of the licensed premises that the minor may enter without contravening this Act, or
 - (b) is performing in a show or other live entertainment performance held in the bar area,
and is in the company of a responsible adult while in the bar area.
- (3A) A minor who for any purpose enters or remains in:
- (a) a part of licensed premises that is not operated by a casino operator and that is an area to which a minors area authorisation under section 121 relates, or
 - (b) a part of licensed premises that is operated by a casino operator and that is authorised by the conditions of the licence for use by a minor in the company of an adult,
is guilty of an offence unless the minor does so in the company of a responsible adult.
Maximum penalty: 20 penalty units.
- (4), (5) [not applied]
- (6) In the prosecution for an offence under this section, the defendant has the burden of proving that a particular person was the responsible adult in relation to the defendant at the relevant time.

124 Licensee not to allow minors to enter or remain in certain licensed premises

- (1) If a minor:
- (a) enters a bar area on licensed premises, or

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- (b) enters a part of licensed premises to which a minors area authorisation under section 121 is in force, but is not in the company of a responsible adult, or
- (c) enters, in contravention of the conditions of the licence, a part of licensed premises operated by a casino operator, the licensee is guilty of an offence.
Maximum penalty: 50 penalty units.
- (2) If a minor:
- (a) is in a bar area on licensed premises, or
- (b) is in a part of licensed premises to which a minors area authorisation under section 121 is in force, but is not in the company of a responsible adult, or
- (c) is, in contravention of the conditions of the licence, in a part of licensed premises operated by a casino operator, the licensee is guilty of an offence unless the minor is immediately removed from the area or premises concerned.
Maximum penalty: 50 penalty units.
- (3) A licensee does not commit an offence under this section if the minor:
- (a) is at least 14 years of age and produces to the licensee (or an employee or agent of the licensee) an evidence of age document that may reasonably be accepted as applying to the minor and as proving that the minor is of or above the age of 18 years, or
- (b) is an apprentice or trainee (within the meaning of the *Apprenticeship and Traineeship Act 2001*) who has entered, or is on, the licensed premises concerned for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee, or
- (c) has entered, or is on, the licensed premises concerned for such purposes, or in such circumstances, as may be approved by the Authority and are specified in the licence concerned.
- (4) A licensee does not commit an offence under this section in relation to a minor entering, or being or remaining in, a bar area if the minor:
- (a) is present in the bar area only for so long as is reasonably necessary to pass through the area in order to conveniently

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gain access to another area of the licensed premises that the minor may enter without contravening this Act, or

(b) is performing in a show or other live entertainment performance held in the bar area,

and is in the company of a responsible adult while in the bar area.

(5), (6) [not applied]

(7) In the prosecution for an offence under this section, the defendant has the burden of proving that a particular person was the responsible adult in relation to a minor at the relevant time.

125 Responsible adult not to leave minor unaccompanied on licensed premises

(1) If, under this Act, a minor is required to be accompanied by a responsible adult while on licensed premises, the responsible adult who is accompanying the minor must not leave the minor unaccompanied on the licensed premises without first informing the licensee or an employee or agent of the licensee.

Maximum penalty: 30 penalty units.

(2) In the prosecution for an offence under this section, the defendant has the burden of proving that he or she was not the responsible adult in relation to a minor at the relevant time.

126 Minors must be refused entry to licensed premises

If:

(a) a licensee, or an employee of the licensee, is aware that a person (*the relevant person*) who may reasonably be suspected of being under the age of 18 years is attempting to enter the licensed premises, or a part of the licensed premises, and

(b) the presence of the relevant person on the licensed premises would, if the relevant person were under the age of 18 years, be an offence under this Act,

the licensee or employee must refuse the relevant person entry to the licensed premises or part of the licensed premises unless there is produced to the licensee or employee an evidence of age document that may reasonably be accepted as applying to the relevant person and as proving that the relevant person is of or above the age of 18 years.

Maximum penalty: 50 penalty units.

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127 Notices to be displayed in relation to minors on licensed premises

- (1) A licensee must cause a notice to be displayed on the licensed premises in accordance with subsection (2).
Maximum penalty: 20 penalty units.
- (2) The notice referred to in subsection (1) must comply with the following:
 - (a) it must be in the following form:
IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS
 - (b) if liquor is sold at a bar or counter, the notice must be prominently displayed at the bar or counter, in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents,
 - (c) if liquor is not sold at a bar or counter but is otherwise sold, the notice must be prominently displayed at or near every entrance by which members of the public may enter the premises concerned, in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents.
- (3) A licensee (other than a casino operator) is guilty of an offence unless there is continuously displayed:
 - (a) in each bar area on the licensed premises a notice in accordance with subsection (5), and
 - (b) in each part of the licensed premises in which a minor is permitted to remain only in the company and immediate presence of a responsible adult a notice in accordance with subsection (6).
Maximum penalty: 20 penalty units.
- (4) A licensee that is a casino operator is guilty of an offence unless there is continuously displayed in each part of the licensed premises from which minors are to be excluded, as required by a condition of the licence, a notice in accordance with subsection (5).
Maximum penalty: 20 penalty units.
- (5) A notice referred to in subsection (3) (a) or (4):
 - (a) must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the

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part of the licensed premises in which the notice is displayed would be quickly alerted to the contents of the notice, and

(b) must be in the following form:

PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW

(6) A notice referred to in subsection (3) (b) or (4):

(a) must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the licensed premises in which the notice is displayed would be quickly alerted to the contents of the notice, and

(b) must be in the following form:

PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW

(7) Each notice referred to in this section must be in the form approved by the Authority and be obtained from the Authority.

(8) Despite subsections (1)–(6), a notice that complied with section 114 or 116C of the *Liquor Act 1982* (as applied by the *Casino Control Regulation 2001* immediately before 1 July 2008) may continue to be used for the purposes of the corresponding provision of this section until 30 June 2009 or until the notice is replaced (whichever happens first).

Division 3 Other provisions relating to minors

128 Minor required to provide information

(1) An authorised person may require a person (*the relevant person*) who is reasonably suspected of being a minor and who, if a minor, would be committing an offence under this Act:

(a) to state the relevant person's full name, residential address and date of birth, and

(b) to produce then, or at a police station within a reasonable time, an evidence of age document for the person.

(2) A person who is the subject of a requirement under subsection (1) must not:

(a) refuse or fail to state his or her full name, residential address and date of birth, or

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- (b) without reasonable excuse, refuse or fail to produce an evidence of age document that may reasonably be accepted as applying to the person.

Maximum penalty: 20 penalty units.

- (3) In this section:

authorised person means a licensee, an employee or agent of a licensee, a police officer or an inspector.

129 Minor must not use false evidence of age

A minor who uses any document purporting to be an evidence of age document in order to gain entry to, remain in, or obtain liquor from, licensed premises, is guilty of an offence if the document is false in a material particular in relation to the minor.

Maximum penalty: 20 penalty units.

130 Minors not to be detained

A minor may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay:

- (a) a penalty for an offence under this Act, or
(b) an amount ordered to be paid under Division 4 of Part 3 of the *Fines Act 1996* in respect of a penalty notice issued under this Act.

Part 8 Local liquor accords

131 Definitions

In this Part:

local liquor accord means any code of practice, memorandum of understanding or other arrangement that:

- (a) affects the supply of liquor, the opening and closing of licensed premises or other aspects of the management of or conduct of business on licensed premises, and
(b) is entered into, in accordance with this Part, for the purpose of eliminating or reducing alcohol-related violence or anti-social behaviour or other alcohol-related harm.

132 Eligible parties to local liquor accord

Each of the following bodies or persons may be a party to a local liquor accord and is, for the purposes of this Part, an *eligible party*:

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- (a) a licensee,
 - (b) the Authority,
 - (c) the NSW Police Force (to be represented by a police officer nominated by the Commissioner of Police),
 - (d) a local council,
 - (e) any body or organisation (such as a Chamber of Commerce) representing commercial or business interests in the relevant local area,
 - (f) a community or residents' group with an interest in alcohol-related harm or the amenity of the relevant local area.

133 Establishing local liquor accord

- (1) Any 2 or more eligible parties (at least one of whom is a licensee) may prepare a draft local liquor accord in writing and submit it to the Commissioner of Police and the Authority for approval.
- (2) The draft local liquor accord must include:
 - (a) the names of the parties to the accord, and
 - (b) the name and address of the coordinator of the accord (being a party to the accord or the representative of a party), and
 - (c) the proposed area to which the accord is to apply.

134 Terms of local liquor accords

- (1) Without limiting the terms that may be included in a local liquor accord, an accord may make provision for or with respect to any one or more of the following:
 - (a) authorising or requiring any licensee who is a party to the accord:
 - (i) to cease to serve liquor (including take-away liquor) on the licensed premises, or
 - (ii) to restrict the public's access to the licensed premises in a manner and to the extent provided by the accord,or both, from a time of day that is earlier than the time at which, as required by the relevant licence, trading must cease,
 - (b) authorising or requiring any licensee who is a party to the accord:
 - (i) to restrict the use of glass containers, or

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- (ii) to maintain an incident register, or
 - (iii) to install and operate closed-circuit television or any other security device, or
 - (iv) to provide security staff.
- (2) Entry by any person into a local liquor accord, and any conduct on the part of any person for the purpose of promoting or giving effect to the terms of a local liquor accord, are specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*.
- (3) Conduct authorised by subsection (2) is authorised only to the extent (if any) to which the conduct, so far as it consists of things done to regulate the supply of liquor or in some other respect, would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth or the *Competition Code of New South Wales*.

135 Approval, variation and termination of local liquor accord

- (1) A local liquor accord takes effect when it is approved by the Commissioner of Police and the Authority.
- (2) In approving a local liquor accord, the Commissioner of Police and the Authority are to determine the area to which the accord is to apply.
- (3) In determining the area to which the accord is to apply, the Commissioner of Police and the Authority are to take into account the area proposed by the parties in the draft accord and any other relevant matters.
- (4) The Commissioner of Police and the Authority may vary an area to which an accord applies at any time by notice in writing to the coordinator of the accord (whether of their own initiative or on the application of the parties to the accord).
- (5) The coordinator of a local liquor accord is to notify the Commissioner of Police or the Authority if the parties to the accord wish to terminate the accord.

136 Requirement to contribute to costs of implementing local liquor accord

- (1) The Authority may give a direction to any licensee in an area to which an accord applies (including any licensee in the area who is not a party to the local liquor accord concerned) to contribute to the costs of promoting or giving effect to the accord.

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- (2) The licensee is required to comply with any such direction.

Part 9 Disciplinary action

137 Interpretation

- (1) In this Part, a reference:
- (a) to a licensee includes a reference to a former licensee, and
 - (b) to a manager includes a reference to a former manager, and
 - (c) to a conviction for an offence under this Act does not include a reference to a conviction for an offence prescribed by the regulations made under the *Casino Control Act 1992*.
- (2) Without limiting the grounds on which disciplinary action may be taken under this Part, the grounds for taking any such action may relate to conduct occurring before the commencement of this Part.
- (3) For the purposes of this Part, a person is *interested* in the business, or in the conduct or profits of the business, carried on under a licence if the person:
- (a) is named in the written statement referred to in section 41 that accompanied the application for the licence, or
 - (b) is a person referred to in section 55 who has become interested in the business, or the conduct of the business, carried out on the licensed premises concerned, or
 - (c) is an individual who occupies a position of authority in the corporation that holds the licence, or
 - (d) in the case where the person referred to in paragraph (a) or (b) is a proprietary company:
 - (i) is a director of, or shareholder in, the proprietary company, or
 - (ii) is a director of, or shareholder in, a corporation that, within the meaning of the *Corporations Act 2001* of the Commonwealth, is a related body corporate of the proprietary company.

138 Authority may carry out inquiries and investigations in relation to proposed complaint

- (1) The Authority may carry out such investigations and inquiries as the Authority considers necessary in order to ascertain whether a complaint should be made under this Part in relation to:

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- (a) a licensee, or
 - (b) a manager, or
 - (c) a close associate of a licensee.
 - (2) The Commissioner of Police may inquire into, and report to the Authority on, such matters as the Authority may request concerning the licensee, manager or close associate to whom the complaint, if made, would relate.
 - (3) The Authority may, by notice in writing, require a licensee, manager or close associate who is the subject of an investigation under this section to do one or more of the following things:
 - (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as, in the opinion of the Authority, is relevant to the investigation and is specified in the notice,
 - (b) produce, in accordance with directions in the notice, such records as, in the opinion of the Authority, are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them,
 - (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),
 - (d) furnish to the Authority such authorisations and consents as the Authority requires for the purpose of enabling the Authority to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and the person's associates.
 - (4) A person who complies with a requirement of a notice under subsection (3) does not on that account incur a liability to another person.
 - (5) A person must not fail to comply with a requirement of the Authority contained in a notice under subsection (3).

Maximum penalty: 20 penalty units.

139 Grounds for making complaint

- (1) A complaint in relation to a licensee, manager or close associate of a licensee may be made to the Authority by any of the following persons (referred to in this Part as *the complainant*):
 - (a) an inspector,
 - (b) the Commissioner of Police.

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- (2) A complaint must be in writing and specify the grounds on which it is made.
- (3) The grounds on which a complaint in relation to a licensee, manager or close associate may be made are as follows:
- (a) that the licensee or manager has, while holding a licence or managing licensed premises, been convicted of an offence under this Act (or under the former Act),
 - (b) that the licensee or manager has failed to comply with any of the conditions to which the licence is subject,
 - (c) that the licensee has failed to comply with any of the conditions to which any authorisation or approval held by the licensee under this Act is subject,
 - (d) that the licensee or manager has failed to comply with any other requirement under this Act (or under the former Act), relating to the licence or the licensed premises,
 - (e) that the licensee or manager has failed to comply with a direction or other requirement of the Authority or the Commissioner of Police under this Act (or of the Commissioner under the former Act),
 - (f) that the licensee or manager has engaged in conduct or activities that are likely to encourage misuse or abuse of liquor (such as binge drinking or excessive consumption),
 - (g) that intoxicated persons have frequently been on the licensed premises or have frequently been seen to leave those premises,
 - (h) that acts involving violence against persons or damage to property have frequently been committed on or near the licensed premises by persons who have been on the licensed premises,
 - (i) that the licensee is not a fit and proper person to be the holder of a licence or the manager is not a fit and proper person to be the manager of the licensed premises,
 - (j) that the close associate is not a fit and proper person to be a close associate of a licensee,
 - (k) that a complaint against a licensee under this section has been made and that:
 - (i) the close associate knew or ought reasonably to have known that the licensee was engaging (or was likely to engage) in conduct of the kind to which the complaint relates, and

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- (ii) the close associate failed to take all reasonable steps to prevent the licensee from engaging in conduct of that kind,
 - (l) that the close associate is (or has become) a close associate of a licensee while disqualified by the Authority from being a close associate,
 - (m) that a person who is interested in the business, or in the conduct or profits of the business, carried on under the licence is not a fit and proper person to be so interested,
 - (n) that a person is (or has become) a person who is interested in the business, or in the conduct or profits of the business, carried on under a licence while disqualified by the Authority under this Part from being a person so interested,
 - (o), (p) [not applied]
 - (q) that a person who occupies a position of authority in the corporation is not a fit and proper person to occupy such a position in a corporation that is the holder of a licence,
 - (r) that public entertainment has been conducted on the licensed premises otherwise than in accordance with any requirements under the *Environmental Planning and Assessment Act 1979* relating to the use of the premises for public entertainment,
 - (s) that the licence has not been exercised in the public interest,
 - (t) that the continuation of the licence is not in the public interest.
- (4) In subsection (3), *former Act* means the *Liquor Act 1982*.

140 Procedure for taking disciplinary action

- (1) If a complaint in relation to a licensee, manager or close associate is made under this Part, the Authority must, before taking any disciplinary action against the licensee, manager or close associate, notify the licensee, manager or close associate in writing of the grounds on which the Authority is proposing to take disciplinary action.
- (2) Any such notice is to invite the licensee, manager or close associate to show cause, by way of a written submission, as to why the Authority should not take disciplinary action against the licensee, manager or close associate.

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- (3) The Authority must also, before taking disciplinary action against a licensee, invite written submissions from the following persons:
- (a) if the licensee occupies the licensed premises under a lease—the lessor,
 - (b) each person named in the written statement referred to in section 41 that accompanied the application for the licence,
 - (c) each person named in the information provided to the Authority (as required by section 55) who has become interested in the business, or the conduct of the business, carried out on the licensed premises concerned,
 - (d) if the grounds for taking the proposed disciplinary action relate to a person (other than the licensee) not being a fit and proper person—that person.
- (4) The Authority may specify:
- (a) the time within which a submission under this section may be made, and
 - (b) any other requirements that must be complied with in relation to the making of any such submission.
- (5) If any written submission is made in accordance with this section, the Authority must take the submission into consideration in deciding whether or not to take disciplinary action against the licensee, manager or close associate concerned.

141 Disciplinary powers of Authority

- (1) The Authority may deal with and determine a complaint that is made to it under this Part.
- (2) If the Authority is satisfied that any of the grounds on which the complaint was made apply in relation to the licensee, manager or close associate, the Authority may decide not to take any action or may do any one or more of the following:
 - (a) cancel the licence,
 - (b) suspend the licence for such period not exceeding 12 months (or, if circumstances of aggravation exist in relation to the complaint, not exceeding 24 months) as the Authority thinks fit,
 - (c) order the licensee or manager to pay, within such time as is specified in the order:

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- (i) a monetary penalty not exceeding 500 penalty units, or
 - (ii) if circumstances of aggravation exist in relation to the complaint—a monetary penalty not exceeding 1,000 penalty units,
 - (d) suspend or cancel any authorisation or other approval (other than the licence itself) held by the licensee under this Act,
 - (e) impose a condition to which the licence, or any authorisation or approval held by the licensee under this Act, is to be subject or revoke or vary a condition to which the licence or any such authorisation or approval is subject,
 - (f) disqualify the licensee from holding a licence for such period as the Authority thinks fit,
 - (g) withdraw the manager's approval to manage licensed premises,
 - (h) disqualify the manager from being the manager of licensed premises,
 - (i) [not applied]
 - (i) disqualify the close associate from being a close associate of a licensee for such period as the Authority thinks fit,
 - (k) disqualify the close associate from holding a licence for such period as the Authority thinks fit,
 - (l) order the licensee, manager or close associate to pay the amount of any costs incurred by:
 - (i) the Authority in carrying out any investigation or inquiry under section 138 in relation to the licensee, manager or close associate, or
 - (ii) the Authority in connection with the taking of disciplinary action against the licensee, manager or close associate under this section,
 - (m) reprimand the licensee, manager or close associate.
 - (3) If the Authority orders a licensee or manager to pay a monetary penalty under this section and the penalty is not paid within the time specified in the order, the Authority may:
 - (a) cancel the licence, or
 - (b) suspend the licence until such time as the penalty is paid (or for such other period as the Authority thinks fit).
 - (4) While a person is disqualified by the Authority from being a close associate of a licensee, the person is conclusively presumed for

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the purposes of this Act to be a person who is not a fit and proper person to be a close associate of a licensee.

(5) **Action against other interested persons**

In deciding whether to take disciplinary action under this section against a licensee in relation to a complaint, the Authority may take disciplinary action against a person who is interested in the business, or in the conduct or profits of the business, carried on under the licence (regardless of whether the Authority takes any disciplinary action under this section against the licensee concerned).

(6) If the Authority decides to take disciplinary action against any such interested person, the Authority may do any one or more of the following:

- (a) disqualify the person, for a period commencing on a specified day, from being a person interested in the business, or in the conduct or profits of the business, carried on under a licence,
- (b) reprimand the person.

(7) **Circumstances of aggravation**

For the purposes of this section, circumstances of aggravation exist in relation to a complaint if (and only if) each of the following paragraphs applies:

- (a) the complaint concerns a contravention or alleged contravention of section 73 or 74,
- (b) the complaint alleges that for the reasons specified in the complaint the matter of the complaint is so serious as to warrant the taking of action that is available to the Authority when circumstances of aggravation exist,
- (c) the Authority, in finding that the matter of the complaint has been made out, is of the opinion (having regard to any matter such as the number of contraventions of the Act involved, the seriousness of the contravention involved, the number of people involved in the contravention or the seriousness of the outcome of the contravention, or any other relevant consideration) that the matter of the complaint is so serious as to warrant the taking of action that is available to the Authority when circumstances of aggravation exist.

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142 Procedure for implementing disciplinary action

- (1) If the Authority decides to take disciplinary action against or in relation to a licensee, manager, close associate or other person under this Part, the Authority is required to serve on the licensee, manager, close associate or person a notice informing the person of the Authority's decision.
- (2) The notice must include the reasons for the Authority's decision.
- (3) Any disciplinary action under this Part takes effect when notice of the action is served on the licensee, manager, close associate or person concerned (or on such later date as may be specified in the notice).
- (4) The Authority may, by serving a further notice on the licensee, manager, close associate or person concerned, cancel a notice under this section before the notice takes effect.
- (5) The Authority is not prevented from taking disciplinary action under this Part merely because the licensee, manager, close associate or person concerned is subject to criminal or civil proceedings that relate to the same matters or incident to which the disciplinary action relates.
- (6) If a licensee is disqualified from holding a licence under this Part, the Authority, may, on application by:
 - (a) the spouse or de facto partner of the licensee, or
 - (b) a member of the family of the licensee who is of or above the age of 18 years, or
 - (c) the owner of the licensed premises, or
 - (d) a person directly or indirectly interested in the business, or the conduct of the business, carried out on the licensed premises,

transfer the licence to that spouse, de facto partner or member of the family or to some other person approved by the Authority.

143 Requirement for legal member of Authority to be present

The Authority cannot determine any complaint made to it under this Part (including any decision to take any disciplinary action) unless a member of the Authority who is or has been a Judge, or who has been an Australian lawyer for at least 7 years, is present at the meeting of the Authority (or the committee of the Authority) at which the complaint is determined or the decision to take the action is made.

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Part 10 Criminal proceedings and related matters**145 Proceedings for offences**

Proceedings for an offence under this Act are to be dealt with summarily before the Local Court.

146 Time within which proceedings for offences may be commenced

- (1) Except as provided by subsection (2), proceedings for an offence under this Act may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.
- (2) Proceedings for an offence under section 7, 8, 9, 40 (5), 66, 69 or 92 may be commenced within but not later than 3 years after the date on which the offence is alleged to have been committed.

147 Maximum penalties for certain offences

- (1) This section applies to any offence under this Act in respect of which the specified maximum penalty is 100 penalty units or imprisonment for 12 months, or both.
- (2) In convicting a person for an offence to which this section applies, the court may not impose a monetary penalty of more than 50 penalty units, or sentence the person to a term of imprisonment for more than 6 months, or both, unless the court is satisfied that the higher penalty is warranted.
- (3) Without limiting the matters that the court may take into consideration in deciding whether such a higher penalty is warranted, the court may take into consideration:
 - (a) the seriousness of the offence, or
 - (b) the number of occasions on which the offender has committed an offence under this Act or the *Liquor Act 1982*.

149 Licensees and managers liable for act of employees etc

If, in contravention of this Act:

- (a) an employee or agent of a licensee, or
- (b) an employee or agent of the manager of licensed premises, or
- (c) a person acting, or purporting to act, on behalf of a licensee or the manager of licensed premises,

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sells or supplies liquor on the licensed premises, the licensee or manager (as the case requires) is guilty of an offence and liable to the punishment specified for the contravention.

150 Penalty notices

- (1) In this section:
authorised officer means a police officer or an inspector.
- (2) An authorised officer may serve a penalty notice on a person (including a licensee) if it appears to the officer that the person has committed an offence under this Act and the offence is one that is stated by the regulations under the *Casino Control Act 1992* to be an offence to which this section applies.
- (3) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay within a time and to a person specified in the notice the amount of penalty prescribed by the regulations under the *Casino Control Act 1992* for the offence if dealt with under this section.
- (4) A penalty notice may be served personally or by post.
- (5) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings or action in relation to the alleged offence, except the taking of disciplinary action under Part 9.
- (6) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (7) However, if a penalty is paid under this section in respect of a penalty notice served on a person, the person is, for the purposes of Part 9, taken to have been convicted of the offence to which the penalty notice related.
- (8) The regulations under the *Casino Control Act 1992* may:
 - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences.

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- (9) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.
 - (10) This section does not limit the operation of any other provision of, or made under, this or any other Act or law relating to proceedings that may be taken in respect of offences.

151 Forfeiture and seizure of liquor and other things

- (1) If a person is found guilty of an offence under section 7, any liquor that was, at the time of the commission of the offence, in the person's possession or apparently under the person's control is forfeited to the Crown.
- (2) If the holder of a producer/wholesaler licence, or an employee or agent of such a licensee, is found guilty of an offence under section 9 (1) (b) of selling liquor that is not authorised to be sold under the licence, any liquor (other than liquor the licensee is authorised to sell under the licence) that was, at the time of the commission of the offence, in the licensee's possession or apparently under the licensee's control is forfeited to the Crown.
- (3) If a person is found guilty of an offence under section 113:
 - (a) any liquor to which the offence relates, and
 - (b) any vehicle, boat or other thing in which the liquor was being carried, offered or exposed,is forfeited to the Crown.
- (4) If a licence is cancelled under this Act, any liquor found, not earlier than 7 days after the cancellation takes effect, in the former licensee's possession on the former licensed premises is forfeited to the Crown.
- (5) A police officer or inspector may seize and carry away anything that the officer or inspector reasonably suspects may be liable to forfeiture under this section.
- (6) For the purposes of this section, *liquor* includes any bottle or other container in which the liquor is contained.

152 Evidentiary provisions

- (1) In any proceedings for an offence under this Act, any one or more of the following allegations (however expressed) is evidence of the truth of the allegation unless the contrary is proved:
 - (a) that a specified person was or was not the holder of a licence at a specified time or during a specified period,

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- (b) that a specified licence was or was not subject to a specified condition at a specified time or during a specified period,
 - (c) [not applied]
 - (d) that a specified licence was or was not endorsed with a specified endorsement at a specified time or during a specified period,
 - (e)–(g) [not applied]
 - (h) that a specified licence was or was not suspended or cancelled at a specified time or during a specified period,
 - (i) that specified premises were or were not licensed premises at a specified time or during a specified period,
 - (j) that a specified part of premises was or was not a bar area at a specified time or during a specified period,
 - (k) that specified hours were or were not the trading hours of specified licensed premises at a specified time or during a specified period,
 - (l) that specified premises were subject to a closure order under this Act at a specified time or during a specified period,
 - (m) that a minors area authorisation under section 121 was or was not in force at a specified time or during a specified period,
 - (n) that a specified person has or has not been approved by the Authority as a person who may be appointed as the manager of licensed premises,
 - (o) that a specified person is or was, at a specified time or during a specified period, the Director,
 - (p) that a specified person is or was, at a specified time or during a specified period, a delegate of the Commissioner of Police, or of the Authority, to whom a specified function has been delegated under this Act or the *Casino, Liquor and Gaming Control Authority Act 2007*,
 - (q) that a specified person is or was, at a specified time or during a specified period, an inspector,
 - (r) that a liquid or other substance is liquor.
- (2) In any proceedings for an offence under this Act, an allegation that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation in accordance with subsection (3).

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- (3) An allegation referred to in subsection (2) may be denied:
 - (a) at any adjournment before the commencement of the hearing of the information—by informing the court, the informant or a person appearing for the informant in writing of the denial, or
 - (b) at any time not later than 14 days before the commencement of the hearing of the information—by informing the informant or a person appearing for the informant in writing of the denial.
- (4) In any proceedings for an offence under this Act, evidence of delivery or supply of liquor is evidence of a sale of the liquor.
- (5) In any proceedings for an offence under section 9 (2), liquor is taken to have been sold or consumed on the licensed premises to which the proceedings relate regardless of whether the licensee took or carried, or caused another person to take or carry, the liquor out of the licensed premises for the purpose of being sold or consumed at another place occupied by the licensee or in a public place.

Part 11 Miscellaneous provisions

155 Procedure for dealing with matters under Act to be informal

- (1) A formal hearing involving the legal representation of parties is not required to be held in relation to any application or other matter (including the taking of disciplinary action under Part 9) that may be dealt with or decided by the Authority under this Act.
- (2) However, subsection (1) does not prevent the Authority, in such cases as the Authority considers appropriate:
 - (a) from conducting an interview or convening a conference or meeting, or
 - (b) from receiving submissions,in relation to any application or other matter that may be dealt with or decided by the Authority under this Act.
- (3) Any such conference or meeting is to be presided over by the Authority and the procedure at the conference or meeting is to be determined by the Authority.

157 Delegation by Commissioner of Police

- (1) The Commissioner of Police may delegate to a person any function conferred or imposed on the Commissioner of Police by or under this Act, other than this power of delegation.

Casino Control Amendment (Liquor) Regulation 2008

Amendments

Schedule 1

Note. The power of the Authority to delegate its functions under this Act is contained in the *Casino, Liquor and Gaming Control Authority Act 2007*.

- (2) A person to whom a function has been delegated by the Commissioner of Police may delegate the function to another person, subject to any conditions to which the delegation by the Commissioner is subject.

158 Crown not liable for any compensation

- (1) Damages or compensation are not payable by or on behalf of the Crown because of:
- (a) the enactment or operation of this Act, or for the consequences of that enactment or operation, or
 - (b) a representation or conduct of any kind about any restrictions or limitations on the sale or supply of liquor on any premises or kind of premises.
- (2) In subsection (1), *the Crown* means the Crown within the meaning of the *Crown Proceedings Act 1988*, and includes any employee or agent of the Crown.

160 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 160)

2 Definitions

In this Schedule:

existing licence means a licence granted under the former Act (as applied under clause 35 of the *Casino Control Regulation 2001*) and in force immediately before 1 July 2008.

former Act means the *Liquor Act 1982*.

former Board means the Liquor Administration Board constituted by section 72 of the former Act.

proof of age card means:

- (a) an existing RTA proof of age card, or
- (b) a document issued by a public authority of the Commonwealth, or of another State or Territory, for the purpose of attesting to a person's identity and age.

Casino Control Amendment (Liquor) Regulation 2008

Schedule 1 Amendments

3 Existing licences

- (1) An existing licence is taken to be a licence in force under this Act.
- (2) Any such existing licence may be dealt with under, and is otherwise subject to, the provisions of this Act.
- (3) Subject to the regulations under the *Casino Control Act 1992*, an existing licence is subject to the conditions or restrictions to which the licence was subject under the former Act.

17 Phasing-out of existing RTA proof of age cards

An existing RTA proof of age card ceases to be valid for any purpose on 14 December 2008 (being the date that is 3 years after the commencement of Schedule 2.3 [1] to the *Photo Card Act 2005*).

18 Manufacturing false proof of age cards

- (1) A person must not make a false document that could reasonably be taken to be a proof of age card with the intent that the document be used by any person as a proof of age card for the purposes of this Act.
Maximum penalty: 30 penalty units.
- (2) A person (*the offender*) must not give to another person a false document that could reasonably be taken to be a proof of age card with the intent that the document be used by any person as a proof of age card for the purposes of this Act if the offender knows or could reasonably be expected to know that the document is false.
Maximum penalty: 30 penalty units.
- (3) A person is guilty of an offence under this subclause if the person commits an offence under subclause (1) or (2) in circumstances of aggravation.
Maximum penalty: 50 penalty units.
- (4) For the purposes of this clause, a person commits an offence in circumstances of aggravation if:
 - (a) the offence involved a high degree of planning, or
 - (b) the offence involved the use of other people acting at the direction of the person convicted of the offence in the commission of the offence, or
 - (c) the person committed the offence solely or principally for financial reward, or
 - (d) the offender has a previous conviction for an offence under this clause or under section 117EB of the former Act.

Casino Control Amendment (Liquor) Regulation 2008

Amendments

Schedule 1

19 Giving or lending proof of age cards

A person must not give or lend the person's proof of age card to another person, if the person giving or lending the card knows or could reasonably be expected to know that the card may be used:

- (a) as a proof of age card for the purposes of this Act by the person to whom the card was given or lent, or by any other person, or
- (b) to obtain a proof of age card for the person to whom the card was given or lent, or any other person, for the purposes of this Act.

Maximum penalty: 30 penalty units.

20 Tampering with proof of age cards

A person must not for an improper purpose wilfully or negligently alter, deface, or otherwise interfere with a proof of age card or with any of the material particulars contained on the card.

Maximum penalty: 30 penalty units.

21 Confiscation of existing RTA proof of age cards

- (1) An authorised person to whom an existing RTA proof of age card, or thing resembling such an existing RTA proof of age card, is produced by a person representing it to be the person's proof of age card (whether as proof of age or of identity) may, with no authority other than this clause, seize the card or thing if the authorised person reasonably suspects that the card or thing:
 - (a) is not the person's proof of age card or contains information that is false or misleading as to that person's name or age, or
 - (b) has been forged or fraudulently altered, or
 - (c) is being used in contravention of any provision of this Act.
- (2) A card or thing seized under this clause is to be forwarded to the Commissioner of Police. The Commissioner must cause the card or thing to be returned (by delivery or by post) to the person who produced it unless subclause (3) applies.
- (3) The Commissioner of Police may retain possession of and deal with a proof of age card or thing forwarded to the Commissioner in such manner as the Commissioner thinks fit if satisfied that the card or thing:

Casino Control Amendment (Liquor) Regulation 2008

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-
- (a) is not the proof of age card of the person from whom it was seized or contains information that is false or misleading as to that person's name or age, or
 - (b) has been forged or fraudulently altered, or
 - (c) is being used in contravention of any provision of this Act.
- (4) Each of the following is an *authorised person* for the purposes of this clause:
- (a) any police officer,
 - (b) the Authority, an inspector, the licensee and any employee of the licensee on the licensed premises concerned, but only on those licensed premises or in a place in the immediate vicinity of those licensed premises.

26 General savings provision

- (1) Subject to this Act and the regulations under the *Casino Control Act 1992*, anything done under or for the purposes of a provision of the former Act (as applied by clause 35 of the *Casino Control Regulation 2001*) is, to the extent that the thing has effect immediately before 1 July 2008, taken to have been done under or for the purposes of the corresponding provision of this Act.
- (2) Without limiting subclause (1) or clause 3, any approval, authority or appointment in force under a provision of the former Act immediately before 1 July 2008 is taken to be an approval, authority or appointment in force under the corresponding provision of this Act.

[14] Schedule 7 Persons and bodies prescribed for purposes of section 148 (2) of Act

Omit the Schedule.

Casino Control Amendment (Liquor) Regulation 2008

Amendments

Schedule 1

[15] Schedule 8 Penalty notice offences

Omit the Schedule. Insert instead:

Schedule 8 Penalty notice offences

(Clause 41)

Part 1

Column 1	Column 2
Provision of the Act	Penalty
Section 72A (1)	\$1,100
Section 84 (1)	\$550
Section 85 (2)	\$220
Section 86 (2) or (3)	\$220
Section 87 (1)	\$660
Section 87 (1A)	\$220
Section 87 (2) or (3)	\$550
Section 97	\$110

Part 2

Column 1	Column 2
Provision of this Regulation	Penalty
Clause 23	\$550
Clause 24 (1)	\$550
Clause 26 (1)	\$550
Clause 27 (2)	\$550
Clause 28 (2)	\$550
Clause 29 (1)	\$550
Clause 30 (1)	\$550
Clause 31	\$550
Clause 32 (1)	\$550
Clause 32AA	\$550

Casino Control Amendment (Liquor) Regulation 2008

Schedule 1 Amendments

Column 1	Column 2
Provision of this Regulation	Penalty
Clause 32B (2) or (3)	\$660
Clause 33	\$550
Clause 33A	\$660
Clause 34 (1)	\$550
Clause 34A (5)	\$550
Clause 34C	\$550
Clause 34D	\$110
Clause 34E (1)	\$550
Clause 34E (2)	\$110
Clause 35C (4)	\$550

Part 3

Column 1	Column 2
Provision of the Liquor Act 2007 (as applied by this Regulation and modified as set out in Schedule 6)	Penalty
Section 7 (1)	\$1,100
Section 8 (1)	\$1,100
Section 8 (2)	\$55
Section 9	\$1,100
Section 11 (2)	\$1,100
Section 40 (5)	\$220
Section 66	\$550
Section 69 (1)	\$550
Section 73 (1) or (2)	\$1,100
Section 73 (3)	\$550
Section 74 (1)–(4)	\$550
Section 75 (3)	\$1,100
Section 77 (4), (6) or (8)	\$550
Section 78 (8)	\$550

Casino Control Amendment (Liquor) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2
Provision of the Liquor Act 2007 (as applied by this Regulation and modified as set out in Schedule 6)	Penalty
Section 82 (6)	\$2,200
Section 84 (7)	\$2,200
Section 88 (1)	\$550
Section 92 (1) or (2)	\$550
Section 95 (1), (2) or (4)	\$55
Section 97 (5)	\$220
Section 100 (1)	\$550
Section 101 (7)	\$550
Section 102 (3)	\$550
Section 107 (1)	\$55
Section 111 (1)	\$110
Section 112	\$110
Section 113 (1)	\$220
Section 117 (1), (2), (4), (6) or (8)	\$1,100
Section 118 (1)	\$220
Section 118 (2)	\$1,100
Section 119 (1)	\$550
Section 120 (1)	\$330
Section 121 (5)	\$220
Section 123 (1) or (3A)	\$220
Section 124 (1) or (2)	\$1,100
Section 125 (1)	\$330
Section 126	\$550
Section 127 (1), (3), (4) or (5)	\$220
Section 128 (2)	\$220
Section 129	\$220
Section 138 (5)	\$1,100
Schedule 1, clause 18 (1) or (2)	\$330
Schedule 1, clause 18 (3)	\$550

Casino Control Amendment (Liquor) Regulation 2008

Schedule 1 Amendments

Column 1	Column 2
Provision of the Liquor Act 2007 (as applied by this Regulation and modified as set out in Schedule 6)	Penalty
Schedule 1, clause 19	\$330
Schedule 1, clause 20	\$330



New South Wales

Children's Services Amendment (Miscellaneous) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

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

KEVIN GREENE, M.P.,
Minister for Community Services

Explanatory note

The objects of this Regulation are:

- (a) to exclude a school based children's service (that is, a children's service that is conducted by a school) from certain requirements governing excursions if the excursion remains within the immediate grounds of the school, and
- (b) to provide that the current requirement for an authorised supervisor to be present on the premises of a children's service for 50% of the time that the service is provided is extended, in the case of a school based children's service, to the premises of the relevant school, and
- (c) to make it clear that a school based children's service operating prior to 1 July 2008 is exempt from certain facilities and equipment requirements under the *Children and Young Persons (Care and Protection) Act 1998*, and
- (d) to update a reference to an identity document evidencing Australian citizenship that is to accompany an application for a children's service licence.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 220 and 264 (the general regulation-making power) and clause 1 of Schedule 3.

Clause 1 Children's Services Amendment (Miscellaneous) Regulation 2008

Children's Services Amendment (Miscellaneous) Regulation 2008

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children's Services Amendment (Miscellaneous) Regulation 2008*.

2 Commencement

- (1) This Regulation commences on the day that it is published in the Gazette, except as provided by subclause (2).
- (2) Schedule 1 [6] commences on 1 July 2008.

3 Amendment of Children's Services Regulation 2004

The *Children's Services Regulation 2004* is amended as set out in Schedule 1.

Children's Services Amendment (Miscellaneous) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 10 Identity documents to accompany application

Omit clause 10 (2) (e). Insert instead:

- (e) if applicable, the person's Australian naturalisation or citizenship certificate or any other similar document that is evidence of the person's Australian citizenship.

[2] Clause 28, heading

Omit “, suspension”.

[3] Clause 56

Omit the clause. Insert instead:

56 Supervision by authorised supervisor—centre based children's service

- (1) The licensee of a centre based children's service must ensure that the authorised supervisor for the service has the overall supervision of the provision of the service.
- (2) The licensee of a centre based children's service must ensure that the authorised supervisor for the service is, each week:
 - (a) in the case of a school based children's service—present on:
 - (i) where the relevant school is located on one premises only, the premises of the school on which the service is based for no less than 50% of the time that the service is provided, or
 - (ii) where the relevant school is located on 2 or more premises, the same premises of the school as the premises of the school on which the service is based for no less than 50% of the time that the service is provided, or
 - (b) in the case of any other children's service—present on the premises of the service for no less than 50% of the time that the service is provided.

[4] Clause 77 Authority for excursions

Insert after clause 77 (4):

- (5) Nothing in subclause (1) or (2) requires an authorisation to be obtained in respect of a school based children's service if the

Children's Services Amendment (Miscellaneous) Regulation 2008

Schedule 1 Amendments

premises of the service are located within the premises of the school that conducts the service and the excursion takes place:

- (a) where the school is located on one premises only—solely within those premises, or
- (b) where the school is located on 2 or more premises—within the same premises of the school as the premises of the school in which the service is based.

[5] Clause 78 Conduct of excursions: general

Insert after clause 78 (8):

- (9) Subclauses (3), (5) and (6) do not apply in respect of an excursion conducted by a school based children's service (where the service is located within the premises of the school that conducts the service) if the excursion takes place:
 - (a) where the school is located on one premises only—solely within those premises, or
 - (b) where the school is located on 2 or more premises—within the same premises of the school as the premises of the school in which the service is based.

[6] Schedule 2 Savings and transitional provisions

Omit clause 5 of the Schedule. Insert instead:

5 Application of Part 3 facilities and equipment requirements to school based children's services

Part 3 of this Regulation (clauses 34, 40 and 45 excepted) does not apply to or in respect of a school based children's service operating prior to 1 July 2008.

[7] Dictionary

Insert in alphabetical order:

school based children's service means a prescribed children's service that is conducted by a school within the meaning of the *Education Act 1990*.



New South Wales

Civil Procedure Amendment (Fees) Regulation 2008

under the

Civil Procedure Act 2005

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

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

Explanatory note

The object of this Regulation is to amend the *Civil Procedure Regulation 2005* (**the Principal Regulation**) so as:

- (a) to increase certain fees that are payable to the Sheriff and certain other fees that are payable in relation to civil proceedings generally, and
- (b) to bring into the Principal Regulation the fees payable in relation to proceedings before the Land and Environment Court in Class 1, 2, 3 or 4 of its jurisdiction.

This Regulation is made under the *Civil Procedure Act 2005*, including section 18 (Fees).

Clause 1 Civil Procedure Amendment (Fees) Regulation 2008

Civil Procedure Amendment (Fees) Regulation 2008

under the

Civil Procedure Act 2005

1 Name of Regulation

This Regulation is the *Civil Procedure Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Civil Procedure Regulation 2005

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

Civil Procedure Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Fees payable in relation to court proceedings

Insert after clause 4 (1) (a):

(a1) the Land and Environment Court,

[2] Clause 4 (2), note

Omit "Parts 1–3" and "Part 4".

Insert instead "Parts 1–4" and "Part 5" respectively.

[3] Clause 7 Persons by and to whom fees are payable

Omit "Part 4" from clause 7 (1A). Insert instead "Part 5".

[4] Schedules 1 and 2

Omit the Schedules. Insert instead:

Schedule 1 Court fees

(Clause 4)

Part 1 Supreme Court

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process (other than an originating process referred to in items 2–8)	\$718	\$1,436
2	Filing an originating process in the Equity Division for entry in the Commercial List or the Technology and Construction List	\$1,642	\$3,284
3	Filing an originating process in the Equity Division for entry in the Admiralty List	\$661	\$1,583
4	Filing an originating process by which an application for a grant or resealing of probate in respect of an estate the sworn gross value of which:		
	(a) is less than \$50,000	Nil	—

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Civil Procedure Amendment (Fees) Regulation 2008

Schedule 1 Amendments

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) is \$50,000 or more but less than \$250,000	\$634	—
(c) is \$250,000 or more but less than \$500,000	\$800	—
(d) is \$500,000 or more but less than \$1,000,000	\$1,206	—
(e) is \$1,000,000 or more	\$1,605	—
5 Filing in the Court of Appeal a notice of intention to appeal	\$236	\$472
6 Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in respect of a matter where a notice of intention to appeal has been filed	\$562	\$1,124
7 Filing in the Court of Appeal a notice of appeal:		
(a) in proceedings in which leave to appeal has been granted	\$1,678	\$3,356
(b) in proceedings in which a notice of intention to appeal has been filed	\$2,240	\$4,480
(c) in any other proceedings	\$2,475	\$4,950
8 Filing in the Court of Appeal any other originating process	\$798	\$1,596
9 Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,370	\$2,740
10 Filing a requisition for trial by jury	\$872	\$1,744
11 For retention of jury after the first day of trial	\$397 per day	\$794 per day
Note. The fees under this item are to be paid by the party requesting a jury for the trial.		
12 On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$652	—
13 Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$497	\$994

Civil Procedure Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
14 Hearing of proceedings by one of more judges, for each half day of hearing on or after the 11th day Note. For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.	\$255	\$510
15 Hearing of proceedings by an associate judge, for each half day of hearing on or after the 11th day Note. For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.	\$230	\$460
16 Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$570 per volume	\$1,140 per volume
17 Filing a notice of motion	\$166	\$332
18 Lodging a will otherwise than as an attachment to an originating process by which an application for a grant or resealing of probate is made	\$35	—
19 Preparing a copy of a will	\$48	—
20 Conducting a genealogical search on a probate file (for each file searched)	\$91	—
21 Conducting a search for an application for a grant or resealing of probate (for each file searched)	\$48	—
22 Lodging a caveat against an application for a grant or resealing of probate	\$34	\$68
23 Conducting an adoption search (for each file searched)	\$48	—
24 Issuing a registrar's certificate as to the signature of a public notary	\$48	—

Civil Procedure Amendment (Fees) Regulation 2008

Schedule 1 Amendments

Part 2 Land and Environment Court

Note. Fees that are payable in relation to proceedings before the Land and Environment Court in Class 5, 6 or 7 of its jurisdiction are set out in regulations under the *Land and Environment Court Act 1979*.

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process in Class 1 of the Court's jurisdiction (other than an originating process referred to in item 2)	\$718	\$1,436
2	Filing an originating process in Class 1 of the Court's jurisdiction under section 97 of the <i>Environmental Planning and Assessment Act 1979</i> where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building:		
	(a) is less than \$500,000	\$718	\$1,436
	(b) is \$500,000 or more but less than \$1,000,000	\$3,286	\$4,362
	(c) is \$1,000,000 or more	\$4,104	\$5,452
3	Filing an originating process in Class 2 of the Court's jurisdiction (other than an originating process referred to in item 4)	\$718	\$1,436
4	Filing an originating process in Class 2 of the Court's jurisdiction where the matter relates to an application under the <i>Trees (Disputes Between Neighbours) Act 2006</i>	\$189	\$378
5	Filing an originating process in Class 3 of the Court's jurisdiction (other than an originating process referred to in item 6 or 7)	\$718	\$1,436
6	Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to an appeal or objection against a valuation of land, and where the value of the land, as determined by the respondent valuing authority:		
	(a) is less than \$500,000	\$252	\$504

Civil Procedure Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) is \$500,000 or more but less than \$1,000,000	\$397	\$794
(c) is \$1,000,000 or more	\$718	\$1,436
7 Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation for the compulsory acquisition of land, as referred to in section 24 of the <i>Land and Environment Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority:		
(a) is less than \$500,000	\$718	\$1,436
(b) is \$500,000 or more but less than \$1,000,000	\$3,286	\$4,362
(c) is \$1,000,000 or more	\$4,104	\$5,452
8 Filing an originating process in Class 4 of the Court's jurisdiction	\$718	\$1,436
9 Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	\$1,678	\$3,355
10 Filing a notice of motion	\$166	\$332

Part 3 District Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an originating process (other than an originating process referred to in item 2)	\$512	\$1,024
2 Filing an originating process in relation to an appeal	\$212	\$424
3 Allocating a date for hearing of the proceedings by a judge, a judge and jury or a judicial registrar	\$547	\$1,094
4 Filing a requisition for trial by jury	\$875	\$1,750

Civil Procedure Amendment (Fees) Regulation 2008

Schedule 1 Amendments

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
5	For retention of jury after the first day of trial Note. The fees under this item are to be paid by the party requesting a jury for the trial.	\$397 per day	\$794 per day
6	On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$648	—
7	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$497	\$994
8	Filing a notice of motion	\$66	\$132

Part 4 Local Courts

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process, under Part 7 of the <i>Local Courts Act 1982</i> , in a Local Court sitting in its General Division	\$189	\$378
2	Filing an originating process, under Part 7 of the <i>Local Courts Act 1982</i> , in a Local Court sitting in its Small Claims Division	\$77	\$154
3	Filing an application notice under Part 6 of the <i>Local Courts Act 1982</i>	\$73	—
4	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$328	\$656
5	Serving or attempting service by post of originating process by a Local Court	\$33 for each address to which process posted	—
6	Filing a notice of motion	\$66	\$132
7	Filing a notice of appeal, or application for leave to appeal, to the District Court under Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> , as applied to proceedings under Part 6 of the <i>Local Courts Act 1982</i> :		

Civil Procedure Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(a) in relation to a single notice	\$89	—
(b) in relation to more than 1 notice arising from the same court appearance	\$48	—

Part 5 Miscellaneous court fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Issuing a subpoena (for production, to give evidence, or both)	\$64	\$128
2 Receipt by the registrar of a document or thing produced in compliance with a notice to produce under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i>	\$64	\$128
3 Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person under section 133 of the <i>Civil Procedure Act 2005</i>	\$72	\$144
4 Opening or keeping open the registry or part of the registry:	\$566	\$1,132
(a) on a Saturday, Sunday or public holiday or		
(b) on any other day before 9 am or after 5 pm		
5 Requesting production to the court of documents held by another court	\$48	\$96
6 Furnishing a sealed or certified copy of a judgment or order, or of the written opinion or reasons for opinion of any judicial or other officer of the court	\$48	—
7 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by item 6)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages	—

Civil Procedure Amendment (Fees) Regulation 2008

Schedule 1 Amendments

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
8 Retrieving and providing access to, but not furnishing a copy of, any document	Nil	—
9 Supplying a duplicate tape recording of sound-recorded evidence	\$40 per cassette	—
10 Supplying a transcript of any proceedings:		
(a) where the matter being transcribed is under 3 months old	\$73, plus an additional \$8.90 for each page after the first 8 pages	—
(b) where the matter being transcribed is 3 months old or older	\$89, plus an additional \$10.20 for each page after the first 8 pages	—
11 Providing any service for which a fee is not otherwise imposed by this Schedule Note. A fee may not be imposed under this item except with the approval of the registrar.	\$34	\$68

Schedule 2 Sheriff's fees

(Clause 5)

Column 1	Column 2
Matter for which fee payable	Fee
1 Serving or attempting service of any document, including service by post and preparation of affidavit of service	\$52 for each address at which, and each occasion on which, service is effected or attempted
2 Executing or attempting execution of an arrest warrant under section 97 of the <i>Civil Procedure Act 2005</i>	\$64 for each address at which, and each occasion on which, execution is effected or attempted
3 Executing or attempting execution of a writ of possession under Part 8 of the <i>Civil Procedure Act 2005</i>	\$267 for each address at which, and each occasion on which, execution is effected or attempted

Civil Procedure Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2
Matter for which fee payable	Fee
4 Executing or attempting execution of a writ of delivery under Part 8 of the <i>Civil Procedure Act 2005</i>	\$64 for each address at which, and each occasion on which, execution is effected or attempted
5 Executing or attempting execution of a writ for the levy of property under Part 8 of the <i>Civil Procedure Act 2005</i> Note. The 3% levy in Column 2 is not payable in relation to writs executed by the Marshal in Admiralty	\$64 for each address at which, and each occasion on which, execution is effected or attempted, plus 3% of the proceeds of enforcement
6 Executing or attempting execution of any court process (other than a warrant or writ referred to in item 2, 3, 4 or 5)	\$267 for each address at which, and each occasion on which, execution is effected or attempted
7 Preparing for sale of land following receipt of notice of sale from judgment creditor (UCPR rule 39.22)	\$653
8 Furnishing a certified copy of a writ for the levy of property for registration under section 105A of the <i>Real Property Act 1900</i>	\$18
9 Providing Sheriff's officers to guard property seized under a writ of execution under Part 8 of the <i>Civil Procedure Act 2005</i>	\$356 per Sheriff's officer per day
10 Attending a view by a jury in civil proceedings	\$142
11 Opening or keeping open the Sheriff's office on a Saturday, Sunday or public holiday or on any other day before 9 am or after 5 pm	\$570
12 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided by item 8)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages



New South Wales

Coal Mine Health and Safety Amendment Regulation 2008

under the

Coal Mine Health and Safety Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Coal Mine Health and Safety Act 2002*.

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

Explanatory note

Clause 6 and Schedule 1 of the *Coal Mine Health and Safety Regulation 2006 (the Regulation)* prescribe the places of work to which the *Coal Mine Health and Safety Act 2002 (the Act)* does not apply. This Regulation makes it clear that the Act does apply to abandoned coal operations generally but does not apply to certain places of work that are abandoned coal operations and that are described in Schedule 1.

Clause 88 of the Regulation provides that a bord and pillar system must be used in underground mines, unless the Minister approves the use of another mining method. Clause 20 of Schedule 2 is a savings provision which ensures that approvals given by the Minister under similar provisions of the repealed *Coal Mines Regulation Act 1982* continue to have effect. Both these clauses were to expire on 1 July 2008. This Regulation extends the operation of these clauses until 1 September 2009.

This Regulation is made under the *Coal Mine Health and Safety Act 2002*, including sections 8 and 192 (the general regulation-making power).

Clause 1 Coal Mine Health and Safety Amendment Regulation 2008

Coal Mine Health and Safety Amendment Regulation 2008

under the

Coal Mine Health and Safety Act 2002

1 Name of Regulation

This Regulation is the *Coal Mine Health and Safety Amendment Regulation 2008*.

2 Amendment of Coal Mine Health and Safety Regulation 2006

The *Coal Mine Health and Safety Regulation 2006* is amended as set out in Schedule 1.

Coal Mine Health and Safety Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

- [1] **Clause 6 Act does not apply to certain places**
Omit “(not being places referred to in section 8 (2) of the Act)”.
- [2] **Clause 88 Bord and pillar system to be used in underground mines**
Omit the words “1 July 2008” from clause 88 (6).
Insert instead “1 September 2009”.
- [3] **Schedule 2 Savings and transitional provisions**
Omit the words “1 July 2008” wherever occurring in clause 20.
Insert instead “1 September 2009”.



New South Wales

Commercial Vessels (Equipment) Amendment (EPIRB) Regulation 2008

under the

Commercial Vessels Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commercial Vessels Act 1979*.

JOSEPH TRIPODI, M.P.,
Minister for Ports and Waterways

Explanatory note

The object of this Regulation is to provide for the phasing in of the 406 MHz emergency position indicating radio beacon (EPIRB) required by the *Uniform Shipping Laws Code (the Code)* from 1 July 2008.

The Regulation provides that the 121.5/243.0 and 406 MHz EPIRBs comply with the requirements of the Code from the commencement of this Regulation until 30 June 2008. On and after 1 July 2008, the 121.5/243.0 MHz EPIRBs will not meet the requirements of the Code.

This Regulation is made under the *Commercial Vessels Act 1979*, including sections 41 and 52 (the general regulation-making power).

Clause 1 Commercial Vessels (Equipment) Amendment (EPIRB) Regulation 2008

Commercial Vessels (Equipment) Amendment (EPIRB) Regulation 2008

under the

Commercial Vessels Act 1979

1 Name of Regulation

This Regulation is the *Commercial Vessels (Equipment) Amendment (EPIRB) Regulation 2008*.

2 Amendment of Commercial Vessels (Equipment) Regulation 1986

The *Commercial Vessels (Equipment) Regulation 1986* is amended as set out in Schedule 1.

Commercial Vessels (Equipment) Amendment (EPIRB) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 2 Life saving appliances—modifications to section 10 of the Code

Omit the matter relating to Appendix Y. Insert instead:

Appendix Y—

After Appendix X, insert:

Appendix Y Emergency position indicating radio beacon

1 Requirements—SOLAS inflatable and rigid liferafts

An emergency position indicating radio beacon required in a SOLAS inflatable or rigid liferaft must comply with the relevant requirements of the Marine Orders, Part 25 *Equipment—Life-saving* made by the Australian Maritime Safety Authority under the *Navigation Act 1912* of the Commonwealth.

2 Requirements—others

Before 1 July 2008, any other emergency position indicating radio beacon must:

- (a) be suitable for marine use, and
- (b) comply with Australian/New Zealand Standard AS/NZ 4330:2006 or Australian/New Zealand Standard AS/NZ 4280.1:2003, and
- (c) have an operational frequency of 121.5/243.0 or 406 MHz, and
- (d) if it has an operational frequency of 406 MHz, be registered with the Australian Maritime Safety Authority and have affixed to it a registration sticker from that Authority, and
- (e) be maintained and serviced in accordance with the manufacturer's instructions.

On or after 1 July 2008, any other emergency position indicating radio beacon must:

- (a) be suitable for marine use, and
- (b) comply with Australian/New Zealand Standard AS/NZ 4280.1:2003, and
- (c) have an operational frequency of 406 MHz, and

Commercial Vessels (Equipment) Amendment (EPIRB) Regulation 2008

Schedule 1 Amendment

-
- (d) be registered with the Australian Maritime Safety Authority and have affixed to it a registration sticker from that Authority, and
 - (e) be maintained and serviced in accordance with the manufacturer's instructions.



New South Wales

Community Land Management Amendment (Fees) Regulation 2008

under the

Community Land Management Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Land Management Act 1989*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Community Land Management Act 1989*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Community Land Management Act 1989*, including section 122 (the general regulation-making power).

Clause 1 Community Land Management Amendment (Fees) Regulation 2008

Community Land Management Amendment (Fees) Regulation 2008

under the

Community Land Management Act 1989

1 Name of Regulation

This Regulation is the *Community Land Management Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Community Land Management Regulation 2007

The *Community Land Management Regulation 2007* is amended as set out in Schedule 1.

Community Land Management Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2 Fees

Omit Parts 2 and 3. Insert instead:

Part 2 Fees payable to Registrar

Service	Fee
Lodging an application under Division 3 or Division 4 of Part 4 of the Act for an order for settlement of a dispute or complaint:	
(a) if the application includes an application for an interim order under section 72 of the Act	\$134
(b) if it does not	\$67
Lodging an application under section 87 of the Act for the amendment or revocation of an order made by the Tribunal	\$67
Lodging a notice of appeal under section 88 of the Act against an order made by an Adjudicator	\$67
Issuing a summons under section 94 of the Act to appear before the Tribunal	\$37
Lodging an application under section 100 of the Act for an order authorising a motion for submission to a general meeting	\$67
Lodging an application for a copy of an order made by an Adjudicator or the Tribunal, or other document not being a transcript	\$2 per page or \$25 (whichever is greater)
Copy of written transcript of evidence or proceedings, per page	“at cost”
Duplicate tape recording of evidence or proceedings, per cassette	“at cost”

Part 3 Fees payable to Director-General

Service	Fee
Application for mediation	\$67

Page 3



New South Wales

Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation 2008

under the

Consumer, Trader and Tenancy Tribunal Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Consumer, Trader and Tenancy Tribunal Act 2001*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable:

- (a) in respect of applications to have matters dealt with by the Consumer, Trader and Tenancy Tribunal, and
- (b) for the issue of a summons, and
- (c) for a copy of a document (other than a written record or transcript of evidence or proceedings).

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Consumer, Trader and Tenancy Tribunal Act 2001*, including section 86 (the general regulation-making power) and, in particular, section 86 (2) (n).

Clause 1 Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation
2008

Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation 2008

under the

Consumer, Trader and Tenancy Tribunal Act 2001

1 Name of Regulation

This Regulation is the *Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Consumer, Trader and Tenancy Tribunal Regulation 2002

The *Consumer, Trader and Tenancy Tribunal Regulation 2002* is amended as set out in Schedule 1.

Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation
2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

- [1] Clause 10 Application fees**
Omit “\$32” wherever occurring in clause 10 (1) (a) and (c) (i).
Insert instead “\$33”.
- [2] Clause 10 (1) (b) and (c) (ii)**
Omit “\$65” wherever occurring. Insert instead “\$67”.
- [3] Clause 10 (1) (c) (iii)**
Omit “\$172”. Insert instead “\$176”.
- [4] Clause 10 (1) (d) (i) and (iii)**
Omit “\$574” wherever occurring. Insert instead “\$588”.
- [5] Clause 10 (1) (d) (ii)**
Omit “\$72”. Insert instead “\$74”.
- [6] Clause 30 Issue of summons**
Omit “\$36” from clause 30 (5). Insert instead “\$37”.
- [7] Clause 39 Copies of record of proceedings and other documents**
Omit “\$24” from clause 39 (1) (a). Insert instead “\$25”.



New South Wales

Conveyancers Licensing Amendment (Fees) Regulation 2008

under the

Conveyancers Licensing Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancers Licensing Act 2003*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase the fees payable under the *Conveyancers Licensing Act 2003* in relation to the grant, renewal, restoration and replacement of a licence issued under that Act.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Conveyancers Licensing Act 2003*, including sections 12 (Application fees and Compensation Fund contributions) and 172 (the general regulation-making power).

Clause 1 Conveyancers Licensing Amendment (Fees) Regulation 2008

Conveyancers Licensing Amendment (Fees) Regulation 2008

under the

Conveyancers Licensing Act 2003

1 Name of Regulation

This Regulation is the *Conveyancers Licensing Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Conveyancers Licensing Regulation 2006

The *Conveyancers Licensing Regulation 2006* is amended as set out in Schedule 1.

Conveyancers Licensing Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 5 Fees for licence

Omit the note to clause 5 (4).

[2] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 5)

Column 1	Column 2	Column 3
Nature of fee payable	Fixed component	Processing component
Application fee for grant of licence	\$189	\$171
Application fee for renewal of licence	\$189	\$56
Application fee for restoration of licence	\$189	\$113
Application fee for replacement of licence	nil	\$37

Note. Section 89 of the *Conveyancers Licensing Act 2003* provides that an applicant for a licence is liable to pay the contribution to the Compensation Fund, and any levy for that Fund, required to be paid from time to time under section 168 or 169 of the *Property, Stock and Business Agents Act 2002*. Regulations made under that Act specify the amount of the contribution payable by the applicant for the licence concerned. That amount (and any levy) is payable in addition to the amount of an application fee prescribed by this Regulation.



New South Wales

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2008

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including section 225 (the general regulation-making power) and, in particular, section 225 (1A).

Clause 1 Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2008

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

1 Name of Regulation

This Regulation is the *Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Co-operative Housing and Starr-Bowkett Societies Regulation 2005

The *Co-operative Housing and Starr-Bowkett Societies Regulation 2005* is amended as set out in Schedule 1.

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 27)

Column 1 Item	Column 2 Section of 1998 Act	Column 3 Type of fee	Column 4 Amount
1	23 (1) (a)	Inspection of prescribed document	\$16
2	23 (1) (b)	Certified copy of prescribed document	\$17 and \$2 for each page after the first page
3	25	Application for extension or abridgement of time within which anything is required to be done under the 1998 Act	\$67
4	50 (1)	Application to Registrar for registration of proposed co-operative housing society or Starr-Bowkett society	\$196
5	67	Registration of alteration of society's rules	\$14 per rule to a maximum of \$130
6	80 (2)	Application for issue of amended certificate of incorporation or new certificate resulting from change of name of co-operative housing body	\$67
7	80 (4)	Application for approval of use by co-operative housing body of name other than registered name	\$34

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Schedule 1 Amendment

Column 1 Item	Column 2 Section of 1998 Act	Column 3 Type of fee	Column 4 Amount
8	84 (3)	Application by person or body (other than co-operative housing body) for exemption to use words co-operative housing society or Starr-Bowkett , or other words, abbreviations or symbols with similar meaning	\$326
	88	Application of the following sections of the Corporations Act in accordance with section 88 of the 1998 Act:	
9		Section 263 (1): Lodgment of:	
		(a) notice of charge	\$67
		(b) copy of resolution, where it is only evidence of charge	\$67
		(c) instrument, where charge was created or evidenced by the instrument	\$67
10		Section 264 (1): Lodgment of:	
		(a) notice of acquisition of property subject to charge	\$67
		(b) copy of resolution, where it is only evidence of charge	\$67
		(c) instrument, where charge was created or evidenced by the instrument	\$67
11		Section 265 (5) (b): Application to Registrar for extension of time to lodge certificate to effect that all documents accompanying notice required under section 263 or 264 have been duly stamped	\$67
12		Section 268 (1): Lodgment of notice of assignment of charge	\$67
13		Section 268 (2): Lodgment of notice of variation of terms of charge	\$67

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Section of 1998 Act	Type of fee	Amount
14		Section 269 (2): Lodgment of memorandum acknowledging satisfaction of, and release of property from, charges	\$67
15	115 (7)	Lodgment of special resolution for registration	\$14
16	117 (3)	Application for consent of Registrar for society to keep all or any registers at office other than registered office	\$34
17	148 (1)	Lodgment of returns: (a) on or before the due date (b) more than 1 day but less than 28 days after the due date (c) 28 days or more after the due date	Nil \$96 \$196
18	149 (1)	Application for order for relief from certain specified requirements as to accounts or audit	\$260
19	152	Application for certification by Registrar that co-operative housing societies are of same type for purpose of proposed merger or transfer of engagements	\$67
20	153 (1)	Application for registration of merger of, or transfer of engagements by, co-operative housing societies	\$67
21	153 (2)	Application for determination by Registrar that co-operative housing societies' boards may approve of proposed merger or transfer of engagements	\$67
22	153 (3)	Application for approval by Registrar of statement to be sent to members specifying details of proposed merger or transfer of engagements	\$260

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Schedule 1 Amendment

Column 1 Item	Column 2 Section of 1998 Act	Column 3 Type of fee	Column 4 Amount
23	153 (5)	Application to Registrar seeking exemption from requirement to send statement under section 153 (3) of the 1998 Act	\$67
	173	Application of the following sections of the Corporations Act in accordance with section 173 of the 1998 Act:	
24		Section 411 (2) (a): Application to Registrar for permission for lesser period of notice of hearing of application under section 411 (1) or (1A)	\$67
25		Section 411 (2) (b): Examination by Registrar of terms of proposed compromise or arrangement to which application relates and draft explanatory statement relating to proposed compromise or arrangement	\$647
26		Section 411 (7): Application to Registrar for direction that section 411 (7) (f) does not apply in relation to appointment of person to administer compromise or arrangement	\$260
27		Section 413 (3): Lodgment of office copy of order made under section 413	\$34
		Additional fee for late lodgment of copy of order	\$67
	174	Application of the following sections of the Corporations Act in accordance with section 174 of the 1998 Act:	
28		Section 418 (1): Application to Registrar for direction that section 418 (1) (f) does not apply in relation to appointment of person as receiver of property of corporation	\$260

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Amendment

Schedule 1

Column 1 Item	Column 2 Section of 1998 Act	Column 3 Type of fee	Column 4 Amount
29		Section 421A: Inspection of managing controller's report at Registrar's office	\$16
30		Section 421A (2): Lodgment of managing controller's report about corporation's affairs:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$96
		(c) 28 days or more after the due date	\$196
31		Section 427 (1) (a): Lodgment of notice of order of appointment of receiver	Nil
		Additional fee for late lodgment	\$34
32		Section 427 (1A): Lodgment of notice of appointment of controller of property of corporation	Nil
		Additional fee for late lodgment	\$34
33		Section 427 (1B) (a): Lodgment of notice that controller has entered into possession or taken control	Nil
		Additional fee for late lodgment	\$34
34		Section 427 (2): Lodgment of notice of address of controller	Nil
		Additional fee for late lodgment	\$34
35		Section 427 (3): Lodgment of notice of change in situation of controller's office	Nil
		Additional fee for late lodgment	\$34

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

Schedule 1 Amendment

Column 1 Item	Column 2 Section of 1998 Act	Column 3 Type of fee	Column 4 Amount
36		Section 427 (4): Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$34
37		Section 429 (2) (c): Lodgment by controller of reporting officers' report about corporation's affairs and notice setting out comments (if any) by controller relating to report	Nil
		Additional fee for late lodgment	\$34
38		Section 432 (1): Lodgment of controller's accounts:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$96
		(c) 28 days or more after the due date	\$196
39	177	Application to Registrar to exercise powers conferred by the provisions of the Corporations Act referred to in:	
		(a) section 177 (2) (a) of the 1998 Act	\$35
		(b) section 177 (2) (b) of the 1998 Act	\$67
40	184 (1)	Application for registration of two or more bodies as an association	\$196
41	225 (1A)	Lodgment of any other document under the 1998 Act	Nil
		Additional fee for late lodgment	\$34



New South Wales

Co-operatives Amendment (Fees) Regulation 2008

under the

Co-operatives Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operatives Act 1992*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Co-operatives Act 1992*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Co-operatives Act 1992*, including section 446 (the general regulation-making power) and, in particular, section 446 (2) (c).

Clause 1 Co-operatives Amendment (Fees) Regulation 2008

Co-operatives Amendment (Fees) Regulation 2008

under the

Co-operatives Act 1992

1 Name of Regulation

This Regulation is the *Co-operatives Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Co-operatives Regulation 2005

The *Co-operatives Regulation 2005* is amended as set out in Schedule 1.

Co-operatives Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Fees

(Clause 55)

Column 1 Item	Column 2 Provision of Act	Column 3 Type of fee	Column 4 Amount
1	19	Application to Registrar for registration—proposed co-operative	\$129 non-trading \$196 trading
2	24	Application to Registrar for registration—existing body corporate	\$196
3	28G	Issue of duplicate certificate	\$34
4	67 (2)	Application for Registrar's certificate	\$34
5	76A (2)	Application for Registrar's consent	\$67
6	108 (3)	Copy of rules	\$16 for the first page and \$1 for each page thereafter
7	113 (2)	Application for registration of rule alteration	\$14 per rule to a maximum of \$130
8	113 (5)	Issue of certificate of registration of rule alteration	\$34
9	125 (1)	Application to Council for review	\$67
10	126 (3)	Application to Registrar for determination of a member's eligibility to vote	\$129
11	127 (5)	Application to Council for an order against cancellation of membership	\$129

Page 3

Co-operatives Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
12	136 (6)	Application to Council for reduction in period for repayment	\$260
13	143	Application to Minister for exemption	\$260
14	145 (1)	Application to Council for approval to convert to a co-operative without share capital	\$67
15	155 (3) (a)	Application to Registrar for approval of disclosure statement	\$260
16	172 (3)	Application to Council for exemption regarding purchase and repayment of shares	\$260
17	177 (1) (a)	Application to Council for approval of rules restricting voting rights	\$260
18	178 (2)	Application to Council for review of voting entitlement	\$260
19	192 (2) (c)	Lodgment of special resolution (not involving alteration of rules)	\$14 per resolution to a maximum of \$130
20	192A (3)	Issue of certificate of registration of special resolution	\$34
21	194 (3)	Application to Registrar for approval of disclosure statement	\$260
22	212 (1) (c)	Application to Registrar for approval to fill a casual vacancy on a board in an alternative manner	\$67
23	216 (3) (b)	Application to Council for approval of co-operative to have employee director	\$67
24	243	Lodgment by a disclosing entity that is a co-operative of an annual financial report and an annual director's report pursuant to sections 292 and 319 of the Corporations Act (as applied by section 243 of the Act)	Nil

Co-operatives Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
25	244 (1)	Application to Registrar for exemption	\$260
26	250 (1) (d)	Approval of office where register is to be kept	\$34
27*	251 (5)	Obtaining copy of an entry in the Register	\$8 for the first page and \$1 for each page thereafter to a maximum of \$66 per document
28	252 (1)	Lodgment of annual report:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$96
		(c) 28 days or more after the due date	\$196
29	255 (5) (g)	Application to Registrar for exemption to use the word "Co-operative" or abbreviation	\$326
30	256	Application to Registrar for approval of the omission of the word "Limited" or abbreviation	\$67
31	257 (e)	Application to Registrar for approval of abbreviation or elaboration of name	\$34
32	259 (1)	Application to Registrar for approval of change of name	\$67
33	260 (3)	Application to Registrar for exemption from the restriction on the use of the words "co-operative" and "co-op" and words importing a similar meaning	\$326
34	261 (3)	Lodgment of notice of change of address	Nil
35	266 (1)	Lodgment of disclosure document under sections 706, 707, 721 and 727 of the Corporations Act (as applied by section 266 of the Act)	\$1,947

Co-operatives Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
36	266 (1)	Lodgment of supplementary or replacement disclosure document under section 719 of the Corporations Act (as applied by section 266 of the Act)	Nil
37	266 (1)	Lodgment of disclosure document under section 707 of the Corporations Act (as applied by section 266 of the Act) relating to sale of unquoted securities	\$260
38	266 (4)	Application to Registrar for exemption	\$260
39	266A (2)	Application to Registrar for approval of disclosure statement	\$260
40	268 (3) (a)	Application to Registrar for approval of disclosure statement	\$260
41	273 (1) (c)	Application to Registrar for approval of terms of issue of CCUs	\$260
42	282 (3)	Application to Registrar for approval of limited dividend amount or rate in excess of prescribed amount	\$260
43	285 (2)	Application to Council for exemption	\$260
44	289 (3)	Application to Council for approval of maximum share interest	\$260
45*	294 (2) (b)	Inspection of register of notifiable interests	\$34
46	298	Application to Registrar for exemption	\$260
47	300 (1)	Application to Council for approval of share offer	\$260
48	302 (4)	Application to Registrar for extension of period of share offer	\$67
49	308	Application to Council for exemption	\$260
50	311 (2)	Application for Registrar's consent	\$67

Co-operatives Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
51	311A (2)	Application to Registrar for approval of disclosure statement	\$260
52	311B (1)	Application to Registrar for approval of merger or transfer of engagements	\$67
53	312	Application to Council for exemption	\$67
54	316 (4)	Application to Council for exemption	\$260
55	325	Application to Registrar to exercise powers conferred by section 601AE or 601AF of the Corporations Act (as applied by section 325 of the Act)	\$67
56	326 (2)	Application to Council for exemption	\$67
57	346 (1) (a)	Application for Registrar's permission	\$67
58	348 (1) (f)	Application to Registrar for direction	\$260
59	355 (1)	Application to Registrar for approval of explanatory statement	\$1,947
60	357 (5)	Lodgment of copy of order	\$34
		Additional fee for late lodgment	\$67
61	369E (2) (f)	Application to Registrar for registration—participating co-operative	\$260
62	369F (2) (d)	Application to Registrar for registration—non-participating co-operative	\$647
63	369K	Lodgment of particulars of alteration	\$34
		Additional fee for late lodgment	\$67
64	369L (1)	Lodgment of balance sheet:	
		(a) on or before the due date	Nil

Co-operatives Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1 Item	Column 2 Provision of Act	Column 3 Type of fee	Column 4 Amount
		(b) more than 1 day but less than 28 days after the due date	\$96
		(c) 28 days or more after the due date	\$196
65	369M (1)	Lodgment of notice of cessation of business—foreign co-operative	Nil
66	369N (1)	Application to Registrar for certificate of compliance	\$778
67	369Q (3) (a)	Application for Registrar's consent	\$260
68	369R (2)	Application to Registrar for approval of disclosure statement	\$260
69	369R (4)	Application to Registrar for exemption	\$260
70	369S (1)	Application to Registrar for approval of merger or transfer of engagements	\$260
71	402 (1) (a)	Application to Registrar for special meeting	\$260
72	402 (1) (b)	Application to Registrar for inquiry	\$647
73	408 (1)	Application to Registrar for extension or abridgment of time	\$67
74	413A (1) (a)	Inspection of Register	\$16
75	413A (1) (b)	Inspection of prescribed document	\$16
76	413A (1) (c)	Certified copy of a document	\$17 for the first page and \$2 for each page thereafter
77	421 (1A)	Application to Registrar for certificate of compliance	\$67
78	421 (1B)	Application to Registrar for certificate stating that a body was not or had ceased to be registered as a co-operative	\$34
79	440A (2) (c)	Application to Registrar for permission to give notice by newspaper	\$67

Co-operatives Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
80	Sch 3 cl 13 (1)	Lodgment of notice of charge	\$67
81	Sch 3 cl 17 (1) (a)	Lodgment of notice of acquisition of property subject to charge	\$67
82	Sch 3 cl 20 (3) (c)	Application to Registrar for extension of time	\$67
83	Sch 3 cl 36 (1)	Lodgment of notice of assignment of charge	\$67
84	Sch 3 cl 36 (2)	Lodgment of notice of variation of terms of charge	\$67
85	Sch 3 cl 37 (2)	Lodgment of memorandum of discharge	\$67
86	Sch 3 cl 42 (1) and (3)	Request for certificate	\$34
87	Sch 3 cl 44	Application to Registrar for exemption	\$260
88	Sch 4 cl 3 (1) (f)	Application to Registrar for direction	\$260
89	Sch 4 cl 6A (2)	Lodgment of managing controller's report:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$96
		(c) 28 days or more after the due date	\$196
90	Sch 4 cl 6A (3) (b)	Inspection of managing controller's report	\$16
91	Sch 4 cl 7 (1) (c)	Lodgment of receiver's report	Nil
92	Sch 4 cl 12 (1) (a)	Lodgment of notice of order	Nil
		Additional fee for late lodgment	\$34
93	Sch 4 cl 12 (2) (a)	Lodgment of notice of appointment of controller	Nil
		Additional fee for late lodgment	\$34

Co-operatives Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1 Item	Column 2 Provision of Act	Column 3 Type of fee	Column 4 Amount
94	Sch 4 cl 12 (3) (a)	Lodgment of notice that person has entered into possession or taken control of property of co-operative	Nil
		Additional fee for late lodgment	\$34
95	Sch 4 cl 12 (5)	Lodgment of notice of change in situation of controller's officer	Nil
		Additional fee for late lodgment	\$34
96	Sch 4 cl 12 (6) (a)	Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$34
97	Sch 4 cl 14 (2) (c)	Lodgment of copy of controller's report	Nil
		Additional fee for late lodgment	\$34
98	Sch 4 cl 14 (4)	Lodgment of notice by controller that extension of time within which to report has been granted	Nil
		Additional fee for late lodgment	\$34
99	Sch 4 cl 14 (5)	Lodgment of copy of court order that extension of time within which to report has been granted	Nil
		Additional fee for late lodgment	\$34
100	Sch 4 cl 17 (1)	Lodgment of controller's financial statement:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	\$96
		(c) 28 days or more after the due date	\$196
101		Lodgment of any other document under the Act	Nil
		Additional fee for late lodgment	\$34

Co-operatives Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
102		Lodgment of any other document under the Corporations Act as adopted by the Act	Nil

*Fees payable to the co-operative

LEGISLATION—Continued



New South Wales

Criminal Procedure Amendment (Fees) Regulation 2008

under the

Criminal Procedure Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Criminal Procedure Act 1986*.

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

Explanatory note

The object of this Regulation is to increase certain fees that are payable in relation to criminal proceedings.

This Regulation is made under the *Criminal Procedure Act 1986*, including section 4A (Fees).

Clause 1 Criminal Procedure Amendment (Fees) Regulation 2008

Criminal Procedure Amendment (Fees) Regulation 2008

under the

Criminal Procedure Act 1986

1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Criminal Procedure Regulation 2005

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

Criminal Procedure Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees

(Clauses 13 and 14)

Part 1 Court fees

	Column 1	Column 2
Item	Matter for which fee payable	Fee
1	Filing a court attendance notice under Chapter 4 of the <i>Criminal Procedure Act 1986</i>	\$73
2	Filing an application to a Local Court for annulment of conviction or sentence under Part 2 of the <i>Crimes (Appeal and Review) Act 2001</i>	\$73
3	Filing a notice of appeal, or an application for leave to appeal, to the District Court under Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> :	
	(a) in relation to a single offence	\$89
	(b) in relation to more than 1 offence arising from the same court appearance	\$137
4	To issue a certificate of conviction or dismissal	\$48
5	Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by items 4, 6 and 8)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages
6	Retrieving and providing access to, but not furnishing a copy of, any document	\$0
7	Supply of duplicate tape recording of sound-recorded evidence	\$40 per cassette

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Criminal Procedure Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1		Column 2
Item	Matter for which fee payable	Fee
8	Copy of any deposition, transcript or diskette (unless otherwise provided for under any other Act):	
	(a) for each page, where the matter being transcribed is under 3 months old	\$73, plus \$8.90 per page for each page after the first 8 pages
	(b) for each page, where the matter being transcribed is 3 months old or older	\$89, plus \$10.20 per page for each page after the first 8 pages

Part 2 Sheriff's fees

Column 1		Column 2
Item	Matter for which fee payable	Fee
1	For attending a view by a jury in criminal proceedings	\$142



New South Wales

Driving Instructors Amendment (Fees) Regulation 2008

under the

Driving Instructors Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Driving Instructors Act 1992*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Driving Instructors Act 1992*. The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Driving Instructors Act 1992*, including section 59 (the general regulation-making power) and, in particular, section 59 (2) (a).

Clause 1 Driving Instructors Amendment (Fees) Regulation 2008

Driving Instructors Amendment (Fees) Regulation 2008

under the

Driving Instructors Act 1992

1 Name of Regulation

This Regulation is the *Driving Instructors Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Driving Instructors Regulation 2003

The *Driving Instructors Regulation 2003* is amended by omitting Schedule 1 and by inserting instead the following Schedule:

Schedule 1 Fees

(Clause 6)

Document	\$
Licence subject to a condition that the holder complete a further course of training within a specified time	44
Any other licence	143
Renewal of licence	143
Duplicate licence	21
Certificate under section 46 of the Act	18



New South Wales

Drug Court Amendment Regulation 2008

under the

Drug Court Act 1998

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

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

Explanatory note

This Regulation amends the *Drug Court Regulation 2005* by prescribing Hornsby Local Court as a court that may refer an eligible person to the Drug Court.

This Regulation is made under the *Drug Court Act 1998*, including sections 6 (1), 7 (1) and 32 (the general regulation-making power).

Clause 1 Drug Court Amendment Regulation 2008

Drug Court Amendment Regulation 2008

under the

Drug Court Act 1998

1 Name of Regulation

This Regulation is the *Drug Court Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 30 June 2008.

3 Amendment of Drug Court Regulation 2005

The *Drug Court Regulation 2005* is amended by omitting clause 5 and inserting instead:

5 Referring courts: sections 6 and 7

The following courts and proceedings are prescribed for the purposes of sections 6 (1) and 7 (1) of the Act:

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



New South Wales

Dust Diseases Tribunal Amendment (Fees) Regulation 2008

under the

Dust Diseases Tribunal Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dust Diseases Tribunal Act 1989*.

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

Explanatory note

The object of this Regulation is to increase certain fees payable in respect of proceedings before the Dust Diseases Tribunal.

This Regulation is made under the *Dust Diseases Tribunal Act 1989*, including section 34 (Regulations: Tribunal fees).

Clause 1 Dust Diseases Tribunal Amendment (Fees) Regulation 2008

Dust Diseases Tribunal Amendment (Fees) Regulation 2008

under the

Dust Diseases Tribunal Act 1989

1 Name of Regulation

This Regulation is the *Dust Diseases Tribunal Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Dust Diseases Tribunal Regulation 2007

The *Dust Diseases Tribunal Regulation 2007* is amended as set out in Schedule 1.

