



Government Gazette

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NEW SOUTH WALES

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LEGISLATION

Allocation of Administration of Acts

The Department of Premier and Cabinet, Sydney

13 August 2008

TRANSFER AND ALLOCATION OF THE ADMINISTRATION OF VARIOUS ACTS

HER Excellency the Governor, with the advice of the Executive Council, has approved of the administration of the Acts listed in the attached Schedule being vested in the Ministers indicated against each respectively, subject to the administration of any such Act, to the extent that it directly amends another Act, being vested in the Minister administering the other Act or the relevant portion of it.

The arrangements are in substitution for those in operation before the date of this notice.

MORRIS IEMMA,
Premier

SCHEDULE

MINISTER FOR INDUSTRIAL RELATIONS

Shop Trading Act 2008 No 49

TREASURER

Appropriation Act 2008 No 45

Appropriation (Budget Variations) Act 2008 No 25

Appropriation (Parliament) Act 2008 No 46

Appropriation (Special Offices) Act 2008 No 47

ATTORNEY GENERAL

Criminal Case Conferencing Trial Act 2008 No 10

MINISTER FOR ROADS

Roads Act 1993 No 33 (except parts, the Minister for Lands, parts, the Minister for Climate Change and the Environment, and parts, the Minister for Local Government)

MINISTER FOR PRIMARY INDUSTRIES

Clean Coal Administration Act 2008 No 50

Hemp Industry Act 2008 No 58

MINISTER FOR LANDS

Roads Act 1993 No 33, Parts 2, 4 and 12 (section 178 (2) excepted) and section 148; and the remaining provisions of the Act so far as they relate to Crown roads (remainder, the Minister for Roads, the Minister for Climate Change and the Environment, and the Minister for Local Government)

MINISTER FOR ENERGY

National Gas (New South Wales) Act 2008 No 31

MINISTER FOR CLIMATE CHANGE AND THE ENVIRONMENT

National Parks and Wildlife (Leacock Regional Park) Act 2008 No 20

Roads Act 1993 No 33, so far as it relates to Lord Howe Island (remainder, the Minister for Roads, the Minister for Lands, and the Minister for Local Government)

MINISTER FOR LOCAL GOVERNMENT

Roads Act 1993 No 33, section 178 (2); Division 2 of Part 3 (so far as it relates to the widening of an unclassified public road for which a council is the roads authority); section 175 (so far as it relates to the power to enter land along or near a public road for which a council is the roads authority); and section 252 (so far as it relates to the functions of the Minister for Local Government under the Act) (remainder, the Minister for Roads, the Minister for Lands, and the Minister for Climate Change and the Environment)

MINISTER FOR GAMING AND RACING

Australian Jockey Club Act 2008 No 52

MINISTER FOR SPORT AND RECREATION

Sporting Venues Authorities Act 2008 No 65

NOTE. The following Acts have been repealed and no longer require allocation:

MINISTER FOR EDUCATION AND TRAINING

Board of Adult and Community Education Act 1990 No 119

MINISTER FOR INDUSTRIAL RELATIONS

Shops and Industries Act 1962 No 43

TREASURER

Debits Tax Act 1990 No 112

Stamp Duties Act 1920 No 47

Trustees Protection Act 1931 No 28

ATTORNEY GENERAL

Companies (Acquisition of Shares) (Application of Laws) Act 1981 No 62

Companies (Acquisition of Shares) (New South Wales) Code

Companies (Administration) Act 1981 No 64

Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981 No 63

Companies and Securities (Interpretation and Miscellaneous Provisions) (New South Wales) Code

Companies (Application of Laws) Act 1981 No 122

Companies (New South Wales) Code

Futures Industry (Application of Laws) Act 1986 No 66

Futures Industry (New South Wales) Code

Liquor Act 1982 No 147, Part 2 (remainder, the Minister for Gaming and Racing)

Securities Industry (Application of Laws) Act 1981 No 61

MINISTER FOR ENERGY

Gas Pipelines Access (New South Wales) Act 1998 No 41

MINISTER FOR WATER

Rivers and Foreshores Improvement Act 1948 No 20

MINISTER FOR GAMING AND RACING

Australian Jockey Club Act 1873

Liquor Act 1982 No 147 (except part, the Attorney General)

Liquor (Repeals and Savings) Act 1982 No 148

MINISTER FOR SPORT AND RECREATION

Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905

Newcastle International Sports Centre Act 1967 No 63

Sporting Venues Management Act 2002 No 56

NOTE. The following Acts subject to allocation have been renamed:

Animal Diseases (Emergency Outbreaks) Act 1991 No 73 (formerly Exotic Diseases of Animals Act 1991)

Election Funding and Disclosures Act 1981 No 78 (formerly Election Funding Act 1981)

Petroleum (Offshore) Act 1982 No 23 (formerly Petroleum (Submerged Lands) Act 1982)

Probate and Administration Act 1898 No 13 (formerly Wills, Probate and Administration Act 1898)

Proclamations



New South Wales

Commencement Proclamation

under the

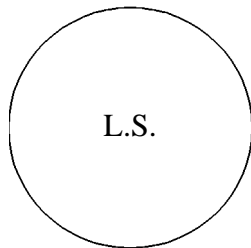
Child Protection (Offenders Registration) Amendment Act 2007
No 87

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 *Child Protection (Offenders Registration) Amendment Act 2007*, do, by this my Proclamation, appoint 22 August 2008 as the day on which section 5 of, and Schedule 3 to, that Act commence.

Signed and sealed at Sydney, this 20th day of August 2008.

By Her Excellency's Command,



DAVID CAMPBELL, M.P.,
Minister for Police

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence an amendment to the *Freedom of Information Act 1989* that provides that certain documents relating to offenders under the *Child Protection (Offenders Registration) Act 2000* are exempt from freedom of information requirements, unless an offender wishes to obtain access to documents or information about himself or herself.



New South Wales

Commencement Proclamation

under the

Environmental Planning and Assessment Amendment Act 2008
No 36

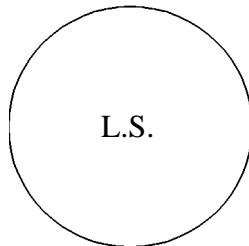
MARIE BASHIR, Governor

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 *Environmental Planning and Assessment Amendment Act 2008*, do, by this my Proclamation, appoint 1 September 2008 as the day on which the following provisions of that Act commence:

- (a) Schedule 2.1 [4] (but only to the extent that it omits section 20), 2.1 [37] (but only to the extent that it inserts section 97B) and 2.1 [56] (but only to the extent to which it omits Schedules 3 and 5),
- (b) Schedule 2.2 [75] (but only to the extent to which it inserts clause 125 of Schedule 6),
- (c) Schedule 4.1 [13], [14] and [24]–[26],
- (d) Schedule 4.2 [2], [5], [7], [12] and [13],
- (e) Schedule 4.3 [1],
- (f) Schedule 4.4 [1].

Signed and sealed at Sydney, this 20th day of August 2008.

By Her Excellency's Command,



FRANK SARTOR, M.P.,
Minister for Planning

GOD SAVE THE QUEEN!

Commencement Proclamation

Explanatory note

Explanatory note

The object of this Proclamation is to commence certain provisions of the *Environmental Planning and Assessment Amendment Act 2008* that deal with the following:

- (a) the abolition of the Local Government Liaison Committee,
- (b) costs orders in certain proceedings before the Land and Environment Court,
- (c) the appointment of principal certifying authorities in respect of building work and in respect of subdivision work,
- (d) increased investigation powers of authorised officers of councils in relation to development,
- (e) the persons who may make an application for a construction certificate, occupation certificate or subdivision certificate,
- (f) increases in the fees payable for a building certificate under section 149A of the Principal Act in certain circumstances,
- (g) the persons who make an application for a strata certificate under the *Strata Schemes (Freehold Development) Act 1973* and the *Strata Schemes (Leasehold Development) Act 1986*.



New South Wales

Proclamation

under the

Public Finance and Audit Act 1983

MARIE BASHIR, Governor

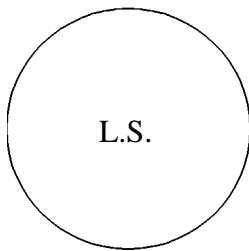
I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 45B of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend Schedule 3 to that Act by omitting the matter relating to the Department of Housing and inserting instead:

Housing NSW

Director-General of Housing NSW

Signed and sealed at Sydney, this 13th day of August 2008.

By Her Excellency's Command,



MICHAEL COSTA, M.L.C.,
Treasurer

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to amend Schedule 3 (Departments) to the *Public Finance and Audit Act 1983* to reflect changes made by the *Public Sector Employment and Management (Housing NSW) Order 2008*.

Regulations



New South Wales

Bail Regulation 2008

under the

Bail Act 1978

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Bail Act 1978*.

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

Explanatory note

The object of this Regulation is to remake, with some changes, the *Bail Regulation 1999*, which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The major changes in substance are the omission of certain forms that were included in the *Bail Regulation 1999* (those documents are now to be in the forms approved by the Attorney General) and the removal of a provision that prescribed a number of places for the purposes of section 26 (2) of the Act, being places that are excluded from the application of a provision regarding the power of the District Court to grant bail.

This Regulation also makes provision with respect to the following:

- (a) the periods in respect of which bail may be granted,
- (b) the information that must be given to a person in custody, detailing the person's entitlements to, or eligibility for, police bail, and the form of acknowledging that such information was given,
- (c) the facilities that must be provided to a person who is in police custody,
- (d) the manner of application for court bail, for review of a bail decision and for alteration of bail conditions,
- (e) provisions regarding the giving of notice of bail decisions to informants in the case of alleged domestic violence offences, to victims in the case of alleged sexual assaults or personal violence offences and to any specially affected persons in relation to whom a special bail condition has been imposed,
- (f) provisions regarding the giving of notice regarding the place and time at which an accused person has undertaken to appear,

Bail Regulation 2008

Explanatory note

-
- (g) provisions for the determination of whether a person is an acceptable person for the purposes of certain bail conditions and the form of acknowledgment that an acceptable person may be required to be given in relation to a condition of an accused person's bail,
 - (h) the manner in which reasons for a bail condition must be recorded by an authorised officer or by the court,
 - (i) provisions regarding the giving of sureties and the provision of security or money under a bail agreement,
 - (j) provisions regarding the making of applications for the discharge of sureties under bail agreements and for the apprehension of accused persons after such applications are made,
 - (k) the information that must be provided to a person in a notice of a court's intention to revoke the person's bail on the ground that the person's bail security is no longer intact,
 - (l) the procedure for the making of requests for the review of bail decisions,
 - (m) in relation to the enforcement of bail agreements—the appropriate State authorities, the way in which certain notices are to be given and the information to be contained in certain of those notices,
 - (n) the information that must be provided to an accused person concerning an adjournment,
 - (o) the information that must be provided to an accused person concerning the person's rights to the review of a bail decision,
 - (p) the form of notice to be given by the custodian of a person in custody after the grant of bail,
 - (q) particulars of orders in bail decisions that must be endorsed on a form of warrant or notified to the governor of the correctional centre at which an accused person is detained,
 - (r) the notification that must be given of bail undertakings, or of compliance with bail conditions, to the governor of the correctional centre at which an accused person is detained,
 - (s) the officers who can certify certain matters,
 - (t) savings and formal matters.

This Regulation is made under the *Bail Act 1978*, including section 69 (the general regulation-making power) and the sections referred to in this Regulation.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature.

Bail Regulation 2008

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Bail Regulation 2008

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Bail Regulation 2008

Clause 1

Preliminary

Part 1

Bail Regulation 2008

under the

Bail Act 1978

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Bail Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Bail Regulation 1999* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

apprehended domestic violence order has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.

approved form means a form approved by the Attorney General for the purposes of the provision in which the expression occurs.

bail agreement means an agreement entered into in accordance with the conditions imposed on the granting of bail to an accused person.

bail decision, in respect of a domestic violence offence, includes the following:

- (a) a bail decision in respect of an application for an apprehended domestic violence order, if the defendant is (by section 83 of the *Crimes (Domestic and Personal Violence) Act 2007*) taken to be an accused person charged with an offence,
- (b) a bail decision in respect of an appeal against an apprehended domestic violence order, if the defendant is (by section 85 of that Act) taken to be an accused person who is in custody.

de facto partner, in relation to a person, means the other party to a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the person.

domestic violence offence has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.

Clause 3 Bail Regulation 2008

Part 1 Preliminary

governor of a correctional centre means the superintendent, governor, gaoler or other officer for the time being in charge of the correctional centre.

registrar of a court includes the following:

- (a) a registrar of the Supreme Court,
- (b) the Registrar of the Court of Criminal Appeal,
- (c) the Registrar of the Land and Environment Court,
- (d) a registrar of the District Court,
- (e) a registrar of a Local Court,
- (f) a Children's Registrar (within the meaning of the *Children's Court Act 1987*).

the Act means the *Bail Act 1978*.

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

Bail Regulation 2008

Clause 4

General provisions respecting bail

Part 2

Part 2 General provisions respecting bail

4 Prescribed periods in respect of grant of bail

For the purposes of section 6 (h) of the Act, the following periods are prescribed periods:

- (a) the period between:
 - (i) the making of an application under section 246 (1) of the *Criminal Procedure Act 1986* with respect to a person, and
 - (ii) the person's being brought before a Judge of the Supreme Court as a consequence of the application,
- (b) the period between:
 - (i) the submission to the Court of Criminal Appeal for determination, under section 5AE of the *Criminal Appeal Act 1912*, of a question of law arising at or in reference to proceedings before the Supreme Court in its summary jurisdiction with respect to an accused person, and
 - (ii) the determination of the question by the Court of Criminal Appeal,
- (c) the period between:
 - (i) the proceedings for a back up offence or related offence being transferred under section 166 (1) (b) (ii) of the *Criminal Procedure Act 1986* from a Local Court to the court in which the person charged with the offence has been committed to trial, and
 - (ii) the person's appearance before the court in which he or she has been committed to trial,
- (d) the period between:
 - (i) a trial court remitting to a Local Court a back up offence or a related offence under section 169 of the *Criminal Procedure Act 1986*, and
 - (ii) the appearance of the person charged with the offence before the Local Court in relation to that offence.

Clause 5 Bail Regulation 2008

Part 3 Police bail

Part 3 Police bail

5 Information respecting entitlement to, or eligibility for, bail

- (1) For the purposes of section 18 (1) (a) of the Act:
 - (a) the information in writing to be given to an accused person is the information set out in subclause (2), and
 - (b) the prescribed form of acknowledgement is the form set out in Schedule 1.
- (2) The information to be given is as follows:
 - (a) to a person who is accused of an offence to which section 8 of the Act applies—information to the effect that the person is entitled to be granted bail unless section 8 (2) (a) (i), (ii), (iii) or (iv) or (4) applies in the person's particular case (with details of those provisions being included in the information),
 - (b) to a person who is accused of an offence to which section 9 of the Act applies—information to the effect that the person is entitled to be granted bail unless section 9 (2) (a), (b) or (c) or (4) applies in the person's particular case (with details of those provisions being included in the information),
 - (c) to a person who is accused of an offence to which section 8A, 8B, 8C, 8D, 8E or 8F of the Act applies—information to the effect that there is a presumption against bail in the person's particular case.
- (3) The information is to be given in the approved form.