Dust Diseases Tribunal Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Fees chargeable

Omit clause 4 (1). Insert instead:

- (1) Subject to this Regulation, the fee that a person must pay in respect of a matter referred to in Column 1 of Schedule 1 is:
 - (a) except as provided by paragraph (b), the fee specified in respect of that matter in Column 2 of that Schedule, or
 - (b) if the person is a corporation and a fee is specified in respect of that matter in Column 3 of that Schedule, the fee so specified.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 4)

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an initiating process	\$160	\$320
2 Filing a cross-claim	\$160	\$320
3 Filing a request for a first directions hearing (for a claim or cross-claim)	\$623	\$1,246
4 Filing a notice of motion	\$160	\$320
5 To open or keep open the registry or part of the registry:		
(a) on a Saturday, Sunday or public holiday	\$552	\$1,104
(b) on any other day:		
(i) before 8.30 am or after 4.30 pm	\$552	\$1,104
(ii) between 8.30 and 9 am or 4 and 4.30 pm	\$58	\$116

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Dust Diseases Tribunal Amendment (Fees) Regulation 2008

Schedule 1 Amendments

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
6 To furnish a copy of the written opinion or reasons for opinion of any member of the Tribunal:		
(a) for a printed copy	\$55	—
(b) for any other kind of copy	\$34	—
Note. A party to proceedings before the Tribunal is entitled to one copy of the opinion or reasons for opinion in relation to the proceedings without charge.		
7 Making a copy of any document, otherwise than as provided for by item 6, for each page (minimum fee of \$10)	\$2	—
8 Supply of a duplicate tape recording of sound-recorded evidence, for each cassette	\$40	—
9 For each copy of the transcript of any proceedings:		
(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages of \$73)	\$8.90	—
(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages of \$89)	\$10.20	—
10 To issue a subpoena for production	\$62	\$124
11 To issue a subpoena for production and to give evidence	\$62	\$124
12 To issue a subpoena to give evidence	\$30	\$60
13 Receipt by the Registrar of a document or thing produced in compliance with a notice to produce under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i>	\$62	\$124

Dust Diseases Tribunal Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
14 The fee for a service not otherwise provided for in this Schedule Note. This fee is chargeable only with the approval of the Registrar.	\$33	\$66



New South Wales

Electricity (Consumer Safety) Amendment (Fees) Regulation 2008

under the

Electricity (Consumer Safety) Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity (Consumer Safety) Act 2004*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase the fees payable under the *Electricity (Consumer Safety) Act 2004* in respect of model approvals for electrical articles and for renewals, modifications and notices of change of particulars of model approvals.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Electricity (Consumer Safety) Act 2004*, including section 55 (the general regulation-making power) and, in particular, section 55 (2) (f) and (i).

Clause 1 Electricity (Consumer Safety) Amendment (Fees) Regulation 2008

Electricity (Consumer Safety) Amendment (Fees) Regulation 2008

under the

Electricity (Consumer Safety) Act 2004

1 Name of Regulation

This Regulation is the *Electricity (Consumer Safety) Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Electricity (Consumer Safety) Regulation 2006

The *Electricity (Consumer Safety) Regulation 2006* is amended as set out in Schedule 1.

Electricity (Consumer Safety) Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Applicable fees

(Clause 4)

	Matter for which fee payable	Fee
1	Application for model approval (clause 5 (2) (a)):	
	(a) for Category 1 articles,	\$388
	(b) for Category 2 articles.	\$776
2	Application for renewal of model approval (clause 8 (3) (c)).	\$388
3	Application for modification of model approval (clause 11 (2) (b)).	\$292
4	Lodgment of notice of change of particulars of model approval (clause 13 (2)):	
	(a) for change of no more than 4 model approvals by means of a single notice,	\$96
	(b) for change to each additional model approval specified by the notice.	\$27 per additional approval



New South Wales

Fisheries Management Legislation Amendment (Fees and Other Matters) Regulation 2008

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

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

Explanatory note

The objects of this Regulation (in relation to the amendments set out in Schedule 1) are as follows:

- (a) to increase certain fees, charges and contributions payable under the *Fisheries Management Act 1994 (the Act)*, with the increases generally in line with movements in the Consumer Price Index,
- (b) to repeal clauses 150 (annual contribution for cost of research and other industry costs paid by commercial fishers who hold a class 1 or 2 commercial fishing licence), 150A (transitional arrangements for payment of the fee under clause 150) and 150B (annual contribution payable by participants in the tuna bait fishery) of the *Fisheries Management (General) Regulation 2002 (the General Regulation)* as a consequence of the repeal (with effect on and from 30 June 2008) of section 106 (Annual contribution to cost of research and to other industry costs) of the Act,
- (c) to increase the annual contribution amounts set out in clauses 150C (Annual contribution by participants in southern fish trawl restricted fishery) and 150D (Annual contribution by participants in sea urchin and turban shell restricted fishery) of the General Regulation to take into account the costs of carrying out research (pursuant to section 115A (1) of the Act) in the calculation of the annual contribution,
- (d) to provide (in clause 150C of the General Regulation) that the annual contribution by participants in a southern fish trawl restricted fishery is:
 - (i) \$530 for each southern fish trawl business (other than a fishing business described in paragraph (ii)), and
 - (ii) \$338 for each southern fish trawl fishing business the other components of which include shares in a share management fishery,

Fisheries Management Legislation Amendment (Fees and Other Matters) Regulation 2008

Explanatory note

-
- (e) to provide that the Minister for Primary Industries (*the Minister*) may waive all or part of the fee payable for an endorsement in the inland restricted fishery under clause 238 of the General Regulation in such cases as the Minister considers appropriate,
 - (f) to repeal an out-of-date provision (clause 427 of the General Regulation),
 - (g) to increase the maximum management charge payable under section 76 (3) of the Act (and as set out in clause 10A (2) and (3) (a) of the *Fisheries Management (Supporting Plan) Regulation 2006*) by holders of shares in relevant share management fisheries to take into account the costs of carrying out research and other industry costs in the calculation of the management charge.

The objects of this Regulation (in relation to the amendments set out in Schedule 2) are as follows:

- (a) to increase the minimum legal size of abalone from 11.5 centimetres to 11.7 centimetres,
- (b) to provide for the conversion of certain non-transferable charter fishing boat licences into transferable licences with the Minister's approval,
- (c) to provide that the Minister may refuse an application for a charter fishing boat licence for a boat if the applicant has previously held a licence that has been suspended or cancelled,
- (d) to amend the share management plans for various fisheries to provide that the minimum shareholding of one share of a particular class for original entitlement holders ceases to apply if any of the shares are cancelled.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 15, 60, 67, 76, 115A, 127C and 289 (the general regulation-making power).

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Clause 1

Fisheries Management Legislation Amendment (Fees and Other Matters) Regulation 2008

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment (Fees and Other Matters) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendments relating to fees, charges and contributions

- (1) The *Fisheries Management (Abalone Share Management Plan) Regulation 2000* is amended as set out in Schedule 1.1.
- (2) The *Fisheries Management (Aquaculture) Regulation 2007* is amended as set out in Schedule 1.2.
- (3) The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.3.
- (4) The *Fisheries Management (Lobster Share Management Plan) Regulation 2000* is amended as set out in Schedule 1.4.
- (5) The *Fisheries Management (Supporting Plan) Regulation 2006* is amended as set out in Schedule 1.5.

4 Other amendments

- (1) The *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* is amended as set out in Schedule 2.1.
- (2) The *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006* is amended as set out in Schedule 2.2.
- (3) The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 2.3.
- (4) The *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* is amended as set out in Schedule 2.4.
- (5) The *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006* is amended as set out in Schedule 2.5.

Clause 4 Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

- (6) The *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006* is amended as set out in Schedule 2.6.

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Amendments relating to fees, charges and contributions

Schedule 1

Schedule 1 Amendments relating to fees, charges and contributions

(Clause 3)

1.1 Fisheries Management (Abalone Share Management Plan) Regulation 2000

[1] Appendix Abalone Share Management Plan

Omit "\$244" from clause 9 (2) (a). Insert instead "\$254".

[2] Appendix, clause 9 (2) (b)

Omit "\$427". Insert instead "\$445".

[3] Appendix, clause 19 (2) (b)

Omit "\$182". Insert instead "\$190".

1.2 Fisheries Management (Aquaculture) Regulation 2007

[1] Clause 5 Fee payable when applying for an aquaculture permit

Omit "\$244" wherever occurring in clause 5 (1) (a) and (b).

Insert instead "\$254".

[2] Clause 5 (1) (c) and (f)

Omit "\$366" wherever occurring. Insert instead "\$381".

[3] Clause 5 (1) (d), (g) and (h)

Omit "\$609" wherever occurring. Insert instead "\$635".

[4] Clause 5 (1) (e)

Omit "\$487". Insert instead "\$507".

[5] Clause 5 (1) (i) and (2) (a)

Omit "\$61" wherever occurring. Insert instead "\$64".

[6] Clause 5 (2) (b)

Omit "\$122". Insert instead "\$127".

**[7] Clause 7 Aquaculture permit holders liable to pay contributions towards
cost of administration**

Omit "\$427" from clause 7 (2). Insert instead "\$445".

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Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Schedule 1 Amendments relating to fees, charges and contributions

- [8] **Clause 11 Aquaculture permit holders liable to pay contributions for research**
Omit “\$34” from clause 11 (3) (a). Insert instead “\$35”.
- [9] **Clause 11 (3) (b) and (c) (i)**
Omit “\$122” wherever occurring. Insert instead “\$127”.
- [10] **Clause 11 (3) (c) (ii)**
Omit “\$25”. Insert instead “\$26”.
- [11] **Clause 31 Application for, and refusal of, an aquaculture lease**
Omit “\$609” wherever occurring in clause 31 (2) (a)–(c).
Insert instead “\$635”.
- [12] **Clause 31 (2) (d)**
Omit “\$976”. Insert instead “\$1,017”.
- [13] **Clause 38 Application for renewal of an aquaculture lease**
Omit “\$487” from clause 38 (2) (a). Insert instead “\$507”.
- [14] **Clause 38 (2) (b) and (d)**
Omit “\$366” wherever occurring. Insert instead “\$381”.
- [15] **Clause 38 (2) (c)**
Omit “\$609”. Insert instead “\$635”.
- [16] **Clause 40 Minimum rent for leased area**
Omit “\$122” from clause 40 (1) (a). Insert instead “\$127”.
- [17] **Clause 40 (1) (b)**
Omit “\$45”. Insert instead “\$47”.
- [18] **Clause 44 Fee payable for Minister’s consent to subletting of leased area**
Omit “\$427”. Insert instead “\$445”.
- [19] **Clause 45 Procedure for getting Minister’s consent to transfer of aquaculture lease**
Omit “\$671” from clause 45 (2) (c). Insert instead “\$699”.
- [20] **Clause 45 (3)**
Omit “\$61”. Insert instead “\$64”.

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Amendments relating to fees, charges and contributions

Schedule 1

-
- [21] **Clause 46 Transmission of aquaculture lease on lessee's death**
Omit "\$427" from clause 46 (1) (b). Insert instead "\$445".
- [22] **Clause 46 (2)**
Omit "\$61". Insert instead "\$64".
- [23] **Clause 47 Aquaculture lease may be surrendered**
Omit "\$305" from clause 47 (1) (b). Insert instead "\$318".
- [24] **Clause 47 (2)**
Omit "\$61". Insert instead "\$64".
- [25] **Clause 47 (3) (d)**
Omit "\$427". Insert instead "\$445".
- [26] **Clause 48 Aquaculture leases may be consolidated**
Omit "\$487" from clause 48 (2) (c). Insert instead "\$507".
- [27] **Clause 49 Aquaculture leases may be subdivided**
Omit "\$487" from clause 49 (2) (c). Insert instead "\$507".
- [28] **Clause 50 Certified copy of lease or plan**
Omit "\$61" wherever occurring in clause 50 (1) (a) and (3) (c).
Insert instead "\$64".
- [29] **Clause 54 Obligations of aquaculture lessee to mark out leased area**
Omit "\$61" from clause 54 (4). Insert instead "\$64".
- [30] **Clause 66 Permit required to gather marine vegetation for commercial purposes**
Omit "\$122" from clause 66 (10). Insert instead "\$127".
- [31] **Clause 67 Fee for permit under section 37**
Omit "\$182" from clause 67 (1). Insert instead "\$190".
- 1.3 Fisheries Management (General) Regulation 2002**
- [1] **Clause 24 Registration**
Omit "\$25" from clause 24 (4). Insert instead "\$26".

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Schedule 1 Amendments relating to fees, charges and contributions

- [2] **Clause 113 Permit to use explosives**
Omit "\$122" from clause 113 (5). Insert instead "\$127".
- [3] **Clause 115 Permit to use electrical devices**
Omit "\$122" from clause 115 (5). Insert instead "\$127".
- [4] **Clause 133A Fees for marine park permits under section 37 of the Act**
Omit "\$61" from clause 133A (1). Insert instead "\$64".
- [5] **Clause 133O Approval of transfers by Director-General**
Omit "\$244" from clause 133O (5). Insert instead "\$254".
- [6] **Clause 137 Special endorsements to take fish in share management fishery**
Omit "\$122". Insert instead "\$127".
- [7] **Clause 141 Fee for registration of dealings in shares**
Omit "\$244" from clause 141 (1) (a). Insert instead "\$254".
- [8] **Clause 141 (1) (b)**
Omit "\$427". Insert instead "\$445".
- [9] **Clause 142 Fee for inspection of Share Register and registered documents**
Omit "\$61" from clause 142 (1) (b). Insert instead "\$64".
- [10] **Clause 144 Fee for application for issue of commercial fishing licence**
Omit "\$487" wherever occurring in clause 144 (2) (a) and (b).
Insert instead "\$507".
- [11] **Clause 144 (2) (c)**
Omit "\$122". Insert instead "\$127".
- [12] **Clause 147 Renewal of commercial fishing licence**
Omit "\$244" from clause 147 (2A) (a). Insert instead "\$254".
- [13] **Clause 147 (2A) (b)**
Omit "\$122". Insert instead "\$127".

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Amendments relating to fees, charges and contributions

Schedule 1

-
- [14] **Clauses 150 (Annual contribution to cost of research and other industry costs), 150A (Transitional arrangements for payment of annual contributions) and 150B (Annual contribution by participants in tuna bait fishery)**
Omit the clauses.
- [15] **Clause 150C Annual contribution by participants in southern fish trawl restricted fishery**
Omit clause 150C (2). Insert instead:
- (2) The amount of the contribution is:
 - (a) \$530 for each southern fish trawl fishing business (other than a fishing business described in paragraph (b)), and
 - (b) \$338 for each southern fish trawl fishing business the other components of which include shares in a share management fishery.
- [16] **Clause 150C (5)**
Omit “(including the contributions referred to in clauses 150 and 150A)”.
- [17] **Clause 150D Annual contribution by participants in sea urchin and turban shell restricted fishery**
Omit “\$1,036” from clause 150D (2). Insert instead “\$1,272”.
- [18] **Clause 150D (5)**
Omit “(including the contributions referred to in clauses 150 and 150A)”.
- [19] **Clause 151 Fee for application for issue of fishing boat licence**
Omit “\$171” wherever occurring in clause 151 (2) (a) and (b).
Insert instead “\$178”.
- [20] **Clause 151 (2) (b)**
Omit “\$25”. Insert instead “\$26”.
- [21] **Clause 154 Renewal of fishing boat licence**
Omit “\$48” wherever occurring in clause 154 (2A) (a) and (b).
Insert instead “\$50”.
- [22] **Clause 154 (2A) (b)**
Omit “\$25”. Insert instead “\$26”.

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Schedule 1 Amendments relating to fees, charges and contributions

- [23] **Clause 158 Transfer of right to a fishing boat licence**
Omit "\$305" from clause 158 (3). Insert instead "\$318".
- [24] **Clause 161 Fee to accompany application for registration**
Omit "\$122". Insert instead "\$127".
- [25] **Clause 181 Transfer of quota**
Omit "\$182" from clause 181 (2) (c). Insert instead "\$190".
- [26] **Clause 238 Endorsement fees**
Omit "\$2,438" from clause 238 (1) (a). Insert instead "\$2,540".
- [27] **Clause 238 (1) (b) and (c)**
Omit "\$305" wherever occurring. Insert instead "\$318".
- [28] **Clause 238 (5)**
Insert after clause 238 (4):
(5) The Minister may waive all or part of a fee payable under this clause in such cases as the Minister considers appropriate.
- [29] **Clause 242 Transfer fee**
Omit "\$3,047" from clause 242 (1). Insert instead "\$3,175".
- [30] **Clause 285 Applications for registration as fish receiver**
Omit "\$914" from clause 285 (2). Insert instead "\$952".
- [31] **Clause 285 (3) (a)**
Omit "\$2,977". Insert instead "\$3,102".
- [32] **Clause 285 (3) (b)**
Omit "\$1,488". Insert instead "\$1,550".
- [33] **Clause 299 Annual licence fee**
Omit "\$457" from clause 299 (1). Insert instead "\$476".
- [34] **Clause 299 (1)**
Omit "\$92". Insert instead "\$96".
- [35] **Clause 305 Transfer of entitlement to history of operations**
Omit "\$305" from clause 305 (3). Insert instead "\$318".

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Amendments relating to fees, charges and contributions

Schedule 1

-
- [36] Clause 306 Boat replacement**
Omit “\$305” from clause 306 (1) (b). Insert instead “\$318”.
- [37] Clause 308 Renewal of licence**
Omit “\$122” from clause 308 (5). Insert instead “\$127”.
- [38] Clause 339 Fees for permits under Part 7 of the Act**
Omit “\$216” from clause 339 (1). Insert instead “\$225”.
- [39] Clause 339 (2) (a)**
Omit “\$119”. Insert instead “\$124”.
- [40] Clause 339 (2) (b)**
Omit “\$61”. Insert instead “\$64”.
- [41] Clause 427 Waiver of contribution towards fishery monitoring programs**
Omit the clause.
- 1.4 Fisheries Management (Lobster Share Management Plan) Regulation 2000**
- [1] Appendix Lobster Share Management Plan**
Omit “\$244” from clause 9 (2) (a). Insert instead “\$254”.
- [2] Appendix, clause 9 (2) (b)**
Omit “\$427”. Insert instead “\$445”.
- [3] Appendix, clause 19 (2) (b)**
Omit “\$182”. Insert instead “\$190”.
- 1.5 Fisheries Management (Supporting Plan) Regulation 2006**
- [1] Appendix**
Omit “\$335” wherever occurring in clause 10A (2) and (3) (a).
Insert instead “\$795”.
- [2] Appendix, Clause 10A (3) (b)**
Omit “\$95”. Insert instead “\$99”.

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Schedule 2 Other amendments

Schedule 2 Other amendments

(Clause 4)

2.1 Fisheries Management (Estuary General Share Management Plan) Regulation 2006

Appendix

Insert “or if any shares of that class are cancelled” after “that class” in clause 7 (3).

2.2 Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

Appendix

Insert “or if any shares of that class are cancelled” after “that class” in clause 7 (3).

2.3 Fisheries Management (General) Regulation 2002

[1] Clause 9 Prohibited size fish

Omit “11.5” from Column 2 of Part 2 of Table 1 to the clause in the matter relating to Abalone.

Insert instead “11.7”.

[2] Clause 305A

Insert after clause 305:

305A Conversion of non-transferable licence into transferable licence (estuarine fishing only)

- (1) A person who holds a non-transferable licence for a boat that authorises the use of the boat for guided recreational charter fishing in the estuarine fishing sector may apply to the Minister to have that licence converted into a transferable licence.
- (2) The Minister may approve the conversion of the relevant licence into a transferable licence if the Minister is satisfied that:
 - (a) the person was actively engaged in guided recreational charter fishing in the estuarine fishing sector before 3 December 2005, and
 - (b) the person held a licence that authorised the use of the boat for guided recreational charter fishing in the estuarine fishing sector on 3 December 2005, and

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Other amendments

Schedule 2

-
- (c) the person has held that licence continuously since 3 December 2005, and
 - (d) the licence does not authorise, and has not authorised at any time since 3 December 2005, the use of the boat for any of the following recreational fishing activities:
 - (i) nearshore bottom fishing and sportfishing,
 - (ii) gamefishing,
 - (iii) deep sea bottom fishing.
 - (3) An application for the Minister's approval is to be in an approved form.
 - (4) If the Minister approves the conversion of a licence under this clause, it is taken to be a transferable licence.
 - (5) In this clause, *estuarine fishing sector* means that part of the charter fishing boat industry in which charter fishing boats are used for the purpose of recreational estuarine fishing.

[3] Clause 307 Refusal of licence

Insert at the end of clause 307 (e):

, or

- (f) the applicant has previously held a licence that has been suspended or cancelled by the Minister.

2.4 Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

Appendix

Insert "or if any shares of that class are cancelled" after "that class" in clause 7 (3).

2.5 Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

Appendix

Insert "or if any shares of that class are cancelled" after "that class" in clause 6 (3).

Fisheries Management Legislation Amendment (Fees and Other Matters)
Regulation 2008

Schedule 2 Other amendments

2.6 Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

Appendix

Insert “or if any shares of that class are cancelled” after “that class” in clause 6 (3).



New South Wales

Funeral Funds Amendment (Fees) Regulation 2008

under the

Funeral Funds Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Funeral Funds Act 1979*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable under the *Funeral Funds Act 1979* in respect of funeral contribution funds and pre-paid funeral funds.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Funeral Funds Act 1979*, including section 92 (the general regulation-making power) and, in particular, section 92 (2) (b).

Clause 1 Funeral Funds Amendment (Fees) Regulation 2008

Funeral Funds Amendment (Fees) Regulation 2008

under the

Funeral Funds Act 1979

1 Name of Regulation

This Regulation is the *Funeral Funds Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Funeral Funds Regulation 2006

The *Funeral Funds Regulation 2006* is amended as set out in Schedule 1.

Funeral Funds Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 5

Omit the Schedule. Insert instead:

Schedule 5 Fees

(Clause 20)

Matter	Fee
For registering a funeral contribution fund	\$422
For registering a pre-paid funeral fund	\$422
For approving an alteration of or addition to the rules of a funeral contribution fund	\$140
For confirming a scheme of transfer or amalgamation of the contributory funeral benefit business of a funeral contribution fund	\$56
For confirming a scheme of transfer of trust funds under pre-paid contracts	\$56
For receiving an application for an extension or reduction of time for the doing of any act required by or under the Act to be done	\$56
For receiving a return and any accompanying documents referred to in section 24 (1) of the Act or a return referred to in section 49G (1) of the Act	\$56
For receiving a copy of an auditor's report on a pre-paid funeral fund under section 49C (2) of the Act	\$56
For providing a copy of a return or document, or part of a return or document, certified under the hand and seal of the Director-General to be a true copy	\$1 per page provided that the total fee does not exceed \$39
For confirming the appointment of a substitute or additional trustee under section 38 of the Act	\$56



New South Wales

Gaming Machines Amendment Regulation 2008

under the

Gaming Machines Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

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

Explanatory note

The object of this Regulation is to amend the *Gaming Machines Regulation 2002* to update references and repeal obsolete provisions as a consequence of the enactment of the *Liquor Act 2007*, the *Casino, Liquor and Gaming Control Authority Act 2007* and the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007*.

This Regulation is made under the *Gaming Machines Act 2001*, including section 210 (the general regulation-making power).

Clause 1 Gaming Machines Amendment Regulation 2008

Gaming Machines Amendment Regulation 2008

under the

Gaming Machines Act 2001

1 Name of Regulation

This Regulation is the *Gaming Machines Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Gaming Machines Regulation 2002

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Gaming Machines Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

- [1] **The whole Regulation (except clauses 8, 8A and 136A and except where otherwise amended by this Schedule)**
Omit “Board” and “Board’s” wherever occurring.
Insert instead “Authority” and “Authority’s”, respectively.
- [2] **Clauses 3 (1) (definition of “technician’s place of business”) and 61 (1)**
Omit “Licensing Court” wherever occurring. Insert instead “Authority”.
- [3] **Clauses 9 (1), 29 (3) and (4) and 33 (2) (a) (i)**
Omit “hotelier’s licence” wherever occurring.
Insert instead “hotel licence”.
- [4] **Clause 9 Hotel gaming rooms**
Omit clause 9 (2) (a). Insert instead:
(a) the gaming room must be located in a bar area of the hotel, and it must not be in a part of the hotel in respect of which a minors area authorisation under section 121 of the *Liquor Act 2007*, or a minors functions authorisation under section 122 of that Act, is in force,
- [5] **Clause 10 Location and operation of gaming machines in hotels**
Omit “restricted area (within the meaning of the *Liquor Act 1982*)” from clause 10 (1) (a).
Insert instead “bar area (within the meaning of the *Liquor Act 2007*)”.
- [6] **Clause 10 (1) (b)**
Omit “*Liquor Act 1982* in the restricted area”.
Insert instead “*Liquor Act 2007* in the bar area”.
- [7] **Clauses 12 and 18 (2)**
Omit “kept by the hotelier or club” wherever occurring.
Insert instead “kept by the hotelier or on the premises of the club”.

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

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- [8] **Clauses 13 (1), 14 (1) and (2), 21 (1), 27 (1), 34 (1) (a), 46 (6), 47 (2) (b), 48, 51 (4), 67 (definitions of “authorised progressive gaming machine” and “authorised progressive system”), 71 (2), 80 (definitions of “account card” and “player account”), 87 (3), 96 (1), 97 (5), 100 (1) and 101 (1) (b)**
Omit “in the hotel or club” wherever occurring.
Insert instead “in the hotel or on the premises of the club”.
- [9] **Clauses 15, 18 (5), 19 (1) and 134 (2)**
Omit “kept by the club” wherever occurring.
Insert instead “kept on the premises of the club”.
- [10] **Clauses 17 (1), 49 (5), 78 (6) and 79**
Omit “in a registered club” wherever occurring.
Insert instead “on the premises of a registered club”.
- [11] **Clause 18 Meters**
Omit “kept by a registered club” from clause 18 (8).
Insert instead “kept on the premises of a registered club”.
- [12] **Clauses 20 and 77 (2) and (4)**
Omit “kept in the club” wherever occurring.
Insert instead “kept on the premises of the club”.
- [13] **Clauses 20 (1) (c) and (3) (c), 70 (c), 89 (1) (c), 102 (3) and 114 (2)**
Omit “a special inspector” wherever occurring. Insert instead “an inspector”.
- [14] **Clauses 21 (3) (a) and 23 (2)**
Omit “each part of the hotel or registered club” wherever occurring.
Insert instead “each part of the hotel, or each part of the premises of the registered club,”.
- [15] **Clauses 21 (3) (a), 23 (3), 28 (a) and 46 (5)**
Omit “part of the hotel or club” wherever occurring.
Insert instead “part of the hotel, or part of the premises of the club,”.

Gaming Machines Amendment Regulation 2008

Amendments

Schedule 1

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- [16] Clauses 22 (1) (c) and 35 (2) and (6) (b)**
Omit “Department of Gaming and Racing” wherever occurring.
Insert instead “NSW Office of Liquor, Gaming and Racing, Department of the Arts, Sport and Recreation”.
- [17] Clause 26 Counselling signage—notice to be displayed**
Omit “to the hotel or club” wherever occurring in clause 26 (1).
Insert instead “to the hotel or the premises of the club”.
- [18] Clause 28 Display of clocks**
Omit “part of the hotel or club” from clause 28 (b).
Insert instead “part of the hotel or premises of the club”.
- [19] Clause 31 Location of cash dispensing facilities away from gaming machines**
Omit “part of the hotel or club” wherever occurring.
Insert instead “part of the hotel, or a part of the premises of the club,”.
- [20] Clause 33 Classes of social impact assessment**
Omit clause 33 (2B).
- [21] Clauses 41 (2) (a), 47 (4), 50 (1) (a) and 97 (6)**
Insert “on the premises of a” after “a hotel or” wherever occurring.
- [22] Clause 41 Gaming machine advertising and signs—exclusions**
Omit clause 41 (4) and (5).
- [23] Clause 46 Provision of problem gambling counselling services**
Omit “nominated area of the hotel or club” from clause 46 (6) (b).
Insert instead “nominated area of the hotel or premises of the club”.
- [24] Clause 53**
Omit the clause. Insert instead:
- 53 Submissions in relation to licence applications and applications for variation or revocation of licence conditions**
- (1) Any submission to the Authority in relation to an application for a gaming-related licence, or an application for the variation or revocation of a condition of a gaming-related licence, must:

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

-
- (a) specify details of the application to which the submission relates, and
 - (b) be made within 30 days of the date on which the application was made.
- (2) Despite subclause (1), the Authority may, in such cases as the Authority thinks fit, extend the period in which persons may make submissions in relation to any particular application or class of applications.

[25] Clauses 54 and 54A

Omit clause 54. Insert instead:

54 Applications by dealers

- (1) If an application is made to the Authority for a dealer's licence, the applicant must, within 2 working days of making the application, notify each of the following that the application has been made:
 - (a) the local police,
 - (b) the local consent authority,
 - (c) if the premises to which the application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.

54A Notice relating to applications by dealers to be fixed to premises

- (1) If an application is made to the Authority for a dealer's licence, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the premises to which the application relates.
- (2) The notice must be fixed to the premises until such time as the application is determined by the Authority.
- (3) If premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.
- (4) A notice is not fixed to premises or land in accordance with this clause unless:

Gaming Machines Amendment Regulation 2008

Amendments

Schedule 1

-
- (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.

54B Advertisement relating to applications by dealers to be published

- (1) If an application is made to the Authority for a dealer's licence, the applicant must advertise the application:
 - (a) in a newspaper that circulates throughout New South Wales, and
 - (b) in a local newspaper that circulates in the area in which the premises to which the application relates are located.
- (2) The advertisement must:
 - (a) be published within 7 days of the date on which the application was made, and
 - (b) be in the form approved by the Authority.

[26] Clause 77 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

Omit “in the club” from clause 77 (8). Insert instead “on the premises of the club”.

[27] Clause 78 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

Omit “operated in the club” wherever occurring in clause 78 (2) and (4).

Insert instead “operated on the premises of the club”.

[28] Clause 78 (7) and (9)

Omit “in the club” wherever occurring.

Insert instead “on the premises of the club”.

[29] Clause 87 Player activity statements—player accounts

Omit “in the hotel or club” from clause 87 (3) (g).

Insert instead “in the hotel or on the premises of the club”.

[30] Clause 87 (3) (h)

Omit “in hotel or club”.

Insert instead “in the hotel or on the premises of the club”.

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

[31] Clause 105 Removal of authorised CMS

Omit “any hotel or registered club” from clause 105 (1).

Insert instead “any hotel or on the premises of any registered club”.

[32] Clause 114 Minister may require information relating to licensees and other persons

Omit “special” wherever occurring in clause 114 (5) and (6).

[33] Clause 132A

Insert after clause 132:

132A Application fee for variation or revocation of condition of gaming-related licence

For the purposes of section 104 (5) (b), the fee prescribed for an application by a licensee to vary or revoke a licence condition imposed by the Authority is:

- (a) in relation to a dealer’s licence—\$200,
- (b) in relation to a seller’s licence—\$50,
- (c) in relation to a technician’s licence—\$50,
- (d) in relation to an adviser’s licence—\$50,
- (e) in relation to a testing facility licence—\$100.

[34] Clause 138A Exclusion of retail shopping centres with less than 40 shops

Omit “or registered club” from clause 138A (2).

Insert instead “or the premises of a registered club”.

[35] Section 138D

Insert after clause 138C:

138D Denial of allegation as to age

For the purposes of section 194 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the proceedings—by informing the court, the informant or a person appearing for the informant in writing of the denial, or

Gaming Machines Amendment Regulation 2008

Amendments

Schedule 1

- (b) at any time not later than 14 days before the hearing of the charge—by informing the informant or a person appearing for the informant in writing of the denial.

[36] Clause 140 Disclosure of information

Omit “Casino Control Authority” from clause 140 (1) (c).

Insert instead “Casino, Liquor and Gaming Control Authority”.

[37] Clauses 141–145

Omit the clauses.

[38] Schedule 3 Penalty notice offences

Omit the matter under the heading “**Offences under the Act**”.

Insert instead:

Column 1	Column 2
Offence	Penalty
Section 39 (1)	\$1,100
Section 40 (2)	\$1,100
Section 40A (2)	\$1,100
Section 41 (4)	\$1,100
Section 43 (1) and (3)	\$1,100
Section 44 (1) and (3)	\$1,100
Section 45 (2) and (4)	\$1,100
Section 46 (1)	\$1,100
Section 47A	\$1,100
Section 49 (3)	\$1,100
Section 50 (1)	\$55
Section 51 (1)	\$550
Section 52 (1)	\$55
Section 52 (2)	\$550
Section 52 (3)	\$220
Section 53 (2) (a)	\$55
Section 53 (2) (b)	\$110
Section 56 (1)	\$1,100

Gaming Machines Amendment Regulation 2008

Schedule 1 Amendments

Column 1	Column 2
Offence	Penalty
Section 57 (2)	\$550
Section 59 (5)	\$1,100
Section 61 (4)	\$1,100
Section 68	\$1,100
Section 69 (1)	\$1,100
Section 69A (2) and (3)	\$1,100
Section 70 (1)	\$1,100
Section 71 (1), (2) and (4)	\$1,100
Section 71 (3)	\$550
Section 75	\$1,100
Section 76 (1)	\$1,100
Section 77 (1), (2), (2D), (3) and (5)	\$1,100
Section 77 (2A) and (2C)	\$110
Section 78 (1) and (2)	\$1,100
Section 79 (1)	\$550
Section 84 (1) and (2)	\$1,100
Section 85 (1) and (4)	\$1,100
Section 87 (1) and (2)	\$1,100
Section 92	\$220
Section 104 (2)	\$1,100
Section 106 (3) and (4)	\$550
Section 109 (2)	\$55
Section 121 (1)	\$1,100
Section 122	\$220
Section 123	\$220
Section 124	\$220
Section 125	\$220
Section 126 (1)	\$220
Section 133 (1), (2) and (4)	\$1,100

Gaming Machines Amendment Regulation 2008

Amendments

Schedule 1

Column 1	Column 2
Offence	Penalty
Section 133A (1) and (4)	\$1,100
Section 133A (3)	\$110
Section 134 (1)	\$1,100
Section 135	\$1,100
Section 139 (1)	\$550
Section 139 (2)	\$1,100
Section 140 (1), (3) and (4)	\$1,100
Section 146	\$1,100
Section 151	\$1,100
Section 156 (1) and (5)	\$1,100
Section 157	\$1,100
Section 158	\$1,100
Section 199 (2)	\$220



New South Wales

Home Building Amendment (Fees) Regulation 2008

under the

Home Building Act 1989

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

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain application fees payable in connection with the administration of the *Home Building Act 1989*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Home Building Act 1989*, including section 140 (the general regulation-making power) and, in particular, section 140 (2) (j).

Clause 1 Home Building Amendment (Fees) Regulation 2008

Home Building Amendment (Fees) Regulation 2008

under the

Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Home Building Regulation 2004

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

Home Building Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Application fees

(Clause 42)

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Contractor licence				
Building contractor or supplier of kit homes				
(Individual) New licence	1 year	\$232	\$302	\$534
	3 years	\$232	\$767	\$999
Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$232	Nil	\$232
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$119	Nil	\$119
Renewal	1 year	\$55	\$302	\$357
	3 years	\$55	\$802	\$857
Restoration	1 year	\$111	\$288	\$399
	3 years	\$111	\$787	\$898

Page 3

Home Building Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5	
Type of application	Duration	Processing component	Fixed component	Total fee	
(Partnership) New licence	1 year	\$544	\$350	\$894	
	3 years	\$544	\$820	\$1,364	
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$232	Nil	\$232
	Variation to add a category or categories referred to in clause 46 (1) (c) or (e)-(ab) or (2) (a)-(j)	Not applicable	\$126	Nil	\$126
	Renewal	1 year	\$55	\$350	\$405
	Renewal	3 years	\$55	\$917	\$972
(Corporation) New licence	1 year	\$111	\$336	\$447	
	3 years	\$111	\$903	\$1,014	
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	1 year	\$593	\$479	\$1,072
		3 years	\$593	\$1,119	\$1,712
		Not applicable	\$232	Nil	\$232

Home Building Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)-(ab) or (2) (a)-(j)	Not applicable	\$126	Nil	\$126
Renewal	1 year	\$55	\$479	\$534
	3 years	\$55	\$1,226	\$1,281
Restoration	1 year	\$111	\$465	\$576
	3 years	\$111	\$1,212	\$1,323
Other construction or specialist contractor				
(Individual) New licence	1 year	\$119	\$124	\$243
	3 years	\$119	\$361	\$480
Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$232	Nil	\$232
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)-(ab) or (2) (a)-(j)	Not applicable	\$119	Nil	\$119
Renewal	1 year	\$55	\$124	\$179
	3 years	\$55	\$372	\$427
Restoration	1 year	\$111	\$110	\$221
	3 years	\$111	\$357	\$468

Home Building Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5	
Type of application	Duration	Processing component	Fixed component	Total fee	
(Partnership) New licence	1 year	\$126	\$212	\$338	
	3 years	\$126	\$571	\$697	
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$544	Nil	\$544
	Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$126	Nil	\$126
	Renewal	1 year	\$55	\$212	\$267
		3 years	\$55	\$586	\$641
	Restoration	1 year	\$111	\$198	\$309
		3 years	\$111	\$571	\$682
	(Corporation) New licence	1 year	\$126	\$261	\$387
		3 years	\$126	\$689	\$815
Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)		Not applicable	\$593	Nil	\$593

Home Building Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)-(ab) or (2) (a)-(j)	Not applicable	\$126	Nil	\$126
Renewal	1 year	\$55	\$261	\$316
	3 years	\$55	\$703	\$758
Restoration	1 year	\$111	\$247	\$358
	3 years	\$111	\$689	\$800
Building consultancy licence				
(Individual) New licence	1 year	\$232	\$302	\$534
	3 years	\$232	\$767	\$999
Renewal	1 year	\$55	\$302	\$357
	3 years	\$55	\$802	\$857
Restoration	1 year	\$111	\$288	\$399
	3 years	\$111	\$787	\$898
(Partnership) New licence	1 year	\$544	\$350	\$894
	3 years	\$544	\$820	\$1,364
Renewal	1 year	\$55	\$350	\$405
	3 years	\$55	\$917	\$972
Restoration	1 year	\$111	\$336	\$447
	3 years	\$111	\$903	\$1,014
(Corporation) New licence	1 year	\$593	\$479	\$1,072
	3 years	\$593	\$1,119	\$1,712
Renewal	1 year	\$55	\$479	\$534
	3 years	\$55	\$1,226	\$1,281

Home Building Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Restoration	1 year	\$111	\$465	\$576
	3 years	\$111	\$1,212	\$1,323
Supervisor certificate				
Building supervisor				
(Individual) New certificate	1 year	\$68	\$126	\$194
Variation to add a category or categories referred to in clause 46	Not applicable	\$68	Nil	\$68
Renewal	1 year	Nil	Nil	Nil
Restoration	1 year	Nil	Nil	Nil
Other construction or specialist work supervisor				
(Individual) New certificate	3 years	\$68	\$109	\$177
Variation to add a category or categories referred to in clause 46	Not applicable	\$68	Nil	\$68
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil
Tradesperson certificate				
(Individual) New certificate	3 years	\$71	\$44	\$115
Variation to add a category or categories referred to in clause 46 (2) (a)–(j)	Not applicable	\$68	Nil	\$68
Renewal	3 years	Nil	Nil	Nil

Home Building Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Restoration	3 years	Nil	Nil	Nil
Owner-builder permit	Not applicable	\$55	\$88	\$143
Replacement contractor licence, building consultancy licence, certificate or owner-builder permit	Not applicable	\$40	Nil	\$40



New South Wales

Independent Pricing and Regulatory Tribunal Amendment (Hunter Water) Regulation 2008

under the

Independent Pricing and Regulatory Tribunal Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Independent Pricing and Regulatory Tribunal Act 1992*.

MORRIS IEMMA, M.P.,
Premier

Explanatory note

The object of this regulation is to exclude water and sewerage services provided in the Dungog local government area from the operation of the current IPART pricing determination for Hunter Water Corporation until a new IPART pricing determination takes effect (the intended date of effect is 1 July 2009).

The Hunter Water Corporation is to take over water and sewerage services for the Dungog area from 1 July 2008 with a special pricing structure to apply in the Dungog area (instead of the existing IPART determination) until the new pricing determination takes effect.

This Regulation is made under the *Independent Pricing and Regulatory Tribunal Act 1992*, including sections 11 and 29 (the general regulation-making power).

Clause 1 Independent Pricing and Regulatory Tribunal Amendment (Hunter Water)
Regulation 2008

Independent Pricing and Regulatory Tribunal Amendment (Hunter Water) Regulation 2008

under the

Independent Pricing and Regulatory Tribunal Act 1992

1 Name of Regulation

This Regulation is the *Independent Pricing and Regulatory Tribunal Amendment (Hunter Water) Regulation 2008*.

2 Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39

The *Independent Pricing and Regulatory Tribunal Act 1992* is amended as set out in Schedule 1.

Independent Pricing and Regulatory Tribunal Amendment (Hunter Water)
Regulation 2008

Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39 Schedule 1

Schedule 1 Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39

(Clause 2)

Schedule 1 Government agencies for which Tribunal has standing reference

Insert “(but excluding any water or sewerage services provided by the Corporation in respect of the Dungog local government area prior to the commencement of the Tribunal’s first determination made under section 11 for the Corporation after the commencement of the *Independent Pricing and Regulatory Tribunal Amendment (Hunter Water) Regulation 2008*)” after “Hunter Water Corporation”.



New South Wales

Jury Amendment (Fees and Allowances) Regulation 2008

under the

Jury Act 1977

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Jury Act 1977*.

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

Explanatory note

The object of this Regulation is to increase the attendance fees that are payable for attendance for jury service and the travelling and refreshment allowances that are payable to jurors.

This Regulation is made under the *Jury Act 1977*, including sections 72 (Payment for jury service) and 76 (the general regulation-making power).

Clause 1 Jury Amendment (Fees and Allowances) Regulation 2008

Jury Amendment (Fees and Allowances) Regulation 2008

under the

Jury Act 1977

1 Name of Regulation

This Regulation is the *Jury Amendment (Fees and Allowances) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Jury Regulation 2004

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

Jury Amendment (Fees and Allowances) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 5 Payment for jury service

Insert after clause 5 (1):

- (1A) In the case of a person who is an employee at the time the person is in attendance for jury service, the attendance fee referred to in subclause (1) is payable only if the person's full wage or salary is reduced during that time and only to the extent of that reduction.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Scales of daily fees and allowances payable for attendance for jury service

(Clause 5)

Scale A Attendance fee	Fee per day
1st day of attendance:	
(a) if a person attends for less than 4 hours on that day but is not selected for jury service	Nil
(b) if a person attends for less than 4 hours on that day and is selected for jury service	\$44.00
(c) if a person attends for 4 hours or more on that day (whether or not the person is selected for jury service)	\$88.40
2nd–5th day of attendance	\$88.40
6th–10th day of attendance	\$102.60
11th and subsequent days of attendance	\$119.70

Note. See clause 5 (2) regarding the requirement of submitting a completed statutory declaration if a person in attendance for jury service claims an attendance fee.

Jury Amendment (Fees and Allowances) Regulation 2008

Schedule 1 Amendments

Scale B Travelling allowance

On each day that a person is in attendance for jury service, for one journey each way between the place of residence of that person, as shown on the jury roll, and the court or coronial inquest attended, the person is entitled to be paid at the rate of 29.60 cents per kilometre with:

- (a) a minimum payment of \$4.00 each way (being a minimum payment for 14 kilometres each way), and
- (b) a maximum payment of \$29.60 each way (being a maximum payment for 100 kilometres each way),

whether or not public transport is used.

Scale C Refreshment allowance

If a person serving as a juror is released by the judge or coroner during a luncheon adjournment, the juror is entitled to be paid a refreshment allowance of \$6.50.



New South Wales

Land and Environment Court Amendment (Fees) Regulation 2008

under the

Land and Environment Court Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Land and Environment Court Act 1979*.

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

Explanatory note

The object of this Regulation is to amend the *Land and Environment Court Regulation 2005*:

- (a) to increase the fees that are payable in relation to proceedings before the Land and Environment Court in Class 5, 6 or 7 of its jurisdiction, and
- (b) to repeal and amend provisions as a consequence of transferring the fees that are payable in relation to proceedings before that Court in Class 1, 2, 3 or 4 of its jurisdiction to Part 2 of Schedule 1 to the *Civil Procedure Regulations 2005* by the *Civil Procedure Amendment (Fees) Regulation 2008*.

This Regulation is made under the *Land and Environment Court Act 1979*, including section 78 (the general regulation-making power).

Clause 1 Land and Environment Court Amendment (Fees) Regulation 2008

Land and Environment Court Amendment (Fees) Regulation 2008

under the

Land and Environment Court Act 1979

1 Name of Regulation

This Regulation is the *Land and Environment Court Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Land and Environment Court Regulation 2005

The *Land and Environment Court Regulation 2005* is amended as set out in Schedule 1.

Land and Environment Court Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Fees generally

Omit clause 4 (2).

[2] Clause 5 Persons by and to whom fees payable

Omit clause 5 (1A) and (3).

[3] Clause 7 Postponement or waiver of fees in certain cases

Omit “any Class” from clause 7 (1).

Insert instead “Class 5, 6 or 7”.

[4] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

Note. Fees that are payable in relation to proceedings before the Court in Class 1, 2, 3 or 4 of its jurisdiction are set out in regulations under the *Civil Procedure Act 2005*.

Item	Column 1	Column 2
	Matter for which fee payable	Fee
1	Filing an originating process in Class 5 of the Court’s jurisdiction	\$718
2	Filing an originating process in Class 6 or 7 of the Court’s jurisdiction	\$718



New South Wales

Landlord and Tenant Amendment (Fees) Regulation 2008

under the

Landlord and Tenant (Amendment) Act 1948

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Landlord and Tenant (Amendment) Act 1948*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase fees payable in connection with the administration of the *Landlord and Tenant (Amendment) Act 1948*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Landlord and Tenant (Amendment) Act 1948*, including sections 5A, 17A, 44, 52, 57, 58, 94 and 96 (the general regulation-making power).

Clause 1 Landlord and Tenant Amendment (Fees) Regulation 2008

Landlord and Tenant Amendment (Fees) Regulation 2008

under the

Landlord and Tenant (Amendment) Act 1948

1 Name of Regulation

This Regulation is the *Landlord and Tenant Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Landlord and Tenant Regulation 2004

The *Landlord and Tenant Regulation 2004* is amended as set out in Schedule 1.

Landlord and Tenant Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 8

Omit the clause. Insert instead:

8 Prescribed fees: secs 5A, 17A, 44, 52, 57, 58 and 94

The fees set out in the Table to this clause are prescribed in lieu of the fees prescribed by the provisions of the Act to which they relate.

Table

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Type of fee	Amount
1	5A (11) (c)	Application for a certificate that a section 5A lease has been registered	\$15
2	17A (7) (b)	Application for registration of a section 17A agreement to fix rent	\$15
3	17A (11) (c)	Application for a certificate that a section 17A agreement has been registered	\$15
4	44 (1A)	Request for issue of a summons	\$20
5	52 (1A)	For applications for information as to fair rent on shared accommodation: (a) each application (unless paragraph (b) applies)	\$15

Landlord and Tenant Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1 Item	Column 2 Section of Act	Column 3 Type of fee	Column 4 Amount
		(b) applications made simultaneously in respect of 2 or more prescribed premises contained within the same premises (each application relating to a separate prescribed premises)	\$15 for all of the applications
6	52 (2)	For applications for information as to fair rent on prescribed premises:	
		(a) each application (unless paragraph (b) applies)	\$15
		(b) applications made simultaneously in respect of 2 or more prescribed premises contained within the same premises (each application relating to a separate prescribed premises)	\$15 for all of the applications
7	57 (1B)	For enquiries as to the fair rent on prescribed premises:	
		(a) each enquiry (unless paragraph (b) applies)	\$15

Landlord and Tenant Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Column 1 Item	Column 2 Section of Act	Column 3 Type of fee	Column 4 Amount
		(b) enquiries made simultaneously in respect of 2 or more prescribed premises contained within the same premises (each enquiry relating to a separate prescribed premises)	\$15 for all of the enquiries
8	58 (3)	Application for a certificate as to a fixed fair rent	\$15
9	94 (4)	Application for a certificate as to exclusion of certain premises	\$15



New South Wales

Liquor Regulation 2008

under the

Liquor Act 2007

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

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

Explanatory note

The object of this Regulation is to provide for the following matters under the *Liquor Act 2007*:

- (a) application fees for liquor licences and for other authorisations and approvals under the new Act,
- (b) the advertising of applications and the preparation of community impact statements in relation to certain applications,
- (c) the conditions to which liquor licences and other licence-related authorisations are subject, including requirements relating to the display of signs on licensed premises concerning underage drinking,
- (d) harm minimisation measures such as the requirement to undertake responsible service of alcohol training, the requirement to provide drinking water on licensed premises and the declaration of certain products as undesirable liquor products,
- (e) transitional provisions consequent on the new Act,
- (f) miscellaneous matters such as prescribing certain substances as liquor and machinery matters such as specifying the offences that may be dealt with by way of penalty notice.

This Regulation is made under the *Liquor Act 2007*, including section 159 (the general regulation-making power) and the various other provisions referred to in the Regulation.

Liquor Regulation 2008

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Clause 1	Liquor Regulation 2008
Part 1	Preliminary

Liquor Regulation 2008

under the

Liquor Act 2007

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Liquor Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Definitions

(1) In this Regulation:

existing licence has the same meaning as in Part 2 of Schedule 1 to the Act.

existing registered club has the same meaning as in clause 93 of Schedule 2 to the *Registered Clubs Act 1976*.

former Act means the *Liquor Act 1982*.

former Board means the Liquor Administration Board constituted by section 72 of the former Act.

licence-related authorisation means any of the following:

- (a) an extended trading authorisation,
- (b) a drink on-premises authorisation,
- (c) any other authorisation that may be granted by the Authority under Part 3 of the Act (other than a licence),
- (d) a minors area authorisation,
- (e) a minors functions authorisation.

multi-function limited licence means a limited licence authorising the sale or supply of liquor as part of, or in connection with, more than one function.

single function limited licence means a limited licence authorising the sale or supply of liquor as part of, or in connection with, one (but not more than one) function.

Liquor Regulation 2008

Clause 3

Preliminary

Part 1

special occasion extended trading authorisation means an extended trading authorisation of the kind referred to in section 49 (5) (b) of the Act.

the Act or *the new Act* means the *Liquor Act 2007*.

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

Clause 4	Liquor Regulation 2008
Part 2	Application fees

Part 2 Application fees

4 Application fees generally

- (1) The application fees payable for the purposes of the Act are the fees specified in Schedule 1 (except as provided by clause 5).
- (2) The amount of the fee payable for an application is the amount specified under the heading “Total” in relation to the application concerned.
- (3) If an application:
 - (a) is refused by the Authority, or
 - (b) is granted by the Authority but is subsequently withdrawn by the applicant before the licence or other authorisation concerned takes effect, or
 - (c) is treated by the Authority as having been withdrawn,the fee that has been paid in connection with the application is to be refunded to the applicant, except for any amount specified under the heading “Processing component” (which is taken to be a fee to cover the costs incurred by the Authority in processing the application concerned).

5 Other application fees

(1) Variation of extended trading authorisation

For the purposes of section 51 (10) of the Act, the application fee to vary an extended trading authorisation is:

- (a) if the variation involves an increase in trading hours—the same fee as the application fee specified in Part 2 of Schedule 1 for an extended trading authorisation covering the same period as the period that is the subject of the application for the variation, or
- (b) if the variation involves a reduction in trading hours under the authorisation—\$50.

(2) Removal of licence to other premises

For the purposes of section 59 (2) (b) of the Act, the application fee for approval to remove a licence to other premises is the same fee as the licence application fee specified in Part 1 of Schedule 1 for the particular type of licence concerned.

Liquor Regulation 2008

Clause 6

Provisions relating to applications

Part 3

Part 3 Provisions relating to applications

Division 1 Advertising requirements

6 Definitions

(1) In this Division:

application means any of the following:

- (a) an application for a licence,
- (b) an application by a licensee for the revocation or variation of a condition of the licence or a condition of a licence-related authorisation,
- (c) an application to vary the business or activity, or the kind of premises, specified in an on-premises licence,
- (d) an application for approval to remove a licence to other premises,
- (e) an application by a licensee for a licence-related authorisation or for the variation of a licence-related authorisation,
- (f) an application to carry on business on temporary premises.

neighbouring premises, in relation to an application, means:

- (a) any building situated on land that is within 100 metres of the boundary of the premises to which the application relates, or
- (b) any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or that would be land adjoining that boundary if it were not for a road separating the land).

(2) In this Division, a reference to the premises to which an application relates is, in the case of an application for approval to remove a licence to other premises, a reference to the premises to which it is proposed to remove the licence.

7 Occupiers of neighbouring premises to be notified of application

- (1) If an application is made to the Authority, the applicant must, within 2 working days of making the application, notify the occupier of neighbouring premises that the application has been made.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.
- (3) This clause applies in relation to a licence-related authorisation only if it is:
 - (a) an extended trading authorisation (other than a special occasion extended trading authorisation), or

Clause 8	Liquor Regulation 2008
Part 3	Provisions relating to applications

- (b) a drink on-premises authorisation, or
- (c) an authorisation under section 24 (3) of the Act.
- (4) This clause does not apply in relation to an application for:
 - (a) a producer/wholesaler licence, or
 - (b) a limited licence.

8 Other persons to be notified of application

- (1) If an application is made to the Authority, the applicant must, within 2 working days of making the application, notify each of the following that the application has been made:
 - (a) the local police,
 - (b) the local consent authority,
 - (c) if the premises to which the application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area,
 - (d) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Lands Act 1989*—the Minister administering that Act,
 - (e) if the application is a relevant application as referred to in section 48 (2) of the Act—each of the other relevant stakeholders referred to in clause 11 (2) or (3) (as the case requires),
 - (f) any other person or body (including any class of person or body) that the Authority has advised the applicant must be notified.
- (2) The notice must be in the form, and be given in the manner, approved by the Authority.

9 Notice relating to application to be fixed to premises

- (1) If an application is made to the Authority, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the premises to which the application relates.
- (2) The notice must be fixed to the premises until such time as the application is determined by the Authority.
- (3) If premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.

Liquor Regulation 2008

Clause 10

Provisions relating to applications

Part 3

-
- (4) A notice is not fixed to premises or land in accordance with this clause unless:
- (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.
- (5) This clause applies in relation to a licence-related authorisation only if it is:
- (a) an extended trading authorisation, or
 - (b) a drink on-premises authorisation, or
 - (c) an authorisation under section 24 (3) of the Act.
- (6) This clause does not apply in relation to an application for a limited licence.

Division 2 Community impact statements

10 Categories of CIS

- (1) A community impact statement (*CIS*) that is required to accompany a relevant application (as referred to in section 48 (2) of the Act) is to be a category A CIS or a category B CIS as determined in accordance with this clause.
- (2) A *category A CIS* is required if the relevant application is:
- (a) an application for a packaged liquor licence that is limited to the sale of liquor only by means of taking orders over the telephone or by facsimile or mail order, or through an Internet site, or
 - (b) an application for an on-premises licence that relates to a restaurant, or
 - (c) an application under section 59 of the Act for approval to remove a licence referred to in paragraph (a) or (b) to other premises, or
 - (d) an application for a drink on-premises authorisation that is of a permanent nature, or
 - (e) an application for an extended trading authorisation in relation to an on-premises licence if the authorisation operates to authorise the sale of liquor (otherwise than to the residents of the licensed premises and their guests) at any time between 5 am and 10 am or between 10 pm and midnight on a Sunday, or
 - (f) an application for an authorisation under section 24 (3) of the Act, or

Clause 11	Liquor Regulation 2008
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- (g) an application that is required by the Authority under paragraph (f) of the definition of *relevant application* in section 48 (2) of the Act to be accompanied by a category A CIS.
- (3) A *category B CIS* is required if the relevant application is:
- (a) an application for a hotel licence, or
 - (b) an application for a club licence, or
 - (c) an application for a packaged liquor licence (other than a licence that is limited to the sale or supply of liquor through an Internet site), or
 - (d) an application for a on-premises licence that relates to a public entertainment venue other than a cinema or a theatre, or
 - (e) an application for an extended trading authorisation in relation to a licence referred to in paragraphs (a)–(d), or
 - (f) an application under section 59 of the Act for approval to remove a licence referred to in paragraphs (a)–(d) to other premises, or
 - (g) an application for an extended trading authorisation in relation to an on-premises licence if the authorisation operates to authorise the sale of liquor at any time between midnight and 5 am, or
 - (h) an application for an extended trading authorisation in relation to a producer/wholesaler licence if the authorisation operates to authorise the sale of liquor by retail (otherwise than to the residents of the licensed premises and their guests) at any time between midnight and 5 am, or
 - (i) an application that is required by the Authority under paragraph (f) of the definition of *relevant application* in section 48 (2) of the Act to be accompanied by a category B CIS.

11 Preparation of CIS—consultation requirements

- (1) In preparing a CIS, the applicant must provide each relevant stakeholder with a notice, in the form approved by the Authority, containing information about the relevant application and the process by which the stakeholder is able to consult with the applicant on the relevant application.
- (2) In the case of a category A CIS, the relevant stakeholders are as follows:
- (a) the local consent authority,
 - (b) if the premises to which the relevant application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area,
 - (c) the local police,

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Clause 12

Provisions relating to applications

Part 3

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- (d) the occupier of any neighbouring premises as referred to in clause 6,
 - (e) such other special interest groups or individuals identified or referred to in guidelines prepared by the Authority as being stakeholders for the purposes of the relevant application.
- (3) In the case of a category B CIS, the relevant stakeholders are as follows:
- (a) the local consent authority,
 - (b) if the premises to which the relevant application relates are, or will be, situated within 500 metres of the boundary of another local government area—the local consent authority for that other area,
 - (c) the local police,
 - (d) the Department of Health,
 - (e) the Department of Community Services,
 - (f) the Roads and Traffic Authority,
 - (g) the recognised leaders or representatives of the local Aboriginal community (if any) in the area,
 - (h) the occupier of any neighbouring premises as referred to in clause 6,
 - (i) such other special interest groups or individuals identified or referred to in guidelines prepared by the Authority as being stakeholders for the purposes of the relevant application.

Division 3 General

12 Submissions in relation to applications

- (1) Any person may make a submission to the Authority in relation to any application that is made to the Authority under the Act.
- (2) Any such submission must:
 - (a) specify details of the application to which the submission relates, and
 - (b) be made within 30 days of the date on which the application was made.
- (3) In the case of an application for:
 - (a) a limited licence, or
 - (b) a special occasion extended trading authorisation, or

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(c) an authorisation under section 14 (6) of the Act (relating to hotel functions on other premises),

submissions must be made within 14 days of the date on which the application was made.

- (4) Despite subclauses (2) and (3), the Authority may, in such cases as the Authority thinks fit, extend the period in which persons may make submissions in relation to any particular application or class of applications.

13 Referral of licence applications to Director

The Authority is not, under section 42 of the Act, required to refer an application for a single function limited licence to the Director.

14 Advertising of other applications

- (1) If an application (other than an application to which Division 1 applies) is made to the Authority, the Authority may require the application to be advertised in such manner as the Authority considers appropriate.
- (2) The Authority may refuse to determine any such application unless it has been advertised in accordance with any requirement.

15 Applications for certain licence-related authorisations

- (1) This clause applies in relation to an application for any of the following:
- (a) an extended trading authorisation (other than a special occasion extended trading authorisation),
 - (b) a drink on-premises authorisation,
 - (c) an authorisation under section 24 (3) of the Act.
- (2) An application to which this clause applies must demonstrate, to the satisfaction of the Authority, that:
- (a) practices are in place, and will remain in place, at the licensed premises to which the application relates that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
 - (b) if development consent under the *Environmental Planning and Assessment Act 1979* (or an approval under Part 3A of that Act) is required to use the licensed premises in accordance with the licence-related authorisation concerned—the required consent or approval is in force.

Liquor Regulation 2008

Clause 16

Provisions relating to applications

Part 3

16 Information relating to persons interested in licensee's business

Section 41 of the Act does not apply in relation to an application for a limited licence.

Clause 17 Liquor Regulation 2008

Part 4 Licences and licensed premises—miscellaneous provisions

Part 4 Licences and licensed premises— miscellaneous provisions

17 General bar licence—other forms of gambling prohibited

It is a condition of a general bar licence that the licensed premises cannot be used:

- (a) to conduct a totalizator, or to conduct any betting activity, under the authority of a licence granted under the *Totalizator Act 1997*, or
- (b) to conduct a public lottery (within the meaning of the *Public Lotteries Act 1996*) authorised under that Act.

Note. Keno is a form of public lottery.

18 On-premises licence—excluded premises

For the purposes of section 21 of the Act, premises that operate primarily as premises providing entertainment by way of amusement machines (such as pinball machines or video games), pool tables or juke boxes are prescribed:

- (a) as premises in respect of which an on-premises licence must not be granted, or
- (b) if an on-premises licence has been granted for the premises—as premises in respect of which the authorisation conferred by the licence does not apply.

19 On-premises licence—authorisations allowing liquor to be sold without another product or service

- (1) An authorisation under section 24 (3) of the Act is subject to the following conditions:
 - (a) a notice, in the form approved by the Authority, relating to the authorisation and its effect must be displayed at or near every entrance by which members of the public may enter the licensed premises in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents,
 - (b) the other product or service referred to in section 24 (1) of the Act must be available on the premises at all times while the authorisation operates to allow liquor to be sold or supplied otherwise than with, or ancillary to, the product or service,
 - (c) the licensee must, on a monthly basis, record the total liquor sales during that month and the total sales of the other product or service during that month, and make each such record available for inspection by a police officer or inspector on request,

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Clause 20

Licences and licensed premises—miscellaneous provisions

Part 4

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- (d) liquor may not be sold or supplied under the authorisation at any time when the primary purpose of the business or activity carried out on the licensed premises is, at that particular time, the sale or supply of liquor.
 - (2) In the case of an authorisation under section 24 (3) of the Act that is, as provided by Schedule 1 to the Act, a continuation of a dine-or-drink authority under the former Act, the condition referred to in subclause (1) (a) does not apply in relation to the licensed premises concerned until after 31 December 2008.

20 On-premises licence—authorisation to trade on premises other than licensed premises

- (1) In this clause:
relevant authorisation means an authorisation under section 25 (6) of the Act to sell liquor on premises other than the licensed premises to which an on-premises licence relates.
- (2) A relevant authorisation may be granted by the Authority only for the purposes of authorising the licensee to sell liquor:
 - (a) in the case of a licensee who carries on a commercial catering business—on any premises in respect of which the licensee provides catering services, or
 - (b) to a person who is participating in a commercial tour operated by the licensee or a related corporation of the licensee.
- (3) A relevant authorisation is subject to the condition that food of a nature and quality consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied on any premises in accordance with the authorisation.
- (4) A relevant authorisation is, on the commencement of this Regulation, taken to be in force in relation to an existing caterer's licence that is, under Schedule 1 to the Act, converted to an on-premises licence that relates to a catering service. Any such relevant authorisation authorises the licensee to sell liquor, at any time when liquor is authorised to be sold or supplied under the licence, on any premises in respect of which the licensee provides catering services.
- (5) A relevant authorisation that is, or is taken to be, held by a licensee who carries on a commercial catering business is subject to the following conditions:
 - (a) the licensee must give written notice of any proposal to provide catering services at a function to be held under the authorisation to the local police and the local council for the area in which the function is to be held,

Clause 21 Liquor Regulation 2008

Part 4 Licences and licensed premises—miscellaneous provisions

- (b) the notice must include the following details:
 - (i) the address of the premises on which the function is to be held,
 - (ii) the name of the occupier of those premises,
 - (iii) the nature of the function,
 - (iv) the number of persons for whom catering services are to be provided at the function,
 - (v) the date on which, and the hours during which, the function is to be held,
- (c) the notice must be given not less than 14 days before the date on which the function is to be held.

21 On-premises licence—authorisation to sell liquor for consumption away from licensed premises

- (1) An authorisation under section 26 of the Act to sell liquor for consumption away from the premises to which an on-premises licence relates may be granted by the Authority only if:
 - (a) the licence is held by or on behalf of a non-proprietary association, and
 - (b) the Authority is satisfied that the licensed premises promote tourism or industry in the local area in which the premises are situated.
- (2) An authorisation granted under section 26 of the Act is subject to the following conditions:
 - (a) only liquor that has been produced in the local area in which the licensed premises are situated may be sold for consumption away from the premises,
 - (b) liquor may only be sold under the authorisation between 10 am and 10 pm.
- (3) An authorisation under section 26 of the Act cannot be granted if the premises to which the on-premises licence relates are a vessel, an aircraft or any moving vehicle.
- (4) An existing Governor's licence that is, under Schedule 1 to the Act, converted to an on-premises licence is taken to be endorsed with an authorisation under section 26 of the Act if the sale of liquor for consumption away from the licensed premises was authorised under the former Act.

Liquor Regulation 2008

Clause 22

Licences and licensed premises—miscellaneous provisions

Part 4

22 Licensed cinemas and theatres

Sections 123–126 of the Act do not apply to or in respect of a licensed public entertainment venue that is a cinema or a theatre.

23 Notice relating to wine shows and producers' markets or fairs

- (1) For the purposes of section 33 (1) (d) and (e) of the Act, the notice required to be given to the Authority and local police by the organiser of a wine show or a producers' market or fair is to be in writing and in the form approved by the Authority.
- (2) It is a condition of a producer/wholesaler licence that the licensee must not sell or supply the licensee's product at a wine show or at a producers' market or fair in accordance with section 33 (1) (d) or (e) of the Act unless the local council in whose area the wine show or market or fair is to be held has been notified, in writing and in the form approved by the Authority, about the wine show or market or fair (as the case requires) at least 7 days before it is held.

24 Requirements relating to producers' markets or fairs

The following requirements are prescribed for the purposes of the definition of *producers' market or fair* in section 33 (5) of the Act:

- (a) the market or fair must include a minimum of 10 farmers or primary producers displaying their produce for sale directly to the public,
- (b) the market or fair must be promoted as being a market or fair at which farmers or primary producers display and sell their products directly to the public,
- (c) the primary reason for conducting the market or fair is to enable producers who are displaying their produce to sell directly to the public.

25 Wine producers—prescribed percentage of wine that is licensee's own product

For the purposes of paragraph (b) of the definition of *licensee's product* in section 33 (3) of the Act, the prescribed percentage is:

- (a) 50%—in the case of wine that has been produced by or under the direction of the licensee (or a related corporation of the licensee) on the licensed premises or a vineyard related to the licensed premises, or
- (b) 85%—in the case of wine that has been produced on the licensee's behalf, or under the direction of the licensee or a related corporation of the licensee, from fruit grown on the licensed premises or a vineyard related to the licensed premises.

Clause 26 Liquor Regulation 2008

Part 4 Licences and licensed premises—miscellaneous provisions

26 Multiple premises of wine producers

- (1) For the purposes of section 35 (2) of the Act, the licensed premises of a wine producer are all located in the same wine region if the premises are all located in one, but not more than one, of the following wine regions (being a wine region that is a geographical indication determined under Division 4 of Part VIB of the *Australian Wine and Brandy Corporation Act 1980* of the Commonwealth):
- (a) Murray Darling,
 - (b) Perricoota,
 - (c) Riverina,
 - (d) Swan Hill,
 - (e) Cowra,
 - (f) Mudgee,
 - (g) Orange,
 - (h) Hunter,
 - (i) Hastings River,
 - (j) New England Australia,
 - (k) Shoalhaven Coast,
 - (l) Southern Highlands,
 - (m) Canberra District,
 - (n) Gundagai,
 - (o) Hilltops,
 - (p) Tumbarumba,
 - (q) Western Plains.
- (2) However, if the licensed premises of a wine producer are not located in any of the wine regions referred to in subclause (1), the licensed premises of the wine producer are, for the purposes of section 35 (2) of the Act, taken to be all located in the same wine region if the premises are all located with 20 kms of each other.

27 Incident registers

For the purposes of section 56 (2) (d) of the Act, any incident that results in a patron of the licensed premises requiring medical assistance is prescribed as an incident that must, if it occurs outside of the standard trading period for the premises, be recorded in the incident register required to be maintained under that section.

Liquor Regulation 2008

Clause 28

Licences and licensed premises—miscellaneous provisions

Part 4

28 Closure of licensed premises by Authority

For the purposes of section 84 (5) of the Act, the Authority cannot require the closure of premises for a period of more than 6 months.

29 Display of name of licensed premises

- (1) The sign required by section 95 (1) of the Act to appear and be maintained on the front of licensed premises must:
 - (a) appear and be maintained in such a manner that it may be read from the part of a public place to which the front of the premises abuts, and
 - (b) include the name of the licensee, and
 - (c) in the case of a hotel licence that is designated as a general bar licence—indicate that the licence for the premises is a general bar licence, and
 - (d) in the case of an on-premises licence—indicate either the business or activity carried out on the licensed premises or the kind of licensed premises to which the licence relates.
- (2) Subclause (1) (d) does not, in the case of:
 - (a) an on-premises licence that is a continuation of an existing on-licence, or
 - (b) an existing registered club,apply in relation to the licensed premises concerned until after 31 December 2008.

30 Licensees required to provide annual return

- (1) It is a condition of each licence that the licensee must, in relation to the calendar year ending 31 December 2009 and each subsequent calendar year, provide the Authority with an annual return in accordance with this clause.
- (2) The annual return is to include such information as may be required in the form approved by the Authority for the purposes of this clause. The information required to be included may, without limiting the requirements specified in the approved form, relate to the following:
 - (a) the names of persons who, in accordance with section 55 (2) of the Act, are interested in the business, or the conduct of the business, carried out on the licensed premises,
 - (b) contact details of the licensee, any related corporation of the licensee, the manager (if any) of the licensed premises and any other persons having managerial responsibilities in relation to the licensed premises,

Clause 31 Liquor Regulation 2008

Part 4 Licences and licensed premises—miscellaneous provisions

(c) details of any website operated by or on behalf of the licensee (or a related corporation of the licensee) that promotes the licensed premises.

(3) The annual return must:

- (a) be in the form approved by the Authority, and
- (b) comply with any requirements specified in the approved form, and
- (c) be provided before 31 March in the year immediately following the calendar year to which the return relates.

31 Sale or supply of liquor to minors prohibited—notice to be displayed in licensed premises

(1) A licensee must cause a notice that contains the following words to be displayed in the licensed premises in accordance with this clause:

IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO,
OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER
THE AGE OF 18 YEARS

Maximum penalty: 20 penalty units.

(2) The notice must be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

(3) The notice must be prominently displayed:

- (a) in the case of premises where liquor is sold at a bar or counter—
at the bar or counter, in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents, and
- (b) in the case of premises where liquor is not sold at a bar or counter but is otherwise sold—at or near every entrance by which members of the public may enter the premises, in such a manner and in such a position that a person coming in by the entrance would reasonably be expected to be alerted to its contents.

(4) Despite subclause (1), a notice that complied with clause 33 of the *Liquor Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

(5) This clause does not apply in relation to a licensee that is an existing registered club until after 31 December 2008.

Liquor Regulation 2008

Clause 32

Licences and licensed premises—miscellaneous provisions

Part 4

32 Sale of liquor through Internet site—notice to be displayed

- (1) A licensee who offers liquor for sale through an Internet site must display on the site, at all times while it is accessible, the following notice in accordance with this clause:

LIQUOR ACT 2007

IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO,
OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER
THE AGE OF 18 YEARS

Maximum penalty: 20 penalty units.

- (2) The words contained in the notice must be big enough to ensure that a person accessing the Internet site would reasonably be expected to be alerted to the contents of the notice.
- (3) Despite subclause (1), a notice that complied with clause 33A of the *Liquor Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

33 Bar areas of hotels and clubs

- (1) In this clause:
bar area means the bar area of hotel or club premises.
- (2) A licensee must cause a notice that contains the following words to be displayed, in accordance with this clause, in the bar area of the hotel or club premises concerned:
PERSONS UNDER THE AGE OF 18 YEARS ARE NOT
PERMITTED IN THIS AREA BY LAW
Maximum penalty: 20 penalty units.
- (3) The notice must be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.
- (4) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.
- (5) Despite subclause (1), a notice that complied with clause 34 of the *Liquor Regulation 1996* or clause 12 (1) of the *Registered Clubs Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.
- (6) Section 124 (1) (a) or (2) (a) of the Act does not apply in relation to a licensee if the minor who is in the bar area is performing in a show or

Clause 34 Liquor Regulation 2008

Part 4 Licences and licensed premises—miscellaneous provisions

other live entertainment performance held in the bar area and is in the company of a responsible adult while in the bar area.

34 Use of certain areas by accompanied minors—notice to be displayed in hotels and licensed public entertainment venues

- (1) A hotelier must cause a notice containing the words specified in subclause (3) to be displayed, in accordance with this clause, in any area of the hotel to which a minors area authorisation relates.

Maximum penalty: 20 penalty units.

- (2) The holder of an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre) must cause a notice containing the words specified in subclause (3) to be displayed, in accordance with this clause, in any area of the licensed premises in which entertainment is provided.

Maximum penalty: 20 penalty units.

- (3) For the purposes of subclauses (1) and (2), the required words are as follows:

PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW

- (4) The notice must be in the form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

- (5) The notice must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents.

- (6) Despite subclause (1), a notice that complied with clause 35 of the *Liquor Regulation 1996*, as in force immediately before 1 July 2008, may continue to be used until the end of the period of 12 months from that date or until the date the notice is replaced, whichever happens first.

35 Breath analysis instruments

For the purposes of section 97 (4) of the Act, the following requirements are prescribed in relation to the sign that must be displayed on or in close proximity to any breath analysis instrument installed on licensed premises:

- (a) the sign must be clearly legible and in good condition and so positioned that its contents can be easily read by a person using the instrument,

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Clause 36

Licences and licensed premises—miscellaneous provisions

Part 4

- (b) the sign must display the following matter in print of a type size and character that will be clearly legible to a person using the equipment:

IMPORTANT INFORMATION ABOUT BREATH TESTING

Readings given by this instrument are NOT ACCEPTED by the Police or the Courts.

Your blood alcohol level can rise for 1 hour or more after your last drink.

36 Display and availability of licence and licence-related authorisations

- (1) This clause applies to any member of staff of licensed premises who:
- (a) sells, supplies or serves liquor on the licensed premises, or
 - (b) carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises, or
 - (c) exercises any functions under the Act or this Regulation.
- (2) It is a condition of a licence that a copy of each of the following are available at all times for the information of the members of staff of the licensed premises to which this clause applies:
- (a) the licence,
 - (b) any licence-related authorisation held in relation to the licence,
 - (c) any conditions imposed by the Authority on the licence or the authorisation.

37 Requirement to provide information relating to persons interested in licensee's business

If a person referred to in section 55 of the Act ceases to be a person who, in accordance with that section, is interested in the business, or the conduct of the business, carried out on licensed premises, it is a condition of the licence that the Authority is, within 28 days of the person ceasing to have that interest, notified in writing that the person is no longer such an interested person.

38 Resumption of trading—requirement to notify Authority

It is a condition of a licence that the licensee must, following any continuous period of more than 6 weeks during which the licensed premises ceased trading, notify the Authority as soon as practicable after the licensed premises resume trading.

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Part 5	Provisions relating to the responsible sale, supply, service and promotion of liquor

Part 5 Provisions relating to the responsible sale, supply, service and promotion of liquor

Division 1 Responsible service of alcohol (RSA) training

39 Definitions

In this Division:

approved training course means a course of training with respect to the responsible service of alcohol that is approved by the Authority under this Division in relation to an approved training provider, and includes any course of training that was, immediately before 1 July 2008, an approved training course under Part 7A of the former Regulation.

approved training provider means a training provider that is approved by the Authority under this Division to provide training courses with respect to the responsible service of alcohol, and includes any training provider that was, immediately before 1 July 2008, an approved training provider under Part 7A of the former Regulation.

recognised RSA certificate means a certificate granted to a person by an approved training provider, on behalf of the Authority, following the person's successful completion of an approved training course with respect to the responsible service of alcohol, and includes any recognised RSA certificate granted under Part 7A of the former Regulation and in force immediately before 1 July 2008.

registered training organisation has the same meaning as in the *Vocational Education and Training Act 2005*.

staff member, in relation to licensed premises, means any employee or agent of, or person purporting to act on behalf of, the licensee of the premises.

the former Regulation means the *Liquor Regulation 1996*.

40 Obligations of licensee as to responsible service of alcohol

- (1) The licensee of licensed premises must not:
 - (a) sell, supply or serve liquor by retail on the premises, or
 - (b) cause or permit liquor to be sold, supplied or served by retail on the premises,
 unless the licensee holds a recognised RSA certificate.
 Maximum penalty: 50 penalty units.
- (2) The licensee of licensed premises must not cause or permit a staff member to sell, supply or serve liquor by retail on the premises unless the staff member holds a recognised RSA certificate.
 Maximum penalty: 50 penalty units.

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Part 5

- (3) Subclause (1) does not apply to:
- (a) a person who is taken to be the licensee pursuant to section 62 of the Act, or
 - (b) a licensee that is a corporation.

41 Obligations of staff members as to responsible service of alcohol

A staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the staff member holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

42 Obligations in relation to persons carrying on certain security activities

- (1) The licensee of licensed premises must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about the premises unless the person holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

- (2) A person must not, in the course of the person's employment, carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

Note. Under the *Security Industry Act 1997*, a person who is employed to act as a crowd controller, venue controller or bouncer is required to hold a class 1C licence under that Act.

43 Conduct of promotional activities

For the purposes of this Part:

- (a) liquor that is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to have been sold, supplied or served by retail, and
- (b) any person by whom liquor is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to be a staff member.

44 Licensee to keep register of recognised RSA certificates

- (1) It is a condition of a licence for licensed premises that the licensee must keep a register containing:

- (a) a copy of the recognised RSA certificate for the licensee, and
- (b) a copy of the recognised RSA certificate for each staff member whose duties include the sale, supply or service of liquor by retail, and

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- (c) a copy of the recognised RSA certificate for each person employed or engaged by the licensee to carry on activities as a crowd controller or bouncer on or about the licensed premises.
- (2) It is a condition of a licence for licensed premises that the licensee must make the register kept under this clause available for inspection on request by a police officer or inspector.

45 Applications for approvals to conduct RSA training courses

- (1) A registered training organisation may apply to the Authority for an approval to conduct training courses with respect to the responsible service of alcohol.
- (2) An application under subclause (1) must be accompanied by:
 - (a) a fee of \$995, in the case of an application for an initial approval, or
 - (b) a fee of \$550, in the case of an application for a second or subsequent approval.

46 Decision on application

- (1) The Authority may, after considering an application for an approval to conduct training courses with respect to the responsible service of alcohol:
 - (a) grant the application, or
 - (b) refuse the application.
- (2) If the Authority grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (3) If the Authority refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

47 Conditions of approval to conduct RSA training courses

- (1) An approval to conduct training courses with respect to the responsible service of alcohol is subject to the following conditions:
 - (a) that each person who conducts an approved training course on behalf of the approved training provider is accepted by the Authority,
 - (b) that the approved training provider will pay to the Authority a fee of \$15 for each certificate issued by it on behalf of the Authority,
 - (c) such other conditions as the Authority may from time to time impose.

Liquor Regulation 2008

Clause 48

Provisions relating to the responsible sale, supply, service and promotion of liquor

Part 5

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- (2) The Authority must not accept a person referred to in subclause (1) (a) unless it is satisfied that the person:
- (a) holds a Certificate IV in Training and Assessment awarded by a registered training organisation, or has such other qualification as the Authority considers to be equivalent, and
 - (b) has at least 5 years' experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the service of liquor), or has such other experience as the Authority considers to be equivalent.

48 Term of approval to conduct RSA training courses

- (1) Unless sooner cancelled:
- (a) an approval by the Authority under this Division to conduct training courses with respect to the responsible service of alcohol has effect until 30 June following the date on which it was granted, and
 - (b) an approval by the former Board under Part 7A of the former Regulation has effect until 30 June 2009, but may be renewed by making an application in accordance with this Division.
- (2) An approval does not have effect while it is suspended.

49 Variation, suspension and cancellation of approvals to conduct RSA training courses

- (1) The Authority may:
- (a) vary any condition imposed by the Authority (or by the former Board) on an approval to conduct training courses with respect to the responsible service of alcohol, or
 - (b) suspend or cancel any such approval (including an approval by the former Board under Part 7A of the former Regulation), but only after giving the holder of the approval an opportunity to make submissions.
- (2) A variation of the conditions of, or the suspension or cancellation of, an approval:
- (a) must be by notice in writing, and
 - (b) must be served on the person to whom the approval relates, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.

Clause 50 Liquor Regulation 2008

Part 5 Provisions relating to the responsible sale, supply, service and promotion of liquor

Division 2 Miscellaneous harm minimisation measures

50 Discount liquor promotions or advertisements

- (1) This clause applies to any promotion or advertisement involving the discounting of liquor that is conducted, or published, by or on behalf of a licensee.
- (2) If a promotion or advertisement to which this clause applies:
 - (a) appears in the printed or electronic media, or
 - (b) is conducted on or in the vicinity of the licensed premises or appears inside or in the vicinity of the licensed premises, or
 - (c) is made available for the public to participate in or view,the Director may, by notice in writing, require the licensee to include, as part of the promotion or advertisement, a message that encourages the responsible consumption of alcohol.
- (3) The Director may, in making any such requirement, specify:
 - (a) the content of the message, and
 - (b) the manner in which the message is to appear as part of the promotion or advertisement (including the size, colour and nature of the message and its placement in relation to the promotion or advertisement).
- (4) A licensee must comply with a notice given to the licensee under this clause.
Maximum penalty: 50 penalty units.

51 Drinking water to be available free of charge where liquor served

- (1) If a licence authorises the sale or supply of liquor for consumption on the licensed premises, it is a condition of the licence that drinking water must, at all times while liquor is sold or supplied for consumption on the premises, be made available free of charge to patrons at or near the point of service at which, or by the same means of service by which, liquor is sold or supplied on the premises.
- (2) Subclause (1) extends to the sale or supply of liquor under a drink on-premises authorisation held by a licensed wine producer.

52 Undesirable liquor products

- (1) For the purposes of section 100 of the Act, the following are declared to be undesirable liquor products:
 - (a) alcoholic ice block—a product that is sold in an individual package or individual packages for consumption in frozen form

Liquor Regulation 2008

Clause 53

Provisions relating to the responsible sale, supply, service and promotion of liquor

Part 5

and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,

- (b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (c) any milk product that is sold or supplied under a name that consists of, or includes, the words “Moo Joose” and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (d) any alcoholic vapour that is sold or supplied for consumption in that form.
- (2) In subclause (1) (c), *milk product* includes any product made from reconstituted milk (that is, any substance in the nature of milk that has been prepared from milk concentrate or milk powder).

53 Codes of practice

- (1) The Authority may approve of a code of practice that deals with the responsible sale, supply, service and promotion of liquor.
- (2) The Authority may approve of any such code of practice for all licences or for particular types of licence only.
- (3) If the Authority approves of a code of practice in relation to a licence, it is a condition of the licence that the licensee complies with the code.

Clause 54 Liquor Regulation 2008

Part 6 Transitional provisions

Part 6 Transitional provisions

54 Existing on-licences that are converted to on-premises licences— exceptions from primary purpose test in certain cases

The provisions of section 22 (1) and (2) of the new Act do not apply in relation to the premises to which an on-premises licence relates if the licence is, as provided by Schedule 1 to the new Act, a continuation of:

- (a) an existing Governor's licence, or
- (b) an existing on-licence of the kind referred in section 18 (4) (g) of the former Act, or
- (c) an existing Australian wine licence (as referred to in clause 15 of Schedule 1 to the new Act).

55 Existing off-licences for vigneron

- (1) In this clause:

existing vigneron licence means an existing off-licence for a vigneron that is, in accordance with Schedule 1 to the Act, converted to a producer/wholesaler licence under the new Act.

- (2) An existing vigneron licence is exempt from the operation of section 33 (3) (b) of the Act to the extent (if any) that the definition of *licensee's product* requires wine to have been produced:

- (a) from fruit grown on the licensed premises or a vineyard related to the licensed premises, or
- (b) on any other premises from fruit grown on the licensed premises.

- (3) The authorisation conferred by an existing vigneron licence extends to the sale or supply by the licensee:

- (a) on the licensed premises, for consumption away from the licensed premises or for the purposes of tasting, or
- (b) at a wine show in accordance with sections 33 (1) (d) and 35 (3) of the Act, or
- (c) at a producers' market or fair in accordance with sections 33 (1) (e) and 35 (4) of the Act,

of any cider, perry or mead produced by the licensee.

56 Existing community liquor licences

For the purposes of clause 12 (2) (b) of Schedule 1 to the Act, the whole of the State is taken to be the same area for the purposes of the removal to other premises of an existing community liquor licence that is, in accordance with that clause, converted to a hotel licence under the new Act.

Liquor Regulation 2008

Clause 57

Transitional provisions

Part 6

57 Existing Australian wine licences

For the purposes of clause 15 (3) (d), (5) (d) and (7) (d) of Schedule 1 to the Act, the whole of the State is taken to be the same area for the purposes of the removal to other premises of an existing Australian wine licence that is, in accordance with that clause, converted to an on-premises licence (or other type of licence) under the new Act.

58 Residual existing licences

- (1) The Authority may, during the period of 12 months following the commencement of this Regulation, issue a licence to a person who held an existing licence that has not otherwise been converted by the operation of Schedule 1 to the Act.
- (2) The type of licence that may be issued by the Authority in relation to any such existing licence is to be determined by the Authority.
- (3) The issuing of any such licence is at the discretion of the Authority and is subject to such procedures and requirements as the Authority considers appropriate.

59 Certain conditions not applicable to existing licences and converted club licences

- (1) An existing licence that is, under Schedule 1 to the Act, converted to a licence under the new Act is not subject to any of the harm minimisation conditions (as set out in Practice Direction No 1/1997 of the Licensing Court) imposed on the existing licence by the former Court or the former Board.
- (2) The club licence that is held by an existing registered club is not subject to any of the harm minimisation conditions (as set out in Practice Direction No 1/1997 of the Licensing Court) imposed on the certificate of registration of the club by the former Court or the former Board.

60 Existing dine-or-drink authorities

- (1) In this clause:
existing dine-or-drink authority means an authority endorsed on a licence in accordance with section 23AD of the former Act and in force immediately before 1 July 2008.
- (2) The conditions to which an existing dine-or-drink authority was subject under the former Act do not apply to or in respect of an authorisation under section 24 (3) of the Act that is, under Schedule 1 to the new Act, taken to be a continuation of the dine-or-drink authority.
- (3) Any unpaid portion of the prescribed fee payable under the former Act for an existing dine-or-drink authority is not required to be paid.

Clause 61	Liquor Regulation 2008
Part 6	Transitional provisions

61 Granting of pending applications under former Act

- (1) If, in accordance with clause 25 of Schedule 1 to the new Act, an application made under the former Act is granted on or after 1 July 2008, the fee payable for the granting of the relevant licence, authorisation or approval under the new Act is the fee referred to in section 56 of the former Act for the granting of an application for a licence, authorisation or approval of the corresponding kind.
- (2) However, if the pending application was for a dine-or-drink authority under section 23AD of the former Act, the fee payable for the granting of the authorisation under the new Act is one-quarter of the relevant fee referred to in section 56 of the former Act for the granting of an application for a dine-or-drink authority.

Note. If a pending application under the former Act for a dine-or-drink authority is granted after 1 July 2008, it will be an authorisation in force under section 24 (3) of the new Act.

62 Applications for licences requiring SIAs under former Act

- (1) If a social impact assessment was, before 1 July 2008, provided under and in accordance with Division 6A of Part 3 of the former Act but the application to which the social impact assessment relates was not made before that date, an application for the grant or removal of the licence concerned may be made under and in accordance with the provisions of the former Act.
- (2) Any such application must be made within 3 months of the SIA being approved under section 62F of the former Act.
- (3) Clause 25 (2) and (3) of Schedule 1 to the new Act applies to and in respect of any such application as if it had been made before 1 July 2008.

63 Pending applications and matters under former Act—ancillary provisions

- (1) If an application for a conditional grant of an application was made under the former Act before 1 July 2008 and the application:
 - (a) was conditionally granted before that date, or
 - (b) is, in accordance with clause 25 of Schedule 1 to the new Act, conditionally granted after that date,
 an application for the final grant of the application may be made, and the application may be granted, under section 60 of the former Act.
- (2) Accordingly, a reference in section 55 or section 60 of the former Act to the registrar of the Licensing Court is, for the purposes of enabling the application for a final grant to be made and granted, to be construed as a reference to a Local Court registrar.

Liquor Regulation 2008

Clause 64

Transitional provisions

Part 6

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- (3) If a submission under section 74A of the former Act was made before 1 July 2008 and the former Board, in accordance with clause 25 of Schedule 1 to the new Act, issues a certificate of suitability in relation to the premises the subject of the submission, an application may be made under and in accordance with the former Act for a licence of the kind referred to in section 18 (4) (g) of the former Act. If such a licence is granted, it is to be granted as an on-premises licence relating to the business or activity specified in the licence.

64 Re-submission of applications made under former Act—Authority may waive application fee

The Authority may waive the application fee payable under the new Act for an application that the Authority is satisfied relates to substantially the same matter as an application that was made under and in accordance with the former Act but was subsequently withdrawn by the applicant.

65 Time limit for determining pending matters before former Board

For the purposes of clause 25 (5) of Schedule 1 to the Act, the period of 6 months commencing on 1 July 2008 is prescribed.

Clause 66 Liquor Regulation 2008

Part 7 Miscellaneous

Part 7 Miscellaneous

66 Additional substances prescribed as liquor

- (1) The following substances are prescribed as liquor under paragraph (c) of the definition of *liquor* in section 4 (1) of the Act:
 - (a) an alcohol-based food essence that is packaged:
 - (i) in the case of vanilla essence (whether natural or imitation)—in a container of more than 100 millilitres capacity, or
 - (ii) in any other case—in a container of more than 50 millilitres capacity,
 except in circumstances where the alcohol-based food essence is sold in that container by wholesale,
 - (b) any vapour that would, as a liquid, be a beverage as referred to in paragraph (a) of that definition.
- (2) In this clause:
alcohol-based food essence means a food flavouring preparation in liquid form that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume.

67 High alcohol-based food essences prescribed as liquor for certain purposes

- (1) In this clause:
high alcohol-based food essence means a food flavouring preparation in liquid form that, at 20° Celsius, contains more than 10% ethanol by volume.
- (2) High alcohol-based food essence is prescribed as liquor under paragraph (c) of the definition of *liquor* in section 4 (1) of the Act, but only for the purposes of section 117 (1)–(5) and (12) of the Act.
Note. As a result of this provision, it will be an offence under the Act to sell or supply high alcohol-based food essences to minors.
- (3) This clause commences on 1 January 2009.

68 Definition of “non-proprietary association”

For the purposes of paragraph (c) of the definition of *non-proprietary association* in section 4 (1) of the Act, any community organisation established in connection with a school and that consists of parents of children attending the school together with other persons who are interested in the welfare of the school is prescribed as a non-proprietary association.

Liquor Regulation 2008

Clause 69

Miscellaneous

Part 7

69 Definition of “person authorised to sell liquor”

For the purposes of paragraph (d) of the definition of *person authorised to sell liquor* in section 4 (1) of the Act, the holder of a licence under section 10 of the Act (as modified and applied to and in respect of a casino in accordance with section 89 (2) of the *Casino Control Act 1992*) is prescribed as a person authorised to sell liquor.

70 Exemption from the Act relating to the sale of liquor by auction—prescribed requirements

- (1) For the purposes of section 6 (1) (d) of the Act, the following requirements are prescribed:
- (a) the auctioneer conducting the auction must be a person who carries on business (or is employed) as a professional auctioneer,
 - (b) the auction must be publicly promoted as an auction involving the sale of liquor,
 - (c) the Authority must be notified, in the form and manner approved by the Authority, that the auctioneer sells liquor by auction otherwise than under the authority of a licence under the Act,
 - (d) the auctioneer must comply with any direction given to the auctioneer by the Authority or the Director as to the quantity or type of liquor that may be sold by auction or as to the manner or frequency in which liquor is sold by auction.
- (2) Subclause (1) (c) does not apply in relation to a person who, immediately before 1 July 2008, held an off-licence under the former Act authorising the person to auction liquor on behalf of a person not authorised to sell liquor.

71 Exceptions from requirement that hotel or on-premises licence cannot operate as invitation-only venues

For the purposes of sections 17 (3) and 28 (3) of the Act, each of the businesses specified in Column 1 of the following table may be or include a business limited at any time only to selling or supplying liquor to the particular class or classes of persons specified in Column 2 opposite the business concerned.

Table

Column 1	Column 2
Business	Class/classes of persons
The business carried on under a hotel licence relating to premises that are used and occupied at The Station Resort, Jindabyne at Lot 13 Dalgety Road, Jindabyne, by Perisher Blue Pty Limited.	The class of persons resorting to the premises comprising the staff and guests of the hotel.

Clause 72 Liquor Regulation 2008
 Part 7 Miscellaneous

Column 1	Column 2
Business	Class/classes of persons
The business carried on under an on-premises licence relating to premises that the Authority is satisfied are used and occupied at the British Aerospace Flight Training Academy at Basil Brown Drive, Tamworth, by British Aerospace Flight Training (Australia) Pty Limited.	The class of persons resorting to the premises comprising the staff and students of the Academy and their guests.
The business carried on under an on-premises licence relating to premises that the Authority is satisfied are used and occupied by or on behalf of GIO Australia Limited and being the Mona Vale Conference Centre located at 33 Bassett Street, Mona Vale, Sydney.	The class of persons resorting to the premises comprising those persons who are attending a conference or function on or at the premises.
The business carried on under an on-premises licence relating to premises within a hospital, nursing home, aged care facility or retirement village.	The class of persons resorting to the premises comprising the staff, patients and residents of the hospital, nursing home, aged care facility or retirement village, and their guests.
The business carried on under an on-premises licence relating to premises operated by a surf life saving club.	The class of persons resorting to the premises comprising staff, members and guests of the club.
The business carried on under an on-premises licence relating to premises used and occupied by Morris Corporation (Aust) Pty Ltd, being the mess facilities at the Bemax-Gingko Mine Site near Pooncarie.	The class of persons resorting to the premises comprising the staff of the mine and other persons permitted to use the mess facilities.

72 Local liquor accords

For the purposes of section 133 (2) (d) of the Act, a draft local liquor accord must include a list of the key objectives of the accord.

73 Disciplinary action—persons authorised to make complaints

For the purposes of section 139 (1) (c) of the Act, a complaint to the Authority under Part 9 of the Act in relation to a licensee, manager or close associate of a licensee may be made by the local consent authority for the licensed premises concerned.

Liquor Regulation 2008

Clause 74

Miscellaneous

Part 7

74 Penalty notice offences and penalties

For the purposes of section 150 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 2 is prescribed, and
- (b) the prescribed penalty for each such offence is the amount specified opposite the provision in Column 2 of Schedule 2.

75 Denial of allegation as to age

For the purposes of section 152 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the proceedings—by informing the court, the informant or a person appearing for the informant in writing of the denial, or
- (b) at any time not later than 14 days before the hearing of the charge—by informing the informant or a person appearing for the informant in writing of the denial.

76 Application for review by Authority of Director's decisions

- (1) An application to the Authority under section 153 of the Act for a review of a decision of the Director must:
 - (a) be made within 21 days of the day on which the decision was made, and
 - (b) specify the grounds on which the application for review is made, and
 - (c) be accompanied by a copy of the decision of the Director (if the decision was provided in writing to the person making the application), and
 - (d) be accompanied by a fee of \$250.
- (2) The applicant for review must provide the Director with a copy of the application as soon as practicable after making the application to the Authority.

77 Application for review of disqualification by Authority

An application to the Authority under section 154 of the Act for removal of a disqualification of more than 3 years imposed by the Authority under section 141 (2) of the Act must:

- (a) specify the grounds on which the application for removal of the disqualification is made, and
- (b) be accompanied by a fee of \$250.

Liquor Regulation 2008

Schedule 1 Application fees

Schedule 1 Application fees

(Clause 4)

Part 1 Licence applications

Column 1	Column 2	Column 3	Column 4
Type of licence	Fixed component	Processing component	Total
Hotel licence (other than general bar licence)	\$1,500	\$500	\$2,000
General bar licence	\$300	\$200	\$500
Club licence	\$100	\$200	\$300
On-premises licence	\$300	\$200	\$500
Packaged liquor licence	\$1,000	\$500	\$1,500
Producer/wholesaler licence	\$300	\$200	\$500
Limited licence (single function)	Nil	\$50	\$50
Limited licence (multi-function)	\$100	\$200	\$300

Part 2 Applications for extended trading authorisations

Column 1	Column 2	Column 3	Column 4
Type of authorisation	Fixed component	Processing component	Total
Extended trading authorisation allowing trading up until midnight	\$100	\$100	\$200
Extended trading authorisation allowing trading after midnight (subject to requirement that liquor may only be sold on the premises with, or ancillary to, a meal or the provision of accommodation)	\$100	\$100	\$200

Liquor Regulation 2008

Application fees

Schedule 1

Column 1	Column 2	Column 3	Column 4
Type of authorisation	Fixed component	Processing component	Total
Extended trading authorisation allowing trading after midnight until any time that is not later than 2am (not subject to requirement as to provision of meals or accommodation)	\$1,500	\$500	\$2,000
Extended trading authorisation allowing trading after midnight until any time after 2am that is not later than 5am (not subject to requirement as to provision of meals or accommodation)	\$2,500	\$500	\$3,000
Extended trading authorisation for an on-premises licence relating to a catering service	Nil	\$50	\$50
Special occasion extended trading authorisation	Nil	\$50	\$50

Part 3 Other applications

Column 1	Column 2	Column 3	Column 4
Type of application	Fixed component	Processing component	Total
Application to vary on-premises licence—section 23 (5)	Nil	\$50	\$50
Application for any licence-related authorisation (other than an extended trading authorisation)—section 51 (2)	Nil	\$50	\$50
Application by licensee to vary or revoke licence condition—section 53 (2)	Nil	\$50	\$50
Application under section 60 or 61 to transfer hotel licence or packaged liquor licence	\$300	\$200	\$500
Application under section 60 or 61 to transfer limited licence	Nil	\$50	\$50

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Liquor Regulation 2008

Schedule 1 Application fees

Column 1	Column 2	Column 3	Column 4
Type of application	Fixed component	Processing component	Total
Application under section 60 or 61 to transfer any other type of licence	\$200	\$100	\$300
Application under section 62 to carry on licensee's business	Nil	\$50	\$50
Application under section 68 for approval of person to manage licensed premises	Nil	\$50	\$50
Application under section 78 (other than by the Director or the Commissioner of Police) for banning order	Nil	\$50	\$50
Application under section 92 for approval to lease or sublease part of licensed premises	Nil	\$50	\$50
Application under section 94 to change boundaries of licensed premises	Nil	\$100	\$100
Application under section 95 to alter name of licensed premises	Nil	\$50	\$50
Application under section 96 to carry on business on temporary premises	Nil	\$50	\$50

Note. The application fee for the variation of an extended trading authorisation, or for approval to remove a licence to other premises, is dealt with under clause 5 of this Regulation.

Liquor Regulation 2008

Penalty notice offences

Schedule 2

Schedule 2 Penalty notice offences

(Clause 74)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 7 (1)	\$1,100
Section 8 (1)	\$1,100
Section 8 (2)	\$55
Section 9	\$1,100
Section 11 (2)	\$1,100
Section 40 (5)	\$220
Section 51 (4)	\$220
Section 66 (1)	\$550
Section 66 (2)	\$1,100
Section 69 (1)	\$550
Section 73 (1) or (2)	\$1,100
Section 73 (3)	\$550
Section 74 (1)–(4)	\$550
Section 75 (3)	\$1,100
Section 77 (4), (6) or (8)	\$550
Section 78 (8)	\$550
Section 82 (6)	\$2,200
Section 84 (7)	\$2,200
Section 86 (2)	\$2,200
Section 88 (1)	\$550
Section 92 (1) or (2)	\$550
Section 93	\$550
Section 95 (1), (2) or (4)	\$55
Section 97 (5)	\$220
Section 100 (2)	\$550

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Liquor Regulation 2008

Schedule 2 Penalty notice offences

Column 1	Column 2
Provision	Penalty
Section 101 (7)	\$550
Section 102 (3)	\$550
Section 103	\$550
Section 104 (1)	\$55
Section 104 (5)	\$220
Section 105 (1)	\$55
Section 106 (1)	\$550
Section 107 (1)	\$55
Section 108 (1)	\$1,100
Section 109 (1)	\$1,100
Section 110 (1)	\$550
Section 111 (1)	\$110
Section 112	\$110
Section 113 (1)	\$220
Section 114 (1), (2), (3) or (7)	\$220
Section 114 (8)	\$330
Section 117 (1), (2), (4), (6) or (8)	\$1,100
Section 118 (1)	\$220
Section 118 (2)	\$1,100
Section 119	\$550
Section 120 (1)	\$330
Section 122 (5)	\$220
Section 123 (1)	\$220
Section 124 (1)	\$1,100
Section 124 (2)	\$1,100
Section 125 (1)	\$330
Section 126	\$550
Section 128 (2)	\$220
Section 129	\$220

Liquor Regulation 2008

Penalty notice offences

Schedule 2

Column 1	Column 2
Provision	Penalty
Section 138 (5)	\$1,100
Schedule 1, clause 18 (1) or (2)	\$330
Schedule 1, clause 18 (3)	\$550
Schedule 1, clause 19	\$330
Schedule 1, clause 20	\$330
Offences under this Regulation	
Clause 31 (1)	\$220
Clause 32 (1)	\$220
Clause 33 (2)	\$220
Clause 34 (1) or (2)	\$220
Clause 40 (1) or (2)	\$1,100
Clause 41	\$220
Clause 42 (1)	\$550
Clause 42 (2)	\$220
Clause 50 (4)	\$1,100



New South Wales

Local Government (General) Amendment (Elections) Regulation 2008

under the

Local Government Act 1993

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

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

Explanatory note

The object of this Regulation is to make a series of amendments to the *Local Government (General) Regulation 2005* (the **2005 Regulation**) in relation to local government elections. The amendments include the following (the references in parentheses to clauses and other provisions being references to clauses and other provisions of the 2005 Regulation as amended, inserted or deleted by the amendments made by this Regulation):

- (a) to transfer various electoral functions from councils and returning officers to the Electoral Commission, and to change the terminology used in connection with electoral officers so as to refer to “election officials” (comprising returning officers, polling place managers and other election officials),
- (b) to make it the responsibility of the Electoral Commission to undertake advertising in connection with elections and to provide greater flexibility as to when and how advertisements may be published (clauses 277B, 280, 288 and 300),
- (c) to require information about an election, including the list of candidates, to be published on the internet (clauses 277B, 280, 288, 290, 300, 351 and 356),
- (d) to enable nomination proposals, nomination withdrawals, certain applications and other material to be transmitted by facsimile or email (clauses 289, 291, 312, 314, 351, 356P and 388A),
- (e) to provide how and when ward changes impinge on approaching elections (clause 277A),
- (f) to change the date for close of nominations (“nomination day”) to the fifth Wednesday before election day, and to change the time by which nomination proposals must be lodged or may be withdrawn to 12 noon (clauses 286, 289 and 291),

Local Government (General) Amendment (Elections) Regulation 2008

Explanatory note

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- (g) to enable the deposit for a nomination proposal to be lodged by and refunded to a person on behalf of the person proposed for nomination (clauses 289 and 293),
 - (h) to require only the suburb, town or other locality of a candidate's residential address to be publicly displayed (clause 294),
 - (i) to remove the restriction on appointing a polling place after nomination day (clause 297),
 - (j) to require election officials to initial the front, rather than the back, of ballot-papers (various clauses including clauses 311, 317, 322, 330 and 341),
 - (k) to revise the provisions regarding the supply of ballot-papers at a polling place that does not have or runs out of ballot-papers (clause 312),
 - (l) to provide that a silent elector (ie an elector whose place of living is not included on a roll because of a request made under section 739 of the Act) is qualified to vote by post (clause 313 and Form 7),
 - (m) to change the time and date by which an elector must be registered as a general postal voter to 6 pm on the day the rolls close (clause 315),
 - (n) to provide for the eligibility of silent electors, pregnant electors or disabled electors to apply for pre-poll votes (clause 321),
 - (o) to set out the procedures that apply to voting at nursing homes and other declared institutions, rather than applying provisions of the *Parliamentary Electorates and Elections Act 1912* with various modifications (clauses 328–330),
 - (p) to enable pre-poll voting at mobile booths in remote local government areas (clause 332A),
 - (q) to change the form of the question that an election official may (or must if required by a scrutineer) put to an elector from "Are you 18 years of age or older?" to "What is your date of birth?" (clause 339),
 - (r) to require an elector to vote for at least half the number of candidates that equals the number of vacancies (clause 345 and Forms 4, 5 and 6),
 - (s) to provide that a ballot-paper is not informal just because the elector has placed one or more numbers, a tick or one or more crosses adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector's intention is clearly indicated (clause 345),
 - (t) to provide further options for notifying candidates of the results of an election (clause 351),
 - (u) to revise the provisions in Part 11 of the 2005 Regulation regarding activities during the period (the "regulated period") before and on election day, and replace them with a new Division 9A containing the following:
 - (i) offences applicable during the regulated period, regarding posters and other electoral material (Subdivision 3),
 - (ii) additional offences applicable on pre-poll voting days, regarding posters and canvassing at pre-poll voting offices (Subdivision 4),
 - (iii) additional offences applicable on election day, regarding posters and canvassing at polling places and distribution of unregistered electoral material (Subdivision 5),

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- (iv) registration of electoral material for distribution or display on election day (Subdivision 6),
- (v) definitions and other miscellaneous provisions (Subdivisions 1, 2 and 7),
- (v) to provide for ballot-papers to be issued in braille format (clause 388A),
- (w) to require the Electoral Commission to be notified, by close of nominations, of the question to be asked at a constitutional referendum or council poll and to publicise the referendum or poll when publishing a notice of the election after close of nominations (Schedule 10, clause 4),
- (x) to remove references, in the context of postal voting, to claiming to vote where an elector's name is not on the roll of electors, without affecting such claims in the context of other kinds of voting (Schedule 11, Forms 7 and 8),
- (y) to provide separate forms for a claim to vote before election day and for a claim to vote on election day, where the elector's name is not on the roll of electors (Schedule 11, Forms 10 and 11).

This Regulation is made under the *Local Government Act 1993*, including sections 305, 306, 308A, 308D, 310 and 748 (the general regulation-making power), and Schedule 6 items 4, 14 and 21.

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under the

Local Government Act 1993

1 Name of Regulation

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

2 Amendment of Local Government (General) Regulation 2005

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

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(Clause 2)

[1] Clause 275 Definitions

Omit the definitions of *electoral material*, *electoral official*, *polling day* and *senior deputy returning officer* from clause 275 (1).

[2] Clause 275 (1)

Insert in alphabetical order:

closing date or *roll closing date*, in relation to an election, means the date prescribed by clause 278 for the closing of the roll of electors for the election.

Note. Clause 278 provides that the closing date is the fortieth day preceding election day, except where the election is delayed.

election official means:

- (a) a returning officer or substitute returning officer, or
- (b) an electoral official appointed by the returning officer under section 296 (3) of the Act.

Electoral Commission means the New South Wales Electoral Commission constituted by section 21A of the *Parliamentary Electorates and Elections Act 1912*, and includes the Electoral Commissioner.

Note. Section 21A of that Act provides that:

- (a) the functions of the Electoral Commission are exercisable by the Electoral Commissioner, and
- (b) any functions conferred or imposed on the Electoral Commissioner by or under any Act may be exercised by the Electoral Commissioner in his or her official name as Electoral Commissioner or in the name of the Commission.

polling place manager, in relation to a polling place, means:

- (a) the electoral official appointed by the returning officer under section 296 (3) of the Act and in charge of the polling place, or
- (b) the returning officer if authorised by the Electoral Commission to act as polling place manager at the polling place.

pre-poll voting office means a pre-poll voting office appointed under clause 298.

pre-poll voting officer means:

- (a) the returning officer, or

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(b) an election official assigned by the Electoral Commission or returning officer to conduct pre-poll voting.

registered officer of a registered political party includes a deputy registered officer of the party.

registered political party means a political party registered under Part 7 of Chapter 10 of the Act.

silent elector means an elector whose place of living is not included on a roll of electors because of a request made under section 739 of the Act.

[3] Clause 275 (3)

Insert after clause 275 (2):

- (3) In this Part, a reference to the Electoral Commission includes a reference to the returning officer where the Commission authorises the returning officer to exercise a specified function conferred or imposed on the Commission by this Part.

[4] Clause 276 Election official cannot be candidate

Omit “as an electoral official” from clause 276 (1).

Insert instead “other election official”.

[5] Clause 276 (2)

Omit “an electoral official”. Insert instead “other election official”.

[6] Clauses 277A and 277B

Insert after clause 277:

277A Effect of changes to wards on approaching elections**(1) Application of this clause**

This clause applies if a council divides its area into wards, abolishes all its wards, alters its ward boundaries, or names or renames a ward in its area. Each such action is a **change** for the purposes of this clause.

(2) Effect on approaching election (other than by-election)

The next election (other than a by-election) held after a change is made is to be held as if the change had not been made if it was made during the period of 6 months before the roll closing date, unless the Electoral Commission approves in special circumstances determined by the Commission.

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(3) Effect on approaching by-election

A by-election held after a change is made and before the next ordinary election is to be held as if the change had not been made. This subclause does not apply to an alteration of ward boundaries (which is provided for by section 210 (6) of the Act).

(4) Transitional

Subclause (2) does not apply in relation to the ordinary election to be held in September 2008.

277B Advertising by Electoral Commission**(1) General power to advertise**

The Electoral Commission may publish (at such times as the Commission thinks fit) such electoral information as the Commission thinks fit, including but not limited to:

- (a) information of the fact that an election is to be held, and
- (b) information about:
 - (i) the nomination process for an election, and
 - (ii) entitlements and obligations to vote in an election, and
 - (iii) the location of polling places for the election and who may vote at the respective polling places.

(2) Types of advertising

The information may be published by way of newspaper notices, by display on the Electoral Commission's internet website, or in any other manner the Commission thinks appropriate.

(3) Coverage of advertisement

A publication of information may relate to one or more areas.

(4) Relationship of clause to other provisions

This clause has effect subject to the specific requirements of clauses 280, 288 and 300, but nothing in those clauses prevents the Electoral Commission from publishing additional notices or information under this clause.

[7] Clause 280 Advertising of enrolments

Omit "general manager is to give notice" from clause 280 (1).

Insert instead "Electoral Commission is to give notice under clause 277B".

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[8] Clause 280 (3)

Omit the subclause. Insert instead:

- (3) The notice is to be given at least once in the 14 days before the roll closing date for the election, constitutional referendum or council poll. The notice is to be given by advertisement in a newspaper circulating generally in the State or another newspaper circulating in the relevant area, or both.

[9] Clause 280 (5) and (6)

Insert after clause 280 (4):

- (5) The Electoral Commission must cause the information contained in a notice under this clause to be published on the Electoral Commission's internet website until at least 6 pm on the roll closing date for the election.
- (6) The council must cause the information referred to in subclause (5) to be published on the council's internet website, or provide a link on its website to the relevant part of the Electoral Commission's website, until at least 6 pm on the roll closing date for the election.

[10] Clause 286 Nomination day

Omit "Friday". Insert instead "Wednesday".

[11] Clause 288 Notice of election and call for nomination proposals

Omit "returning officer" from clause 288 (1).

Insert instead "Electoral Commission".

[12] Clause 288 (5) and (6)

Insert after clause 288 (4):

- (5) The Electoral Commission must cause the information contained in a notice under this clause to be published on the Electoral Commission's internet website until at least 12 noon on the nomination day for the election.
- (6) The council must cause the information referred to in subclause (5) to be published on the council's internet website, or provide a link on its website to the relevant part of the Electoral Commission's website, until at least 12 noon on the nomination day for the election.

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[13] Clause 289 Nomination proposals

Omit clause 289 (1) (b). Insert instead:

- (b) in Form 3 by the registered officer of a registered political party.

[14] Clause 289 (5)–(5B)

Omit clause 289 (5). Insert instead:

- (5) A nomination paper must be delivered or sent (by post or otherwise), or transmitted by facsimile or email, so as to reach the returning officer by 12 noon on the nomination day. The returning officer must give a receipt for it if asked to do so.
- (5A) A nomination paper is not validly transmitted by email unless:
 - (a) an image of the completed nomination paper signed by the proposers and the person proposed for nomination is included in or attached to the email, and
 - (b) that image includes an image of the actual signatures as appearing on the nomination paper.
- (5B) The returning officer may make such inquiries as he or she thinks fit to confirm the authenticity of a nomination paper if he or she considers it appropriate to do so in the circumstances.

[15] Clause 289 (7)

Omit “general manager”. Insert instead “Electoral Commission”.

[16] Clause 289 (8)

Insert “, by the person proposed for nomination or some person on his or her behalf,” after “paid” where firstly occurring.

[17] Clause 289 (8)

Omit “5 pm on the day 2 days before”. Insert instead “12 noon on”.

[18] Clause 290 Candidate information sheets

Omit “the returning officer or” from clause 290 (3).

[19] Clause 290 (4) and (5)

Insert after clause 290 (3):

- (4) As soon as practicable after a candidate is nominated, the Electoral Commission must cause the information contained in the candidate’s information sheet to be published on the Electoral Commission’s internet website until at least election day. The

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Electoral Commission may edit the format in which the information is presented on the website and may delete any material the Commission thinks inappropriate to be included.

- (5) The council must cause the information referred to in subclause (4) to be published on the council's internet website, or provide a link on its website to the relevant part of the Electoral Commission's website, until at least election day.

[20] Clause 291

Omit the clause. Insert instead:

291 Withdrawal of nomination proposals**(1) Manner of withdrawal**

A nomination proposal may be withdrawn by the delivery or sending (by post or otherwise), or the transmission by facsimile or email, to the returning officer of a notice in writing signed personally by the person proposed for nomination.

(2) Timing of withdrawal

The notice must be delivered, sent or transmitted so as to reach the returning officer by 12 noon on the nomination day.

(3) Emailed withdrawal notice

The notice is not validly transmitted by email unless:

- (a) an image of the completed notice signed by the person proposed for nomination is included in or attached to the email, and
- (b) that image includes an image of the actual signature as appearing on the notice.

(4) Inquiries as to authenticity of withdrawal notice

The returning officer may make such inquiries as he or she thinks fit to confirm the authenticity of a withdrawal notice if he or she considers it appropriate to do so in the circumstances.

[21] Clause 292 Multiple nomination proposals

Omit "11 am" from clause 292 (1). Insert instead "12 noon".

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[22] Clause 293

Omit the clause. Insert instead:

293 Refund of deposit

- (1) A deposit in respect of the nomination of a person (the *candidate*) is to be returned if:
 - (a) the candidate withdraws the proposal for nomination or cannot be nominated because the candidate is not qualified to hold civic office, or
 - (b) the candidate dies before election day, or
 - (c) the candidate is elected (whether or not a poll is taken), or
 - (d) the candidate receives at least 4 per cent of the total number of formal first preference votes, or
 - (e) the name of the candidate appears in a group on the ballot-papers and any candidate whose name appears in that group is elected or receives at least 4 per cent of the total number of formal first preference votes, or
 - (f) a poll is not taken in the ward or area for which the candidate has been nominated.
- (2) The deposit that is to be returned under subclause (1) is to be returned:
 - (a) to the candidate (or to some person authorised in writing by the candidate to receive it), unless paragraph (b) applies, or
 - (b) to the candidate's personal representatives, if the candidate died before election day.
- (3) A deposit that is not required to be returned is to be forfeited to the council.

[23] Clause 294 Inspection of names of persons proposed for nomination

Omit clause 294 (1). Insert instead:

- (1) A person is to be allowed, at any reasonable time in office hours, to inspect, without charge, a list prepared by the returning officer of:
 - (a) the full names of persons proposed for nomination, and
 - (b) the names under which those persons have requested, in the consents to their nomination papers, that they be shown on the ballot-papers, and

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- (c) the suburb, town or other locality of the place of living as enrolled of those persons (as stated on the nomination papers).

[24] Clause 295 Returning officer to nominate candidates

Omit clause 295 (1). Insert instead:

- (1) On the nomination day, and in the presence of such scrutineers and such reasonable number of other persons as choose to be present, the returning officer is to do the following, commencing at 12 noon:
 - (a) attend at the place of nomination, and
 - (b) announce any withdrawals of nominations, and
 - (c) cancel the nomination papers of the persons who have withdrawn, and
 - (d) nominate as candidates for election the persons whose nomination papers the returning officer believes to be valid and that have not been cancelled.

[25] Clause 295 (3)

Insert after clause 295 (2):

- (3) On or as soon as practicable after the nomination day, the returning officer is to deliver or send to the Electoral Commission a list or lists of:
 - (a) the persons proposed for nomination and the names under which the persons have requested, in the consents to their nomination papers, that they be shown on the ballot-papers and of the wards or area for which they are proposed, and
 - (b) the persons nominated as candidates under subclause (1).

[26] Clause 297 Polling places

Omit clause 297 (2). Insert instead:

- (2) If an area is divided into wards, at least one polling place is to be appointed by the Electoral Commission for all wards, at which a person enrolled in any such ward may vote.

[27] Clause 297 (3)

Omit the subclause.

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[28] Clause 298

Omit the clause. Insert instead:

298 Pre-poll voting offices

- (1) The Electoral Commission must appoint one or more places as pre-poll voting offices for the purpose of enabling electors to vote in person before election day.
- (2) The office of the returning officer is taken to be appointed as a pre-poll voting office under subclause (1).
Note. Subdivision 4 of Division 7 of Part 11 (clauses 332 and 332A) provides for mobile booths for the purposes of voting.

[29] Clause 300 Notice of contested election

Omit “the returning officer must at the time and place of nomination publicly announce” from clause 300 (1).

Insert instead “the Electoral Commission must on the nomination day or as soon as practicable afterwards publish a notice stating”.

[30] Clause 300 (2)

Omit “returning officer”. Insert instead “Electoral Commission”.

[31] Clause 300 (3)

Insert after clause 300 (2):

- (3) As soon as practicable after the nomination day, the Electoral Commission must cause a list of those details to be displayed on the Commission’s internet website until at least election day.

[32] Clause 302 Order of candidates and groups on ballot-papers

Insert “ungrouped” before “candidates” in the heading to the clause.

[33] Clause 303 Order of ungrouped candidates on ballot-papers

Omit “Order” from the heading to the clause.

Insert instead “Determining the order”.

[34] Clause 304 Order of groups of candidates on ballot-papers

Omit “Order” from the heading to the clause.

Insert instead “Determining the order”.

[35] Clause 305 Form of ballot-papers

Omit “ticket” wherever occurring in clause 305 (5).

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[36] Clause 305 (5)

Omit “returning officer”. Insert instead “Electoral Commission”.

[37] Clauses 306–308

Omit the clauses.

[38] Clause 309 Supply of rolls and ballot-papers

Omit “senior deputy returning officer” from clause 309 (1) (b).

Insert instead “polling place manager”.

[39] Clause 309 (3)

Omit “polling day”. Insert instead “election day”.

[40] Clause 311

Omit the clause. Insert instead:

311 Ballot-paper to be initialled

A ballot-paper, before being delivered or sent to an elector, is to be initialled on the front by an election official.

[41] Clause 312

Omit the clause. Insert instead:

312 Ballot-paper may be photocopied, written or otherwise reproduced

- (1) If a polling place, pre-poll voting office or declared institution does not have or runs out of ballot-papers printed in accordance with clause 305, the returning officer, polling place manager or other election official in charge at the time may have the ballot-paper reproduced by photocopying or writing or may use copies obtained by facsimile or email.
- (2) A ballot-paper so reproduced or obtained is still required to be in Form 4, 5 or 6 and is to be in the same general format as the ballot-paper printed in accordance with clause 305.
- (3) A ballot-paper so reproduced or obtained and complying with subclause (2) is as valid as a form printed in accordance with clause 305.

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[42] Clause 313 Postal voting: qualifications

Omit “prison” from clause 313 (g).

Insert instead “correctional centre (within the meaning of the *Crimes (Administration of Sentences) Act 1999*)”.

[43] Clause 313 (j)

Insert at the end of clause 313 (i):

, or

(j) is a silent elector.

[44] Clause 314

Omit the clause. Insert instead:

314 Postal voting: application**(1) Qualified persons may apply**

A person qualified under this Subdivision may apply to the returning officer for a postal ballot-paper and postal voting envelope.

(2) Form, completion and witnessing of application

The application:

- (a) is to be in Form 7, and
- (b) is to be completed and signed by the applicant, and
- (c) is to be witnessed as shown on the application.

(3) Despatch of application to returning officer

The application:

- (a) must be delivered or sent (by post or otherwise), or transmitted by facsimile or email, so as to reach the returning officer between the roll closing date and 5 pm on the fifth day before election day, and
- (b) if received by the returning officer within that period, is to be given a number.

(4) Physical delivery or sending of application

If the application is to be delivered or sent (by post or otherwise) to the returning officer but not transmitted by facsimile or email, the application:

- (a) is to be placed by the applicant in an envelope addressed to the returning officer and sealed, and

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- (b) is to be delivered or sent directly to the returning officer by the applicant (or if the applicant is physically incapable of delivering or sending the application and entrusts it to another person for that purpose, by that person).

(5) Emailed application

If the application is to be emailed to the returning officer, the application is not validly transmitted by email unless:

- (a) an image of the completed application signed by the elector and witness is included in or attached to the email, and
- (b) that image includes an image of the actual signatures as appearing on the application.

(6) Inquiries as to authenticity of application

The returning officer may make such inquiries as he or she thinks fit to confirm the authenticity of an application if he or she considers it appropriate to do so in the circumstances.

Note. Clause 388A provides that an application for postal voting is taken to be duly made if an elector intending to vote by a postal vote applies under that clause for a ballot-paper in braille format.

[45] Clause 315 Registration of general postal voters

Omit “5 pm on the nomination day” from clause 315 (3).

Insert instead “6 pm on the roll closing date”.

[46] Clause 317 Issue of postal ballot-paper

Omit clause 317 (1) (b). Insert instead:

- (b) deliver or send to the elector a ballot-paper that is initialled on the front by an election official, and

[47] Clause 318 Postal voting procedure

Omit “senior deputy returning officer” wherever occurring in clause 318 (5) and (6).

Insert instead “polling place manager”.

[48] Clause 318 (5)

Insert “The envelope is to be placed in the ballot-box at the polling place.” after “day.”.

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[49] Clause 320 Receipt of postal ballot-papers

Omit “appropriate notation on the record referred to in clause 317 (1) (a)” from clause 320 (1).

Insert instead “appropriate record of the receipt of the envelope”.

[50] Clause 320 (2)

Omit “If the elector’s name is on the roll of electors, the”. Insert instead “The”.

[51] Clause 320 (3)

Omit the subclause.

[52] Part 11, Division 7, Subdivision 2, heading

Omit the heading. Insert instead:

Subdivision 2 Pre-poll voting at pre-poll voting offices**[53] Clause 321 Pre-poll voting qualifications**

Insert after clause 321 (c):

- (c1) is disabled and so will be prevented from attending at any such polling place to vote, or
- (c2) is prevented by approaching maternity from attending at any such polling place to vote, or

[54] Clause 321 (g)

Insert at the end of clause 321 (f):

, or

- (g) is a silent elector.

[55] Clauses 322–324

Omit the clauses. Insert instead:

323 Pre-poll voting procedure**(1) Application may be made**

A person qualified under this Subdivision may apply for a pre-poll ballot paper. The application is to be made orally:

- (a) by the elector in person, and
- (b) to a pre-poll voting officer at a place, on a day and during hours, respectively appointed by or under clauses 298 and 326.

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(2) Oral declaration by elector

The elector is to make an oral declaration to a pre-poll voting officer stating:

- (a) the name under which the elector claims to vote and such other particulars as the officer requires for the purpose of checking the name on the roll of electors, and
- (b) that the elector is entitled to vote at the election, and
- (c) that the elector has not already voted in connection with the election and will not vote anywhere else in connection with the election, and
- (d) the ground on which the elector is making the application.

(3) Written declaration by elector

The elector is then to make a written declaration. The declaration:

- (a) is to be in Form 10, and
- (b) is to be printed or written on a ballot-paper envelope, and
- (c) is to be obtained by the applicant from the pre-poll voting officer, who, before handing it to the applicant, must fill in on the declaration:
 - (i) the name of the area and ward (if any), and
 - (ii) the full name and full address of the elector, and
- (d) is to be completed and signed by the elector in the presence of the officer, and
- (e) is to be returned to the officer who is to witness the elector's signature.

Note. Form 10 also includes the declaration to be made by an elector whose name does not appear on the roll of electors.

(4) Questions

A pre-poll voting officer may, and must if requested to do so by any scrutineer, put to the elector who made the application under this clause any of the questions set out in clause 339 that are applicable to the case.

(5) Ballot-paper to be handed to elector

If:

- (a) the elector answers the questions satisfactorily or no questions are to be put to the elector, and
 - (b) the elector makes the declaration under subclause (3),
- the pre-poll voting officer must hand to the elector a ballot-paper in Form 4, 5 or 6 that is initialled on the front by the officer.

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(6) Record of voting

The pre-poll voting officer is to make an appropriate notation on the roll of electors to show that the elector has received a ballot-paper.

(7) Ballot-paper to be completed and given to officer

On receiving a pre-poll ballot-paper, the elector is:

- (a) to mark his or her vote on the ballot-paper in accordance with the directions on it in view of the pre-poll voting officer but so that the officer is unable to see the vote, and
- (b) to fold the ballot-paper so that the vote cannot be seen, and then return the ballot-paper so folded to the officer.

(8) How ballot-paper to be dealt with by officer

When a ballot-paper has been so returned to the pre-poll voting officer, the officer must, in the presence of the elector:

- (a) enclose the ballot-paper in the envelope bearing the elector's declaration and seal the envelope, and
- (b) put the sealed envelope in the pre-poll ballot-box.

324 Pre-poll ballot-box to be delivered or sent to returning officer

A pre-poll ballot-box is to be delivered or sent unopened to the returning officer as soon as the ballot-box is no longer required for further voting.

[56] Clause 325 Surrender of postal ballot-papers

Omit "the returning officer or senior deputy returning officer".

Insert instead "a pre-poll voting officer".

[57] Clause 326 Pre-poll voting offices and times

Omit "the pre-poll voting offices for senior deputy returning officers" from clause 326 (2).

Insert instead "one or more other pre-poll voting offices".

[58] Clause 326 (3)

Omit "returning officer or senior deputy returning officer".

Insert instead "pre-poll voting officer".

[59] Clause 327 Declared institutions

Omit "a ward or area" from clause 327 (1). Insert instead "an area".

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[60] Clause 327 (1)

Omit “patients or inmates”.

Insert instead “permanent or temporary residents”.

[61] Clause 327 (1)

Omit “the ward or area”. Insert instead “the area”.

[62] Clauses 328–331

Omit the clauses. Insert instead:

328 Taking of poll at declared institutions

- (1) The returning officer for an area in which a declared institution is situated must assign one or more pre-poll voting officers to take the poll at the institution.
- (2) The pre-poll voting officers may, on any one or more of the fifth, fourth and third days before election day, enter into and remain in the institution for the purpose of taking the poll at the institution.

329 Entitlement to vote at declared institutions

- (1) An elector who:
 - (a) is, for the time being, a permanent or temporary resident of a declared institution, and
 - (b) has, by message to the returning officer for the area in which the institution is situated or a pre-poll voting officer assigned to take the poll at the institution, requested an opportunity to record his or her vote at the institution,
 is entitled to vote under this Subdivision while the pre-poll voting officers are at the institution for the purpose of taking the poll.
- (2) An elector to whom a postal vote certificate and postal ballot paper have been issued is not entitled to vote under this Subdivision unless he or she first delivers for cancellation to a pre-poll voting officer who takes the poll at the institution of which the elector is a permanent or temporary resident, his or her postal vote certificate and postal ballot paper.
- (3) A person to whom any message referred to in subclause (1) (b) is given for delivery to a pre-poll voting officer must, unless otherwise ordered on medical grounds by a legally qualified medical practitioner, deliver the message to a pre-poll voting officer before, or forthwith after, a pre-poll voting officer enters, for the purpose of taking the poll, the declared institution of

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which the person making the request is a permanent or temporary resident.

Maximum penalty: 0.5 penalty unit.

330 Procedure for voting at declared institutions**(1) Opportunity to vote to be given**

The pre-poll voting officers must afford an elector entitled to vote under this Subdivision the opportunity to record his or her vote by visiting the elector at the declared institution of which the elector is, for the time being, a permanent or temporary resident.

(2) Visit may be forbidden on medical grounds

A visit to an elector must not be made under this clause if the pre-poll voting officer is informed, by a legally qualified medical practitioner or member of the staff of the declared institution of which the elector is, for the time being, a permanent or temporary resident, that the visit is forbidden, on medical grounds, by a legally qualified medical practitioner.

(3) Oral declaration by elector

The elector is to make an oral declaration to a pre-poll voting officer stating:

- (a) the name under which the elector claims to vote and such other particulars as the officer requires for the purpose of checking the name on the roll of electors, and
- (b) that the elector is entitled to vote at the election, and
- (c) that the elector has not already voted in connection with the election and will not vote anywhere else in connection with the election.

(4) Written declaration by elector

The elector is then to make a written declaration. The declaration:

- (a) is to be in Form 10, and
- (b) is to be printed or written on a ballot-paper envelope, and
- (c) is to be obtained by the elector from the pre-poll voting officer, who, before handing it to the elector, must fill in on the declaration:
 - (i) the name of the area and ward (if any), and
 - (ii) the full name and address of the elector, and
- (d) is to be completed and signed by the elector in the presence of the officer, and

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- (e) is to be returned to the officer who is to witness the elector's signature.

Note. Form 10 also includes the declaration to be made by an elector whose name does not appear on the roll of electors.

(5) **Questions**

A pre-poll voting officer may, and must if requested to do so by any scrutineer, put to an elector visited by him or her under this Subdivision any of the questions set out in clause 339 that are applicable to the case.

(6) **Ballot-paper to be handed to elector**

If:

- (a) the elector answers the questions satisfactorily or no questions are to be put to the elector, and
- (b) the elector makes the declaration under subclause (4),

the pre-poll voting officer must hand to the elector a ballot-paper in Form 4, 5 or 6 that is initialled on the front by the officer.

(7) **Record of voting**

The pre-poll voting officer is to make an appropriate notation on the roll of electors to show that the elector has received a ballot-paper.

(8) **Ballot-paper to be completed and given to officer**

On receiving the ballot-paper, the elector is:

- (a) to mark his or her vote on the ballot-paper in accordance with the directions on it in the view of the pre-poll voting officer but so that the officer is unable to see the vote, and
- (b) to fold the ballot-paper so that the vote cannot be seen, and then return the ballot-paper so folded to the officer.

(9) **How ballot-paper to be dealt with by officer**

When a ballot-paper has been so returned to the pre-poll voting officer, the officer must, in the presence of the elector:

- (a) enclose the ballot-paper in the envelope bearing the elector's declaration and seal the envelope, and
- (b) put the sealed envelope in the declared institutions ballot-box.

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331 Declared institutions ballot-box to be delivered or sent to returning officer

A declared institutions ballot-box is to be delivered or sent unopened to the returning officer as soon as the ballot-box is no longer required for further voting.

[63] Clause 332 Mobile booths in convalescent homes, hospitals or similar institutions

Insert “in any convalescent home, hospital or similar institution” after “the Act” wherever occurring in clause 332 (1) and (2).

[64] Clause 332A

Insert after clause 332:

332A Mobile booths for pre-poll voting in remote local government areas

(1) Electoral Commission’s functions

The Electoral Commission:

- (a) may declare an area to be a remote area for the purposes of this clause, and
- (b) may determine the places in that area that a team will visit for the purposes of this clause, and
- (c) may determine the days and times when a team will visit those places (such a day must be after nomination day and before election day or a day to which the polling is adjourned), and
- (d) must take such steps as it thinks fit to give public notice of:
 - (i) the places determined under paragraph (b), and
 - (ii) the days and times determined under paragraph (c) when a team will visit such a place for the purposes of this clause.

(2) Teams

A team consists of two or more election officials, one of whom must be a pre-poll voting officer who is designated by the Electoral Commission as team leader. The team leader is to exercise the functions of the pre-poll voting officer under the following provisions of this clause.

(3) Visits and variation of places, days or times

A team must make a visit or visits as notified under subclause (1) (d), but, if the team is unable for reasonable cause, or the pre-poll

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voting officer considers it inappropriate, to make such a visit, the officer may substitute another place, day or time for the visit and, in that event, must:

- (a) take such steps as he or she thinks fit to give public notice of the substituted place, day or time, and
- (b) inform the Electoral Commission.

(4) **Failure to visit does not invalidate election result**

Any failure by a team to make a visit in accordance with this clause does not invalidate the result of the election.

(5) **Voting**

At any time when a team is at a place for the purposes of taking votes under this clause in an election:

- (a) the pre-poll voting officer must have a pre-poll ballot-box, ballot-papers and such other things as are necessary for the votes of electors to be taken at the place, and
- (b) every person at the place who is entitled to vote in the election for the area is entitled to have his or her vote taken under this clause, and
- (c) for purposes of, and in connection with, the taking of votes under this clause:
 - (i) the place is taken to be a pre-poll voting office, and
 - (ii) the pre-poll voting officer is taken to be the pre-poll voting officer at that office, and
- (d) an elector's vote is so far as is reasonably practicable to be taken and dealt with in all respects as if the vote were recorded at a pre-poll voting office under usual conditions, but the following provisions are to be disregarded for this purpose:
 - (i) clause 321 regarding the qualifications to vote before election day,
 - (ii) clause 326 regarding pre-poll voting times and candidate information sheets.

(6) **Ballot-box to be secured and forwarded to returning officer**

At the end of the last visit made by a team for the purposes of this clause, the pre-poll voting officer must, in the presence of any other election official assisting the officer and any scrutineers who are present:

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- (a) publicly close, fasten, seal and take charge of the ballot-box used by the officer for the purposes of this clause, and
 - (b) with the least possible delay, forward it for the purposes of scrutiny to the returning officer for the area concerned.

(7) Relationship of this clause to other provisions

In relation to an area declared by the Electoral Commission to be a remote area, and without affecting subclause (5) (d), the provisions of this clause apply in addition to, and without derogation from, the application of any other provision of this Regulation. However, any such other provision applies with any necessary modifications.

[65] Clause 333 Assistance of officers

Omit “or a senior deputy returning officer”.

Insert instead “, a polling place manager or a pre-poll voting officer”.

[66] Clause 334 Principal polling place

Omit the clause.

[67] Clause 335

Omit the clause. Insert instead:

335 Polling place—arrangements**(1) Assignment of polling place manager**

The returning officer must assign an election official to preside at each polling place as polling place manager.

(2) Assignment of other election officials to assist

The returning officer must assign at least one other election official to assist in taking the poll at a polling place.

(3) Returning officer polling place manager

If the returning officer’s instrument of appointment or another instrument issued by the Electoral Commission authorises him or her to do so, the returning officer may act as the polling place manager at a polling place, in which case the returning officer is taken to be a polling place manager duly assigned to preside at the polling place.

(4) Assignments to be in writing

Assignments under this clause must be made in writing.

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(5) Functions of polling place managers and other election officials

The functions of polling place managers and other election officials are, subject to the Act and this Regulation, to be as determined by the Electoral Commission.

[68] Clause 339 Questions put to elector

Omit “Are you 18 years of age or older?” from clause 339 (4).

Insert instead “What is your date of birth?”.

[69] Clause 339 (5)

Omit the subclause. Insert instead:

- (5) A person who:
- (a) fails to satisfy a requirement under subclause (1) or (3), or
 - (b) does not answer “yes” to questions 1 and 3, and “no” to questions 4 and 5, in subclause (4), or
 - (c) whose answer to question 2 in subclause (4) does not correspond to the person’s date of birth as appearing on the roll of electors,
- must not be given a ballot-paper and must not be allowed to vote.

[70] Clause 339 (7) (a)

Omit the paragraph. Insert instead:

- (a) because of errors or omissions in the entry of the person’s name or date of birth as appearing on the roll of electors if he or she satisfies the election official of his or her identity as the person referred to in the roll, or

[71] Clause 341

Omit the clause. Insert instead:

341 Delivery of ballot-paper to elector

- (1) An election official is to deliver a ballot-paper initialled on the front by an election official to each person who is entitled to vote.
- (2) The election official is to make an appropriate notation on the roll of electors to show that the elector has received a ballot-paper.

[72] Clause 342 Voting

Omit “but to show clearly the initials on the back, show it so folded to an electoral official” from clause 342 (b).

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[73] Clause 343

Omit the clause. Insert instead:

343 Elector whose name is not on roll (section 305 votes)

- (1) An elector who claims to vote under section 305 of the Act on election day, after making the declaration required by that section and receiving a ballot-paper, is to mark the ballot-paper and fold it to conceal the vote marked on it and return it so folded to the polling place manager.
- (2) The polling place manager on receiving the ballot-paper must, in the presence of the elector and of any scrutineers present, and without unfolding the ballot-paper, enclose it in the envelope, seal the envelope and put it in the ballot-box.
- (3) The polling place managers are each to make a list of section 305 votes. On it each polling place manager is to note:
 - (a) the giving of a ballot-paper at the polling place where the polling place manager is in charge to an elector who has made a declaration under section 305 of the Act, and
 - (b) the number of such votes delivered or sent to the returning officer from that polling place (or, if the polling place manager is the returning officer, retained by him or her).

[74] Clause 344 Voting if name already marked on roll

Omit “, show the initials on the back of the ballot-paper to an electoral official and deliver it to the official” from clause 344 (2).

Insert instead “and deliver it to an election official”.

[75] Clause 345 Informal ballot-papers

Omit clause 345 (1) (b). Insert instead:

- (b) it has not been initialled on the front by an election official,
or

[76] Clause 345 (3)

Omit the subclause.

[77] Clause 345 (4)

Omit “half of”.

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[78] Clause 345 (5)

Omit “back by the returning officer or an electoral official”.

Insert instead “front by an election official”.

[79] Clause 345 (6A)

Insert after clause 345 (6):

- (6A) Despite subclause (1), a ballot-paper is not informal by reason only that the elector has placed one or more numbers, a tick or one or more crosses adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector’s intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.

[80] Clause 346 Persons present at scrutiny and count

Omit “the Electoral Commissioner, the returning officer, electoral officials”.

Insert instead “the Electoral Commission, election officials”.

[81] Clause 347 Postal, pre-poll and declared institution votes

Omit the clause.

[82] Clause 348

Omit the clause. Insert instead:

348 Initial scrutiny of ballot-papers and counting of votes

- (1) On the close of the poll at an election each polling place manager must with the assistance of the election officials, and in the presence of the scrutineers, then present and on duty at the polling place:
- (a) open the ballot-box, and
 - (b) scrutinise the ballot-papers, and
 - (c) reject the informal ballot-papers, and
 - (d) place the envelopes containing postal votes, section 305 votes and tendered votes on one side as they are taken from the ballot-box, and
 - (e) count:
 - (i) the first preferences recorded for each candidate and group of candidates, and
 - (ii) the number of informal votes, and

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- (iii) the number of envelopes containing declarations under this Part.

- (2) The polling place manager must send to the returning officer returns in Form 14:
 - (a) stating the details of those counts, and
 - (b) signed by:
 - (i) the polling place manager and another election official, and
 - (ii) any scrutineer who desires to sign the returns.

[83] Clause 349 Sending ballot-papers to returning officer

Omit “senior deputy returning officer” wherever occurring.

Insert instead “polling place manager”.

[84] Clause 349 (1) (b)

Omit the paragraph. Insert instead:

- (b) in a second parcel:
 - (i) the envelopes containing postal votes, the envelopes containing section 305 votes and the envelopes containing tendered votes, and
 - (ii) the ballot-papers that have not been used, and
 - (iii) the cancelled postal ballot-papers and forms of declaration, and
 - (iv) the spoilt ballot-papers, and
 - (v) the list of section 305 votes and the list of tendered votes, and

[85] Clause 349 (2) (e)

Omit “senior deputy returning officer’s”.

Insert instead “polling place manager’s”.

[86] Clause 349 (3)

Omit “on duty at the principal polling place”.

Insert instead “then present and on duty”.

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[87] Clause 350

Omit the clause. Insert instead:

350 Checking of ballot-papers in sealed envelopes**(1) Postal votes**

The returning officer must on election day (at any time after 8 am) produce the applications for postal votes, produce the list and signature indications of general postal voters forwarded to the returning officer, and open the ballot-boxes containing postal votes received by the returning officer and take all the envelopes from them.

(2) Postal votes received after the close of the poll but before 6 pm on the first business day following election day (including those delivered to polling place managers on election day under clause 318 (5)) are to be dealt with in the same way as postal votes received before the close of the poll.

(3) The returning officer is then to do the following or have the following done:

- (a) count the sealed ballot-paper envelopes unopened and record the count,
- (b) check the names on the envelopes against the roll of electors and, if the Form 8 declaration on the envelope has been duly signed and witnessed, mark the roll of electors in the manner determined by the Electoral Commission,
- (c) compare the signature of the elector on each postal vote declaration with the signature of the applicant on the correspondingly numbered application for a postal vote (or the signature of the applicant for registration as a general postal voter), allow the scrutineers to inspect both signatures, and examine each declaration as to its formality or informality,
- (d) if the returning officer is not satisfied that the signature of the elector on the declaration is that of the applicant who signed the application or that the declaration is formal—mark, initial and keep apart unopened the sealed ballot-paper envelope on which the declaration appears,
- (e) if the returning officer is satisfied that the signature of the elector on the declaration is that of the applicant who signed the application and that the declaration is formal—turn the sealed ballot-paper envelope so that the declaration is face downwards, then open the envelope (without damaging the writing on it) and take out the

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ballot-paper and, without inspecting or unfolding it or allowing any other person to do so, place it in a securely fastened ballot-box for further scrutiny,

- (f) after dealing with all the envelopes and ballot-papers in accordance with paragraphs (d) and (e), open the ballot-box, take out the ballot-papers, unfold and scrutinise them and reject the informal ones.

(4) **Pre-poll votes, declared institution votes and section 305 votes**

The returning officer must:

- (a) on election day (at any time after 8 am) produce all the sealed envelopes containing pre-poll votes and declared institution votes (including section 305 votes cast before election day), and
- (b) on the close of poll produce all the sealed envelopes containing section 305 votes cast on election day, and deal with them in accordance with subclause (5).

(5) The returning officer is to do the following or have the following done in relation to the envelopes referred to in subclause (4):

- (a) count the sealed ballot-paper envelopes unopened and record the count,
- (b) examine the declaration on each envelope before it is opened and, if necessary, make inquiries to determine whether the declaration is in order and the elector is entitled to vote,
- (c) in the case of section 305 votes—check the names on the envelopes against the roll of electors and, if an elector's name is on the roll of electors, mark the roll in the manner determined by the Electoral Commission,
- (d) if the declaration is in order and it appears to the returning officer that the elector is entitled to vote, the returning officer is to open the envelope containing the ballot-paper, extract the ballot-paper and, without damaging the writing on the envelope, place the ballot-paper still folded in a securely fastened ballot-box for further scrutiny,
- (e) if the declaration is not in order, or it appears to the returning officer that the elector is not entitled to vote, the returning officer is to leave the envelope containing the ballot-paper unopened,
- (f) after dealing with all the envelopes and ballot-papers in accordance with paragraphs (d) and (e), open the

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ballot-box, take out the ballot-papers, unfold and scrutinise them and reject the informal ones.

(6) Tendered votes

The returning officer must on the close of the poll produce all envelopes containing tendered votes and do the following or have the following done:

- (a) count the number of envelopes containing tendered votes for each polling place,
- (b) in the presence of the scrutineers examine the declarations on the envelopes and make such inquiries as the returning officer considers necessary as to whether the persons who signed the declarations are entitled to vote,
- (c) if the returning officer is not satisfied that the person who signed the declaration is entitled to vote or that the declaration is duly witnessed, keep apart and unopened the envelope on which the declaration appears,
- (d) if the returning officer is satisfied that the person who signed the declaration is entitled to vote and that the declaration is duly witnessed, turn the envelope so that the declaration is face downwards, then open the envelope (without damaging the writing on it) and take out the ballot-paper and, without inspecting or unfolding it or allowing any other person to do so, place it in a securely fastened ballot-box for further scrutiny,
- (e) after dealing with all the envelopes and ballot-papers in accordance with paragraphs (c) and (d), open the ballot-box, take out the ballot-papers, unfold and scrutinise them and reject the informal ones.

[88] Clause 351 Finalising the count

Omit clause 351 (1) (e). Insert instead:

- (e) inform the candidates (in person, in writing, by facsimile, by telephone, by email, by text message or in any other way) as soon as practicable after the result is ascertained:
 - (i) of the result of the count, and
 - (ii) when the returning officer's declaration under clause 356 will be available for inspection at the office of the relevant council, and

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- (iii) that the information contained in a notice under clause 356 (5) is to be published on the Electoral Commission's internet website for at least one month,

[89] Clause 356 Declaring the election

Omit "After declaring the election, the returning officer" from section 356 (3).

Insert instead "After the election is declared, the Electoral Commission".

[90] Clause 356 (3) (a)

Omit "at the principal polling place and".

[91] Clause 356 (3) (b)

Omit "the Electoral Commissioner,".

[92] Clause 356 (3) (b)

Omit "and" where lastly occurring.

[93] Clause 356 (3) (c)

Omit the paragraph.

[94] Clause 356 (5)–(8)

Insert after clause 356 (4):

- (5) The Electoral Commission must cause the information in the declaration to be published on the Electoral Commission's internet website for at least one month.
- (6) The council must cause the information in the declaration to be published on the council's internet website, or provide a link on its website to the relevant part of the Electoral Commission's website, for at least one month.
- (7) The Electoral Commission must insert, in a newspaper circulating generally in the State or another newspaper circulating in the relevant area or both, a notice stating:
 - (a) the names of the candidates declared elected, and
 - (b) the ward or area for which they have been elected, and
 - (c) that detailed results are available on the Electoral Commission's internet website and for inspection at the office of the relevant council, and

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(d) such other information relating to the election as the Electoral Commission thinks fit.

(8) A notice under subclause (7) may relate to one or more areas.

[95] Part 11, Division 9A

Insert after clause 356:

Division 9A Provisions relating to activities during regulated periods

Subdivision 1 Preliminary

356A Interpretation

(1) In this Division:

display a poster or electoral material includes exhibit or post up the poster or electoral material; and *publicly display* means display, as so defined, within or within view of a public place.

electoral material means a how-to-vote card, poster or advertisement containing electoral matter, or anything else containing electoral matter.

electoral matter means:

- (a) any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election, or
- (b) the name of a candidate at any election, the name of the party of any such candidate, the name or address of the committee rooms of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.

how-to-vote card means any card, handbill, pamphlet or notice having any voting directions within it, whether or not it contains:

- (a) any representation or partial representation of a ballot-paper or portion of a ballot-paper, or
- (b) any representation or partial representation apparently intended to represent a ballot-paper or portion of a ballot-paper.

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joint owner of premises or property means one of two or more persons who own the premises or property jointly, whether as joint tenants or tenants in common or otherwise.

poster means any electoral matter printed, drawn or depicted on any material whatsoever and where any electoral matter is printed, drawn or depicted in sections, those sections, both severally and collectively, are to be treated as a poster.

recognised group of candidates means a group of candidates who have claimed under section 308A of the Act to have their names included in a group on the ballot-papers.

regulated period for an election means:

- (a) the period starting with the roll closing date and ending at 6 pm on election day, and
- (b) all days to which polling for the election is adjourned.

street address does not include a post office box number or a DX box number.

voting directions means directions or suggestions (whether express or implied) in relation to the casting of votes.

- (2) If premises or other property referred to in a provision of Subdivision 2 are subject to a lease for a term of 6 months or more, a reference in that provision to the owner or a joint owner of the premises or property is to be read as a reference to the lessee or a joint lessee of the premises or property.

Subdivision 2 Non-complying electoral material

356B Non-complying electoral material

For the purposes of this Division, electoral material contravenes this Subdivision if:

- (a) the material contains voting directions intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his or her vote, or
- (b) the material contains an untrue or incorrect statement intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his or her vote, or
- (c) without limiting paragraph (b), the material contains information that is incorrect or misleading about whether a person is or is not:
 - (i) a candidate for the election, or
 - (ii) a candidate for a particular area or ward, or

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- (iii) a member of a registered political party or recognised group of candidates, or
 - (iv) endorsed by a registered political party, or
 - (d) the material uses:
 - (i) the name, an abbreviation or acronym of the name or a derivative of the name of a party respectively included in the Local Government Register of Political Parties (or a name or abbreviation resembling such a name, abbreviation, acronym or derivative) in a way that is intended or likely to mislead any elector, or
 - (ii) the word “Independent” and the name or an abbreviation or acronym of the name or a derivative of the name of a party respectively included in that Register in a way that suggests or indicates an affiliation with that party (unless the name of the party in that Register includes the word “Independent”), or
 - (e) in the case of material that contains voting directions—any of the directions are contrary to the requirements of the Act or this Regulation or are contrary to the directions or instructions contained in the relevant ballot-papers, including (for example) a direction:
 - (i) to leave the ballot-paper blank, or
 - (ii) to write or draw unauthorised matter on the ballot-paper, or
 - (iii) to repeat or leave out a number when indicating preferences, or
 - (f) the material could result in an elector casting an informal vote, or
 - (g) the material contains a statement (express or implied) to the effect that voting is not compulsory, or
 - (h) the material contains words that are or other matter that is obscene or offensive.

356C Non-complying electoral material—additional provisions regarding how-to-vote cards

(1) **Application of clause**

Without limiting clause 356B, electoral material consisting of or containing a how-to-vote card contravenes this Subdivision if the card does not comply with this clause.

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(2) **Non-complying how-to-vote cards for registered political parties**

A how-to-vote card containing voting directions as to how to vote for or in accordance with the recommendations of a registered political party does not comply with this clause if:

- (a) the party has endorsed no candidate for the election, or
- (b) the voting directions give a preference to a candidate not endorsed by it without first giving higher preferences to all candidates endorsed by it.

(3) **Non-complying how-to-vote cards for recognised groups of candidates**

A how-to-vote card containing voting directions as to how to vote for or in accordance with the recommendations of a recognised group of candidates does not comply with this clause if the voting directions give a preference to a candidate who is not a member of the group without first giving higher preferences to all candidates who are members of the group.

(4) **Non-complying how-to-vote cards for individual candidates**

A how-to-vote card containing voting directions as to how to vote for or in accordance with the recommendations of a particular candidate does not comply with this clause if:

- (a) whether or not the candidate is a member of a recognised group of candidates—the voting directions do not contain a voting direction for the candidate to receive the first preference, or
- (b) where the candidate is a member of a recognised group of candidates—the voting directions give a preference to a candidate who is not a member of the group without first giving higher preferences to all candidates who are members of the group.

(5) **Non-complying how-to-vote cards using group voting squares—voting above and below the line**

A how-to-vote card containing voting directions as to how to vote for or in accordance with the recommendations of a recognised group of candidates by using a group voting square does not comply with this clause if the voting directions also give preferences (“below the line”) for:

- (a) some only of the individual members of the group, or

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- (b) individual members of the group in a different order from that appearing in the list of candidates in the group on the ballot-paper.

Note. Subclause (5) ensures that in these circumstances the material must be internally consistent, since voting by using a group voting square implies voting for all the candidates in the group and in the order in which their names appear.

- (6) **Non-complying how-to-vote cards without group voting squares—no indication of requirement to vote for at least half the candidates**

A how-to-vote card containing voting directions as to how to vote without using group voting squares and that do not give preferences for at least half the number of candidates to be elected does not comply with this clause if the voting directions do not contain a statement as to how many other preferences must be marked on the ballot-paper.

- (7) **Non-complying how-to-vote cards relating to two or more areas**

A how-to-vote card containing voting directions does not comply with this clause if the voting directions relate to two or more areas.

Subdivision 3 Offences applicable during regulated period

356D Printing, publishing and distributing non-complying electoral material

A person must not, during the regulated period, print, publish or distribute electoral material that contravenes Subdivision 2.

Maximum penalty: 10 penalty units.

356E Display of posters

- (1) A person must not, during the regulated period, publicly display or permit or cause to be publicly displayed, a poster containing or consisting of electoral material that contravenes Subdivision 2.

Maximum penalty: 10 penalty units.

- (2) A person must not, during the regulated period, display or permit or cause to be displayed a poster:

- (a) on or within any premises occupied or used by, or under the control or management of:
- (i) the Crown or a NSW Government agency, or
 - (ii) any council or county council, or

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- (b) on or within any other premises, unless the person:
 - (i) was the owner or a joint owner of the premises, or
 - (ii) performed the act concerned with the permission in writing of the owner or a joint owner of the premises.

Maximum penalty: 2.5 penalty units.

356F Writing, drawing or depicting electoral matter

- (1) A person must not, during the regulated period, write, draw or depict any electoral matter directly on any property, being a roadway, footpath, building, vehicle, vessel, hoarding or place (whether it is or is not a public place and whether on land or water).

Maximum penalty: 3 penalty units.

- (2) A person is not guilty of an offence under this clause if the person:
 - (a) was the owner or joint owner of the property, or
 - (b) performed the act concerned with the permission in writing of the owner or a joint owner of the property.
- (3) Without limiting subclause (2), a person is not guilty of an offence under this clause involving a vehicle, vessel or hoarding if the person:
 - (a) was the owner or joint owner of the premises on which the vehicle, vessel or hoarding was situated, or
 - (b) performed the act concerned with the permission in writing of the owner or a joint owner of the premises.
- (4) Subclauses (2) and (3) do not apply to any premises or property occupied or used by, or under the control or management of:
 - (a) the Crown or a NSW Government agency, or
 - (b) any council or county council.

356G Name and address on electoral material

- (1) A person must not, during the regulated period, print, publish, distribute or publicly display electoral material (other than the announcement in a newspaper of the holding of a meeting), without legibly showing on the material:
 - (a) the name and address of the person on whose instructions the material was printed, and

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- (b) the name of the printer and the street address of the premises at which it was printed.

Maximum penalty: 5 penalty units.

- (2) If a newspaper contains electoral material and the name of the printer of the newspaper and the street address of the premises at which it was printed appear on the newspaper in accordance with any Act, subclause (1) does not require that name and address to be shown separately on the material itself.

356H Encouraging ticks or crosses on ballot-papers

A person must not, during the regulated period, print, publish, distribute or publicly display any electoral material that encourages any elector to place a tick or a cross in a square on a ballot-paper.

Maximum penalty:

- (a) in the case of corporation—50 penalty units, or
 (b) in any other case—10 penalty units.

356I Defences and exceptions**(1) Defences**

A person is not guilty of an offence for a breach of a provision of this Subdivision if it is established that:

- (a) the breach was not of a material nature, or
 (b) the breach was not intended, or was not likely, to mislead an elector in or in relation to the casting of his or her vote, or
 (c) the person was not aware that the act or omission concerned was a breach of the provision when it occurred and took all reasonable steps to remedy the breach when the person became aware that it was or may have been such a breach.

(2) Exceptions

Nothing in this Subdivision prohibits:

- (a) the display, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned, or

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- (b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre or public hall the subject of a development consent in force under the *Environmental Planning and Assessment Act 1979* in relation to its use as a place of public entertainment, or
 - (c) the display, writing, drawing or depicting of any poster within a hall or room that is being or is about to be used for a meeting held by or on behalf of a candidate in connection with an election, or
 - (d) the display of any poster on or at the office of a councillor.

Subdivision 4 Additional offences applicable on pre-poll voting days

356J Display of posters on pre-poll voting days

(1) Posters at pre-poll voting office

A person must not display, or cause to be displayed, any poster of any size:

- (a) within a pre-poll voting office, or
- (b) on the exterior of a building used as a pre-poll voting office,

on any day on which pre-poll voting is conducted at the pre-poll voting office.

Maximum penalty: 5 penalty units.

(2) Application of this clause to grounds of enclosure

If:

- (a) a building used as a pre-poll voting office is situated in grounds within an enclosure, and
- (b) the appointment by the Electoral Commission of the pre-poll voting office does not indicate whether or not the grounds are part of the pre-poll voting office,

the grounds are not, but the building is, taken to be part of the pre-poll voting office for the purposes of subclause (1), unless a notice to the contrary is displayed under clause 356U. If such a notice is displayed, the grounds are taken to be part of the pre-poll voting office for the purposes of subclause (1).

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356K Canvassing on pre-poll voting days**(1) Canvassing in pre-poll voting office**

A person must not:

- (a) canvass for votes, or
- (b) solicit the vote of any elector, or
- (c) induce any elector not to vote for any particular candidate or group of candidates, or
- (d) induce any elector not to vote at the election, within a pre-poll voting office on any day on which pre-poll voting is conducted at the pre-poll voting office.

Maximum penalty: 5 penalty units.

(2) Amplified canvassing audible in pre-poll voting office

A person must not contravene this subclause. This subclause is contravened if on any day on which pre-poll voting is conducted at a pre-poll voting office each of the following paragraphs apply:

- (a) the person engages in:
 - (i) canvassing for votes, or
 - (ii) soliciting the vote of an elector, or
 - (iii) inducing an elector not to vote for a particular candidate or group of candidates, or
 - (iv) inducing an elector not to vote at the election, and
- (b) the person engages, in any public or private place, in that activity any distance away from the pre-poll voting office, and
- (c) the person uses any of the following to engage in that activity:
 - (i) a loud speaker,
 - (ii) a public address system,
 - (iii) an amplifier (whether fixed or mobile),
 - (iv) a broadcasting van,
 - (v) a sound system,
 - (vi) radio equipment,
 - (vii) any other equipment or device for broadcasting, and
- (d) that activity is audible within the pre-poll voting office.

Maximum penalty: 5 penalty units.

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(3) **Canvassing includes distributing electoral material**

Without limiting the generality of subclause (1), a reference to canvassing for votes includes a reference to distributing electoral material, whether or not the material is registered in accordance with Subdivision 6.

(4) **Application of this clause to grounds of enclosure**

If:

- (a) a building used as a pre-poll voting office is situated in grounds within an enclosure, and
- (b) the appointment by the Electoral Commission of the pre-poll voting office does not indicate whether or not the grounds are part of the pre-poll voting office,

the grounds are not, but the building is, taken to be part of the pre-poll voting office for the purposes of this clause, unless a notice to the contrary is displayed under clause 356U. If such a notice is displayed, the grounds are taken to be part of the pre-poll voting office for the purposes of this clause.

Subdivision 5 Additional offences applicable on election days

356L Extended operation of this Subdivision

- (1) In the application of this Subdivision to electoral material, electoral matter is, without limiting the definition of that term in clause 356A, taken to include any matter consisting of an express or implicit reference to or comment on:
 - (a) an election, or
 - (b) any council or any previous council, or
 - (c) any councillor or previous councillor, or
 - (d) the Government, the Opposition, a previous Government or a previous Opposition, of this or any other State or Territory or of the Commonwealth, or
 - (e) a member or former member of the Parliament of this or any other State or Territory or of the Commonwealth, or
 - (f) a political party, a branch or division of a political party or a candidate in an election, or
 - (g) an issue submitted to, or otherwise before, the electors in connection with an election.
- (2) References in this Subdivision to election day include references to all days to which polling is adjourned.

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356M Distribution of electoral material on election days

- (1) A person must not, in a public place, distribute any electoral material on election day unless the material has been registered under Subdivision 6 for the election.
Maximum penalty: 10 penalty units.
- (2) For the purposes of this clause and without limiting its operation, material is taken to be distributed if it is left in such a position and in such circumstances as to indicate that it is intended to be available for collection by members of the public who are in a public place.
- (3) This clause does not apply to the handing out, distribution, sale or otherwise making available of a newspaper by or on behalf of a newsagent, newspaper seller or distributor if the handing out, distribution, sale or making available is in the course of the newsagent's, newspaper seller's or distributor's employment or business.

356N Display of posters on election days

- (1) **Posters at polling place**
A person must not, on election day, display or cause to be displayed any poster of any size:
 - (a) within a polling place, or
 - (b) within 6 metres of an entrance to a polling place, or
 - (c) on the exterior of a building used as a polling place.Maximum penalty: 5 penalty units.
- (2) **Posters in grounds of enclosure of polling place**
Without limiting subclause (1), a person must not, on election day, display or cause to be displayed any poster exceeding 8,000 square centimetres in area within the grounds of an enclosure in which a building used for polling is situated.
Maximum penalty: 3 penalty units.
- (3) **Posters on boundary of enclosure of polling place**
A person must not, on election day, display or cause to be displayed any poster exceeding 8,000 square centimetres in area on the outer wall, fence or other boundary of the grounds of an enclosure in which a building used for polling is situated.
Maximum penalty: 3 penalty units.

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(4) Application of this clause to grounds of enclosure

If:

- (a) a building used as a polling place is situated in grounds within an enclosure, and
- (b) the appointment by the Electoral Commission of the polling place does not indicate whether or not the grounds are part of the polling place,

the grounds are not, but the building is, taken to be part of the polling place for the purposes of subclause (1), unless a notice to the contrary is displayed under clause 356U. If such a notice is displayed, the grounds are taken to be part of the polling place for the purposes of subclause (1), and subclause (2) does not apply.

356O Canvassing on election days**(1) Canvassing in or near polling place**

A person must not:

- (a) canvass for votes, or
- (b) solicit the vote of any elector, or
- (c) induce any elector not to vote for any particular candidate, or
- (d) induce any elector not to vote at the election,

on election day:

- (e) within a polling place, or
- (f) within 6 metres of an entrance to a polling place.

Maximum penalty: 5 penalty units.

(2) Amplified canvassing audible in or near polling place

A person must not contravene this subclause. This subclause is contravened if on election day each of the following paragraphs apply:

- (a) the person engages in:
 - (i) canvassing for votes, or
 - (ii) soliciting the vote of an elector, or
 - (iii) inducing an elector not to vote for a particular candidate, or
 - (iv) inducing an elector not to vote at the election, and
- (b) the person engages, in any public or private place, in that activity 6 metres or more from an entrance to a polling place, and

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- (c) the person uses any of the following to engage in that activity:
- (i) a loud speaker,
 - (ii) a public address system,
 - (iii) an amplifier (whether fixed or mobile),
 - (iv) a broadcasting van,
 - (v) a sound system,
 - (vi) radio equipment,
 - (vii) any other equipment or device for broadcasting, and
- (d) that activity is audible:
- (i) within the polling place, or
 - (ii) within 6 metres of an entrance to the polling place.

Maximum penalty: 5 penalty units.

(3) **Canvassing includes distributing electoral material**

Without limiting the generality of subclause (1), a reference to canvassing for votes includes a reference to distributing electoral material, whether or not the material is registered in accordance with Subdivision 6.

(4) **Application of this clause to grounds of enclosure**

If:

- (a) a building used as a polling place is situated in grounds within an enclosure, and
- (b) the appointment by the Electoral Commission of the polling place does not indicate whether or not the grounds are part of the polling place,

the grounds are not, but the building is, taken to be part of the polling place for the purposes of this clause, unless a notice to the contrary is displayed under clause 356U. If such a notice is displayed, the grounds are taken to be part of the polling place for the purposes of this clause.

Subdivision 6 Registration of electoral material

356P Application for registration of electoral material

(1) **Application for registration may be made**

For the purposes of clause 356M, an application may be made to the Electoral Commission (in a form approved by the Commission) for the registration of electoral material for a particular area for any one or more of the following:

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- (a) a particular election of one or more councillors,
 - (b) a particular election of mayor by electors,
 - (c) a particular constitutional referendum, or two or more particular constitutional referendums being held at the same time,
 - (d) a particular council poll, or two or more particular council polls being held at the same time.
- (2) **Applications by or on behalf of parties, groups or candidates**
An application may be made:
- (a) by the registered officer of a registered political party—on behalf of the party, or
 - (b) by the first candidate listed in a recognised group of candidates—on behalf of the group, or
 - (c) by a candidate—on his or her own behalf.
- (3) **Applications by or on behalf of others**
An application may be made:
- (a) by an officer or representative of an incorporated or unincorporated body (other than a registered political party or a recognised group of candidates) who is not a candidate—on behalf of the body, or
 - (b) by an individual who is not a candidate—on his or her own behalf.
- (4) **Timing of application**
An application may be made only during the period starting with nomination day and ending at 5 pm on the Friday that is 8 days before election day.
- (5) **Draft or sample to be provided**
An application must contain a draft or sample of the electoral material.
- (6) **Alteration or replacement of draft or sample**
The Electoral Commission may allow the draft or sample to be altered or replaced during the period specified in subclause (4) before agreeing to registration.
- (7) **Preliminary advice**
A person authorised by subclause (2) or (3) to apply for registration of electoral material may, during the period specified in subclause (4), apply to the Electoral Commission (in a form

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approved by the Commission) for preliminary advice as to whether particular electoral material may be registered.

- (8) The Electoral Commission may provide that advice, even if the material is incomplete, but the application for registration of the material must nevertheless be made during that period.

(9) **Manner of application**

An application under this clause must be signed by the applicant and may be delivered or sent (by post or otherwise) or may be transmitted by facsimile or email.

- (10) An application is not validly transmitted by email unless:
- (a) an image of the completed application signed by the applicant is included in or attached to the email, and
 - (b) that image includes an image of the actual signature as appearing on the application.

356Q Consideration of application for registration

(1) **Complying material must be registered**

The Electoral Commission must register the electoral material if satisfied that registration is not prohibited by this Subdivision.

(2) **Refusal for non-complying application**

However, the Electoral Commission may refuse to register the electoral material if the application for registration was not made in accordance with this Subdivision.

(3) **When material must be refused registration**

The Electoral Commission must not register the electoral material if it appears to the Electoral Commission that:

- (a) the material contravenes Subdivision 2, or
- (b) the material is, or contains a section, in a language other than English and the application for registration was not accompanied by:
 - (i) an accurate translation into English of the material or section, and
 - (ii) a declaration that the translation is accurate, or
- (c) the material does not include in legible characters:
 - (i) the name and address of the person on whose instructions the material was printed, and
 - (ii) the name of the printer and the street address at which it was printed, or

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- (d) in the case of an application for registration purporting to be made on behalf of an entity referred to in clause 356P (2) or (3)—the application was not made by a person authorised by the relevant subclause to make the application, or
 - (e) in the case of an application not purporting to be made on behalf of an entity referred to in clause 356P (2) or (3) for the registration of material that contains voting directions as to how to vote for or in accordance with the recommendations of such an entity—the application was not made by a person authorised by the relevant subclause to make an application on behalf of the entity, or
 - (f) in the case of an application for the registration of material that contains any representation or indication (whether express or implied) that any candidate:
 - (i) is a member of, or
 - (ii) pursues or supports any or all of the objects or platform (whether with or without modification) of, or
 - (iii) is affiliated in some way (whether officially or unofficially) with,

a particular registered political party or recognised group of candidates—the application was not made by or with the consent of the registered officer of the party or the first candidate listed in the group.

(4) **Offence for false statement in declaration about translated material**

A person must not make a declaration for the purposes of subclause (3) (b) knowing that the translation of the material or section is inaccurate in a material respect.

Maximum penalty: 10 penalty units.

(5) **Inquiries as to authenticity of application or consent**

The Electoral Commission may make such inquiries as the Commission thinks fit to confirm the authenticity of:

- (a) an application, or
- (b) any consent referred to in subclause (3) (f).

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356R Registration of electoral material**(1) Certificate of registration**

Registration of the electoral material is effected by the issue of a certificate of registration (in a form approved by the Electoral Commission) in respect of a draft or sample of the electoral material.

(2) Details to be included in certificate

The certificate of registration must specify:

- (a) the elections, constitutional referendums and council polls, and
 - (b) the area,
- for which the electoral material is registered.

(3) Registration may be conditional or unconditional

Registration may be unconditional or subject to conditions specified in the certificate of registration.