6 Prescribed facilities

- (1) For the purposes of section 21 of the Act, the prescribed facilities are as follows:
 - (a) facilities for an accused person to wash, shower or bathe and (if appropriate) to shave,
 - (b) facilities for an accused person to change clothing.
- (2) Nothing in this clause requires a police officer to provide clothing for an accused person unless the clothing is brought to the police station at which the person is in custody, whether by a member of the accused person's family or by some other person.

Bail Regulation 2008

Clause 7

Court bail

Part 4

Part 4 Court bail

7 Manner of application in relation to bail

- (1) For the purposes of section 22 (2) of the Act, an accused person may apply to a court in relation to bail in the following manner:
 - (a) orally, if the person is at that time appearing before the court, or
 - (b) if the person is not appearing before the court, in writing in the approved form.
- (2) A written application in relation to bail may be signed by the accused person or, on the accused person's behalf, by his or her lawyer, spouse, de facto partner, parent or guardian.
- (3) A court may grant bail, review a bail decision or alter bail conditions even if the accused person has not complied with the provisions of subclause (1) or (2).
- (4) An accused person may, in one application, apply to a court for or in relation to bail in respect of more than one alleged offence.
- (5) If the accused person is in custody at a correctional centre, the governor of the correctional centre must forward the application, without undue delay, to the registrar of the court to which the application is made.

8 Notices withdrawing requests for review of court bail

For the purposes of section 25A (3) (b) of the Act, a notice that the Crown does not intend to proceed with a request for a review of a decision to grant bail may be filed with a Local Court.

Clause 9	Bail Regulation 2008
Part 5	Provisions applying to both police and court bail

Part 5 Provisions applying to both police and court bail

9 Notice of bail decisions in cases of alleged domestic violence offences

- (1) This clause applies to the following offences:
 - (a) a domestic violence offence,
 - (b) an offence of failing to comply with a restriction or prohibition specified in an apprehended domestic violence order.
- (2) The authorised officer or court granting or refusing bail in respect of an offence to which this clause applies must immediately give notice of the bail decision to the informant, unless the informant is a police officer.
- (3) The notice may be given personally or by post.
- (4) The notice must contain the information relating to the review of bail decisions specified in clause 29.
- (5) Any notice given of a decision to grant bail must specify the conditions imposed under section 36 of the Act on the granting of bail.
- (6) In this clause:

informant includes a protected person within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007*.

10 Notice of bail decisions in cases of alleged sexual assault and personal violence offences

- (1) As soon as practicable after a bail decision is made in respect of a sexual assault offence or a personal violence offence, the informant for that offence (being a police officer) must take appropriate steps to ensure that notice of the bail decision is given to the alleged victim of the offence or (if it is alleged that the victim died as a result of the offence) to a close relative of the alleged victim of the offence.
- (2) The notice may be given personally or by post.
- (3) Nothing in this clause affects the duty of an authorised officer or court to notify a bail decision to an informant under clause 9.
- (4) In this clause:

domestic relationship has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.

personal violence offence has the same meaning as in the *Crimes (Domestic and Personal Violence) Act 2007*.

sexual assault offence means an offence under Division 10 (other than section 79 or 80) of Part 3 of the *Crimes Act 1900* or an offence under section 344A of that Act with respect to such an offence, but it does not

Bail Regulation 2008

Clause 11

Provisions applying to both police and court bail

Part 5

include any offence in the nature of an attempt (whether under section 344A or otherwise) unless the attempt involved an assault on a person.

victim, in relation to an offence under section 14 of the *Crimes (Domestic and Personal Violence) Act 2007* of contravening a prohibition or restriction specified in an order, means the person for whose protection the order was made.

- (5) In the definition of **sexual assault offence** in subclause (4), a reference to an offence under Division 10 of Part 3 of the *Crimes Act 1900* is taken to extend to a repealed offence that was contained in that Division if a bail decision relates to such an offence.

11 Bail undertaking and notice of hearing

- (1) Notice of the court in which a person has undertaken to appear, and of the time, date and place of that appearance:
- (a) may be included in a copy of the undertaking made by the person or a notice setting out the terms of the undertaking, and
 - (b) if it is so included, must be in the approved form and must be given personally to the accused person immediately after the accused person has given the undertaking.
- (2) A notice of the court in which a person has undertaken to appear, and of the time, date and place of that appearance:
- (a) may be given personally or by post, or
 - (b) may be given or sent in such other manner as the court before which the person is to appear may determine.

12 Acknowledgment as to acquaintance with accused person

- (1) For the purposes of section 36 (4) of the Act, an acknowledgment under section 36 (2) (b) must contain the following details:
- (a) the period during which the person making the acknowledgment has been acquainted with the accused person,
 - (b) the nature of that person's acquaintance with the accused person.
- (2) An acknowledgment under section 36 (2) (b) of the Act must be in the approved form.

13 Determination that person is an acceptable person

- (1) An authorised officer or court may refuse to make a determination that a person is an acceptable person for the purposes of a condition referred to in section 36 (2) (b), (d), (f) or (h) of the Act until the officer or court, on such evidence as appears to the officer or court to be sufficient, is satisfied as to the person's identity and residential address.

Clause 14	Bail Regulation 2008
Part 5	Provisions applying to both police and court bail

- (2) Nothing in this clause limits the powers of an authorised officer or court in relation to the making of a determination as to whether a person is an acceptable person as referred to in section 36 of the Act.

14 Verification of person's capacity as an acceptable person

- (1) This clause applies to a person who claims:
- (a) to be an acceptable person referred to in a determination under section 36 (3) of the Act, or
 - (b) to belong to a class or description of acceptable persons referred to in such a determination.
- (2) Such a person must not be permitted to make an acknowledgment, enter into an agreement or deposit a security or amount of money unless the authorised officer or court before whom the person attends is satisfied:
- (a) that such a determination has been made, and
 - (b) that the person:
 - (i) is an acceptable person referred to in that determination, or
 - (ii) belongs to a class or description of acceptable persons referred to in that determination.

15 Information about special bail conditions

- (1) As soon as practicable after any bail condition is imposed on an accused person under section 37 (1) (b) of the Act for the purpose of the protection and welfare of any specially affected person, the informant for the offence (being a police officer) must take appropriate steps to ensure that notice of the imposition of the bail condition is given to the specially affected person.
- (2) The notice may be given personally or by post.

16 Reasons for bail decisions

- (1) The authorised officer or court making a bail decision must ensure that the reasons for the decision are endorsed in the approved form.
- (2) If the bail decision was made by an authorised officer, the authorised officer must immediately send the endorsed form, or a copy of the form, to the court before which the accused person is to appear.
- (3) If a bail decision is made in response to a bail application relating to more than one alleged offence, the reasons for the bail decision may be recorded on one form.

Bail Regulation 2008

Clause 17

Provisions applying to both police and court bail

Part 5

17 Acceptance of distant sureties

For the purposes of section 39 of the Act, a person who cannot reasonably attend (because of distance or for any other reason) before the authorised officer or court to whom a bail undertaking is given:

- (a) may enter into an agreement with, or
- (b) may make an acknowledgment to, or
- (c) may deposit a security or amount of money with, any other authorised officer or court.

18 Money or security

- (1) This clause applies to any security or amount of money that is deposited with an authorised officer or justice (elsewhere than at a court) under a bail agreement.
- (2) For the purposes of section 40 of the Act, the authorised officer or justice must, as soon as practicable, lodge the security or money, together with the relevant bail undertaking and bail agreement, with the registrar of a court.

19 Application by surety for discharge from liability in respect of bail undertaking

An application under section 42 (1) of the Act for discharge of liability under a bail agreement must be in the approved form.

20 Apprehension of accused person after application by surety for discharge from liability

A warrant issued under section 42 (2) (a) of the Act for the apprehension of an accused person must be in the approved form.

21 Written notice prior to revocation of bail

- (1) For the purposes of section 42B (3) (a) of the Act, the information to be contained in a written notice given to a person by a court under that section (being a notice of the court's intention to revoke the person's bail on the ground that the person's current bail security is no longer intact) is the following:
 - (a) the date on which the person was granted bail, and the offence or offences to which the bail relates,
 - (b) the reason for which the court considers that the current bail security is no longer intact,

Clause 21	Bail Regulation 2008
Part 5	Provisions applying to both police and court bail

- (c) information to the effect that the court proposes to revoke the person's bail unless the person:
 - (i) demonstrates to the court that the current bail security is still intact, or
 - (ii) arranges for the deposit of replacement or supplementary security, whether by the person by whom the current bail security was deposited or by some other person,
 - (d) the date on which the court proposes to revoke the person's bail if neither of the things referred to in paragraph (c) is done, and the procedure to be followed if the person wishes to do either of the things referred to in that paragraph.
- (2) The written notice must be accompanied by a copy of the relevant bail agreement.

Bail Regulation 2008

Clause 22

Review of bail decisions

Part 6

Part 6 Review of bail decisions

22 Request to review bail decision

- (1) A request for a review under Part 6 of the Act of a bail decision is to be made in the approved form.
- (2) A court may determine a request to review a bail decision even if the request does not comply with this clause.
- (3) On receipt of a request to review a bail decision, a court must give notice of the time and place of hearing to the applicant.
- (4) If an accused person does not appear at the hearing, the court, on proof of notice having been given to the person, may proceed to hear and determine the request.
- (5) A court may dispense with the giving of notice if it is satisfied that:
 - (a) the accused person is evading service or cannot be contacted, or
 - (b) the interests of justice so demand.
- (6) The Supreme Court must give notice to an applicant for review of a bail decision of its decision, under section 22A of the Act, to refuse to entertain the application.

Clause 23 Bail Regulation 2008

Part 7 Bail agreements

Part 7 Bail agreements

23 Appropriate State authorities

- (1) For the purposes of the definition of *appropriate State authority* in section 53 of the Act, the following persons and bodies are declared to be appropriate State authorities in relation to the forfeiture orders specified:
 - (a) the Commissioner of Police—in relation to a forfeiture order relating to bail money under a bail agreement for:
 - (i) an offence being prosecuted by a police officer, or
 - (ii) an offence being prosecuted by any other person (otherwise than on behalf of a public authority or the Director of Public Prosecutions) in a Local Court,
 - (b) the public authority concerned—in relation to a forfeiture order relating to bail money under a bail agreement for an offence being prosecuted by or on behalf of a public authority,
 - (c) the Director of Public Prosecutions—in relation to a forfeiture order relating to bail money under a bail agreement for:
 - (i) an offence being prosecuted by or on behalf of the Director of Public Prosecutions, or
 - (ii) an offence being prosecuted by any other person (other than a police officer and otherwise than on behalf of a public authority) in any court other than a Local Court.
- (2) In this clause, *public authority* means the Crown, a Minister of the Crown or a statutory body representing the Crown, and includes a council or county council within the meaning of the *Local Government Act 1993*.

24 Written notice concerning making of forfeiture order

- (1) For the purposes of section 53B (2) (a) of the Act, the information to be contained in a written notice given to a person affected by a forfeiture order (being a notice to the effect that the order has been made) is the following:
 - (a) the terms of the order and the date on which it was made,
 - (b) information to the effect that a person affected by the order may object to the confirmation of the order,
 - (c) the date on which the order will be confirmed if no objection is made,
 - (d) the procedure to be followed if the person wishes to object to the confirmation of the order.

Bail Regulation 2008

Clause 25

Bail agreements

Part 7

-
- (2) The written notice must be accompanied by a copy of the relevant bail agreement.

25 Giving of notice to appropriate State authority

- (1) For the purposes of section 53C (4) of the Act, the manner in which a Local Court must give notice of an objection to the appropriate State authority is by means of a written notice sent to the authority.
- (2) The written notice must set out the date fixed for the hearing of the objection (if such a date has been fixed) and must be accompanied by a copy of the objection as filed in the court.

26 Giving of notice to appropriate State authority

- (1) For the purposes of section 53E (2) of the Act, the manner in which a court must give notice of an objection to the appropriate State authority is by means of a written notice sent to the authority.
- (2) If a representative of the appropriate State authority is appearing before the court when the objection is made, notice of the objection may instead be given to the authority by means of an oral statement to the representative.
- (3) The notice or statement must indicate the date fixed for the hearing of the objection (if such a date has been fixed) together with particulars of the objection.

27 Written notice concerning taking effect of forfeiture order

- (1) For the purposes of section 53H (2) (a) of the Act, the information to be contained in a written notice given to a person affected by a forfeiture order (being a notice to the effect that the order has taken effect) is the following:
- (a) the terms of the order and the date on which it was made,
 - (b) information to the effect that the order has taken effect,
 - (c) the person's obligations under the Act with respect to the payment of bail money forfeited by the order,
 - (d) information to the effect that the person may apply to have the order set aside,
 - (e) the procedure to be followed if the person wishes to apply to have the order set aside.
- (2) The written notice must be accompanied by a copy of the relevant bail agreement.

Clause 28 Bail Regulation 2008

Part 8 Miscellaneous

Part 8 Miscellaneous

28 Notice required to be given on adjournment

A notice given under section 54 (4) of the Act of the time and place to which proceedings have been adjourned must be in the approved form.

29 Notice required to be given to accused person regarding review of bail decision

For the purposes of section 54 (5) of the Act, the information in writing to be given to an accused person is the following:

- (a) an explanation of the meaning of “bail decision” for the purposes of a review,
- (b) information specifying the courts or persons that may review bail decisions (including the circumstances in which a decision of the Supreme Court may be reviewed by another court or person),
- (c) information specifying the persons who may request a review of a bail decision,
- (d) information relating to the special limited review of bail conditions provided for in section 48A of the Act in respect of persons granted bail who remain in custody because of their inability to meet a condition of the bail,
- (e) information relating to the special limited review of bail reporting or residence conditions provided for in section 48B of the Act,
- (f) details of the way in which an accused person may request a review of a bail decision,
- (g) information to the effect that a court reviewing a bail decision may confirm or vary the decision or give a new decision.

30 Notice by custodian of person in custody after grant of bail

For the purposes of section 54A (6) of the Act, a notice for the purposes of section 54A of the Act must be given in the approved form.

31 Particulars of orders in bail decisions

- (1) If an accused person is, as a consequence of a bail decision, committed to a correctional centre by warrant, the court, Judge, magistrate, justice or other person issuing the warrant must cause the required particulars to be endorsed on the form of warrant.
- (2) If an accused person is, as a consequence of a bail decision, committed to a correctional centre otherwise than by warrant, the court must cause the required particulars to be notified to the governor of the correctional centre to which the accused person is committed.