(4) Evidence of registration

A certificate signed by the Electoral Commissioner or by a person authorised by the Electoral Commission and certifying that specified material was or was not registered:

- (a) on a specified day or during a specified period, or
- (b) for a particular election, constitutional referendum or council poll, or
- (c) for a particular area,

is admissible in proceedings for an offence under clause 356G and is prima facie evidence of the matters certified.

(5) Immaterial differences not to affect registration

Electoral material is to be taken to be registered in accordance with this clause even though the material contains some differences from the draft or sample in respect of which the certificate of registration was issued, so long as the material is substantially the same as the draft or sample.

(6) Registration not a defence for certain offences

Registration of electoral material is not a defence to a prosecution for an offence under Subdivision 3 or 4.

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(7) Copy of material and certificate to be available for inspection

A copy of electoral material registered under this clause and referring to an election, constitutional referendum or council poll for an area, and the relevant certificate of registration, must be available for inspection:

- (a) at the office of the returning officer for the area, during the hours of polling on election day and on all days to which the polling is adjourned, and
- (b) at such other places (if any), and during such of those hours, as the Electoral Commission determines,

at the request of any person enrolled for the area or of any scrutineer.

356S Revocation of registration or imposition of condition on registration

- (1) If the Electoral Commission is satisfied that electoral material was erroneously registered, the Commission may:
 - (a) revoke the registration of the material, or
 - (b) attach a condition to the registration of the material, requiring the material to be altered in a specified way, whether by way of omitting matter or inserting matter or both, or otherwise.
- (2) The revocation or condition takes effect from the time the revocation or condition is communicated to the candidates concerned or their representatives, and accordingly:
 - (a) electoral material whose registration has been revoked ceases to be registered from that time, and
 - (b) electoral material to whose registration a condition has been attached is from that time taken to be registered only if the condition is complied with.

Subdivision 7 Miscellaneous**356T Confiscation of posters and other electoral material****(1) Confiscation by election officials**

The returning officer or any polling place manager, or any other election official authorised by the Electoral Commission, may remove and confiscate, or cause to be removed and confiscated:

- (a) any poster displayed in contravention of Subdivision 4 or 5, or

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- (b) any electoral material that is apparently available for distribution in contravention of Subdivision 5.

(2) Confiscation by police

Any police officer may remove and confiscate, or cause to be removed and confiscated:

- (a) any poster displayed in contravention of Subdivision 3, 4 or 5, or
- (b) any electoral material that is apparently available for distribution in contravention of Subdivision 5.

(3) Use of force

A police officer may use reasonable force for the purposes of this clause. This clause does not authorise any other person to use force.

(4) Confiscated material to be destroyed

Confiscated electoral material must be destroyed without undue delay, but destruction may be delayed if the material is or may reasonably be required for evidentiary purposes.

356U Notice applying provisions to grounds of polling place

- (1) This clause applies for the purposes of clauses 356J, 356K, 356N or 356O, in a case where:
- (a) a building used for polling is situated in grounds within an enclosure, and
- (b) the appointment by the Electoral Commission of the pre-poll voting office or polling place concerned does not indicate whether or not the grounds are part of the pre-poll voting office or polling place.
- (2) The returning officer may, with the concurrence of the Electoral Commission, cause a notice to be displayed, during the hours of polling, at each entry to the grounds stating that those grounds are treated as part of the pre-poll voting office or polling place.
- Note.** Clauses 356J (2), 356K (4), 356N (4) and 356O (4) state the effect of displaying such a notice.

356V Official notices

Nothing in this Division applies to the printing, publishing, distribution or display of official notices.

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356W Double jeopardy

A person is not liable to be convicted of both an offence under Subdivision 3 and an offence under Subdivision 4 or 5 if the offences arose out of the same circumstances.

[96] Clause 358 Misconduct in voting

Insert “(whether oral or written)” after “declaration” where firstly occurring in clause 358 (1) (a).

[97] Clause 362 Misconduct by person present at pre-poll or declared institution voting

Omit “a pre-poll voting office for the purpose of pre-poll voting” from clause 362 (1).

Insert instead “a pre-poll voting office or other place for the purpose of voting before election day”.

[98] Clause 362 (1)

Omit “returning officer or senior deputy returning officer”.

Insert instead “pre-poll voting officer”.

[99] Clause 362 (1) (a)

Omit “the returning officer or an electoral official”.

Insert instead “an election official”.

[100] Clause 367

Omit the clause. Insert instead:

367 Obstructing access

A person must not obstruct access to:

- (a) a polling place, a pre-poll voting office or a place being used for voting under clause 332A, or
- (b) a space set aside for voting at a polling place, a pre-poll voting office or a place being used for voting under clause 332A.

Maximum penalty: 0.5 penalty unit.

[101] Clause 368 Persons present in polling place

Omit “the returning officer or an electoral official” from clause 368 (2).

Insert instead “an election official”.

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- [102] Clause 368 (3) (a)**
Omit “the Electoral Commissioner, the returning officer, electoral officials”.
Insert instead “the Electoral Commission, election officials”.
- [103] Clause 369 Misconduct by scrutineers**
Omit “of the returning officer or” from clause 369 (2).
- [104] Clauses 378–382**
Omit the clauses.
- [105] Clause 383 Adjournment of poll**
Omit “senior deputy returning officer” wherever occurring in clause 383 (1).
Insert instead “returning officer”.
- [106] Clause 383 (2)**
Omit “senior deputy returning officer” wherever occurring.
Insert instead “polling place manager”.
- [107] Clause 383 (3)**
Omit “polling day” wherever occurring.
Insert instead “election day”.
- [108] Clause 383 (3)**
Omit “senior deputy returning officer” where firstly occurring.
Insert instead “returning officer”.
- [109] Clause 383 (3)**
Omit “senior deputy returning officer” where secondly occurring.
Insert instead “Electoral Commission”.
- [110] Clause 384 Notice of adjournment to Electoral Commission**
Omit clause 384 (1). Insert instead:
- (1) A returning officer who adjourns the taking of a poll must give immediate notice of the adjournment to the Electoral Commission.

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- [111] Clause 387 Spoilt ballot-papers**
Omit “the returning officer or an electoral official”.
Insert instead “an election official”.
- [112] Clause 387**
Omit “officer or official”. Insert instead “election official”.
- [113] Clause 388 Assistance to certain electors**
Omit “is so disabled or so illiterate that the elector” from clause 388 (1).
- [114] Clause 388 (3) and (4)**
Omit “senior deputy returning officer” wherever occurring.
Insert instead “polling place manager or pre-poll voting officer (as the case requires)”.
- [115] Clause 388A**
Insert after clause 388:
- 388A Special format of ballot-papers**
- (1) **Braille ballot-papers**
The Electoral Commission may, on application made to the Commission by an elector, arrange for the elector to be provided with a ballot-paper in braille format:
- (a) at a polling place nominated by the elector in the application, or
 - (b) at a pre-poll voting office nominated by the elector in the application, or
 - (c) by post if the elector states in the application that he or she intends to vote by a postal vote.
- (2) **Applications for braille ballot-papers**
An application to the Commission under this clause may be made orally to an officer authorised by the Commission to receive such applications or in writing addressed to the Commission. In making an application, the elector must:
- (a) state his or her full name, residential address and date of birth, and

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- (b) make a declaration to the effect that he or she is not able to read an ordinary ballot-paper but will be able to understand a ballot-paper in braille format and to vote in accordance with the directions on or accompanying the ballot-paper, and
 - (c) state whether he or she intends to vote:
 - (i) on election day—in which case the elector is to nominate the polling place at which the elector intends to vote, or
 - (ii) at a pre-poll voting office—in which case the elector is to nominate the pre-poll voting office at which the elector intends to vote, or
 - (iii) by a postal vote—in which case the application is taken to be an application duly made under clause 314 for a postal ballot-paper and postal voting envelope (even if the application was made orally), and
 - (d) make the application:
 - (i) if made orally—during the period starting with the thirtieth day before nomination day and ending at 5 pm on nomination day, or
 - (ii) if made in writing—so as to reach the Electoral Commission during that period.

(3) Manner of making application

An oral application may be made in person or by telephone or similar technology. If made in writing, the application must be delivered or sent (by post or otherwise), or transmitted by facsimile or email.

(4) Emailed applications

An application is not validly transmitted by email unless:

- (a) an image of the completed application signed by the elector, or the person making the application on the elector's behalf, is included in or attached to the email, and
- (b) that image includes an image of the actual signature as appearing on the application.

(5) Inquiries as to authenticity

The Electoral Commission may make such inquiries as the Commission thinks fit to confirm the authenticity of an application if the Commission considers it appropriate to do so in

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the circumstances. The Commission may decline to act on an application if not satisfied as to its authenticity.

(6) **Voting directions on ballot-paper**

The Electoral Commission may include directions on or accompanying the ballot-paper stating how the elector must or may indicate his or her vote.

(7) **Postal voting**

If the elector intends to vote by a postal vote:

- (a) Subdivision 1 of Division 7 has effect subject to this clause, and
- (b) the Electoral Commission may provide the postal vote certificate in braille format and separate from the postal voting envelope, and
- (c) the signature of the elector on the postal vote certificate must be in writing.

(8) **How ballot-paper dealt with**

Subject to this clause, the ballot-paper is to be dealt with as nearly as possible in accordance with the provisions of this Regulation that apply to ordinary ballot-papers, but the Electoral Commission may:

- (a) determine that special arrangements apply to ensure that the ballot-paper is appropriately and properly dealt with, and
- (b) for that purpose may determine that those provisions apply with such modifications as the Commission thinks appropriate in the circumstances.

(9) **Ballot-paper not informal because of format**

A ballot-paper is not informal under clause 345 (1) (c), or under clause 4 (d) of Schedule 10, just because the braille format of the ballot-paper makes it possible or likely that the elector could be identified.

(10) **Circumstances in which braille ballot-paper not provided**

The Electoral Commission is not obliged to arrange for a ballot-paper to be provided in braille format to an elector under this clause if satisfied:

- (a) that it is not reasonable in the circumstances to do so, or
- (b) without limiting paragraph (a), that:

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- (i) there is insufficient time to produce the ballot-paper in that format, or
 - (ii) no facilities or insufficient facilities are reasonably available to produce the ballot-paper in that format, in time for it to be provided to the elector.

The Commission is to notify the elector as soon as possible that the ballot-paper will not be provided in braille format.

(11) Limits on Electoral Commission's role

The Electoral Commission is not obliged to provide or arrange the provision of:

- (a) ballot-papers in braille format otherwise than as provided in this clause, or
- (b) ballot-papers in any format other than as specified in this or any other clause of this Regulation.

(12) Meaning of braille in this clause

References in this clause to braille are references to braille in a form or version determined by the Electoral Commission.

[116] Clause 391 Security of election materials

Omit clause 391 (3)–(5). Insert instead:

- (3) The returning officer is to forward the parcels to the Electoral Commission.
- (4) The Electoral Commission must have the parcels kept securely for 6 months, and then destroyed, unless the Electoral Commission decides to keep them longer than 6 months.

[117] Clause 392

Omit the clause. Insert instead:

392 Access to election materials

If a court so directs, or the Electoral Commission so decides, or any legislation so requires or permits:

- (a) the Electoral Commission is to allow any person to inspect any of the election materials kept under clause 391 (4), except the sealed parcels of marked ballot-papers, or
- (b) the general manager is to allow any person to inspect any of the election materials kept under clause 391 (6).

Local Government (General) Amendment (Elections) Regulation 2008

Amendments

Schedule 1

[118] Clause 392A

Insert after clause 392:

392A Section 305 votes—prescribed form of declaration

For the purposes of section 305 (c) of the Act, the prescribed form of declaration is:

- (a) in the case of a person who is voting by pre-poll voting (including pre-poll voting at a declared institution)—Form 10 written or printed on an envelope, or
- (b) in any other case—Form 11 written or printed on an envelope.

[119] Clause 417

Insert after clause 416:

417 Determinations by councils of councillor numbers for the purposes of September 2008 elections

The change of date for the ordinary elections of councillors effected by the *Local Government Amendment (Election Date) Act 2008* does not affect the validity of an otherwise valid determination made by a council under section 224 (2) of the Act of the number of its councillors for the following term of office.

[120] Schedule 5 Counting of votes under proportional system

Omit “at the principal polling place and” from clause 15 (2).

[121] Schedule 10 Constitutional referendums and council polls

Omit clause 3 (b).

[122] Schedule 10, clause 3 (h) and (i)

Omit clause 3 (h). Insert instead:

- (h) clause 356 (7) (a) and (b) are taken to be omitted and the following paragraph inserted instead:
 - (a) the question on the poll-paper and the number of “Yes” votes and the number of “No” votes, and
- (i) if the constitutional poll or council poll is not to be held in conjunction with an election of councillors—a reference to the election day is taken to be a reference to the day on which the referendum or poll is held.

Local Government (General) Amendment (Elections) Regulation 2008

Schedule 1 Amendments

[123] Schedule 10, clause 3A

Insert after clause 3:

- 3A** In the application of Part 11 of this Regulation to a council poll, clause 356B (g) is taken to be omitted.

[124] Schedule 10, clause 4 (a1)

Insert after clause 4 (a):

- (a1) if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral Commission of the question to be asked at the referendum or poll no later than 12 noon on the nomination day for the election,

[125] Schedule 10, clause 4 (b)

Omit “returning officer” where firstly occurring.

Insert instead “Electoral Commission”.

[126] Schedule 10, clause 4 (b) (i)

Omit “immediately after being notified by the Electoral Commissioner”.

Insert instead “as soon as practicable after being notified”.

[127] Schedule 10, clause 4 (b) (ii)

Omit the subparagraph. Insert instead:

- (ii) in the case of a referendum or poll to be held in conjunction with an election of councillors—at the same time as the Electoral Commission publishes a notice under clause 300 of this Regulation in relation to the election,

[128] Schedule 10, clause 4 (d) (ii) and (f)

Omit “back” wherever occurring. Insert instead “front”.

[129] Schedule 11, Forms 2 and 3

Omit the statistical information sheets from the forms. Insert instead:

STATISTICAL INFORMATION SHEET

(Complete this sheet for ordinary elections only, not by-elections)

I, *(full name in BLOCK letters)*

of *(full residential address)*,

declare that:

Local Government (General) Amendment (Elections) Regulation 2008

Amendments

Schedule 1

(tick the squares that apply and insert other information as indicated)

- (a) I am male female
- (b) I am 18–24 years old
 25–29 years old
 30–39 years old
 40–49 years old
 50–59 years old
 60–69 years old
 70–79 years old
 80 years or older
- (c) I was a candidate at the last ordinary election of the council
 Yes No
- (d) I was elected at the last ordinary election of the council
 Yes No
- (e) My experience as a councillor in New South Wales is
 I have not served as a councillor before
 I was elected but served less than 1 complete term
 I completed 1 term
 I completed 2 terms
 I completed 3 terms
 I completed 4 terms
 I completed 5 terms
 I completed more than 5 terms (*please specify*) _____
- (f) I consider myself to be an Aboriginal person
 Yes No
- (g) I consider myself to be a Torres Strait Islander person
 Yes No
- (h) I consider myself to have a disability
 Yes No
- (i) The first language I learned to speak was
 English
 Arabic

Local Government (General) Amendment (Elections) Regulation 2008

Schedule 1 Amendments

-
- | | | |
|--|------------|---|
| | Cantonese | <input type="checkbox"/> |
| | Dutch | <input type="checkbox"/> |
| | German | <input type="checkbox"/> |
| | Greek | <input type="checkbox"/> |
| | Italian | <input type="checkbox"/> |
| | Lebanese | <input type="checkbox"/> |
| | Mandarin | <input type="checkbox"/> |
| | Vietnamese | <input type="checkbox"/> |
| | Other | <input type="checkbox"/> (please specify) _____ |
- (j) My current occupation is
- | | | |
|--|--------------------------------|---|
| | Professional | <input type="checkbox"/> |
| | Manager | <input type="checkbox"/> |
| | Primary Producer/Farmer | <input type="checkbox"/> |
| | Para-Professional/Tradesperson | <input type="checkbox"/> |
| | Property Developer | <input type="checkbox"/> |
| | Clerk | <input type="checkbox"/> |
| | Salesperson | <input type="checkbox"/> |
| | Real Estate Agent | <input type="checkbox"/> |
| | Labourer | <input type="checkbox"/> |
| | Plant/Machine Operator | <input type="checkbox"/> |
| | Home Duties | <input type="checkbox"/> |
| | Self-employed | <input type="checkbox"/> |
| | Student | <input type="checkbox"/> |
| | Retired | <input type="checkbox"/> |
| | Unemployed | <input type="checkbox"/> |
| | Other | <input type="checkbox"/> (please specify) _____ |

[signature of person proposed for nomination]

Note.

The information supplied above will be used for statistical purposes only. This information will be treated confidentially. All statistics will be published in aggregate or consolidated form only.

Local Government (General) Amendment (Elections) Regulation 2008

Amendments

Schedule 1

[130] Schedule 11, Form 4

Omit “*the number*” where thirdly, fourthly and fifthly occurring.

Insert instead “*half the number*”.

[131] Schedule 11, Form 4

Omit “[*This second direction should only be inserted if there are at least 2 more candidates than candidates to be elected*]”.

Insert instead “[*Where half the number to be elected is a fraction it is to be rounded up to the next integer*]”.

[132] Schedule 11, Form 5

Omit “*the number*” where secondly, thirdly and fourthly occurring.

Insert instead “*half the number*”.

[133] Schedule 11, Form 5

Omit “[*This second direction should only be inserted if there are at least 2 more candidates than candidates to be elected*]”.

Insert instead “[*Where half the number to be elected is a fraction it is to be rounded up to the next integer*]”.

[134] Schedule 11, Form 6

Insert before “You may vote in one of two ways”:

Directions for Voting

[135] Schedule 11, Form 6

Omit “Place the numbers (here insert the sequence of numbers which corresponds to the number of candidates to be elected) in the squares opposite the names of (here insert the number of candidates to be elected) candidates in order of your preference for them. If you wish to vote for additional candidates place consecutive numbers beginning with the number (here insert the next number after the number of candidates to be elected) in the squares opposite the names of those additional candidates in order of your preferences for them”.

Insert instead “Place the numbers (here insert the sequence of numbers which corresponds to half the number of candidates to be elected) in the squares opposite the names of (here insert half the number of candidates to be elected) candidates in order of your preference for them. If you wish to vote for additional candidates place consecutive numbers beginning with the number (here insert the next number after half the number of candidates to be elected) in the squares opposite the names of those additional candidates in order of your preferences for them”.

Local Government (General) Amendment (Elections) Regulation 2008

Schedule 1 Amendments

[136] Schedule 11, Form 6

Omit:

Directions for Voting

[The following directions are to appear on the front or the back of the ballot-paper. If the directions appear on the back of the ballot-paper, an appropriate reference to their appearance on the back must be made on the front of the ballot-paper.]

Insert instead “[Where half the number to be elected is a fraction it is to be rounded up to the next integer]”.

[137] Schedule 11, Form 7

Omit “To the returning officer for [here specify local government area].”.

Insert instead “[insert name of area]”.

[138] Schedule 11, Form 7

Omit paragraph 3 and renumber paragraphs 4 and 5 as paragraphs 3 and 4.

[139] Schedule 11, Form 7

Omit “prison” from clause 4 (as renumbered).

Insert instead “a correctional centre”.

[140] Schedule 11, Form 7

Insert at the end of clause 4 (as renumbered):

,

I am a silent elector.

[141] Schedule 11, Form 8

Omit “and declaration where name not on roll” from the heading.

[142] Schedule 11, Form 8

Omit “(Clauses 314 and 343)”. Insert instead “(Clause 317)”.

[143] Schedule 11, Form 8

Omit “If or because my name is not on the roll of electors being used at the election, in accordance with section 305 of the *Local Government Act 1993* I claim to be entitled to vote at the election.”.

[144] Schedule 11, Form 8

Omit the heading “Postal votes”.

Local Government (General) Amendment (Elections) Regulation 2008

Amendments

Schedule 1

[145] Schedule 11, Form 8

Omit the heading “Voting at polling place” and the words that follow in the form.

[146] Schedule 11, Form 9

Omit “To the returning officer/senior deputy returning officer [ward] [local government area]”.

Insert instead “[insert name of ward if applicable] [insert name of area]”.

[147] Schedule 11, Form 9

Omit “senior deputy returning officer” where secondly occurring.

Insert instead “election official”.

[148] Schedule 11, Form 10

Omit the form. Insert instead:

Form 10 Declaration for pre-poll voting and declared institution declaration (including declaration where name is not on the roll)

(Clauses 323 and 330)

[insert name of ward if applicable] [insert name of area]

I declare that:

- 1 [tick the appropriate square and complete the appropriate declaration]
- I am the person enrolled as [name on roll] of [address on roll, if address appears on roll] on the roll of electors for that ward or area.

OR

- My name is not on the appropriate roll of electors. My name is [full name in BLOCK letters] and the address of the land to which my voting entitlement relates (as resident, non-resident owner, occupier or ratepaying lessee) is [address]

If you have changed your name since you enrolled for the above address please print your previous name here [previous name]

To the best of my knowledge and belief I am enrolled on the New South Wales or Commonwealth electoral roll.

I claim to vote under section 305 of the *Local Government Act 1993* in that area or ward.

- 2 My date of birth is [date].

Local Government (General) Amendment (Elections) Regulation 2008

Schedule 1 Amendments

-
- 3 I am entitled to vote at the forthcoming election to be held in that ward or area.
- 4 I have not already voted in connection with the election and if I vote here I will not vote again anywhere else in that area at the election.
- 5 If the vote is being cast otherwise than at a declared institution, I am qualified to vote before election day on the following ground *[insert ground or reference to ground]*.
- [signature of elector]*
This declaration was declared before me, and I have seen the elector sign the declaration *[date]*
[signature of election official]

[149] Schedule 11, Form 11

Omit the form. Insert instead:

Form 11 Declaration where name is not on the roll (election day)

(Clause 343)

[insert name of ward if applicable] [insert name of area]

I declare that:

- 1 My name is not on the appropriate roll of electors. My name is *[full name in BLOCK letters]* and the address of the land to which my voting entitlement relates (as resident, non-resident owner, occupier or ratepaying lessee) is *[address]*
If you have changed your name since you enrolled for the above address please print your previous name here [previous name]
To the best of my knowledge and belief I am enrolled on the New South Wales or Commonwealth electoral roll.
- 2 My date of birth is *[date]*.
- 3 I claim to vote under section 305 of the *Local Government Act 1993* in the *[name of ward]* ward of that area.
- 4 I am entitled to vote at this election [or the forthcoming election to be held in the abovementioned ward or area].
- 5 I have not already voted in connection with the election and if I vote here I will not vote again anywhere else in that area at the election.

*[signature of elector]*This declaration was declared before me, and I have seen the elector sign the declaration *[date]**[signature of election official]*

Local Government (General) Amendment (Elections) Regulation 2008

Amendments

Schedule 1

[150] Schedule 11, Form 12

Omit “To the returning officer/senior deputy returning officer [*ward*] [*local government area*]”.

Insert instead “[*insert name of ward if applicable*] [*insert name of area*]”.

[151] Schedule 11, Form 13

Omit “returning officer/senior deputy returning officer”.

Insert instead “election official”.

[152] Schedule 11, Form 14

Omit “(4) (b)”.

[153] Schedule 11, Form 14

Omit “To the returning officer, [*local government area*]”.

Insert instead “[*insert name of area*]”.

[154] Schedule 11, Form 14

Omit “senior deputy returning officer” wherever occurring.

Insert instead “polling place manager”.

[155] The whole Regulation

Omit “Commissioner” and “Commissioner’s” wherever occurring (except in matter omitted or inserted by this Schedule, and in clauses 346 and 368).

Insert instead “Commission” and “Commission’s” respectively.

[156] The whole Regulation

Omit “electoral official” and “electoral officials” wherever occurring (except in matter omitted by this Schedule).

Insert instead “election official” and “election officials” respectively.



New South Wales

Local Government (General) Amendment (Code of Conduct) Regulation 2008

under the

Local Government Act 1993

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

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

Explanatory note

The object of this Regulation is to prescribe a new model code of conduct applicable to councillors, members of staff of councils and delegates of councils. Section 440 of the *Local Government Act 1993* requires each council to adopt a code of conduct that incorporates the provisions of the model code.

This Regulation is made under the *Local Government Act 1993*, including sections 440 and 748 (the general regulation-making power).

Clause 1 Local Government (General) Amendment (Code of Conduct) Regulation
 2008

Local Government (General) Amendment (Code of Conduct) Regulation 2008

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Code of Conduct) Regulation 2008*.

2 Commencement

This Regulation commences on 27 June 2008.

3 Amendment of Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* is amended by omitting “20 June 2008” from clause 193 (Code of conduct) and inserting instead “27 June 2008”.



Department of Local Government

**The Model Code of Conduct
for Local Councils in NSW**

June 2008

NSW Department of Local Government

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PART 1: CONTEXT

This Part of the Model Code establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.

1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all Parts of this document.

The Code is made in three Parts: Context, Standards of Conduct and Procedures.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. The Model Code sets the standard of conduct that is expected when council officials exercise these roles.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council’s code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council’s code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A set of guidelines has also been developed to assist councils to review and enhance their codes of conduct. The guidelines support this Code and provide further information and examples on the provisions in this Code.

2 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
conduct review committee	a committee of three or more persons independent of council who are selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conduct reviewer	a person independent of council who is solely selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council
delegate of council	a person or body, and the individual members of that body, to whom a function of council is delegated
designated person	see the definition in section 441 of the Act
misbehaviour	see the definition in section 440F of the Act
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion

person independent
of council

a person who is not an employee of the council, has no current or ongoing contractual relationship with council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term “you” used in the Model Code of Conduct refers to council officials.

3 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

4 KEY PRINCIPLES

This Model Code of Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable standards of conduct.

4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public’s trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

4.3 Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

4.4 Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

4.8 Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

5 GUIDE TO ETHICAL DECISION MAKING

5.1 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Conflict of interests

- 5.2 If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:
- Do you have a personal interest in a matter you are officially involved with?
 - Is it likely you could be influenced by a personal interest in carrying out your public duty?
 - Would a reasonable person believe you could be so influenced?
 - What would be the public perception of whether or not you have a conflict of interests?
 - Do your personal interests conflict with your official role?
 - What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Political donations and conflict of interests

- 5.3 Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

Seeking advice

- 5.4 Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

PART 2: STANDARDS OF CONDUCT

This Part of the Model Code sets out the conduct obligations required of council officials. These are the enforceable standards of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

6 GENERAL CONDUCT OBLIGATIONS

General conduct

6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

6.3 You must treat others with respect at all times.

6.4 Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

Fairness and equity

6.5 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 6.6 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 6.7 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

7 CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 7.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 7.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

- 7.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- 7.12 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 7.14 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.
- 7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 7.16 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 7.17 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 7.18 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 7.20 Despite clause 7.17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.

Political donations exceeding \$1,000

- 7.21 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 7.23 Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
 - b) where the political or campaign donor or related entity has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b).
- 7.24 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 7.25 If a councillor has received a donation of the kind referred to in clause 7.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

Other business or employment

7.26 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)

7.27 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties
- b) involve using confidential information or council resources obtained through your work with the council
- c) require you to work while on council duty
- d) discredit or disadvantage the council.

Personal dealings with council

7.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

8 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Token gifts and benefits

8.1 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

Gifts and benefits of value

8.2 Notwithstanding clause 8.1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Gifts and benefits

8.3 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of money, regardless of the amount.

8.4 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

- 8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 8.6 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and undue influence

- 8.7 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 8.8 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

9.1 Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.

9.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors who, in the course of their work, may be provided with information by individual councillors.

Obligations of staff

9.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

9.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

9.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

- 9.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 9.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.
- 9.8 It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

10 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 10.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under section 12 of the *Local Government Act 1993*.
- 10.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 10.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 10.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 10.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 10.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 10.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 10.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 10.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

10.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

10.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

10.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998,*
- b) *the Health Records and Information Privacy Act 2002,*
- c) the Information Protection Principles and Health Privacy Principles,
- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government

Use of council resources

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

10.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.
- 10.17 You must not convert any property of the council to your own use unless properly authorised.
- 10.18 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 10.19 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 10.20 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 10.21 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

11 REPORTING BREACHES

11.1 Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.

11.2 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (*section 440F*)

Protected disclosures

11.3 The *Protected Disclosures Act 1994* aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.

11.4 The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.¹

11.5 If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Protected Disclosures Act set out in section 22:

'An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:

(a) the person consents in writing to the disclosure of that information, or

(b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or

(c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.'

Reporting breaches of the code of conduct

11.6 You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.

11.7 Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.

¹ Protected Disclosures Guidelines, 5th Edition, NSW Ombudsman, May 2004, Annexure 2.

- 11.8 Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 11.9 Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

PART 3: PROCEDURES

This Part of the Model Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

12 COMPLAINT HANDLING PROCEDURES & SANCTIONS

12.1 Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.

12.2 Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)

12.3 The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.

12.4 Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.

12.5 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.

12.6 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

12.7 Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:

- a) censure
- b) requiring the person to apologise to any person adversely affected by the breach
- c) counselling
- d) prosecution for any breach of the law
- e) removing or restricting the person's delegation
- f) removing the person from membership of the relevant council committee
- g) revising any of council's policies, procedures and/or the code of conduct.

Complaint handling procedures – councillor conduct

12.8 The general manager is responsible for assessing complaints, made under Section 11.1, alleging breaches of the code of conduct by councillors, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.9 The general manager must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct

12.10 The Mayor is responsible for assessing complaints, made under clause 11.1, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.11 The Mayor must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Conduct review committee/reviewer

12.12 Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.

- 12.13 The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
- 12.14 The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.
- 12.15 The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
- provide procedural advice when requested
 - ensure adequate resources are provided, including providing secretariat support
 - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
 - provide advice about council processes if requested to do so but not so as to take part in the decision making process
 - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
- 12.16 Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
- 12.17 The conduct review committee/reviewer will operate in accordance with the operating guidelines at Section 14 of this code.
- 12.18 The conduct review committee/reviewer operating guidelines (Section 14) are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
- 12.19 The conduct review committee/reviewer is responsible for making enquiries into complaints made under clause 11.1 alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
- a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) make enquiries into the complaint, or

- d) engage another appropriately qualified person to make enquiries into the complaint, or
- e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.

12.20 Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.

12.21 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.

12.22 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.

12.23 The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

Sanctions

12.24 Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.

12.25 Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:

- a) censure the councillor for misbehaviour in accordance with section 440G of the Act
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of law.

Councillor misbehaviour

12.26 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

12.27 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

12.28 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.29 Council cannot request suspension on this ground unless during the period concerned the councillor has been:

- formally censured for incidents of misbehaviour on two or more occasions, or
- expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

12.30 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.31 Council cannot request suspension on this ground unless the councillor has been:

- formally censured for the incident of misbehaviour concerned, or
- expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

12.32 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

Reporting on complaints

12.33 The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- a) number of complaints received,
- b) nature of the issues raised by complainants, and
- c) outcomes of complaints.

13 COMPLAINT ASSESSMENT CRITERIA

- 13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
- a) whether there is any prima facie evidence of a breach of the code of conduct
 - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
 - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
 - f) whether there is an alternative and satisfactory means of redress
 - g) how much time has elapsed since the events the subject of the complaint took place
 - h) how serious the complaint is and the significance it has for council
 - i) whether the complaint is one of a series indicating a pattern of conduct.
- 13.2 Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
- 13.3 If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 13.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES²

14.1 Jurisdiction of the conduct review committee/reviewer

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

14.2 Role of the general manager and Mayor

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
- provide advice about council processes if requested to do so but not so as to take part in the decision making process
- if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

14.3 Composition of the conduct review committee

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 12.16.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 12.16.

² The operating guidelines have been adapted from the Ku-ring-gai Council Conduct Committee Guidelines – 25 October 2006

The chairperson is to be elected by the members of the conduct review committee.

The general manager, or in the case of complaints about the general manager, the Mayor, will act in an advisory capacity to the committee when requested.

14.4 Quorum of the conduct review committee

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

14.5 Voting of the conduct review committee

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to council on its findings.

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

14.6 Procedures of the conduct review committee/reviewer

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

14.7 Procedural fairness

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.³

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

14.8 Complaint handling procedures

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of Section 12 of this Code.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the conduct review committee/reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

³ NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

14.9 Findings and recommendations of the conduct review committee/reviewer

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- l) whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest
- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

14.10 Amendment of the operating guidelines

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.



New South Wales

Medical Practice Amendment (Advertising) Regulation 2008

under the

Medical Practice Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Medical Practice Act 1992*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

Section 114 of the *Medical Practice Act 1992* makes it an offence for a person (including a corporation) to advertise medical services except in accordance with the regulations. The maximum penalty is 250 penalty units (currently \$27,500).

The *Medical Practice Regulation 2003* currently provides that advertising for medical services must not:

- (a) be false, misleading or deceptive, or
- (b) create an unjustified expectation of beneficial treatment, or
- (c) promote the unnecessary or inappropriate use of medical services.

This Regulation, which is to commence on 1 July 2008, further prescribes the manner in which medical services may be advertised and provides as follows:

- (a) scientific and statistical information must be presented in a manner that can be readily understood by persons without any medical or scientific training or experience,
- (b) “before and after” patient photographs must be of a genuine patient of the medical practitioner whose services are being advertised and must be presented in the same or a similar manner (including framing, lighting, and make-up),
- (c) photographs depicting patient results must not be altered or manipulated in a misleading or deceptive manner and must be accompanied by a statement to the effect that individual results may vary and cannot be guaranteed.

This Regulation is made under the *Medical Practice Act 1992*, including sections 114 and 194 (the general regulation-making power).

Clause 1 Medical Practice Amendment (Advertising) Regulation 2008

Medical Practice Amendment (Advertising) Regulation 2008

under the

Medical Practice Act 1992

1 Name of Regulation

This Regulation is the *Medical Practice Amendment (Advertising) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Medical Practice Regulation 2003

The *Medical Practice Regulation 2003* is amended as set out in Schedule 1.

Medical Practice Amendment (Advertising) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 10

Omit the clause. Insert instead:

10 Advertising

- (1) For the purposes of section 114 of the Act, a person (including a corporation) may advertise medical services in any manner, except as otherwise provided by this clause.

Note. Section 114 of the Act makes it an offence for a person (including a corporation) to advertise medical services except in accordance with the regulations.

- (2) Medical services must not be advertised in a manner that:
- (a) is false, misleading or deceptive, or
 - (b) creates an unjustified expectation of beneficial treatment, or
 - (c) promotes the unnecessary or inappropriate use of medical services.
- (3) Any scientific or statistical information used in advertising must be presented in a manner that can be readily understood by persons without any medical or scientific training or experience.
- (4) Any advertising that contains two or more photographs for the purpose of depicting a person before and after the person has received medical services must comply with the following:
- (a) photographs that purport to be of the same person must in fact be of the same person,
 - (b) the person or persons photographed must in fact have received the medical services that are being advertised,
 - (c) the medical services must have been performed by the medical practitioner whose services are being advertised or, in the case of advertising for medical services by a medical corporation, a medical practitioner who is currently employed or otherwise engaged by the medical corporation to perform the medical services,
 - (d) photographs of the same person must be presented in the same or a similar manner (including the same or similar framing, lighting and make-up).

Medical Practice Amendment (Advertising) Regulation 2008

Schedule 1 Amendment

-
- (5) Any photograph of a person (or part of a person) used in advertising that depicts, or claims to depict, the results of medical services (including a photograph of a kind referred to in subclause (4)):
- (a) must not be altered or manipulated in a misleading or deceptive manner, and
 - (b) must be accompanied by a statement, prominently displayed or communicated, to the effect that:
 - (i) the photograph shows the result of the medical service performed on one person, and
 - (ii) there is no guarantee that other persons will experience the same or a similar result.
- (6) In the case of advertising for medical services that contains two or more photographs of a kind referred to in subclause (5), it is sufficient compliance with subclause (5) (b) if the advertising is accompanied by one statement referred to in that subclause.



New South Wales

Motor Dealers Amendment (Fees) Regulation 2008

under the

Motor Dealers Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers Act 1974*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are:

- (a) to increase licence fees payable under the *Motor Dealers Act 1974*, and
- (b) to abolish the late fee (currently \$51) payable under section 20 (6) of the *Motor Dealers Act 1974* for the late payment of an annual licence fee or late lodgement of an annual statement.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 18, 20 and 57 (the general regulation-making power).

Clause 1 Motor Dealers Amendment (Fees) Regulation 2008

Motor Dealers Amendment (Fees) Regulation 2008

under the

Motor Dealers Act 1974

1 Name of Regulation

This Regulation is the *Motor Dealers Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Motor Dealers Regulation 2004

The *Motor Dealers Regulation 2004* is amended as set out in Schedule 1.

Motor Dealers Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 60)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
Dealers' licences and car market operators' licences				
Application fee for granting of licence	\$176	Nil	\$265 per place of business	\$762 per place of business
Application fee for restoration of licence	\$118	Nil	\$265 per place of business	\$111 per place of business
Annual fee under section 20 (1) of the Act for licence	\$58	Nil	\$265 per place of business	\$111 per place of business
Auto-dismantlers' licences, wholesalers' licences, motor vehicle consultants' licences and motor vehicle parts reconstructors' licences				
Application fee for granting of licence	\$176	Nil	\$265 per place of business	Nil
Application fee for restoration of licence	\$118	Nil	\$265 per place of business	Nil

Motor Dealers Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
Annual fee under section 20 (1) of the Act for licence	\$58	Nil	\$265 per place of business	Nil
General				
Application fee for replacement of licence	\$29	Nil	Nil	Nil
Issue of certificate under section 18 of the Act	Nil	\$23	Nil	Nil



New South Wales

Motor Vehicle Repairs Amendment (Fees) Regulation 2008

under the

Motor Vehicle Repairs Act 1980

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Vehicle Repairs Act 1980*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase the fees payable in relation to the licensing of repair businesses and the certification of repair tradespersons under the *Motor Vehicle Repairs Act 1980*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Motor Vehicle Repairs Act 1980*, including section 89 (the general regulation-making power) and, in particular, section 89 (1) (a) and (g).

Clause 1 Motor Vehicle Repairs Amendment (Fees) Regulation 2008

Motor Vehicle Repairs Amendment (Fees) Regulation 2008

under the

Motor Vehicle Repairs Act 1980

1 Name of Regulation

This Regulation is the *Motor Vehicle Repairs Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Motor Vehicle Repairs Regulation 1999

The *Motor Vehicle Repairs Regulation 1999* is amended as set out in Schedule 1.

Motor Vehicle Repairs Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 13 Fees

Omit "\$55" from clause 13 (1) (a). Insert instead "\$56".

[2] Clause 13 (2) (a)

Omit "\$391". Insert instead "\$400".

[3] Clause 13 (2) (a) and (d)

Omit "\$176" wherever occurring. Insert instead "\$180".

[4] Clause 13 (2) (b)

Omit "\$272". Insert instead "\$278".

[5] Clause 13 (2) (c)

Omit "\$64". Insert instead "\$66".



New South Wales

Partnership Amendment (Fees) Regulation 2008

under the

Partnership Act 1892

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Partnership Act 1892*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees payable under the *Partnership Act 1892* (*the Act*), and
- (b) to provide that the Registrar (within the meaning of the Act):
 - (i) may waive the whole or any part of a fee that is payable in relation to a matter arising under Part 3 of the Act, or
 - (ii) may refund the whole or any part of any such fee that has been paid, if, in the Registrar's opinion, there are special circumstances that justify payment of the fee being waived or refunded.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Partnership Act 1892*, including section 81 (the general regulation-making power) and, in particular, section 81 (2) (d).

Clause 1 Partnership Amendment (Fees) Regulation 2008

Partnership Amendment (Fees) Regulation 2008

under the

Partnership Act 1892

1 Name of Regulation

This Regulation is the *Partnership Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Partnership Regulation 2007

The *Partnership Regulation 2007* is amended as set out in Schedule 1.

Partnership Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Registrar has the same meaning as in Part 3 of the Act.**[2] Clause 7 Fees**

Insert after clause 7 (2):

(3) The Registrar:

- (a) may waive the whole or any part of a fee that is payable in relation to a matter arising under Part 3 of the Act, or
- (b) may refund the whole or any part of any such fee that has been paid,

if, in the Registrar's opinion, there are special circumstances that justify payment of the fee being waived or refunded.

[3] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 7)

Column 1	Column 2	Column 3	Column 4
Item	Type of fee	Amount for limited partnership	Amount for incorporated limited partnership
1	Fee to accompany a statement under section 54 (1) of the Act (application for registration of a partnership)	\$789	\$500

Partnership Amendment (Fees) Regulation 2008

Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4
Item	Type of fee	Amount for limited partnership	Amount for incorporated limited partnership
2	Fee to accompany statement under section 56 (1) of the Act (notification of change in relation to registered particulars of a partnership)	\$37	\$37
3	Fee for inspection of Register of Limited and Incorporated Limited Partnerships under section 57 (3) of the Act	\$16 per partnership inspected	\$16 per partnership inspected
4	Fee for issue under section 58 (2) of the Act, on application, of certificate as to formation of a partnership	\$16	\$16
5	Fee for issue under section 58 (2) of the Act, on application, of certificate as to registered particulars of a partnership	\$31	\$31
6	Fee to accompany document lodged under section 73E (1) of the Act (evidencing status as a VCLP, AFOF or ESVCLP)	Not applicable	\$78
7	Fee to accompany statement lodged under section 73E (2) of the Act (that partnership is a venture capital management partnership)	Not applicable	\$78

Partnership Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Type of fee	Amount for limited partnership	Amount for incorporated limited partnership
8	Fee to accompany notice lodged under section 73E (3) of the Act (notice as to revocation of registration as a VCLP, AFOF or ESVCLP or cessation of a venture capital management partnership)	Not applicable	\$78
9	Fee to accompany notice lodged under section 73E (4) of the Act (notice as to cessation of business)	Not applicable	\$78



New South Wales

Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2008

under the

Pawnbrokers and Second-hand Dealers Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the application for a licence under the *Pawnbrokers and Second-hand Dealers Act 1996*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including sections 13 (Register of licences) and 43 (the general regulation-making power) and, in particular, section 43 (1) (g).

Clause 1 Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation
 2008

Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2008

under the

Pawnbrokers and Second-hand Dealers Act 1996

1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2003

The *Pawnbrokers and Second-hand Dealers Regulation 2003* is amended as set out in Schedule 1.

Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation
2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees

(Clause 8)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Total fee
Application fee for granting of licence	\$154	\$269	\$423
Application fee for renewal of licence	\$36	\$269	\$305
Application fee for restoration of licence	\$72	\$269	\$341
Application fee for replacement of licence	\$25	Nil	\$25
Application fee for extract of register (per entry)	Nil	\$14	\$14



New South Wales

Photo Card Amendment (Fee and Penalty Notice Offences) Regulation 2008

under the

Photo Card Act 2005

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

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

Explanatory note

The objects of this Regulation are:

- (a) to increase the fee for the issue of a new Photo Card (from \$42 to \$43), and
- (b) to increase the penalties for certain offences dealt with by way of a penalty notice issued under section 34 of the *Photo Card Act 2005* in relation to contraventions of certain provisions of that Act and a provision of the regulation made under that Act.

The fee and penalty notice offence increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Photo Card Act 2005*, including sections 5 (3), 34 and 36 (the general regulation-making power) and the other provisions referred to in this Regulation.

Clause 1 Photo Card Amendment (Fee and Penalty Notice Offences) Regulation
 2008

Photo Card Amendment (Fee and Penalty Notice Offences) Regulation 2008

under the

Photo Card Act 2005

1 Name of Regulation

This Regulation is the *Photo Card Amendment (Fee and Penalty Notice Offences) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Photo Card Regulation 2005

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

Photo Card Amendment (Fee and Penalty Notice Offences) Regulation
2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Fee for Photo Card

Omit “\$42” from clause 4 (a). Insert instead “\$43”.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 10)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 11 (3)	\$81
Section 12	\$81
Section 20 (1) (a)	\$621
Section 20 (1) (b)	\$621
Section 21 (a)	\$621
Section 21 (b)	\$621
Section 22 (1)	\$621
Section 22 (2)	\$621
Section 23 (a)	\$621
Section 23 (b)	\$621
Section 24 (1)	\$621
Section 24 (2) (a)	\$621
Section 24 (2) (b)	\$621
Section 25 (1)	\$621
Section 25 (2)	\$621
Section 28 (2)	\$621
Offences under this Regulation	
Clause 8 (1)	\$81



New South Wales

Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2008

under the

Property, Stock and Business Agents Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Property, Stock and Business Agents Act 2002*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase application fees for licences and certificates of registration and Compensation Fund contributions payable under the *Property, Stock and Business Agents Act 2002*.

The fee and contribution increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Property, Stock and Business Agents Act 2002*, including sections 17A (Application fees and Compensation Fund contributions) and 230 (the general regulation-making power).

Clause 1 Property, Stock and Business Agents Amendment (Fees and Contributions)
Regulation 2008

Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2008

under the

Property, Stock and Business Agents Act 2002

1 Name of Regulation

This Regulation is the *Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Property, Stock and Business Agents Regulation 2003

The *Property, Stock and Business Agents Regulation 2003* is amended as set out in Schedule 1.

Property, Stock and Business Agents Amendment (Fees and Contributions)
Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 16

Omit the Schedule. Insert instead:

Schedule 16 Fees and Compensation Fund contributions

(Clause 46)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Fixed component	Processing component	Compensation Fund contribution	Total
Application fee for grant of licence	\$189	\$171	\$59	\$419
Application fee for grant of certificate of registration	\$38	\$69	Nil	\$107
Application fee for renewal of licence	\$189	\$56	\$59	\$304
Application fee for renewal of certificate of registration	\$38	\$35	Nil	\$73
Application fee for restoration of licence	\$189	\$113	\$59	\$361
Application fee for restoration of certificate of registration	\$38	\$47	Nil	\$85
Application fee for accreditation as an auctioneer under section 21 of the Act	Nil	\$56	Nil	\$56

Page 3

Property, Stock and Business Agents Amendment (Fees and Contributions)
Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Fixed component	Processing component	Compensation Fund contribution	Total
Application fee for a replacement licence	Nil	\$37	Nil	\$37
Application fee for a replacement certificate of registration	Nil	\$37	Nil	\$37



New South Wales

Public Health (General) Amendment Regulation 2008

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Public Health (General) Regulation 2002* to prescribe a code of practice for the provision of health services by:

- (a) health practitioners who are not required to be registered under a health registration Act (including de-registered health practitioners), and
- (b) health practitioners who are registered under a health registration Act who provide health services that are unrelated to their registration.

Section 7 of the *Health Care Complaints Act 1993* specifically provides that a complaint may be made under that Act against a health practitioner in relation to an alleged breach of the code of practice.

This Regulation is made under the *Public Health Act 1991*, including sections 10AM and 82 (the general regulation-making power).

Clause 1 Public Health (General) Amendment Regulation 2008

Public Health (General) Amendment Regulation 2008

under the

Public Health Act 1991

1 Name of Regulation

This Regulation is the *Public Health (General) Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 August 2008.

3 Amendment of Public Health (General) Regulation 2002

The *Public Health (General) Regulation 2002* is amended as set out in Schedule 1.

Public Health (General) Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 25 Guidelines and codes

Insert at the end of clause 25:

- (2) Subclause (1) does not apply to the code of conduct set out in Schedule 3.

[2] Clause 25A

Insert after clause 25:

25A Code of conduct for certain health practitioners

The code of conduct set out in Schedule 3 is prescribed under section 10AM of the Act as a code of conduct for the provision of health services by:

- (a) health practitioners who are not required to be registered under a health registration Act (including de-registered health practitioners), and
- (b) health practitioners who are registered under a health registration Act who provide health services that are unrelated to their registration.

[3] Schedule 3

Insert after Schedule 2:

Schedule 3 Code of conduct

(Clause 25A)

1 Definitions

In this code of conduct:

health practitioner, *health registration Act* and *health service* have the same meanings as in the *Health Care Complaints Act 1993*.

Note. The *Health Care Complaints Act 1993* defines those terms as follows:

health practitioner means a natural person who provides a health service (whether or not the person is registered under a health registration Act).

Public Health (General) Amendment Regulation 2008

Schedule 1 Amendments

health registration Act means any of the following Acts:

Chiropractors Act 2001
Dental Technicians Registration Act 1975
Dental Practice Act 2001
Medical Practice Act 1992
Nurses and Midwives Act 1991
Optical Dispensers Act 1963
Optometrists Act 2002
Osteopaths Act 2001
Pharmacy Practice Act 2006
Physiotherapists Act 2001
Podiatrists Act 2003
Psychologists Act 2001.

health service includes the following services, whether provided as public or private services:

- (a) medical, hospital and nursing services,
- (b) dental services,
- (c) mental health services,
- (d) pharmaceutical services,
- (e) ambulance services,
- (f) community health services,
- (g) health education services,
- (h) welfare services necessary to implement any services referred to in paragraphs (a)–(g),
- (i) services provided by podiatrists, chiropractors, osteopaths, optometrists, physiotherapists, psychologists and optical dispensers,
- (j) services provided by dietitians, masseurs, naturopaths, acupuncturists, occupational therapists, speech therapists, audiologists, audiometrists and radiographers,
- (k) services provided in other alternative health care fields,
- (k1) forensic pathology services,
- (l) a service prescribed by the regulations as a health service for the purposes of this Act.

2 Application of code of conduct

This code of conduct applies to the provision of health services by:

- (a) health practitioners who are not required to be registered under a health registration Act (including de-registered health practitioners), and

Public Health (General) Amendment Regulation 2008

Amendments

Schedule 1

-
- (b) health practitioners who are registered under a health registration Act who provide health services that are unrelated to their registration.

Note. Health practitioners may be subject to other requirements relating to the provision of health services to which this Code applies, including, for example, requirements imposed by Part 2A of the Act and the regulations under the Act relating to skin penetration procedures.

3 Health practitioners to provide services in safe and ethical manner

- (1) A health practitioner must provide health services in a safe and ethical manner.
- (2) Without limiting subclause (1), health practitioners must comply with the following principles:
- (a) a health practitioner must maintain the necessary competence in his or her field of practice,
 - (b) a health practitioner must not provide health care of a type that is outside his or her experience or training,
 - (c) a health practitioner must prescribe only treatments or appliances that serve the needs of the client,
 - (d) a health practitioner must recognise the limitations of the treatment he or she can provide and refer clients to other competent health practitioners in appropriate circumstances,
 - (e) a health practitioner must recommend to his or her clients that additional opinions and services be sought, where appropriate,
 - (f) a health practitioner must assist his or her clients to find other appropriate health care professionals, if required and practicable,
 - (g) a health practitioner must encourage his or her clients to inform their treating medical practitioner (if any) of the treatments they are receiving,
 - (h) a health practitioner must have a sound understanding of any adverse interactions between the therapies and treatments he or she provides or prescribes and any other medications or treatments, whether prescribed or not, that the health practitioner is aware the client is taking or receiving,
 - (i) a health practitioner must ensure that appropriate first aid is available to deal with any misadventure during a client consultation,

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- (j) a health practitioner must obtain appropriate emergency assistance (for example, from the Ambulance Service) in the event of any serious misadventure during a client consultation.

4 Health practitioners diagnosed with infectious medical condition

- (1) A health practitioner who has been diagnosed with a medical condition that can be passed on to clients must ensure that he or she practises in a manner that does not put clients at risk.
- (2) Without limiting subclause (1), a health practitioner who has been diagnosed with a medical condition that can be passed on to clients should take and follow advice from an appropriate medical practitioner on the steps to be taken to modify his or her practice to avoid the possibility of transmitting that condition to clients.

5 Health practitioners not to make claims to cure certain serious illnesses

- (1) A health practitioner must not hold himself or herself out as qualified, able or willing to cure cancer and other terminal illnesses.
- (2) A health practitioner may make a claim as to his or her ability or willingness to treat or alleviate the symptoms of those illnesses if that claim can be substantiated.

6 Health practitioners to adopt standard precautions for infection control

- (1) A health practitioner must adopt standard precautions for the control of infection in his or her practice.
- (2) Without limiting subclause (1), a health practitioner who carries out a skin penetration procedure within the meaning of section 51 (3) of the Act must comply with the relevant regulations under the Act in relation to the carrying out of the procedure.

7 Appropriate conduct in relation to treatment advice

- (1) A health practitioner must not attempt to dissuade clients from seeking or continuing with treatment by a registered medical practitioner.
- (2) A health practitioner must accept the right of his or her clients to make informed choices in relation to their health care.

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- (3) A health practitioner should communicate and co-operate with colleagues and other health care practitioners and agencies in the best interests of their clients.
 - (4) A health practitioner who has serious concerns about the treatment provided to any of his or her clients by another health practitioner must refer the matter to the Health Care Complaints Commission.

8 Health practitioners not to practise under influence of alcohol or drugs

- (1) A health practitioner must not practise under the influence of alcohol or unlawful drugs.
- (2) A health practitioner who is taking prescribed medication must obtain advice from the prescribing health practitioner on the impact of the medication on his or her ability to practice and must refrain from treating clients in circumstances where his or her ability is or may be impaired.

9 Health practitioners not to practise with certain physical or mental conditions

A health practitioner must not practise while suffering from a physical or mental impairment, disability, condition or disorder (including an addiction to alcohol or a drug, whether or not prescribed) that detrimentally affects, or is likely to detrimentally affect, his or her ability to practise or that places clients at risk of harm.

10 Health practitioners not to financially exploit clients

- (1) A health practitioner must not accept financial inducements or gifts for referring clients to other health practitioners or to the suppliers of medications or therapeutic goods or devices.
- (2) A health practitioner must not offer financial inducements or gifts in return for client referrals from other health practitioners.
- (3) A health practitioner must not provide services and treatments to clients unless they are designed to maintain or improve the clients' health or wellbeing.

11 Health practitioners required to have clinical basis for treatments

A health practitioner must not diagnose or treat an illness or condition without an adequate clinical basis.

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12 Health practitioners not to misinform their clients

- (1) A health practitioner must not engage in any form of misinformation or misrepresentation in relation to the products or services he or she provides or as to his or her qualifications, training or professional affiliations.
- (2) A health practitioner must provide truthful information as to his or her qualifications, training or professional affiliations if asked by a client.
- (3) A health practitioner must not make claims, either directly or in advertising or promotional material, about the efficacy of treatment or services provided if those claims cannot be substantiated.

13 Health practitioners not to engage in sexual or improper personal relationship with client

- (1) A health practitioner must not engage in a sexual or other close personal relationship with a client.
- (2) Before engaging in a sexual or other close personal relationship with a former client, a health practitioner must ensure that a suitable period of time has elapsed since the conclusion of their therapeutic relationship.

14 Health practitioners to comply with relevant privacy laws

A health practitioner must comply with the relevant legislation of the State or the Commonwealth relating to his or her clients' personal information.

15 Health practitioners to keep appropriate records

A health practitioner must maintain accurate, legible and contemporaneous clinical records for each client consultation.

16 Health practitioners to keep appropriate insurance

A health practitioner should ensure that appropriate indemnity insurance arrangements are in place in relation to his or her practice.

17 Certain health practitioners to display code and other information

- (1) A health practitioner must display a copy of each of the following documents at all premises where the health practitioner carries on his or her practice:
 - (a) this code of conduct,

Public Health (General) Amendment Regulation 2008

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- (b) a document that gives information about the way in which clients may make a complaint to the Health Care Complaints Commission, being a document in a form approved by the Director-General of the Department of Health.
- (2) Copies of those documents must be displayed in a position and manner that makes them easily visible to clients entering the relevant premises.
- (3) This clause does not apply to any of the following premises:
- (a) the premises of any body within the public health system (as defined in section 6 of the *Health Services Act 1997*),
 - (b) private hospitals or day procedure centres (as defined in the *Private Hospitals and Day Procedure Centres Act 1988*),
 - (c) premises of the Ambulance Service of NSW (as defined in the *Health Services Act 1997*),
 - (d) premises of approved providers (within the meaning of the *Aged Care Act 1997* of the Commonwealth).



New South Wales

Racing Administration Amendment (Publication of Race Fields) Regulation 2008

under the

Racing Administration Act 1998

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

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

Explanatory note

The *Racing Legislation Amendment Act 2006* amends the *Racing Administration Act 1998* (*the Act*) to make further provision with respect to the publication of certain information (whether in New South Wales or elsewhere) about intended races of horses or greyhounds to be held at race meetings on licensed racecourses in New South Wales. In general, the amendments provide that it will be an offence for a person to publish a NSW race field (as defined in the Act) whether in New South Wales or elsewhere unless the person:

- (a) is authorised to do so by a race field publication approval granted by the relevant racing control body (as defined in the Act), and complies with the conditions (if any) to which the approval is subject, or
- (b) is authorised to do so by or under the regulations.

The object of this Regulation is to amend the *Racing Administration Regulation 2005* to prescribe certain matters as a consequence of the commencement of those amendments to the Act. In particular, the Regulation:

- (a) provides that certain publications (such as publications for not-for-profit social purposes (eg office sweeps or fundraising calcuttas) and publications by certain racing bodies and media bodies) are authorised and therefore not unlawful, and
- (b) sets out the fees that may be imposed for race field publication approvals granted by relevant racing control bodies, and
- (c) prescribes the kinds of conditions that a relevant racing control body may impose on such approvals, and
- (d) prescribes the grounds for the cancellation or variation of an approval, and
- (e) deals with applications for approvals, and

Racing Administration Amendment (Publication of Race Fields) Regulation 2008

Explanatory note

- (f) sets out the criteria that relevant racing control bodies must take into account when determining whether or not to grant an approval.

The Regulation also contains a transitional provision.

This Regulation is made under the *Racing Administration Act 1998*, including sections 33, 33A, 33B and 37 (the general regulation-making power).

Racing Administration Amendment (Publication of Race Fields) Regulation
2008

Clause 1

Racing Administration Amendment (Publication of Race Fields) Regulation 2008

under the

Racing Administration Act 1998

1 Name of Regulation

This Regulation is the *Racing Administration Amendment (Publication of Race Fields) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Racing Administration Regulation 2005

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

Racing Administration Amendment (Publication of Race Fields) Regulation
2008

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Part 3

Insert after Part 2:

Part 3 Publication of NSW race fields

14 Interpretation

(1) In this Part:

approval means a race field publication approval.

approval holder means a person who holds an approval.

betting exchange means a facility, electronic or otherwise, that enables persons:

- (a) to place or accept, through the operator of the betting exchange, wagers with other persons, or
- (b) to place with the operator of the betting exchange wagers that, on acceptance, are matched with opposing wagers placed with and accepted by the operator,

but does not include a facility, electronic or otherwise, that enables persons to place wagers only with a bookmaker or a totalizator.

key employee, in relation to an applicant for or holder of an approval, means a person (whether or not appointed under a contract of service) who is:

- (a) employed in a managerial or supervisory capacity in relation to the conduct of wagering operations by the approval applicant or holder, or
- (b) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of the approval applicant or holder in relation to the conduct of wagering operations, or
- (c) concerned or engaged, in any manner, in the conduct of wagering operations by the approval applicant or holder.

licensed wagering operator means a wagering operator that holds a licence or authority (however described) under any State or Territory legislation to carry out its wagering operations (whether in New South Wales or elsewhere).

relevant financial interest means:

- (a) any share in the capital of the business, or

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- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise.

relevant position means the position of director, manager, and other executive position and secretary, however those positions are designated.

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) to participate in any directorial, managerial or executive decision, or
- (b) to elect or appoint any person to any relevant position.

totalizator has the same meaning as in section 6 of the *Totalizator Act 1997*.

wagering operator includes a bookmaker, a person who operates a totalizator and a person who operates a betting exchange.

wagering turnover, in relation to a race or class of races, means the total amount of wagers made on the backers side of wagering transactions made in connection with that race or class of races.

- (2) For the purposes of this Part, a person is a **close associate** of an applicant for, or the holder of, an approval if the person:
- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person), in the business of the approval applicant or holder, and by virtue of that interest or power is or will be able (in the opinion of the relevant racing control body) to exercise a significant influence over or with respect to the conduct of that business, or
- (b) holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the approval applicant or holder.

15 Authorisations to publish NSW race fields: section 33 (b)

- (1) The following publications of NSW race fields, whether in New South Wales or elsewhere, are authorised:
- (a) a publication for a not-for-profit social purpose only (such as a Golden Slipper office sweep or a fundraising calcutta),
- (b) a publication by any of the following bodies for its internal administrative or regulatory purposes:
- (i) a relevant racing control body,

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- (ii) a body that corresponds to a relevant racing control body under the legislation of another State or Territory,
- (iii) the Australian Racing Board,
- (iv) Harness Racing Australia Inc.,
- (v) Greyhounds Australasia Limited,
- (c) a publication by the following bodies for the purposes of a race meeting (such as displays, race books for sale and information for the administration and promotion of the race meeting):
 - (i) a New South Wales racing club that is registered with a relevant racing control body,
 - (ii) a racing club of another State or Territory that is registered with or licensed by a body that corresponds to the relevant racing control body of the other State or Territory,
- (d) subject to subclause (2), a publication by a public news media body in accordance with a contract or other arrangement with a relevant racing control body (or an agent for that body that manages media rights),
- (e) a publication (or a publication belonging to a class of publications) authorised by the Minister, by order, on the recommendation of the relevant racing control body.
- (2) The Minister may, by order, on the recommendation of the relevant racing control body, limit (in whole or in part) the operation of an authorisation under subclause (1) (d).
- (3) An authorisation under subclause (1) (e) may be revoked (in whole or in part) by the Minister, by order, on the recommendation of the relevant racing control body.

16 Fees for race field publications approvals: section 33A (2) (a)

- (1) A relevant racing control body may impose a condition on an approval (in addition to any other condition relating to fees) that the holder of the approval must pay a fee to cover the cost of assessing the application for the approval.
- (2) A relevant racing control body may impose a condition on an approval that the holder of the approval must pay the following fees:
 - (a) in relation to a publication in Australia of a NSW race field made in the course of the wagering operations of a licensed wagering operator—a fee that does not exceed 1.5% of the

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holder's wagering turnover that relates to the race (or class of races) covered by the approval,

- (b) in relation to any other publication of a NSW race field—a fee determined by the relevant racing control body.

Note. In granting race field publications approvals, and imposing conditions on those approvals, relevant racing control bodies are subject to section 92 of the *Commonwealth Constitution* (Trade within the Commonwealth to be free etc).

17 Other conditions on race field publications approvals: section 33A (2) (b)

Note. An approval may relate to a single race or a class of races. A class may be defined in many ways including geography or time.

The following kinds of conditions are prescribed as permissible conditions:

- (a) conditions specifying the duration of the approval (including conditions that the approval operates until it expires or is cancelled),
- (b) conditions specifying the manner of publication that is authorised under the approval,
- (c) conditions specifying events that must be notified to the relevant racing control body, including but not limited to the following events:
 - (i) a change in the persons or bodies having a controlling interest in the approval holder,
 - (ii) a change in financial circumstances of the approval holder (such as the insolvency of the approval holder or, for a wagering operator, a significant improvement in wagering turnover),
 - (iii) the commencement (in New South Wales or elsewhere) of any prosecution or disciplinary action against the approval holder under any legislation or any rules of racing or betting,
- (d) conditions requiring the approval holder to provide the relevant racing control body with information and access to enable that body to audit and assess the holder's compliance with the approval (including access to approval holder's financial and wagering records),
- (e) conditions specifying the times within which the approval holder must pay any fees due under the approval (for example, monthly),
- (f) if the approval holder is a wagering operator—conditions requiring the approval holder to provide to the relevant

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racing control body details of the approval holder's wagering turnover and specifying the manner and form (for example, electronically) and the times within which those details must be provided to the relevant racing control body (for example, monthly),

- (g) if the approval holder is a wagering operator that conducts wagering operations in Australia—a condition that requires the approval holder to hold (and continue to hold) an appropriate licence or authority (however described) under a relevant State or Territory law that authorises it to carry out those wagering operations,
- (h) if the approval holder is a wagering operator—conditions relating to the preservation of the integrity and reputation of the relevant kind of racing in New South Wales, including, but not limited to, conditions relating to the following:
 - (i) requiring the approval holder to provide the relevant racing control body with access to all the approval holder's betting information and analyses in relation to the races covered by the approval,
 - (ii) requiring the approval holder to furnish information to any inquiries or investigations specified by the relevant racing control body within the time specified by the relevant racing control body,
 - (iii) requiring the approval holder to permit the relevant racing control body to monitor wagering activity that relates to the races covered by the approval,
 - (iv) requiring the approval holder to co-operate with any inquiry or investigation specified by the relevant racing control body (including by providing requested details of any betting account to the inquiry or investigation),
 - (v) requiring the approval holder not to open or maintain any account for a person who has been warned off a racecourse or who is disqualified from participating in any racing activities by a relevant racing control body,
 - (vi) requiring the approval holder not to open an account for a person who has not properly established their identity (for example, by way of the 100 point identification checks commonly used by banks),
 - (vii) requiring the approval holder to use a secure computer system for the holder's wagering

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- operations to ensure that a proper audit trail of all wagers is kept,
- (viii) requiring the approval holder to participate in any on-line wagering monitoring system specified by the relevant racing control body.

18 Grounds for cancellation or variation of approvals: section 33A (4)

- (1) The following grounds for the cancellation or variation of an approval are prescribed:
- (a) the approval holder has breached a condition of the approval,
 - (b) there has been a change in the persons that have a controlling interest in the approval holder,
 - (c) the approval holder or a key employee of the approval holder has been convicted of an offence whether in New South Wales or elsewhere,
 - (d) disciplinary action has been taken against the approval holder or a key employee of the approval holder under any legislation or any rules or betting of racing whether in New South Wales or elsewhere,
 - (e) the approval holder has employed or engaged a person as a key employee who has a criminal record or has been the subject of disciplinary action under any legislation or any rules of racing or betting whether in New South Wales or elsewhere.
- (2) Without limiting subclause (1), a change in financial circumstances of the approval holder (such as a significant improvement in the wagering turnover of the holder or the insolvency of the holder) is prescribed as a ground for the variation of an approval.

19 Applications for race field publications approvals: section 33B (2)

- (1) An approval application must:
- (a) be in writing, and
 - (b) be in a form approved by the relevant racing control body, and
 - (c) contain the following information:
 - (i) the name and contact details of the applicant,
 - (ii) details of the proposed publication or publications of NSW race fields (including the race or class of

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aces to which the approval is to relate and the time and manner of publication), and

- (d) if the applicant is a wagering operator, contain the following information:
- (i) details of the applicant's licence to operate (whether under legislation of New South Wales or elsewhere),
 - (ii) details of the types of wagering offered by the applicant,
 - (iii) details of the applicant's history of wagering operations and publications of NSW race fields (including details of the applicant's past wagering turnover in relation to racing in New South Wales),
 - (iv) details of the criminal history (if any) of the key employees and close associates of the applicant that is known to the applicant,
 - (v) details of any disciplinary action under any legislation or any rules or betting of racing (whether in New South Wales or elsewhere) that has been taken against the key employees and close associates of the applicant that is known to the applicant,
 - (vi) details of the applicant's policy and procedure for dealing with racing integrity issues relating to racing in New South Wales (such as suspect betting transactions and frauds).

- (2) An approval application is to be made at least 30 days before the race to which the approval relates (or if the approval is to relate to a class of races, the first race belonging to that class) is to take place.

20 Criteria for determination of applications: section 33B (3) (b) and (4)

In determining an approval application, the relevant racing control body:

- (a) must take into account whether:
- (i) the applicant is a fit and proper person to hold the approval, and
 - (ii) granting the approval will undermine the integrity of the conduct in New South Wales of the racing relevant to the control body concerned, and

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- (b) must not take into account the location in Australia that the applicant:
 - (i) resides in or carries out his or her activities (in relation to an individual), or
 - (ii) has its head office or principal place of business (in relation to a corporation), and
 - (c) in relation to an applicant that is a wagering operator, must take into account whether or not the applicant holds a licence or authority (however described) under State or Territory legislation to carry out its wagering operations (whether in New South Wales or elsewhere), and
 - (d) in relation to an applicant that is a licensed wagering operator, must not take into account whether the applicant is licensed under the legislation of New South Wales as opposed to the legislation of another State or Territory.

[2] Part 4

Re-number Part 3 (Miscellaneous) and clauses 14–17 (within that Part) as Part 4 and clauses 21–24, respectively.

[3] Clause 25

Insert after clause 24 (as re-numbered by item [2]):

25 Transitional

- (1) A person does not commit an offence against section 33 of the Act (as inserted by the *Racing Legislation Amendment Act 2006*) during the period commencing on 1 July 2008 and ending on 1 September 2008.
- (2) Section 33 of the Act (as in force immediately before its substitution by the *Racing Legislation Amendment Act 2006*) continues to have effect until 1 September 2008.



New South Wales

Registered Clubs Amendment Regulation 2008

under the

Registered Clubs Act 1976

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

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

Explanatory note

The object of this Regulation is to amend the *Registered Clubs Regulation 1996* as a consequence of:

- (a) the enactment of the *Liquor Act 2007* (which among other things provides for the licensing of registered clubs under that Act by the Casino, Liquor and Gaming Control Authority), and
- (b) the amendments made to the *Registered Clubs Act 1976* by the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007* (in particular, those amendments that remove provisions relating to the sale and supply of liquor on club premises).

This Regulation is made under the *Registered Clubs Act 1976*, including section 73 (the general regulation-making power).

Clause 1 Registered Clubs Amendment Regulation 2008

Registered Clubs Amendment Regulation 2008

under the

Registered Clubs Act 1976

1 Name of Regulation

This Regulation is the *Registered Clubs Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Registered Clubs Regulation 1996

The *Registered Clubs Regulation 1996* is amended as set out in Schedule 1.

4 Repeal of transitional regulation

The *Registered Clubs (Transitional) Regulation 1994* is repealed.

Registered Clubs Amendment Regulation 2008

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(Clause 3)

[1] Clause 3 Definitions

Omit the definitions of *Board*, *local consent authority*, *local court district*, *Principal Registrar* and *Sydney Metropolitan Area* from clause 3 (1).

[2] Part 2

Omit the Part. Insert instead:

Part 2 Applications

5 Notice to be given to local authorities and police

- (1) If an application is made to the Authority for:
 - (a) a non-restricted area authorisation under section 22 of the Act, or
 - (b) a junior members authorisation under section 22A of the Act, or
 - (c) a club functions authorisation under section 23 of the Act, the applicant must, within 2 working days of making the application, provide the local consent authority and the local police with a notice relating to the application.
- (2) The notice must be in the form approved by the Authority.

6 Notice relating to application for club functions authorisation to be fixed to premises

- (1) If an application for a club functions authorisation under section 23 of the Act is made to the Authority, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the club premises to which the application relates.
- (2) The notice must be fixed to the club premises until such time as the application is determined by the Authority.
- (3) If the club premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.

Registered Clubs Amendment Regulation 2008

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- (4) A notice is not fixed to premises or land in accordance with this clause unless:
- (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.

7 Submissions in relation to applications

- (1) Any person may make a submission to the Authority in relation to an application referred to in clause 5.
- (2) Any such submission must:
 - (a) specify details of the application to which the submission relates, and
 - (b) be made within 30 days of the date on which the application was made (or such longer period as the Authority may, in any particular case or class of cases, allow).

8 Advertising of other applications

- (1) If an application (other than an application referred to in clause 5) is made to the Authority under the Act or this Regulation, the Authority may require the application to be advertised in such manner as the Authority considers appropriate.
- (2) The Authority may refuse to determine any such application unless it has been advertised in accordance with any such requirement.

[3] Clause 11B Notification to club members of proposed amalgamation

Insert at the end of the clause:

- (2) Any person may make a submission to the Authority in relation to the proposed amalgamation.

[4] Clause 11C Memorandum of understanding between amalgamating clubs

Omit clause 11C (4). Insert instead:

- (4) An application under section 60 of the *Liquor Act 2007* in relation to the proposed amalgamation must be accompanied by a copy of the memorandum of understanding required to be entered into under this clause.

Registered Clubs Amendment Regulation 2008

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[5] Clause 12 Prescribed notices

Omit clause 12 (1).

[6] Clauses 13, 48, 48A, 50A, 50B and 53

Omit the clauses.

[7] Clause 14

Omit the clause. Insert instead:

14 Denial of allegation as to age

For the purposes of section 63 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the proceedings—by informing the court, the informant or a person appearing for the informant in writing of the denial, or
- (b) at any time not later than 14 days before the hearing of the charge—by informing the informant or a person appearing for the informant in writing of the denial.

[8] Parts 3A and 3B

Omit the Parts. Insert instead:

Part 3A Certain authorisations in relation to clubs

14A Non-restricted area authorisations

The application fee for a non-restricted area authorisation under section 22 of the Act is \$50.

14B Junior members authorisations

- (1) The application fee for a junior members authorisation under section 22A of the Act is \$50.
- (2) A junior members authorisation is subject to the following conditions:
 - (a) the club that holds the authorisation must keep a register of the dates on which members under the age of 18 years are given access to the club premises in accordance with the authorisation,

Registered Clubs Amendment Regulation 2008

Schedule 1 Amendments

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- (b) the club must give written notice to the local police of each date on which members under the age of 18 years are to be given such access at least 7 clear days before that date.

14C Club functions authorisations

- (1) The application fee for a club functions authorisation under section 23 of the Act is \$50.
- (2) A club functions authorisation is subject to a condition that the club that holds the authorisation must ensure that, at any time during a function held under the authorisation, the number of persons in any function area or access area specified in the authorisation does not contravene the conditions of any development consent granted under the *Environmental Planning and Assessment Act 1979* relating to the use of the area as a place of public entertainment.

[9] Part 5 Fees

Omit the Part.

[10] Part 6 Licensing Court proceedings

Omit the Part.

[11] Part 6A Responsible service of alcohol training

Omit the Part.

[12] Clause 51A

Insert after clause 51:

51A Disciplinary action—persons authorised to make complaints

For the purposes of section 57F (1) of the Act, the general manager of a local council is authorised to make a complaint to the Authority under Part 6A of the Act.

[13] Clause 56A

Insert after clause 56:

56A Time limit for determining pending matters before former Board

For the purposes of clause 97 (5) of Schedule 2 to the Act, the period of 6 months commencing on 1 July 2008 is prescribed.

Registered Clubs Amendment Regulation 2008

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[14] Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Penalty notice offences

(Clause 51)

Offences under the Act

Column 1	Column 2	Column 3
Offence	Penalty (other than minors)	Penalty (minors)
Section 22 (2)	\$220	—
Section 22A (4)	\$220	—
Section 23 (4)	\$220	—
Section 23A (4)	\$220	—
Section 32 (3)	\$1,100	—
Section 34 (2) (a)	\$550	—
Section 34 (2) (b)	\$1,100	—
Section 41V	\$1,100	—
Section 45 (1)	\$110	\$55
Section 45A	\$110	\$55
Section 47 (a)	\$110	—
Section 47 (b)	\$55	—
Section 49	\$55	—
Section 50B (2)	\$220	—
Section 57J (5)	\$110	—

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Penalty (other than minors)	Penalty (minors)
Clause 47H	\$550	—
Clause 47HA (1)	\$550	—



New South Wales

Roads Amendment (Penalty Notice Offences) Regulation 2008

under the

Roads Act 1993

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

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

Explanatory note

The object of this Regulation is to increase the penalties for offences dealt with by way of a penalty notice issued under section 243 of the *Roads Act 1993* in relation to contraventions of certain provisions under the *Roads Regulation 2008*.

The increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Roads Act 1993*, including sections 243 (Penalty notices for certain offences) and 264 (the general regulation-making power).

Clause 1 Roads Amendment (Penalty Notice Offences) Regulation 2008

Roads Amendment (Penalty Notice Offences) Regulation 2008

under the

Roads Act 1993

1 Name of Regulation

This Regulation is the *Roads Amendment (Penalty Notice Offences) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Roads Regulation 2008

The *Roads Regulation 2008* is amended as set out in Schedule 1.

Roads Amendment (Penalty Notice Offences) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 80)

Column 1	Column 2
Offence provision	Penalty \$
Clause 6 (3)	433
Clause 11	433
Clause 12	289
Clause 13 (1)	289
Clause 13 (2)	433
Clause 14	289
Clause 15	433
Clause 16	433
Clause 17 (1)	600
Clause 18	600
Clause 19	289
Clause 20	433
Clause 21	289
Clause 23 (1)	144
Clause 24	144
Clause 25	289
Clause 30	144
Clause 31 (1)	289
Clause 32 (1)	289
Clause 33 (1)	433
Clause 34	289

Page 3

Roads Amendment (Penalty Notice Offences) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2
Offence provision	Penalty \$
Clause 35	433
Clause 36	289
Clause 38 (2)	433
Clause 39 (3)	433
Clause 46	600
Clause 47	433
Clause 48	600
Clause 49 (2)	144
Clause 50 (2)	433
Clause 51	289
Clause 52 (1)	144
Clause 54	289
Clause 55	289
Clause 59 (3)	144
Clause 61	144
Clause 62	289
Clause 63	289
Clause 64 (1)	144
Clause 65 (2)	289
Clause 66	289
Clause 67	289
Clause 68 (3)	289
Clause 69	289
Clause 75	289
Clause 76	289



New South Wales

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2008

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

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

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees payable under the *Road Transport (Driver Licensing) Act 1998*, and
- (b) to set out the fees for a driver licence, a provisional P1 licence, a provisional P2 licence and a learner licence for issue to temporary overseas visitors for no more than 12 months.

The fee increases are generally in line with movements in the Consumer Price Index.

The issue of driver licences for temporary overseas visitors was addressed in the *Road Transport (Driver Licensing) Amendment (Temporary Overseas Visitors) Regulation 2008*, except for the fees in respect of such licences. Depending on the person's circumstances, a temporary overseas visitor will be entitled to apply for either a driver licence, a provisional P1 licence, a provisional P2 licence or a learner licence, but the maximum period for which the temporary overseas visitor may have such a licence issued or renewed is 12 months.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20 (Driver licensing system) and, in particular, section 20 (2) (f).

Clause 1 Road Transport (Driver Licensing) Amendment (Fees) Regulation 2008

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2008

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees

(Clause 62)

	\$
1 Issue or renewal of driver licence:	
(a) 1-year	46
(b) 3-year	108
(c) 5-year	145
(d) provisional P1 licence	46
(e) provisional P2 licence	72
(f) learner licence	20
(g) in the case of a temporary overseas visitor referred to in clause 6A—a driver licence	46
(h) in the case of a temporary overseas visitor referred to in clause 6A—a provisional P1 licence	46
(i) in the case of a temporary overseas visitor referred to in clause 6A—a provisional P2 licence	46
(j) in the case of a temporary overseas visitor referred to in clause 6A—a learner licence	20
Note. Clause 6A provides (with some exceptions) that a temporary overseas visitor is not eligible to be issued a driver licence (which includes a provisional or learner licence) that will be in force for a period of more than 12 months and is not eligible to have a driver licence held by the person renewed for a period of more than 12 months.	
2 Replacement or duplicate licence:	
(a) learner licence	18
(b) any other licence	21
3 Application for driving or riding test	44

Page 3

Road Transport (Driver Licensing) Amendment (Fees) Regulation 2008

Schedule 1 Amendment

	\$
4	Competency based assessment:
	(a) scheme participation fee 21
	(b) replacement log book 7
5	Entry fee for authorised rider training course:
	(a) provisional licence rider training course 110
	(b) learner licence rider training course 73
6	Certificate from Authority's records 25
7	Information from records (other than a certificate) 18
8	Hazard Perception Test 36
9	Driver Qualification Test 36
10	Driver Knowledge Test 36
11	Fee per copy for provision of handbook:
	(a) Road Users' Handbook (including any foreign language version of that handbook) 10
	(b) Heavy Vehicle Drivers' Handbook 10
	(c) Motorcycle Riders' Handbook 10
	(d) Hazard Perception Handbook 10
	(e) Driver Qualification Handbook 10



New South Wales

Road Transport (Heavy Vehicles Registration Charges) Amendment Regulation 2008

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

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

Explanatory note

The object of this Regulation is to adjust the annual registration charges payable under Part 2 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*. The new charges have been calculated in accordance with procedures approved, and subject to the parameters set, by the Australian Transport Council under the *Agreement* referred to in the *National Transport Commission Act 2003* of the Commonwealth. The new charges were approved by the Australian Transport Council in February 2008.

This Regulation is made under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, including sections 9 (Variation in charges) and 38 (the general regulation-making power).

Clause 1 Road Transport (Heavy Vehicles Registration Charges) Amendment
 Regulation 2008

Road Transport (Heavy Vehicles Registration Charges) Amendment Regulation 2008

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

1 Name of Regulation

This Regulation is the *Road Transport (Heavy Vehicles Registration Charges) Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Road Transport (Heavy Vehicles Registration Charges) Regulation 2006

The *Road Transport (Heavy Vehicles Registration Charges) Regulation 2006* is amended as set out in Schedule 1.

Road Transport (Heavy Vehicles Registration Charges) Amendment
Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Annual registration charges

(Clause 8)

1 Load carrying vehicles

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$380	\$652	\$652	\$652
2	Truck (type 2)	\$652	\$859	\$859	\$859
3	Short combination truck	\$652	\$859	\$1,593	\$1,593
4	Medium combination truck	\$5,161	\$5,161	\$5,574	\$5,574
5	Long combination truck	\$7,120	\$7,120	\$7,120	\$7,120
6	Short combination prime mover	\$1,000	\$3,930	\$4,322	\$4,322
7	Medium combination prime mover	\$7,050	\$7,050	\$7,755	\$7,755
8	Long combination prime mover	\$7,050	\$7,050	\$7,755	\$7,755

2 Load carrying trailer, converter dolly and low loader dolly

The charge for a load carrying trailer, converter dolly or low loader dolly is \$380 multiplied by the number of axles of the trailer or dolly.

3 Buses

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$380	Not applicable	Not applicable
2	Bus (type 2)	\$380	\$2,087	\$2,087
3	Articulated bus	Not applicable	\$380	\$380

Road Transport (Heavy Vehicles Registration Charges) Amendment
Regulation 2008

Schedule 1 Amendment

4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$248
3	Special purpose vehicle (type o)	\$310 plus (\$310 multiplied by the number of axles in excess of 2)

5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.



New South Wales

Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2008

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

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

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Road Transport (General) Regulation 2005* to increase certain penalty levels for penalties for motor vehicle offences that are dealt with by way of penalty notices, and
- (b) to amend the *Road Transport (Mass, Loading and Access) Regulation 2005 (the 2005 Regulation)* to increase:
 - (i) the fee for the issue of a Class 1, 2 or 3 permit, or a permit under Division 6 or 7 of Part 2 of the 2005 Regulation, and
 - (ii) the fee for the issue of a permit exempting a person from the operation of any of the provisions of clause 53 (1) of the 2005 Regulation relating to the projection of loading or equipment of vehicles, and
 - (iii) the fee for an application to be accredited under a Mass Management Accreditation Scheme.

The penalty level and fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power) and 183 (Penalty notices for certain offences).

Clause 1 Road Transport Legislation Amendment (Penalty Levels and Fees)
 Regulation 2008

Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2008

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Road Transport (General) Regulation 2005

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

4 Amendment of Road Transport (Mass, Loading and Access) Regulation 2005

The *Road Transport (Mass, Loading and Access) Regulation 2005* is amended as set out in Schedule 2.

Road Transport Legislation Amendment (Penalty Levels and Fees)
Regulation 2008

Amendment of Road Transport (General) Regulation 2005

Schedule 1

Schedule 1 Amendment of Road Transport (General) Regulation 2005

(Clause 3)

Clause 41

Omit the clause. Insert instead:

41 Penalty levels

For the purposes of this Regulation, penalty amounts are expressed in terms of the following levels:

Level 1 means a penalty of \$54.

Level 2 means a penalty of \$81.

Level 3 means a penalty of \$135.

Level 4 means a penalty of \$189.

Level 5 means a penalty of \$243.

Level 6 means a penalty of \$324.

Level 7 means a penalty of \$405.

Level 8 means a penalty of \$486.