Bail Regulation 2008

Clause 32

Miscellaneous

Part 8

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- (3) If an accused person is held in custody as a consequence of a bail decision and, as a consequence of a further bail decision, bail is granted, refused or dispensed with in respect of the offence concerned, the court must cause the required particulars to be notified to the governor of the correctional centre at which the accused person is in custody.
- (4) The required particulars are particulars of any order in the bail decision respecting:
- (a) the grant, refusal or dispensation of bail in respect of the offence concerned, and
 - (b) any conditions imposed under the Act on the grant of bail, and
Note. See Division 3 of Part 5 of the Act.
 - (c) any determination as to:
 - (i) the person or persons, or the class or description of persons, acceptable for the purposes of a condition of bail as referred to in section 36 (2) (b), (d), (f) and (h) of the Act, and the number of acceptable persons required for those purposes, and
 - (ii) the nature and sufficiency of security that is acceptable security for the purposes of a condition of bail as referred to in section 36 (2) (e) and (f) of the Act.

32 Notification of bail undertaking or of compliance with bail conditions

- (1) This clause applies:
- (a) if an accused person is in custody as a consequence of a bail decision, and
 - (b) if the person subsequently gives a bail undertaking, and
 - (c) if all bail conditions are complied with such that the person may be released from custody in respect of the offence.
- (2) The authorised officer or court before whom or which the bail undertaking is given and bail conditions entered into must immediately notify the governor of the correctional centre at which the accused person is detained of the person's giving of the bail undertaking and of the person's compliance with the bail conditions.

33 Prescribed officers

For the purposes of section 60 (3) (a) and (b) of the Act, the following are prescribed officers:

- (a) a Judge,
- (b) a magistrate,
- (c) an authorised justice,

Clause 34 Bail Regulation 2008

Part 8 Miscellaneous

- (d) a registrar of a court,
- (e) an authorised officer.

34 Savings

- (1) Any act, matter or thing that, immediately before the repeal of the *Bail Regulation 1999*, had effect under that Regulation continues to have effect under this Regulation.
- (2) Until such time as the Attorney General determines otherwise, a form that, immediately before the repeal of the *Bail Regulation 1999*, was prescribed under that Regulation is taken to be an approved form for the purposes of the relevant provisions of this Regulation.

Bail Regulation 2008

Schedule 1

Schedule 1

Form of acknowledgment that information about bail was given to accused person

(Clause 5 (1) (b))

I,

(name)

of

(police station)

acknowledge that I gave

(accused person)

charged with

(offence)

the information about bail that is required by clause 5 (2) of the *Bail Regulation 2008*.

Signature of proper officer:

Place at which form signed:

Date:



New South Wales

Charitable Fundraising Regulation 2008

under the

Charitable Fundraising Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Charitable Fundraising Act 1991*.

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

Explanatory note

The object of this Regulation is to remake, with some changes, the provisions of the *Charitable Fundraising Regulation 2003*, which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes some changes to the standard conditions that apply to an authority that is taken to be granted under section 16 (6) of the *Charitable Fundraising Act 1991* (*the Act*) and provides for an exemption from the requirement for a face-to-face collector to wear an identification card or badge in certain circumstances where the collector is at a fundraising event or function. This Regulation also provides that a request for, or receipt of, certain benefits from a registered club does not constitute a fundraising appeal for the purposes of the Act if the request or receipt is in relation to a community support and expenditure scheme.

This Regulation also makes provision with respect to the following:

- (a) the activities and appeals that do not constitute a fundraising appeal for the purposes of the Act,
- (b) the religious organisations that are exempt from the Act,
- (c) the manner of determining what constitutes a lawful and proper expense in connection with a fundraising appeal,
- (d) the particulars that are to be shown in the records of income and expenditure that a person or organisation conducting a fundraising appeal must keep,
- (e) the identification and obligations of participants in fundraising appeals,
- (f) the financial and organisational information that must be provided to the public on request, and the fees payable for that information,

Charitable Fundraising Regulation 2008

Explanatory note

- (g) the changes in particulars that an authorised fundraiser must furnish to the Minister,
- (h) the standard conditions to apply to authorities to conduct fundraising appeals that are taken to have been granted under the Act when applications have not been dealt with in time,
- (i) savings and formal matters.

This Regulation is made under the *Charitable Fundraising Act 1991*, including sections 5 (3) (f), 7 (1) (b), 9 (3) (a), 16 (6), 20 (3), 22 (2) (b), 47 (1) and (3), 49 (3) and 55 (the general regulation-making power).

Charitable Fundraising Regulation 2008

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Clause 1	Charitable Fundraising Regulation 2008
Part 1	Preliminary

Charitable Fundraising Regulation 2008

under the

Charitable Fundraising Act 1991

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Charitable Fundraising Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Charitable Fundraising Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

authorised fundraiser, in relation to a fundraising appeal, means a person or organisation that holds an authority to conduct the appeal.

child means a person under the age of 15 years.

face-to-face collector means a person who participates in a fundraising appeal by face-to-face solicitation.

financial year, in relation to an organisation, means the financial year fixed for the organisation by its constitution or, if no financial year is fixed, the year commencing 1 July.

supply of goods does not include giving a person who donates to a fundraising appeal a badge, sticker, token or other thing in acknowledgment of the person's donation.

the Act means the *Charitable Fundraising Act 1991*.

trader means a trader within the meaning of section 11 of the Act.

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

Charitable Fundraising Regulation 2008

Clause 4

Fundraising appeals

Part 2

Part 2 Fundraising appeals

4 Certain requests for, or receipts of, money not to constitute fundraising appeal

For the purposes of section 5 (3) (f) of the Act, a request for, or the receipt of, money from a person is prescribed if the money is wholly payable by the person as the genuine fee or charge for the provision of:

- (a) educational facilities or services, or
- (b) child-minding services, or
- (c) goods or services supplied through a supported employment service for people with disabilities, or
- (d) nursing or medical services, or
- (e) other care or welfare services.

5 Community support and expenditure schemes

- (1) For the purposes of section 5 (3) (f) of the Act, a request for, or the receipt of, money, property or other benefit from a registered club is prescribed if:

- (a) the registered club applies profits to community development and support in accordance with the CDSE guidelines, and
- (b) the request for, or receipt of, money, property or other benefit relates to that application of profits.

- (2) In this clause:

CDSE guidelines has the same meaning as it has in section 16 of the *Gaming Machine Tax Act 2001*.

registered club has the same meaning as it has in the *Registered Clubs Act 1976*.

6 Religious organisations exempt from Act

For the purposes of section 7 (1) (b) of the Act, the following are prescribed as religious bodies or religious organisations to which the Act (apart from section 48) does not apply:

ACE Global Incorporated

Buddhist Council of New South Wales Incorporated

Christian Broadcasting Association Limited (trading as FM103.2)

Church Missionary Society—New South Wales Incorporated

Coffs Coast Schools Ministry Incorporated

Cornerstone Community Incorporated

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Creflo Dollar Ministries
 Crystal Cathedral Ministries Australia Limited (trading as Hour of Power)
 Far East Broadcasting Co (Australia)
 Good News Broadcasting Association Limited
 IN Network Australia Incorporated
 Jesse Duplantis Ministries
 Kenneth Copeland Ministries Eagle Mountain International Church Ltd
 Leading The Way With Dr Michael Youssef Australia Limited
 Life Recovery Ministries Incorporated
 Loyal Orange Institution of New South Wales
 New South Wales Ecumenical Council Relief Institute Incorporated
 NSW Auxiliary of the British and Foreign Bible Society (trading as Bible Society NSW)
 Open Doors with Brother Andrew (Australia) Inc
 Rose Mountain Incorporated
 Shree Swaminarayan Temple (Sydney) Inc
 Shoalhaven Employers of Christian Education Teachers Inc
 Tahlee Ministries Incorporated
 The E.U. Graduates Fund
 The Journey Incorporated
 The Servants of Jesus Community Ltd
 The Trustees for the Answers with Bayless Conley Australia Trust
 The Trustees for the Gospel Patrons Society Foundation
 Voice of the Martyrs Limited

7 Local councils and certain trusts exempt from obligation to hold authority to conduct fundraising appeals

- (1) For the purposes of section 9 (3) (a) of the Act, the following organisations and persons are authorised to conduct a fundraising appeal without being the holder of an authority:
- (a) councils,
 - (b) committees of councils (whether or not all of the members of the committee are councillors of the council),
 - (c) the trustees of a trust of which:
 - (i) a council is a trustee, or

Charitable Fundraising Regulation 2008

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(ii) the holder of the office of mayor, councillor, general manager, public officer or senior staff member of a council is a trustee by virtue of holding that office, or

(iii) a person nominated by a council is a trustee by virtue of being a person nominated by the council,

but only in respect of a fundraising appeal conducted for the trust.

(2) In this clause, *council*, *councillor*, *mayor*, *public officer* and *senior staff* have the same meaning as in the *Local Government Act 1993*.

8 Universities exempt from obligation to hold authority to conduct fundraising appeals

For the purposes of section 9 (3) (a) of the Act, the following organisations are authorised to conduct a fundraising appeal without being the holder of an authority:

- (a) the Australian Catholic University,
- (b) the Charles Sturt University,
- (c) the Macquarie University,
- (d) the Southern Cross University,
- (e) the University of New England,
- (f) the University of New South Wales,
- (g) the University of Newcastle,
- (h) the University of Sydney,
- (i) the University of Technology, Sydney,
- (j) the University of Western Sydney,
- (k) the University of Wollongong.

9 Lawful and proper expenses

(1) For the purposes of section 20 (3) of the Act, an expense is a lawful and proper expense in connection with a fundraising appeal if:

- (a) the Minister has, pursuant to this clause, determined that such an expense constitutes a lawful and proper expense in connection with that fundraising appeal, fundraising appeals of that class or description, or fundraising appeals generally, and
- (b) it is not an expense referred to in subclause (5) (a)–(c), and
- (c) it complies with the requirements of this clause.

(2) The Minister may, subject to this clause, decide what constitutes a lawful and proper expense in respect of a particular fundraising appeal or any class or description of fundraising appeals or fundraising appeals generally.

Clause 10 Charitable Fundraising Regulation 2008

Part 2 Fundraising appeals

- (3) The Minister, in deciding what constitutes a lawful and proper expense, must have regard to the provisions of this clause and to:
 - (a) the type and amount of expenses generally accepted as being associated with the manner of appeal concerned, and
 - (b) whether the ratio that the amount of the expense in question bears to the gross income obtained from the appeal is reasonable in the circumstances.
- (4) The Minister's decision has effect with respect to an authorised fundraiser when it is notified to the authorised fundraiser or when it is notified in the Gazette, whichever occurs first.
- (5) An expense is not a lawful and proper expense:
 - (a) if it is prohibited under any law, or
 - (b) if it is not supported by documentary evidence or is not otherwise verifiable as being properly incurred, or
 - (c) in the case of an expense paid or incurred by an organisation that is an authorised fundraiser, if it was not properly authorised by or on behalf of the organisation.
- (6) Commissions paid or payable to any person as part of a fundraising appeal must not exceed one-third of the gross money obtained by that person in the appeal.
- (7) If a fundraising appeal is conducted with a trader, expenses must be of a type and amount provided for, or described in, a written agreement between the authorised fundraiser and the trader.

10 Particulars to be shown in records of income and expenditure

For the purposes of section 22 (2) (b) of the Act, the following particulars are to be included in relation to each fundraising appeal:

- (a) particulars of all items of gross income received or receivable,
- (b) particulars of all items of expenditure incurred (including the application or disposition of any income obtained from the appeal),
- (c) particulars of the transactions to which the particulars in paragraph (a) or (b) relate.

Note. Accordingly, particulars of all invoices, receipts, vouchers and other documents of prime entry relating to each fundraising appeal, and such working papers and other documents as are necessary to explain the methods and calculations by which accounts relating to the appeal are made up, must be included in the records kept under section 22 of the Act.

Charitable Fundraising Regulation 2008

Clause 11

Fundraising appeals

Part 2

11 Identification of face-to-face collectors

- (1) While participating in a fundraising appeal, a face-to-face collector must prominently display any identification card or badge that has been issued to the person in compliance with a condition of the authority to conduct the appeal.

Maximum penalty: 5 penalty units.

- (2) Subclause (1) does not apply if the fundraising appeal is taking place as part of a fundraising event or function and it is clear to a person attending the function or event that the fundraising appeal is being conducted by, or on behalf of, the holder of the authority to conduct the appeal.

12 Obligations of participants

A person:

- (a) who conducts or participates in a fundraising appeal otherwise than as a face-to-face collector (such as by telephone or by mail), and

- (b) who receives a wage, commission or fee for doing so,

must, whether or not requested to do so by the person being solicited, disclose to that person the fact that he or she is so employed and the name of his or her employer for the purposes of the appeal.

Maximum penalty: 5 penalty units.

13 Public access to information

- (1) On request by a person (the *applicant*) under section 47 of the Act, a person or organisation that is (or, within the previous 12 months, was) the holder of an authority must furnish to the applicant a copy of the annual audited financial statements (also known as financial reports) in respect of all fundraising appeals conducted by the person or organisation during the 7 financial years prior to the request.

- (2) If the applicant's request relates to an organisation, the following must also be furnished on request:

- (a) a copy of or extract from the organisation's objects and constitution, including any amendments,

- (b) the names, qualifications and occupations of the members of the governing body of the organisation.

- (3) For the purposes of section 47 (3) of the Act, the fee for furnishing financial statements or information:

- (a) by or on behalf of the Minister is \$13.00 for the first page and \$1.00 for each additional page, and

Clause 14 Charitable Fundraising Regulation 2008

Part 2 Fundraising appeals

- (b) in any other case, is \$13.00 for the first page and \$1.00 for each additional page or such lesser amount as the person or organisation furnishing the information may determine.

14 Notification of changes to particulars of authorised fundraiser

- (1) An authorised fundraiser must furnish to the Minister in writing:
 - (a) if the authorised fundraiser is a natural person, details of any amendment, deletion or addition to the charitable objects or purposes for which the person wishes to raise funds under its authority, and
 - (b) if the authorised fundraiser is an organisation (whether or not incorporated), details of any changes to its constitution with respect to:
 - (i) the charitable objects or purposes of the organisation, or
 - (ii) the non-profit nature of the organisation with respect to the disposition of funds obtained through its fundraising appeals, or
 - (iii) the disposition of funds and assets obtained from fundraising appeals to a non-profit organisation with similar or identical charitable objects or purposes in the event of a winding-up of the organisation, and
 - (c) if the authorised fundraiser is an organisation with branches that are not authorised fundraisers in their own right, details of any change in the following particulars:
 - (i) the name, including the trading or business name, of any branch,
 - (ii) the business address, postal address, e-mail address, website address, address of the registered office and the telephone and facsimile numbers of any branch,
 - (iii) the name of any branch that is no longer under the direction and control of the governing body of the authorised fundraiser,
 - (iv) the name of any branch that has ceased to operate, and
 - (d) details of any change to the incorporated status of the authorised fundraiser, and
 - (e) if there have been any modifications to the particulars of an existing trader, or if a new trader has been engaged, the following details:
 - (i) if the trader is a natural person, the person's name, business address, postal address, e-mail address, website address, and telephone and facsimile numbers,

Charitable Fundraising Regulation 2008

Clause 14

Fundraising appeals

Part 2

-
- (ii) if the trader is an organisation, its full name (together with any trading or business name), its business address, postal address, e-mail address, website address, and its telephone and facsimile numbers,
 - (iii) if the trader is an organisation, the full name of each director and owner of the trade or business,
 - (iv) the period for which the trader is authorised to conduct the appeal according to the written contract,
 - (v) the type of appeal or appeals to be undertaken, and
 - (f) details of any change in the name, address or telephone or facsimile number of the auditor, and
 - (g) confirmation of any decision by the authorised fundraiser to cease to conduct fundraising appeals.

Maximum penalty: 20 penalty units.

- (2) An authorised fundraiser must furnish any information required by this clause within 28 days (or within such further time as the Minister may allow) after the change or event requiring the furnishing of the information.

Maximum penalty: 20 penalty units.

- (3) This clause does not require an authorised fundraiser to notify the Minister of any change that has previously been notified, whether in a notice furnished under this clause or in the authorised fundraiser's most recent application for an authority.

Clause 15 Charitable Fundraising Regulation 2008

Part 3 Miscellaneous

Part 3 Miscellaneous

15 Conditions of authority when application delayed

Subject to any variations under section 19 of the Act the conditions set out in Schedule 1 are conditions of any authority taken to have been granted under section 16 (6) of the Act.

16 Police authorised to act as inspectors

For the purposes of section 49 (3) of the Act, any police officer:

- (a) who holds the rank of sergeant or above, or
- (b) who acts in the capacity of a police officer holding the rank of sergeant or above,

is authorised to exercise all the functions of an authorised inspector under the Act.

17 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Charitable Fundraising Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.

Charitable Fundraising Regulation 2008

Conditions of authority taken to have been granted under section 16 (6) of the Act Schedule 1

Schedule 1 Conditions of authority taken to have been granted under section 16 (6) of the Act

(Clause 15)

Part 1 General conditions

1 Maximum period for which authority is taken to have been granted

An authorised fundraiser may conduct an indefinite number of fundraising appeals within a maximum period of 12 months.

2 Internal controls

Proper and effective controls must be exercised by an authorised fundraiser over the conduct of all fundraising appeals, including accountability for the gross income and all articles obtained from any appeal and expenditure incurred.

3 Safeguarding of assets

An authorised fundraiser must ensure that all assets obtained during, or as a result of, a fundraising appeal are safeguarded and properly accounted for.

4 Maintenance of proper books of account and records

(1) An authorised fundraiser must, in relation to each fundraising appeal it conducts, maintain such books of account and records as are necessary to correctly record and explain its transactions, financial position and financial performance, including the following documents:

- (a) a cash book for each account (including any passbook account) into which the gross income obtained from a fundraising appeal is paid in accordance with section 20 (6) of the Act,
- (b) a register of assets,
- (c) a register recording details of receipt books or computerised receipt stationery,
- (d) a register recording details of tickets or computerised ticket stationery,
- (e) a petty cash book (if petty cash is used).

(2) If the authorised fundraiser is an organisation, a minute book must be kept containing minutes of all business relating to fundraising appeals that is transacted by the governing body of the organisation (or by any

Charitable Fundraising Regulation 2008

Schedule 1 Conditions of authority taken to have been granted under section 16 (6) of the Act

committee of that governing body) and any general or extraordinary meeting of its general membership.

- (3) If the authorised fundraiser engages persons to participate (whether on a paid or voluntary basis) in a fundraising appeal, it must keep a register of participants.

5 Report on outcome of appeals

- (1) An authorised fundraiser that is an unincorporated organisation must send to the Minister a return referred to in section 23 of the Act:
- (a) if the organisation ceases to conduct appeals, within 2 months after it ceases to conduct appeals, and
 - (b) if in any financial year the gross income obtained from any appeals conducted by it exceeds \$100,000:
 - (i) within 3 months after the audited financial statements are adopted at its annual general meeting, or
 - (ii) within 7 months after the conclusion of the financial year concerned,
- whichever occurs sooner.
- (2) An authorised fundraiser that is a natural person must send to the Minister, within one month after the close of each appeal conducted by the person, a return referred to in section 23 of the Act.

6 Maintenance of an account

- (1) The title of the account into which the gross income obtained from any fundraising appeal is to be paid in accordance with section 20 (6) of the Act must include the name of the authorised fundraiser.
- (2) If a fundraising appeal is conducted jointly by the authorised fundraiser and a trader, and the trader maintains an account for the purposes of section 20 (6) of the Act, the account is to consist only of money raised in the fundraising appeal conducted on behalf of that fundraiser.
- (3) Disbursement from the account in amounts of \$260 or more must be by cheque drawn on the account or by electronic funds transfer.
- (4) For the purposes of section 20 (6) of the Act, money is not required to be paid into an account consisting only of money raised in fundraising appeals conducted by the same authorised fundraiser in the following circumstances:
- (a) the money is paid into a general account of the authorised fundraiser held at an authorised deposit-taking institution and accounting procedures are in place to ensure that money received in the course of a particular fundraising appeal can be clearly distinguished,

Charitable Fundraising Regulation 2008

Conditions of authority taken to have been granted under section 16 (6) of Schedule 1
the Act

- (b) the money is collected by a branch or auxiliary of the authorised fundraiser and the money is paid into a general account bearing the name of the branch or auxiliary held at an authorised deposit-taking institution and accounting procedures are in place to ensure that money received in the course of a particular fundraising appeal is clearly distinguished,
- (c) the money is collected by volunteers on behalf of the authorised fundraiser and is paid into a general account of the authorised fundraiser held at an authorised deposit-taking institution by way of credit card, cheque or electronic funds transfer and the authorised fundraiser obtains each volunteer's receipt book and reconciles it with any deposit made by that volunteer.

7 Annual financial accounts

- (1) The annual financial accounts (also known as financial reports) of an authorised fundraiser that is an organisation must contain:
 - (a) an income statement (also known as a statement of financial performance, a statement of income and expenditure or a profit and loss statement) that summarises the income and expenditure of each fundraising appeal conducted during the financial year, and
 - (b) a balance sheet (also known as a statement of financial position) that summarises all assets and liabilities resulting from the conduct of fundraising appeals as at the end of the financial year.
- (2) The annual financial accounts of an authorised fundraiser that is an organisation must also contain the following information as notes accompanying the income statement and the balance sheet if, in the financial year concerned, the aggregate gross income obtained from any fundraising appeals conducted by it exceeds \$100,000:
 - (a) details of the accounting principles and methods adopted in the presentation of the financial statements,
 - (b) information on any material matter or occurrence, including those of an adverse nature such as an operating loss from fundraising appeals,
 - (c) a statement that describes the manner in which the net surplus or deficit obtained from fundraising appeals for the period was applied,
 - (d) details of aggregate gross income and aggregate direct expenditure incurred in appeals in which traders were engaged.
- (3) The annual financial accounts of an authorised fundraiser that is an organisation are to include a declaration by the president or principal

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officer or some other responsible member of the governing body of the organisation stating whether, in his or her opinion:

- (a) the income statement gives a true and fair view of all income and expenditure of the organisation with respect to fundraising appeals, and
 - (b) the balance sheet gives a true and fair view of the state of affairs of the organisation with respect to fundraising appeals conducted by the organisation, and
 - (c) the provisions of the Act, the regulations under the Act and the conditions attached to the authority have been complied with by the organisation, and
 - (d) the internal controls exercised by the organisation are appropriate and effective in accounting for all income received and applied by the organisation from any of its fundraising appeals.
- (4) If the organisation is a company incorporated under the *Corporations Act 2001* of the Commonwealth, the declaration above is required in addition to the directors' declaration provided under section 295 of that Act.
- (5) The annual financial accounts of an authorised fundraiser that is an organisation, after being audited in accordance with the provisions of section 24 of the Act or otherwise according to law, are to be submitted to an annual general meeting of the membership of the organisation within 6 months after the conclusion of the financial year.

8 Ratio of expenses to receipts

- (1) An authorised fundraiser conducting a fundraising appeal for donations only (that is, without any associated supply of goods or services) must take all reasonable steps to ensure that the expenses payable in respect of the appeal do not exceed 50 per cent of the gross income obtained, whether the appeal is conducted house-to-house, in a public place, by telephone canvassing or in any other manner.
- (2) An authorised fundraiser conducting a fundraising appeal otherwise than for donations only (that is, with associated supply of goods or services) must take all reasonable steps to ensure that the expenses payable in respect of the appeal do not exceed a fair and reasonable proportion of the gross income obtained.

9 Receipt requirements

- (1) Receipts are to be written or issued immediately for all money received, even when not requested by the donor, except where:
 - (a) the money is received through a collection box or similar device, or

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- (b) the money is received through the supply of goods or services, or
 - (c) the money is received through a payroll deduction scheme, or
 - (d) the money is deposited directly into an account into which the gross income obtained from a fundraising appeal is paid in accordance with section 20 (6) of the Act.
- (2) Receipts used by a trader must be only those authorised and issued to the trader by the authorised fundraiser, details of which must be recorded in registers maintained by the trader and the authorised fundraiser.
 - (3) Effective controls must be exercised over the custody and accountability of receipts, including the following controls:
 - (a) each receipt must be consecutively numbered as part of an ongoing series,
 - (b) each receipt (not being a ticket) must have the name of the authorised fundraiser printed on it.
 - (4) If collection boxes or similar devices are employed for monetary donations, it is sufficient to issue a single receipt for the gross money cleared from each such box or device.
 - (5) If money is received by direct debit from the donor's account into an account into which the gross income obtained from a fundraising appeal is paid in accordance with section 20 (6) of the Act, it is sufficient for the authorised fundraiser to issue a receipt to the donor, for the aggregate amounts received through the periodical payment, at intervals of not greater than 12 months.
 - (6) The gross money received by any participant in a fundraising appeal must be counted in the presence of the participant and a receipt must then be issued to the participant for that amount.
 - (7) For the purposes of this clause, a receipt is taken to include a ticket.

10 Record systems for items used in fundraising appeals

A record system must be instituted and maintained for:

- (a) all identification cards or badges issued to participants in a fundraising appeal, by which a number assigned to and shown on each card or badge is correlated with the name of the person to whom it was issued, the date of issue and the date it was returned, and
- (b) all receipt books used in a fundraising appeal, by which a number assigned to and shown on each book is correlated with the name of the person to whom it was issued, the date of issue and the date it was returned, and

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- (c) all collection boxes or similar devices used in a fundraising appeal for monetary donations, by which a number assigned to and shown on each box or device is correlated with the name of the person to whom it was issued, the location of the box or other device, the date of issue and the date it was returned.

11 Persons conducting or participating in a fundraising appeal on behalf of an authorised fundraiser

- (1) The authorisation given by an authorised fundraiser to a member, employee or agent who conducts or participates in a fundraising appeal otherwise than as a face-to-face collector:
 - (a) must be in writing, and
 - (b) must include the person's name, and
 - (c) must include the terms and conditions under which the authorisation is granted, and
 - (d) must include a description of the appeal or appeals to be undertaken, and
 - (e) must indicate the specific period for which the authorisation will apply, including the issue and expiry dates, and
 - (f) must be signed and dated by the authorised fundraiser (or a delegate of the authorised fundraiser or its governing body).
- (2) The authorisation given by an authorised fundraiser to a member, employee or agent who participates in a fundraising appeal as a face-to-face collector:
 - (a) must be in the form of an identification card or badge, and
 - (b) must be consecutively numbered, and
 - (c) must include the name of the authorised fundraiser and a contact telephone number, and
 - (d) must include the name of the face-to-face collector, and
 - (e) if the face-to-face collector receives a wage, commission or fee for services, must include the words "paid collector" and the name of the collector's employer, and
 - (f) must indicate its issue and expiry dates, and
 - (g) must be signed and dated by the authorised fundraiser (or a delegate of the authorised fundraiser or its governing body), and
 - (h) must be of sufficient size to ensure that the particulars on it may be easily read by members of the public, and
 - (i) must be recovered by the authorised fundraiser from the face-to-face collector as soon as the face-to-face collector's authorised involvement in the appeal is ended.

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- (3) In an appeal conducted jointly with a trader, the person signing the authorisation for the purposes of subclause (1) (f) or (2) (g) may be the trader, but only if the trader is authorised to do so under a written agreement between the trader and the authorised fundraiser.
- (4) Despite subclause (2), the authorisation by Apex, the Country Women's Association, Lions, Quota, Rotary or Soroptimist (being community service organisations) of a member as a face-to-face collector may be in the form of the organisation's membership badge if:
 - (a) the appeal concerned is of a type generally associated with the organisation, and
 - (b) the name and contact telephone number of the organisation is clearly shown at the place of solicitation on a banner or sign or similar display, and
 - (c) the organisation maintains a register of membership badges on which is entered, in relation to each badge issued, a number assigned to and shown on the badge, the name of the person to whom it was issued, the date of issue and the date it was returned, and
 - (d) the organisation recovers any membership badge it issues to a person as soon as the person ceases to be a member of the organisation.

12 Fundraising through direct marketing

If a fundraising appeal involves solicitation by way of direct marketing (including by telephone, electronic device such as a facsimile machine or direct mailing), the authorised fundraiser must ensure that:

- (a) the content of all direct marketing communications is not misleading or deceptive or likely to mislead or deceive, and
- (b) if requested by the person being solicited, the person is informed of the source from which the authorised fundraiser obtained the person's name and other details, and
- (c) if requested by the person being solicited, the person's name and other details are removed as soon as practicable from the source of names or contacts used for the purposes of the appeal (or if removal of the name and details is not practicable, the name and details are to be rendered unusable), and
- (d) the name and other details of a person are not provided or sold to any other person or organisation without the express consent of the person to whom the information relates, and
- (e) each contract (entered into as a result of direct marketing) for the purchase of goods or services to the value of more than \$100, provides that the purchaser has the right to cancel the contract

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within a period of time that is not less than 5 business days (excluding weekends and public holidays), and

- (f) a purchaser that enters a contract referred to in paragraph (e) is notified, at the time of entering the contract, of the purchaser's right to cancel the contract and the time within which that right must be exercised, and
- (g) all direct marketing by telephone complies with the *Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007* of the Commonwealth.

13 Use of collection boxes for monetary donations

- (1) If a collection box or similar device is used for monetary donations, it must be:
 - (a) securely constructed, and
 - (b) properly sealed, and
 - (c) consecutively numbered, and
 - (d) clearly labelled with the name of the authorised fundraiser.
- (2) Proper supervision, security and control must be exercised over the use and clearance of the box or device.

14 Authorisation of expenditure

If the authorised fundraiser is an organisation, all payments made in connection with:

- (a) any expenditure involved with the conduct of a fundraising appeal, and
- (b) any disposition of funds and profits resulting from a fundraising appeal,

must be properly authorised by or on behalf of the organisation.