Level 9 means a penalty of \$621.

Level 10 means a penalty of \$783.

Level 11 means a penalty of \$972.

Level 12 means a penalty of \$1,026.

Level 13 means a penalty of \$1,269.

Level 14 means a penalty of \$1,674.

Level 15 means a penalty of \$1,784.

Level 16 means a penalty of \$2,538.

Level 17 means a penalty of \$2,752.

Road Transport Legislation Amendment (Penalty Levels and Fees)
Regulation 2008

Schedule 2 Amendment of Road Transport (Mass, Loading and Access) Regulation
2005

Schedule 2 Amendment of Road Transport (Mass, Loading and Access) Regulation 2005

(Clause 4)

- [1] Clause 37 Permit application fees**
Omit "\$65" from clause 37 (1). Insert instead "\$66".
- [2] Clause 55 Exemption by permit**
Omit "\$65" from clause 55 (5). Insert instead "\$66".
- [3] Clause 68 Application for accreditation**
Omit "\$79" from clause 68 (2) (a). Insert instead "\$80".



New South Wales

Road Transport (Safety and Traffic Management) Legislation Amendment (Fee and Tow-away Charge) Regulation 2008

under the

Road Transport (Safety and Traffic Management) Act 1999

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

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

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999* to increase:
 - (i) from \$18 to \$19 the fee for the issue of a logbook, and
 - (ii) from \$62 to \$64 the fee payable for the registration of an applicant as a participant in the Transitional Fatigue Management Scheme for heavy truck drivers and the employers of heavy truck drivers, and
- (b) to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to increase from \$156 to \$159 the tow-away charge for the removal of unattended motor vehicles or trailers.

The fee and tow-away charge increases are generally in line with the movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and, in particular, section 71 (11) and section 76 (5) and clauses 4 and 9 of Schedule 1.

Clause 1 Road Transport (Safety and Traffic Management) Legislation Amendment
(Fee and Tow-away Charge) Regulation 2008

Road Transport (Safety and Traffic Management) Legislation Amendment (Fee and Tow-away Charge) Regulation 2008

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) Legislation Amendment (Fee and Tow-away Charge) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999* is amended by omitting Schedule 1 and by inserting instead the following Schedule:

Schedule 1 Fees

(Clauses 81, 82 and 88)

Issue of logbook under clause 81	\$19
Registration of applicant as participant in TFMS under clause 82	\$64
Issue of replacement driver certification manual under clause 88	\$13

4 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended by omitting the matter "\$156" from clause 155 (2) and by inserting instead the matter "\$159".



New South Wales

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

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

Explanatory note

The objects of this Regulation are:

- (a) to adjust the registration fees or renewal of registration fees payable under the *Road Transport (Vehicle Registration) Act 1997* for motor vehicles (other than seasonal vehicles) or trailers that may be registered for a period of 3 months, 6 months or 1 year, as a consequence of the *Road Transport (Vehicle Registration) Amendment Regulation 2008*, and
- (b) to adjust certain fees payable for services provided by the Roads and Traffic Authority under the *Road Transport (Vehicle Registration) Act 1997*.

Where there are fee increases, they are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 14 (the general regulation-making power) and 15 (Regulations to establish registration system) and, in particular, section 15 (2) (b) and (f).

Clause 1 Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Road Transport (Vehicle Registration) Regulation 2007

The *Road Transport (Vehicle Registration) Regulation 2007* is amended as set out in Schedule 1.

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees

(Clause 77 (1))

Matter for which fee payable	Fee
Part 1 Registration or renewal of registration of a motor vehicle or trailer	
(a) Motor lorry (other than an articulated motor lorry or prime mover) with a GVM of 12 tonnes or more:	
(i) for more than 6 months but not more than 1 year	\$229
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$57
(b) Articulated motor lorry:	
(i) for more than 6 months but not more than 1 year	\$343
(ii) for more than 3 months but not more than 6 months	\$172
(iii) for 3 months or less	\$86
(c) Prime mover:	
(i) for more than 6 months but not more than 1 year	\$229
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$57
(d) Tow truck with a GVM of 4.5 tonnes or more but less than 12 tonnes:	
(i) for more than 6 months but not more than 1 year	\$141
(ii) for more than 3 months but not more than 6 months	\$71
(iii) for 3 months or less	\$35
(e) Tow truck with a GVM of 12 tonnes or more:	
(i) for more than 6 months but not more than 1 year	\$229

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Matter for which fee payable	Fee
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$57
(f) Trailer tow truck with a GVM of less than 4.5 tonnes:	
(i) for more than 6 months but not more than 1 year	\$141
(ii) for more than 3 months but not more than 6 months	\$71
(iii) for 3 months or less	\$35
(g) Trailer with a GVM of 4.5 tonnes or more:	
(i) for more than 6 months but not more than 1 year	\$169
(ii) for more than 3 months but not more than 6 months	\$85
(iii) for 3 months or less	\$42
(h) Bus or other vehicle (other than a public passenger vehicle) seating more than 8 adult persons with a GVM of less than 12 tonnes:	
(i) for more than 6 months but not more than 1 year	\$141
(ii) for more than 3 months but not more than 6 months	\$71
(iii) for 3 months or less	\$35
(i) Bus or other vehicle (other than a public passenger vehicle) seating more than 8 adult persons with a GVM of 12 tonnes or more:	
(i) for more than 6 months but not more than 1 year	\$229
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$57
(j) Bus or other vehicle (being a public passenger vehicle) seating more than 8 adult persons with a GVM of less than 12 tonnes:	
(i) for more than 6 months but not more than 1 year	\$230
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$58
(k) Bus or other vehicle (being a public passenger vehicle) seating more than 8 adult persons with a GVM of 12 tonnes or more:	
(i) for more than 6 months but not more than 1 year	\$406
(ii) for more than 3 months but not more than 6 months	\$203

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Matter for which fee payable	Fee
(iii) for 3 months or less	\$102
(l) Taxi-cab (not licensed to operate in a transport district within the meaning of the <i>Transport Administration Act 1988</i>):	
(i) for more than 6 months but not more than 1 year	\$230
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$58
(m) Public passenger vehicle (other than a vehicle referred to elsewhere in this list):	
(i) for more than 6 months but not more than 1 year	\$230
(ii) for more than 3 months but not more than 6 months	\$115
(iii) for 3 months or less	\$58
(n) Any vehicle not referred to elsewhere in this list:	
(i) for more than 6 months but not more than 1 year	\$52
(ii) for more than 3 months but not more than 6 months	\$26
(iii) for 3 months or less	\$13

Note. Pursuant to clause 57 (2) (a) of this Regulation, the fees for registration or renewal of registration of a motor vehicle or trailer referred to in paragraphs (a)–(m) include a registration fee component and an inspection fee component for the applicable number of required inspections.

Part 2 Transfer of registration

- | | |
|---|-------|
| (a) Application made within 14 days after vehicle acquired | \$26 |
| (b) Application made more than 14 days after vehicle acquired | \$119 |

Part 3 Issue of 1 or 2 number-plates with same number

- | | |
|--|------|
| (a) Premium number-plates in specially styled aluminium (not having a number that comprises 1 to 6 numerals only): | |
| (i) initial issue | \$71 |
| (ii) replacement issue | \$51 |
| (b) Other number-plates: | |
| (i) initial issue | \$36 |
| (ii) replacement issue | \$36 |

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Matter for which fee payable	Fee
Part 4 Trader's plate	
(a) Issue of trader's plate for vehicle other than motor bike:	
(i) for 12 months	\$346
(ii) for one month	\$29
(b) Issue of trader's plate for motor bike:	
(i) for 12 months	\$84
(ii) for one month	\$8
Part 5 Initial inspection of registrable vehicle under clause 56, 57 or 71, otherwise than in relation to exhaust emission levels	
(a) Motor lorry (other than an articulated motor lorry or prime mover) with a GVM of 4.5 tonnes or more but less than 12 tonnes	\$44
(b) Motor lorry (other than an articulated motor lorry or prime mover) with a GVM of 12 tonnes or more	\$177
(c) Articulated motor lorry	\$291
(d) Prime mover	\$177
(e) Tow truck with a GVM of less than 12 tonnes	\$89
(f) Tow truck with a GVM of 12 tonnes or more	\$177
(g) Tow truck trailer with a GVM of less than 4.5 tonnes	\$89
(h) Trailer (other than a tow truck trailer) with a GVM of less than 4.5 tonnes	\$19
(i) Trailer (including a tow truck trailer) with a GVM of 4.5 tonnes or more	\$117
(j) Bus or other vehicle seating more than 8 adult persons with a GVM of less than 12 tonnes	\$89
(k) Bus or other vehicle seating more than 8 adult persons with a GVM of 12 tonnes or more	\$177
(l) Taxi-cab	\$89
(m) Public passenger vehicle (other than a vehicle referred to elsewhere in this list)	\$89
(n) Motor bike	\$19
(o) Any vehicle not referred to elsewhere in this list	\$32

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Matter for which fee payable	Fee
Part 6 Further inspection of registrable vehicle that has failed earlier inspection under clause 56, 57 or 71	
(a) Where vehicle may be used while failure is being rectified	\$36
(b) Where vehicle may not be used while failure is being rectified	\$74
Part 7 Inspection of registrable vehicle under clause 56 in relation to exhaust emission levels	
Conduct of inspection	\$42
Part 8 Examiner's authority	
(a) Issue of original authority	\$144
(b) Issue of duplicate authority	\$18
Part 9 Proprietor's authority	
(a) Issue of original authority	\$288
(b) Issue of duplicate authority	\$18
Part 10 Accreditation scheme	
Accreditation of registered operator	\$80, plus \$26 per nominated vehicle



New South Wales

Rural Lands Protection (General) Amendment (Annual Returns) Regulation 2008

under the

Rural Lands Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Lands Protection Act 1998*.

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

Explanatory note

The object of this Regulation is to amend the *Rural Lands Protection (General) Regulation 2001 (the Principal Regulation)* as follows:

- (a) to update the provision of the Principal Regulation that prescribes the persons who are required under the *Rural Lands Protection Act 1998 (the Act)* to lodge annual returns so as to recognise stock identification schemes under Part 8 of the Principal Regulation,
- (b) to provide that all annual returns required to be lodged by the Act are to contain the following information (in addition to the information already required to be included in such returns):
 - (i) whether or not intensive livestock production is carried out on the land concerned and, if so, the area of land used for intensive livestock production, the capacity of the area used for intensive livestock production and the number of stock kept under intensive livestock production on the land,
 - (ii) the total area of the land that is planted with grapevines (if any) on 30 June in the year in which the return is due,
- (c) to provide that a rural lands protection board may use information obtained from, or in connection with, such annual returns for the following purposes (in addition to the purposes already prescribed):
 - (i) to protect public health and safety,
 - (ii) to assist in the preparation and implementation of emergency animal disease and plant pest and disease preparedness and response programs,

Rural Lands Protection (General) Amendment (Annual Returns) Regulation 2008

Explanatory note

- (iii) to assist in preventing, managing, controlling and eradicating disease, pests and residues in animals, animal products, plants and plant products and on any land,
- (iv) to assist in the management of drought and the response to floods, fires and other emergencies,
- (d) to make it clear that, without limiting to whom and for what other purposes a rural lands protection board may disclose information it has obtained from, or in connection with, such annual returns, a board may disclose such information to the Department of Primary Industries for the purposes referred to in paragraph (c) above.

This Regulation is made under the *Rural Lands Protection Act 1998*, including sections 76 and 243 (the general regulation-making power).

Rural Lands Protection (General) Amendment (Annual Returns) Regulation
2008

Clause 1

Rural Lands Protection (General) Amendment (Annual Returns) Regulation 2008

under the

Rural Lands Protection Act 1998

1 Name of Regulation

This Regulation is the *Rural Lands Protection (General) Amendment (Annual Returns) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Rural Lands Protection (General) Regulation 2001

The *Rural Lands Protection (General) Regulation 2001* is amended as set out in Schedule 1.

Rural Lands Protection (General) Amendment (Annual Returns) Regulation
2008

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 12 Annual returns

Omit clause 12 (1) (c). Insert instead:

- (c) the owner or occupier of a holding in a district that is non-rateable land who is the registered proprietor of a brand or earmark under a stock identification scheme established under Part 8 of this Regulation at any time during the financial year for which the annual return concerned is due to be lodged.

[2] Clause 12 (4)

Omit clause 12 (4) and (5). Insert instead:

- (4) For the purposes of section 76 (2) of the Act, an annual return is to detail the following matters:
 - (a) the full name of the person,
 - (b) the postal address and telephone number (if any) of the person,
 - (c) the address of the land, if different from the address referred to in paragraph (b),
 - (d) a description of the land, including:
 - (i) the portion number or lot and deposited plan number,
 - (ii) the names of the parish and county where the land is located,
 - (iii) the area of the land,
 - (iv) details of any part of the land that is a conservation area within the meaning of the *National Parks and Wildlife Act 1974*,
 - (e) the number of each category of stock other than pigs (if any) kept on the land that were 6 months of age or over on 30 June in the year in which the return is due,
 - (f) the number of pigs of any age (if any) kept on the land on 30 June in the year in which the return is due,
 - (g) whether or not intensive livestock production is carried out on the land and, if so, the area of land used for intensive livestock production, the capacity of the area used for intensive livestock production and the number of stock kept under intensive livestock production on the land,

Rural Lands Protection (General) Amendment (Annual Returns) Regulation
2008

Amendments

Schedule 1

-
- (h) the total area of the land that is planted with grapevines (if any) on 30 June in the year in which the return is due,
 - (i) details of any property identification code allotted to land occupied by the person under Part 3 of the *Stock Diseases Regulation 2004*,
 - (j) details of any stock identifier registered by the person under a stock identification scheme established under Part 8 of this Regulation in the year for which the return is due,
 - (k) in relation to an annual return lodged by a person referred to in subclause (1) (a):
 - (i) the rate assessment number shown on the rate notice for the land, and
 - (ii) if one or two individuals are nominated as the person or persons entitled to be enrolled in respect of the holding under clause 12 of Schedule 2 to the Act—the full name of each individual.

[3] Clause 13 Purposes for which information in annual return may be used and disclosed

Insert after clause 13 (e):

- (f) to protect public health and safety,
- (g) to assist in the preparation and implementation of emergency animal disease and plant pest and disease preparedness and response programs,
- (h) to assist in preventing, managing, controlling and eradicating disease, pests and residues:
 - (i) in animals and animal products, and
 - (ii) in plants and plant products, and
 - (iii) on any land,
- (i) to assist in the management of drought and the response to floods, fires and other emergencies.

[4] Clause 13 (2)

Insert at the end of clause 13:

- (2) Without limiting to whom and for what purposes a board may disclose information it has obtained under Division 7 of Part 7 of the Act, a board may disclose such information to the Department for the purposes set out in subclause (1) (f)–(i).



New South Wales

Strata Schemes Management Amendment (Fees) Regulation 2008

under the

Strata Schemes Management Act 1996

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

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable:

- (a) to the Registrar of the Consumer, Trader and Tenancy Tribunal, and
- (b) to the Commissioner for Fair Trading in the Department of Commerce (who is referred to in the *Strata Schemes Management Act 1996* as the Director-General of that Department),

in respect of certain services in connection with strata schemes management.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Strata Schemes Management Act 1996*, including section 246 (the general regulation-making power) and, in particular, section 246 (2) (b).

Clause 1 Strata Schemes Management Amendment (Fees) Regulation 2008

Strata Schemes Management Amendment (Fees) Regulation 2008

under the

Strata Schemes Management Act 1996

1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Strata Schemes Management Regulation 2005

The *Strata Schemes Management Regulation 2005* is amended as set out in Schedule 1.

Strata Schemes Management Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 19 Fees

Omit clause 19 (1) and (2). Insert instead:

- (1) The following fees are payable to the Registrar in respect of the services specified:

Service	Fee
Lodgment of application for order by an Adjudicator or the Tribunal	\$67
Lodgment of application for interim order by an Adjudicator or the Tribunal	\$67
Lodgment of notice of appeal	\$67
Issue of summons to appear before the Tribunal	\$37
Copy of document (other than transcript), per page	\$2 per page or \$25 (whichever is greater)
Duplicate tape recording of evidence or proceedings, per cassette	“at cost”
Copy of written transcript of evidence or proceedings, per page	“at cost”

- (2) The following fee is payable to the Director-General in respect of the service specified:

Service	Fee
Application for mediation	\$67



New South Wales

Trade Measurement Administration Amendment (Charges and Fees) Regulation 2008

under the

Trade Measurement Administration Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Trade Measurement Administration Act 1989*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Trade Measurement Administration Regulation 2007*:

- (a) to increase certain charges payable under the *Trade Measurement Administration Act 1989 (the Act)* for the verification or re-verification by an inspector of a measuring instrument or the certification of the instrument by a servicing licensee, and
- (b) to increase certain fees payable under the Act in relation to licence applications, licences and certificates of suitability.

The charge and fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Trade Measurement Administration Act 1989*, including sections 10 (Charge payable in respect of verification or re-verification by inspector), 11 (Charges payable by licensee in respect of certification), 13 (Other fees and charges may be prescribed) and 28 (the general regulation-making power).

Clause 1 Trade Measurement Administration Amendment (Charges and Fees)
Regulation 2008

Trade Measurement Administration Amendment (Charges and Fees) Regulation 2008

under the

Trade Measurement Administration Act 1989

1 Name of Regulation

This Regulation is the *Trade Measurement Administration Amendment (Charges and Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Trade Measurement Administration Regulation 2007

The *Trade Measurement Administration Regulation 2007* is amended as set out in Schedule 1.

Trade Measurement Administration Amendment (Charges and Fees)
Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

- [1] **Clause 4 Charges payable in respect of verification or re-verification by an inspector (section 10 of the Act)**
Omit "\$36" from clause 4 (a). Insert instead "\$37".
- [2] **Clause 5 Charges payable by servicing licensee in respect of certification (section 11 of the Act)**
Omit "\$15" from clause 5 (2) (a). Insert instead "\$16".
- [3] **Clause 6 Other fees and charges (section 13 of the Act)**
Omit "\$39" from clause 6 (3). Insert instead "\$40".
- [4] **Schedule 2 Other fees and charges**
Omit Part 1 of the Schedule. Insert instead:

Part 1 Fees payable to Director-General

Column 1	Column 2
Fee to accompany application for servicing licence	\$71
Fee to accompany application for public weighbridge licence	\$71
Periodic licence fee for servicing licence	\$296 per annum for each place at which the servicing licensee carries on business
Periodic licence fee for public weighbridge licence	\$220 per annum for each place at which the public weighbridge licensee carries on business
Fee for issue of certificate of suitability	\$71
Fee for amended licence or certificate of suitability	\$67
Fee for duplicate licence or certificate of suitability	\$32



New South Wales

Travel Agents Amendment (Fees) Regulation 2008

under the

Travel Agents Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Travel Agents Act 1986*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are:

- (a) to increase application fees for licensing payable under the *Travel Agents Act 1986*, and
- (b) to abolish the late fee (currently \$51) payable under section 17 (8) of the *Travel Agents Act 1986* for the late payment of an annual licence fee or late lodgement of an annual statement.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Travel Agents Act 1986*, including sections 15 (Register of licensees), 17 (Annual fee and annual statement) and 57 (the general regulation-making power).

Clause 1 Travel Agents Amendment (Fees) Regulation 2008

Travel Agents Amendment (Fees) Regulation 2008

under the

Travel Agents Act 1986

1 Name of Regulation

This Regulation is the *Travel Agents Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Travel Agents Regulation 2006

The *Travel Agents Regulation 2006* is amended as set out in Schedule 1.

Travel Agents Amendment (Fees) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 6)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Variable component
Application fee for granting of licence (corporation, other than partner)	\$102	nil	\$351 per place of business
Application fee for restoration of licence (corporation, other than partner)	\$54	nil	\$351 per place of business
Annual fee under section 17 (1) of the Act (corporation, other than partner)	\$28	nil	\$351 per place of business
Application fee for granting of licence (individual, other than partner)	\$102	nil	\$351 per place of business
Application fee for restoration of licence (individual, other than partner)	\$54	nil	\$351 per place of business
Annual fee under section 17 (1) of the Act (individual, other than partner)	\$28	nil	\$351 per place of business
Application fee for granting of licence (principal partner)	\$102	nil	\$351 per place of business
Application fee for restoration of licence (principal partner)	\$54	nil	\$351 per place of business

Page 3

Travel Agents Amendment (Fees) Regulation 2008

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Variable component
Annual fee under section 17 (1) of the Act (principal partner)	\$28	nil	\$351 per place of business
Application fee for granting of licence (ordinary partner)	\$78	nil	nil
Application fee for restoration of licence (ordinary partner)	\$41	nil	nil
Annual fee under section 17 (1) of the Act (ordinary partner)	nil	nil	nil
Application fee for replacement of licence	\$30	nil	nil
Issue of certificate under section 15 of the Act	nil	\$23	nil



New South Wales

Valuers Amendment (Fees) Regulation 2008

under the

Valuers Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Valuers Act 2003*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase the fees payable under the *Valuers Act 2003* in relation to the registration of a valuer, including the fee payable for the restoration of a cancelled registration.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Valuers Act 2003*, including sections 10 (Application to registration of *Licensing and Registration (Uniform Procedures) Act 2002*), 15 (Cancellation of registration) and 48 (the general regulation-making power).

Clause 1 Valuers Amendment (Fees) Regulation 2008

Valuers Amendment (Fees) Regulation 2008

under the

Valuers Act 2003

1 Name of Regulation

This Regulation is the *Valuers Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Valuers Regulation 2005

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

Valuers Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 8 Maximum fee: section 15 (4)

Omit "\$722". Insert instead "\$739".

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 6)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Fixed component	Processing component	Total
Application fee for 3 year registration as a valuer	\$567	\$171	\$738
Application fee for renewal of registration	\$567	\$56	\$623
Application fee for restoration of registration	\$567	\$113	\$680
Application fee for a replacement of lost, damaged or destroyed certificate of registration	Nil	\$37	\$37



New South Wales

Water Management (General) Amendment Regulation 2008

under the

Water Management Act 2000

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

NATHAN REES, M.P.,
Minister for Water

Explanatory note

The object of this Regulation is to amend the *Water Management (General) Regulation 2004* so as to make it clear that water allocations may be carried over from year to year in accordance with any relevant water management plan.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations).

Clause 1 Water Management (General) Amendment Regulation 2008

Water Management (General) Amendment Regulation 2008

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment Regulation 2008*.

2 Amendment of Water Management (General) Regulation 2004

The *Water Management (General) Regulation 2004* is amended as set out in Schedule 1.

Water Management (General) Amendment Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 16 Water allocation accounts

Insert after clause 16 (2):

- (3) Water allocations that arise during one accounting year may be carried over to the following accounting year, but only to the extent to which the relevant water management plan so provides.
- (4) Subclause (3) is not limited or otherwise affected by any order in force under section 60 (2) of the Act.
- (5) For the purposes of subclause (3), *accounting year* means the period of 12 months commencing on 1 July of any year and ending on 30 June of the following year.



New South Wales

Water Management (General) Amendment (Water Sharing Plans) Regulation 2008

under the

Water Management Act 2000

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

NATHAN REES, M.P.,
Minister for Water

Explanatory note

The object of this Regulation is to amend the *Water Management (General) Regulation 2004* so as:

- (a) to make provision as a consequence of the extension of Parts 2 and 3 of Chapter 3 of the *Water Management Act 2000* to the Bellinger River Area Unregulated and Alluvial Water Sources and the NSW Great Artesian Basin Groundwater Sources, and
- (b) to enable available water determinations to be published on the Department of Water and Energy's internet website rather than in a local newspaper, and
- (c) to extend the time within which security interests for certain access licences must be notified to the Department, and
- (d) to make provision with respect to other matters of a minor, consequential or ancillary nature.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations) and clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature).

Clause 1 Water Management (General) Amendment (Water Sharing Plans)
 Regulation 2008

Water Management (General) Amendment (Water Sharing Plans) Regulation 2008

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Water Sharing Plans) Regulation 2008*.

2 Amendment of Water Management (General) Regulation 2004

The *Water Management (General) Regulation 2004* is amended as set out in Schedule 1.

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 8 Categories of access licence

Insert after clause 8 (1) (c):

- (d) domestic and stock (conveyance) access licence,
- (e) unregulated river (high flow) access licence.

[2] Clause 8A

Insert after clause 8:

8A Specific purpose access licences

A domestic and stock (conveyance) access licence is declared to be a specific purpose access licence.

Note. See paragraph (e) of the definition of *specific purpose access licence* in the Dictionary to the Act.

[3] Clause 10

Omit the clause. Insert instead:

10 Available water determinations

- (1) For the purposes of section 59 (2) of the Act, an available water determination referred to in section 59 (1) (a) of the Act is to be published on the Department's website.
- (2) An available water determination so published must be retained on the Department's website until the end of the water year to which it relates.

Note. Section 367 (1) (e) of the Act enables the Ministerial Corporation to issue an evidentiary certificate as to the terms of any particular available water determination.

[4] Clause 29AA Extension of time for registration of security interests

Insert "or, in the case of an access licence arising from an entitlement referred to in Schedule 4AA, 60 months" after "48 months" in clause 29AA (3).

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Schedule 1 Amendments

[5] Part 3, Division 9

Insert after Division 8 of Part 3:

Division 9 Replacement access licences for entitlements for Bellinger River Area and Great Artesian Basin (1 July 2008)

29V Application of Division

This Division applies to and in respect of each entitlement with respect to:

- (a) the Bellinger River Area Unregulated and Alluvial Water Sources (identified in the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008*), or
- (b) the Great Artesian Basin Groundwater Sources (identified in the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008*),

and to and in respect of each access licence arising from any such entitlement.

29W Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2008, and
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):
 - (10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 July 2008, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.
 - (10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:
 - (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Amendments

Schedule 1

-
- (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29X Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
 - (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
 - (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence, in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Schedule 1 Amendments

[6] Part 4, Division 3

Insert after Division 2 of Part 4:

Division 3 Approvals for formerly unlicensed water bores in the Great Artesian Basin

40A Unlicensed water bores in the Great Artesian Basin

Any unlicensed water bore:

- (a) that was lawfully constructed before 1 July 2008, and
- (b) that, immediately before 1 July 2008, was not the subject of a licence under Part 5 of the former 1912 Act, and
- (c) that takes water from the Great Artesian Basin Groundwater Sources (identified in the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008*), and

is taken to be the subject of a water supply work approval granted on 1 July 2008.

[7] Clause 107A Exemption relating to taking over works—Anabranch Water
Omit “2008” from clause 107A (1). Insert instead “2009”.

[8] Schedule 3 Categories and subcategories of licences

Insert the following matter in alphabetical order in Column 2 of Schedule 3 opposite the categories Regulated river (high security), Regulated river (general security), Unregulated river and Aquifer referred to in Column 1 of that Schedule:

Aboriginal community development

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Amendments

Schedule 1

[9] Schedule 4AA

Insert after Schedule 4:

**Schedule 4AA Unrecorded 1 July 2004 access
licences**

(Clause 29AA)

Licence No	Licence No	Licence No	Licence No	Licence No
10SL033072	20SL060147	30SL066374	50SA00625	80SA010623
10SL035223	20SL060513	30SL066452	50SA006542	80SA010628
20PT910084	20SL060581	30SL066727	50SL011087	80SL018204
20PT910123	20SL060609	30SL066945	50SL017870	80SL034094
20PT910294	20SL060862	40SA000896H	50SL022424	80SL042121
20PT910306	20SL060966	40SA001957	50SL036309	80SL051821
20PT910612	20SL061020	40SA005535	50SL044005	80SL051933
20PT910721	20SL061054	40SA005573	50SL048132	80SL051957
20PT910968	20SL061146	40SA005584	50SL075116	80SL095017
20PT911027	20SL061230	40SA005606	50SL075582	80SL095035
20PT911029	20SL061258	40SA005611	50SL075621	80SL095265
20PT911034	20SL061316	40SA005618	57SL040493	90SA000941
20PT911043	20SL061374	40SL025182H	57SL080016	90SA001402
20PT911081	20SL061425	40SL027337	60SA000231	90SA002166H
20PT911093	20SL061426	40SL029672	60SA008558	90SA011551
20PT911232	30PT921450	40SL029715	60SL033440	90SA011607
20PT911413	30PT921498	40SL029934	60SL048204	90SA011691
20SA001341	30PT921530	40SL038621	60SL085247	90SA011728
20SL008819	30PT921549	40SL039350	60SL085389	90SA011731H
20SL016631	30SA004518	40SL041734	60SL085425	90SA011735
20SL024780	30SL029974	40SL042441	60SL085440	90SL014317
20SL026834	30SL065349	40SL047735	70SA009598	90SL022298
20SL029791	30SL065399	40SL048186	70SL023078	90SL023520
20SL032124	30SL065433	40SL070133	70SL034363	90SL026132
20SL033466	30SL065527	40SL070608	70SL034701	90SL030623
20SL034204	30SL065696	40SL070739	70SL040102	90SL034239
20SL036681	30SL065801	40SL070764	70SL049476	90SL034936
20SL037512	30SL065804	40SL070882	70SL091057	90SL037329
20SL038338	30SL065806	40SL070917	80SA000790H	90SL037401
20SL040349	30SL065811	40SL070958	80SA000962	90SL040871
20SL041469	30SL065875	40SL070959	80SA000982	90SL041724
20SL043894	30SL065897	50SA000207	80SA002149	90SL042200
20SL043950	30SL065978	50SA001406	80SA010538	90SL048581
20SL045304	30SL066083	50SA001874	80SA010581	90SL051364
20SL050288	30SL066260	50SA001881	80SA010605	90SL100420
20SL050687				

[10] Schedule 7 Savings and transitional provisions

Omit “34,400” from clause 4 (a) of Schedule 7. Insert instead “37,414”.



New South Wales

Workers Compensation Amendment (Administration Fee) Regulation 2008

under the

Workers Compensation Act 1987

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

ERIC ROOZENDAAL, M.L.C.,
Minister Assisting the Minister for Finance

Explanatory note

The object of this Regulation is to amend the *Workers Compensation Regulation 2003* to make provision in relation to the administration fees and late payment fees payable by certain exempt employers who are not required to obtain policies of insurance under the *Workers Compensation Act 1987*.

The Regulation also makes it clear that the policies of insurance that are deemed by section 155AA of that Act to exist in relation to such exempt employers are exempt from the provisions of section 160 of that Act (which relates to the recovery of excess amounts from employers).

This Regulation is made under the *Workers Compensation Act 1987*, including sections 155AA, 160 (6) (c) and 280 (the general regulation-making power).

Clause 1 Workers Compensation Amendment (Administration Fee) Regulation 2008

Workers Compensation Amendment (Administration Fee) Regulation 2008

under the

Workers Compensation Act 1987

1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Administration Fee) Regulation 2008*.

2 Commencement

This Regulation commences at 4 p.m. on 30 June 2008.

3 Amendment of Workers Compensation Regulation 2003

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

Workers Compensation Amendment (Administration Fee) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 48B

Insert after the heading to Part 11 (Insurance policies):

48B Administration fees and late payment fees for exempt employers

- (1) The amount of \$175 is prescribed as the administration fee payable under section 155AA (5) of the Act.
- (2) The Nominal Insurer may serve a notice in writing on an employer to whom section 155AA (5) of the Act applies notifying the employer that the administration fee referred to in that subsection is due and payable.
- (3) The administration fee referred to in subclause (2) must be paid by the employer within one month of the service of the notice.
- (4) A late payment fee calculated at the interest rate referred to in section 22 of the *Taxation Administration Act 1996* is payable if an administration fee is not paid within the one month period referred to in subclause (3).
- (5) The Authority may waive payment (either in full or in part) of an administration fee or late payment fee payable under section 155AA of the Act.
- (6) The Nominal Insurer is to pay any administration fees and late payment fees it has received under section 155AA of the Act into the Insurance Fund. Administration fees paid into the Insurance Fund are to be treated as premiums payable under policies of insurance.

[2] Clause 51 Excess recoverable from employer: section 160

Insert after clause 51 (3):

- (4) Exempt employer policies (within the meaning of section 155AA of the Act) are exempt from section 160 of the Act.

Orders



New South Wales

Electronic Transactions (ECM Courts) Amendment (District Court and Local Courts) Order 2008

under the

Electronic Transactions Act 2000

I, JOHN HATZISTERGOS, MLC, the Attorney General, in pursuance of section 14C of the *Electronic Transactions Act 2000*, make the following Order.
Dated, this 20th day of June 2008.

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

Explanatory note

The object of this Order is to authorise the use of JusticeLink (an electronic case management system established under section 14B of the *Electronic Transactions Act 2000*) in relation to proceedings before the District Court or a Local Court.

This Order is made under section 14C of the *Electronic Transactions Act 2000*.

Clause 1 Electronic Transactions (ECM Courts) Amendment (District Court and Local Courts) Order 2008

Electronic Transactions (ECM Courts) Amendment (District Court and Local Courts) Order 2008

under the

Electronic Transactions Act 2000

1 Name of Order

This Order is the *Electronic Transactions (ECM Courts) Amendment (District Court and Local Courts) Order 2008*.

2 Amendment of Electronic Transactions (ECM Courts) Order 2005

The *Electronic Transactions (ECM Courts) Order 2005* is amended by inserting the following matter at the end of Schedule 1, in Columns 1 and 2, respectively:

District Court	Use in civil proceedings, but only so as to enable parties to the proceedings to communicate in electronic form with the District Court in connection with any business of the Court that is being conducted in the absence of the public.
Local Court	Use in civil proceedings, but only so as to enable parties to the proceedings to communicate in electronic form with the Local Court in connection with any business of the Court that is being conducted in the absence of the public.

Other Legislation



New South Wales

Notice adjusting description of lands

under the

National Park Estate (Lower Hunter Region Reservations) Act
2006

I, the Director-General of the Department of Environment and Climate Change, with the approval of the Minister administering Divisions 1 and 2 of Part 4 of the *National Parks and Wildlife Act 1974* and the Minister administering the *Forestry Act 1916*, and pursuant to section 10 of the *National Park Estate (Lower Hunter Region Reservations) Act 2006 (the Act)*, adjust the description of lands in Schedules 1, 2, 4 and 6 to the Act by amending those Schedules as set out in Schedule 1 to this notice.

In accordance with section 10 (5) of the Act, I certify that the adjustments effected by this notice will not result in any significant reduction in the size or value of national park estate land or State forest land.

Director-General of Department of Environment and Climate Change

Notice adjusting description of lands

Schedule 1 Amendments

Schedule 1 Amendments

[1] Schedule 1 State forests reserved as national park or state conservation area

Omit clause 1. Insert instead:

1 Columbey National Park

An area of about 868 hectares, being so much of Uffington State Forest No 178 as comprises the land designated as 1100-01 on the diagram catalogued Misc R 00316 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

[2] Schedule 1, clause 2 (2)

Omit the subclause. Insert instead:

- (2) An area of about 553 hectares, being so much of Wallaroo State Forest No 781 as comprises the land designated as 1101-04 on the diagram catalogued Misc R 00317 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

[3] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Sugarloaf State Conservation Area

- (1) An area of about 2,134 hectares, being so much of Awaba State Forest No 982 as comprises the land designated as 1106-01 on the diagram catalogued Misc R 00322 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.
- (2) An area of about 1,424 hectares, being so much of Heaton State Forest No 122 as comprises the land designated as 1106-02 on the diagrams catalogued Misc R 00321 (Edition 2) and Misc R 00322 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on those diagrams.

[4] Schedule 1, clause 5 (2)

Insert at the end of clause 5:

- (2) An area of about 43 hectares, being so much of Cessnock State Forest No 874 as comprises the land designated as 1105-02 on the diagram catalogued Misc R 00323 (Edition 2) in the Department

Notice adjusting description of lands

Amendments

Schedule 1

of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

[5] Schedule 2 Crown lands reserved as national park, nature reserve or state conservation area

Omit clause 8. Insert instead:

8 Sugarloaf State Conservation Area

An area of about 368 hectares, being the land designated as 1106-03 on the diagram catalogued Misc R 00321 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

[6] Schedule 4 State forests vested in NPW Minister

Insert at the end of the Schedule:

An area of about 18 hectares, being so much of Abedare State Forest No 981 as comprises the land designated as V-04 on the diagram catalogued Misc R 00323 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

[7] Schedule 6 Changes within national park estate

Omit clauses 1–3. Insert instead:

1 Revocation of National Park and Nature Reserve and reservation as Gir-um-bit National Park

(1) Myall Lakes National Park

An area of about 41 hectares, being so much of Myall Lakes National Park as comprises the land designated as 1102-01 on the diagram catalogued Misc R 00317 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

(2) Worimi Nature Reserve

An area of about 524 hectares, being so much of Worimi Nature Reserve as comprises the land designated as 1102-02 on the diagrams catalogued Misc R 00317 (Edition 2) and Misc R 00319 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on those diagrams.

Notice adjusting description of lands

Schedule 1 Amendments

2 Revocation of Nature Reserve and reservation as Hunter Estuary National Park

(1) Hexham Swamp Nature Reserve

An area of about 900 hectares, being so much of Hexham Swamp Nature Reserve as comprises the land designated as 1104-03 on the diagram catalogued Misc R 00320 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

(2) Kooragang Nature Reserve

An area of about 2,926 hectares, being so much of Kooragang Nature Reserve as comprises the land designated as 1104-02 on the diagram catalogued Misc R 00320 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

3 Revocation of Karuah Nature Reserve and reservation as Karuah National Park

An area of about 2,477 hectares, being so much of Karuah Nature Reserve as comprises the land designated as 1101-03 on the diagram catalogued Misc R 00317 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

[8] Schedule 6, clause 5

Omit the clause. Insert instead:

5 Revocation of Karuah State Conservation Area and reservation as Medowie State Conservation Area

An area of about 207 hectares, being so much of Karuah State Conservation Area as comprises the land designated as 658-01 on the diagram catalogued Misc R 00317 (Edition 2) in the Department of Environment and Climate Change, subject to any variations or exceptions noted on that diagram.

OFFICIAL NOTICES

Appointments

LOCAL GOVERNMENT ACT 1993

Appointment of Chairperson to the
Local Government Boundaries Commission

HER Excellency the Governor, with the advice of the Executive Council, and in accordance with sections 261 (2) (a) and 261 (4) and schedule 2, clause 6 of the Local Government Act 1993, has appointed IAN DICKSON as a member and Chairperson of the Local Government Boundaries Commission for the term of office from 1 July 2008 to 30 June 2013.

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

LOCAL GOVERNMENT ACT 1993

Appointment of Member to the
Local Government Boundaries Commission

HER Excellency the Governor, with the advice of the Executive Council, and in accordance with section 261 (2) (b) of the Local Government Act 1993, has appointed MICHELLE DIANE SQUIRE as a member of the Local Government Boundaries Commission for the term of office of 5 years from 1 July 2008 to 30 June 2013.

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

LOCAL GOVERNMENT ACT 1993

Appointment of Members to the
Local Government Boundaries Commission

HER Excellency the Governor, with the advice of the Executive Council, and in accordance with section 261 (2) (c) of the Local Government Act 1993, has appointed Councillor PHYLLIS MILLER, OAM and Councillor LEO KELLY, OAM as members of the Local Government Boundaries Commission for the term of office of 5 years from 1 July 2008 to 30 June 2013.

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

RURAL FIRES ACT 1997

Appointment of Members
Bush Fire Coordinating Committee

I, NATHAN REES, M.P., Minister for Emergency Services, in pursuance of section 47 (1) of the Rural Fires Act 1997, appoint the following persons as Members of the Bush Fire Coordinating Committee:

Shane FITZSIMMONS, AFSM

John BENSON, AFSM

Ross DICKSON

Robert James CONROY

Allan John SMITH, JP

Steve LOW, AM

David HOADLEY

Denis CLIFFORD, APM, JP

Anne Elizabeth REEVES, OAM

Robert Barri PALLIN

Graham BROWN

Helen FREELAND

Timothy WILKINSON

for the five-year period expiring on 1 March 2013.

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

Department of Lands

DUBBO OFFICE

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

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

ADDITION TO RESERVED CROWN LAND

SCHEDULE 2

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

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

SCHEDULE 1

Column 1

Land District: Nyngan.
Local Government Area:
Bogan Shire Council.
Locality: Parish Yamma,
County Flinders.
Lot 3, DP 39949,
Parish Yamma,
County Flinders.
Area: 458.7 hectares.
File No.: DB81 H 1608

Column 2

Reserve No.: 752922.
Public Purpose: Future
public requirements.
Notified: 29 June 2007.

Column 1

Land District: Nyngan.
Local Government Area:
Bogan Shire Council.
Locality: Parish Hall,
County Canbelego
Lot 16, DP 751321,
Parish Hall,
County Canbelego.
Area: 40.07 hectares.
File No.: DB87 H 38.

Column 2

Reserve No.: 751321.
Public Purpose: Future
public requirements.
Notified: 29 June 2007.

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

SCHEDULE

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

Column 1

Land District: Crookwell.
Local Government Area:
Upper Lachlan Shire.
Parish: Gillindich.
County: Georgiana.
Reserve No.: 92972.
Purpose: Future public
requirements.
Date of Notification: 4 July 1980.
File No.: GB04 H 524.

Column 2

Part being Lot 84, DP 753028,
comprising an area of 166.9
hectares.

The purpose of the revocation is to facilitate conversion
of Perpetual Lease 153308.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 8124

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 hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in schedule 1, ceases to be Crown road.

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

SCHEDULE 1

Parish – Great Marlow; County – Clarence;
Land District – Clarence;
L.G.A. – Clarence Valley Council

Crown public road 6.095 m wide between Hoof and Powell Streets and northwest of Lots 5 and 6, DP 802980.

Width 6.095.

SCHEDULE 2

Roads Authority: Clarence Valley Council.

Reference: Department of Lands 08/4746.

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 – Bellingen; L.G.A. – Bellingen

Roads Closed: Lot 20, DP 1125034 at Raleigh, Parish South Bellingen, County Ralieggh.

File No.: GF05 H 791.

Schedule

On closing, the land within Lot 20, DP 1125034 becomes vested in Bellingen Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: DW 129576.

Description

Land District – Casino; L.G.A. – Kyogle

Roads Closed: Lots 1 and 2, DP 1067947 at Kyogle, Parish Fairymount, County Rous.

File No.: GF02 H 31.

Schedule

On closing, the land within Lots 1 and 2, DP 1067947 becomes vested in Kyogle Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: Willis Street.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
George John STEVENS (new member), Peter BLORE (new member), Christopher Charles WEALE (new member).	Murray Valley Field Station Reserve Trust.	Reserve No.: 1013408. Public Purpose: Rural services. Notified: 11 May 2007. File No.: HY05 H 1.

Term of Office

For a term commencing the date of this notice and expiring 3 July 2013.

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>
Murray Valley Field Station Reserve Trust.	Reserve No.: 1013408. Public Purpose: Rural services. Notified: 11 May 2007. File No.: HY05 H 1.

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92 (3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedules hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedules, is dissolved.

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Barooga Public Recreation (R96725) Reserve Trust.	Reserve No.: 96725. Public Purpose: Public recreation. Notified: 22 April 1983. File No.: HY81 H 679.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Department of Primary Industries. Notified: 11 May 2007.	Reserve No.: 1013408. Public Purpose: Rural services. File No.: HY05 H 1.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****PLAN OF MANAGEMENT FOR CROWN RESERVE 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 reserved land described hereunder that is under the trusteeship of Gosford City Council.

Inspection of the draft plan can be made at Gosford City Council, Administration Building, Ground Floor, Mann Street, Gosford; Woy Woy Library, Blackwall Road, Woy Woy; Kincumber Library, Bungoona Road, Kincumber; Erina Library, Erina Fair Shopping Centre, Karalta Road, Erina and the Department of Lands, Cnr Newcastle Road and Banks Street, East Maitland, during normal business hours and the website www.lands.nsw.gov.au.

The Draft Plan will be on exhibition from 2 July 2008 to 30 July 2008. Comments on the draft plan are invited from the public until 13 August 2008 and may be submitted in writing to The General Manager, Gosford City Council, PO Box 21, Gosford NSW 2250.

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

Description of Lands

*Land District – Gosford; Council Area – Gosford;
Parish – Patonga; County – Northumberland*

R52135 for public recreation, Part R40412 for access and Part R63144 for public recreation being the Patonga Caravan and Camping Area.

Location: Patonga.

File No.: 08/2009.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservations of Crown Land specified in Column 1 of the Schedule hereunder, are revoked to the extent 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: Moree.	Part Reserve 93926,
Local Government Area: Moree Plains.	being Lots 39, 50 and 51,
Parish: Canary.	DP 755987, Parish of Canary,
County: Staphylton.	County of Staphylton, with an
Reserve: 93926.	area of 1095.3 hectares.
Purpose: Future public requirements.	
Notified: 7 November 1980.	
File No.: ME03 H 267.	

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 9100 Fax: (02) 4421 2172****AGGREGATION OF RESERVES AND ADDITIONAL RESERVE PURPOSES**

THE Crown reserves specified in the Schedule 1 hereunder are included in Wallaga Lake State Park.

The Crown reserves specified in the Schedule 2 hereunder are included in Wallaga Lake State Park with the additional public purposes, unless already so reserved, of Public Recreation; Community Purposes; Environmental Protection; Tourist Facilities and Services, pursuant to section 121A of the Crown Lands Act 1989.

Local Government Area: Eurobodalla and Bega Valley.

File No.: 08/5100.

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

SCHEDULE 1

1. Reserve number 77771 for future public requirements.
2. Part Reserve numbers 752130 (Lot 7301, DP 1128704) and 1011268 (Lot 7301, DP 1128708; Lot 7306, DP 1128709; Lot 7300, DP 1128707 and including bed of Wallaga Lake) for future public requirements.
3. Reserve No. 88847 for preservation of native flora and fauna.

SCHEDULE 2

1. Dedication 580068 for public recreation.
2. Reserve numbers 21043, 48732, 59552, 90784, 60470, 7056, 42822 for public recreation.
3. Reserve numbers 69268, 62823 for public recreation and resting place.
4. Part Reserve 82706 (Lot 7302, DP 1128712) for public recreation and resting place.
5. Reserve number 62319 for access, public recreation and resting place.
6. Reserve number 7064 for public baths.
7. Reserve number 263 for public purposes.

AGGREGATION OF RESERVES AND ADDITIONAL RESERVE PURPOSES

THE Crown reserves specified in the Schedule 1 hereunder are included in Jervis Bay State Park.

The Crown reserves specified in the Schedule 2 hereunder are included in Jervis Bay State Park with the additional public purposes, unless already so reserved, of Public Recreation; Community Purposes; Environmental Protection; Tourist Facilities and Services, pursuant to section 121A of the Crown Lands Act 1989.

Local Government Area: Shoalhaven.

File No.: 08/5098.

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

SCHEDULE 1

1. Reserve numbers 1005189 and 1003033 (Lot 7012, DP 1037796) for environmental protection.
2. Part Reserve numbers 755903 (Lots 46 to 49, DP 755903; Lot 120, DP 823244; Lot 7301, DP 1128619; Lot 7307, DP 1128678; Lot 7310, DP 1128700; Lot 7309, DP 1128700; Lot 7312, DP 1128701); 755928 (Lot 7300, DP 112866; Lot 7301, DP 1128698; Lot 58, DP 755928; Lot 7036, DP 1094568; Lot 93, DP 755928; Lot 90, DP 755928; Lot 76, DP 755928) and 1011268 (Lot 7306, DP 1128620; Lot 7301, DP 1128621; Lot 7302, DP 1128621; Lot 7303, DP 1128621; Lot 7304, DP 1128621; Lot 7305, DP 1128621; Lot 7300, DP 1128622; Lot 7301, DP 1128622; Lot 7302, DP 1128622) for future public requirements.
3. Reserves 84483, 1006481 and 1006482 for future public requirements.
4. Reserve number 71501 for preservation of native flora.
5. Reserved land at Lot 8, DP 522659 and Lot 701, DP 1025015.
6. Reserved land for future public requirements at Lot 7037, DP 1094569; Lot 701, DP 1029715; Lot 7038, DP 1094563; Lot 7039, DP 1094563; Lot 7040, DP 1094563; Lot 7041, DP 1094563; Lot 7042, DP 1094563; Lot 7035, DP 1094570; Lot 83, DP 755928; Lot 7043, DP 1094566; Lot 7010, DP 1076655 and Lot 7011 DP 1076655.

SCHEDULE 2

1. Reserve number 180045 for public recreation, preservation of native flora and fauna and preservation of aboriginal relics.
2. Reserve No. 1003034 for public recreation and coastal environmental protection.
3. Reserve numbers 64558, 76047, 76522, 91042, 91568, 90666, 96376, 96904, 76522, 78757, 64234 and 64234 for public recreation.
4. Reserve number 96902 for parking.

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

ERRATUM

IN the notice appearing in the *New South Wales Government Gazette* of 6 June 2008, Folio 4681, under the heading "Erratum" delete from the file reference OE05 H 283 and replace with OE05 H 273.

File No.: OE05 H 273.

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

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

ADDITION TO RESERVED CROWN LAND

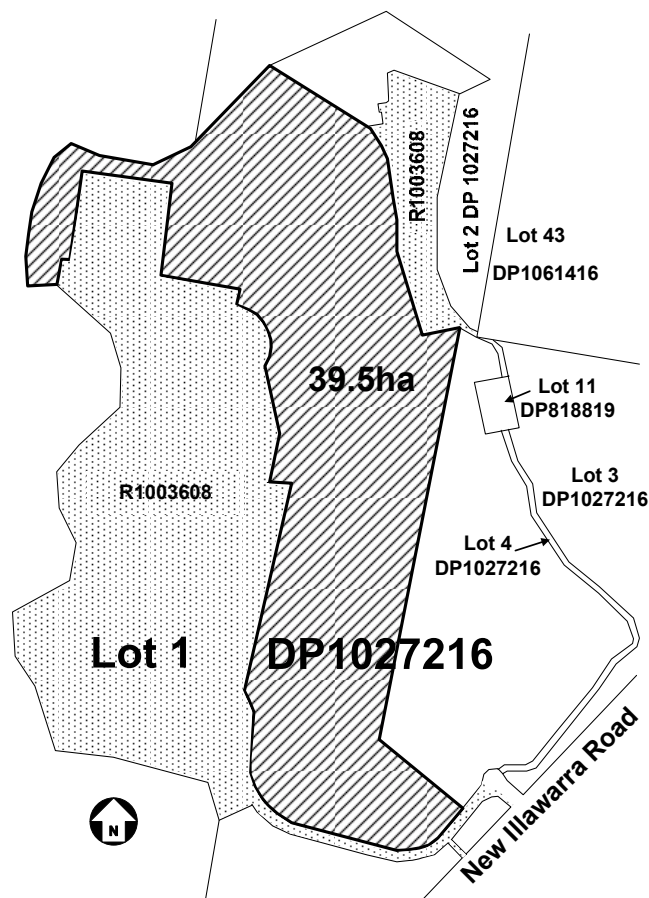
PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan.	Reserve No.: 1003608.
Local Government Area: Sutherland Shire Council.	Public Purpose: Public recreation.
Locality: Lucas Heights.	Notified: 21 June 2002.
Lot Pt 1, DP 1027216, Parish Holsworthy, County Cumberland.	Lot Pt 1, DP 1027216, Parish Holsworthy, County Cumberland.
Area 39.5 hectares.	New Area: 76.532 hectares.
File No.: MN96 R 100.	

Note: Shown by hatching on the diagram hereunder.



NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

Description

Land District - Windsor; L.G.A. - Hawkesbury

Lots 1 and 2, DP 1124841 at Wheeny Creek, Parish Colo, County Cook.

File No.: MN06 H 209.

Notes: (1) On closing, titles for the land in Lots 1 and 2 remain vested in the Crown.

(2) The road is closed subject to the right of carriage way variable width as shown in DP 1124841.

Description

Land District - Metropolitan; L.G.A. - Burwood

Lot 15, DP 1126491 at Burwood, Parish Concord, County Cumberland.

File No.: 08/2480.

Notes: (1) On closing, title for the land in Lot 15 remains vested in Burwood Council as operational land.

(2) The road is closed subject to the easement for support of Lane 5 wide, to drain water over existing line of pipes and positive covenant for maintenance and repairs shown in DP 1126491.

Description

Land District - Metropolitan; L.G.A. - Warringah

Lots 1 and 2, DP 1127561 at Narrabeen, Parish Manly Cove, County Cumberland.

File No.: MN06 H 322.

Notes: (1) On closing, title for the land in Lots 1 and 2 remain vested in Warringah Council as operational land.

(2) The road is closed subject to the easement for electricity and other purposes, variable width and gas main, variable width as shown in DP 1127561.

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>
Hassan AYOUBI, M Souhail JABBOURI, Wasim RAZA, Mohamad Saadallah TURK, Abraham ZOABI, Michael Mohamad KAHLA. Mohamad ZRAIKA.	Muslim Cemetery Trust, Necropolis.	The part of the Rookwood Necropolis dedicated 2 December 1887 and set apart as the Muslim Cemetery by <i>New South Wales Government Gazette</i> of 11 August 1978 (D500904).
Ex-officio; the person for the time being holding the office of Director, Sydney Turkish Islamic Funeral Service (presently Ergun GENEL).		

Term of Office

For a term commencing 1 July 2008 and expiring 31 March 2009.

File No.: MN87 R 41.

AUTHORISATION OF ADDITIONAL PURPOSE

IT is hereby notified pursuant to section 121A of the Crown Lands Act 1989, that the additional purpose specified in Column 1 of the Schedule hereunder, is applied to the whole 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>
Community Purposes.	Reserve No.: 45625. Public Purpose: Public recreation. Notified: 18 August 1910. File No.: MN95 R 39.

PLAN OF MANAGEMENT FOR CROWN RESERVES AT DRUMMOYNE PARK AND TAPLIN PARK UNDER PART 5 DIVISION 6 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006

A draft plan of management has been prepared for Crown reserves at Drummoyne Park and Taplin Park described below, which are mainly under the trust management of the City of Canada Bay Council.

Inspection of the draft plan can be made at the City of Canada Bay Council, Civic Centre, 1A Marlborough Street, Drummoyne, Council Libraries and can be viewed on Council's website: <<http://www.canadabay.nsw.gov.au>>.

Representations are invited from the public on the draft plan. The plan is on exhibition for a period of 28 days. Submissions will be received up until 25 July 2008 and should be sent to Vincent Conroy, City of Canada Bay Council, Locked Bag 1470, Drummoyne NSW 1470, or by email to vincent.conroy@canadabay.nsw.gov.au.

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

Description of Reserves

*Land District – Metropolitan; L.G.A. – Canada Bay;
Parish – Concord; County – Cumberland*

Crown Reserves: Lot 7073, DP 1056768; Lot 7097, DP 1057478; Lot 7099, DP 1057481; Lot 468, DP 752023; Lots 7100 and 7101, DP 1056770, being Dedication 500126 for public recreation; Lots 7026 and 7027, DP 1059873, being Reserve 70143 for public recreation; Lot 298, DP 752023, being Reserve 100107 for community purposes and Crown Plan 9182-3000 being Reserve 752023 for future public requirements.

Location: Drummoyne.

File No.: 07/4601.

TAREE OFFICE

98 Victoria Street (PO Box 440), Taree NSW 2430

Phone: (02) 6591 3500 Fax: (02) 6552 2816

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuant of the provisions of section 151 of the Roads Act 1993, the Crown 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 roads.

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

SCHEDULE 1

*Parish – Karuah; County – Gloucester
Land District – Gloucester;
Local Government Area – Great Lakes Council*

Crown Public Road in the village of Allworth:

Booral Parade between northern boundary of Karuah Street and north corner Lot 11, section 2, DP 758017 and eastern boundary Lot 102, DP 634202.

SCHEDULE 1

*Parish – Bulahdelah; County – Gloucester;
Land District – Gloucester;
Local Government Area – Great Lakes Council*

Crown Public Roads in the village of Bulahdelah:

Alexander Street between Lee and Markwell Road
Blanch Street between Mackenzie and Scott Street
Harold Street between Dee and Ann Street
Mackenzie Street between Church and Meade Street
Mahogany Street between Lee Street and prolonged northern boundary Red Gum Road
North Street between Booloombayt Street and Pacific Highway
Prince Street north of Lee Street

Red Gum Road between Markwell Road and Mahogany Street

Richmond Street between Pacific Highway and Scott Street

Stuart Street between Booloombayt and Scott Street

Lane within section 3 between Richmond and Short Street

Lane within section 4 between Lee and Richmond Street

Lane within section 5 between Lee and Richmond Street

Lane within section 8 between Jackson and Blanch Street

Lane within section 9 between Jackson and Blanch Street

Lane within section 12 between Lee and Richmond Street

Lane within section 13 between Lee and Richmond Street

Lane within section 14 between Richmond and Stuart Street

Lane within section 15 between Stuart and Jackson Street

Lane within section 16 south Jackson Street

Lane within section 17 south Jackson Street

Lane within section 18 between Stuart and Jackson Street

Lane within section 19 between Richmond and Stuart Street

Lane within section 20 between Lee and Richmond Street

Lane within section 21 between Richmond and Stuart Street

Lane within section 22 between Stuart and Jackson Street

Lane within section 23 between Jackson and Blanch Street

Lane within section 24 between Blanch and Meade Street
 Lane within section 25 between Meade and Church Street excluding Pacific Highway
 Lane within section 28 between Jackson and Blanch Street
 Lane within section 29 between Stuart and Jackson Street
 Lane within section 30 between Richmond and Stuart Street
 Lane within section 31 between Lee and Richmond Street
 Lane within section 38 between Church and Ann Street
 Lane within section 40 between Church and Ann Street
 Lane within section 53 between Church and Dee Street
 Lane within section 57 between Blanch and Meade Street
 Lane within section 58 between Pacific Highway and Harold Street
 Lane within section 59 east Lots 2-5, DP 252430 and north Lots 10-11, DP 252430
 Lane within section 60 between Mackenzie and Scott Street
 Lane within section 60 south of Blanch Street and east Lots 1-3, DP 40621, 4-5, DP 248187
 Crown Public Roads in the village of Bungwahl:
 Carrington Street between High and Minnow Street
 Croll Street between Carrington Street and unnamed lane within Section 10
 Forster Street
 Mayne Street
 Victoria Street
 Lane within section 10

SCHEDULE 1

*Parish – Forster; County – Gloucester;
 Land District – Taree;*

Local Government Area – Great Lakes Council

Crown Public Roads in the village of Forster:

Middle Lane between Cross and Strand Street
 Middle Lane between Cross Street and Lot 2, DP 1067014
 Tahiti Avenue

SCHEDULE 1

*Parish – Fens; County – Gloucester
 Land District – Newcastle;*

Local Government Area – Great Lakes Council

Crown Public Roads in the village of Hawks Nest:

Albatross Avenue between prolonged western boundary Ibis Avenue and Mungo Brush Road
 Albatross Avenue between prolonged eastern boundary Monterra Avenue and prolonged eastern boundary Koonwarra Drive
 Bennett Street
 Booner Street between Patanga and Cooloon Street
 Booner Street between Yamba and Tuloa Avenue
 Carramar Avenue

Cooloon Street
 Curlew Avenue
 Dolphin Avenue
 Eagle Avenue
 Flamingo Avenue
 Ibis Avenue
 Karthena Crescent
 Keiwa Street
 Kingfisher Avenue
 Koonwarra Drive to northern boundary Lot 28, DP 235299
 Kurrawong Avenue
 Langi Street
 Margaret Street
 Mermaid Avenue
 Monterra Avenue
 Moola Street
 Morang Street
 Muneela Avenue
 Patanga Street
 Pelican Avenue
 Perrumba Street
 Russell Street
 The Anchorage north Lots 58, DP 753166, 49-50, DP 211069
 Yamba Street between Tuloa Avenue and Moira Parade

SCHEDULE 1

*Parish – Talawahl; County – Gloucester;
 Land District – Taree;*

Local Government Area – Great Lakes Council

Crown Public Roads in the village of Nabiac:

Abbott Street between Parkes and Wright Street
 Dibbs street between Abbott Street and Pacific Highway
 Evergreen Close being 90M from eastern boundary Lot 151, DP 48117 in a western direction along the southern boundary
 Stuart Street on northern boundary Lot 151, DP 48117
 Unnamed lane south Lots 4-5, DP 758747

SCHEDULE 1

*Parish – Nerong; County – Gloucester;
 Land District – Gloucester;*

Local Government Area – Great Lakes Council

Crown Public Roads within the village of Nerong:

Egret Street
 Whimbrel Drive between Redbill Road and Pacific Highway

SCHEDULE 1

*Parish – Bachelor; County – Gloucester;
 Land District – Taree;*

Local Government Area – Great Lakes Council

Crown Public Road within the village of Wootton:

Worth Street

SCHEDULE 2

Roads Authority: Great Lakes Council.

File No.: TE03 H 191.

ROADS ACT 1993

ORDER

Transfer of Crown Public Road to a Council

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

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

SCHEDULE 1

*Parish – Wingham; County – Macquarie;
Land District – Taree;*

Local Government Area – Greater Taree City Council

Crown public road being part of George Flemming Road between northern boundary Lot 4, DP 1098611 and southern boundary Lot 16, DP 1098611; part Bungay Road between Lot 85, DP 246913 and southern boundary Lot 433, DP 754454 including intersection with Viscount Road and Union Street; part Blue Gum Avenue between Bungay Road and 7.5m north, Village of Wingham.

SCHEDULE 2

Roads Authority: Greater Taree City Council.

File No.: TE03 H 237.

SCHEDULE 1

Parish – Wyoming; County – Macquarie;

Land District – Taree;

Local Government Area – Greater Taree City Council

Crown public roads being parts (2) of Norwood Lane: (1) between northern most corner of Lot 175, DP 754455 at Woolshed Creek to southern boundary Lot 175, DP 754455 and (2) between north western boundary Lot 14, DP 754455 to eastern boundary Lot 60, DP 754455. Crown public road between south east corner Lot 7003, DP 1026576 and north east corner Lot 60, DP 754455.

SCHEDULE 2

Roads Authority: Greater Taree City Council.

File No.: TE03 H 237.

SCHEDULE 1

Parish – Bootawa; County – Gloucester;

Local Government Area – Greater Taree City Council

Crown public roads being parts (2) of Sunshine Road: (1) between Hillville Road and approximately 120m east of western boundary Lot 5, DP 1072651, (2) between approximately 89m west of the eastern boundary Lot 6, DP 1072651 and western boundary Lot 5, DP 1055914.

SCHEDULE 2

Roads Authority: Greater Taree City Council.

File No.: TE03 H 237.

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

RESERVATION OF CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Bourke.	Reserve No.: 1014628.
Local Government Area: Bourke Shire Council.	Public Purpose: Public recreation.
Locality: Enngonia.	
Lot 3, section 5, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 4, section 5, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 5, section 5, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 7, section 5, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 6, section 5, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 8, section 5, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 3, section 2, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 4, section 2, DP No. 758389, Parish Enngonia, County Culgoa;	
Lot 5, section 2, DP No. 758389, Parish Enngonia, County Culgoa.	
Area: About 3.623 hectares.	
File No.: WL86 R 199/1.	

Note: This reserve does not revoke un-notified reserves for public buildings over Allotments 7 and 8, section 5, DP 758389 or dedication 630073 for public school site. The reserve includes closed roads separating Allotments 3, 4 and 5, section 2 from Allotments 6, 7, and 8, section 5; Allotments 6, 7 and 8, section 5 from Allotments 3, 4 and 5, section 5; Allotments 3, 4 and 5, section 5, from Allotments 6, 7 and 8, section 6; Allotments 6, 7 and 8, section 6 from Allotments 3, 4 and 5, section 6 and part Bourke Street between lane within section 2 and Belalie Street, Town and Parish Enngonia, County Culgoa.

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>
Enngonia Recreation Reserve Trust.	Reserve No.: 1014628. Public Purpose: Public recreation. Notified: This day. File No.: WL86 R 199/1.

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Bourke Shire Council.	Enngonia Recreation Reserve Trust.	Reserve No.: 1014628. Public Purpose: Public recreation. Notified: This day. File No.: WL86 R 199/1.

For a term commencing the date of this notice.

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 of the Crown Lands Act 1989, the land described in Schedule 1 hereunder is, subject to the continuation of the interests in the land specified in Schedule 2, declared to be Crown Land within the meaning of that Act.

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

SCHEDULE 1

Local Government Area – Wentworth;
Locality – Wentworth; Parish – Wentworth;
County – Wentworth

Allotments 1 to 3 (inclusive), 5, 25 and 26, section 22 comprising part of the land in Conveyance Book 2094, No. 927; allotments 21 to 24 (inclusive), section 22 comprising the whole of the land in Conveyance Book 2118, No. 81; allotment 20, section 22 comprising the whole of the land in Conveyance Book 2644, No. 370; allotment 8, section 22 comprising the whole of the land in Conveyance Book 2644, No. 371; allotment 4, section 22, DP 759074 comprising the whole of the land in Certificate of Title volume 576, folio 235; allotment 7, section 22, DP 759074 comprising the whole of the land in Certificate of Title volume 830, folio 26; allotment 9, section 22, DP 759074 comprising the whole of the land in Certificate of Title volume 1224, folio 248; allotment 6, section 22, DP 759074 comprising part of the land in Certificate of Title volume 6095, folio 126.

Area: Approximately 1.256 hectares.

File No.: WL86 R 63.

SCHEDULE 2

Reserve 32017 for public recreation.

Department of Planning



New South Wales

Wingecarribee Local Environmental Plan 1989 (Amendment No 124)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2001031/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 124)

Wingecarribee Local Environmental Plan 1989 (Amendment No 124)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 124)*.

2 Aims of plan

The aims of this plan are:

- (a) to enable development, with consent, of the land mentioned in Schedule 1 that is associated with Exeter Quarry into 25 rural residential allotments and 1 other allotment, and
- (b) to limit the dwelling entitlement of each of the 25 rural residential allotments to 1 dwelling-house, and
- (c) to enable development, with consent, of the land mentioned in Schedule 1 that adjoins Vine Lodge, Exeter into 25 allotments, and
- (d) to protect and enhance watercourses and water quality in the drinking water hydrological catchments of the land to which this plan applies so as to achieve relevant water quality objectives, and
- (e) to remove the identification of the land mentioned in Schedule 1 that is associated with Exeter Quarry as land containing extractive materials.

3 Land to which plan applies

This plan applies to the land shown edged in heavy black on the map marked "Wingecarribee Local Environmental Plan 1989 (Amendment No 124)" deposited in the office of the Council of the Shire of Wingecarribee.

4 Amendment of Wingecarribee Local Environmental Plan 1989

Wingecarribee Local Environmental Plan 1989 is amended as set out in Schedule 1.

Wingecarribee Local Environmental Plan 1989 (Amendment No 124)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of “*the map*” in clause 5 (1):

Wingecarribee Local Environmental Plan 1989 (Amendment No 124)

[2] Clauses 76 and 77

Insert after clause 75:

76 Special provisions—certain land associated with Exeter Quarry

- (1) This clause applies to Lot 1, DP 611935, part Lot 1, DP 857562, Lot 2, DP 537292, Lot B, DP 395847, Lots 4, 5, 6 and part Lot 7, Section 1, DP 978852 and the road reserve, as shown edged in heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 124)”.
- (2) Despite any other provision of this plan, the council may grant consent to the subdivision of the land to which this clause applies for the creation of:
 - (a) not more than 25 rural residential allotments, each with an area of not less than 2 hectares, and
 - (b) one other allotment, with an area of not less than 2 hectares.
- (3) A person may, with the consent of the council, erect a single dwelling-house on each of the rural residential allotments.
- (4) In determining an application for consent for the subdivision, the council must take into consideration any relevant water cycle management study addressing development on unsewered lands.

77 Special provisions—certain land adjoining Vine Lodge, Exeter

- (1) This clause applies to Lot A, DP 927745 and Lot 4, DP 660174, as shown edged in heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 124)”.
- (2) Despite any other provision of this plan, the council may grant consent to the subdivision of the land to which this clause applies for the creation of not more than 25 allotments.
- (3) A person may, with the consent of the council, erect a single dwelling-house on each of the allotments.

Page 3

Wingecarribee Local Environmental Plan 1989 (Amendment No 124)

Schedule 1 Amendments

- (4) In determining an application for consent for the subdivision, the council must take into consideration any relevant water cycle management study addressing development on unsewered lands.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**DECLARATION**

I, the Minister for Planning, under Clause 276 of the Environmental Planning and Assessment Regulation 2000, declare the precinct referred in the Schedule to be released for urban development.

Dated at Sydney, this 9th day of June 2008.

FRANK SARTOR, M.P.,
Minister for Planning

SCHEDULE

The release precincts of the North West Growth Centre shown on the maps held at the Growth Centres Commission and marked:

North West Growth Centre – Marsden Park Industrial Precinct.

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Elected Industry Members to Management Advisory Committees

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to section 230 (2) of Fisheries Management Act 1994 hereby give notice of the appointment of the persons named in Column 3 of the Schedule as elected industry members to the corresponding Management Advisory Committee set out in Column 1 of the Schedule, from 1 March 2008 to 28 February 2011.

SCHEDULE

<i>Column 1 MAC</i>	<i>Column 2 Vacancy</i>	<i>Column 3 Elected</i>
Ocean Hauling	Region 1, Upper North Coast	David Smith
	Region 3, North Coast	David Mitchell
Ocean Trap & Line	Line fishing (east) North	Paul Porter
	Line fishing (west) North	John Joblin
	Line fishing (west) South	Garry Braithwaite
	Region 1	Ben Markwell
Estuary General	Region 3	Geoff Blackburn
	Region 4North	Peter Ragno
	Region 4South	Jim Drinkwater
	Region 5	Ted Allan
Estuary Prawn Trawl	Clarence River	Don Johnson
Ocean Trawl	Region 1, Upper North Coast	Shane Castle
	Region 2, Clarence	Gordon Farrell
	Region 3, North Coast	Darren Ward
	Region 4, Central	Murray Ham
	Regions 5,6 & 7, Metropolitan/ Upper & Lower South Coast	Richard Bagnato Paul Bagnato
Abalone	3 Industry representatives	Jim Miller Dennis Luobikis Tony Fry
Lobster	3 Industry representatives	Daniel Stewart Scott Westley Lee Monin
Marine Estuarine Recreational Charter	Region 2, Mid North Coast	Mark Flanagan
	Region 4, Sydney Metropolitan	Roland Persson
	Region 5, Illawarra	Ann Garard
	Region 7, Far South Coast	Keith Appleby

Dated this 16th day of June 2008.

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

FISHERIES MANAGEMENT ACT 1994

Total Allowable Catch for Rock Lobster

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, provide notice pursuant to section 33 of the Fisheries Management Act 1994 ("the Act") that the Total Allowable Catch Setting and Review Committee established under section 26 of the Act, hereby:

- (a) revokes the determination titled "Total Allowable Commercial Catch for Lobster" published in Government Gazette No. 81 of 22 June 2007 at page 3826; and
- (b) pursuant to clause 14 of the Fisheries Management (Lobster Share Management Plan) Regulation 2000 determines that the total allowable catch for eastern rock lobster for the fishing period beginning 1 July 2008 and ending 30 June 2009 (both dates inclusive) is 128 tonnes.

Dated this 25th day of June 2008.

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

FISHERIES MANAGEMENT ACT 1994

Total Allowable Catch for Abalone

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, provide notice pursuant to section 33 of the Fisheries Management Act 1994 ("the Act") that the Total Allowable Catch Setting and Review Committee established under section 26 of the Act, hereby:

- (a) from midnight on 30 June 2008, revokes the determination titled "Total Allowable Commercial Catch for Abalone" dated 19 June 2007; and
- (b) pursuant to clause 14 of the Fisheries Management (Abalone Share Management Plan) Regulation 2000 has determined that the total allowable catch for abalone for the fishing period beginning 1 July 2008 and ending 30 June 2009 (both dates inclusive) is 90 tonnes, with an additional 15 tonnes to be taken only under structured fishing as follows:

<i>Region</i>	<i>Catch cap</i>	<i>Type of catch</i>
Regions 3&4	40t	Commercial TAC
Regions 5&6	50t	Commercial TAC
Total	90t	

<i>Region</i>	<i>Catch cap</i>	<i>Type of catch</i>
Region 1 (north)	5t	Structured fishing or scientific survey by permit
Region 1 (south)	5t	Structured fishing or scientific survey by permit
Region 2	5t	Structured fishing or scientific survey by permit
Total	15t	

Dated this 25th day of June 2008.

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

FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Aquaculture) Regulation 2007

Clause 37 (3) – Notice of Granting of
Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Lease:

OL70/001 within the estuary of the Manning River, having an area of 0.7097 hectares to Peter, Trevor, Sharon and Margaret Mansfield of Adamstown Heights NSW, for a term of 15 years expiring on 5 May 2023.

AL07/007 within the estuary of Port Stephens, having an area of 0.2148 hectares to Cary and Jennifer Klein of Shoal Bay NSW, for a term of 15 years expiring on 20 May 2023.

Clause 39 (4) – Notice of Aquaculture Lease Renewal

The Minister has renewed the following class 1 Aquaculture Leases:

OL77/071 within the estuary of Wallis Lake, having an area of 0.751 hectares to Barnette Pty Ltd of Greenpoint NSW, for a term of 15 years expiring on 16 December 2022.

BILL TALBOT,
Director, Fisheries Conservation and Aquaculture,
Fisheries, Compliance and Regional Relations,
NSW Department of Primary Industries

MINING ACT 1992

Instrument of Appointment

I, LINDSAY GILLIGAN, Acting Deputy Director-General Mineral Resources, under delegation from the Minister for Mineral Resources and pursuant to section 361 of the Mining Act 1992 (the Act), hereby appoint JAMES HEREFORD-ASHLEY as an inspector under the Act.

Dated this 18th day of June 2008.

LINDSAY GILLIGAN,
Deputy Director-General,
NSW Department of Primary Industries
– Mineral Resources

MINING ACT 1992

Instrument of Appointment

I, LINDSAY GILLIGAN, Acting Deputy Director-General Mineral Resources, under delegation from the Minister for Mineral Resources and pursuant to section 361 of the Mining Act 1992 (the Act), hereby appoint RADOMIR BABIC as an inspector under the Act.

Dated this 20th day of June 2008.

LINDSAY GILLIGAN,
Deputy Director-General,
NSW Department of Primary Industries
– Mineral Resources

PLAGUE LOCUST MANAGEMENT GROUP

Appointment of Members

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, appoint the persons listed in the Schedule below as members of the Plague Locust Management Group, for a three year period commencing on the date of this appointment.

—————
SCHEDULE

SHELDRAKE, Richard
LISTER, David
LAURIE, Jock

Dated this 16th day of June 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

(T08-0114)

No. 3508, OXLEY MINERALS PTY LTD (ACN 129755719), area of 15 units, for Group 1 and Group 3, dated 17 June 2008. (Coffs Harbour Mining Division).

(T08-0115)

No. 3509, SNOWWARD PTY LIMITED (ACN 003 923 813), area of 7 units, for Group 6, dated 20 June 2008. (Inverell Mining Division).

(T08-0117)

No. 3511, ARGENT MINERALS LIMITED (ACN 124 780 276), area of 100 units, for Group 1 and Group 2, dated 23 June 2008. (Cobar Mining Division).

MINING LEASE APPLICATIONS

(06-80)

No. 272, BEMAX RESOURCES LIMITED (ACN 009 247 858), area of about 421.1 hectares, to mine for ilmenite, monazite and zircon, dated 14 February 2006. (Broken Hill Mining Division)

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

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

(05-159)

Exploration Licence No. 6435, RESOURCE INVESTMENT GROUP PTY LTD (ACN 106 872 799), area of 16 units. Application for renewal received 19 June 2008.

(T01-0455)

Mining Purposes Lease No. 100 (Act 1973), NORMAN LESLIE LOWE, area of 4.62 hectares. Application for renewal received 19 June 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(06-3036)

Exploration Licence No. 2984, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Bathurst, Map Sheet (8731), area of 16 units, for a further term until 10 January 2010. Renewal effective on and from 23 June 2008.

(T87-0419)

Exploration Licence No. 4192, NEWNES KAOLIN PTY LTD (ACN 065 564 794), County of Cook, Map Sheet (8931), area of 3 units, for a further term until 6 February 2010. Renewal effective on and from 16 June 2008.

(T96-1003)

Exploration Licence No. 5152, JERVOIS MINING LIMITED (ACN 007 626 575), County of Montegale, Map Sheets (8529, 8530), area of 10 units, for a further term until 13 November 2009. Renewal effective on and from 23 June 2008.

(T01-0120)

Exploration Licence No. 5891, DENIS MICHAEL WALSH, County of Gipps, Map Sheet (8230), area of 1 units, for a further term until 20 September 2009. Renewal effective on and from 23 June 2008.

(T02-0064)

Exploration Licence No. 5991, JAGUAR MINERALS LIMITED (ACN 107 159 713), Counties of Phillip and Wellington, Map Sheets (8832, 8833), area of 24 units, for a further term until 11 September 2009. Renewal effective on and from 23 June 2008.

(05-272)

Exploration Licence No. 6514, BORAL MONTORO PTY LIMITED (ACN 002 944 694), County of Northumberland, Map Sheets (9131), area of 4 units, for a further term until 5 March 2010. Renewal effective on and from 18 June 2008.

(05-289)

Exploration Licence No. 6519, ZEDEX MINERALS LIMITED (ACN 107 523 428), Counties of Sandon and Vernon, Map Sheet (9236), area of 11 units, for a further term until 5 March 2010. Renewal effective on and from 18 June 2008.

(05-263)

Exploration Licence No. 6525, NEW SOUTH RESOURCES LIMITED (ACN 119557416), County of Westmoreland, Map Sheet (8830), area of 89 units, for a further term until 7 March 2010. Renewal effective on and from 23 June 2008.

(05-302)

Exploration Licence No. 6543, BEMAX RESOURCES LIMITED (ACN 009 247 858), County of Windeyer, Map Sheets (7132, 7232), area of 17 units, for a further term until 21 March 2010. Renewal effective on and from 11 June 2008.

(05-297)

Exploration Licence No. 6548, BIG ISLAND MINING LIMITED (ACN 112 787 470), Counties of Murray and St Vincent, Map Sheet (8827), area of 109 units, for a further term until 4 April 2010. Renewal effective on and from 23 June 2008.

(05-923)

Exploration (Prospecting) Licence No. 3365, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7233), area of 2 units, for a further term until 7 March 2009. Renewal effective on and from 23 June 2008.

(05-924)

Exploration (Prospecting) Licence No. 3661, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7133), area of 1 units, for a further term until 7 March 2009. Renewal effective on and from 23 June 2008.

(T93-1059)

Private Lands Lease No. 3628 (Act 1906), JOHN ROBERT ANTHONY KIRK, Parish of Dungeree, County of Phillip, Map Sheet (8832-2-N), area of 4.047 hectares, for a further term until 3 December 2014. Renewal effective on and from 20 June 2008.

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

TRANSFER

(06-4128)

Exploration Licence No. 6788, formerly held by BALE CONSTRUCTIONS PTY LTD (ACN 100 772 423) has been transferred to ZEOLITE ENVIRONMENTAL GLOBAL SOLUTIONS PTY LTD (ACN 127127815). The transfer was registered on 17 June 2008.

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

EXPIRY

(T00-0576)

Mining Purposes Lease No. 103 (Act 1973), BARRIE J HAWKEN, Parish of Wallangulla, County of Finch; and Parish of Wallangulla, County of Finch. This title expired on 21 June 2008.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

ROBERT BALL,
Hornsby Shire Council
(by delegation from the Minister for Roads)
17 June 2008

SCHEDULE

1. Citation

This Notice may be cited as Hornsby Shire Council 25 Metre B-Double route Notice No. 01/2008.

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

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Unnamed road to Camilleri Stockfeeds, Maroota.	Old Northern Road.	Camilleri Stockfeeds.

ROADS ACT 1993

Order - Section 52A

Blacktown City Council Area

Declaration of parts of public roads and of land as a
Transitway between Blacktown and Parklea

I, the Minister for Roads, pursuant to Section 52A of the Roads Act, 1993, by this order declare to be a transitway the parts of public roads and the land described in the Schedule under.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

—————
SCHEDULE

The parts of public roads, the land owned by the RTA and the land to be acquired by the RTA situated in the Blacktown City Council area shown on RTA Plans 8005 040 AC 4002_1 to _5 inclusive.

(RTA Papers 8M1191)

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

Notice of Compulsory Acquisition of Land at Hoxton Park
in the Liverpool City Council area

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

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

—————
SCHEDULE

ALL that piece or parcel of Crown land situated in the Liverpool City Council area, Parish of St Luke and County of Cumberland, shown as Lot 48 Deposited Plan 1123873, being part of the land reserved for the public purpose of future public requirements (R752060) by notification in the Government Gazette No 83 of 29 June 2007 on page 4182.

(RTA Papers FPP 8M415; RO 259.12457)

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

Notice of Compulsory Acquisition of Land at Ourimbah
in the Wyong Shire Council area

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

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

—————
SCHEDULE

ALL those pieces or parcels of land situated in the Wyong Shire Council area, Parish of Gosford and County of Northumberland, shown as:

Lots 101 and 102 Deposited Plan 1119697, being parts of the land in Certificate of Title 12/1049589;

Lot 103 Deposited Plan 1119697, being part of the land in Certificate of Title Volume 758 Folio 190; and

Lot 104 Deposited Plan 1119697, being part of the land in Certificate of Title Volume 1136 Folio 86.

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

(RTA Papers FPP 8M1699; RO 10/505.1844)

ROADS ACT 1993

Order - Section 159

Establishment of a Public Reserve
at South Turramurra in the Ku-ring-gai Council area

The Roads and Traffic Authority of New South Wales, by this order under section 159 of the Roads Act 1993, places the land described in the following schedule under the control of Ku-ring-gai Council.

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 Ku-ring-gai Council area, Parish of Gordon and County of Cumberland, shown as Lots 21 and 22 Deposited Plan 538546.

(RTA Papers: F3/238.1496)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Holmwood in the Cowra 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 Cowra Shire Council area, Parish of Coota and County of Bathurst, shown as:

Lots 5, 10 and 11 Deposited Plan 252870;

Lots 3, 5 and 7 Deposited Plan 252871;

Lots 12 and 13 Deposited Plan 264385; and

Lot 2 Deposited Plan 706257.

(RTA Papers: FPP 95M3503; RO 6/105.1159)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Manildra
in the Cabonne 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 Cabonne Shire Council area, Parish of Gregra and County of Ashburnham, shown as Lots 21 to 26 inclusive Deposited Plan 1109352.

(RTA Papers: FPP 7M1108; RO 72.1295)

Department of Water and Energy

GAS SUPPLY ACT 1996

Market Operations Rules (NSW Gas Supply Continuity Scheme) 2008

IN accordance with section 33K (4) and section 33K (5) of the Gas Supply Act 1996, I, IAN MACDONALD, M.L.C., Minister for Energy, give notice of the approval of amendments to the Market Operations Rules (NSW Gas Supply Continuity Scheme) 2008.

In accordance with section 33K (5) (c), the Market Operations Rules (NSW Gas Supply Continuity Scheme) 2008 are available on the internet site of the Department of Water and Energy at www.dwe.nsw.gov.au.

Dated at Sydney, this 18th day of June 2008.

IAN MACDONALD, M.L.C.,
Minister for Energy

WATER MANAGEMENT ACT 2000

Order under section 45 (1) (a)

Amendment to Management Plan
Water Sharing Plan for the Upper and Lower Namoi
Groundwater Sources 2003

Clause 36 'Extraction interference between neighbouring bores'

PURSUANT to section 45 (1) (a) of the Water Management Act 2000, I, NATHAN REES, M.P., Minister for Water, with the concurrence of the Minister for Primary Industries, being satisfied it is in the public interest to do so, do, by this Order, amend clause 36 of the Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003 as set out in Schedule 1.

This Order takes effect from the date that it is published in the *New South Wales Government Gazette*.

This Order repeals the previous order relating to clause 36 of the Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003 made on 27 August 2007 and published in the *New South Wales Government Gazette* on 21 September 2007.

Dated this 16th day of June 2008.

NATHAN REES, M.P.,
Minister for Water

SCHEDULE 1

Amendments to clause 36

'Extraction interference between neighbouring bores'

1. omit subclause 36 (3) and insert instead:
 - (3) A minimum distance of 400 metres is to be maintained between all new water supply works (bores), except for a replacement water supply work (bore) and those for the supply of basic landholder rights only.
2. omit subclause 36 (4) and insert instead:
 - (4) A new water supply work (bore) that is not a replacement water supply work (bore) shall be located no closer than 200 metres from a property boundary.
3. omit subclause 36 (5) and insert instead:
 - (5) Notwithstanding the provisions of subclauses (3) and (4), the Minister may, upon application by an access licence holder, vary the distance restrictions specified in subclauses (3) and (4) if:
 - (a) a hydrogeological study undertaken by the licence holder, assessed as adequate by the Minister, demonstrates minimal potential for adverse impact on existing licensed extraction, including consideration of cumulative impact,
 - (b) written consent is obtained by the applicant from adjacent landowners, and
 - (c) there is a process for remediation in the event that an adverse impact occurs in the future, specified as conditions on the licence.
4. omit subclause 36 (7) and insert instead:
 - (7) A new water supply work (bore) with the exception of a replacement water supply work (bore) or a water supply work (bore) for the supply of basic landholder rights only, cannot be constructed within a minimum distance of:
 - (a) 500 metres of a bore nominated by a local water utility access licence,
 - (b) 400 metres of a Departmental monitoring bore,
 - (c) 400 metres of a bore extracting from the Great Artesian Basin,
 - (d) 500 metres of a wetland, or
 - (e) 200 metres of a river.
5. insert the following into the Dictionary at Schedule 1:

replacement water supply work (bore) is a bore constructed within 20 metres of, and which replaces, an existing water supply work (bore) licensed under the Act and which has an internal diameter no greater than 110 percent of the internal diameter of the bore it replaces.

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 54

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Blayney A & P Harness Racing Club Inc Y0027508
 The Building and Landscaping Suppliers Association of Sydney Incorporated Y0011726
 Palm Beach Wave Ski Club Inc Y0140222
 Bardia Community Pre-School Inc Y0032323
 Birchgrove Child Care Centre Incorporated Y0029110
 The Australian Institute of Systems Analysts Inc Y0011824
 Clarence Valley Afforestation Association Inc Y0171109
 Australian Sporting Association for the Disabled Inc Y0031620
 Kotahitanga Inc Y0019604
 Shakyamuni Centre for Buddhist Studies & Practice Inc Y0133413
 Merewether-Carlton Rugby Club Incorporated Y0096826
 SBP - Wingham District Inc Y0064844
 Newcastle League Cycling Club Inc Y0021036
 Forster Tuncurry and District Tourist Association Inc Y0023520
 Calvary Fellowship Centre Inc Y0030819
 Arncliffe Macedonian Culture Society K.V.D 'Poljanica' Incorporated Y0003528
 Moree Pistol Club Inc Y0101235
 Cane Harvest Festival Committee Incorporated Y0122518
 Purcell and Friends Incorporated Y0154843
 Caringbah Community Youth Support Scheme Inc Y0144112
 Coolah Polocross Club Inc Y0063210
 Little League Baseball Australia Incorporated Y2228238
 Wildlife Survival Inc Y0070901
 Blacktown City Baseball Sporting & Recreation Club Inc Y0036213
 Kuring-Gai High Old Boys Rugby Union Football Club Inc Y0055502
 Narrandera & District Sheepdog Workers Association Incorporated Y0032617
 Central Coast Moonterra Archers Inc Y0034121
 Arsenal Hockey Club Inc Y0051906
 Australian Pharmacy Reform Association Incorporated Y1274432
 South Grafton Business Association Inc Y0021722
 Lavang Mutual Assistance Association Incorporated Y0074203

Liberty Plains Community Youth Support Scheme Inc Y0102330
 SBP - Sydney Inc Y0038844
 St Clair Vacation Care Centre Inc Y0134900
 Ferrari Social Club (Wollongong) Inc Y0082009
 Lithgow Motorcycle Club Inc Y0140124
 Orange Speedway and Fenda Benda Club Inc Y0057202
 The User Society of Information Engineering Methodologies Inc Y0019800
 Arncliffe Scots - St George Hockey Club Incorporated Y0290001
 Civic Forum Inc Y1316102
 Woy Woy Rugby Club Inc Y1267427
 Lismore Workers Rugby League Football Club Inc Y0765414
 Kud "Polet" Incorporated Y0005424
 El-Ressalah Islamic Welfare Association Inc Y0545334
 Australian Croatian Business and Professional Society Incorporated Y1311705
 Australian Macedonian Community Council Inc Y0015616
 Australian Institute of Professional Counsellors Inc Y0004721
 Trundle Harness Racing Club Inc Y0160312
 Laotian Association for the Study and Analysis of Indochinese Problems Inc Y0285137
 Lansdowne Progress Association Inc Y0243845
 West Pennant Hills - Cherrybrook Junior Australian Football Club Inc Y0214413
 SBP - The Hills Inc Y0216505
 Australasian Egg Artistry Guild Inc Y0121423
 Bingara Rodeo Committee Inc Y0344445
 Corowa Basketball Association Inc Y0099425
 Albury Roos Rugby League Football Club Inc Y0180745
 Pallamallawa Vacation Care Centre Inc Y0124708
 Lismore Womens Music Collective Inc Y0114320
 SBP Lower North Shore Inc Y0113323
 Quirindi Amateur Picnic Race Club Inc Y0260846
 Christian Taxi Drivers Association Inc Y0128843
 Bright Horizons Inc Y0115611
 Australian Institute of Fire Technology Inc Y0107217
 Tamworth Allbreed Society Inc Y0189424
 Advance Bible College Inc Y0156935
 Australian Libyan Friendship Association Incorporated INC9881916
 Grafton Jaycees Inc Y0024027
 Association of Australian Investigators Inc Y0187234
 North Companions Soccer Club Inc Y0265145
 Inverell Squash Club Inc Y0270205
 Australian Yoga Masters Association Inc Y0191542

Mountains Christian Youth Support Group Incorporated
Y0304510

Eden Creek Community Childrens Centre Association
Inc Y0294528

Illawarra Base Leisure Coast Social Club Inc
Y0267531

Southern Highlands Arabian Horse Association Inc
Y0300130

Brewarrina Motorkhana Club Inc Y0272934

Condobolin & District Rugby League Football Club Inc
Y0263935

Dural & Round Corner Chamber of Commerce & Industry
Inc Y0202717

Grenfell Go-Kart Club Inc Y0312806

Manly-Warringah Federation of Senior Citizens Inc
Y0258924

Vietnamese Republican Youth Organization Inc
Y0274438

Grafton to Inverell Promotions Inc Y0220715

Macleay Anglers Club Inc Y0354343

Apex Club of Dungog Inc Y0246346

Merriwa Race Club Inc Y0343742

Port Stephens BMX Club Tilligerry BMX Track Inc
Y0768013

Wilson River Rugby League Football Club Inc
Y0066005

San Remo Progress Association Inc Y0104912

Wardell Amateur Boxing Club Inc Y0349234

Samoan Methodist Church Sydney Incorporated
Y0405208

Apex Club of Hay Inc Y0242309

The Spiritual Venturers Association of New South Wales
Incorporated Y0170014

Maritime Archaeological Association of New South
Wales Inc Y0180647

Quirindi Occasional Child Care Centre Inc Y0167536

CHRISTINE GOWLAND,
Manager,
Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce
24 June 2008

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48 (4) (a)

TAKE notice that the Company NEW SOUTH WALES JUSTICES ASSOCIATION LIMITED formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act 1984 as NEW SOUTH WALES JUSTICES ASSOCIATION INCORPORATED effective 24 June 2008.

KERRI GRANT,
Delegate of Commissioner,
Office of Fair Trading
23 June 2008

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Notice to End Remediation Declaration
(Section 22 of the Contaminated Land Management
Act 1997)

Notice Number 22016; Area Number 3173

Background

The land to which this notice applies was declared as a "remediation site" (declaration No. 21056) by the Environment Protection Authority ("the EPA").

Revocation

The EPA is satisfied that it no longer has reasonable grounds to believe that the land to which this notice applies is contaminated in such a way as to present a significant risk of harm because the land is no longer tenanted or occupied for residential use and the site is also subject to an Environmental Management Plan.

Pursuant to section 22 of the Contaminated Land Management Act 1997, Declaration of remediation site number 21056, dated 24 February 2004, gazetted on 27 February 2004, ceases to be in force on the date on which this notice is published in the *New South Wales Government Gazette*.

Land to which this notice applies

Description	Address
Lot 1 in DP800626.	51 Whitton Lane, Harden NSW 2587.

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

Dated: 10 June 2008.

NOTE:

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 notice 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 notice to the relevant local council. The council may then make appropriate consequential modifications to the planning certificate issued in relation to the land to which this notice applies pursuant to s.149 of the Environmental Planning and Assessment Act 1979.

Relationship to other regulatory instrument

This revocation notice 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.

*The EPA is part of the Department of Environment and Climate Change (NSW).

FORESTRY ACT 1916

Revocation of a Timber Reserve

HER Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Minister and with the concurrence of the Minister for Lands, directs it to be notified that, in pursuance of the provisions of section 22 of the Forestry Act 1916, the reserve from sale described hereunder shall be revoked and it is revoked accordingly.

Sydney, 27 June 2008.

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

SCHEDULE

Eastern Division

Land District – Cooma;
Council Area – Cooma-Monaro;
Region – Southern Forestry

Timber Reserve No. 130054, notified 22 November 1991, Parish of Bullanamang, County of Beresford, the whole, having an area of about 510.8 hectares. (4643)

GEOGRAPHICAL NAMES ACT 1966

Notice of proposal to Determine Address Locality Names and Boundaries within the Tenterfield Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to determine the address locality names and boundaries in the Tenterfield Local Government Area as shown on map GNB3807/B.

The proposed names and boundaries as shown on map GNB3807/B may be viewed at Tenterfield Shire Council Administration Office, 247 Rouse Street, Tenterfield, Tenterfield Library, Stanthorpe Library, Drake Library, Urbenville Library, Wallangarra Post Office, Tabulam Post Office, Drake Postal Agency, Tenterfield Post Office, Emmaville Post Office, Deepwater Post Office, Stanthorpe Post Office, Legume Post Office, Killarney Post Office, Urbenville Post Office, Woodenbong Post Office and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, for a period of one month from 24th June 2008.

This proposal may also be viewed and submissions lodged on the Geographical Names Board's web site at www.gnb.nsw.gov.au.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment. All submissions lodged in accordance with section 9 of the Geographical Names Act 1966 may be subject to a Freedom of Information application.

WARWICK WATKINS,
Chairperson

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

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of the name Werrinbook Flora Reserve, Folio 9200, 17 September 1989. The name was spelt incorrectly and should have read Werrinook Flora Reserve. This notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143
Bathurst NSW 2795

LOTTERIES AND ART UNIONS ACT 1901

ORDER

I, Graham West, Minister for Gaming and Racing, in pursuance of paragraph (b) of the definition of "prescribed event" in section 4D (1) of the Lotteries and Art Unions Act 1901, make the Order set forth hereunder.

Signed at Sydney this 24th day of June 2008.

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

The Lotteries and Art Unions (Sweeps and Calcuttas) Order 1994 is amended by inserting in alphabetical order in Part 8 of the Table to clause 2 the following matter:

Harness Races at Menangle	The Rotary Clubs
Park Paceway	of Macarthur

EXPLANATORY NOTE

The object of the Order is to specify a series of races at the Menangle Park Paceway event hosted by the NSW Harness Racing Club Ltd as an event in relation to which sweeps and calcuttas may be conducted in accordance with section 4D of the Lotteries and Art Unions Act 1901.

NATIONAL PARKS AND WILDLIFE ACT 1974

Scabby Range Nature Reserve

Yaouk Nature Reserve

Draft Plans of Management

DRAFT plans of management for the above nature reserves have been prepared and are on exhibition until 13 October 2008.

Copies of the plans are on the website: www.environment.nsw.gov.au and available free of charge from the NPWS office at 7A Adelong Road, Tumut NSW 2720 (phone (02) 6947 7000). The plans may also be viewed at the Adaminaby Post Office, 14 Denison Street, Adaminaby. Written submissions on these plans must be received by The Planner, National Parks and Wildlife Service, PO Box 472, Tumut NSW 2720, by 13 October 2008.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on this draft plan may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

**PARENTS AND CITIZENS ASSOCIATIONS
INCORPORATION ACT 1976**

Incorporation of Parents and Citizens Associations

THE following association is hereby incorporated under the Parents and Citizens Associations Incorporation Act 1976:

1. Liechhardt Public School
2. Cardiff High School
3. Morisset High School
4. Wilberforce Public School
5. Coolamon Central School
6. Bedgerabong Public School
7. Flinders Public School
8. Easter Creek Public School

JOHN DELLA BOSCA, M.L.C.,
Minister for Education and Training

- parole
- revocation by the State Parole Authority of certain orders
- aspects of the administration of the Department of Corrective Services.

The Regulatory Impact Statement and the proposed Regulation may be obtained by telephoning the NSW Department of Corrective Services' Corporate Legislation and Parliamentary Support Unit on (02) 8346 1408.

Copies of the Regulatory Impact Statement and the proposed Regulation may also be downloaded from the Department's website: www.dcs.nsw.gov.au.

Comments on the proposed Regulation may be sent to Director, Corporate Legislation and Parliamentary Support Unit, NSW Department of Corrective Services, GPO Box 31, Sydney NSW 2001, emailed to casregreview@dcs.nsw.gov.au or faxed to (02) 8346 1976.

Comments must be received by Wednesday, 23 July 2008.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order Under Clause 171 (1),
Poisons and Therapeutic Goods Regulation 2002

Withdrawal of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Dr Angelo Joseph MAZZAFERRO, MPO: 079970, of 660 Princes Highway, Kogarah NSW 2217 prohibiting him, until further notice, as a medical practitioner from having possession of and supplying drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation.

This order is to take effect on and from 30 June 2008.

Dr RICHARD MATTHEWS,
Acting Director-General

Department of Health, New South Wales
Sydney, 25 June 2008

**WORKERS COMPENSATION (PUBLIC HOSPITAL
RATES) ORDER 2008**

under the

Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 62 (1) of the Workers Compensation Act 1987, and with the concurrence of the Minister for Health under section 62 (8), make the following Order.

Dated this 20th day of June 2008.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

1. Name of Order

This Order is the Workers Compensation (Public Hospital Rates) Order 2008.

2. Commencement

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

3. Application of Order

- (1) This Order applies to the hospital treatment of a worker at a public hospital, being treatment of a type referred to in clauses 5 to 9 and provided on or after the date of commencement of this Order, whether the treatment relates to an injury that is received before, on or after that date.
- (2) Any previous Order of WorkCover in force under section 62 of the Act continues to apply except to the extent that it is inconsistent with this Order.
- (3) Any order of the Director-General of the Department of Health made pursuant to clause 18 of the Workers Compensation (General) Regulation 1995 has effect as if it were an order relating to the classification of hospitals made for the purposes of clause 5 of this Order, subject to any amendment of it made by any subsequent order of the Director-General of the Department of Health.

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by former Justice Frederick Lance WRIGHT following retirement from his appointment as President and Judicial Member of the Industrial Relations Commission of NSW. Former Justice Wright's last day of service was 22 February 2008.

SUBORDINATE LEGISLATION ACT 1989

NOTICE is given, in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make the Crimes (Administration of Sentences) Regulation 2008 (the Regulation).

The object of the Regulation is to regulate certain matters relating to the administration of sentences. The main areas covered by the Regulation include, but are not limited to:

- full-time imprisonment
- home detention
- community service work

- (4) Any order of the Director-General of the Department of Health relating to the classification of hospitals made for the purposes of clause 5 of this Order or any previous Order under section 62 of the Act has effect, subject to any amendment of it made by any subsequent order of the Director-General of the Department of Health.
- (5) Any order relating to the classification of hospitals made for the purposes of clause 5 of this Order may provide that a hospital is not a public hospital of a particular type in respect of treatment provided to a specified class of patient.

4. Definitions

- (1) In this Order:

classification refers to a classification of hospital, category of patient or otherwise (or any combination of them), appearing in Column 1 of the Tables to clauses 5 to 8 of this Order.

the Act means the Workers Compensation Act 1987.

WorkCover means the WorkCover Authority of New South Wales.

- (2) A reference to treatment or services in this Order is (consistent with the definition of "hospital treatment" in section 59 of the Act) a reference to treatment or services provided at a public hospital or at any rehabilitation centre conducted by such a hospital.

5. Fees for hospital patient services generally

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being treatment provided to a worker within a classification specified in Column 1 of the Table to this clause is:

- (a) in the case of inpatient services, for each day (or part of a day) that the worker is a patient of the hospital, or
- (b) in the case of outpatient services, for each occasion of service,

the corresponding amount specified in Column 2 of that Table.

- (2) This clause does not apply to hospital treatment of a type referred to in clauses 6 to 8 of this Order.

- (3) In this clause and the Table to this clause:

critical care, in relation to a patient, has the same meaning as it has in the "NSW Department of Health – DOHRS" issued by the Department of Health in June 2000 or in any subsequent revision of that document issued by that Department.

metropolitan (non-referral) hospital means a public hospital classified as a metropolitan (non-referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

metropolitan (referral) hospital means a public hospital classified as a metropolitan (referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

non-metropolitan hospital means a public hospital classified as a non-metropolitan hospital in an order published in the Gazette by the Director-General of the Department of Health.

other public hospital means a public hospital other than a metropolitan (non-referral) hospital, a metropolitan (referral) hospital, a non-metropolitan hospital or a psychiatric hospital.

outpatient means a patient who does not undergo a formal admission process.

psychiatric hospital means a public hospital classified as a psychiatric hospital in an order published in the Gazette by the Director-General of the Department of Health.

public hospital means a public hospital within the meaning of section 59 of the Act.

Table

Fees for hospital patient services generally

<i>Column 1 Hospital classification</i>	<i>Column 2 Amount (\$)</i>
(1) Metropolitan (referral) hospital:	
(a) Critical care	2185 per day
(b) Other	880 per day
(c) Outpatient occasion of service (excluding physiotherapy)	100
(2) Metropolitan (non-referral) hospital:	
(a) Critical care	1,275 per day
(b) Other	660 per day
(c) Outpatient occasion of service (excluding physiotherapy)	80
(3) Non-metropolitan hospital:	
(a) Critical care	1,010 per day
(b) Other	610 per day
(c) Outpatient occasion of service (excluding physiotherapy)	65
(4) Psychiatric hospital:	
(a) Inpatient	370 per day
(b) Outpatient occasion of service (excluding physiotherapy)	65
(5) Other public hospital:	
(a) Inpatient	205 per day
(b) Outpatient occasion of service (excluding physiotherapy)	65

6. Fees for brain injury rehabilitation services

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being brain injury rehabilitation services within a classification specified in Column 1 of the Table to this clause, is the corresponding amount specified in Column 2 of that Table.

- (2) This clause does not apply to hospital treatment of a type referred to in clause 5, 7 or 8 of this Order.

- (3) In this clause and the Table to this clause:

Category A patient means a patient being assessed for or receiving active rehabilitation.

Category B patient means a patient receiving personal and nursing support who is resident in a brain injury program unit.

Category X patient means a patient needing an extremely high level of support.

metropolitan (non-referral) hospital means a public hospital classified as a metropolitan (non-referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

outpatient means a patient who does not undergo a formal admission process.

Table <i>Fees for brain injury rehabilitation services</i>	
Column 1 <i>Item/Hospital classification</i>	Column 2 <i>Amount (\$)</i>
(1) Admitted patient services:	
(a) Category A patient	925 per day
(b) Category B patient	590 per day
(c) Category X patient	1,315 per day
(2) Metropolitan (non-referral) hospital:	
(a) Category A patient	660 per day
(b) Category B patient	325 per day
(3) Non-admitted patient services	65 per half hour
(4) Outpatient medical clinic appointments	
(a) Medical consultation – initial assessment	220
(b) Medical consultation – follow-up assessment	110
(5) Group activities	
(a) directly supervised by qualified allied health clinician	40 per half hour
(b) not directly supervised by qualified allied health clinician	30 per half hour
7. Fees for spinal injury rehabilitation services	
(1) Spinal injury rehabilitation rates apply to services provided at Royal Rehabilitation Centre Sydney.	
(2) The rate for inpatient spinal injury rehabilitation services is that which applies for hospital patients in the metropolitan non-referral classification, that is \$660 per day.	
(3) The rate for outpatient/outreach spinal injury rehabilitation services is that which applies for Brain Injury Program non-inpatient services/outreach rate, that is, \$65 per half hour or part thereof.	
8. Fee amount payable for physiotherapy outpatient services	
(1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being physiotherapy services provided to the worker as an outpatient is according to the relevant Workers Compensation (Physiotherapy Fees) Order (Schedule B) in effect at the time.	
9. Charges for health records and medical reports	
(1) In this clause a health record means a document account, whether in hard or electronic form, of a workers health, illness and treatment during each visit or stay at a health service.	
(2) In relation to Categories A, B and C below the amount for which an employer is liable under the Act for charges within a Description specified in a Table to this clause is the corresponding amount specified in Column A of that Table.	
(3) In relation to Category D below the amount for which an employer is liable under the Act for charges for health records required to be produced by subpoena within a Description specified in the Table to Category D, is the corresponding amount specified in Column A of that Table.	
(4) The following are charges for health records and medical reports and are to apply except where rates are otherwise provided under specific legislation.	

Table <i>Charges for medical reports</i>	
Description	Column A
(1) Preparation of a medical report by a medical practitioner appointed to or employed by the health institution/hospital requiring no further examination of the patient. This applies to the treating medical practitioner or a medical practitioner who has not previously treated the patient.	\$250
(2) A report made by a treating medical practitioner appointed to or employed by the health institution/hospital where a re-examination of the patient is required. The fee includes the cost of examination.	\$360
(3) A report made by a medical practitioner appointed to or employed by the health institution/hospital who has not previously treated the patient where an examination is required. The fee includes the cost of examination.	\$650
(4) Preparation of a report by an allied health professional, other than a medical practitioner, appointed to or employed by the health institution/hospital	\$250

B – Other charges

- 1 (a) Charges for clinical notes requested by an injured worker or a person acting on behalf of the injured worker

An injured worker may apply for access to their own personal health information held by a public health organisation, by contacting the medical records department for that organisation. In addition, the Freedom of Information Act 1988 and the Health Records and Information Privacy Act 2002 provide statutory rights for individuals to apply for access to information held about them.

These laws allow other persons to apply for access to an injured worker's personal health information on behalf of the injured worker and with their consent, such as a solicitor, interpreter or employer. Alternatively where the injured worker lacks capacity to consent or is deceased a person who is the authorised representative of the injured worker can apply for access to the injured worker's health information.

Copies of clinical notes supplied in response to a request may typically include, as a minimum: patient registration/front sheet, consent to treatment, discharge summary, referral/transfer letters, ambulance report, continuation notes, operation reports (including anaesthetists' and nursing reports), radiology and pathology reports, and nursing care plans. Where additional information is held by a hospital but not routinely released, the person making the request should be made aware that such additional information exists but has not been supplied. A further request for such additional information should be considered as forming part of the original request and no additional charge (other than photocopying, where appropriate) should be raised.

- 1 (b) Charges for information requested by an insurer

Health facilities should not provide clinical notes or photocopies of notes to the insurer, but may supply a "Medical Report" or "Summary of Injuries" (Category A or C) if provided with a Statutory Declaration signed by

the claimant or a declaration signed by the claimant on the Workers Compensation Claim Form. Such reports should only provide information relevant to the claim. This will necessitate the insurer detailing the nature of the claim. Health facilities will be required to exercise their judgement in determining what is relevant information.

If clinical notes, or part of the clinical notes, are requested by an insurer, the insurer should be requested to provide written consent from the patient stating that the patient:

- agrees to allow the insurer to have a copy of all or part of the clinical notes, and
- the patient is aware that clinical notes, or part of the clinical notes, will inevitably include confidential medical information which is irrelevant to the claim.

In the absence of clearly documented written consent, as detailed above, hospitals are not required to provide clinical notes to insurers.

Charges in respect of paragraphs 1 (a) and 1 (b) above

The charge applicable in respect of paragraphs 1 (a) and 1 (b) (except requests under FOI), which includes search fees, photocopying charges, labour costs, administrative charges and postage, is as follows:

<i>Description</i>	<i>Column A</i>
Provision of a copy of the medical record, or part thereof, eg continuation notes, pathology reports, charts. Maximum eighty pages	\$30
Pages in excess of eighty (per page)	\$0.30

2 Search fees – other than requests made by a party concerned with a patient's continued treatment or future management.

The search fee should be charged:

- for searching for the medical record, irrespective of whether the medical record is found. If however, the Patient Master Index (PMI) or other indexes showed that the patient was treated in that health institution but the record cannot be found because it has been destroyed, misplaced or lost, the fees should be refunded in full;
- where the applicant subsequently advises that a report/record is no longer required, or where a thorough search has ascertained that the patient has never attended that health institution for that particular episode of illness;
- for information on date or time of birth, including requests from the registry of Births deaths and marriages in relation to enquiries on hospitals to verify birth details;
- for Motor Accident and WorkCover medical certificates completed at other than time of consultation;
- NOTE – The search fee is a component of the fees charged for the preparation of reports, summaries or the production of health records required by subpoena, ie additional fees should not be charged on top of those for the preparation of reports, summaries and the production of health records required by subpoena.

The fee covers processing time which includes time for locating the information, decision-making and consultation where necessary.

Table
Charges for search fees

<i>Description</i>	<i>Column A</i>
Search fees – other than requests made by a party concerned with a patient's continued treatment or future management.	\$30

C – Summary of injuries

A "Summary of Injuries" is generally requested by Compulsory Third Party Insurers for patients whose fees are covered by the Bulk Billing Agreement.

The "Summary of Injuries" should include:

- Identifying information (name, date of birth, medical record number)
- Date of first attendance,
- Whether patient was admitted. If so, specify dates,
- Positive findings on examination,
- Level of consciousness, if documented,
- Diagnosis, if known.

A standard form letter may be appropriate.

If a discharge summary, or appropriate correspondence that provides this minimum information, is available at the time of the request, a copy of this may be sufficient. Should further information be required, the appropriate report charge as specified in Sections A or B should be raised. There is no requirement to provide the full clinical notes to third party insurers.

The purpose of the "Summary of Injuries" in relation to the bulk-billing agreement is to establish that the admission occurred as a result of a motor vehicle accident.

If the information contained in the "Summary of Injuries" is insufficient or unavailable and a medical practitioner (or other treating health professional, where appropriate) is required to prepare a report, charges for a medical report (or report by a treating health professional) should be raised.

Health Information Managers should consult with the requesting solicitor/insurer/ other party to determine which is required before a fee is raised or report is prepared.

Table
Charges for preparation of "Summary of injuries"

<i>Description</i>	<i>Column A</i>
Preparation and/or provision of "Summary of injuries"	\$30
Goods and Services Tax (GST) in relation to Sections A, B & C (above)	

Charges relating to categories A, B and C (above) are taxable supplies (ie subject to GST) unless deemed GST-free under the provisions of the Goods and Services Tax Act. The criteria to be followed by the Area Health Services/ Hospitals assess the GST status by applying certain tests. Where the service is determined as being 'GST-free' the rates as advised by this Order apply. Where the GST free tests are not satisfied the service is therefore a taxable supply (subject to GST) and the rates as advised in this Order are to be grossed-up by 10%.

D – Health records required to be produced by subpoena

This refers to the retrieval of all the information required by the schedule noted on the subpoena and forwarding it to Court.

- Multiple requests on a subpoena should be charged on a fee-per-patient basis.
- In a situation where no record is found, it is appropriate to raise a Search Fee for each record, particularly in situations where incorrect details are given or "blanket" subpoenas are issued and considerable time is spent in locating the record. However, if the PMI or other indexes shows that the patient was treated in that health institution but the record cannot be found because it has been destroyed, misplaced or lost, the search fee should not be charged.
- Charges under this category are not subject to GST as they are 'out of scope' under a Division 81 Determination.

Table
*Charges for health records required to be
produced by subpoena*

<i>Description</i>	<i>Column A</i>
(1) Where at least 5 working days notice is given for the production of the record to Court * plus a photocopying charge of \$0.30 per page	\$55*
(2) Where less than 5 working days notice is given * plus a photocopying charge of \$0.30 per page	\$85*

E – Administrative procedures

1. Policies and procedures regarding access to health records and disclosure of personal information should be made in accordance with the NSW Health Privacy Manual Version 2.
2. Applicants should be asked to put all requests in writing and to provide as much information as possible. A patient's solicitor should include consent by the patient for access to personal records as detailed in the Information Privacy Code of Practice.
3. Where the original of a health institution's health record leaves the institution (e.g. health records being tendered to a Court under subpoena), a copy of those records should generally be made beforehand and kept in the institution.
Charges for photocopying should be charged at the appropriate per page rate. This charge does not apply to Coronial or Complaints Unit cases.
4. Charges should be collected in advance, where appropriate. For government departments, reimbursement may be sought subsequently from the relevant department or authority. Even where health records are required to be produced by subpoena, payment should still be sought in advance. It is emphasised that a hospital or organisation is expected to comply in due time with the requirements of a subpoena. Non-compliance may result in contempt of Court, which is punishable by fine or in certain cases imprisonment.
5. It may be decided that an examination of the patient (by either the treating medical practitioner or a medical practitioner who has not previously treated the patient) is required. Under such circumstances, the applicant

should be asked to pay the balance of the money for the higher fee before proceeding with the request.

6. Fees collected are to be recorded as revenue in the General Fund.
 7. Where there are disputes regarding fees or the amount of information, attempts should be made to resolve the matter between the parties involved. This would normally involve the Chief Health Information Manager and/or the General/Medical administration of the health facility.
- F – Circumstances under which a charge should not be raised
1. When the request has been made by a party concerned only with the patient's continued treatment and/or future management, no charge should be raised (e.g. where a medical practitioner requests information from a health institution to assist him/her with that patient's treatment);
 2. The Fund Managers, or solicitors acting for the Fund Managers in such matters, in respect of claims for workers compensation for employees of Public Hospitals, Public Psychiatric Hospitals (former 5th Schedule hospitals), the NSW Ambulance Service and the NSW Department of Health. Health facilities should ensure that solicitors acting for GIO, EML or Allianz specify in writing this is the case.
 3. Medical Services Committees of Inquiry established by the Commonwealth Government for purposes of detecting fraud and controlling over servicing;
 4. The Department of Community Services or the Police in respect of children suspected of being abused, or of a parent of a child so suspected;
 5. The completion of medical certificates at the time of consultation – no charge should be made as the forms for motor accident and WorkCover certificates are in the nature of a certificate and not a report. If not completed at the time of consultation, a search fee may be raised.

G – Circumstances under which charges should be raised

In all cases where the conditions in Section F have not been met including:

1. When medical reports/records are requested by individuals, solicitors, insurance companies, and government departments (with the exception of those indicated in Section F) for purposes other than the patient's continued treatment or future management.
2. The Department of Veterans' Affairs and the Department of Social Security for the purpose of pension/benefits assessment;
3. Interstate Health Authorities in respect of the eligibility of candidates for appointment to the relevant Public Service.
4. NSW Compulsory Third Party Insurers, in respect of a "Summary of Injuries". (Refer to Section C).
5. Discharge summaries requested by health professionals not involved in the care or management of the patient (past, present or future). This includes health professionals employed by insurers.
6. Release of information under the NSW Adoption Information Act, 1990. Charges should be raised in accordance with Guideline GL2005_055 or any circular subsequently amending its provisions.

SCALE OF ALLOWANCES PAID TO WITNESSES

I, John Hatzistergos, Attorney General, have approved the repeal of the scale of allowances to witnesses attending (1) criminal trials at the Supreme Court and the District Court, and (2) Local Courts, Licensing Courts and Coroner's Courts, as published in the *Government Gazette*. In its place, I have approved a fresh scale of allowances, as shown in the attached Schedule. The new rates are to take effect from 1 July 2008.

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

SCHEDULE

Scale of Allowances to:

- (a) All Crown witnesses and witnesses for the defence attending criminal trials at the Supreme Court and District Court of New South Wales (i) where such witnesses have been subpoenaed by the Crown to give evidence, or (ii) where legal aid has been granted, and
- (b) Witnesses requested or subpoenaed by the Director of Public Prosecutions or Police to attend at Local Courts, Licensing or Coroner's Courts in New South Wales.

These allowances apply to: (1) fees, loss of income, salary or wages, (2) meals, and (3) transport.

Fees, Loss of Income, Salary or Wages

- (a) Ordinary witnesses (being witnesses not specified in (b) below) –
Upon furnishing a certificate of loss of income, salary or wages, ordinary witnesses shall be entitled as follows:

	\$
(i) up to 4 hours loss of working time on that day, not exceeding	44.00 per day
(ii) more than 4 hours loss of working time on that day, not exceeding	88.40 per day
- (b) Experts summoned to give expert evidence –
 - (i) In respect of the period of absence from home, hospital, place of employment or other place in travelling to and from Court, and attendance at Court:

1. Fee for the first two hours or part thereof	94.80 per day
2. Fee thereafter for each additional half-hour or part thereof up to a maximum of \$185.60 per day	18.10 per half hour
 - (ii) IN ADDITION, where evidence is expert evidence, a fee of 12.30 per case

Meal Allowance

All Witnesses

- (a) For every meal taken while in attendance at or travelling to and from Court where no allowance is payable under (b) below *
- (b) Where the witness resides at such a distance from the Court that he/she cannot travel to and from the Court on the same day
 - (i) for each day of 24 hours: **
 - (ii) for any additional part of a day (based on the hourly rate applicable under (b) (i)): **
 - (iii) where the witness is absent from his/her residence overnight but for a period less than 24 hours he/she may be paid as for a full day.

Children aged 5 years and over to be paid meal allowance as in the case of adult witnesses.

No meal allowance to be paid to children under the age of 5 years.

Cost of Transport

All Witnesses

To be paid actual cost of fares paid by them in travelling by rail, bus, ferry or other available means of public transport to and from the Court at which they are required to attend.

Witnesses are not to be reimbursed the cost of travel by plane unless prior approval has been given to travel by this method.

If unable to travel by any available public transport, to receive for every kilometre travelled by own vehicle, the rate of: ***

Kilometrage to be paid in respect of one journey to and from the Court. Where a witness travels otherwise when transit by public transport is available such witness is to be paid only an amount equal to the cost of travelling by means of the available transport. Notwithstanding the foregoing, medical practitioners required to attend Court on successive days to give evidence shall be paid appropriate kilometrage in respect of each day of travel.

* This rate to vary as prescribed for Lunch in accordance with Clause 29 (3), Table 1 (Item No. 1), Part B-Monetary Rates to the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006. Variations to apply are from date specified in the Public Service Notices pending amendment of the relevant Award.

** These rates to vary in accordance with the rate prescribed in Clause 30(2)(a), Table 1 (Item No. 2), Part B-Monetary Rates to the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006. Variations to apply are from date specified in the Public Service Notices pending amendment of the relevant Award.

*** This rate to vary in accordance with the Casual rate for private motor vehicles with engine capacity over 2700 cc as shown in Table 1 (Item No. 6) Part B-Monetary Rates to Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006. Variations to apply are from date specified in the Public Service Notices pending amendment of the relevant Award.

NATIONAL PARK ESTATE (RESERVATIONS) ACT 2003, No. 24

Order to Exclude Certain Access Roads from Various National Parks, Nature Reserves and State Conservation Areas and to Reserve All Other Access Roads as Part of Various National Parks, Nature Reserves and State Conservation Areas

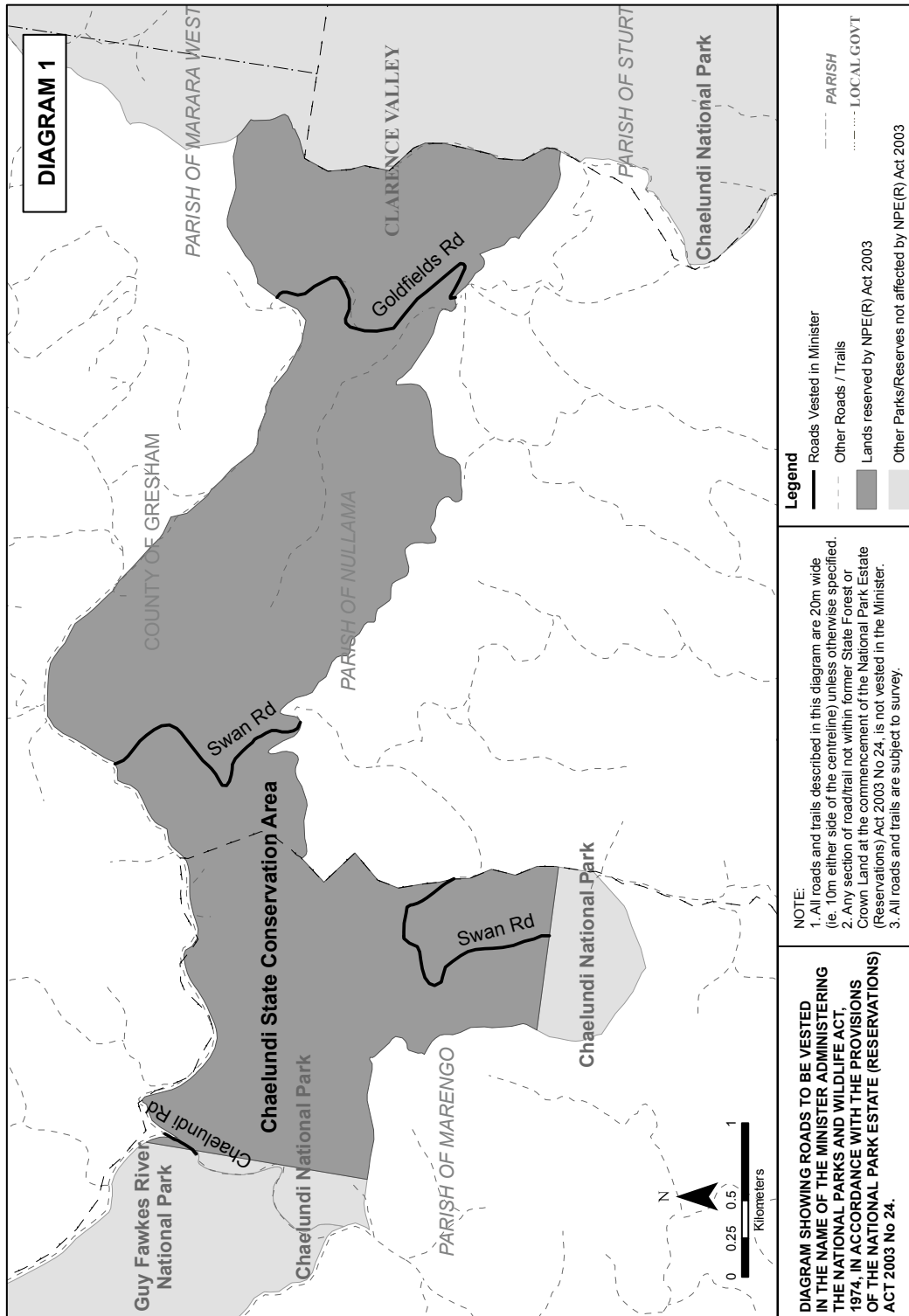
I, Verity Firth, Minister for Climate Change and the Environment, being the Minister administering the National Parks and Wildlife Act 1974, in accordance with the National Park Estate (Reservations) Act 2003 and with the concurrence of the Minister administering the Forestry Act 1916, by this my order declare, under Schedule 5 Clause 6 (7) (a) and (b):

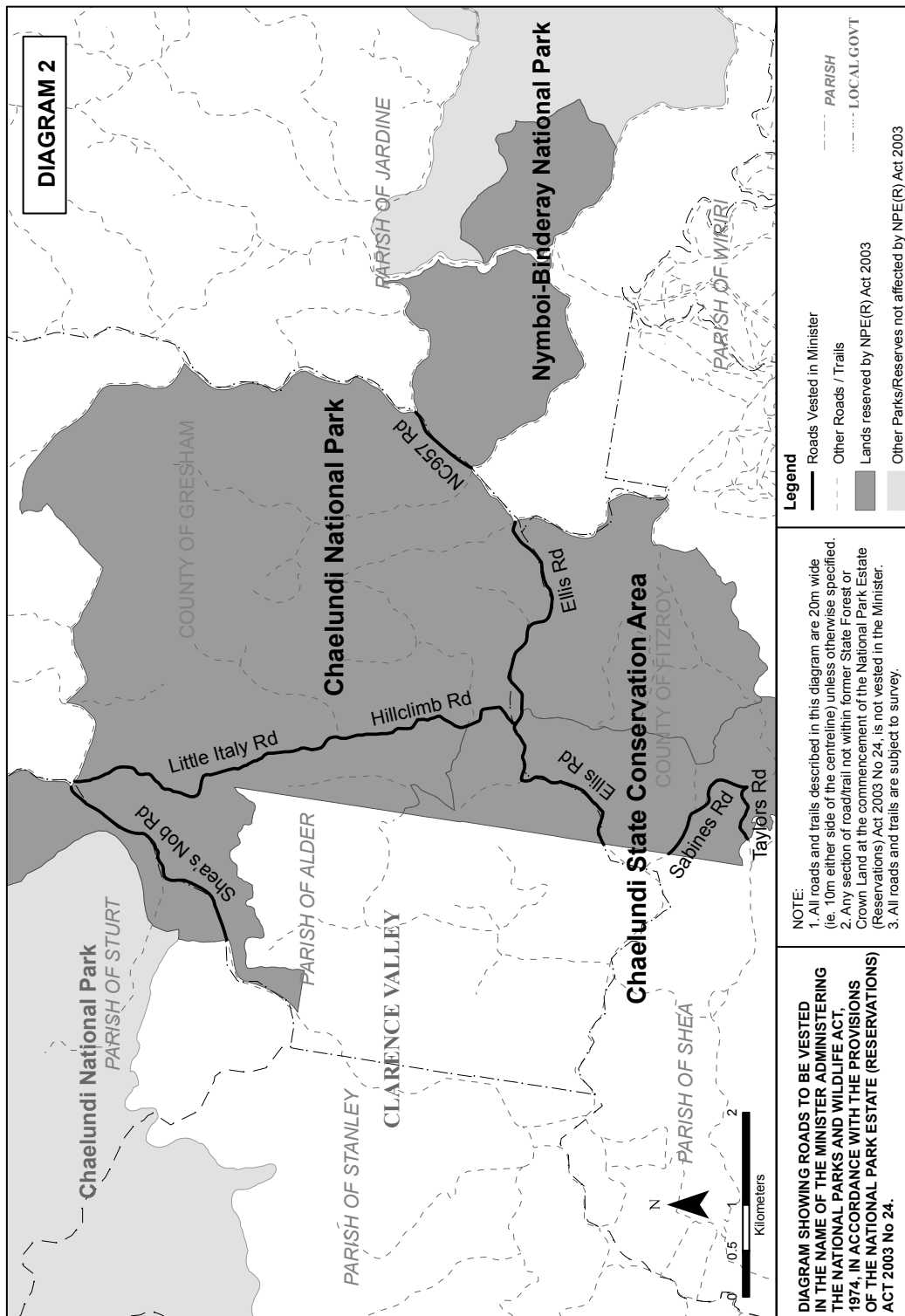
1. The access roads described in the Schedule hereunder are excluded from the reservation of the National Park, Nature Reserve or State Conservation Area and are vested in the Minister administering the National Parks & Wildlife Act 1974.
2. All other access roads not so excluded are reserved as part of the National Park, Nature Reserve or State Conservation Area.

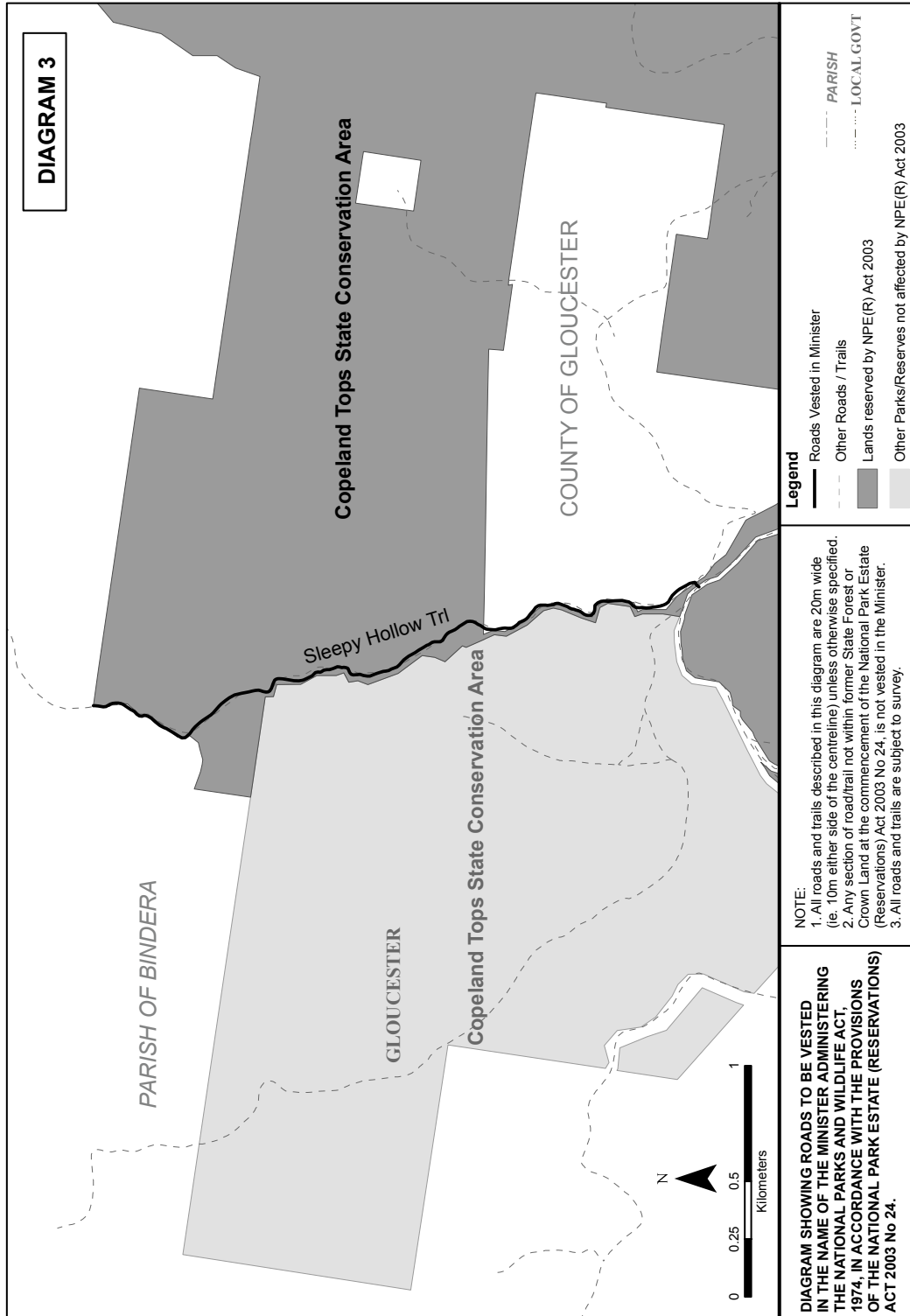
VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

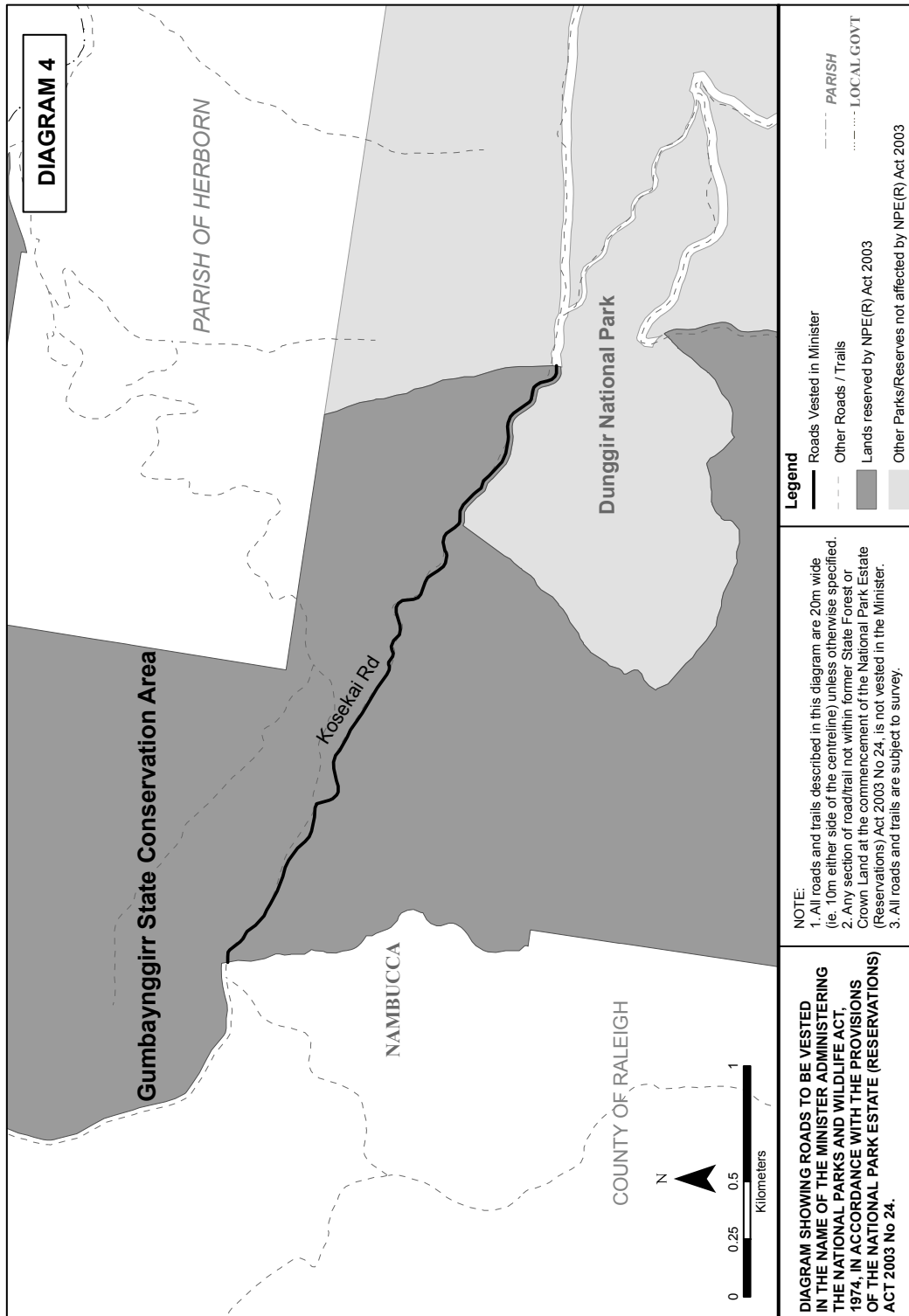
SCHEDULE

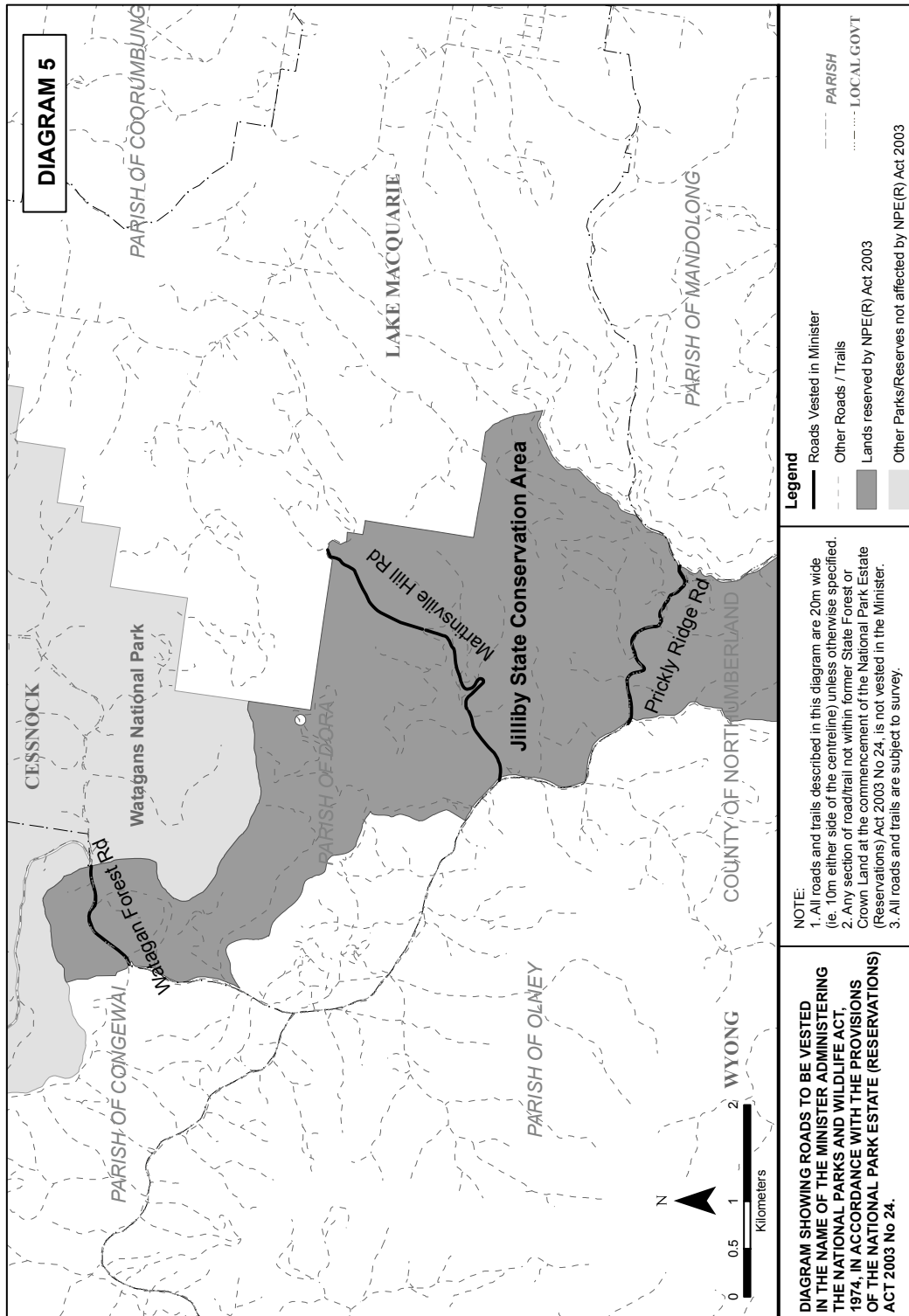
Being those areas shown by heavy black line in the following diagrams numbered 1 to 19. (DECC FIL 08/5540.)