15 Advertisements, notices and information

- (1) Any advertisement, notice or information provided as part of a fundraising appeal:
 - (a) must clearly and prominently disclose the name of the authorised fundraiser, and
 - (b) must not be reasonably likely to cause offence to a person, and
 - (c) must be based on fact and must not be false or misleading.
- (2) A person conducting or participating in a fundraising appeal must use his or her best endeavours, at all times, to answer honestly any question directed to the person in relation to the purpose of the appeal or the

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details of the appeal, or to arrange to find answers to questions that he or she is unable to answer. In particular, if it is requested, information is to be given as to how the gross income and any articles obtained from the appeal will be distributed and on the other matters referred to in subclauses (3) (a) and (4).

- (3) If a fundraising appeal is jointly conducted with a trader or if a person, in the course of a trade or business, provides services directly related to the fundraising appeal (such as telemarketing services), the following additional requirements must be complied with:
- (a) any written or printed advertisement, notice or information must include:
 - (i) the full name under which the trader or person operates for purposes of the appeal, and
 - (ii) the normal place of business, the telephone number, the facsimile number, the e-mail address and the website address of the trader or person, and
 - (iii) details of the basis on which the benefit to be received by the authorised fundraiser is to be calculated or provided (*not* to be expressed as a percentage of the “net” income obtained from the appeal), and
 - (iv) details of the extent of the benefit to be obtained by the trader or business from the appeal (*not* to be expressed as a percentage of the “net” income obtained from the appeal), and
 - (v) the date on which the appeal commenced, or will commence, and the date on which it will end,
 - (b) in respect of any advertisement, notice or information provided or displayed:
 - (i) the format and text of any advertisement or any notice must be approved by the authorised fundraiser, and
 - (ii) if the name of the trader or person is shown, it must be in the same print size as the name of the authorised fundraiser, and
 - (iii) if the logo of the authorised fundraiser is displayed (including any such logo in the form of a graphic or watermark), it must appear once only, and represent not more than 10 per cent of the surface area.
- (4) If a fundraising appeal involves the collection of donated goods or material, any advertisement, notice or information must also include particulars of what is to happen to any goods and material collected.

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- (5) If a fundraising appeal referred to in subclause (3) involves the collection of donated goods and material:
- (a) details of the basis for calculating or providing the benefit to be received by the authorised fundraiser, as referred to in subclause (3) (a) (iii), must be expressed in the advertisement, notice or information as:
 - (i) a percentage of the average gross income derived or expected to be derived from all goods and material collected over a specified period of the appeal, and
 - (ii) if the collection device is a bin, an average dollar amount derived or expected to be derived from each bin for each month over a specified period of the appeal, and
 - (b) if the advertisement, notice or information is continuously displayed:
 - (i) the details referred to in paragraph (a) must be reviewed at least once every 12 months (starting from the date the advertisement, notice or information is first displayed), and the advertisement, notice or information updated if the review reveals a significant change in those details, and
 - (ii) the advertisement, notice or information must be updated if at any other time there is a significant change in those details.
- (6) The requirements of this clause do not apply in relation to a notice referred to in clause 16 (1) (e) (i) or (3) (a).

16 Appeals for goods to be donated by way of collection bins or bags

- (1) If a fundraising appeal involves the collection of donated goods or material jointly with a trader and the collection device is a bin, the following requirements must be complied with:
- (a) each bin must be consecutively numbered, and the number displayed in a prominent manner on the bin,
 - (b) if there is more than one bin used in connection with the appeal, there must be a reference on the bin to the total number of bins currently used in connection with the appeal, and this reference should be reviewed and updated whenever there is a significant change in the number of bins in use but otherwise at least once every 12 months (starting from the date the appeal commences),
 - (c) the trader must maintain a record of bins that includes the date, and the number and location of each bin,
 - (d) at least once a month during the appeal, the trader must provide to the authorised fundraiser a report that includes the date, and the number and location of each bin,

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the Act

- (e) if the appeal is for the collection of donated articles of clothing:
 - (i) each bin must have continuously displayed on its chute a notice, to be obtained from the Department of the Arts, Sport and Recreation, that bears the words “COMMERCIALY OPERATED”, and
 - (ii) the trader must maintain a record of the appeal (that relates to that appeal only), that includes the date, and the aggregate gross weight of unsorted clothing obtained from the appeal, and
 - (iii) at least once a month during the appeal, the trader must provide to the authorised fundraiser a report (that may be combined with the report referred to in paragraph (d)) that includes the date, and the aggregate gross weight of unsorted clothing obtained from the appeal.
- (2) If a fundraising appeal involves the collection of donated goods or material jointly with a trader and the collection device is a collection bag, the following requirements must be complied with:
 - (a) the trader must maintain a record that includes the date, and the locality and the number of bags distributed as part of the appeal,
 - (b) at least once a month during the appeal, the trader must provide to the authorised fundraiser a report that includes the date, and the locality and the number of bags distributed as part of the appeal,
 - (c) if the appeal is for the collection of donated articles of clothing:
 - (i) each bag, or any advertisement, notice or information distributed with each bag, must bear the words “COMMERCIALY OPERATED” in a clearly visible position, printed in accordance with the specifications set out in subclause (4), and
 - (ii) the trader must maintain a record of the appeal (that relates to that appeal only) that includes the date, and the aggregate gross weight of unsorted clothing obtained from the appeal, and
 - (iii) at least once a month during the appeal, the trader must provide to the authorised fundraiser a report (that may be combined with the report referred to in paragraph (b)) that includes the date, and the aggregate gross weight of unsorted clothing obtained from the appeal.
- (3) If a fundraising appeal is for the collection of donated articles of clothing by the authorised fundraiser (not jointly with a trader), the following requirements must be complied with:
 - (a) if the collection device is a bin, each bin must have continuously displayed on its chute a notice, to be obtained from the National

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Association of Charitable Recycling Organisations Incorporated (NSW) or the Department of the Arts, Sport and Recreation, that bears the words "CHARITY OPERATED",

- (b) if the collection device is a collection bag, each bag, or any advertisement, notice or information distributed with each bag, must bear the words "CHARITY OPERATED" in a clearly visible position, printed in accordance with the specifications set out in subclause (4).
- (4) For the purposes of subclauses (2) (c) (i) and (3) (b), the words "COMMERCIALY OPERATED" and "CHARITY OPERATED" must:
 - (a) be in capital letters, in Helvetica, Arial or similar font style, and not less than 5 millimetres in height, and
 - (b) appear in black and white in the following format:

**COMMERCIALY
OPERATED**

**CHARITY
OPERATED**

17 Appeal connected with sale of goods or provision of services

If a trader conducts a fundraising appeal involving the supply of goods or services, records of the goods and services supplied must be maintained by the trader, which (in the case of goods for sale) must include the date and number of units purchased or manufactured, together with their cost, the date and number of units sold and the gross income obtained.

18 Agreement with trader

- (1) If a fundraising appeal is conducted jointly with a trader, the return to the authorised fundraiser must be governed by a written agreement between the authorised fundraiser and the trader.
- (2) Such an agreement must include at least the following particulars:
 - (a) the amount of the return to be obtained by the authorised fundraiser from the appeal, or the basis or method by which this will be calculated (*not* to be expressed as a percentage of the "net" income obtained from the appeal), and the manner in which payment will be effected,
 - (b) details of any commission, wage or fee payable to the trader and any other persons from the gross income obtained from the appeal,

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the Act

- (c) details of the type, and any limitation on the amount, of expenses to be borne by the trader and the authorised fundraiser as part of the appeal,
- (d) the basic rights, duties and responsibilities of both parties,
- (e) insurance risks to be covered by each party (for example, public liability, workers compensation for employees, personal accident insurance for volunteers, third party property insurance),
- (f) details of any records and documentation to be maintained by the trader (including those required by or under the Act) and the requirement that the trader keep these at the registered office of the authorised fundraiser, except as provided by clause 20,
- (g) details of the specific internal controls and safeguards to be employed to ensure proper accountability for the gross income obtained from the appeal,
- (h) the process to be followed in resolving disputes between the parties to the contract or agreement, complaints from the public and grievances from employees,
- (i) the reporting requirements imposed on the trader,
- (j) an undertaking by the trader to comply with the provisions of the Act, the regulations under the Act and the conditions of the authority,
- (k) a mechanism to deal with the effect on the contract of any subsequent addition, variation or deletion of an existing condition of the authority,
- (l) the circumstances in which the contract is or may be terminated.

19 Management

If the authorised fundraiser is an organisation:

- (a) it must be administered in relation to its fundraising activities by a governing body of not fewer than 3 persons, and
- (b) all business transacted by the governing body in relation to its fundraising activities must be properly recorded in the organisation's minutes.

20 Circumstances under which records may be kept at a place other than registered office

Records may be removed from the authorised fundraiser's registered office:

- (a) to be taken into the custody of the auditor for purposes of audit, or
- (b) for a purpose required by law or by a condition of the authority, or

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- (c) to be taken to a place, the location of which has been notified in writing to the Department of the Arts, Sport and Recreation.

21 Conflicts of interest

If the authorised fundraiser is an organisation, it must establish:

- (a) a register of pecuniary interests, and
- (b) a mechanism for dealing with any conflicts of interest that may arise involving a member of the governing body or an office-holder or employee of the organisation.

22 Internal disputes

If the authorised fundraiser is an organisation, its constitution must establish a mechanism for resolving internal disputes within the membership of the organisation in relation to its fundraising activities.

23 Complaint handling mechanism

The authorised fundraiser must provide a mechanism that will properly and effectively deal with complaints made by members of the public and grievances from employees in relation to its fundraising activities.

24 Retention of records

Unless otherwise approved by the Minister, all entries made in any record required to be kept by this Schedule must be maintained:

- (a) in the case of accounting records, for a period of at least 7 years, and
- (b) in any other case, for a period of at least 3 years.

25 Soliciting from occupants of motor vehicles

- (1) A fundraising appeal must not be conducted by soliciting persons occupying motor vehicles while they are being driven on a road or road related area (including motor vehicles that are temporarily stopped for any reason, such as at traffic lights or at an intersection).

- (2) In this clause:

road means a road within the meaning of the *Road Transport (General) Act 2005* (other than a road that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 2005* (other than a road related area that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act).

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Part 2 Participation of children in fundraising appeals

Division 1 General

26 Definitions

In this Part:

child participant means a child who participates in a fundraising appeal.

parent, in relation to a child, means a person who has for the time being parental responsibility for the child.

27 Participation of children in fundraising appeals

- (1) A child must not participate in a fundraising appeal if the child has not attained the age of 8 years.
- (2) A child participant must not receive wages or commission or other material benefit (other than reimbursement for reasonable out-of-pocket expenses) if the child has not attained the age of 13 years.

Division 2 General conditions where children participate in fundraising appeals

28 Application of this Division

- (1) This Division prescribes conditions with respect to the participation of children in fundraising appeals, whether or not a child participant receives a wage or commission or some other material benefit (other than reimbursement of reasonable out-of-pocket expenses) in respect of the appeal.
- (2) An authorised fundraiser conducting an appeal:
 - (a) must ensure that the relevant requirements of this Schedule are complied with in relation to any child participant, and
 - (b) must take all reasonable steps to ensure that any child participant in the appeal complies with the relevant requirements of this Schedule.

29 Parental consent and contact

- (1) An authorised fundraiser that proposes to allow a child to participate in an appeal conducted by it:
 - (a) must take all reasonable steps to notify a parent of the child of its proposal before allowing the child to participate in the appeal, and

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(b) must not allow the child to participate in the appeal if a parent of the child notifies it that the parent objects to the child participating in the appeal.

(2) The person or organisation conducting the appeal must take all reasonable steps to ensure that a child participant is able to contact his or her parents during the appeal.

30 Supervision

(1) A child participant must be adequately supervised having regard to the age, sex and degree of maturity of the child.

(2) A supervisor may supervise no more than 6 child participants simultaneously.

(3) A supervisor must be in close proximity to a child participant, must know the whereabouts of the child and must make contact with the child at intervals not greater than 30 minutes.

(4) In the case of a child participant less than 11 years of age, the supervisor must be in constant contact with the child.

31 Working with other children

A child participant must work with at least one other child participant.

32 Endangering of child

An authorised fundraiser conducting an appeal must ensure that the physical and emotional well-being of a child participant is not put at risk.

33 Insurance

Appropriate insurance must be secured for a child participant, together with any other insurance required to protect the interests of the child against any claim which could be brought against the child for property damage, public risk liability and other such risks.

34 Prohibition on entry to private homes and dealing with persons in motor vehicles

An authorised fundraiser conducting an appeal must take all reasonable steps to ensure that a child participant:

(a) does not enter a private dwelling when soliciting door-to-door, and

(b) does not solicit, sell to or collect from a person in a motor vehicle.

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35 Hours of participation

- (1) A child participant must not participate in a fundraising appeal for more than 4 hours on any school day (that is, a day on which the child is required to attend school).
- (2) On days other than school days, a child participant must not participate in a fundraising appeal for more than 6 hours.
- (3) A child participant must not participate in a fundraising appeal on more than 5 days per week.
- (4) If participating in a fundraising appeal outdoors, a child participant must not start before sunrise and must not finish later than sunset.
- (5) A child participant must not be required or permitted to participate in a fundraising appeal later than 8.30 pm if the following day is a school day.

36 Minimum breaks between successive shifts

A child participant must not be required or permitted to participate further in a fundraising appeal after participating for any maximum period permitted by this Division without receiving a minimum break of 12 hours.

37 Maximum loads for lifting

A child participant must not be required or permitted to lift any weight that, having regard to the age and condition of the child, would be likely to be dangerous to the health of the child.

38 Food and drink

- (1) An authorised fundraiser conducting an appeal must take all reasonable steps to ensure that a child participant receives appropriate and sufficient nutritious food.
- (2) Food should be available to a child participant at reasonable hours and drinking water at all times.

39 Toilet facilities

Toilet, hand-washing and hand-drying facilities must be accessible to each child participant.

40 Travel

- (1) A child participant must be accompanied:
 - (a) by a parent of the child, or

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Schedule 1 Conditions of authority taken to have been granted under section 16 (6) of the Act

(b) by an adult authorised by a parent of the child, when the child is travelling home after his or her participation in the appeal is finished.

(2) This clause does not apply:

- (a) if the child is more than 12 years old, and
- (b) if the distance to the child's home is less than 10 kilometres, and
- (c) if public transport is available, and
- (d) if the journey is to be completed within daylight hours.

41 Protection from elements

A child participant is to be adequately clothed and otherwise protected from extremes of climate or temperature.

42 Punishment prohibited

A child participant is not to be subjected to any form of punishment, social isolation or immobilisation or subjected to any other behaviour likely to humiliate or frighten the child.

Division 3 Additional conditions where children receive benefit for participation in fundraising appeal**43 Application of this Division**

This Division prescribes additional conditions with respect to the participation of children in fundraising appeals, in circumstances in which a child participant receives a wage or commission or some other material benefit (other than reimbursement of reasonable out-of-pocket expenses) in respect of the appeal.

44 Letter of appointment

- (1) A letter of employment or engagement must be issued to a child participant, being a letter containing details of the terms and conditions under which he or she is employed or engaged.
- (2) The letter must include:
 - (a) details of the basis or method on or by which payment of wages or commission or some other material benefit will be calculated or provided, including details of any guaranteed minimum payment or benefit, and
 - (b) the method by which payment will be effected, and
 - (c) the general conditions of employment, and
 - (d) the rights of the employee.