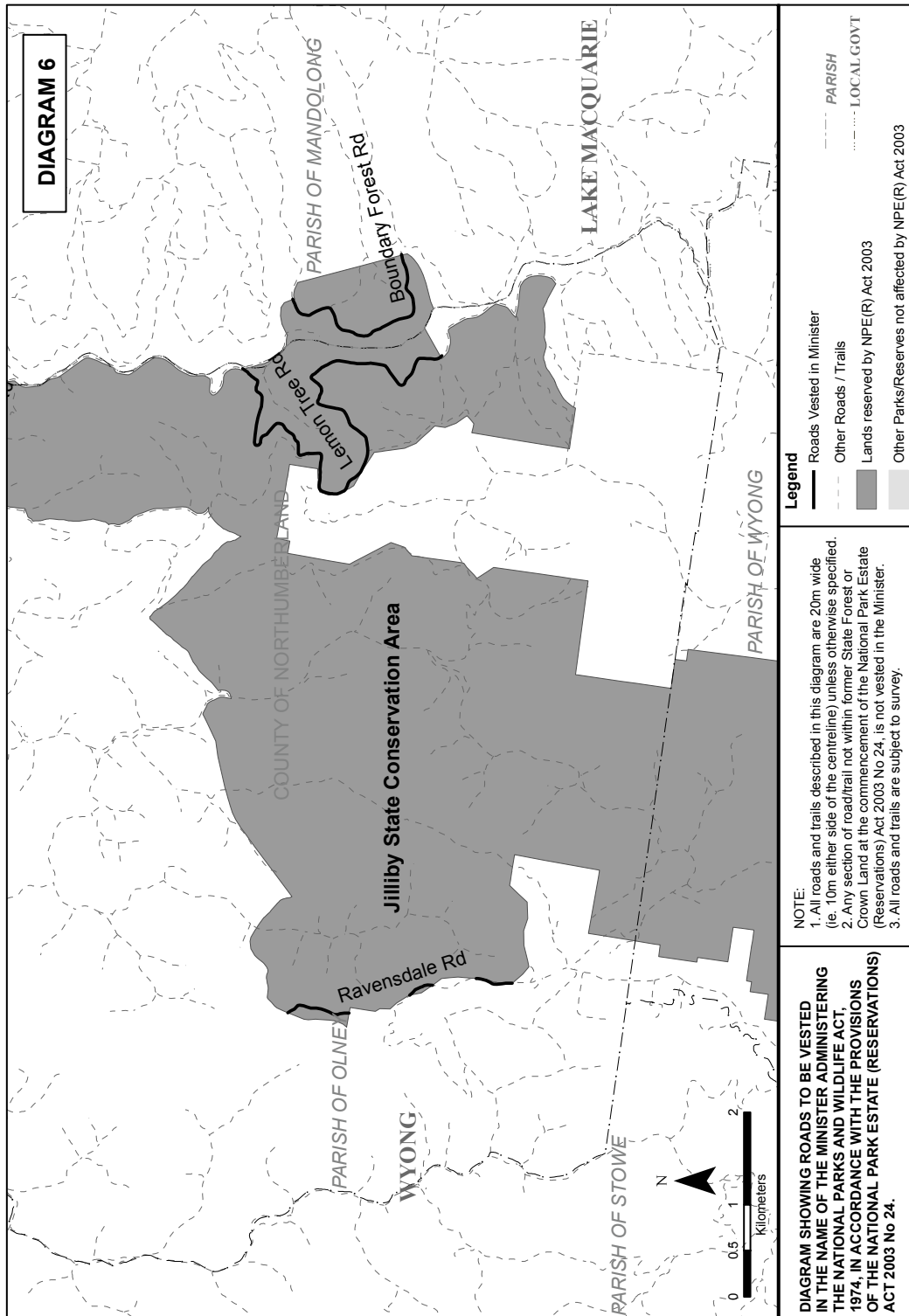


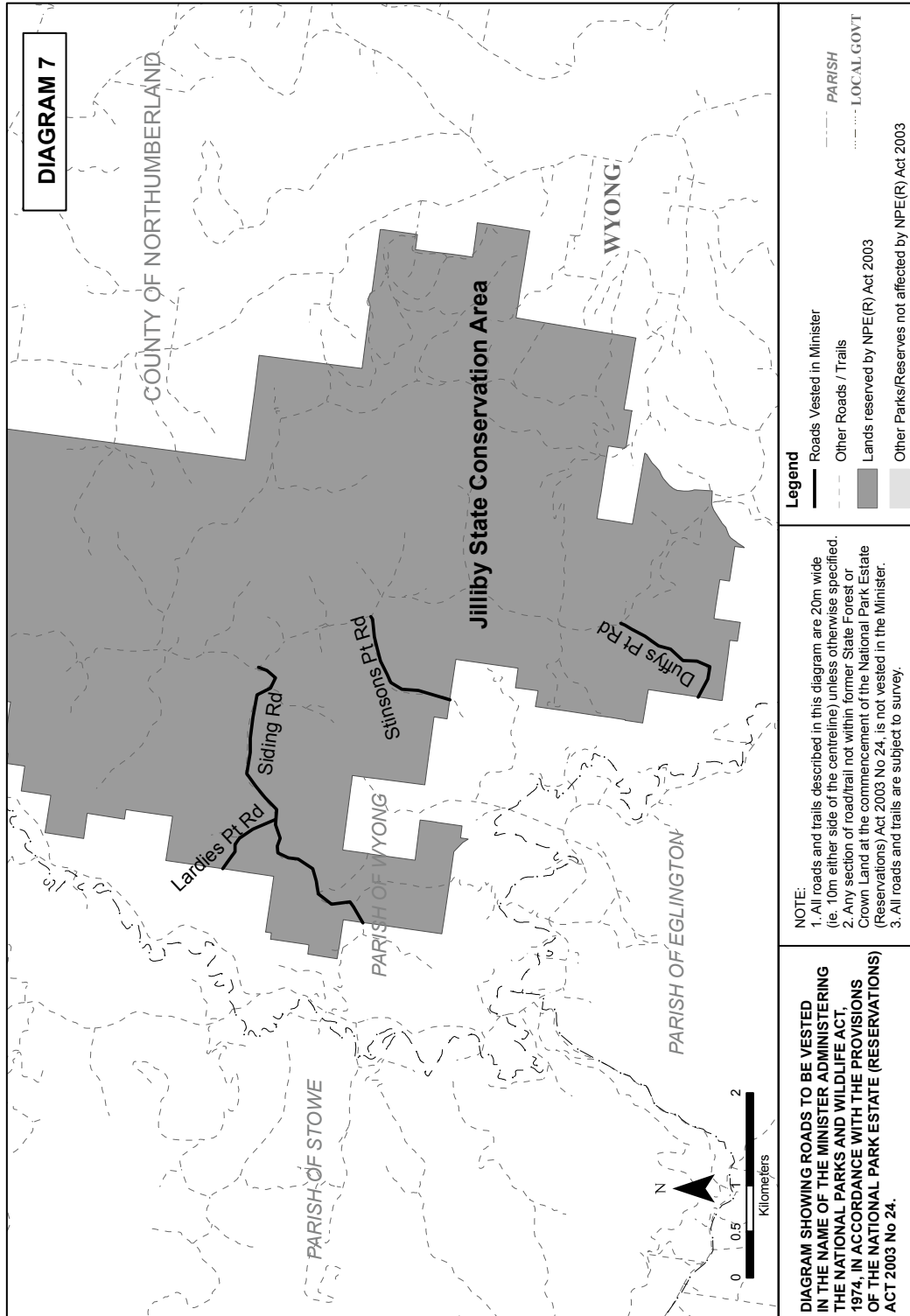


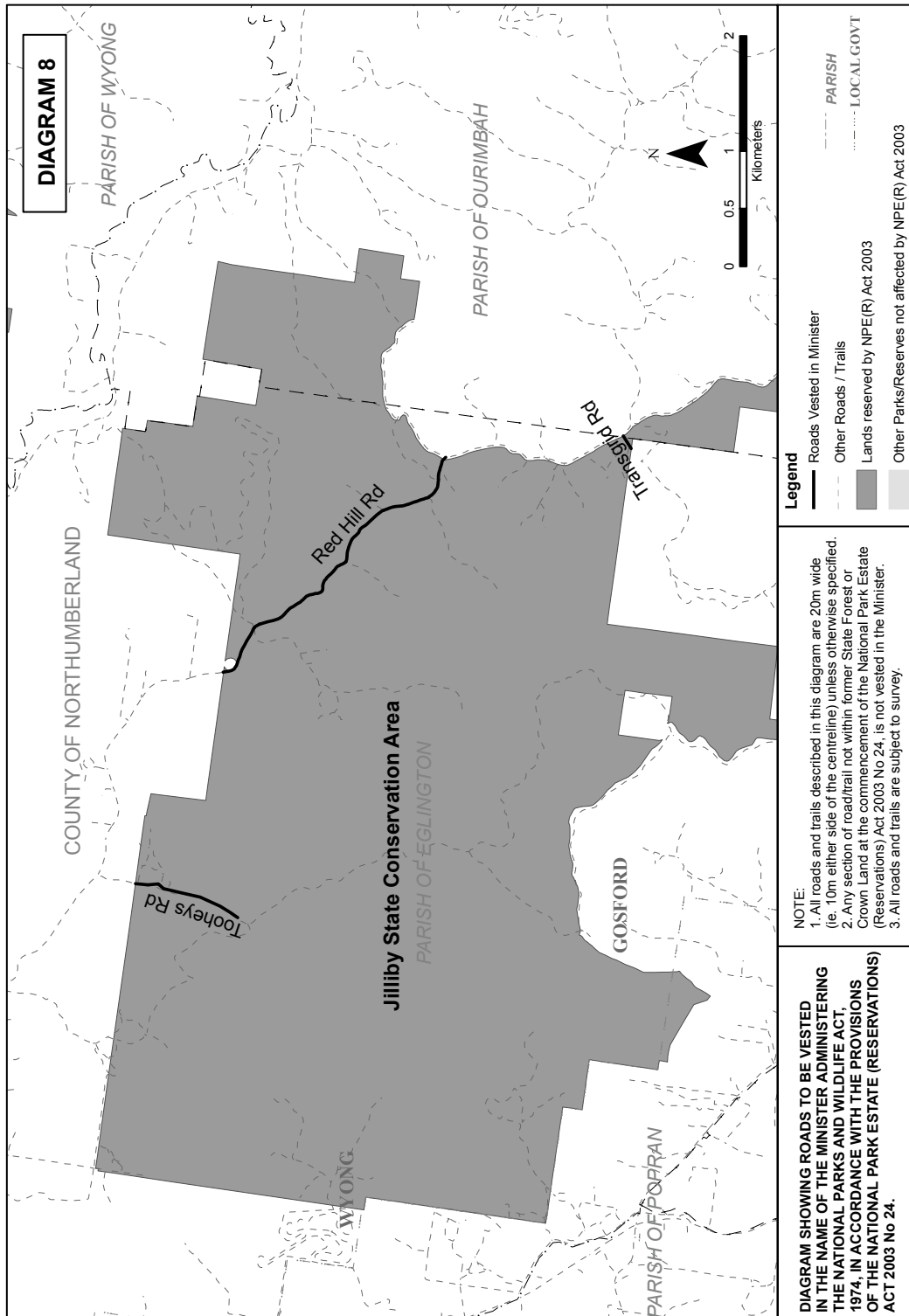


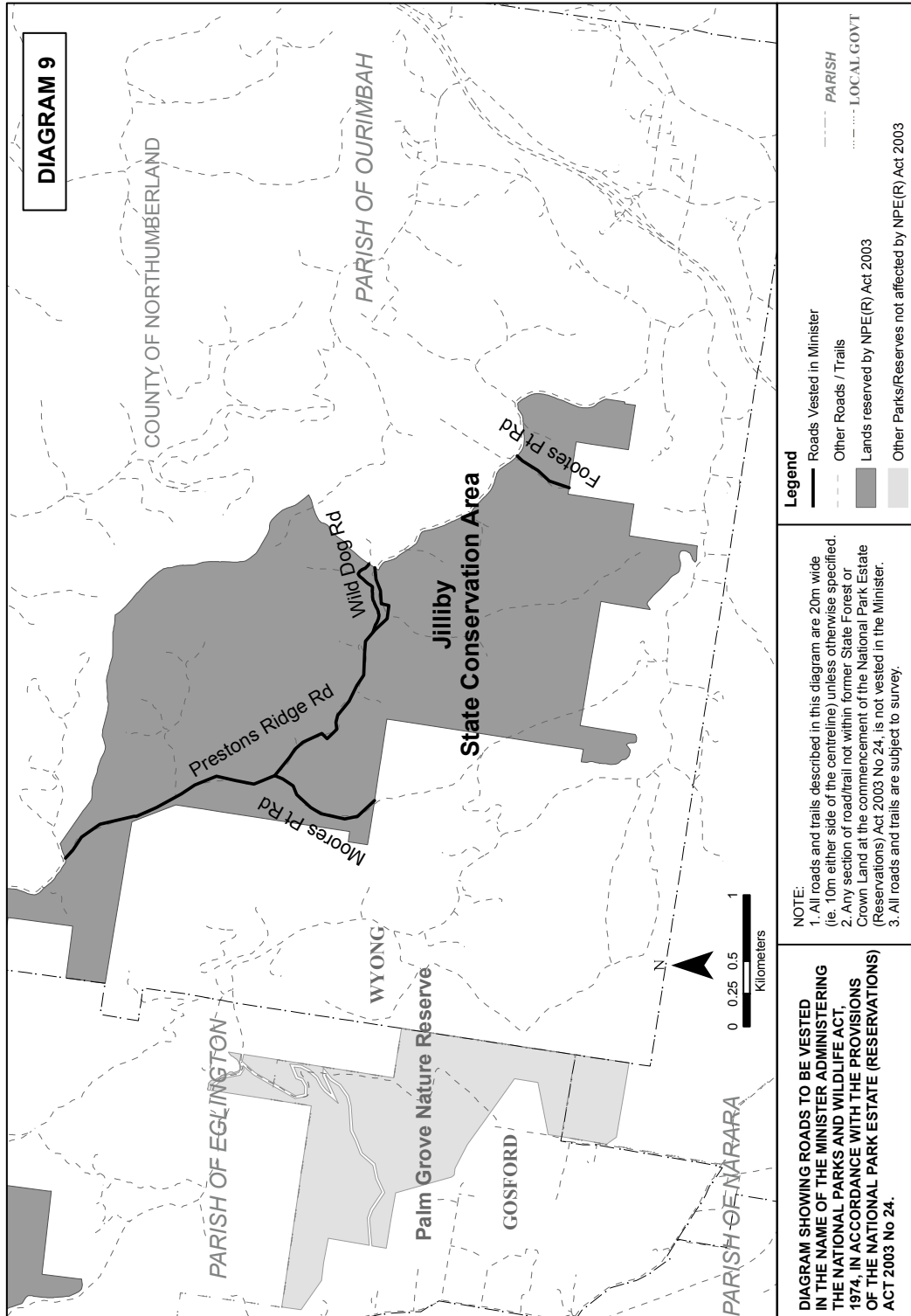


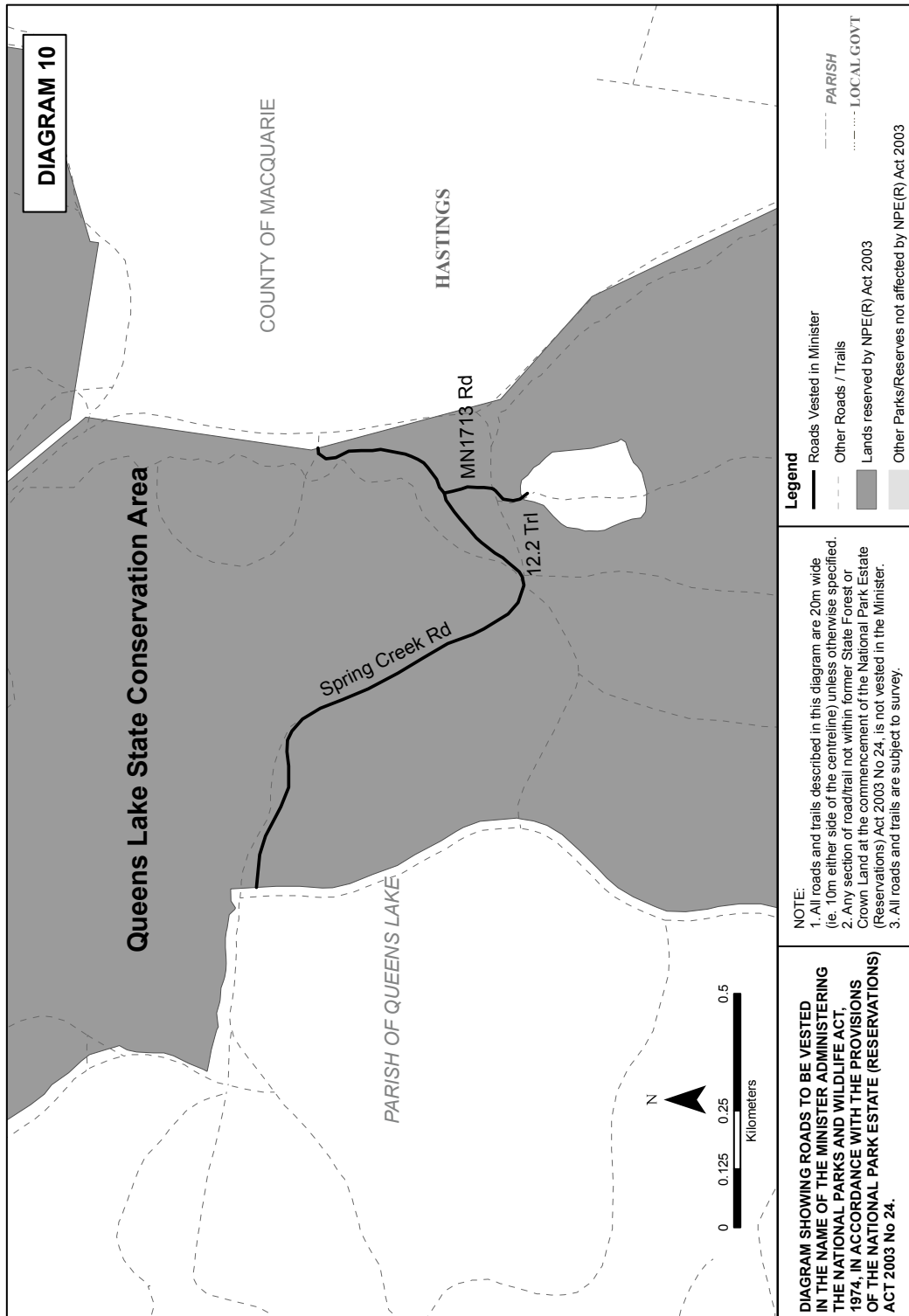


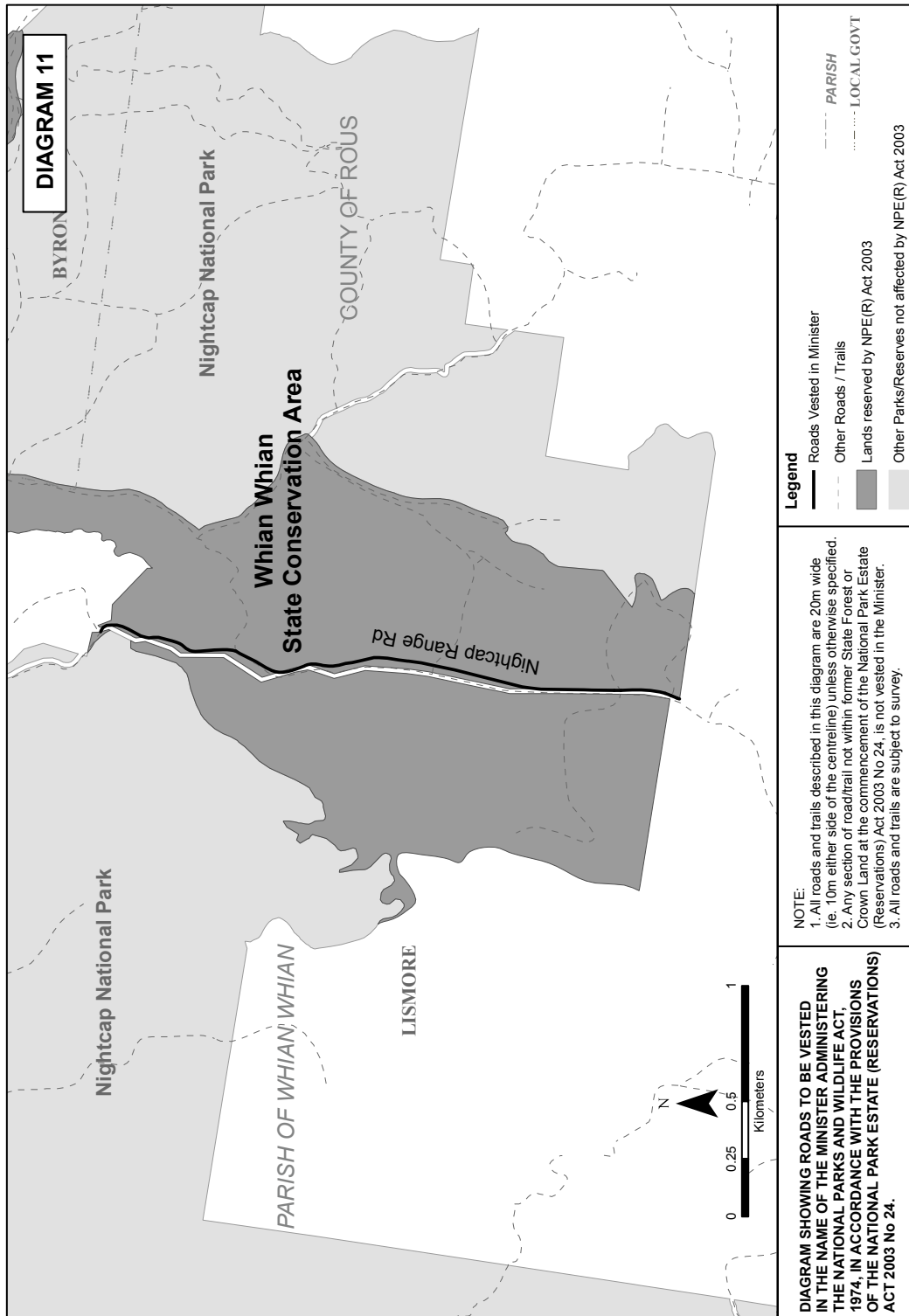


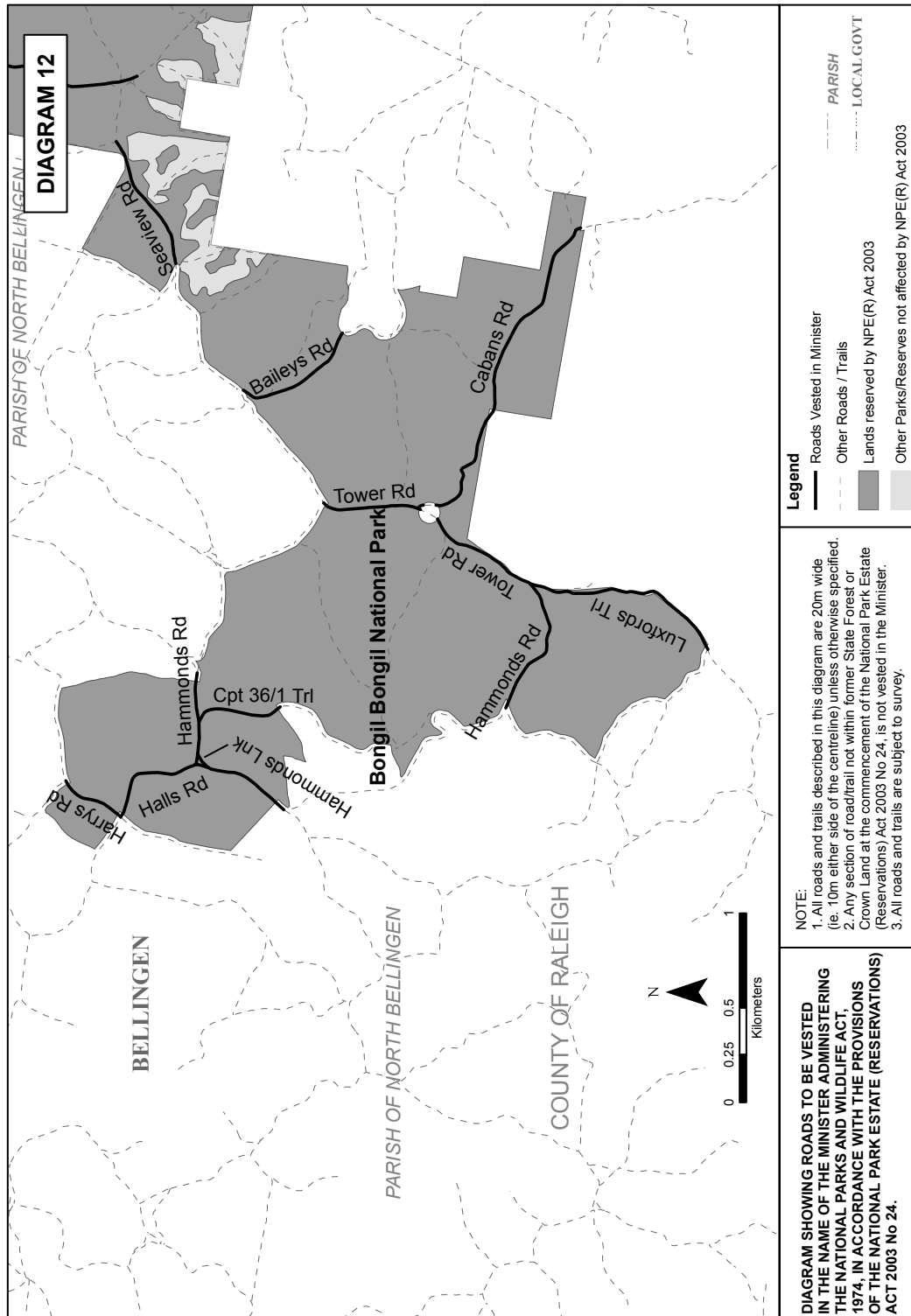


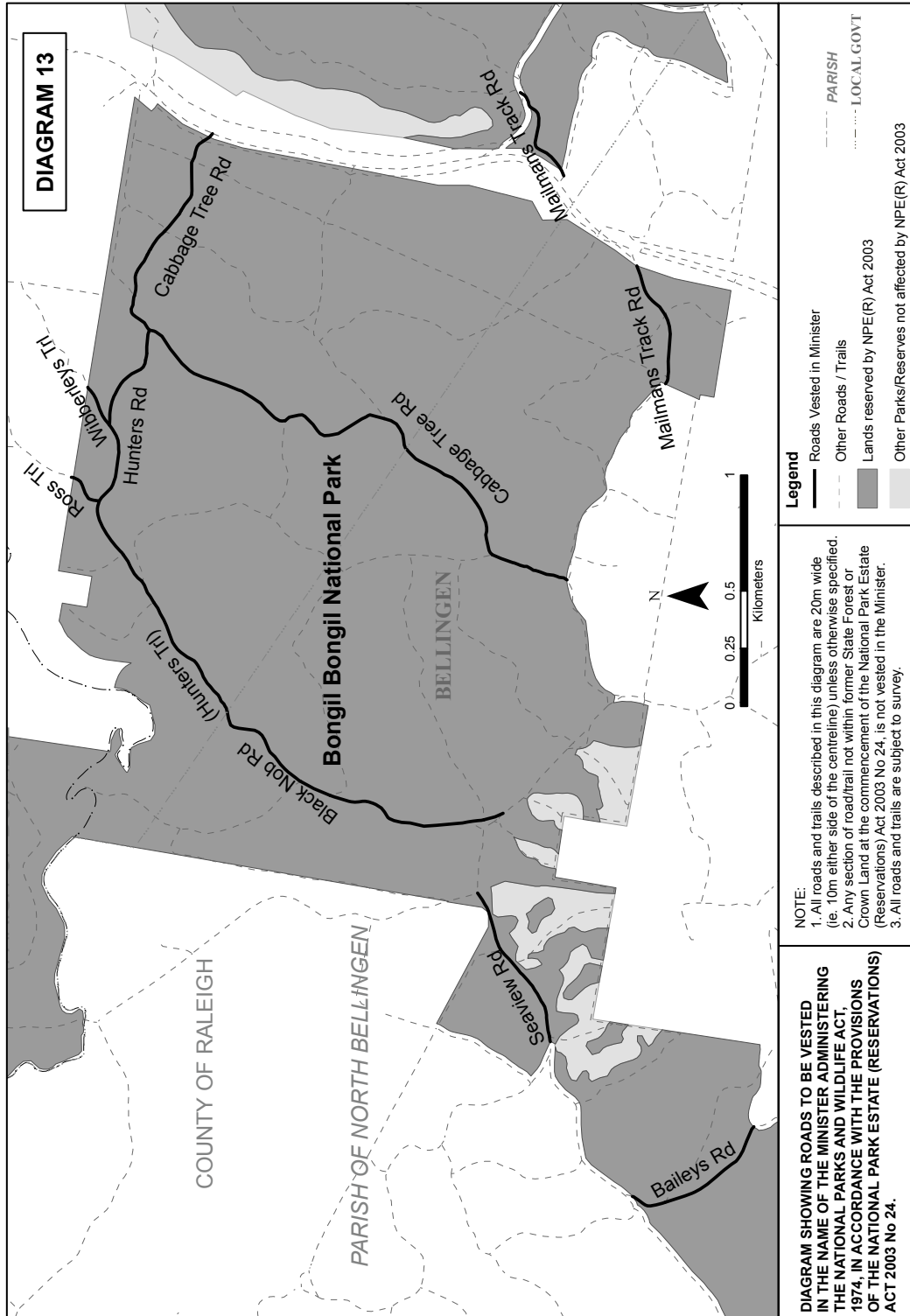


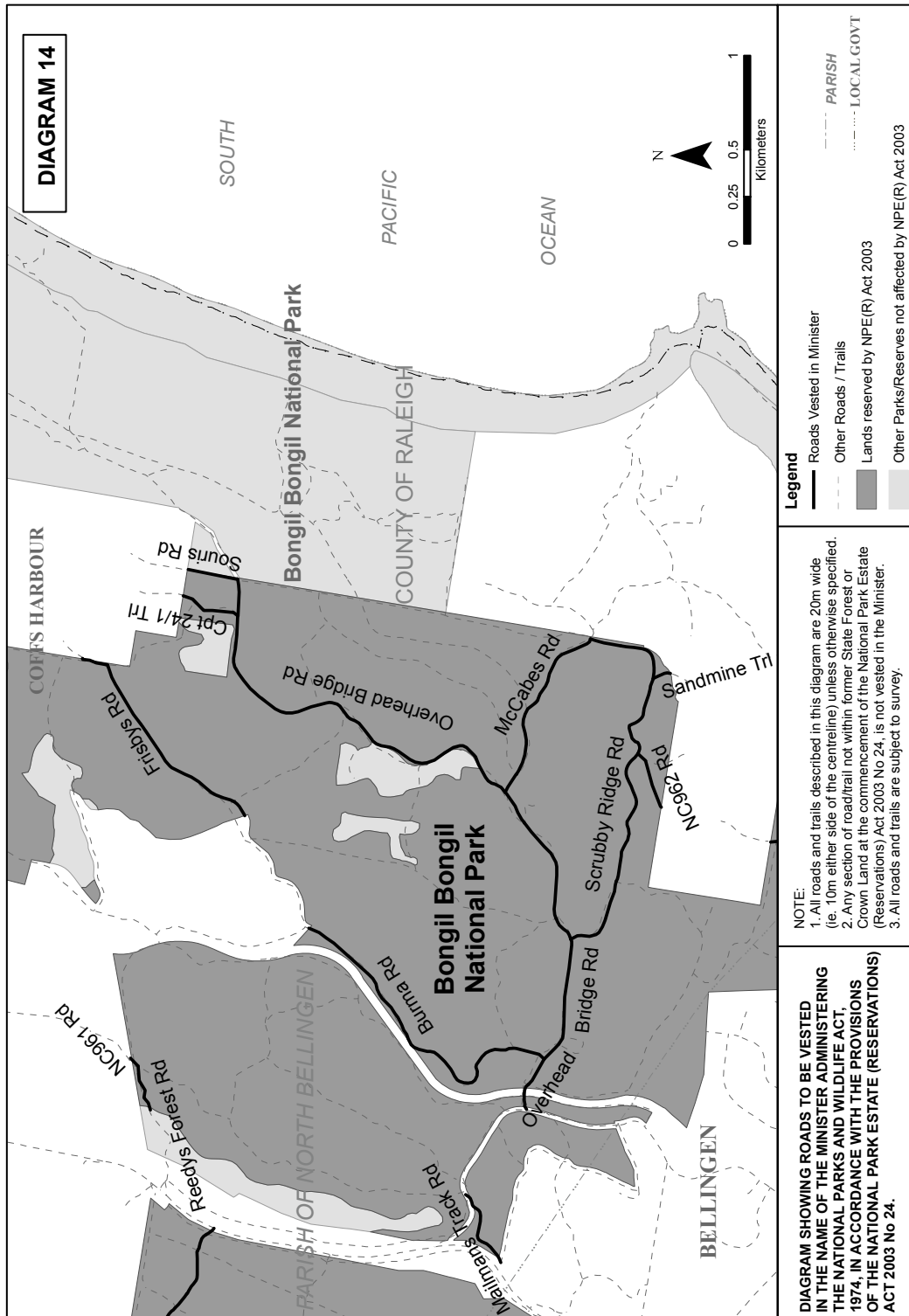


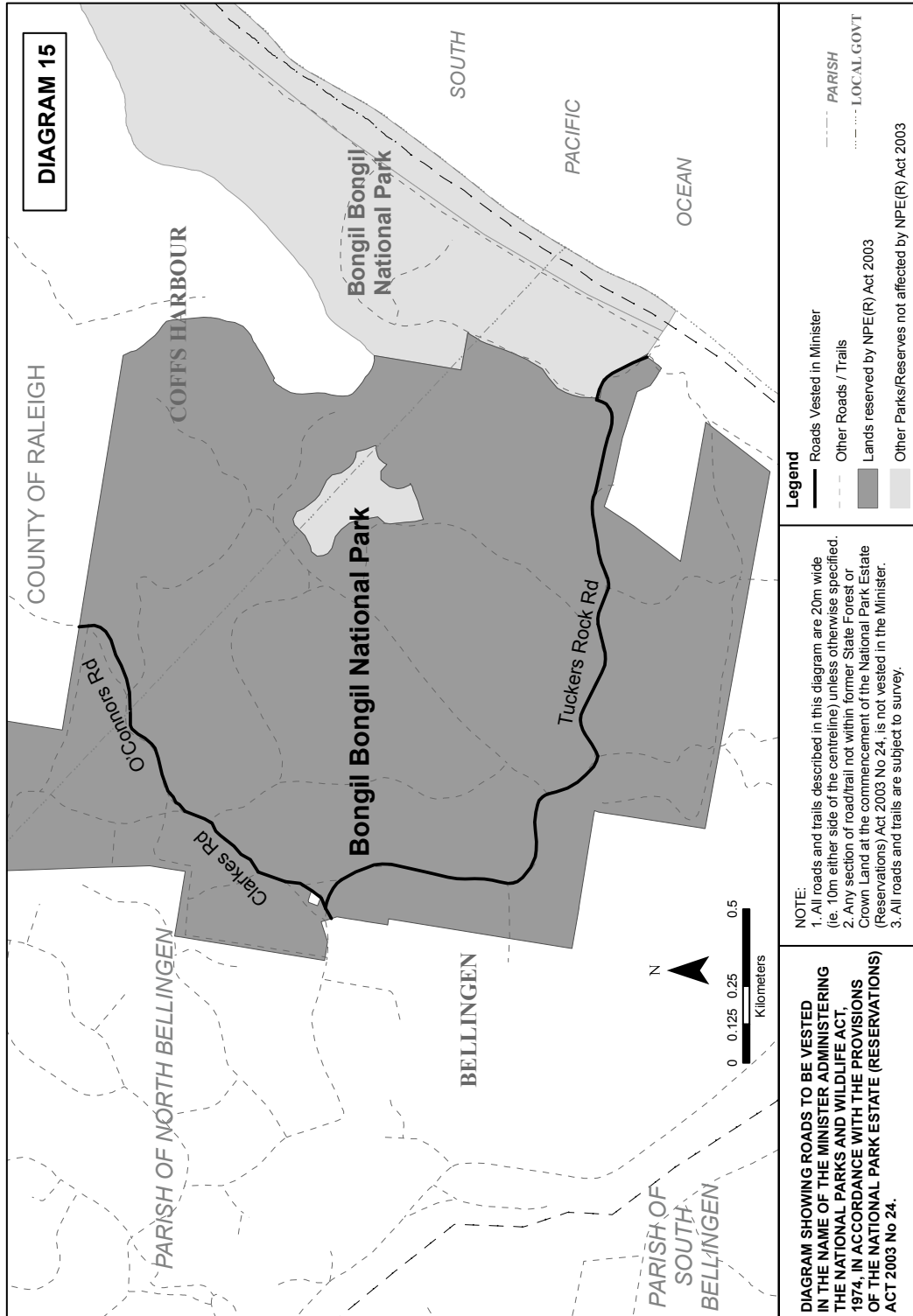


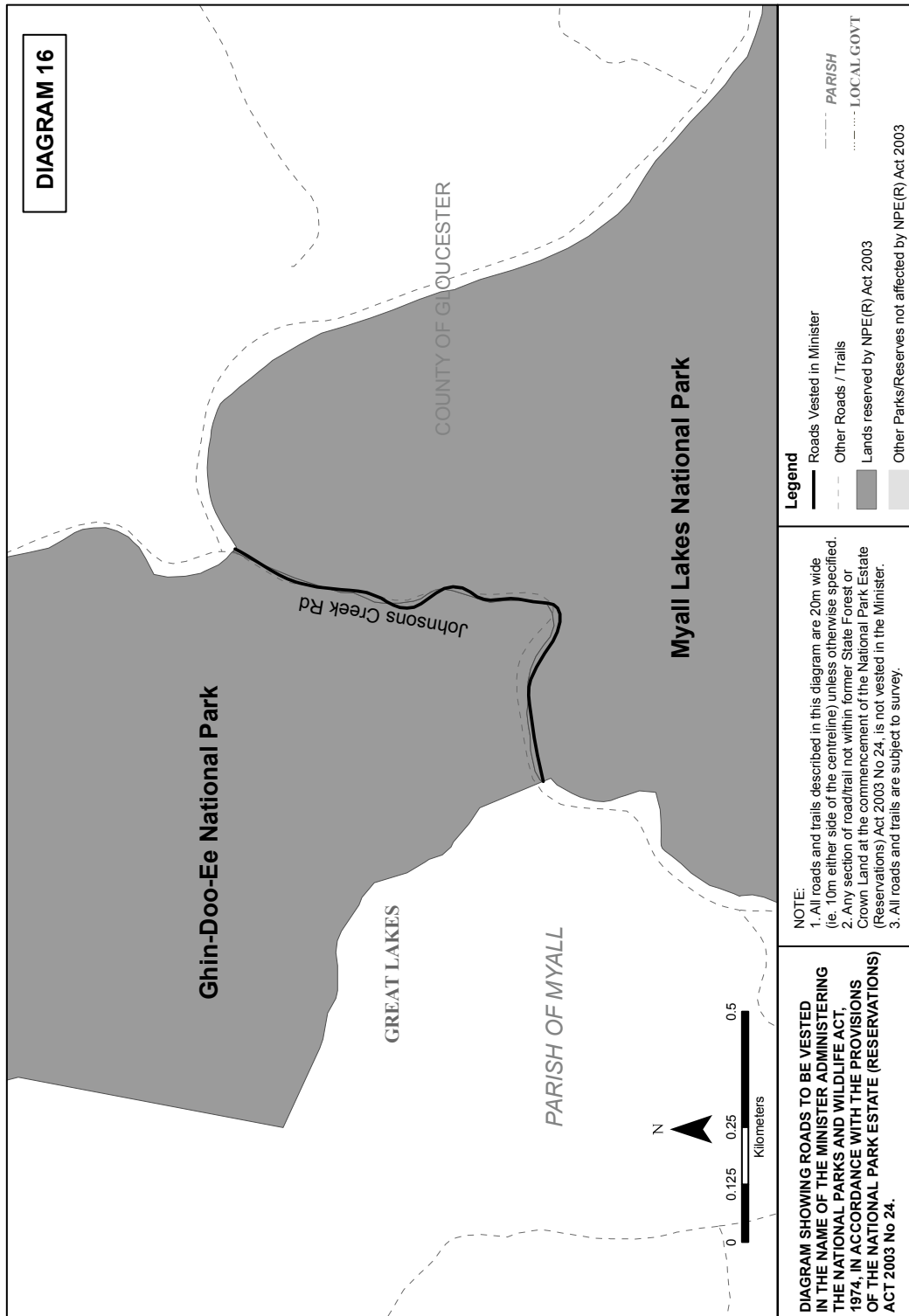












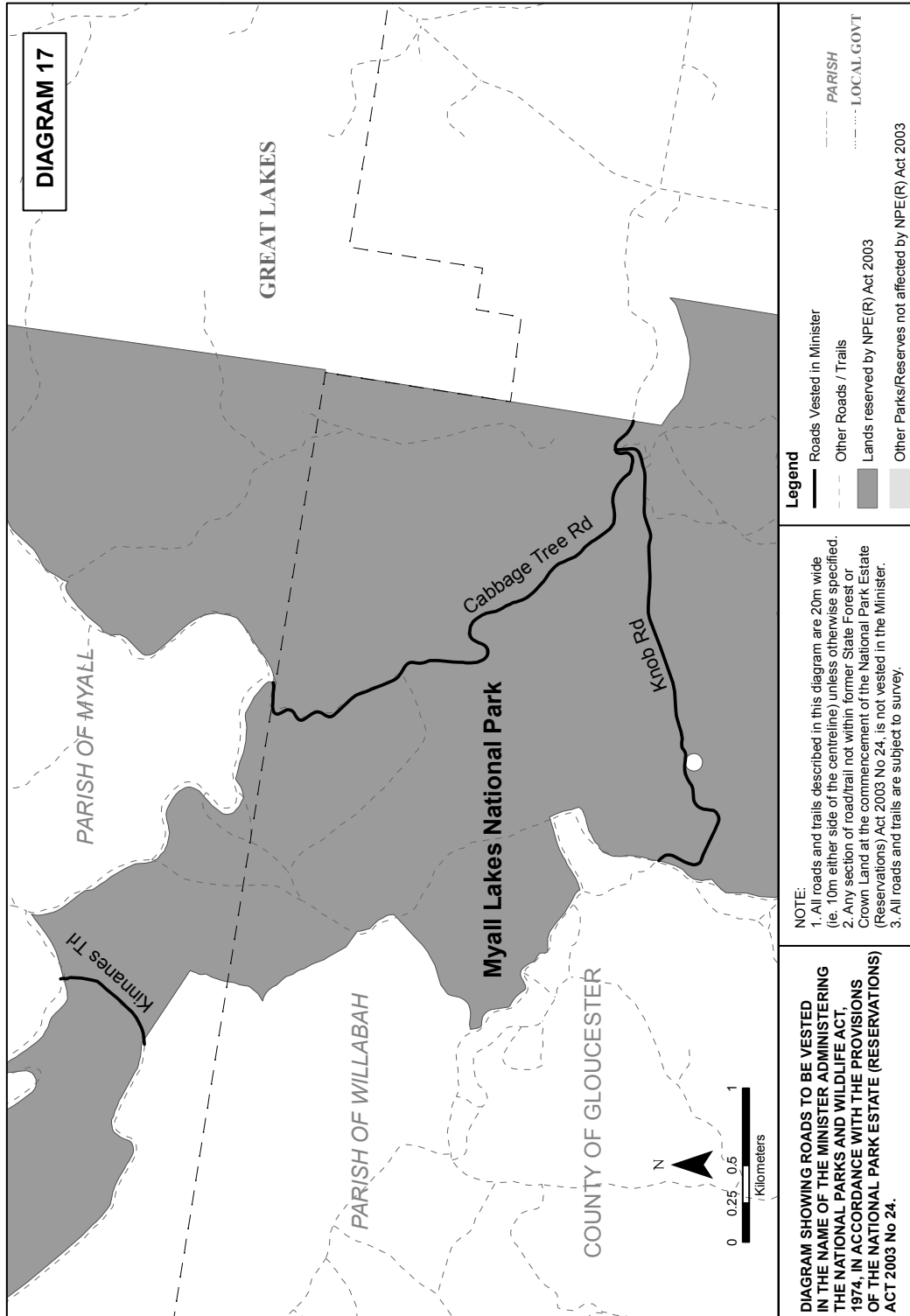


DIAGRAM 17

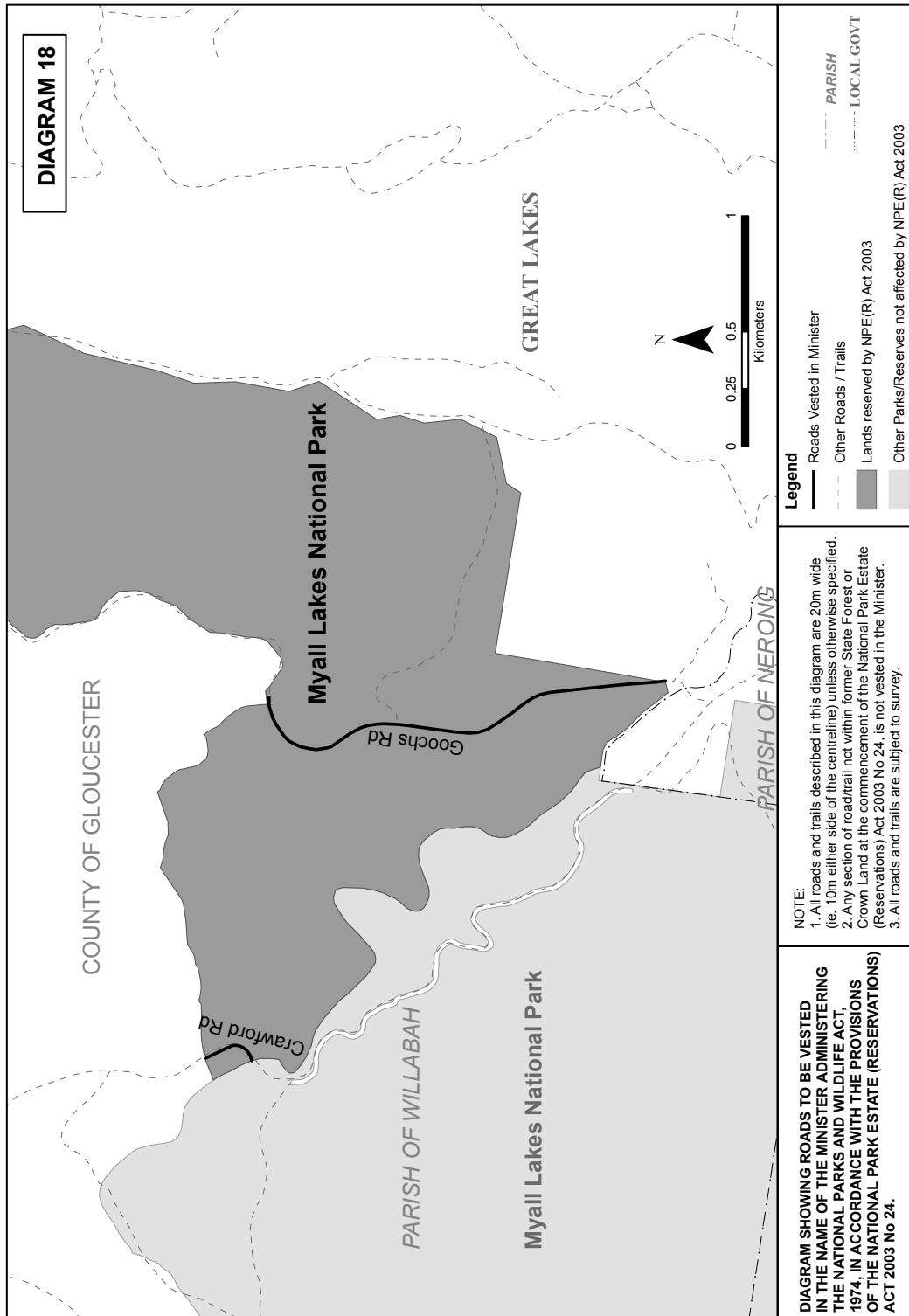
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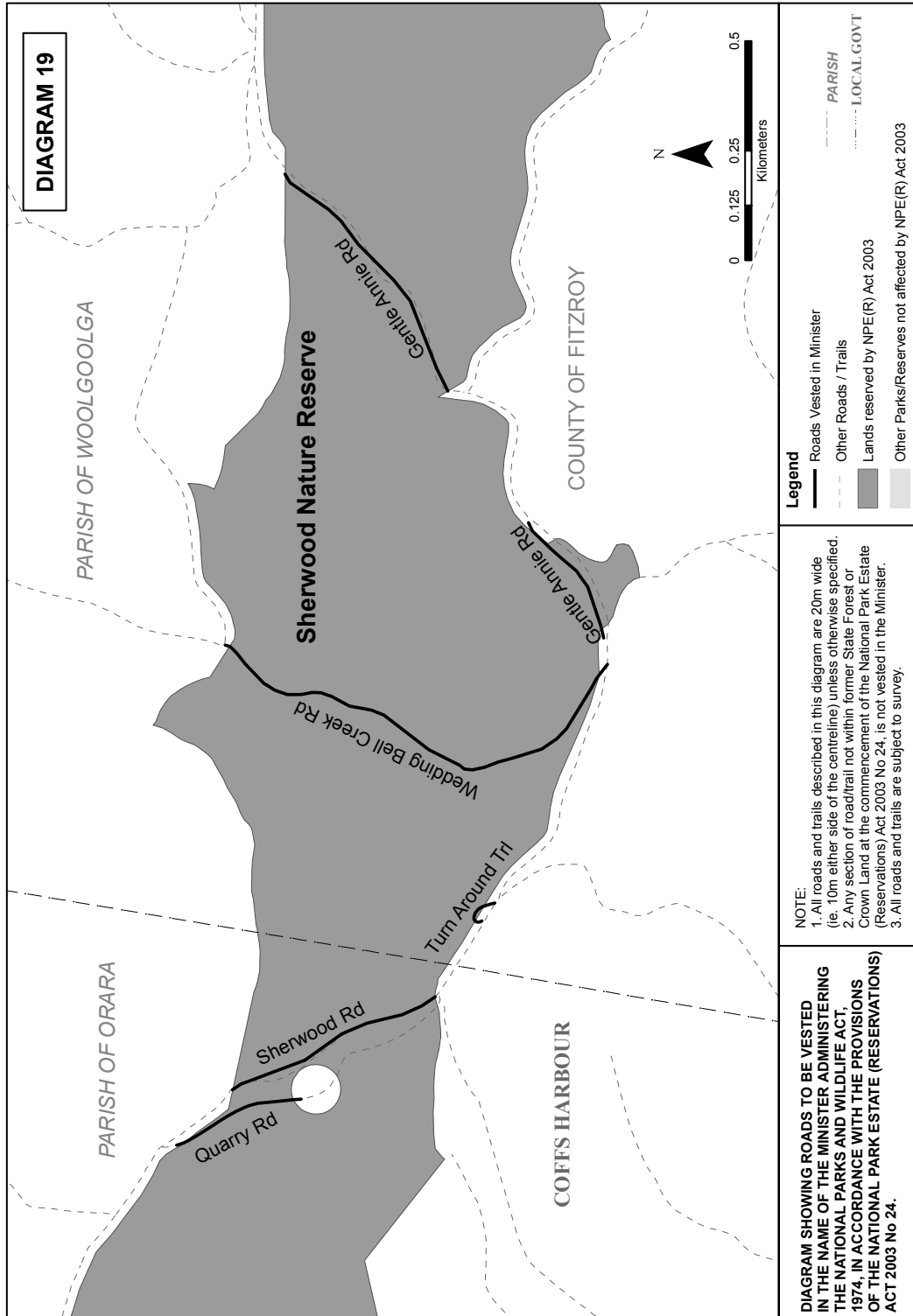
1. All roads and trails described in this diagram are 20m wide (ie. 10m either side of the centreline) unless otherwise specified.
2. Any section of road/trail not within former State Forest or Crown Land at the commencement of the National Park Estate (Reservations) Act 2003 No 24, is not vested in the Minister.
3. All roads and trails are subject to survey.

DIAGRAM SHOWING ROADS TO BE VESTED IN THE NAME OF THE MINISTER ADMINISTERING THE NATIONAL PARKS AND WILDLIFE ACT, 1974, IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL PARK ESTATE (RESERVATIONS) ACT 2003 No 24.

Legend

- Roads Vested in Minister
- - - Other Roads / Trails
- Lands reserved by NPE(R) Act 2003
- Other Parks/Reserves not affected by NPE(R) Act 2003
- - - PARISH
- - - LOCAL GOVT





PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Notice of Issue of Load Calculation Protocol

I, Lisa Corbyn, Director-General of the Department of Environment and Climate Change, on behalf of the Environment Protection Authority under clause 18 (3) of the Protection of the Environment Operations (General) Regulation 1998, issue an amended version of the Load Calculation Protocol entitled Load Calculation Protocol for use by holders of NSW Environment Protection Licences when calculating assessable pollutant loads.

Dated: 28 June 2008.

LISA CORBYN,
Director-General,
Department of Environment and Climate Change

Load Calculation Protocol

(June 2008)

for use by holders of NSW environment
protection licences when calculating
assessable pollutant loads

Department of **Environment & Climate Change** NSW



The Environment Protection Authority (EPA) is a statutory body with specific powers under environment protection legislation. In April 2007, the EPA became part of the Department of Environment and Climate Change (DECC).

This document was published by DECC on behalf of the EPA.

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About this document

This document is the 'Load Calculation Protocol' referred to in the Protection of the Environment Operations (General) Regulation 1998 (the 'Regulation'). It sets out the methods that holders of licences issued under the *Protection of the Environment Operations Act 1997* (the 'Act') must use to calculate assessable pollutant loads.

The Protocol has two parts:

- Part A provides generic information applicable to all licence-holders who are required by the Regulation to calculate pollutant loads.
- Part B sets out additional specific requirements that relate to particular fee-based activity classifications of licensed activities listed in Schedule 1 of the Regulation. It includes a Worksheet to use for the calculations required by the Protocol.

This document is available on the Department of Environment and Climate Change's (DECC) website or in print by contacting DECC on 131 555. Copies of the Act and the Regulation are also available from the DECC website or from the NSW Government online shop at www.shop.nsw.gov.au.

In the case of any inconsistency between the Protocol and the Regulation, the latter prevails to the extent of the inconsistency. Where the Protocol and the licence require different types of monitoring, each must be conducted. Contact the local DECC regional Manager if you find significant anomalies.

The fee-based activity classifications referred to in the Protocol came into effect on 1 July 1999 and were amended on 28 April 2008 by the Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008.

Revised Load Calculation Protocols are published in the *NSW Government Gazette* from time to time, reflecting agreed improvements or additions. The Environment Protection Authority (EPA) may agree in writing to a new or revised method of load calculation to be available for one or more licensees.

This version of the Protocol was gazetted on 27 June 2008.

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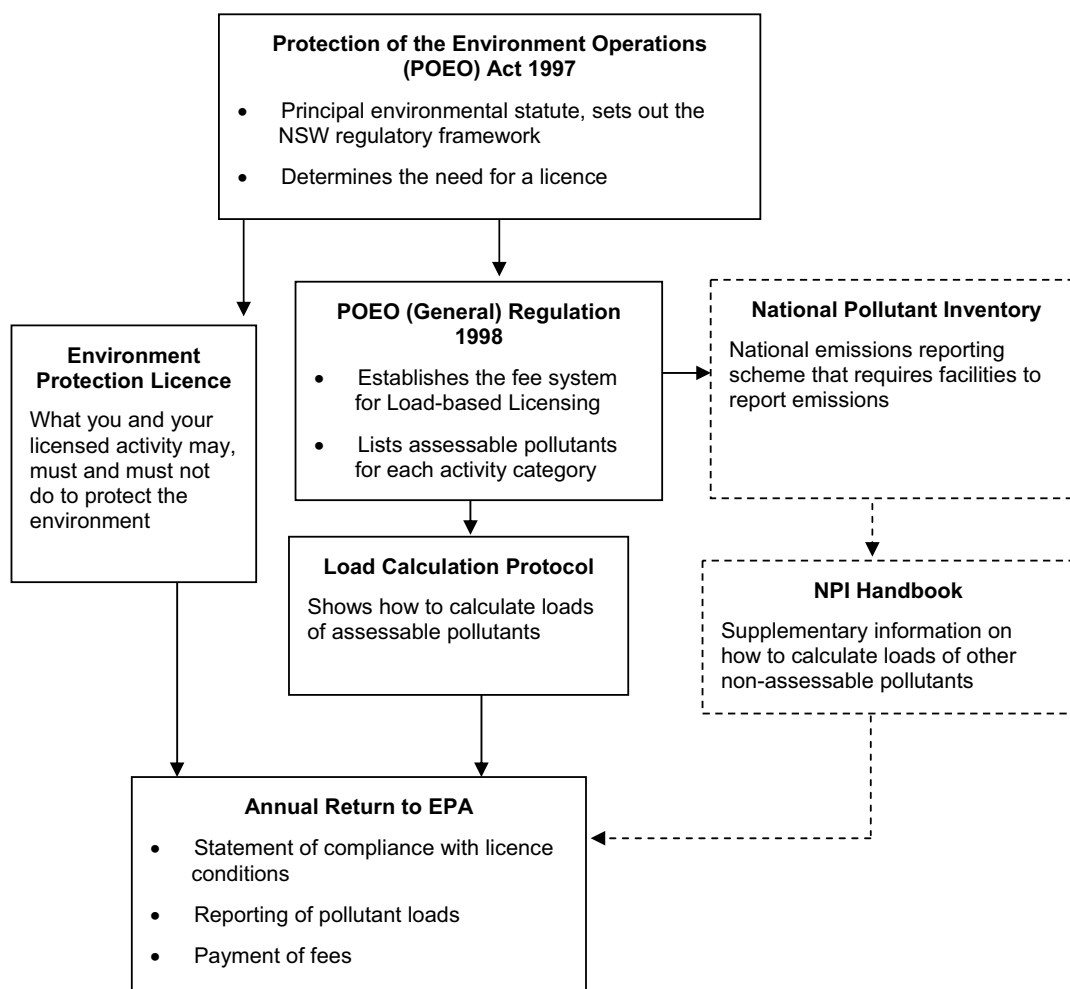
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PART A

1. Generic requirements

1.1 Overview of the regulatory framework

This section explains how this Load Calculation Protocol fits into the NSW environmental regulatory framework. It also explains the relationship between Load-based Licensing (LBL) and the National Pollutant Inventory (NPI). The figure below shows the relationships between the various elements of these schemes.



1.1.1 Linkages between LBL and the NPI

LBL is NSW's pollution licensing scheme. Failure to comply with its requirements is an offence and can involve significant penalties.

The NPI is a national reporting scheme, administered in NSW by the Environment Protection Authority (EPA). Both LBL and NPI may require similar emission data for some substances. Where this is the case, it is recommended that LBL data is used for NPI purposes.

For further details on the NPI, call the Department of Environment and Climate Change (DECC) on 131 555 or go to the NPI website at www.npi.gov.au

1.2 Assessable pollutants and assessable pollutant loads

Schedule 1 of the Regulation lists those licensed activities which attract a fee. This subset of all the licensed activities also specifies assessable pollutants for these 'fee-based' activity classifications.

For example, the assessable pollutants for the fee-based activity classification of 'Cement or lime production' are:

Air pollutants	Water pollutants
Fine particulates	None
Coarse particulates	
Nitrogen oxides (NO _x)	
Sulfur oxides (SO _x)	

Part B of this Protocol lists the assessable pollutants for each fee-based activity classification. If more than one fee-based activity classification applies to a licence, the assessable pollutants include the sum of the pollutants listed for each classification. Licensees are responsible for ensuring that they follow the correct protocol for each fee-based activity classification relevant to their licence. Call DECC on 131 555 for help.

The Regulation requires calculation of pollutant loads and payment of pollutant load fees based on the assessable loads of each assessable pollutant. This Protocol prescribes the range of acceptable methods available to licensees to calculate assessable loads.

An annual return form will be provided with the licence. The assessable loads and fee calculations must be recorded on the worksheets included in the annual return.

1.2.1 Categories of pollutant loads under LBL

The **assessable load** of a pollutant is the *lowest* of the actual, weighted or agreed load. Fees are calculated using the assessable load.

The **actual load** of a pollutant is the mass (in kilograms) of the pollutant released into the environment from the potential emission sources listed in Part B of this Protocol for each fee-based activity classification. It is calculated by using the methods prescribed by this Protocol.

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The actual load includes liquid wastes transferred to other parties. However the actual load does not include pollutants discharged to sewer services operated by water supply authorities; pollutants fully contained within controlled production processes on-site or at other sites; or loads transferred to other licensees whose activities have the same assessable pollutants which are then included in their own assessable loads.

Actual loads also do not include pollutants contained in solid wastes that are lawfully transferred to landfill or other waste facilities or that are subsequently recycled, reprocessed or consumed.

Actual loads also include loads received from other licensed premises, unless these loads are managed so that one of the exceptions listed above applies.

The **weighted load** of a pollutant is the actual load adjusted using one of the load-weighting methods set out in Section 5 of the Protocol. Weighted loads can result in lower fees being required in recognition of practices or circumstances that reduce environmental harm without reducing the actual pollutant loads. Examples include ceasing or reducing discharges during unfavourable conditions, and the sustainable reuse of effluent.

The **agreed load** is a load that will be achieved through future improvements as part of a Load Reduction Agreement, or an amount permitted to be reported as part of a 'bubble' licence agreement with the EPA. More information about agreed loads is provided in Section 6 of the Protocol.

1.2.2 NO_x and VOCs loads during summer

Increased pollutant fees apply for emissions of NO_x and/or volatile organic compounds (VOCs) in the Sydney Basin during summer (December–February) each year. This fee structure provides added incentive for affected licensees to reduce emissions of NO_x and/or VOCs in summer when air quality problems are worse.

Part B of the Protocol shows the acceptable load calculation methods for these pollutants. NO_x (summer) and VOCs (summer) loads must be calculated for the three-month summer period in addition to the yearly NO_x and VOCs loads which are calculated as previously. Emissions occurring over the summer period are therefore double-counted: once when calculating the load for the whole licence fee period and again when the load for the summer period is calculated.

1.2.3 Record-keeping and submission of information to the EPA

The system of load calculations may be described as 'audited self-assessment'. Licensees are required to take all the necessary steps to calculate pollutant loads. Generally, the EPA needs to see only the final load figures and the subsequent fee calculations. This information is to be reported to the EPA annually using the pro-forma annual return that is provided to each licensee.

Licensees are required to keep all records used to calculate licence fees for four years after the licence fee was paid or became payable, whichever is the later date. Licensees may be asked to produce the records for auditing at any time. It is a condition of each licence that the licensee (or the approved delegate) must personally certify each year that load calculations have been correctly completed and records have been kept as

required by this Protocol. There are significant penalties for failure to comply with this requirement.

1.3 Overview of methods for calculating actual loads

There are three methods for calculating actual pollutant loads. Some, however, may not be suitable in a particular situation. The methods are source monitoring, emission factors and mass balance calculations.

Source Monitoring (SM) – see Section 2

Loads are calculated by direct measurement or representative sampling at the facility. The details of how to undertake source monitoring are fully described in Section 2 of the Protocol.

Emission Factors (EF) – see Section 3

Emission factors are formulae that relate known emission characteristics to other variables that are easier or more economical to monitor than the pollutants themselves. For example, it may be known that a particular boiler generates x kg of NO_x for every hour of stable operation and y kg of SO_x for every tonne of coal consumed.

Two classes of emission factors are available: generic and site-specific. All licensees may use applicable generic factors that are based on industry-wide data and are conservative. Where a licensee following an EPA-approved demonstration program of monitoring can show a better level of performance than the level calculated from generic factors, the EPA may authorise the use of a site-specific emission factor. In some cases, a Predictive Emission Monitoring System (PEMS) may be used.

Mass Balance Calculations (MB) – see Section 4

A mass balance generally involves the calculation of pollutant load from a particular activity by quantifying the materials going into and out of a process.

TANKS – see Section 4

TANKS is a software package that may be used to determine emissions of benzene and VOCs from bulk storage tanks.

1.3.1 Selecting load calculation methods

For the purpose of load calculations, Part B of this Protocol divides each activity into a number of components. Each of these components has been identified as a potential source of discharge for one or more assessable pollutants.

The tables in Part B show components of activity and assessable pollutants for each applicable fee-based activity classification, and list the acceptable methods for calculating pollutant loads. Where more than one method is shown as acceptable, licensees may use any of the acceptable methods, as shown for a sample industry in Table 1.

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Table 1: Acceptable load calculation methods of assessable air pollutants for a sample industry

Component or activity	Assessable pollutants			
	<i>Fine particulates</i>	<i>Coarse particulates</i>	<i>Sulfur oxides</i>	<i>Nitrogen oxides</i>
Raw material processing	SM—PM EF—SS	SM—PM EF—SS	*	*
Stack discharge (chimney)	SM—PM EF—SS	SM—PM EF—SS	SM—CEMS EF—SS MB	SM—PM, CEMS EF—SS

SM—source monitoring (see Section 2 and Part B) (PM—periodic monitoring; CEMS—continuous emission monitoring system)

EF—emission factors (see Section 3 and Part B) (SS—site specific)

MB—mass balance (see Section 4 and Part B)

* No load calculation required: report zero in calculations.

1.3.2 LBL Technical Review Panel

The Regulation established the LBL Technical Review Panel to advise the EPA on the current or desirable contents of the Load Calculation Protocol. The Panel includes representatives of licensees, local government, environment groups, DECC and an independent adviser.

The EPA is committed to providing accurate and cost-effective methods for calculating pollutant loads. It expects that licensees will want to see additional or revised load calculation methods included in the Protocol over time. These include:

- development of site-specific emission factors
- changes to generic emission factors to reflect new data or new abatement strategies
- modification of sampling or analysis methods
- addition of new monitoring techniques
- addition of other load calculation methods (in addition to source monitoring, emission factors and mass balance).

Licensees proposing changes for consideration should first contact the LBL Technical Review Panel's liaison officer by phoning DECC on 131 555.

1.3.3 Summary example of how to calculate and report loads

1. Identify the classification(s) of activity and assessable pollutants

Consult Schedule 1 of the Regulation and identify all the fee-based classifications of activity that apply to the licensed activity. These should be the same as the fee-based classifications shown on the licence. Call the local DECC regional office (the telephone number is listed in the licence) and ask to have the licence amended if this not the case.

Note the names of the assessable pollutants for each applicable classification.

2. Select the method for calculating actual loads

Refer to Part B of the Protocol for the relevant fee-based activity classifications and select the preferred load calculation method for each pollutant in each component of activity.

3. Undertake load calculations using methods in the Protocol

Calculate the load for each component of activity listed in Part B. Where source monitoring is used, follow the directions in Section 2. If emission factors are used, follow the directions in Section 3. Requirements for mass balance calculations are set out in Section 4.

4. Calculate and record the total actual loads

Record the results of the calculations for each assessable pollutant for each component or activity in Worksheet 2 in Part B. Then add up the total actual load for each assessable pollutant on the same Worksheet.

4a Calculate any weighted loads (optional)

See Section 5 of the Protocol. Record the resulting weighted loads on the Worksheet.

4b Note any agreed load (as agreed in a Load Reduction Agreement)

See Section 6 of the Protocol. Record the applicable agreed load in the load calculation Worksheet. Agreed loads are available where the licensee has made a commitment to reduce pollutant loads by an agreed future date, or where the licence is part of a licence 'bubble'.

5. Copy the load data into the annual return

Copy the actual load data (and any weighted or agreed load data) for each assessable pollutant into the fee calculation pages of the annual return. The annual return is a separate form provided with the licence that includes certification of licence compliance.

Complete the fee calculations and the other parts of the annual return by following the instructions provided with it. The statement of compliance with the annual return must be certified (signed) by the licensee (or approved delegate) and submitted to the EPA within 60 days after the end of the licence fee period. Licence fee payments are also due at this time.

For help in completing the annual return (or for an additional copy), contact DECC (details are shown in the licence).

Note: Retain Parts A and B of the Protocol with all records of the load calculations. Send only copies of the annual return worksheets to the EPA.

2. Using source monitoring to calculate actual loads

Source monitoring involves collecting volume and concentration data. It may be continuous or periodic.

Actual loads of air and water pollutants emitted or discharged over a given time period can be determined by monitoring the volume of emissions/discharges over that time period and the pollutant concentration (pollutant mass per unit volume) in the emission/discharge:

$$\text{pollutant load} = \text{pollutant concentration} \times \text{volume}$$

Volume normally needs to be measured continuously. Pollutant concentration, however, provided that it remains generally constant, can be established via a statistically-rigorous sampling regime.

2.1 General requirements for source monitoring

For activities requiring source monitoring or where the licensee has chosen source monitoring to calculate actual pollutant loads for a component of the activity, load data must be collected in accordance with the following requirements:

1. Sampling points and monitoring procedures must be established to provide data representative of the actual loads generated at the facility.
2. Monitoring loads of assessable pollutants discharged to the environment *must* be conducted strictly in accordance with:
 - the requirements of the EPA licence
 - *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* available on the DECC website
 - *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* available on the DECC website.
3. All records used to calculate licence fees must be kept. These include:
 - a description of the intended monitoring program for LBL purposes
 - a site map showing all discharge points and monitoring locations
 - the actual monitoring undertaken and, if applicable, any reasons why it varied from the intended monitoring program
 - the sample-handling procedures used to ensure the integrity of the sample, e.g. sample date; results; units of measurement; method used, including sampling and analysis procedure, sample preservation and storage before transfer to the laboratory for analysis; name of officer collecting and handling the samples; name of laboratory; laboratory sample number; and name of the monitoring point.
4. Where there is a discrepancy between the sampling frequency required by a specific licence and those set out in this document, the more frequent sampling requirement is to be used. Contact the local DECC Regional Office for further details.

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2.1.1 Practical Quantitation Limit (PQL)

The 'PQL' is the lowest level at which a substance can be routinely quantified and reported by a laboratory.

When a sample result is reported at below the PQL for the test, half the PQL value may be used for that sample for load calculation purposes. Where 50% or more of the sample results for a particular pollutant are below the PQL, zero may be reported for those samples. This applies to samples collected during the licence fee period.

The approved methods for air sampling and analysis (see Section 2.1) generally list only one analysis method for each substance to be analysed or 'analyte'. However, the approved sampling and analysis methods for water list a number of methods for each analyte.

For the purposes of LBL load fee calculations, Table 2 lists the maximum acceptable PQL for each analyte in discharges to waters, irrespective of which approved method is used. If a PQL is used with a value below that listed for the substance in Table 2, the licensee must be able to validate and document the ability of the laboratory to achieve this PQL in the specific matrix type.

Table 2: Acceptable PQLs for analytes discharged to waters

Analyte (pollutant)	PQL
Arsenic (As)	10 µg/L
BOD	2 mg/L
Cadmium (Cd)	5 µg/L
Chromium (Cr)	10 µg/L
Conductivity	5 µS/cm ^a
Copper (Cu)	10 µg/L
Fluorinated hydrocarbons	5 µg/L
Lead (Pb)	20 µg/L
Mercury (Hg)	0.5 µg/L
Oil and grease (O&G)	5 mg/L
Organophosphorus compounds (diazinon, chlorpyrifos, malathion, parathion)	0.5 µg/L
PCBs	0.2 µg/L
Pesticides (as listed in Regulation) (other than organophosphorus compounds)	0.05 µg/L
Selenium (Se)	10 µg/L
Total nitrogen (N)	0.3 mg/L
Total phenolics	0.2 mg/L
Total phosphorus (P)	0.02 mg/L
Total polycyclic aromatic hydrocarbons (PAHs)	10 µg/L
Total suspended solids (TSS)	3 mg/L
Zinc (Zn)	50 µg/L

^a For conductivity, 5 µS/cm is equivalent to about 3 mg/L of dissolved salt.

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2.1.2 Missed samples

Table 3 shows what to do when the required frequency of sampling set out in Sections 2.2 and 2.3 has not been met. Licensees must meet the greater of these requirements. In some cases, where the required number of samples is not collected, the missing data can be replaced using data obtained over the previous 12 months. Table 3 lists actions that must be taken based on the required sampling frequency and the amount of missing data. If scheduled samples are missed, they may be replaced only within the allowable period (i.e. the minimum time between sample collection must be maintained).

Table 3: Procedure for missed samples

Required sampling frequency					Procedure for missed samples ^a
< 5 per year	5–12 per year	13–25 per year	26–53 per year	> 53 per year or continuous	
Not applicable	Not applicable	Miss 1 sample	Miss 1 or 2 samples	Miss up to 2.5% of samples or, for continuous monitoring, miss up to 15% of monitoring time	Action 'A': Replace missing data with mean of data obtained over the previous 12 months.
Not applicable	Miss 1 or 2 samples	Miss 2 or 3 samples	Miss 3 or 4 samples	Miss between 2.5% and 5% of samples or, for continuous monitoring, miss 15–20% of monitoring time	Action 'B': Replace missing data with the mean of data obtained over the previous 12 months + 20%.
Miss any samples	Miss > 2 samples	Miss > 3 samples	Miss > 4 samples	Miss > 5% of samples or, for continuous monitoring, miss >20% of monitoring time	Action 'C': Report failure to collect required samples to DECC Regional Manager within 7 days of failure. Use data from the same time period for the previous year + 30%, or the mean of the data obtained over the current 12 months + 30%.

^a The arithmetic mean should be used when using historical data.

2.1.3 Laboratory accreditation requirements

The laboratory used to analyse assessable pollutants must be certified to do the analyses by an independent accreditation body acceptable to the EPA, such as the National Association of Testing Authorities (NATA).

Exemptions from the certification requirement are available in special circumstances as specified below.

If it is impractical to use a certified laboratory because of remote location or special circumstances, a non-certified laboratory may be used for the analysis, provided some duplicate samples are sent for independent blind analysis to a certified laboratory. Duplicates of at least 5% of samples (minimum of one sample) must be analysed by the certified laboratory each year. The duplicate samples must be representative of normal operating conditions and taken in the first quarter of the licence fee period. If normal

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operating conditions do not occur in the first quarter, samples should be collected as soon as normal operating conditions are attained.

Note that all laboratories used for analysis must have an effective quality assurance program. Where a 20% or greater variance is reported, licensees must investigate the reasons for the variance and take all necessary follow-up actions.

Licensees must advise the EPA in writing when they use a non-certified laboratory. The advice must include a statement of the reasons for the use of the laboratory, a list of the analytes tested, variances in results, and the name of the laboratory that did the analyses. The advice must be sent to the EPA with the Annual Return.

2.2 Additional requirements for monitoring water pollutants

2.2.1 Monitoring of discharge concentration

All samples must be collected so that they are representative of the condition being investigated and in a manner consistent with the sample collection and handling guidelines referred to in *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW*.

Sampling must be undertaken at the discharge point specified in the licence, or if not specified, as close as practicable to the actual point of discharge.

Samples must be analysed for water pollutants by the methods set out in *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW*.

Minimum sampling frequencies are given in Table 4 (refer to Section 2.1 point 4 for clarification where monitoring frequency discrepancies between a licence and the Protocol exist).

Table 4: Sampling frequency for activities where licence permits discharge to waters at any time

Average dry-weather flow (kL/day) discharged	Minimum sampling frequency for assessable pollutants		
	BOD, total suspended solids, total nitrogen, total phosphorus, salt	Oil and grease	All other pollutants
< 1,200	Quarterly grab sample, min. 80 days apart	Quarterly grab sample, min. 80 days apart	Quarterly
1,200–3,600	6 representative pooled samples* per year, min. 50 days apart	6 representative grab samples per year, min. 50 days apart	
3,601–24,000	12 representative pooled samples* per year, min. 25 days apart	12 representative grab samples per year, min. 25 days apart	
> 24,000	24 representative pooled samples* per year, min. 15 days apart	24 representative grab samples per year, min. 15 days apart	

* A pooled sample is defined as at least three grab samples forming the pooled sample, with the first and last samples taken at least 7 hours apart.

For intermittent discharges which are too infrequent for the minimum sampling frequency in Table 4 to be met, contact the DECC Regional Manager who may approve, in writing, an alternative monitoring frequency.

For activities where the licence does not permit discharge to waters (except during or following wet weather), all assessable pollutants must be monitored by the collection

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and analysis of one representative sample of each overflow event to a maximum of 6 samples per year.

2.2.2 Monitoring of discharge volume

Volume is calculated by multiplying recorded flow during a single period or over a specified series of periods:

$$\text{Discharge volume} = \text{sum of (flow rate} \times \text{time)}$$

Flow monitoring apparatus must be located so that the whole volume that contains loads of assessable pollutants is calculated in compliance with the requirements given in Table 5.

To record different disposal methods for each effluent stream (in order to benefit from lower fees through load weighting of less than all the effluent), the volume of each effluent stream must be calculated separately.

Where flow rate measurements are missed, apply the requirements set out in Table 3.

Table 5: Minimum acceptable methods for monitoring flow rate for STPs and other licensed activities

Average dry-weather flow rate at sampling point (kL/day)	Minimum method for measuring flow rate ^a
< 1,200	Measure pump capacity <i>in situ</i> (under a range of operating conditions as applicable) and record hours run under each; or Use water input data and subtract verifiable and documented amounts lost or consumed (i.e. not included in discharges); or For gravity-operated sewage treatment systems only: estimate based on 300 litres per head of population per day. ^b
≥ 1,200	Continuous measurement device; or Use volume balance calculation for water: Determine water entering and then subtract verifiable and documented amounts lost or consumed.

^a For STPs, outflow measurement is the preferred method for monitoring flow. Inflow data may be used. If so, net evaporation losses may be deducted from the inflow data and calculated as follows:

$$\text{Estimated discharge} = \text{inflow} - \text{sum of } [(\text{evaporation} - \text{rainfall}) \times \text{pond or lagoon surface area}]$$

^b Using 300 litres per head of population per day and the most recent census data avoids the need to make allowances for non-residential flows. Where census population does not correlate well with the population served by the STP, use population/tenement (from census) multiplied by the number of connections.

Accuracy and calibration of flow monitoring equipment

Flow-monitoring equipment (primary flow control structures and flow-sensing and recording equipment) should have a level of accuracy equivalent to 10% of the mean flow rate. Equipment must be calibrated (or, where appropriate, serviced and adjusted) according to the manufacturer's instructions or at least once a year to demonstrate the range of accuracy that has been achieved. Records of the calibration procedure and its results must be kept for four years after applicable pollution load fees are paid or payable, whichever is later.

2.2.3 Accounting for received background pollutants

In some cases, a portion of the pollutant load contained in discharges from licensed activities during the licence fee period may have originated from ambient sources rather than the 'polluting' activities of licensees. The proportion of the pollutant load derived from ambient sources may be deducted when calculating the actual load.

The ambient input pollutant loads must be:

- contained in runoff from the catchment above the premises or waters extracted from natural water bodies – e.g. rivers, harbours, oceans – and not water contaminated by activities at the licensed premises (either past or present)
- monitored using the same monitoring protocol as prescribed for calculating pollutant discharge loads (including record-keeping).

2.2.4 Deducting pollutant loads transferred to other licensed activities

Where assessable pollutant loads are transferred to other licensed activities with the consent of the recipient via pipelines, tankers or other secure enclosed methods, the amount of these loads may be deducted from the actual load calculations.

This deduction applies only if the activity or the recipient's premises is licensed under the POEO Act and:

- either the licence fee classification of the recipient's licence includes at least the same assessable water pollutants as the donor licensee, and the recipient licensee includes the loads received in doing their own actual pollutant load calculations, or
- the recipient reprocesses or consumes the pollutant loads so that they are not discharged or emitted to the environment (i.e. recycled, reprocessed or consumed as discussed in Section 1.2.1).

For information about all other transfers, see Sections 1.2.1 and 5.1.2.

2.2.5 Calculating actual pollutant loads discharged to waters

Having determined the concentration of each assessable pollutant and volume data in relation to a discharge, use the steps below to calculate the actual load of the pollutant discharged.

1. Calculate the observed load on each day a pollutant concentration sample is collected:

$$L_d = C_d \times V_d / 1000$$

where

L_d = day's observed load of the pollutant (kg)

C_d = concentration of the pollutant on the day (mg/L)

V_d = day's total volume of discharge (kL).

2. Sum the observed daily loads (kg).

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3. Divide the total from Step 2 by the total volume (kL) for those days. The result is the flow-weighted concentration (kg/kL).
4. Multiply the flow-weighted concentration from Step 3 (kg/kL) by the total volume of the licence fee period (kL).

Repeat for each assessable pollutant and record the results on a copy of load calculation Worksheet 2 provided in Part B of the Protocol.

2.2.5.1 Calculating actual pollutant loads discharged to waters where $V_d = 0$

1. If sampling is conducted on a day when $V_d = 0$, BUT there is some discharge during the 'sampling frequency period', determine a time-weighted load (L_t) instead, for that sample only as follows:

$$L_p = C_p \times V_p / 1000$$

$$L_t = L_p / n$$

Where:

L_p = calculated load of the pollutant (kg) over minimum sampling frequency period

C_p = concentration of the pollutant (mg/L) on the day when $V_d = 0$

V_p = total flow (kL) over minimum sampling frequency period (as determined by Table 4)

L_t = day's observed load of the pollutant (kg) when $V_d = 0$

n = number of days in the minimum sampling frequency period (as determined by Table 4)

V_p should be calculated using methods outlined in Table 5.

2. Sum the observed daily and/or time-weighted loads.
3. Divide the total from Step 2 by the total volume (kL) for those days – use $V_t = V_p / n$ to obtain average daily volume flow during sampling period when $V_d = 0$.
4. Multiply the flow-weighted concentration from Step 3 (kg/kL) by the total volume of the licence fee period (kL).

2.2.6 Calculating salt load

Salinity is a measure of the amount of dissolved salts in industrial and natural waters. In practice, it is determined indirectly by measuring the electrical conductivity of the water as an indicator.

The electrical conductivity reading (microSiemens/cm) should then be converted to a concentration (mg/L) of dissolved salts by using the formula:

$$\text{Total dissolved salts (mg/L)} = 0.68 \times \text{conductivity (microSiemens/cm)}$$

The salt load can then be determined by multiplying the total dissolved salts value by the flow (in equivalent units).

2.3 Additional requirements for monitoring air pollutants

Emission testing must be comprehensive enough to identify the assessable pollutants and determine the load of pollution emitted over all modes of plant operation.

The two monitoring methods generally applicable for calculating loads of air pollutants are continuous and periodic.

2.3.1 Continuous Emission Monitoring Systems (CEMS)

A CEMS provides a continuous record of emissions over an extended and generally uninterrupted period of time. Various approaches can be used to measure the concentration of pollutants in the gas stream. Once the pollutant concentration is known, emission rates are obtained by multiplying the concentration by the volumetric stack gas flow rate.

CEMS are suitable for monitoring emissions of nitrogen oxides (NO_x), sulfur oxides (SO_x), hydrogen sulfide (H₂S), benzene and volatile organic compounds (VOCs). The requirements for CEMS are given in *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

2.3.2 Periodic emission monitoring (PM)

Monitoring emission quality

The selection of sampling positions and analysis methods for air quality monitoring must be in accordance with *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

Sampling must be done during each licence fee period and be of sufficient duration to produce representative data that may be reliably extrapolated to provide estimates of emissions across the full range of operating conditions.

Monitoring emission volume

Volume is generally calculated by multiplying recorded flow during a single period or over a specified series of time periods:

$$\text{Emission volume} = \text{sum of (flow rate} \times \text{time)}$$

Gas-flow monitoring apparatus must be located so that the whole volume that contains loads of assessable pollutants is calculated accurately.

Reducing the costs of periodic monitoring

In some cases, the costs of sampling programs may be reduced by establishing a predictive emission monitoring system: see Section 3.2.1.

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2.3.3 Calculating actual loads of air pollutants from periodic monitoring

Having determined the concentration of each assessable pollutant and using volumetric flow data, follow the steps below to calculate the actual load of the pollutant discharged.

1. For each sampling period, calculate the mass pollutant emission rate (mg/s) by multiplying the concentration of the pollutant in the sample (mg/m³) by the volumetric flow rate (m³/s).
2. Sum the calculated mass pollutant emission rate from Step 1, and divide the result by the number of sampling periods. The result is the flow-weighted average mass pollutant emission rate (mg/s).
3. Multiply the rate from Step 2 by the number of seconds of flow that occurred during the licence period, then divide by 1,000,000. The result is the assessable pollutant load for the licence fee period (kg).

Repeat for each assessable pollutant and record the results on a copy of load calculation Worksheet 2 provided in Part B of the Protocol.

2.4 Variations to monitoring methods for air or water pollutants

Proposals to vary the monitoring requirements set out above are considered by the LBL Technical Review Panel. Call the Panel's liaison officer at DECC on 131 555.

3. Using emission factors to calculate actual loads

An emission factor is an estimated pollutant emission rate relative to the level of industrial or other readily measurable activity. Licensees may use emission factors to calculate pollutant load where Part B of the Protocol lists this as an applicable method for a specific activity.

Two types of emission factors are generally acceptable:

- **Generic** emission factors are generally derived from broad average emission data. The emission factors provided in the Protocol are intended to be conservative (i.e. they should ensure that high emitters cannot under calculate loads through the use of emission factors). The EPA will revise generic emission factors as updated monitoring data becomes available.
- **Site-specific** emission factors, which individual licensees may develop: for example, a Predictive Emission Monitoring System (PEMS) may be used to develop a site-specific estimate for combustion sources or other stack emissions (see Section 3.2.1).

Site-specific emission factors, other than PEMS, require EPA approval generally following assessment by the LBL Technical Review Panel (see Section 3.2).

Licensees must demonstrate that the site-specific emission factor will reflect the full range of operating conditions and emissions likely to be experienced during the licence fee period.

Using emission factors (EFs) shown in the tables in Part B

1. Select emission factors for each relevant component of activity for each pollutant from the appropriate table in Part B (each activity has a separate table). Select the factors most appropriate to the control technology in place. If none of the listed control technologies applies to the component of activity, use the default emission factors listed.
2. Calculate the load for each component of the activity. Multiply the emission factor selected in Step 1 by the quantity of activity (using the relevant units of measure shown). Copy the results into Worksheet 2 in Part B.
3. Calculate the total load by adding the totals for each component. Copy the results into Worksheet 2 in Part B.

3.1 Generic emission factors

Generic emission factors can apply broadly across various listed activity classifications (such as when de-dusting equipment is used) or for a single classification only.

Where emission factors are based on abatement technology (e.g. scrubbers or baghouses), the emission controls must operate for at least 98% of the time. If the control technology is operating less than this, a combination of controlled and default factors must be used, apportioned according to the percentage of time of each operating condition.

Where emission control equipment is set up to automatically shut down emitting activities, control may be assumed to operate 100% of the time.

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3.1.1 Use of generic emission factors for de-dusting

Emission factors based on manufacturers' performance guarantees may be used to calculate loads of fine and coarse particulates from de-dusting apparatus as follows.

Supplier guarantees performance for fine and total particulates

If the supplier of the equipment can provide a performance guarantee for fine and total particulate emissions as a concentration, use those emission rates to calculate the fine and total particulate load (emission rate (mg/m³) × flow (m³/s) × time (s)). Coarse particulates are equal to the total particulate load minus fine particulates.

Supplier guarantees performance for total particulates only

If the supplier can provide a performance guarantee only for total particulate concentration, calculate the total particulate load for the licence period and divide total particulates into fine and coarse particulates using the values in Table 6.

Table 6: Factors for the calculation of fine particulates

Equipment	% fine particulates	% coarse particulates
Bag filters	99%	1%
Electrostatic precipitators	96%	4%
Other de-dusting equipment	75%	25%

Note: Where the table in Part B of this Protocol for a specific activity stipulates an alternative percentage value based on the specific nature of the material handled, use that value.

3.2 Site-specific emission factors

In general, emission factors generated from site-specific data are superior to generic emission factors derived from averaged industry data. However, site-specific emission factors must reflect the full range of operating conditions and emissions likely to be experienced during the licence fee period.

Before being used to calculate actual loads, site-specific emission factors must be approved in writing by the EPA. Applications for approval will generally be referred by the EPA to the LBL Technical Review Panel unless they follow precedents that have already been considered by the Panel.

A licensee who wishes to develop a site-specific emission factor should contact the LBL Technical Review Panel's liaison officer by phoning DECC on 131 555. They should liaise with the Panel before committing to a monitoring program that would justify the case for the proposed site-specific emission factor.

3.2.1 Predictive Emission Monitoring Systems (PEMS)

With PEMS, licensees use a representative monitoring campaign to establish consistent relationships between pollutant discharge rates and other operational parameters that are simpler to monitor, such as quantity of steam produced, unit loading, rate of fuel consumption, stack or furnace temperature. Monitoring of these operational parameters can be used to calculate emissions at lower cost than by either continuous or periodic emission monitoring. PEMS must include a suitable program of lower-intensity validation monitoring to ensure that the calculated relationships remain accurate over time.

PEMS can be used to estimate most pollutants from fuel-burning equipment, as shown in the tables in Part B of the Protocol for each activity classification. Some licensees may be able to use source emissions data from previous monitoring campaigns to establish a PEMS. Others may have to undertake a one-off campaign during their first year of calculation of actual loads.

To use a PEMS to calculate actual loads, the following steps must be completed:

- The licensee must develop a PEMS that will reflect the full range of operating conditions and emissions likely to be experienced during the licence fee period.
- The licensee must lodge a copy of the PEMS specification (including a description of the monitoring program undertaken and copies of the data obtained) with the EPA during the licence fee period (where it will be available to any interested member of the public). The specification must be lodged with the local DEC Regional Manager.
- The lodged specification must be accompanied by a declaration signed by the licensee (or the person authorised by the EPA to sign the licensee's certificate of compliance; see Section 1.3.3 in relation to the annual return). The declaration must include a statement of the assessable pollutants, the components of activity and the maximum error ranges of the PEMS. A form is available from the local DECC Regional Office.
- Where the declared error range of the PEMS is greater than 10%, the amount equal to the part of the error range in excess of 10% (i.e. error range minus 10%) must be added to load values calculated using the PEMS.
- Refer to the following documents for specific guidance: *Example Specifications and Test Procedures for Predictive Emission Monitoring Systems*, and *Alternative Monitoring Protocol – PEMS for NO_x and CO from Industrial Furnaces*. These documents are available from the US EPA's Emission Measurement Centre website at www.epa.gov/ttnemc01/cem.html or from your DECC Regional Office.

4. Other methods that may be used to calculate actual loads

4.1 Using mass balance to calculate actual loads

Mass balance involves the quantification of material flows going into and out of a process, where the difference between inputs and outputs is assumed to be discharged to the environment. Mass balance can be used only when input and output streams can be accurately quantified. Mass balance techniques can be applied to individual components of activity or across an entire activity, but only where the applicable table in Part B authorises its use.

It is essential to recognise that the estimates derived by using mass balances are only as good as the values used in the calculations. For example, small errors in data or calculation parameters (e.g. pressure, temperature, stream concentration, flow, control efficiencies) can result in large errors in the final emission estimates. Additionally, failure to use representative samples when sampling input or output materials will also contribute to the uncertainty of the result.

To use a mass balance specification to calculate assessable loads, the following steps must be completed:

- The licensee must develop a mass balance that will reflect the full range of operating conditions and emissions likely to be experienced during the licence fee period.
- The licensee must lodge a copy of their mass balance (including a description of the estimation techniques) with the EPA during the licence fee period (where it will be available to any interested member of the public). The mass balance must be lodged with the local DECC Regional Manager.
- The lodged mass balance must be accompanied by a declaration signed by the licensee (or the person authorised by the EPA to sign the licensee's certificate of compliance; see Section 1.3.3 in relation to the annual return). The declaration must include a statement of the assessable pollutants, the components of activity and the maximum error ranges of the mass balance. A form is available from the local DECC Regional Office.
- Where the declared error range of the mass balance is greater than 10%, the amount equal to the part of the error range in excess of 10% (i.e. error range minus 10%) must be added to load values calculated using the mass balance.

4.2 Using TANKS to calculate actual loads

TANKS is a software package for Windows developed by US EPA that determines emissions from bulk storage tanks. Emissions are a function of weather conditions and tank style, size, surface coating, sealing and contents. Records of all data input into the package must be kept.

The latest version of TANKS may be downloaded from www.epa.gov/ttn/chief/software/tanks/index.html

5. Weighting pollutant loads (optional)

Through appropriate planning and management, the environmental harm of some pollutant load discharges may be reduced. These reductions can result in lower fees by allowing calculation based on weighted loads rather than actual loads. The load-weighting measures currently available are listed in this section.

5.1 Effluent reuse

The EPA encourages the sustainable reuse of effluent or liquid wastes. This section of the Protocol covers the provision for fee reductions of up to 100% for the sustainable reuse of effluent. However, the task of defining workable benchmarks of sustainability is complex.

Effluent should be applied to land only where it is environmentally safe and agronomically appropriate. In the absence of satisfactory management practices, there is a danger that inappropriate effluent reuse could simply result in a transfer of environmental impacts from waters to land. Such an outcome is unacceptable to the EPA, the community and those industries committed to sound environmental management of their operations.

The *Protection of the Environment Operations Act 1997* (s.120) makes it a serious offence for anyone to pollute or to cause or permit pollution of NSW waters. This applies equally to surface and ground waters.

5.1.1 Effluent reuse on the licensed premises

In the case of direct reuse of effluent (e.g. irrigation of crops), weighted loads are calculated by multiplying the actual loads of each pollutant by 'reuse discount factors'. There are different performance criteria for achieving discounts for each pollutant.

The reuse discount factor for each pollutant is the sum of a 'pollutant management factor' (0, 0.25 or 0.5) and a 'water management factor' (0, 0.25 or 0.5). Better performance leads to a lower factor and thus a higher fee discount, i.e. the best possible score is $0 + 0 = 0$ (100% discount), and the least beneficial is $0.5 + 0.5 = 1$ (nil discount). The procedure for using these factors to obtain fee reductions is shown below.

There are a number of other cases where reuse discounts apply (e.g. transferring effluent to other licensed/unlicensed premises): see Sections 2.2.4 and 5.1.2.

How to calculate weighted loads

Use Worksheet 1 to record your calculations of weighted loads. In the case of direct effluent reuse (e.g. irrigation of crops), follow Steps 1 to 6 below. For all other cases contact the local DECC Regional Manager.

If a range of discount factors applies to different portions of the effluent (e.g. different disposal or reuse methods for parts of the total load), divide the load into portions, apply the appropriate discount factors to each portion, and then sum the values to calculate the total weighted loads for each pollutant.

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Worksheet 1: Calculating reuse discount factors and weighted loads

Pollutant	A Actual load	B Annual load of reused effluent	C Pollutant management factor (from Table 7)	D Water management factor (from Table 8)	E Discount factor (B + C)	F Discounted load (annual load of effluent reused × discount factor A × D)	G Weighted load = actual load – discounted load
Total nitrogen							
Total phosphorus							
BOD							
Total suspended solids							
Oil and grease							
Salt							
Metals and pesticides							

Step 1

Copy the actual load and the annual load of reused effluent calculated in accordance with Sections 2, 3 or 4 into columns A and B of Worksheet 1.

Step 2

Refer to Table 7 to determine the correct pollutant management factor for each pollutant assessable at the licensed site and enter the factor values into Column C.

Note: To receive a pollutant management factor of 0 or 0.25 for nutrients (phosphorus and nitrogen), the equivalent (or better) pollutant management factor for salt must also be met, even where it is not an assessable pollutant for the particular licensed activity. These factors are shown in Table 9.

Step 3

Use Table 8 to determine the correct water management factor for the reuse site. Enter the value into each cell of Column D. Note that one water management factor will apply to all pollutants.

Step 4

Calculate the reuse discount factor for each pollutant by adding the values entered in Columns C and D for each pollutant and enter the results for each pollutant into Column E.

Step 5

Calculate the discounted load of each pollutant by multiplying the annual load of reused effluent by the applicable discount factors (Column E) and enter the results into Column F.

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Step 6

Calculate the weighted load by subtracting the discounted load from the actual load.
Copy the weighted load data into Worksheet 2 in Part B.

Table 7: Pollutant management factors

	Applicable pollutant management factor		
	0 (full discount)	0.25 (partial discount)	0.5 (no discount)
Pollutant	Management performance benchmarks		
Total nitrogen and total phosphorus (To gain discount, salt criteria with equal or better discount must also be met)	Nitrogen and phosphorus balance maintained as outlined in Note 1 below	Nitrogen and phosphorus balance maintained as outlined in Note 2 below	Other
BOD	< 1200 kg/ha/month applied (max. 10%/day)	< 1500 kg/ha/month applied (max. 10%/day)	Other
Total suspended solids	< 15 t/ha/year applied (max. 10%/day)	Not applicable	Other
Oil and grease	No visible grease on soil surface	Not applicable	Other
Salt	See Table 9a	See Table 9b	Other
Metals and pesticides and PCBs	Based on annual monitoring data, the increase in soil levels of pollutants cannot exceed 30% of the difference between the background level and the allowable level in the soil	Based on annual monitoring data, the increase in soil levels of pollutants cannot exceed 50% of the difference between the background level and the allowable level in the soil	Other

Table 8: Water management factors

	Applicable water management factor		
	0 (full discount)	0.25 (partial discount)	0.5 (no discount)
Application rate controlled by irrigation scheduling or soil moisture monitoring to ensure that effluent does not percolate deeper than the root zone or intersect groundwaters, except during scheduled salt flushing as per management plan (see Note 3 regarding storage requirements).		Application ceases during and after rainfall as necessary to prevent waterlogging or runoff (see Note 3 regarding storage requirements).	Other

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Table 9: Criteria for salt management (see Note 4)**(a) Pollutant management factor of 0 (full discount)**

Salinity ($\mu\text{S/cm}$)	SAR ^a	Na ⁺ (mg/L)	Management conditions	Monitoring conditions
< 300	Any	N/A	N/A	N/A
< 735	< 3	N/A	N/A	N/A
	> 3	N/A	Apply gypsum (or equivalent in agricultural lime) every 5 years at 2 t/ha or whenever soil ESP ^b exceeds 5% within plant root zone.	Only if SAR > 6, in which case monitor Na in soil once per year.
< 1470	> 3	< 200	As above. Application to cease if EC _{se} ^c exceeds 4 dS/m in plant root zone.	Only if SAR > 6, monitor once per annum for Na and EC _{se} in soil within and immediately below plant root zone.
		> 200	Apply gypsum (or equivalent in agricultural lime) whenever soil ESP exceeds 5%. Application to cease if EC _{se} exceeds 4 dS/m in plant root zone.	Monitor once per annum for Na, and EC _{se} in soil within and immediately above plant root zone.
< 2200	< 8	< 200	As above	As above plus monitor once per year available P and N below plant root zone.
	< 10	< 200	As above	As above plus monitor any important groundwater resource within 10 m of the surface of the ground.
< 3700	> 10	> 300	As above	As above
Any	Any	Any	Effluent applied at rate of no more than 50 mm per year. EC _{se} in plant root zone not to exceed 4 dS/m.	Monitor Na and EC _{se} in soil and apply gypsum if Na levels in plant root zone exceed 5%. Monitor available P and N below plant root zone once a year.

^a SAR – sodium adsorption ratio; ^b ESP – exchangeable sodium percentage; ^c EC_{se} – electrical conductivity of saturated extracts of soil.

(b) Pollutant management factor of 0.25 (partial discount)

Salinity ($\mu\text{S/cm}$)	SAR ^a	Na ⁺ (mg/L)	Management conditions	Monitoring conditions
Any	Any	Any	Effluent applied at rate of no more than 100 mm per year. Application to cease if EC _{se} ^b exceeds 4 dS/m in plant root zone.	Monitor Na and EC _{se} in soil and apply gypsum if Na levels in plant root zone exceed 5%. Monitor available P and N below plant root zone once a year.
< 7350	< 15	< 1500	Effluent applied so that nutrient budget requirements are met (see Note 1 below). Application to cease if EC _{se} exceeds 4 dS/m in plant root zone.	Monitor Na and EC _{se} in soil and apply gypsum if Na levels in plant root zone exceed 5%. Monitor available P and N below plant root zone once a year. Monitor any important groundwater resource within 10 m of surface of ground.

^a SAR – sodium adsorption ratio; ^b EC_{se} – electrical conductivity of saturated extracts of soil.

Notes for Tables 7, 8 and 9*Note 1: Nutrient balance management*

Nitrogen and phosphorus must be applied so that they are effectively used for plant growth or sustainable assimilation by the soil system. If N and P levels are rising below the plant root zone, the average amount of effluent applied per unit area must be decreased. The sustainable rate of application of nutrients (such as N and P) can sometimes limit the quantity of effluent to be used for irrigation in a given area. To obtain the fee discount, licensees must do the following:

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- Develop a 15-year forward management plan that shows how proposed annual nutrient application rates compare with the annual amounts to be taken up by the biological or physical processes of the crop–soil system. This should be done before the construction of the effluent reuse scheme. Nutrient application rates must be based on the sustainable assimilation of nutrients over a rolling 15-year period.
- Review the plan every three years to ensure that future planned application rates will continue to achieve sustainable assimilation over a rolling 15-year period.
- Prepare annual nutrient balances showing nutrient application rates and the results of soil monitoring done as set out in the management plan, and how these outcomes compare with those anticipated in the management plan. Documentation of plan and annual balances must be kept for at least four years.

Note 2: as in Note 1, but with a 5 to 15-year planning timeframe.

Note 3: Discharge points and wet-weather storage

Where licences allow for direct discharge to waters, this must always occur through an authorised discharge point. Effluent discharged to waters via the authorised discharge point cannot benefit from reuse discounts. Where licences do not permit discharges to waters, adequate capacity to store effluent must be provided. Wet-weather storage must also be designed and installed to hold a volume calculated by a comprehensive water balance.

Note 4: EC_{se} (electrical conductivity of saturated extracts of soil)

For sensitive plant species, EC_{se} should be kept less than 1500 µS/cm. If EC_{se} exceeds this level, additional management practices including applying a leaching fraction will be required to ensure that plant growth is not reduced. Such changes in management practices must be supported by evaluation at the site that ensures that deliberate leaching of salts does not have an adverse impact on ground or surface water resources.

5.1.2 Transfer of effluent for reuse beyond the licensed premises

In some cases where effluent is transferred to other licensed premises, loads of assessable pollutants transferred may be deducted from actual loads. These cases are set out in Sections 1.2.1 and 2.2.4.

In all other cases, transfer or reuse of materials containing assessable pollutants beyond the licensed premises does not reduce actual loads.

However, it is possible for a weighted load to be calculated where reuse occurs off-site (which will result in a lower licence fee). The licensee can calculate a weighted load for reuse that occurs off the licensed site (or that is conducted by other parties) exactly as described above in Section 5.1.1, provided that the licensee ensures that the reuse meets the applicable performance criteria. The EPA will be satisfied that the licensee has ensured the requisite level of performance if each of the following requirements is met:

1. Effluent is released to the recipient only after:
 - all necessary state (e.g. DECC, Department of Planning, Department of Water and Energy and others) and local government approvals are obtained (e.g. local councils must obtain Ministerial approval under s.60 of the *Local Government Act 1993* before allowing sewage from their area to be discharged, treated or supplied to any person; other approvals may also be required)

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- an agreed effluent management plan is in place between the recipient and the licensee that, if complied with, will result in the attainment of the relevant applicable performance criteria as set out in Section 5.1.1.
2. Pollution events associated with any aspect of the recipient's effluent reuse program are reported to the EPA. In the same way, the effluent supplier's licence requires the licensee to report pollution events on its premises to the EPA (as soon as practicable after the supplier becomes aware of an incident).
 3. Effluent supply is ceased as soon as practicable after the supplier becomes aware of a misuse of effluent or failure to implement any aspect of the effluent management plan.
 4. The supplier regularly reviews the recipient's use of the effluent, including at least annual site visits to identify any corrective actions required to comply with or update the management plan, and keeps a record of visits, observations and corrective actions for at least four years.
 5. Where the supplier distributes more than 1000 ML of effluent annually to a reuse scheme, a third party makes an annual assessment of the scheme and the report is submitted to the EPA.

5.2 Flow-optimised discharges

Discharging pollutants to waters only during high river flows may mimic the pattern of natural diffuse pollutant loads in waters (such as nutrients or suspended solids exports from the catchment). During high flows, pollutants may be flushed from a river system and thus their impact reduced, although downstream impacts need to be considered.

All industries may be eligible for a fee reduction where they discharge the following assessable pollutants to waters only during high river flows and it can be shown that this strategy minimises the environmental impact of those discharges:

- matter causing biochemical oxygen demand
- salinity (as an indicator of dissolved salts)
- total suspended solids
- total phosphorus
- total nitrogen
- oil and grease.

This discount factor applies only to flow-optimised discharges to non-tidal waters that drain to the NSW coast and excludes waters of the Murray–Darling catchment.

Calculating the weighted load

A 50% load-weighting factor applies to the above pollutants provided that:

- the discharge occurs only during high flows in the receiving waters, where high flow is defined as a flow that exceeds the 20th percentile. Daily flow data must be available for at least five years for the reach of the river where the discharge occurs
- daily monitoring data for receiving water flows is collected or otherwise obtained to determine river flow.

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Calculate the weighted load by multiplying the actual load of each of the assessable pollutants by 0.5.

5.3 Specific programs

5.3.1 Hunter River Salinity Trading Scheme

The Hunter River Salinity Trading Scheme was introduced to reduce salinity in the Hunter River. The scheme ensures that Hunter River salinity targets are not exceeded due to saline discharges from facilities with Environment Protection Licences. Participants may only discharge when the river is in 'high' or 'flood' flow and they must hold enough credits (in accordance with the scheme rules) to cover the amount of saline water they wish to discharge.

Scheme participants in the Hunter catchment may apply a weighting factor to the loads of salt discharged (as measured by conductivity) provided they have complied with all of the conditions of the licence relating to discharge during the licence fee period.

Calculate the weighted load by multiplying the actual load of salt by 0.25.

6. Load reduction agreements (optional)

Load reduction agreements (LRAs) are voluntary agreements between the EPA and licensees required to pay pollution load fees under the Protection of the Environment Operations (General) Regulation 1998. They provide immediate fee reductions for licensees willing to commit to future reductions of assessable pollutant loads, thereby freeing funds for investment in improving their environmental performance. Agreements last for a maximum of four years, giving licensees up to three full years to implement upgrades and one year to demonstrate attainment of the agreed load.

6.1 How do they work?

The licensee commits to reducing annual emissions for one or more assessable pollutants (specified in kilograms) to an agreed annual lower load, within a maximum of four years. Pollutant load fees are then calculated on the basis of the agreed loads. This means that fees are paid as if the agreed environmental improvements have already been achieved. For example, if a licensee plans to reduce annual phosphorus discharges from 1000 to 100 kilograms in four years' time, an agreed load of 100 kilograms may be reported in each year's annual return and used to calculate fees. Fee savings could be considerable.

If the licensee does not demonstrate achievement of the agreed load in the final year of the agreement (i.e. the actual or weighted load is not equal to or below the agreed load), the licensee must repay excess fee reductions to the EPA, commensurate with what has been achieved.

In return for the benefit of immediate fee reductions received under an LRA, licensees agree to ongoing lower annual load limits beyond the term of the LRA. This will ensure that environmental benefits will be ongoing. The new annual load limit would come into effect at the conclusion of the LRA.

6.1.1 Who can apply?

Current or prospective holders of an environment protection licence with assessable pollutants can apply for an LRA at any time. For further information, contact DECC on 131 555 or the local DECC Regional Office, or visit the DECC website.

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PART B

7. Activity-specific requirements

This is Part B of the Load Calculation Protocol referred to in the Protection of the Environment Operations (General) Regulation 1998. Part A lists the generic requirements that apply to all fee-based activity classifications included in the LBL Scheme. Part B includes the activity, industry-specific load calculation tables and Worksheet. Licensees must refer to the tables in this part of the Protocol that apply to their licence, as described in Part A.

Table 10: Fee-based activity classifications and their assessable pollutants

Activity classification	Assessable pollutants	
	Air	Water
CEMENT OR LIME WORKS		
Cement or lime handling	Coarse particulates, fine particulates	–
Cement or lime production	Coarse particulates, fine particulates, NO _x , NO _x (summer), SO _x	–
CERAMIC WORKS		
Ceramics production	Coarse particulates, fine particulates, FI, NO _x , NO _x (summer), SO _x	–
Glass production	Coarse particulates, fine particulates, NO _x , NO _x (summer), SO _x	–
CHEMICAL PRODUCTION		
Agricultural fertiliser (phosphate) production	Coarse particulates, fine particulates, FI	Total P
Ammonium nitrate production	Coarse particulates, fine particulates, NO _x , NO _x (summer)	Total N
Paints/polishes/adhesives production	Benzene, fine particulates, NO _x , NO _x (summer), VOCs, VOCs (summer)	–
Petrochemical production	Benzene, fine particulates, NO _x , NO _x (summer), VOCs, VOCs (summer)	–
Plastic resins production	Benzene, fine particulates, NO _x , NO _x (summer), VOCs, VOCs (summer)	–
Plastics reprocessing	Benzene, fine particulates, NO _x , NO _x (summer), VOCs, VOCs (summer)	–
CHEMICAL STORAGE		
Petroleum products storage	Benzene, VOCs, VOCs (summer)	–
COKE PRODUCTION		
Coke production	Benzene, benzo(a)pyrene (equiv.), coarse particulates, fine particulates, H ₂ S, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	Oil and grease (O&G), total suspended solids (TSS), total PAHs, total phenolics
ELECTRICITY GENERATION		
Generation of electrical power from coal	Benzo(a)pyrene (equiv.), coarse particulates, fine particulates, FI, NO _x , NO _x (summer), SO _x	Salt, Se, TSS
Generation of electrical power from gas	NO _x , NO _x (summer)	Salt, TSS

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ENERGY RECOVERY		
Energy recovery from general waste	As, benzene, benzo(a)pyrene, fine particulates, Pb, Hg, NO _x , NO _x (summer), SO _x	–
Energy recovery from hazardous and other waste	As, benzene, benzo(a)pyrene, fine particulates, Pb, Hg, NO _x , NO _x (summer), SO _x	–
METALLURGIC ACTIVITIES		
Aluminium production (alumina)	Coarse particulates, fine particulates, Fl, NO _x , NO _x (summer), SO _x	–
Aluminium production (scrap metal)	Coarse particulates, fine particulates, Fl, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	–
Iron or steel production (iron ore)	Benzene, benzo(a)pyrene (equiv.), coarse particulates, fine particulates, H ₂ S, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	As, Cd, Cr, Cu, Pb, Hg, O&G, Se, TSS, Zn
Iron or steel production (scrap metal)	Coarse particulates, fine particulates, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	–
Non-ferrous metal production (ore concentrates) (excl. aluminium)	As, coarse particulates, fine particulates, Pb, Hg, SO _x	As, Cd, Cr, Cu, Pb, Hg, Se, TSS, Zn
Non-ferrous metal production (scrap metal) (excl. aluminium)	Coarse particulates, fine particulates, Pb, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	–
PAPER OR PULP PRODUCTION		
Paper or pulp production	Coarse particulates, fine particulates, NO _x , NO _x (summer)	BOD, salt, TSS, Total N, Total P, Zn
PETROLEUM AND FUEL PRODUCTION		
Crude oil/shale oil production	Benzene, benzo(a)pyrene (equiv.), fine particulates, H ₂ S, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	BOD, O&G, TSS, PAHs, Total phenolics
Natural gas/methane production	Benzene, benzo(a)pyrene (equiv.), fine particulates, H ₂ S, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	BOD, O&G, TSS, PAHs, Total phenolics
Petroleum products and fuel production	Benzene, benzo(a)pyrene (equiv.), fine particulates, H ₂ S, NO _x , NO _x (summer), SO _x , VOCs, VOCs (summer)	BOD, O&G, TSS, PAHs, Total phenolics
RESOURCE RECOVERY		
Recovery of waste oil	Pb, VOCs, VOCs (summer)	O&G
SEWAGE TREATMENT		
Processing by small plants (less than 10,000 ML/yr)	–	BOD, O&G, Total N, Total P, TSS
Processing by large plants (more than 10,000) ML/yr	–	BOD, Cd, Cr, Cu, Pb, Hg, O&G, Se, TSS, Total N, Pesticides and PCBs, Total P, Zn
WASTE DISPOSAL (THERMAL TREATMENT)		
Thermal treatment of general waste	As, benzene, benzo(a)pyrene, fine particulates, Pb, Mg, NO _x , NO _x (summer), SO _x	–
Thermal treatment of hazardous and other waste	As, benzene, benzo(a)pyrene, fine particulates, Pb, Mg, NO _x , NO _x (summer), SO _x	–

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7.1 Cement or lime works: Handling and production

Table 11. Cement or lime works: Handling and production—Acceptable load calculation methods and emission factors, where applicable

(Production: kg per tonne of material produced. Handling: kg per tonne of material handled. Volumes are actual.)