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the Act

45 Record of employment

- (1) A record of employment must be maintained for each child participant employed or engaged.
- (2) The record must include the following particulars with respect to the child:
 - (a) the child's full name, residential address and telephone number (if any),
 - (b) the child's date of birth,
 - (c) a description of the nature of the employment,
 - (d) details of any consent provided by the child's parents (any written documentation must be retained),
 - (e) the name and address of the person immediately responsible for the child during the appeal.
- (3) If the employer is a trader, the employer must make the records available to the authorised fundraiser.



New South Wales

Contaminated Land Management Regulation 2008

under the

Contaminated Land Management Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Contaminated Land Management Act 1997*.

VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Contaminated Land Management Regulation 1998* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The amendments made by this Regulation are as follows:

- (a) the fees in relation to accreditation as a site auditor are increased as is the rate at which the Environment Protection Authority (the *EPA*) may recover certain costs,
- (b) a notification that land is contaminated is no longer required to be in a prescribed form, instead it is to be given in the manner and form approved by the EPA,
- (c) a number of offences under the Act are prescribed as offences in respect of which a penalty notice (on-the-spot fine) may be issued.

This Regulation also makes provision with respect to the following:

- (a) the time within which an application for renewal of accreditation as a site auditor must be made,
- (b) the particulars to be included in a site auditor's annual return,
- (c) the additional material that the EPA is to maintain a record of,
- (d) the time within which a statement of reasons for certain determinations of the EPA must be provided to persons requesting them,
- (e) savings and formal matters.

This Regulation is made under the *Contaminated Land Management Act 1997*, including sections 34, 50 (2) (c), 51 (5), 52 (1) (c) and (9), 53D (3), 58 (1) (f), 92A, 106 (2) and 112 (the general regulation-making power).

Contaminated Land Management Regulation 2008

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Contaminated Land Management Regulation 2008

Clause 1

Contaminated Land Management Regulation 2008

under the

Contaminated Land Management Act 1997

1 Name of Regulation

This Regulation is the *Contaminated Land Management Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Contaminated Land Management Regulation 1998* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

- (1) In this Regulation:
the Act means the *Contaminated Land Management Act 1997*.
- (2) Notes in this Regulation do not form part of this Regulation.

4 Recovery of EPA's administrative costs associated with orders

- (1) For the purposes of section 34 (a), (b) and (c) of the Act, the rate of \$60 per hour (or part of an hour) is prescribed in respect of preparing and serving, monitoring action under, and seeking compliance with, an investigation or remediation order.
- (2) On service of an investigation or remediation order, the EPA is to give the person on whom the order is served written notification of the rate prescribed by this clause.

5 Accreditation fees

- (1) For the purposes of section 50 (2) (c) of the Act, the prescribed application fee is \$1,000.
- (2) For the purposes of sections 51 (5) and 52 (9) of the Act the prescribed accreditation fee is as follows:
 - (a) if the accreditation period is 1 year or less—\$7,000,

Clause 6 Contaminated Land Management Regulation 2008

- (b) if the accreditation period is 2 years or less but more than 1 year—\$14,000,
- (c) if the accreditation period is greater than 2 years—\$21,000.

6 Time for making renewal applications

For the purposes of section 52 (1) (c) of the Act, an application for renewal must be made not more than 60 days and not less than 30 days before expiry of the current accreditation period.

7 Particulars to be included in annual returns

For the purposes of section 53D (3) of the Act, the prescribed particulars to be included in an annual return are the following particulars of each site audit as at the date of completion of the audit (or if the audit is not complete, as at the date of the annual return):

- (a) the location of the site (including Lot and DP numbers, street address, suburb and local government area),
- (b) the size of the site, its land zoning under the *Environmental Planning and Assessment Act 1979* and (if a change in zoning is proposed) its proposed zoning,
- (c) the date when the auditor received the request,
- (d) the date of commencement of the audit,
- (e) the date or expected date of completion of the audit,
- (f) the use or uses of the site that have given rise to the contamination for which remedial action was carried out,
- (g) the current use to which the site is being put and any proposed uses,
- (h) the auditor's opinion as to the suitability of the site for the current and proposed uses,
- (i) the name of the person who carried out the remedial work that was reviewed or is being reviewed by the auditor and the titles of the reports (if any) by that person that were or are being reviewed.

8 EPA's record of current declarations and orders

For the purposes of section 58 (1) (f) of the Act, a copy of any notice served under section 28 of the Act (that is, a notice requiring the maintenance of remediation action in relation to land) is prescribed.

9 Duty to report contamination

A notification under section 60 (1) or (2) of the Act (that is, a notification that land has been contaminated) is to be given in a manner and form approved by the EPA.

Contaminated Land Management Regulation 2008

Clause 10

10 Penalty notices

For the purposes of section 92A of the Act:

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

11 Reasons for certain decisions

A statement of reasons requested as referred to in section 106 (1) of the Act must be provided to the person making the request within 30 days after the EPA receives the request.

12 Saving

Any act, matter or thing that, immediately before the repeal of the *Contaminated Land Management Regulation 1998*, had effect under that Regulation continues to have effect under this Regulation.

Contaminated Land Management Regulation 2008

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clause 10)

Column 1	Column 2	Column 3
Offence	Penalty—Individual	Penalty—Corporation
Offences under the Act		
Section 17 (4)	\$1,500	\$5,000
Section 23 (6)	\$1,500	\$5,000
Section 28 (4)	\$1,500	\$5,000
Section 48 (1)	\$750	—
Section 48 (2)	—	\$1,500
Section 60 (1)	\$750	\$1,500
Section 60 (2)	\$750	\$1,500
Section 89 (1)	\$500	\$1,000



New South Wales

Crimes (Forensic Procedures) Regulation 2008

under the

Crimes (Forensic Procedures) Act 2000

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

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

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Crimes (Forensic Procedures) Regulation 2000*, which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the organisation that is to be an **Aboriginal legal aid organisation** for the purposes of the *Crimes (Forensic Procedures) Act 2000* (**the Act**),
- (b) the persons who are appropriately qualified to carry out particular forensic procedures,
- (c) the person responsible for the NSW DNA database system,
- (d) the particulars that must be included in consents to carry out certain forensic procedures,
- (e) the information that must be given to a person, or to the parent or guardian of a person, who volunteers to undergo a forensic procedure,
- (f) the circumstances in which information (revealed by the carrying out of a forensic procedure on a person or stored on the DNA database system) may be accessed and disclosed,
- (g) the laws of the Commonwealth, States and Territories that are **corresponding laws** for the purposes of the Act,
- (h) savings and formal matters.

Crimes (Forensic Procedures) Regulation 2008

Explanatory note

This Regulation is made under the *Crimes (Forensic Procedures) Act 2000*, including sections 3 (1) (definitions of ***Aboriginal legal aid organisation***, ***appropriately qualified*** and ***responsible person***), 72 (a), 75J (a), 75Z (a), 77 (2) (e), 78 (a), 92 (2) (b) and (j), 95 (definition of ***corresponding law***), 109 (2) (b) and (g) and (3) (o) and 118 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

Crimes (Forensic Procedures) Regulation 2008

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Clause 1 Crimes (Forensic Procedures) Regulation 2008

Crimes (Forensic Procedures) Regulation 2008

under the

Crimes (Forensic Procedures) Act 2000

1 Name of Regulation

This Regulation is the *Crimes (Forensic Procedures) Regulation 2008*.

2 Commencement

- (1) Except as provided in subclause (2), this Regulation commences on 1 September 2008.
- (2) Clause 9 commences on 1 September 2008 or on the commencement of section 75Z of the Act, whichever occurs later.

Note. This Regulation replaces the *Crimes (Forensic Procedures) Regulation 2000* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

- (1) In this Regulation:
the Act means the *Crimes (Forensic Procedures) Act 2000*.
- (2) Notes included in this Regulation do not form part of this Regulation.

4 Aboriginal legal aid organisations

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

5 Appropriately qualified persons

For the purposes of paragraph (b) of the definition of *appropriately qualified* in section 3 (1) of the Act, a person is qualified to carry out a forensic procedure if the procedure is one the Commissioner of Police has authorised the person in writing (either generally or in a particular case) to carry out.

6 Responsible persons

For the purposes of the definition of *responsible person* in section 3 (1) of the Act, the Chief Executive of the Sydney West Area Health Service is declared to be the person responsible for the care, control and management of the DNA database system.

7 Form of consent—serious indictable offender

For the purposes of section 72 (a) of the Act, the following are the prescribed particulars:

- (a) the name of the serious indictable offender giving consent to the carrying out of the forensic procedure,
- (b) a description of the forensic procedure,
- (c) the name of the police officer who has requested consent to the carrying out of the procedure,
- (d) a statement as to whether or not the police officer has informed the offender (personally or in writing) of the matters set out in section 69 of the Act,
- (e) a statement as to whether or not the offender has been given the opportunity to communicate, or attempt to communicate, with an Australian legal practitioner of the offender's choice.

8 Form of consent—untested former offender

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

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

Clause 9 Crimes (Forensic Procedures) Regulation 2008

9 Form of consent—untested registrable person

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

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

10 Informed consent—volunteer or volunteer's parent or guardian

For the purposes of section 77 (2) (e) of the Act, the following are prescribed matters:

- (a) that the DNA database system includes 2 indexes relevant to volunteers, a volunteers (limited purposes) index and a volunteers (unlimited purposes) index,
- (b) that the volunteer, or parent or guardian of the volunteer, may give consent subject to the condition that information obtained from the analysis of forensic material taken in accordance with the consent will only be placed on a specified index of that system, or will not be placed on either index.

11 Form of consent—volunteer or volunteer's parent or guardian

For the purposes of section 78 (a) of the Act, the following are the prescribed particulars:

- (a) the name of the person giving consent to the carrying out of the forensic procedure,
- (b) a description of the forensic procedure,
- (c) the name of the police officer who has requested consent to the carrying out of the procedure,
- (d) a statement as to whether or not the police officer has informed the person (personally or in writing) of the matters set out in section 77 of the Act,

-
- (e) the name of the independent person in whose presence the consent is given,
 - (f) a statement indicating whether the consent is given subject to a condition about on which index, if any, information obtained from the analysis of forensic material taken in accordance with the consent may be placed.

12 Access to, and disclosure of, information on DNA database system

- (1) For the purposes of section 92 (2) (b) of the Act, a person may access information stored on the DNA database system for the purpose of making it available to the person to whom it relates if:
 - (a) an application in writing to make the information available to the person is made to the responsible person for the DNA database system by or on behalf of the person, and
 - (b) before the information is made available, the applicant provides such reasonable proof of identity (if any) as may be required by the responsible person.
- (2) For the purposes of section 109 (2) (b) of the Act, a person may disclose information stored on the DNA database system for the purpose of making it available to the person to whom it relates if:
 - (a) an application in writing to make the information available to the person is made to the responsible person for the DNA database system by or on behalf of the person, and
 - (b) before the information is made available, the applicant provides such reasonable proof of identity (if any) as may be required by the responsible person.

13 Use of information on DNA database system

- (1) For the purposes of section 92 (2) (j) of the Act, the purpose of facilitating the assessment of the validity of a claim of apparent or possible wrongful conviction for a serious indictable offence made by or in relation to a serious indictable offender is a prescribed purpose for which a person authorised by the responsible person for the DNA database system may access information stored on the DNA database system, whether that information relates to the offender or any other person.
- (2) This clause applies whether a person was convicted before or after the commencement of this clause.

Clause 14 Crimes (Forensic Procedures) Regulation 2008

14 Disclosure of information

- (1) For the purposes of section 109 (2) (g) of the Act:
 - (a) the purpose of facilitating the assessment by persons or classes of persons authorised by the Minister for Police of the validity of a claim of apparent or possible wrongful conviction for a serious indictable offence made by or in relation to a serious indictable offender is a prescribed purpose for which a person may disclose information stored on the DNA database system, whether that information relates to the offender or any other person, and
 - (b) any purpose relating to the security classification, placement or management by or under the *Crimes (Administration of Sentences) Act 1999* of a classifiable person is a prescribed purpose for which a person may disclose information that relates to the classifiable person that is stored on the DNA database system.
- (2) For the purposes of section 109 (3) (o) of the Act:
 - (a) the purpose of analysing a sample to obtain a DNA profile to be placed on the DNA database system is a prescribed purpose for which a person may disclose information revealed by the carrying out of a forensic procedure on a suspect, offender or volunteer, and
 - (b) any purpose relating to the security classification, placement or management by or under the *Crimes (Administration of Sentences) Act 1999* of a classifiable person is a prescribed purpose for which a person may disclose information relating to the classifiable person revealed by the forensic procedure that was carried out on the classifiable person.
- (3) This clause applies:
 - (a) whether a person was convicted (as referred to in subclause (1)) before or after the commencement of this clause, and
 - (b) whether the information referred to in subclause (1) was stored on the DNA database system before, or is so stored after, the commencement of this clause, and
 - (c) whether the information referred to in subclause (2) is revealed by a forensic procedure that was carried out before or is carried out after the commencement of this clause.
- (4) In this clause, ***classifiable person*** means a person who is or was a serious indictable offender on whom a forensic procedure has been carried out under Part 7 of the Act.

15 Corresponding laws

For the purposes of paragraph (b) of the definition of *corresponding law* in section 95 of the Act, the following laws are prescribed:

- (a) the *Crimes (Forensic Procedures) Act 2000* of the Australian Capital Territory,
- (b) Part ID of the *Crimes Act 1914* of the Commonwealth,
- (c) Division 7 of Part VII of the *Police Administration Act* of the Northern Territory,
- (d) Chapter 17 of the *Police Powers and Responsibilities Act 2000* of Queensland,
- (e) the *Criminal Law (Forensic Procedures) Act 2007* of South Australia,
- (f) the *Forensic Procedures Act 2000* of Tasmania,
- (g) Subdivision (30A) of Division 1 of Part III of the *Crimes Act 1958* of Victoria,
- (h) the *Criminal Investigation (Identifying People) Act 2002* of Western Australia.

16 Saving

Any act, matter or thing that had effect under the *Crimes (Forensic Procedures) Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.



New South Wales

Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* to prescribe provisions of a savings and transitional nature consequent on the enactment of the *Environmental Planning and Assessment Amendment Act 2008*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general regulation-making power) and clause 1 of Schedule 6.

Clause 1 Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] **Clause 292**

Insert after clause 291:

292 Savings and transitional provisions

Schedule 7 has effect.

[2] **Schedule 7**

Insert after Schedule 6:

Schedule 7 Savings and transitional provisions

(Clause 292)

Part 1 Provisions consequent on enactment of Environmental Planning and Assessment Amendment Act 2008

1 Definitions

In this Part, *amending Act* means the *Environmental Planning and Assessment Amendment Act 2008*.

2 Costs payable if amended development application filed: section 97B of the Act

Section 97B of the Act does not apply to an appeal made before the commencement of that section.

3 Appointment of principal certifying authorities: section 109E of the Act

- (1) An amendment made to section 109E of the Act by the amending Act does not affect any appointment of a principal certifying authority made before the commencement of the amendment.
- (2) However, any such amendment applies in respect of any change of principal certifying authority made on or after the commencement of the amendment.

Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

Schedule 1 Amendments

4 Applications for construction certificates, occupation certificates and subdivision certificates

- (1) Clause 139 (1A) of this Regulation (as inserted by the amending Act) does not apply to an application for a construction certificate made before the commencement of that subclause.
- (2) Clause 149 (2B) of this Regulation (as inserted by the amending Act) does not apply to an application for an occupation certificate made before the commencement of that subclause.
- (3) Clause 157 (2A) of this Regulation (as inserted by the amending Act) does not apply to an application for a subdivision certificate made before the commencement of that subclause.

5 Fees for building certificates

The provisions of clause 260 (3A)–(3C) of this Regulation (as inserted by the amending Act) do not apply to an application for a building certificate made under section 149B of the Act before the commencement of those provisions.

6 Strata certificates

- (1) Section 36A of the *Strata Schemes (Freehold Development) Act 1973* (as inserted by the amending Act) does not apply to an application for a strata certificate made before the commencement of that section.
- (2) Section 65A of the *Strata Schemes (Leasehold Development) Act 1986* (as inserted by the amending Act) does not apply to an application for a strata certificate made before the commencement of that section.



New South Wales

Environmentally Hazardous Chemicals Regulation 2008

under the

Environmentally Hazardous Chemicals Act 1985

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmentally Hazardous Chemicals Act 1985*.

VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

Explanatory note

The object of this Regulation is to remake, with some amendments, the *Environmentally Hazardous Chemicals Regulation 1999* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation increases a number of fees payable under the *Environmentally Hazardous Chemicals Act 1985* (*the Act*).

This Regulation also makes provision with respect to the following:

- (a) the matters to be included in certain applications and notices made or issued under the Act,
- (b) the time within which appeals under the Act may be made,
- (c) the form of a receipt for property seized by authorised officers and the manner of advertising the proposed forfeiture of seized property,
- (d) the information to be included in registers under the Act,
- (e) the appointment of alternate members of the Hazardous Chemicals Advisory Committee,
- (f) the payment of fees,
- (g) savings and formal matters.

This Regulation is made under the *Environmentally Hazardous Chemicals Act 1985*, including sections 13 (2) and (3), 19 (2), 28 (1) (b) and (3) (a), 29A (2) (b) and (4) (a), 37 (1), 38 (1), 39 (1), 45 (3), 48 (3) (b), 52 (2) and 58 (the general regulation-making power) and clause 4 of Schedule 1.

Environmentally Hazardous Chemicals Regulation 2008

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Environmentally Hazardous Chemicals Regulation 2008

Clause 1

Environmentally Hazardous Chemicals Regulation 2008

under the

Environmentally Hazardous Chemicals Act 1985

1 Name of Regulation

This Regulation is the *Environmentally Hazardous Chemicals Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Environmentally Hazardous Chemicals Regulation 1999* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

the Act means the *Environmentally Hazardous Chemicals Act 1985*.

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

4 Application for assessment of prohibited activities

For the purposes of section 13 (3) of the Act, the prescribed kinds of data relating to a prescribed activity to be restricted are as follows:

- (a) a name, description or formula of a chemical in relation to which the prescribed activity is proposed to be carried on, or any other information which would reveal its chemical identity,
- (b) any physical or chemical data which would reveal the chemical identity of a chemical referred to in paragraph (a),
- (c) data from toxicological and ecotoxicological tests, but not the results of any such tests,
- (d) genuine manufacturing or other industrial or commercial secrets,
- (e) data which are the same as, or virtually the same as, or which include, data whose disclosure has been restricted in accordance with the Act or any Act of the Commonwealth or of a State or a Territory relating to chemicals or chemical wastes.

Clause 5 Environmentally Hazardous Chemicals Regulation 2008

5 Assessment of chemicals

- (1) For the purposes of section 19 (2) of the Act, the prescribed particulars to be contained in a notice of intention to assess a chemical are as follows:
 - (a) the chemical name or identity of the chemical,
 - (b) the name and address of the person with whom submissions may be lodged and the date by which any such submissions must be lodged,
 - (c) the address at which data, if any, on the chemical may be inspected.
- (2) For the purposes of section 19 (2) of the Act, the prescribed time in relation to submissions is 30 days.

6 Notice of licence application

- (1) For the purposes of section 28 (3) (a) of the Act, the prescribed particulars to be included in a notice of an application for a licence are the particulars set out in subclause (3).
- (2) For the purposes of section 29A (4) (a) of the Act, the prescribed particulars to be included in a notice of an application for the transfer of a licence are the particulars set out in subclause (3) and the following:
 - (a) the name and address of the current holder of the licence,
 - (b) the address of the premises, if any, in respect of which the licence is held.
- (3) A notice of an application for a licence or a transfer of a licence is to include the following particulars:
 - (a) the applicant's name and address,
 - (b) the address of the premises, if any, in respect of which the application is made,
 - (c) the name or description of the chemical or declared chemical waste to which the application relates,
 - (d) details or a description of any chemical control order in force in respect of the chemical or declared chemical waste,
 - (e) a list and details of the prescribed activities for which the licence is sought.
- (4) Nothing in this clause requires:
 - (a) the inclusion in the notice of any matter that is required by the Act not to be disclosed, or
 - (b) the disclosure of any matter except in the manner in which it is required by the Act to be disclosed.

7 Time before appeal may be made

For the purposes of section 37 (1) of the Act, the prescribed time within which the Authority must notify the terms of a chemical control order made by it or its determination not to make any such order is 60 days.

8 Time within which appeal may be made

- (1) For the purposes of section 38 (1) of the Act, the prescribed time within which a person may appeal against a chemical control order or a determination made under section 20 (d) of the Act is 30 days.
- (2) For the purposes of section 39 (1) of the Act, the prescribed time within which a person may appeal against a decision of the Authority about a licence is 30 days.

9 Form of receipt

For the purposes of section 45 (3) of the Act, the prescribed form of receipt to be given by an authorised officer is the form in Schedule 1.

10 Seized property

For the purposes of section 48 (3) (b) of the Act, the prescribed manner for advertising a notice of an application for forfeiture of seized property is by advertising in a newspaper circulating throughout New South Wales.

11 Registers of declared chemical wastes, chemical control orders and licences

For the purposes of section 52 (2) of the Act, the prescribed particulars to be included in a register are as follows:

- (a) in the case of the register of declared chemical wastes—a copy of every order in force under section 10 of the Act,
- (b) in the case of the register of chemical control orders—a copy of every chemical control order in force,
- (c) in the case of the register of licences—a certified copy of each licence currently in force.

12 Alternate members of Hazardous Chemicals Advisory Committee

- (1) For the purposes of clause 4 of Schedule 1 to the Act, a person or body entitled to nominate one or more nominees for membership of the Committee is entitled to nominate an alternate member for each nominee of the person or body.
- (2) The Local Government Association of New South Wales or the Shires Association of New South Wales, or both, may nominate alternatives for the persons nominated by them.

Clause 13 Environmentally Hazardous Chemicals Regulation 2008

- (3) The Minister may select:
- (a) from the persons nominated under subclause (2), a person as an alternate member for the member selected from persons nominated by the Local Government Association of New South Wales or the Shires Association of New South Wales, or both, and
 - (b) a person as an alternate member for the member of the Committee selected by the Minister to represent major users of chemicals in New South Wales.
- (4) During the illness or absence of a member of the Committee, the alternate member has and may exercise the functions of the member.

13 Technology assessment

- (1) A person may request the Authority to carry out an assessment of any technology that the person proposes to use in relation to processing a chemical, or a declared chemical waste, that is the subject of a chemical control order.
- (2) The Authority may, in respect of any such assessment, charge a fee that does not exceed:
- (a) \$3,350— if the assessment is commenced on or after 1 September 2008 and on or before 31 December 2008, or
 - (b) \$4,600—if the assessment is commenced on or after 1 January 2009 and on or before 31 December 2009, or
 - (c) \$5,850—if the assessment is commenced on or after 1 January 2010 and on or before 31 December 2010, or
 - (d) \$7,100—if the assessment is commenced on or after 1 January 2011 and on or before 31 December 2011, or
 - (e) \$8,400—if the assessment is commenced on or after 1 January 2012.

14 Fees

- (1) The fees set out in Column 2 of Schedule 2 are the prescribed fees for the matters set out opposite those fees in Column 1 of that Schedule.
- (2) The Authority may at any time waive payment of part or all of a fee payable under this Regulation, whether in a particular case or in a class of cases.

15 Savings

Any act, matter or thing which had effect immediately before the repeal of the *Environmentally Hazardous Chemicals Regulation 1999* is taken to have effect under this Regulation.

Environmentally Hazardous Chemicals Regulation 2008

Form

Schedule 1

Schedule 1 Form

(Clause 9)

Environment Protection Authority

Environmentally Hazardous Chemicals Act 1985 (section 45 (3))

Receipt for taking sample of substance or removing substance or container

This receipt is to:

[*name of occupier of premises*]

[*address of premises*]

I [*name of authorised officer*] an authorised officer under the *Environmentally Hazardous Chemicals Act 1985*, acknowledge by this receipt that:

(delete whichever of the following does not apply)

I have today taken from the above premises a sample of the following substance in the following quantity:

[*name or description of substance*]

[*approximate quantity of substance*]

I have today removed from the above premises the following substance or the following containers:

[*name or description of substance*]

[*size and number of containers*]

[*signature of authorised officer*]

[*address of authorised officer*]

Environmentally Hazardous Chemicals Regulation 2008

Schedule 2 Fees

Schedule 2 Fees

(Clause 14)

Column 1	Column 2
Matter for which fee is payable	Fee \$
Application under section 13 (1) of Act	1,680
Application for a new licence made under section 28 (1) of Act on or after 1 September 2008 and on or before 31 December 2008	1,030
Application for a new licence made under section 28 (1) of Act on or after 1 January 2009 and on or before 31 December 2009	1,060
Application for a new licence made under section 28 (1) of Act on or after 1 January 2010 and on or before 31 December 2010	1,090
Application for a new licence made under section 28 (1) of Act on or after 1 January 2011 and on or before 31 December 2011	1,120
Application for a new licence made under section 28 (1) of Act on or after 1 January 2012	1,140
Application to renew a licence made under section 28 (1) of Act on or after 1 September 2008 and on or before 31 December 2008	650
Application to renew a licence made under section 28 (1) of Act on or after 1 January 2009 and on or before 31 December 2009	660
Application to renew a licence made under section 28 (1) of Act on or after 1 January 2010 and on or before 31 December 2010	680
Application to renew a licence made under section 28 (1) of Act on or after 1 January 2011 and on or before 31 December 2011	690
Application to renew a licence made under section 28 (1) of Act on or after 1 January 2012	710
Fee for each year for which a licence is granted or renewed if the grant or renewal is made on or after 1 September 2008 and on or before 31 December 2008	520
Fee for each year for which a licence is granted or renewed if the grant or renewal is made on or after 1 January 2009 and on or before 31 December 2009	530
Fee for each year for which a licence is granted or renewed if the grant or renewal is made on or after 1 January 2010 and on or before 31 December 2010	540
Fee for each year for which a licence is granted or renewed if the grant or renewal is made on or after 1 January 2011 and on or before 31 December 2011	560

Environmentally Hazardous Chemicals Regulation 2008

Fees

Schedule 2

Column 1	Column 2
Matter for which fee is payable	Fee \$
Fee for each year for which a licence is granted or renewed if the grant or renewal is made on or after 1 January 2012	570
Application to transfer a licence made under section 29A of Act on or after 1 September 2008 and on or before 31 December 2009	120
Application to transfer a licence made under section 29A of Act on or after 1 January 2010 and on or before 31 December 2011	125
Application to transfer a licence made under section 29A of Act on or after 1 January 2012	130



New South Wales

Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2008

under the

Health Records and Information Privacy Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Records and Information Privacy Act 2002*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Health Records and Information Privacy Regulation 2006*:

- (a) to prescribe the services of a chaplain in a public hospital or health institution as a health service for the purposes of the *Health Records and Information Privacy Act 2002* where the chaplain is accredited by the chief executive of a public health organisation that controls the hospital or institution, and
- (b) to enable a public health organisation to use, or disclose to an accredited chaplain, health information, without the consent of the individual to whom the information relates, for the purpose of accredited chaplaincy services in a public hospital or health institution controlled by the organisation if the individual would reasonably expect the organisation to use or disclose the information for that purpose.

This Regulation is made under the *Health Records and Information Privacy Act 2002*, including paragraph (l) of the definition of **health service** in section 4 (1), and clauses 10 (1) (k) and 11 (1) (l) of Schedule 1 and section 75 (the general regulation-making power).

Clause 1 Health Records and Information Privacy Amendment (Accredited
Chaplains) Regulation 2008

Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2008

under the

Health Records and Information Privacy Act 2002

1 Name of Regulation

This Regulation is the *Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2008*.

2 Commencement

This Regulation commences on 1 October 2008.

3 Amendment of Health Records and Information Privacy Regulation 2006

The *Health Records and Information Privacy Regulation 2006* is amended as set out in Schedule 1.

Health Records and Information Privacy Amendment (Accredited
Chaplains) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

accredited chaplain, in relation to a public hospital or health institution, means a person:

- (a) who has been accredited for the purposes of providing chaplaincy services in the hospital or institution by the chief executive of a public health organisation that is responsible for controlling that hospital or institution, and
- (b) whose accreditation has not been revoked.

chief executive, in relation to a public health organisation, has the same meaning as in the *Health Services Act 1997*.

health institution, *public health organisation* and *public hospital* have the same meanings as in the *Health Services Act 1997*.

[2] Clause 2 (1A)

Insert after clause 2 (1):

- (1A) A reference in this Regulation to a hospital or health institution controlled by a public health organisation includes a reference to a hospital or health institution that is conducted by or on behalf of such an organisation.

Note. Clause 2 of Part 2 of the Dictionary to the *Health Services Act 1997* contains a similar provision in relation to references in that Act to hospitals, health institutions and services controlled by a public health organisation or other body or person.

[3] Clauses 2A and 2B

Insert after clause 2:

2A Accredited chaplaincy service a “health service”

The service of an accredited chaplain in a public hospital or a health institution controlled by a public health organisation is prescribed as a health service for the purposes of the Act.

Health Records and Information Privacy Amendment (Accredited
Chaplains) Regulation 2008

Schedule 1 Amendments

**2B Health information may be used or disclosed for purpose of
chaplancy services**

For the purposes of clauses 10 (1) (k) and 11 (1) (l) of Schedule 1 to the Act, an organisation may use or disclose health information for a secondary purpose if:

- (a) the organisation is a public health organisation, and
- (b) the secondary purpose is the service of an accredited chaplain in a public hospital or health institution that is controlled by the organisation, and
- (c) in the case of a disclosure—the person to whom the disclosure is made is an accredited chaplain for the hospital or institution, and
- (d) the individual to whom the health information relates would reasonably expect the organisation to use or disclose the information for the secondary purpose.