(a) Cement and quicklime production and handling activities	Assessable pollutants—AIR			
	Coarse particulates	Fine particulates	SO _x	NO _x & NO _x (summer)
1. Fuel preparation and drying				
—coal firing with dust collector	SM—PM EF—PEMS, SS or total (kg/yr emission) = 15 mg/m ³ × flow (m ³ /hr) × operating time (hrs/yr) × 10 ⁻⁶ Coarse = 25% total	SM—PM EF—SS Fine = 75% total	—	—
2. Limestone or raw material crushing (kg/tonne of material through crusher)				
—default	SM—PM EF—SS, G = 0.0012	SM—PM EF—SS, G = 0.017	—	—
—fabric filter as per section 1	SM—PM EF—SS, G = 0.0003	SM—PM EF—SS, G = 0.0002	—	—
—wet or chemical suppression	SM—PM EF—SS, G = 0.0003	SM—PM EF—SS, G = 0.0005	—	—
—wet scrubber	SM—PM EF—SS, G = 0.002	SM—PM EF—SS, G = 0.004	—	—
3. Kiln				
3(a) Wet process				
—electrostatic precipitator	SM—PM EF—SS, G = 0.06	SM—PM EF—SS, G = 0.3	SM—PM EF—SS, G = 4.1	SM—PM EF—SS, G = 3.7
3(b) Preheater kiln				
—fabric filter as per section 1	SM—PM EF—SS, G = 0.02	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 0.27	SM—PM EF—SS, G = 2.4
—electrostatic precipitator	SM—PM EF—SS, G = 0.03	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 0.27	SM—PM EF—SS, G = 2.4
3(c) Pre-calciner process kiln				
—fabric filter as per section 1	SM—PM EF—SS, G = 0.02	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 0.54	SM—PM EF—SS, G = 2.1
—electrostatic precipitator	SM—PM EF—SS, G = 0.02	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 0.54	SM—PM EF—SS, G = 2.1

Load Calculation Protocol (June 2008)

Table 11. Cement or lime works: Handling and production (continued)

(b) Specific lime activities	Assessable pollutants—AIR			
	Coarse particulates	Fine particulates	SO _x	NO _x & NO _x (summer)
4. Clinker processing				
—fabric filter as per section 1	SM—PM EF—SS, G = 0.0005	SM—PM EF—SS, G = 0.001	—	—
—electrostatic precipitator	SM—PM EF—SS, G = 0.005	SM—PM EF—SS, G = 0.01	—	—
—gravel bed filter	SM—PM EF—SS, G = 0.015	SM—PM EF—SS, G = 0.03	—	—
5. Finished cement grinding				
—default formula for undifferentiated	SM—PM EF—SS, G = 0.5	SM—PM EF—SS, G = 0.3	—	—
—fabric filter, as per section 1	SM—PM EF—SS, G = 0.002	SM—PM EF—SS, G = 0.003	—	—
—electrostatic precipitator, as per section 1, but assuming a default factor of 60 mg/m ³ for fine and 20 mg/m ³ for coarse particulates	SM—PM EF—SS, G = 0.003	SM—PM EF—SS, G = 0.004	—	—
6. Lime kiln				
6(a) Rotary kiln				
—fabric filter	SM—PM EF—SS, G = 0.01	SM—PM EF—SS, G = 0.06	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 1.9
—electrostatic precipitator	SM—PM EF—SS, G = 0.50	SM—PM EF—SS, G = 4.20	SM—PM EF—SS, G = 0.5	SM—PM EF—SS, G = 1.9
6(b) Shaft kiln				
—scrubber	SM—PM EF—SS, G = 0.10	SM—PM EF—SS, G = 0.90	SM—PM EF—SS, G = 0.5	SM—PM EF—SS, G = 1.3
—fabric filter	SM—PM EF—SS, G = 0.04	SM—PM EF—SS, G = 0.034	SM—PM EF—SS, G = 0.5	SM—PM EF—SS, G = 1.3
7. Fluidised bed	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM, CEMS EF—PEMS, SS	SM—PM, CEMS EF—PEMS, SS
8. Lime hydration	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	—	—
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Load Calculation Protocol (June 2008)

7.2 Ceramic works: Ceramics production (excluding glass)

Table 12. Ceramic works: Ceramics production (excluding glass)—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne of fired product)

AIR

Ceramics—brick production	Assessable pollutants—AIR				
	Coarse particulates	Fine particulates	Fluoride	SO _x	NO _x & NO _x (summer)
1. Drying and firing (for both raw materials and brick drying)					
1(a) Brick dryer					
—gas	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—SS, G = 0.0025	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
—oil	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—SS, G = 0.0025	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
—coal	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—SS, G = 0.0025	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
—other	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
1(b) Tunnel kiln					
—gas	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—SS, G = 0.5	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
—oil	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—SS, G = 0.5	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
—coal	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—SS, G = 0.5	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
—other	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
1(c) Periodic kiln					
—gas	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
—oil	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
—coal	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
—other	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.3 Ceramic works: Glass production

Table 13. Ceramic works: Glass production—Acceptable load calculation methods and emission factors where applicable

(Units are in kg per tonne of product)

AIR

(a) Production of container glass	Assessable pollutants—AIR			
	Coarse particulates	Fine particulates	SO _x	NO _x & NO _x (summer)
1. Melting furnace				
—uncontrolled	–	SM—PM EF—SS, G = 0.66	SM—PM EF—SS, G = 1.7	SM—PM EF—SS, G = 3.1
—with low-energy scrubber	–	SM—PM EF—SS, G = 0.38	SM—PM EF—SS, G = 0.9	SM—PM EF—SS, G = 3.1
—with Venturi scrubber	–	SM—PM EF—SS, G = 0.095	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 3.1
—with baghouse	–	–	SM—PM EF—SS, G = 1.7	SM—PM EF—SS, G = 3.1
—with electrostatic precipitator	–	–	SM—PM EF—SS, G = 1.7	SM—PM EF—SS, G = 3.1
2. Other activities (e.g. mould and machinery repairs)	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM, CEMS EF—PEMS, SS	SM—PM, CEMS EF—PEMS, SS
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

AIR

(b) Production of float glass	Assessable pollutants—AIR			
	Coarse particulates	Fine particulates	SO _x	NO _x & NO _x (summer)
3. Melting furnace				
—uncontrolled	–	SM—PM EF—SS, G = 0.95	SM—PM EF—SS, G = 1.5	SM—PM EF—SS, G = 4.0
—with low-energy scrubber	–	SM—PM EF—SS, G = 0.475	SM—PM EF—SS, G = 0.8	SM—PM EF—SS, G = 4.0
—with Venturi scrubber	–	–	SM—PM EF—SS, G = 0.1	SM—PM EF—SS, G = 4.0
—with baghouse	–	–	SM—PM EF—SS, G = 1.5	SM—PM EF—SS, G = 4.0
—with electrostatic precipitator	–	–	SM—PM EF—SS, G = 1.5	SM—PM EF—SS, G = 4.0
4. Other combustion	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM, CEMS EF—PEMS, SS	SM—PM, CEMS EF—PEMS, SS
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Load Calculation Protocol (June 2008)

Table 13. Ceramic works: Glass production (continued)

(c) Production of other glass (including glass fibre)	Assessable pollutants—AIR			
	Coarse particulates	Fine particulates	SO _x	NO _x & NO _x (summer)
5. Melting and forming				
5(a) Wool				
—glass furnace	–	–	SM—PM EF—SS, G = 0.02	SM—PM EF—SS, G = 0.14
—electric regeneration	–	–	SM—PM EF—SS, G = 5	SM—PM EF—SS, G = 2.5
—gas regeneration	–	–	SM—PM EF—SS, G = 5	SM—PM EF—SS, G = 0.85
5(b) Textile				
—glass furnace	–	–	–	–
—electric regeneration	–	–	SM—PM EF—SS, G = 1.5	SM—PM EF—SS, G = 10
—gas regeneration	–	–	SM—PM EF—SS, G = 15	SM—PM EF—SS, G = 10
6. Other combustion	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

 Load Calculation Protocol (June 2008)

7.4 Chemical production: Agricultural fertiliser (phosphate) production

Table 14. Chemical production: Agricultural fertiliser (phosphate) production—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne produced)

AIR

Production of single superphosphate	Assessable pollutants—AIR		
	Coarse particulates	Fine particulates	Fluoride
<i>Component or activity</i>			
1.. Rock or acid reaction	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
2. Granulation (maturing)	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
TOTAL actual load (kg)			

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

WATER

Production of single superphosphate	Assessable pollutants—WATER
	Total phosphorus
<i>Component or activity</i>	
3. Wastewater	SM—PM, CEMS EF—SS
4. Pollutants in wastewater imported from other licensed activities	SM—PM, CEMS EF—SS
TOTAL actual load (kg)	

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.5 Chemical production: Ammonium nitrate production

Table 15. Chemical production: Ammonium nitrate production—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne produced)

AIR

(a) Ammonium nitrate production		<i>Assessable pollutants—AIR</i>		
<i>Component or activity</i>	<i>Coarse particulates</i>	<i>Fine particulates</i>	<i>NO_x & NO_x (summer)</i>	
1. Acid production	–	–	SM—PM EF—PEMS, SS, G	
2. Solution formation				
2(a) Neutraliser				
—default	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	–	
—wet scrubber	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	–	
2(b) Evaporation or concentration				
—default	SM—PM EF—SS, G = 0.15	SM—PM EF—SS, G = 0.2	–	
—wet scrubber	SM—PM EF—SS, G = 0.15	SM—PM EF—SS, G = 0.02	–	
3. Solids formation and handling	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	–	
4. Product bagging or shipping				
—default	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	–	
—wet scrubber	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	–	
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

WATER

(c) Ammonium nitrate production		<i>Assessable pollutants—WATER</i>	
<i>Component or activity</i>	<i>Total nitrogen</i>		
5. Wastewater	SM—PM, CEMS EF—SS		
6. Pollutants in wastewater imported from other licensed activities	SM—PM, CEMS EF—SS		
TOTAL actual load (kg)			

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.6 Chemical production: Paint/polishes/adhesives production

Table 16. Chemical production: Paint/polishes/adhesives production—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne produced)

AIR

Component or activity	Assessable pollutants—AIR			
	Fine particulates	NO _x & NO _x (summer)	VOCs & VOCs (summer)	Benzene
1. Production process	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
2. Combustion				
—gas	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	—	—
—oil	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	—	—
3. Transfer and storage of bulk liquids	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
4. Fugitive emissions from leaks and spills	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
5. Cleaning and maintenance	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.7 Chemical production: Petrochemical production

Table 17. Chemical production: Petrochemical production—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne produced)

AIR

Component or activity	Assessable pollutants—AIR			
	Fine particulates	NO _x & NO _x (summer)	VOCs & VOCs (summer)	Benzene
1. Main production processes				
1(a) Separation	SM—PM EF—PEMS, SS, G	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(b) Conversion	SM—PM EF—PEMS, SS, G	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(c) Treatment	SM—PM EF—PEMS, SS, G	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(d) Auxiliary	SM—PM EF—PEMS, SS, G	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
2. Combustion	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	–	–
3. Product handling	SM—PM EF—PEMS, SS, G	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
4. Storage of organic liquids	–	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
5. Fugitive emissions from leaks and spills	–	–	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.8 Chemical production: Plastic resins production

Table 18. Chemical production: plastic resins production—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne produced)

AIR

Component or activity	Assessable pollutants—AIR			
	Fine particulates	NO _x & NO _x (summer)	VOCs & VOCs (summer)	Benzene
1. Production processes				
1(a) Polyvinyl chloride	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(b) Polypropylene	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(c) Expandable polystyrene	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(d) PET	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(e) Other	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
2. Combustion	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—
3. Transfer of bulk liquids	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
4. Bulk storage of organic liquids	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
5. Fugitive emissions from leaks and spills	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.9 Chemical production: Plastics reprocessing

Table 19. Chemical production: plastics reprocessing—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne produced)

AIR

Component or activity	Assessable pollutants—AIR			
	Fine particulates	NO _x & NO _x (summer)	VOCs & VOCs (summer)	Benzene
1. Production processes				
1(a) Polyvinyl chloride	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(b) Polypropylene	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(c) Expandable polystyrene	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(d) PET	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
1(e) Other	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
2. Combustion	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—
3. Transfer of bulk liquids	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
4. Bulk storage of organic liquids	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
5. Fugitive emissions from leaks and spills	—	—	SM—PM EF—PEMS, SS, G MB	SM—PM EF—PEMS, SS, G MB
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

 Load Calculation Protocol (June 2008)

7.10 Chemical storage: Petroleum products storage

Table 20. Chemical storage: Petroleum products storage—Acceptable load calculation methods and emission factors, where applicable

(kg per kL throughput)

AIR

Chemical storage—petroleum products	Assessable pollutants—AIR	
	VOCs & VOCs (summer)	Benzene
Component or activity		
1. Transfer of liquids	EF—SS MB TANKS	EF—SS MB TANKS
2. Storage of liquids	EF—SS MB TANKS	EF—SS MB TANKS
3. Vapour recovery unit	SM—PM EF—PEMS, SS	—
TOTAL actual load (kg)		

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

Load Calculation Protocol (June 2008)

7.11 Coke production: Coke production

Table 21. Coke production: Coke production—Acceptable load calculation methods and emission factors, where applicable

(kg per tonne material produced)

AIR

(a) Non-recovery process	Assessable pollutants—AIR							
	Benzene	Benzo(a) pyrene (equiv.)	Coarse particulates	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
1. Oven charging	SM—PM EF—SS, G = 0.000001	SM—PM EF—SS, G = 0.000001	SM—PM EF—SS, G = 0.0004	SM—PM EF—SS, G = 0.0002	—	SM—PM EF—SS, G = 0.00006	SM—PM EF—SS, G = 0.0001	SM—PM EF—SS, G = 0.000001
2. Fugitive emissions	—	—	SM—PM EF—SS, G = 0.000001	SM—PM EF—SS, G = 0.000001	—	SM—PM EF—SS, G = 0.000003	SM—PM EF—SS, G = 0.000005	—
3. Oven pushing	—	—	SM—PM EF—SS, G = 0.002	SM—PM EF—SS, G = 0.0003	—	—	—	—
4. Quenching	—	—	SM—PM EF—SS, G = 0.29	SM—PM EF—SS, G = 0.03	SM—PM EF—SS, G = 0.003	—	—	—
5. Stack combustion	—	—	SM—PM EF—SS, G = 0.01	SM—PM EF—SS, G = 0.27	—	SM—PM EF—SS, G = 0.132	SM—PM EF—SS, G = 2.4	—
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific)

AIR

(b) Recovery process	Assessable pollutants—AIR							
	Benzene	Benzo(a) pyrene (equiv.)	Coarse particulates	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
6. Gas flares – inter works	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
7. Coal crushing (hammer mills)	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
8. Coke screening	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
9. Oven charging and pushing (combined No. 7 battery)	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
10. Standpipe emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G

Load Calculation Protocol (June 2008)

Table 21. Coke production: Coke production (continued)

Component or activity	Benzene	Benzo(a) pyrene (equiv.)	Coarse particulates	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
11. Fugitive emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
12. Oven pushing (No. 4, 5 and 6 batteries)	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
13. Quenching	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
14. Combustion stacks	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
15. Sulfate plant	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
16. Gas processing emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
17. Gas processing fugitive emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

WATER

(c) Coke production	Assessable pollutants—WATER			
	Oil & grease	Total suspended solids	Total PAHs	Total phenolics
18. Wastewater – point source	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)				

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.12 Electricity generation: Coal and gas

Table 22. Electricity generation: Coal and gas—Acceptable load calculation methods and emission factors, where applicable

(Except where otherwise stated—kg/GWh generated)

AIR

(a) Electricity generation	Assessable pollutants—AIR					
	Benzo(a) pyrene (eq.)	Coarse particulates	Fine particulates	Fluorides	NO _x & NO _x (summer)	SO _x
1. Combustion						
—Coal	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM, ^a CEMS, ^b EF—SS	SM—PM, CEMS, ^b EF—SS MB
—Gas	—	—	—	—	SM—PM, ^a CEMS ^b EF—SS	—
—Other	—	—	—	—	—	—
TOTAL actual load (kg)						

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

^a Only if generating capacity at premises is < 100 MW.

^b Where more than one identical unit is installed at premises and CEMS is in operation on one unit, PEMS can be used to estimate emissions from second and subsequent units. CEMS or PEMS may be rotated between units.

WATER

(b) Electricity generation - coal	Assessable pollutants—WATER		
	Selenium	Total suspended solids	Salt
2. Wastewater—point source			
2(a) Once through saltwater cooling system	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
2(b) Other	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
3. Pollutants in wastewater imported from other licensed activities	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)			

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

WATER

(c) Electricity generation - gas	Assessable pollutants—WATER	
	Total suspended solids	Salt
4. Wastewater—point source	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
5. Pollutants in wastewater imported from other licensed activities	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)		

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

 Load Calculation Protocol (June 2008)

7.13 Energy recovery: General waste

Table 23. Energy recovery: General waste—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of material incinerated)

AIR

Component or activity	Assessable pollutants—AIR							
	As	Benzene	B(a)P	Fine particulates	Pb	Hg	NO _x & NO _x (summer)	SO _x
1. Combustion	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system)

Load Calculation Protocol (June 2008)

7.14 Energy recovery: Hazardous and other waste

Table 24. Energy recovery: Hazardous and other waste—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of material incinerated)

AIR

Component or activity	Assessable pollutants—AIR							
	As	Benzene	B(a)P	Fine particulates	Pb	Hg	NO _x & NO _x (summer)	SO _x
1. Combustion	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system)

Load Calculation Protocol (June 2008)

7.15 Metallurgic activities: Aluminium production (alumina)

Table 25. Metallurgic activities: Aluminium production (alumina)—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of product)

AIR

Component or activity	Assessable pollutants—AIR				
	Coarse particulates	Fine particulates	Fluoride	NO _x & NO _x (summer)	SO _x
1. Anode baking scrubber	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G = 60 g/GJ natural gas consumed MB	SM—PM, CEMS EF—PEMS, SS, G MB
2. Potline scrubber stacks	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM, CEMS EF—PEMS, SS, G MB
3. Potline roof vent emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM, CEMS EF—PEMS, SS, G MB
4. Metal casting and heat treatment	—	—	—	SM—PM EF—SS, G = 60 g/GJ natural gas consumed	—
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system); MB—mass balance

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Mass balance equation:

Total SO_x = mass SO_x (petroleum coke) + mass SO_x (pitch) + mass SO_x (natural gas)

 Load Calculation Protocol (June 2008)

7.16 Metallurgic activities: Aluminium production (scrap metal)

Table 26. Metallurgic production: Aluminium production (scrap metal)—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of product)

AIR

Component or activity	Assessable pollutants—AIR					
	Coarse particulates	Fine particulates	Fluoride	SO _x	NO _x & NO _x (summer)	VOCs & VOCs (summer)
1. Material pre-treatment	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	SM—PM EF—PEMS, SS, G
2. Smelting and refining	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—
3. Transport and storage of product	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
4. Combustion	—	SM—PM EF—PEMS, SS, G	—	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	—
5. Fugitive emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
TOTAL actual load (kg)						

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.17 Metallurgic activities: Iron or steel production (iron ore)

Table 27. Metallurgic activities: Iron or steel production (iron ore)—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne produced)

AIR

Component or activity	Assessable pollutants—AIR							
	Benzene	Benzo(a) pyrene (equiv.)	Coarse particulates	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
Sinter plant								
1. Sintering machine	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
2. Sinter cooling bed	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
3. Sinter process dedusting	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
Power								
4. Power and steam generation	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
Blast furnace								
5. Blast furnace stoves – waste heat	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
6. Gas flares – blast furnace gas	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—
7. Blast furnace dedusting process	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
8. Blast furnace slag processing	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G	—	—	—
9. Hot metal dumping	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
Steelmaking								
10. Lime kiln – material storage, handling and transfer	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	—	—
11. Lime kiln	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
12. Steelmaking	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—

Load Calculation Protocol (June 2008)

Table 27. Metallurgic activities: Iron or steel production (iron ore) (continued)

Component or activity	Benzene	Benzo(a) pyrene (equiv.)	Coarse particulates	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
13. Ancillary steelmaking processes	-	-	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	-	-	-	-
14. Continuous casting and machine scarfing	-	-	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	-	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	-
Mills								
15. Hot rolling mills	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

WATER

Component or activity	Assessable pollutants—WATER									
	As	Cd	Cr	Cu	Pb	Hg	O&G	Se	TSS	Zn
16. Wastewater – point source	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
17. Pollutants in wastewater imported from other licensed activities	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)										

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.18 Metallurgic activities: Iron or steel production (scrap metal)

Table 28. Metallurgic activities: Iron or steel production (scrap metal)—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of product)

AIR

Component or activity	Assessable pollutants—AIR				
	Coarse particulates	Fine particulates	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
1. Pretreatment	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G
2. Metal melting					
2(a) Electric arc furnace	—	SM—PM EF—PEMS, SS, G	—	—	—
2(b) Induction furnace	—	SM—PM EF—PEMS, G, SS	—	—	—
2(c) Cupola	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—
3. Mould and core production	—	SM—PM EF—PEMS, SS, G	—	—	—
4. Casting and finishing	—	SM—PM EF—PEMS, SS, G	—	—	—
5. Fugitive emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
6. Combustion	—	SM—PM EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	—
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.19 Metallurgic activities: Non-ferrous metal production (ore concentrates) (excl. aluminium)

Table 29. Metallurgic activities: Non-ferrous metal production (ore concentrates)—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of product)

AIR

Component or activity	Assessable pollutants—AIR				
	Coarse particulates	Fine particulates	SO _x	Metals (Pb, Hg)	Non-metals (As)
1. Sintering					
1(a) Sinter plant stack emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
2. Acid plant					
2(a) Acid plant stack emissions	—	—	SM—PM, CEMS EF—SS	—	—
2(b) Acid plant venting	—	—	SM—PM, CEMS EF—SS	—	—
3. Smelting and refining					
3(a) Copper, brass, bronze	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
3(b) Zinc	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
3(c) Lead	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
3(d) Cadmium	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
4. Alloying and casting					
4(a) Copper, brass, bronze	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
4(b) Zinc	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
4(c) Lead	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—SS	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
5. Fugitive emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
6. Combustion					
6(a) Natural gas-fired boilers [kg/m ³ gas]	SM—PM EF—SS, G = 0	SM—PM EF—SS, G = 0.00012	SM—PM EF—SS, G = 0.0000096	—	—
6(b) Other	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	—	—
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

 Load Calculation Protocol (June 2008)

Table 29. Metallurgic activities: Non-ferrous metal production (ore concentrates) (continued)

<i>Component or activity</i>	<i>Assessable pollutants—WATER</i>		
	<i>Total suspended solids</i>	<i>Metals (Cd, Cr, Cu, Pb, Hg, Zn)</i>	<i>Non-metals (As, Se)</i>
7. Wastewater—point source	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)			

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.20 Metallurgic activities: Non-ferrous metal production (scrap metal) (excl. aluminium)

Table 30. Metallurgic activities: Non-ferrous metal production (scrap metal)—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of product)

AIR

Component or activity	Assessable pollutants—AIR					
	Coarse particulates	Fine particulates	SO _x	NO _x & NO _x (summer)	VOCs & VOCs (summer)	Lead
1. Scrap metal treatment	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G	—
2. Smelting, alloying and casting						
2(a) Copper, brass, bronze	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G	—
2(b) Zinc	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G	—
2(c) Lead	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
3. Combustion	—	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	—	—
4. Fugitive emissions	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—
TOTAL actual load (kg)						

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.21 Paper or pulp production

Table 31. Paper or pulp production—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of product)

AIR

Component or activity	Assessable pollutants—AIR		
	Coarse particulates	Fine particulates	NO _x & NO _x (summer)
1. Combustion	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)			

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system)

WATER

Component or activity	Assessable pollutants—WATER					
	BOD	Salt	TSS	Total N	Total P	Zn
2. Wastewater – point source	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
3. Pollutants in wastewater imported from other licensed activities	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)						

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

Load Calculation Protocol (June 2008)

7.22 Petroleum and fuel production: Crude oil/shale oil production

Table 32. Petroleum and fuel production: Crude oil/shale oil production—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of final product refined or manufactured, as applicable)

AIR

Component or activity	Assessable pollutants—AIR						
	Benzene	Benzo(a) pyrene (equiv.)	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
1. Separation processes	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM, CEMS EF—PEMS, SS, G	—	—	SM—PM, CEMS EF—PEMS, SS, G
2. Conversion processes	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
3. Treating process	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
4. Auxiliary activities	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
5. Transfer of bulk liquids	SM—PM, CEMS EF—PEMS, SS, G TANKS	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G TANKS
6. Bulk storage of organic liquids	SM—PM, CEMS EF—PEMS, SS, G TANKS	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G TANKS
7. Fugitive emissions from leaks and spills	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
8. Air emissions from wastewater treatment	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
9. Vapour recovery units	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
TOTAL actual load (kg)							

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

 Load Calculation Protocol (June 2008)

Table 32. Petroleum and fuel production: Crude oil/shale oil production (continued)
WATER

<i>Component or activity</i>	<i>Assessable pollutants—WATER</i>				
	<i>BOD</i>	<i>O&G</i>	<i>TSS</i>	<i>Total PAHs</i>	<i>Total phenolics</i>
10. Wastewater—point source	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS
11. Pollutants in wastewaters imported from other licensed activities	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.23 Petroleum and fuel production: Natural gas/methane production

Table 33. Petroleum and fuel production: Natural gas/methane production—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of final product refined or manufactured, as applicable)

AIR

Component or activity	Assessable pollutants—AIR						
	Benzene	Benzo(a) pyrene (equiv.)	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
1. Separation processes	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM, CEMS EF—PEMS, SS, G	—	—	SM—PM, CEMS EF—PEMS, SS, G
2. Conversion processes	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
3. Treating process	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
4. Auxiliary activities	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
5. Transfer of bulk liquids	SM—PM, CEMS EF—PEMS, SS, G TANKS	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G TANKS
6. Bulk storage of organic liquids	SM—PM, CEMS EF—PEMS, SS, G TANKS	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G TANKS
7. Fugitive emissions from leaks and spills	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
8. Air emissions from wastewater treatment	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
9. Vapour recovery units	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
TOTAL actual load (kg)							

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

 Load Calculation Protocol (June 2008)

Table 33. Petroleum and fuel production: Natural gas/methane production (continued)
WATER

<i>Component or activity</i>	<i>Assessable pollutants—WATER</i>				
	<i>BOD</i>	<i>O&G</i>	<i>TSS</i>	<i>Total PAHs</i>	<i>Total phenolics</i>
10. Wastewater—point source	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS
11. Pollutants in wastewaters imported from other licensed activities	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.24 Petroleum and fuel production: Petroleum products and fuel production

Table 34. Petroleum and fuel production: Petroleum products and fuel production—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of final product refined or manufactured, as applicable)

AIR

Component or activity	Assessable pollutants—AIR						
	Benzene	Benzo(a) pyrene (equiv.)	Fine particulates	H ₂ S	NO _x & NO _x (summer)	SO _x	VOCs & VOCs (summer)
1. Separation processes	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	—	SM—PM, CEMS EF—PEMS, SS, G	—	—	SM—PM, CEMS EF—PEMS, SS, G
2. Conversion processes	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
3. Treating process	SM—PM, CEMS EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
4. Auxiliary activities	—	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G	SM—PM, CEMS EF—PEMS, SS, G
5. Transfer of bulk liquids	SM—PM, CEMS EF—PEMS, SS, G TANKS	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G TANKS
6. Bulk storage of organic liquids	SM—PM, CEMS EF—PEMS, SS, G TANKS	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G TANKS
7. Fugitive emissions from leaks and spills	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
8. Air emissions from wastewater treatment	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
9. Vapour recovery units	—	—	—	—	—	—	SM—PM, CEMS EF—PEMS, SS, G
TOTAL actual load (kg)							

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

 Load Calculation Protocol (June 2008)

Table 34. Petroleum and fuel production: Petroleum products and fuel production (continued)
WATER

<i>Component or activity</i>	<i>Assessable pollutants—WATER</i>				
	<i>BOD</i>	<i>O&G</i>	<i>TSS</i>	<i>Total PAHs</i>	<i>Total phenolics</i>
10. Wastewater—point source	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS
11. Pollutants in wastewaters imported from other licensed activities	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS	SM—PM EF—SS
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific)

 Load Calculation Protocol (June 2008)

7.25 Resource recovery: Recovery of waste oil

Table 35. Resource recovery: Recovery of waste oil—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne recovered)

AIR

	<i>Assessable pollutants—AIR</i>	
<i>Component or activity</i>	<i>Lead</i>	<i>VOCs & VOCs (summer)</i>
1. Pretreatment	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
2. Process	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
3. Transfer	SM—PM EF—PEMS, SS, G	SM—PM EF—PEMS, SS, G
TOTAL actual load (kg)		

SM—source monitoring (PM—periodic monitoring); EF—emission factor (G—generic; SS—site specific; PEMS—predictive emission monitoring system)

Note: Where EF—G is shown without a numerical value, no adequate data is available for Australian conditions at this time and an EF—PEMS or EF—SS may be developed by the licensee.

WATER

	<i>Assessable pollutants—WATER</i>	
<i>Component or activity</i>	<i>Oil & grease</i>	
4. Wastewater—point source	SM—PM, CEMS EF—SS	
TOTAL actual load (kg)		

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring); EF—emission factor (SS—site specific)

Load Calculation Protocol (June 2008)

7.26 Sewage treatment: Processing by small and large plants

Table 36. Sewage treatment: Processing by small and large plants—Acceptable load calculation methods and emission factors, where applicable

(a) Small plants (219 to < 10,000 ML per year)

WATER

Small sewage treatment plants	Assessable pollutants—WATER				
	BOD	Oil & grease	Total N	Total P	TSS
Component or activity					
1. Wastewater—point source	SM—PM, CEMS EF—SS, G	SM—PM, CEMS EF—SS, G	SM—PM, CEMS EF—SS, G	SM—PM, CEMS EF—SS, G	SM—PM, CEMS EF—SS, G
TOTAL actual load (kg)					

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (G—generic; SS—site specific)

Generic emission factors for small STPs in NSW

Plant type	BOD (mg/L)	Oil & grease (mg/L)	Total N (mg/L)	Total P (mg/L)	TSS (mg/L)
Activated sludge plants					
Conventional activated sludge (CAS)	15	10	40	10	20
CAS + chemical P removal + filtration	5	2	20	0.5	5
Extended aeration (EA)	15	10	20	10	20
EA with denitrification	15	10	10	10	20
EA + ponds ^a	10	10	5	8	15
EA + filtration	8	2	20	8	8
EA + chemical P removal	15	10	20	1	15
EA + chemical P removal + filtration	5	2	20	0.5	5
EA with biological nutrient (N & P) removal	15	10	10	5	20
EA with biological nutrient (N & P) removal + chemical P removal + filtration	5	2	10	0.5	20
EA + ponds + chemical P removal	10	10	5	< 1	15
EA + ponds + biological P removal	10	10	5	5	15
EA + ponds + chemical P removal + filtration	5	2	5	0.5	5
EA + ponds + filtration	5	2	5	8	5
Trickling filter plants					
Trickling filters (TF)	30	10	40	10	40
TF + ponds	20	10	40	10	30
TF + filtration	20	2	40	10	20

Load Calculation Protocol (June 2008)

Table 36. Sewage treatment: Processing by small and large plants—Acceptable load calculation methods and emission factors, where applicable (continued)

Plant type (continued)	BOD (mg/L)	Oil & grease (mg/L)	Total N (mg/L)	Total P (mg/L)	TSS (mg/L)
Lagoon technology					
Oxidation ponds	50	10	40	10	50
Oxidation ponds + ponds	30	10	40	10	40
Aerated lagoon	40	10	40	10	40
Aerated lagoons + ponds	20	10	20	10	30
Hybrid plants					
Anaerobic + aerated lagoon + ponds	20	10	20	10	30
CAS + ponds	15	10	20	10	20
TF + extended aeration with no denitrification	15	10	40	10	20
TF + extended aeration with denitrification	15	10	15	10	20
TF + CAS + ponds	15	10	40	10	20
TF + oxidation ponds + ponds	20	10	40	10	30
TF + extended aeration + ponds	10	10	5	8	15
TF + extended aeration + ponds + chemical P removal	10	10	5	1	15

^a 'Pond' refers to detention of effluent for more than 10 days in a form of open effluent impoundment.

(b) Large plants (> 10,000 ML per year)—include all those assessable pollutants listed for small STPs plus the following assessable pollutants

WATER

Large sewage treatment plants	Assessable pollutants—WATER							
	Cd	Cr	Cu	Pb	Hg	Se	Zn	Pesticides & PCBs
Component or activity								
1. Wastewater—point source	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS	SM—PM, CEMS EF—SS
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring; CEMS—continuous emission monitoring system); EF—emission factor (SS—site specific)

Note: Biosolids from sewage treatment plants, as defined in Schedule 1, Division 2 of the *Protection of the Environment Operations Act 1997*, are not part of the Load-based Licensing Scheme. *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) should be consulted for information on biosolids management.

 Load Calculation Protocol (June 2008)

7.27 Waste disposal (thermal treatment): Thermal treatment of general waste

Table 37. Waste disposal (thermal treatment): Thermal treatment of general waste—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of material incinerated)

AIR

Component or activity	Assessable pollutants—AIR							
	As	Benzene	B(a)P	Fine particulates	Pb	Hg	NO _x & NO _x (summer)	SO _x
1. Combustion	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system)

 Load Calculation Protocol (June 2008)

7.28 Waste disposal (thermal treatment): Thermal treatment of hazardous and other waste

Table 38. Waste disposal (thermal treatment): Thermal treatment of hazardous and other waste—Acceptable load calculation methods and emission factors, where applicable

(kg/tonne of material incinerated)

AIR

Component or activity	Assessable pollutants—AIR							
	As	Benzene	B(a)P	Fine particulates	Pb	Hg	NO _x & NO _x (summer)	SO _x
1. Combustion	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS	SM—PM EF—PEMS, SS
TOTAL actual load (kg)								

SM—source monitoring (PM—periodic monitoring); EF—emission factor (SS—site specific; PEMS—predictive emission monitoring system)

 Load Calculation Protocol (June 2008)

Worksheet 2

1. Copy the names of the assessable pollutants and the components of the activity from the relevant table in Part B into a table like the one below. Add more rows or columns if necessary.
2. Using Sections 2, 3 and 4, and Part B of the Protocol, calculate the actual pollutant loads for each component or activity. Repeat for each assessable pollutant for your industry.
3. Sum the loads of each assessable pollutant for each component to calculate the total actual loads and enter the results in the Worksheet.
4. Calculate any weighted loads (Section 5) and enter the amounts in the Worksheet.
5. Record any agreed loads shown in a load reduction agreement from the EPA (Section 6) in the indicated cells.
6. Use the values for actual, weighted and agreed loads to complete the annual return.

EPA premises number	
Activity classification	
Licence fee period/...../..... to/...../.....

AIR

Component or activity	Assessable pollutants (kg per licence fee period)						
	1	2	3	4	5	6	7
1							
2							
3							
4							
5							
6							
7							
8							
Actual pollutant load (total of above)							
Weighted pollutant load							
Agreed pollutant load							

Load Calculation Protocol (June 2008)

WATER

Component or activity	Assessable pollutants (kg per licence fee period)						
	1	2	3	4	5	6	7
1							
2							
3							
4							
5							
Actual pollutant load (total of above)							
Weighted pollutant load							
Agreed pollutant load							



SCHEDULE OF MAXIMUM CHARGES FOR TOWING, SALVAGE AND STORAGE OF MOTOR VEHICLES

NOT HAVING A GROSS VEHICLE MASS IN EXCESS OF 4 TONNES

EFFECTIVE FROM 1 July 2008

This schedule of maximum charges revokes any previous schedule.

Under section 54 of the Tow Truck Industry Act 1998 (the Act), the maximum charges for towing, salvage and storage of *any accident towing work and the recovery of stolen motor vehicles* anywhere in NSW are as follows:

I) TOWING

(A) Sydney - Newcastle - Wollongong Areas

On business days during business hours (*8am to 5pm Mon to Fri excluding public holidays*) in Sydney, Newcastle and Wollongong area as defined by the TTA:

The Maximum Charge

- | | | |
|------|--|-------------|
| i. | For any accident towing work | \$213.00 |
| ii. | For towing work for recovered stolen vehicles
(<i>that have not been involved in an accident</i>) | \$195.00 |
| iii. | For each subsequent tow | \$75.00 |
| iv. | For each tow undertaken in excess of 10km via the most direct route | \$5.16 / km |
| v. | A surcharge outside business hours of | 20% |

(B) Other Area

On business days during business hours (*8am to 5pm Mon to Fri excluding public holidays*) in the other area:

The Maximum Charge

- | | | |
|------|--|-------------|
| i. | For any accident towing work | \$213.00 |
| ii. | For towing work for recovered stolen vehicles
(<i>that have not been involved in an accident</i>) | \$195.00 |
| iii. | For each subsequent tow | \$75.00 |
| iv. | For each tow undertaken via the most direct route
in excess of 20km | \$2.58 / km |
| v. | A surcharge outside business hours of | 20% |

Toll charges incurred may be charged in addition to the above schedule of fees

NOTE: *All the above listed charges exclude any applicable GST.*

2) SALVAGE

For salvage operations involving the recovery of a motor vehicle involved in an accident, which is still at the scene of the accident

- i. For the certified driver of the tow truck at the rate of \$51.00 per hour, proportional to the time taken in excess of 30 minutes actually required for salvage operations.
- ii. For an assistant, if required, at the rate of \$51.00 per hour, proportional to all the time involved.
- iii. For an additional tow truck (including the driver) used in the salvage operation, at the rate applicable for the first tow truck.
- iv. A surcharge outside business hours at a rate of 20%

Salvage involves the recovery of a motor vehicle from an area other than a road or road related area as defined under the Road Transport (General) Act 1999.

3) STORAGE

For storage *within an authorised holding yard* (as specified on the licensee's schedule) following the towing of a motor vehicle involved in an accident and still at the scene of the accident or from the place to which the motor vehicle was moved following the accident:

- | | | |
|-----|--------------------------|-------------------------|
| i. | For the first 72 hours | No charge |
| ii. | After the first 72 hours | \$16.00 maximum per day |

Storage commences when the motor vehicle towed is at the holding yard, and at the time details of the motor vehicle are recorded in an "Approved Holding Yard Register".

Entries in the holding yard register must be in chronological order and be made at the time and date the vehicle enters or leaves the holding yard,

This storage fee must not be exceeded when storing a vehicle that has been damaged as the result of any accident, collision, impact or crash.

NOTE: *All the above listed charges exclude any applicable GST.*

NOTES

The maximum charge for the towing work are all inclusive and include:

1. All activities required to undertake the towing work
2. Waiting time at the scene of an accident
3. Cleaning of all glass / debris from the scene of an accident relating to the motor vehicle towed
4. Cleaning the tow truck including any fluid leaks or spills from the vehicle being towed
5. Disconnection of a battery, if required
6. Reasonable phone calls required to secure the towing work
7. All administration charges including
 - i. Any photographs required,
 - ii. All documents pertaining to the tow, whether faxed or posted (i.e. invoice for payment, towing authorisation and contact details),
 - iii. Notifying the owner of the motor vehicle in writing of applicable storage fees
8. Relocation / removal of the vehicle to an accessible position in the holding yard for release
9. Any other requirement to comply with the Act or Regulations

A towing authorisation **MUST** be used for any towing work where the vehicle has been involved in an accident. This would include any motor vehicle requiring a tow from the scene of any collision, impact, crash, etc and would include ram raids or recovered stolen vehicles that have been involved in accidents.

Any charge for any work or expense deemed by the operator to require a charge above that as listed **MUST** be itemised on the invoice. These **MUST** be listed as an incurred expense not on a generic basis and **MUST** be able to undergo audit probity.

Therefore, a receipt, account or photograph is required by the Roads & Traffic Authority (RTA), vehicle owner and insurance company to identify and justify any excess charge. If no documentation can be produced to substantiate the work no additional fee can be charged. In all cases the expense charged **MUST** not exceed the expense incurred (eg. If invoiced for crane to assist with salvage for \$80, you can only bill the customer \$80)

Any time standing at the scene of an accident, including awaiting Police / Emergency Services permission to remove a motor vehicle, by towing, is **NOT** a separate charge but is included in the total charge for the towing work.

If two or more vehicles are carried simultaneously on a *subsequent tow*, any applicable excess kilometre fee or applicable toll can only be applied to one vehicle. No fees are applicable for towing work which is undertaken in accordance with any direction of a police officer or an authorised officer to move a motor vehicle that is causing an unreasonable obstruction to the nearest place where it no longer causes an obstruction. A towing authorisation is not required for such towing work in accordance with such a direction. A towing authorisation is required for any subsequent towing work.

For tows conducted in the **Other Area** the tow charge includes kilometres travelled for both the journey to the scene of the accident and then to the destination specified on the towing authority. For tows conducted in the **Defined Areas** (Sydney, Newcastle, Wollongong) the tow charge includes kilometres travelled from the scene of the accident to the destination specified on the towing authority only.

Operators must comply with the following:

1. Any invoice for towing, salvage and storage work **MUST** be in accordance with that as stated herein,
2. If any salvage work exceeds 30 minutes, a minimum of 2 photographs of the incident, clearly showing the position of the motor vehicle being salvaged **MUST** accompany the invoice, and be provided with the claim for salvage fees,
3. The owner, driver or their authorised representative **MUST** be provided access, free of charge, during business hours, to collect the motor vehicle or to retrieve personal possessions from the motor vehicle. If access is required outside business hours the owner / driver or their authorised representative is to be advised verbally and in writing of any applicable fees prior to such access being provided,
4. All operators **MUST** display a clearly visible sign in the operator's office and holding yard advising of any ongoing charge for storage after 72 hours,
5. *In the event that a police officer or authorised officer is the signatory of the towing authorisation copies of the towing authorisation and tow fee quotation must be provided to the Officer signing for forwarding to the owner/driver of the motor vehicle.* The owner, driver **MUST** be provided an estimate of all charges and advised of the maximum storage fee of \$16 per day
6. No demand will be made to insurance companies for a cash only payment for vehicle collection. All operators are to ensure that vehicles to be collected by an insurer are placed in an easily accessible location upon payment for all towing, salvage, storage charges and any other itemised expense that are deemed to be within the charges as stated herein,
7. Any charge levied outside the Schedule of Maximum Charges **MUST** be justified. Any additional charges:
 - i. **MUST** be unique, and relate to the towing/salvage/storage of the said vehicle
 - ii. can only be for what is clearly additional work to meet the requests of the user (whether insurer or vehicle owner)
 - iii. **MUST** be fully itemised with records (including receipts, invoices, photographs or accounts) to be kept at the operators premises (refer clause 65 & 65A - Tow Truck Industry Regulation 1999)
 - iv. cannot be levied on a generic basis (eg a blanket \$25),
 - v. **MUST** be identified and itemised on an invoice (refer clause 65 & 65A - Tow Truck Industry Regulation 1999). These charges are to be explained to the owner / driver prior to the service being provided,
 - vi. Invoices / receipts / accounts **MUST** be itemised and made available if requested by the TTA, owner / driver or insurance company prior to or at time of settlement of an invoice.
8. Levies such as fuel levies can not be charged.

DEFINITIONS

Accident means any collision, impact or other event (however caused) resulting in damage to a motor vehicle.

Accident Damaged Motor Vehicle means a motor vehicle unable to proceed for reasons other than mechanical and/or electrical break down.

Accident Towing Work means the towing or carrying away by a tow truck of a motor vehicle involved in an accident, either from the scene of the accident or from the place to which the motor vehicle has been moved following the accident.

Business Hours means the period commencing 8.00am and concluding 5.00pm on Business Day/s.

Business Day/s means Monday to Friday excluding Public Holidays.

Defined Areas means the areas of Sydney, Newcastle and Wollongong as defined by the TTA and as shown on the attached map.

Motor vehicle means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport (General) Act 2005*.

Other Area means that area of N.S.W other than the Defined Areas.

Road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

Road related area means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a road, or
- (f) any other area that is open to or used by the public and that has been declared by any other Act

Salvage means the recovery of a motor vehicle from an area other than a road or road related area.

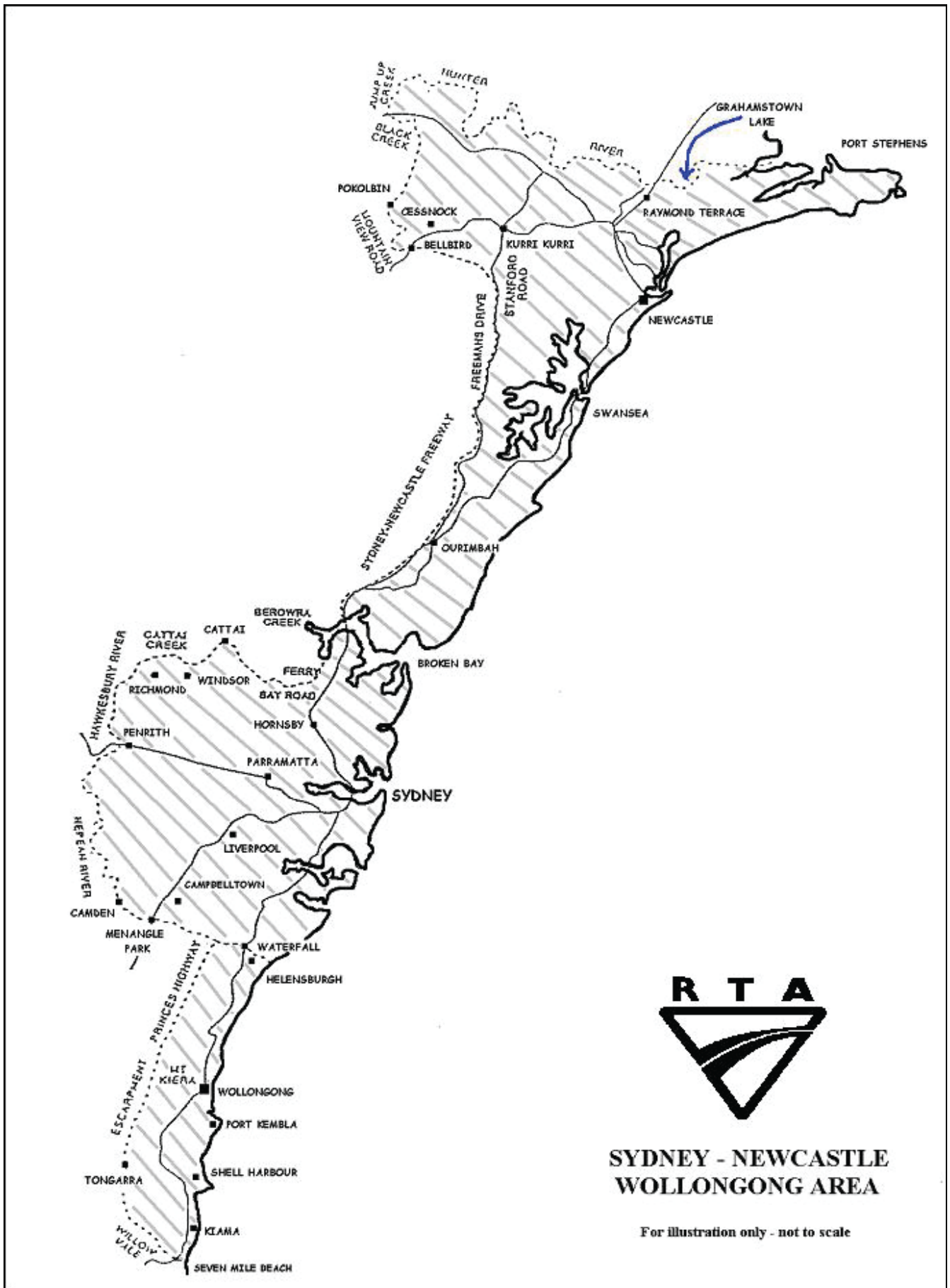
Scene of an accident means an area proximate to the point where a motor vehicle involved in an accident has, as an immediate result of the accident, come or been brought to a stationary position.

Storage means storage within an authorised holding yard specified on the licensee's schedule and in accordance with the Act.

Subsequent Tow means towing by the operator specified on the original towing authorisation from a place of storage or repair to a further destination.

Towing means all activities involved with the securing, loading and transporting of a motor vehicle with the exception of salvage and storage

NOTE: All motor vehicle accidents from which a motor vehicle is towed must be reported to the NSW Police immediately, please ensure that you inform your customers of this requirement.





SCHEDULE OF HEAVY TOW TRUCK AND ASSOCIATED WORK AND EQUIPMENT CHARGES FOR ACCIDENT TOWING: 1 July 2008

This schedule of maximum charges revokes any previous schedule.

EQUIPMENT/SERVICE	APPLICABLE FEE	REMARKS
1. Class 3 Conventional Tow Truck GCM 18 to 25 tonnes	First Hour Accident: \$202 First Hour Stolen: \$184 Thereafter: \$126 per hour	Inclusive of all travelling costs.
2. Class 4(A) Tow Truck GCM 25 to 45 tonnes	First Hour Accident: \$218 First Hour Stolen: \$200 Thereafter: \$143 per hour	Inclusive of all travelling costs. Tow Truck must have dual rear axle
3. Class 4(B) Tow Truck GCM 45 to 60 tonnes	First Hour Accident: \$229 First Hour Stolen: \$211 Thereafter: \$154 per hour	Inclusive of all travelling costs. Tow Truck must have dual rear axle
4. Class 4(C) Tow Truck GCM 60 + tonnes	First Hour Accident: \$292 First Hour Stolen: \$274 Thereafter: \$217 per hour	Inclusive of all travelling costs. Tow Truck must have dual rear axle
5. 2 nd Certified Driver	\$51 per hour - for the period at the accident site.	
6. For the cost of salvage operations after the first 30 minutes at scene of an accident.	\$69 per hour - excluding the use of oxy acetylene equipment.	Excludes the use of a tow truck. Includes the use of Air Bags and Air Jacks.
7. Stand by rate.	To be calculated at 50% of the hourly rate applying to the type of tow truck	Includes any additional labour and equipment.
8. Administration/Site Co-ordination rate.	\$51 per hour - for all site administration work.	Payable for one driver per accident/incident in relation to arranging the salvage of the load/freight.
9. Surcharge for service outside business hours.	50% surcharge payable on labour costs only outside business hours	Business hours are 7am-5pm Monday-Friday excluding Public Holidays.
10. All additional equipment required to complete the tow/salvage/site recovery.	As per substantiated invoice plus 10% gross on-cost only	Only applies if arranged and paid for by the tow truck operator.
11. Locked storage following a tow from the scene of an accident, for the first 72 hours	No charge.	Applies upon arrival at the tow truck operators <i>approved holding yard</i> .
12. Storage after 72 hours.	\$77 per day. Payable only where the vehicle is stored awaiting collection.	Not claimable if the vehicle is awaiting repair at a smash repairers business or holding yard.

NOTE: above listed charges exclude any applicable GST

TTLCP2 0708 B

Heavy Tow Truck Categories

Class 3 Can tow vehicles with a mass not exceeding 12 tonnes. It must have a minimum GCM of 18 tonnes & must have lifting apparatus with a SWL of 5 tonne or more.

Class 4 Can tow vehicles with a mass exceeding 12 tonnes. It must have a minimum GCM of 25 tonnes & must have lifting apparatus with a SWL of 5 tonne or more.

N.B - Class 4 tow trucks must have a tandem rear axle group, a power operated winch & air brakes which can be connected to the brakes of the towed vehicle(s)

To work out what Class is appropriate to a particular vehicle, you need to establish its Load Capacity (i.e. GVM *minus* tare mass), its SWL and its GCM.

N.B. A tow truck cannot, under any circumstances, exceed its manufacturer's GCM when towing another vehicle.

Tow truck operators will:

- Attach at least two date-encrypted photographs to each invoice for towing/recovery work, which clearly show the accident scene before any recovery work has commenced.
- Invoice the owner/insurer, by providing all information stipulated in, and in accordance with clause 65 and clause 65A of the Tow Truck Industry Regulation 1999.

In the interests of providing quality service insurers should:

- Finalise payment of claims within 35 days of the date of the claim being lodged by the insured and accepted by the insurer.
- In cases where the claim by the insured has not been lodged, the insurer should notify the tow operator within 7 working days of receipt of the towing invoice.
- Upon receipt of an invoice provide written notification to the towing operator of the correct policy and claim number for the accident.
- Provide towing operators with expedient advice with respect to any clarification required or dispute concerning the claim. Ideally this should be within 10 working days of receipt of the claim.

Disputed claims:

- In circumstances where the insurer disputes or requires clarification as to a towing invoice the insurer should in the first instance consult with the towing operator. If the insurers concerns can not be adequately addressed the insurer should document any concerns and forward them to the towing operator.
- Both insurers and towing operators should then meet and attempt to resolve any issues of concern in relation to a claim.
- If any disputed claim for an accident based tow cannot be resolved between the towing operator and the insurer either party may contact the RTA in writing. Full details concerning the accident, the towing work undertaken, the claim for payment and the issues of concern must be provided.

Tow Truck Licensing & Compliance - Fees & Charges – From 1 July 2008

ITEM	COST	NOTES
Driver Certificate		
Driver Certificate	\$168 p/a	Includes \$100 non refundable administration fee
Replacement D/C	\$25	
Reissue conditional D/C	\$25	
Re-application for Expired conditional D/C (within 5 business days)	\$92	Expired greater than 5 business days -full re-application will apply
Operator License		
Operator licence – Metro	\$856 p/a	Includes \$300 non refundable administration fee
Operator licence – Country	\$550 p/a	Includes \$300 non refundable administration fee
Plate – Metro – Category A	\$321	Per TT plate - per annum
Plate – Metro – Category B & C	\$306	Per TT plate - per annum
Plate – Country – Category A	\$127	Per TT plate - per annum
Plate – Country - Category B & C	\$122	Per TT plate - per annum
Amendment fee	\$51	Amendment / variation to operator licence
Replacement O/L	\$25	
Reissue conditional O/L	\$25	
Stand-By Tow Truck application fee	\$290	
Re-application for Expired conditional O/L (within 5 business days)	\$265	Expired greater than 5 business days -full re-application will apply
Mutual Recognition		
Driver Certificate – Mutual Recognition	\$127 p/a	Includes \$75 non refundable administration fee
Operator licence – Mutual Recognition	\$449 p/a	Includes \$250 non refundable administration fee
Plate – MR - Category A	\$127	Per TT plate - per annum
Plate – MR – Category B & C	\$122	Per TT plate - per annum
Other		
Investigation fee	At cost	Any further investigation by the TTA to verify suitability, requiring the purchase of information from another agency (eg interstate records)
Subpoena Lodgment Fee	\$31	Conduct money required to lodge a subpoena *

Note: Any refund that may be made by the TTA as a result of a refused or failed application will not be made until any internal reviews or appeals in respect of the application are finalised.

- * Subpoena's can be lodged at the TTA Office, Level 1, 16-18 Wentworth Street, Parramatta, between the hours of 8.30am and 4.30pm Monday to Friday (excluding public holidays).

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

CABONNE COUNCIL

Naming of Roads

NOTICE is hereby given that Cabonne Council, in pursuance of section 162 of the Roads Act 1993, has named the roads described hereunder:

<i>Location</i>	<i>Names</i>
New road in the residential subdivision off Ostini Lane at Mullion Creek 2800.	Rosella Place.
Those roads in East Molong 2866 originating from Mitchell Highway and travelling in an easterly direction, currently named Wellington Street, Marsden Street and Molong Street terminating at Back Saleyards Road.	Marsden Street.
That portion of formed and unformed road in East Molong 2866 originating from the southern end of Betts Street and travelling in an easterly direction for a distance of 185 metres currently named Molong Street.	Dean Street.
An un-named Council road reserve in East Molong 2866 travelling in a north south direction parallel to Betts Street originating from Euchareena Road through to the proposed Dean Street.	Bertie Cole Street.

Authorised by resolution of Council on 18 February 2008 and 16 June 2008. G. L. P. FLEMING, General Manager, Cabonne Council, PO Box 17, Molong NSW 2866. [3979]

EUROBODALLA SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements

THE EUROBODALLA SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the easements described in Schedule 1 below, excluding the easements described in Schedule 2 below and any mines and deposits of minerals within the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for water supply purposes. Dated at Moruya, 13 March 2008. JAMES F. LEVY, General Manager, Eurobodalla Shire Council, PO Box 99, Moruya NSW 2537.

SCHEDULE 1

Interest in Land

Easement rights as described under the heading easement for water pipeline in the terms set out hereunder over the site shown in:

DP 1118897 as '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE'

DP 1118885 as '(A) PROPOSED EASEMENT FOR WATER PIPELINE 5 WIDE'

SCHEDULE 2

Easement for Transmission Line shown as "(B) EASEMENT FOR TRANSMISSION LINE 40 WIDE (VIDE DP 646142)" as shown in DP 1118897.

Easement for Transmission Line shown as "(B) EASEMENT FOR TRANSMISSION LINE 40 WIDE (VIDE DP 647069)" as shown in DP 1118885.

Easement for Transmission Line shown as "(C) EASEMENT FOR TRANSMISSION LINE 45.72 WIDE (VIDE M32109)" as shown in DP 1118885.

Rights to be Acquired:

Easement for Water Pipeline

FULL AND FREE right for the Body having the benefit of this easement (being a public or local authority) and every person authorised by it from time to time and at all times to pass and convey water in any quantities through the servient tenement TOGETHER WITH the right to use for the purpose of the easement any line of pipes (including works ancillary thereto) already laid within the servient tenement for the purposes of the passage and conveyance of such water or any pipe or pipes in replacement, substitution or duplication therefore and where no such line of pipes exists to lay place and maintain a line of pipes of sufficient internal diameter beneath the surface of the servient tenement and to lay place and maintain upon the surface of the servient tenement any works ancillary to the said line of pipes AND TOGETHER WITH the right for the Body having the benefit of this easement (being a public or local authority) and every person authorised by it with any tools, implements, or machinery, necessary for the purposes, to enter upon the servient tenement and to remain there for any reasonable time for the purposes of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipeline or any part thereof (including works ancillary thereto) AND for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary PROVIDED THAT the Body having the benefit of this easement (being a public or local authority) and every person authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

SPA Reference 364.

[3980]

GOSFORD CITY COUNCIL

Water Management Act 2000

Service Charges for 2008/2009

IN accordance with section 315 and 316 of the Water Management Act 2000, Gosford City Council does hereby determine the fees and charges set out in sections 1 to 4 below for the period 1 July 2008 to 30 June 2009, based on determination of the authority set out in A, B and C below:

- A. The amount of money estimated by the Authority that is proposed to be raised by way of service charges levied uniformly on all land that is capable of being connected to the Authority's water supply pipes and sewerage service discharge pipes is \$ 53,168,000 for the period 1 July 2008 to 30 June 2009.

B. All land that is capable of being connected to the Authority's water supply pipes and sewerage service discharge pipes is classified for the purposes of levying service charges on the basis of the following factors:

- (i) Whether the land is residential or non residential;
and
- (ii) The nature and extent of the water and sewerage services connected to each individual allotment.

C. Service charges shall be uniformly levied on the following basis:

- (i) the nominal size of the water service supply pipe supplying water to the land or to which, in the opinion of the Authority, it is reasonably practicable for water to be supplied to the land, expressed as a charge determined by the nominal diameter of the service connection attaching to the Authority's meter;
- (ii) by charge following an assessment of the cost of supplying water and sewerage services by the Authority; and
- (iii) where water pressure requires larger sizes of service connections a charge as assessed by the Authority.

Gosford City Council

Water, Sewerage and Drainage Service Charges for 2008/09

1.0 Water Charges

Water service charge for residential and non-residential properties

<i>Basis of Charge Service Connection Meter Size</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
20mm	88.48
25mm	138.25
32mm	226.51
40mm	353.94
50mm	553.03
65mm	934.61
80mm	1,415.75
100mm	2,212.10
150mm	4,977.23
200mm	8,848.41
For meter diameter sizes not specified above, the following formula applies: (service size) ² x 20mm charge/400	

Water service charge for vacant land and unmetred properties

<i>Basis of Charge</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
Classification of land being vacant land or property unmetred	88.48

2.0 Sewerage Charges

Residential sewerage service charge

<i>Charge</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
Sewerage service charge	399.40

Non-residential sewerage service charge

<i>Charge</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
Minimum sewerage service charge	399.40

Non-residential sewerage service charge

<i>Basis of Charge Service Connection Meter Size</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
Minimum charge	399.40
20mm	298.60
25mm	466.56
32mm	764.40
40mm	1,194.39
50mm	1,866.23
65mm	3,153.93
80mm	4,777.55
100mm	7,464.92
150mm	16,796.07
200mm	29,859.67

For meter diameter sizes not specified above, the following formula applies: (service size)² x 20mm charge/400

The minimum amount payable by a non-residential customer is \$399.40

Sewerage service charge for vacant land

<i>Basis of Charge</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
Classification of land as a vacant land	299.55

3.0 Stormwater Drainage Charges

Stormwater drainage charge for residential properties, non-residential properties, vacant Land and unmetered properties

<i>Basis of Charge</i>	<i>Maximum charge for the period 1 July 2008 to 30 June 2009 \$</i>
Stormwater drainage charge	60.82

4.0 Developer Service Charges

Water and sewerage developmental works service charges per ET

<i>DSP</i>	<i>Charge for the period 1 July 2008 to 30 June 2009 \$/ET</i>
Redevelopment	5,448
Gosford City Centre	7,015
Erina	6,231
Erina Township	9,232
Kariong	6,531
Kincumber	6,552
Lisarow	7,652
Narara	8,748
Niagara Park	7,103
Springfield	8,688
Wyoming (per hectare)	56,704

[3981]

GREAT LAKES COUNCIL

Roads Act 1993, Part 2, Division 1, Section 10

Notice of Dedication of Land as Public Road

NOTICE is hereby given by Great Lakes Council that in pursuance of Part 2, Division 1, Section 10 of the Roads Act 1993, the land described in the Schedule below is hereby dedicated as Public Road. Dated at Forster, 24 June 2008, L. K. O'LEARY, General Manager, Great Lakes Council, PO Box 450, Forster NSW 2428.

SCHEDULE

All roads within DP 9938, DP 9939 and DP 9940 surveyed by Henry Sheaffe in November 1918 and being transferred to Great Lakes Council by agreement as per Statutory Declaration dated 21 May 2008 from a former Director of Port Stephens Development Pty Limited, which was previously Port Stephens Development Limited, the Company involved in the subdivision creating the subject Deposited Plans. Excluding those roads previously closed and granted prior to the date of this Notification. [3982]

INVERELL SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that in accordance with section 10 of the Roads Act 2003, that the land described in the Schedule below is dedicated as public road. P. J. HENRY, General Manager, Inverell Shire Council, PO Box 138, Inverell NSW 2360.

SCHEDULE

Lots 1 to 5 inclusive in DP 1075654.

[3983]

LAKE MACQUARIE CITY COUNCIL

Proposed Naming/Renaming of Roads

NOTICE is given by Council in pursuance of section 162.1 of the Roads Act 1993, as amended, proposes to name/rename the following roads:

<i>Location/Description</i>	<i>Proposed Name</i>
In conjunction with the redevelopment of Charlestown Square Shopping Centre, Council proposes to name the new road within the subdivision of Lots 2 and 3, DP 1090261 at Charlestown.	Ferris Street, Charlestown.
In conjunction with the redevelopment of Charlestown Square Shopping Centre, Council proposes to rename the section of Lincoln Street between the Pacific Highway and Carl Close, Charlestown.	Ferris Street, Charlestown.
Subdivision of Lot 116, DP 879363, Rose Street, Blackalls Park.	Keziah Chase, Blackalls Park.
Subdivision of Lot 8, DP 19520, Kuranda Crescent, Kotara South.	Beulah Place, Kotara South.

Written objections to the proposed naming will be accepted up to one month after publication date of this Notice. The reasons for objection need to be clearly stated. For further information contact Stephen Pichaloff on (02) 4921 0534. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre NSW 2310. [3984]

LAKE MACQUARIE CITY COUNCIL

Erratum

Naming of Public Road – Fordam Lane

THE notice published in the *New South Wales Government Gazette* of 1 May 1998, Folio 3202, contained an error. The road name was published as 'Ferdam Lane', it should have read 'Fordam Lane'. This erratum now amends the error with the gazettal date remaining 1 May 1998. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre NSW 2310. [3985]

MOREE PLAINS SHIRE COUNCIL

Final Pesticide Use Notification Plan

MOREE PLAINS Pesticide Use Notification Plan has been developed in accordance with the requirements of the Pesticides Regulation 1995 and exhibited publicly. Moree Plains Shire Council adopted the Moree Plains Pesticide Use Notification Plan at its meeting on 15 May 2008. DAVID ABER, General Manager, Moree Plains Shire Council, PO Box 420, Moree NSW 2400. [3986]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

PORT MACQUARIE-HASTINGS 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 a weighbridge. Dated at Port Macquarie 24 June 2008. DAVID MEAD, General Manager, Port Macquarie-Hastings Council, Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lot 1, DP 1120786. [3987]

QUEANBEYAN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

IN accordance with section 10 of the Roads Act 1993, Queanbeyan City Council dedicates the land held by it and described in the Schedule below as public road. GARY CHAPMAN, General Manager, Queanbeyan City Council, PO Box 90, Queanbeyan NSW 2620.

SCHEDULE

Lot 1 in Deposited Plan 1119998. [3988]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

TWEED SHIRE COUNCIL declares, with the approval of His Excellency the Lieutenant Governor, that the land described in Schedule A below, excluding the interests described in Schedule B below and excluding any mines or deposits of minerals in the lands, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of public road. Dated at Murwillumbah, 19 June 2008. MIKE RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE A

Lot 2 in DP 1121237 and Lot 4 in DP 1121237.

SCHEDULE B

Right of Carriageway 15 wide Vide DP 858518 shown as D in DP 1121237.

Right of Carriageway 10 wide Vide DP 565865 shown as E in DP 1121237.

Right of Carriageway 5 wide Vide DP 867634 shown as F in DP 1121237.

Right of Carriageway 5 wide Vide DP 867634 shown as H in DP 1121237. [3989]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

TWEED SHIRE COUNCIL declares, with the approval of His Excellency the Lieutenant Governor, that the land described in Schedule B below, excluding the interests described in Schedule A below and excluding any mines or deposits of minerals in the lands, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of public road. Dated at Murwillumbah, 19 June 2008. MIKE RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE A

Lot 3 in DP 1121237.

SCHEDULE B

Right of Carriageway 15 wide Vide DP 858518 shown as D in DP 1121237.

Right of Carriageway 10 wide Vide DP 565865 shown as E in DP 1121237.

Right of Carriageway 5 wide and Variable Vide DP 867634 shown as G in DP 1121237. [3990]

WINGECARRIBEE SHIRE COUNCIL

Heritage Act 1977

Interim Heritage Order No. 3
(Amended)

UNDER section 25 of the Heritage Act 1977, Wingecarribee Shire Council does by this order:

- i. make an interim heritage order to cover the item of environmental heritage specified or described in Schedule 'A', and
- ii. declare that the interim heritage order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- (1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and

- (2) in the case of an item which in the council’s opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Dated 19 June 2008. SCOTT LEE, Director, Environment and Planning, Wingecarribee Shire Council, PO Box 141, Moss Vale NSW 2577.

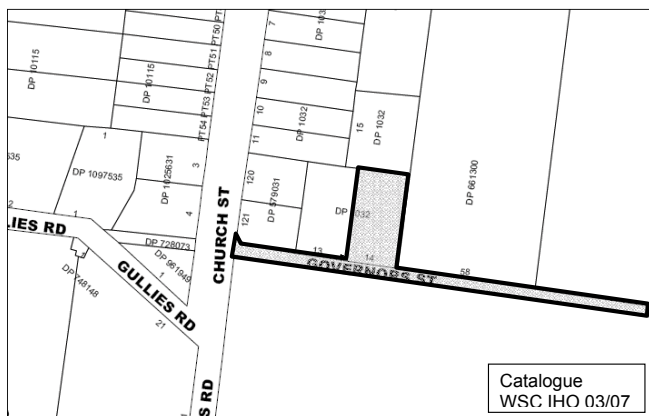
SCHEDULE ‘A’

The property known as “Jackman’s Cottage” and Governor’s Street situated at Bundanoon on land described in Schedule ‘B’.

SCHEDULE ‘B’

All those pieces or parcels of land known as Lot 14, DP 1032, Governors Street, Bundanoon, including Governor’s Street shown edged heavy black on the plan catalogued WSC IHO 03/07 in the office of the Wingecarribee Shire Council.

Interim Heritage Order No. 3



[3991]

WYONG SHIRE COUNCIL

Naming of Roads in Subdivisions

NOTICE is hereby given that in accordance with Part 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<i>Location</i>	<i>Names</i>
Lot 230, DP 1089225, Hakone Road, Woongarra (Stage 3 Woongarra Waters Subdivision).	Corrindi Way.
Lot 7, DP 270492, Magenta Drive, Magenta (Magenta Shores Subdivision).	Whitehaven Avenue.
Lot 1, DP 376275; Lot 1, section 4, DP 3368; Lot 2, section 4, DP 336930, McPherson Road and Gavenlock Road, Mardi.	Freshwater Road, Fairlight Circuit, Queenscliff Place, Newport Terrace and Bronte Way.

No objections to the proposed names were received within the prescribed period of time. K. YATES, General Manager, Council Chambers, PO Box 20, Wyong NSW 2259. [3992]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KANE JUDGE, late of 12/41 Martin Place, Mortdale, in the State of New South Wales, who died between 21 September 2007 and 24 September 2007, must send particulars of their claim to the executor, Bronwynne Patricia Plaister, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale NSW 2223, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Letters of Administration were granted in New South Wales on 10 June 2008. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022.

[3993]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of VINCENZO PASCOLI, late of Dee Why, in the State of New South Wales, who died on 16 January 2008, must send particulars of his claim to the executor, c.o. Cara Marasco & Company, Solicitors, 515 Pittwater Road, Brookvale NSW 2100, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 15 April 2008. CARA MARASCO & COMPANY, Solicitors, Suite 3, 515 Pittwater Road (PO Box 353), Brookvale NSW 2100 (DX 29137, Brookvale), tel.: (02) 9939 6900. Reference: LPM:OR:8486.

[3994]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BEATRICE ADELE MOTUZYSHYN, late of Northaven Retirement Village, 1322 Pacific Highway, Turrumurra, in the State of New South Wales, widow, who died on 26 November 2007, must send particulars of his claim to the executors, David Hamilton Peaston and Kathryn Anne Russell, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South NSW 1235, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 3 June 2008 as number 108920/08. STEVE MASSELOS & CO., A Solicitor Corporation, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South NSW 1235), (DX 305, Sydney), tel.: (02) 9264 7022. Reference: Mr Fitzgerald:sw:17828. [3995]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GORDON WALLACE BOYD, late of Illawarra Diggers Aged Community Care, 8 Blundell Parade, Corimal, in the State of New South Wales, who died on 30 April 2008, must send particulars of their claim to the executor, Geoffrey Wallace Boyd, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington NSW 2033, within one (1) calendar month from 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 18 June 2008. SIMPSON & CO., Solicitors, 103A Anzac Parade, Kensington NSW 2033 (PO Box 340, Kensington NSW 1465), tel.: (02) 9662 4381. Reference: IS:FS. [3996]

NOTICE of distribution of estate.—Any person having any claim upon the estate of MERVYN GEORGE BURROWS, late of Bilambil Heights, in the State of New South Wales, who died on 31 May 2007, must send particulars of his/her claim to the executor, c.o. Mercuri & Co, Solicitors, PO Box 719, Drummoyne NSW 1470, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 12 June 2008. MERCURI & CO, Solicitors, 1/43A Crescent Street, Rozelle NSW 2039 (PO Box 719, Drummoyne NSW 1470), tel.: (02) 9818 8375. Reference: FM:LC. [3997]

COMPANY NOTICES

NOTICE of application for winding up order, Form 9 (Rule 5.6). – IN the Supreme Court of New South Wales (No. 3133 of 2008). – ELECTRO KINGDOM PTY LTD, ACN: 127105935. – A proceeding for the winding up of Electro Kingdom Pty Ltd was commenced by the plaintiff, Datum Tech Pty Ltd, on 6 June 2008 and will be heard by the Supreme Court of New South Wales, Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000 at 9.15 am on 10 July 2008. Copies of documents filed may be obtained from the plaintiff's address for service. The plaintiff's address for service is c/- C. G. Gillis & Co. Lawyers, Level 7 70, Castlereagh Street, Sydney NSW 2000. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the plaintiff at the plaintiff's address for service at least 3 days before the date fixed for the hearing. Dated 24 June 2008. Name of plaintiff's legal practitioner: CHRISTOPHER GLEN GILLIS, c.o. C. G. Gillis & Co. Lawyers, Level 7 70, Castlereagh Street, Sydney NSW 2000, tel.: (02) 9231 2811. [3998]

NOTICE of voluntary winding up of company. – PSYCHIATRIC OPINION PTY LTD, ACN 105-069-127 (in voluntary liquidation). – At a general meeting of the abovementioned company duly convened and held at Level 7, 20 Hunter Street, Sydney NSW 2000, on 20 June 2008, the following resolutions were passed: Special resolution – “that the company be wound up voluntarily” and “that Mr Robert Southwell, who has consented to act, be appointed Liquidator of the Company”. DEREK LOVELL, Director, c.o. Moore Stephens Sydney Pty Ltd, Level 7, 20 Hunter Street, Sydney NSW 2000, tel.: (02) 8236 7700. [3999]

NOTICE convening final meeting of members. – JILLBIRD PTY LIMITED, ACN 008 437 689 (in liquidation). – Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that a final general meeting of members of the abovenamed company will be held at the offices of David B Dickson & Co, 8th Floor, 10 Spring Street, Sydney, on 22 July 2008, at 10:00 a.m., for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and of hearing any explanation that may be given by the Liquidator. Dated 24 June 2008. RONALD G. GOSS, Liquidator, c.o. David B Dickson & Co, 8th Floor, 10 Spring Street, Sydney NSW 2000, tel.: (02) 9221 7566. [4000]

OTHER NOTICES

SCHEDULE OF WATER AND SEWERAGE CHARGES

Effective from 1 July 2008

IN accordance with section 310 of the Water Management Act 2000 and Regulations, Country Energy determines the maximum scale of charges to apply for the 12 months commencing on 1 July 2008, as follows:

SCHEDULE 1 – WATER SUPPLY CHARGES

RESIDENTIAL - BROKEN HILL, MENINDEE, SUNSET STRIP and SILVERTON

Access Charge		Usage Charge	
Nominal Size of Water Service	Annual Access Charge (\$)		Charge cents / kL
20mm	214	Treated Water Usage Charge	
25mm	359	Tier 1 (up to 1.096 kL/day*)	91 c/kL
32mm	589	Tier 2 *** (in excess of 1.096 kL /day*)	236 c/kL
40mm	919	Tier 1 Summer ** (extra 0.549 kL/day for a 114 day period December to March)	91 c/kL
50mm	1,435	Chlorinated Water Usage Charge	
80mm	3,678	Tier 1 (up to 1.096 kL/day*)	77 c/kL
100mm	5,746	Tier 2 *** (in excess of 1.096 kL /day*)	224 c/kL
150mm	12,872	Tier 1 Summer ** (extra 0.549 kL/day for a 114 day period December to March)	77 c/kL

VACANT LAND

All properties to be levied \$214 per property per annum

PIPELINE CUSTOMERS

Access Charge		Usage Charge	
Nominal Size of Water Service	Annual Access Charge (\$)		Charge cents / kL
		Untreated Water Usage Charge	
20mm	214	Tier 1 (up to 1.096 kL/day*)	61 c/kL
25mm	359	Tier 2 (in excess of 1.096 kL /day*)	117 c/kL
32mm	589		
40mm	919		

NON RESIDENTIAL - BROKEN HILL, MENINDEE, SUNSET STRIP and SILVERTON

Access Charge		Usage Charge	
Nominal Size of Water Service	Annual Access Charge (\$)		Charge cents / kL
		Treated Water Usage Charge per Quarter	
20mm	214	Tier 1 (up to 1.096 kL/day*)	91 c/kL
25mm	359	Tier 2 *** (in excess of 1.096 kL /day*)	236 c/kL
32mm	589	Tier 1 Summer ** (extra 0.549 kL/day for a 114 day period December to March)	91 c/kL
40mm	919		
50mm	1,435	Untreated Water Usage Charge	
80mm	3,678	Any measured amount	133 c/kL
100mm	5,746		
150mm	12,872	Chlorinated Water Usage Charge	
		Tier 1 (up to 1.096 kL/day*)	77 c/kL
		Tier 2 *** (in excess of 1.096 kL /day*)	224 c/kL
VACANT LAND		Tier 1 Summer ** (extra 0.549 kL/day for a 114 day period December to March)	77 c/kL
All properties to be levied \$214 per property per annum		Effluent Water Usage Charge	
		Any measured amount	39 c/kL

* calculated on the number of days between meter reading

** To apply within a 114 day period in the summer quarter – 1 December 2008 to 24 March 2009

***The tier two consumption price applies when water consumption exceeds 1.096 kilolitres per day or 1.645 kilolitres per day in the summer quarter multiplied by the number of days between a customer's meter reading.

PERILYA LTD**Water Access Charge**

Annual water supply access charge of \$1.166 million

Water Usage Charge

Water usage charge of \$1.893/kL for all treated water usage with minimum payment of \$1.401 million

SCHEDULE 2 – SEWERAGE and TRADE WASTE CHARGES**SEWERAGE SERVICE CHARGES CITY OF BROKEN HILL**

Residential Land: The service charge shall be a fixed charge of \$361 per customer service connection per year. In respect of any chargeable land used as the site of a block of company or community title units or flats shall be treated as a single non-residential assessment. In respect of strata titled units each will be billed the minimum charge. In respect of any strata lot designed and intended for occupation or used for the purpose of accommodating one or more motor vehicles, there shall be no minimum amount for service charges.

Non Residential Land:**Sewer Access Charge**

Nominal Size of Service	Annual Access Charge (\$)
20mm	537
25mm	838
32mm	1,373
40mm	2,146
50mm	3,353
80mm	8,584
100mm	13,413
150mm	30,178

Sewer Usage Charge

All kilolitres 95c/kL

Sewer Discharge Factor

An appropriate sewer discharge factor is applied to the final sewerage calculation for non-residential customers.

Vacant Land: The service charge shall be a fixed charge of \$361 per property or customer service connection per year, which ever is greater.

SEWERAGE AND TRADE WASTE CHARGES FOR PERILYA LTD

Residential: The sewerage service charge for mining company houses shall be \$361 per occupied house.

Non-residential: The sewerage access charge shall be \$13,413 on the basis of the 100mm water supply service connection. The sewer usage charge shall be \$0.95/kL of non-residential discharge to the sewerage system.

Trade waste: Annual trade waste fee shall be \$1,192 for each operating mine
Applicable trade waste usage charge or excess mass charge as detailed below

WATER AND SEWERAGE CHARGES IN RESPECT OF LANDS EXEMPT UNDER SCHEDULE 4

- i) **Water** - Land which is exempt from service access charges under Schedule 4 of the Act; shall be charged on the water usage recorded by the water service times the charge of \$1.83 /kL.
- ii) **Sewer** - Land which is exempt from service access charges under Schedule 4 of the Act; shall be charged on the water usage recorded by the water service times by the sewer usage charge of \$0.95/kL times by the relevant Sewer Discharge Factor as per the DWE Liquid Trade Waste Management Guidelines 2005.

TRADE WASTE CHARGES FOR NON-RESIDENTIAL CUSTOMERS CITY OF BROKEN HILL

Non Residential Land:

Trade Waste Charges

Category 1 (Low Risk. Nil or only minimal liquid trade waste pre-treatment equipment required)

Application fee*	\$160
Annual Trade Waste Fee	\$74
Re-inspection Fee	\$70

Category 1a (Low Risk. Require more sophisticated prescribed liquid trade waste pre-treatment equipment)

Application fee*	\$160
Annual Trade Waste Fee	\$74
Re-inspection Fee	\$70
Non Compliant Trade Waste Usage Charge**	\$1.39/kL

Category 2 (Medium Risk. Require prescribed liquid trade waste pre-treatment equipment)

Application fee*	\$160
Annual Trade Waste Fee	\$499
Re-inspection Fee	\$70
Trade Waste Usage Charge	\$1.39/kL
Non Compliant Trade Waste Usage Charge***	\$12.75/kL

Category 3 (High Risk. Industrial and large volume dischargers)

Application fee*	\$160
Annual Trade Waste Fee	Set on a case by case basis depending on the complexity of monitoring required
Re-inspection Fee	\$70
Approved pH Range	as per the Country Energy Policy for the Discharge of Liquid Trade Waste
Approved BOD Range	as per the Country Energy Policy for the Discharge of Liquid Trade Waste
Food Waste Disposal	\$20/bed

* Not applicable to those dischargers exempted from obtaining an approval for liquid trade waste discharge as per the Country Energy Policy for the Discharge of Liquid Trade Waste

** Applicable to dischargers who have not installed or properly maintained pre-treatment equipment

*** Applicable to dischargers who have not installed or properly maintained pre-treatment equipment

Excess Mass Charge	\$/kg
acid demand, pH>10	0.63
Alkali demand, pH<7	0.63
Aluminium	0.63
Ammonia* (as N)	1.9
Arsenic	63
Barium	31
Biochemical oxygen demand (BOD)	0.63
Boron	0.63
Bromine	12.5
Cadmium	290
Chloride	No charge
Chlorinated hydrocarbons	31
Chlorinated phenolic	1,252
Chlorine	1.3
Chromium	21
Cobalt	13
Copper	13
Cyanide	63
Fluoride	3.1
Formaldehyde	1.3
Oil & Grease (Total O & G)	1.12
Herbicides/defoliant	626
Iron	1.3
Lead	31
Lithium	6.3
Manganese	6.3
Mercaptans	63
Mercury	2,087
Methylene blue active substances (MBAS)	0.63
Molybdenum	0.63
Nickel	21
Nitrogen* (as TKN Total Kjeldahl Nitrogen)	0.16
Organoarsenic compounds	626
Pesticides general (excludes organochlorines and organophosphates)	626
Petroleum hydrocarbons (non-flammable)	2.1
Phenolic compounds (non-chlorinated)	6.3
Phosphorous (Total P)	1.3
Polynuclear aromatic hydrocarbons (PAHs)	13
Selenium	44
Silver	1
Sulphate* (SO ₄)	0.13
Sulphide	1.3
Sulphite	1.4
Suspended Solids (SS)	0.80
Thiosulphate	0.22
Tin	6.3
Total Dissolved Solids (TDS)	0.05
Uranium	6.3
Zinc	12.8
Non Compliant Excess Mass Charge	as per the Country Energy Policy for the Discharge of Liquid Trade Waste

[4001]