New South Wales

Nurses and Midwives Regulation 2008

under the

Nurses and Midwives Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Nurses and Midwives Act 1991*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Nurses and Midwives Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the registration of nurses and midwives,
- (b) Professional Standards Committees and the Nurses and Midwives Tribunal including payment of members and appeals,
- (c) the letters that may be put after a nurse or midwife's name,
- (d) the badges that may be worn by a nurse or midwife,
- (e) the conduct of elections for elected members of the Nurses and Midwives Board,
- (f) the recognition of institutions offering courses for the training of nurses and midwives,
- (g) the forms to be used for certificates of temporary registration and certificates of temporary enrolment,
- (h) the procedures for notifying that a nurse or midwife has become a mentally incapacitated person,
- (i) the offences that, if committed by a nurse or midwife, are not required to be notified to the Nurses and Midwives Board,
- (j) the fees payable under the Act,
- (k) the infection control standards that nurses and midwives must comply with,
- (l) savings and formal matters.

Nurses and Midwives Regulation 2008

Explanatory note

This Regulation is made under the *Nurses and Midwives Act 1991*, including sections 5 (2), 9 (2), 16 (5), 18 (1), 19 (1), 19A (4), 20 (4), 22 (3), 23 (1), 24 (1), 25 (c), 26 (7), 27 (1), 28, 28A (1) (d), 28B (1), 33 (1) and (4), 35, 37, 42A (3), 42B (2), 42C (2), 51 (5), 57 (1), 58 (2), 59 (8), 60 (5), 67 (1) and (5) and 78 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Nurses and Midwives Regulation 2008

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Clause 1 Nurses and Midwives Regulation 2008

Part 1 Preliminary

Nurses and Midwives Regulation 2008

under the

Nurses and Midwives Act 1991

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Nurses and Midwives Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Nurses and Midwives Regulation 2003* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

- (1) In this Regulation:
the Act means the *Nurses and Midwives Act 1991*.
- (2) Notes included in this Regulation do not form part of this Regulation.

Nurses and Midwives Regulation 2008

Clause 4

Registration

Part 2

Part 2 Registration

4 Functions not requiring registration

For the purposes of section 25 of the Act, the following functions are prescribed:

- (a) functions exercised to meet the needs of organ transplant patients and patients donating organs,
- (b) functions exercised as a member of a retrieval team that enters New South Wales to pick up a patient,
- (c) functions exercised while a nurse or midwife is on escort duty accompanying a patient on a journey that begins or ends outside New South Wales.

5 Enrolment in List "A"

- (1) For the purposes of section 27 (1) (a) (ii) of the Act:
 - (a) the prescribed tuition is the training in nursing given by the hospital or institution that the person attended, and
 - (b) the prescribed examinations are those conducted for the purposes of that subparagraph by:
 - (i) the TAFE Commission within the meaning of the *Technical and Further Education Commission Act 1990*, or
 - (ii) any accredited providers of vocational training or higher education that are approved by the Board.
- (2) For the purposes of this clause:
accredited means accredited by a government department or public authority of the Commonwealth, or a State or Territory, with responsibility for vocational training or higher education.

6 Replacement certificates

- (1) The Registrar may, on application by a nurse or midwife and on payment of the relevant fee set out in Schedule 3, issue a replacement certificate if satisfied that a certificate issued to the nurse or midwife under the Act has been lost or destroyed or the information that it certifies is no longer correct.
- (2) The Registrar may require an application under this clause for a replacement for a lost or destroyed certificate to be verified by a statutory declaration as to the circumstances in which the certificate was lost or destroyed.

Clause 7 Nurses and Midwives Regulation 2008

Part 2 Registration

7 Alterations of Register or Roll

The Registrar may require such evidence as the Registrar thinks necessary before altering an entry in a Register or Roll.

Nurses and Midwives Regulation 2008

Clause 8

Professional Standards Committees

Part 3

Part 3 Professional Standards Committees

8 Payment of members of Committee

For the purposes of section 51 (5) of the Act, a member of a Committee is entitled to be paid such remuneration as the Minister may from time to time determine.

9 Appeals against decisions of Committee

For the purposes of section 57 (1) of the Act, the prescribed time within which an appeal may be made to the Tribunal against any finding or exercise of power referred to in that subsection is the time ending 21 days after:

- (a) notice of the reasons for the finding, or
 - (b) notice of the reasons for the exercise of power, or
 - (c) a statement under section 56 (2) of the Act, or
 - (d) a notice under section 56 (5) (b) of the Act,
- whichever is the later, is given to the appellant.

10 Appeal with respect to a point of law

- (1) An appeal referred to in section 58 (2) of the Act is to be made:
 - (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under that section in that regard, to that Deputy Chairperson), and
 - (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.
- (2) For the purposes of section 58 (2) of the Act, the prescribed time within which an appeal referred to in that subsection may be made to the Chairperson (or, if a Deputy Chairperson is nominated under that section in that regard, to that Deputy Chairperson) is the time between the referral of the complaint and the commencement of the inquiry.

Clause 11 Nurses and Midwives Regulation 2008

Part 4 Nurses and Midwives Tribunal

Part 4 Nurses and Midwives Tribunal

11 Payment of ordinary members of Tribunal

For the purposes of section 59 (8) of the Act, a member of the Tribunal (other than the Chairperson or a Deputy Chairperson) is entitled to be paid such remuneration as the Minister may from time to time determine.

12 Payment of Chairperson and Deputy Chairperson of Tribunal

For the purposes of section 60 (5) of the Act, the Chairperson or a Deputy Chairperson of the Tribunal is entitled to be paid such remuneration as the Minister may from time to time determine.

13 Appeals against decisions of Tribunal

For the purposes of section 67 (1) and (5) of the Act, the prescribed time within which an appeal may be made to the Supreme Court against a decision or exercise of power referred to in that subsection is the time ending:

- (a) on the date occurring 21 days after the date on which:
 - (i) notice of the Tribunal's reasons for the finding, or
 - (ii) notice of the Tribunal's reasons for the exercise of power, or
 - (iii) a statement under section 66 (3) of the Act, or
 - (iv) a notice under section 66 (6) (b) of the Act, whichever is the later, is given to the appellant, or
- (b) on such later date as the Supreme Court may allow in a particular case.

Nurses and Midwives Regulation 2008

Clause 14

Miscellaneous

Part 5

Part 5 Miscellaneous

14 Letters after name

- (1) Nurses may indicate their entitlement to practise as nurses by placing after their names the following letters:
 - (a) in the case of a registered nurse—"R.N.",
 - (b) in the case of a nurse enrolled in List "A" of the Roll—"E.N.",
 - (c) in the case of a nurse enrolled in List "B" of the Roll—"E.N. (M'craft)".
- (2) Registered midwives may indicate their entitlement to practise as midwives by placing "R.M." after their names.

15 Badges

For the purposes of sections 5 (2) and 37 of the Act, the prescribed design for a badge is one having on it the words "NURSES AND MIDWIVES BOARD", a representation of the State arms of New South Wales, and appropriate letters or symbols to convey information as to the wearer's registration, enrolment or authorisation.

16 Election of Board members

For the purposes of section 9 (2) (a), (b) and (c) of the Act, the election of any nurse or midwife to be a member of the Board is to be held and conducted in the manner set out in Schedule 1.

17 Recognition of institutions and qualifications

- (1) A hospital, a nursing home or an educational or other institution (together with the curriculum for its course and the diploma, certificate or other qualification awarded by it) may be recognised by the Board under section 10 (1) (g) of the Act if and only if:
 - (a) curriculum details of the course that it offers or to which it contributes instruction, clinical experience or other training have been forwarded to the Board, and
 - (b) the objective of the course is the achievement by students of levels of educational and clinical competence approved by the Board, and
 - (c) the course itself is approved by the Board.
- (2) The Board is to notify its recognition in writing directly to the hospital, home or institution.

Clause 18 Nurses and Midwives Regulation 2008

Part 5 Miscellaneous

-
- (3) The hospital, home or institution is to notify the Board of any change of curriculum that occurs after details have been forwarded under this clause.
 - (4) The Board may, by writing to the hospital, home or institution, revoke or vary its recognition if it is satisfied:
 - (a) that the course is not being conducted in accordance with any conditions to which the recognition is subject, or
 - (b) that the course is not being conducted in accordance with the details received by the Board under this clause immediately before the Board granted recognition to the hospital, home or institution.

18 Forms

- (1) For the purposes of section 24 (1) of the Act:
 - (a) the prescribed form for a certificate of temporary registration to practice nursing is Form 1 set out in Schedule 2, and
 - (b) the prescribed form for a certificate of temporary registration to practice midwifery is Form 2 set out in Schedule 2.
- (2) For the purposes of section 28B (1) of the Act, the prescribed form for a certificate of temporary enrolment is Form 3 set out in Schedule 2.

19 Notice of incapacity

- (1) For the purposes of section 35 of the Act, the person required to cause notice of mental incapacity to be forwarded to the Board is:
 - (a) in the case of a nurse or midwife who is a mentally incapacitated person and becomes a patient at a mental health facility because of that incapacity—the medical superintendent of the facility, or
 - (b) in the case of a nurse or midwife who is a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 35 of the Act is to be given by telephone within one day, and posted within 7 days, after the nurse or midwife is admitted to the facility or becomes a protected person.

20 Excluded offences

Sections 42A (1) (a), 42B (1) (a) and 42C of the Act do not apply in respect of any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) except for the following offences:

- (a) an offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998*,

Nurses and Midwives Regulation 2008

Clause 21

Miscellaneous

Part 5

-
- (b) an offence under section 171 (2) of the *Road Transport (General) Act 2005*,
 - (c) an offence under section 9, 12 (1), 42 (2), 43 or 70 of the *Road Transport (Safety and Traffic Management) Act 1999*,
 - (d) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999*, but only if the nurse or midwife is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (e) any other offence under the road transport legislation if the court orders the disqualification of the nurse or midwife from holding a driver licence.

21 Fees

The fees set out in Schedule 3 are prescribed for the purposes of the provisions of the Act and this Regulation set out in that Schedule.

22 Infection control standards

- (1) A nurse or midwife must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 4 to the extent that they apply to the nurse or midwife in the practice of nursing or midwifery.
- (2) In determining whether or not a nurse or midwife has a reasonable excuse for failing to comply with a standard, particular consideration is to be given to the following:
 - (a) whether the circumstances involved the provision of emergency treatment,
 - (b) whether the nurse's or midwife's employer failed to provide the necessary equipment, including providing access to it and training in its use, that would have enabled the nurse or midwife to comply with the standard (and whether the failure to provide such equipment was reported by the nurse or midwife to the Director-General).

23 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Nurses and Midwives Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.

Nurses and Midwives Regulation 2008

Schedule 1 Election of Board members

Schedule 1 Election of Board members

(Clause 16)

1 Definitions

In this Schedule:

close of nominations for an election means the final time and date fixed by the returning officer for the close of nominations for the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

election means an election conducted under section 9 (2) (a), (b) or (c) of the Act for the purpose of electing members of the Board.

inner envelope and **outer envelope** have the same meanings as in clause 7.

qualified voter means:

- (a) in relation to an election of a registered nurse under section 9 (2) (a) of the Act, a person who is a registered nurse, and
- (b) in relation to an election of a registered midwife under section 9 (2) (b) of the Act, a person who is a registered midwife, and
- (c) in relation to an election of an enrolled nurse or enrolled nurse (mothercraft) under section 9 (2) (c) of the Act, a person who is an enrolled nurse or enrolled nurse (mothercraft).

returning officer means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer for an election.

2 Notice of election

- (1) The returning officer must, as soon as practicable after being notified in writing by or on behalf of the Minister that an election is required to be held, cause to be published in the Gazette and in at least one daily newspaper circulating generally in New South Wales a notice that:
 - (a) states that an election is to be held, and
 - (b) calls for the nomination of candidates, and
 - (c) advises where nomination forms may be obtained, and
 - (d) states the place where nominations may be lodged, and
 - (e) fixes the times and dates for the close of nominations, and

Nurses and Midwives Regulation 2008

Election of Board members

Schedule 1

-
- (f) fixes the times and dates for the close of the ballot (being at least 60 days after the date on which the notice is published and as near as practicable to 1 December in every fourth year after 1 December 1997).
 - (2) The returning officer may, by a further notice published in accordance with this clause, fix a later time and date for the close of nominations.

3 Nominations

- (1) A nomination must be lodged with the returning officer before the close of nominations and must set out the following particulars:
 - (a) the full name of the candidate nominated,
 - (b) the residential address of that candidate,
 - (c) an endorsement of that candidate's consent to his or her nomination,
 - (d) the full names, residential addresses and signatures of at least 2 nominators, being qualified voters other than that candidate.
- (2) A nomination may only be made in respect of a candidate who is qualified to be elected in the election.
- (3) A candidate may withdraw his or her nomination for an election by notification in writing delivered to the returning officer at any time before the close of nominations for the election.
- (4) If a candidate consents to nomination for election in more than one of the classes specified in section 9 (2) (a), (b) and (c) of the Act and if all but one of the nominations of the candidate are not withdrawn by the close of nominations, the returning officer must reject all nominations of the candidate.

4 Candidate information sheet

- (1) A candidate for election may, at any time before the close of nominations, submit in writing to the returning officer information intended for inclusion in a candidate information sheet.
- (2) As soon as practicable after the close of nominations, the returning officer must, if a ballot is required to be held for the election, draw up a candidate information sheet consisting of the information, if any, submitted to the returning officer under this clause.
- (3) The returning officer may, when drawing up a candidate information sheet, reject any information submitted if the returning officer considers that the information is:
 - (a) inappropriate for inclusion in a candidate information sheet, or
 - (b) misleading in a material particular, or

Nurses and Midwives Regulation 2008

Schedule 1 Election of Board members

(c) more than 100 words in length.

- (4) If the returning officer rejects information under subclause (3), he or she is to give the candidate notice that the information is unsuitable and give the candidate 7 days to provide suitable information.
- (5) If the candidate does not provide information that the returning officer considers to be suitable within those 7 days, no information about the candidate is to be included on the candidate information sheet.
- (6) Information concerning candidates must appear on a candidate information sheet in the same order in which the candidates are listed on the ballot-paper relating to them.
- (7) The returning officer must not include on the candidate information sheet any non-business telephone number or email address, or residential address, of a candidate.

5 Procedure on close of nomination

- (1) If, after the close of nominations, there is not a greater number of persons nominated than are required for election, the returning officer is to declare those persons duly elected.
- (2) If, after the close of nominations, the number of persons nominated is greater than the number required for election, a ballot is to be held.

6 Electoral roll

- (1) As soon as practicable after it becomes apparent that a ballot must be held for an election, the returning officer must notify the Registrar:
- (a) that a ballot is to be held for the election, and
 - (b) that an electoral roll for the election is required.
- (2) The Registrar must (within 7 days) provide the returning officer with:
- (a) a roll containing the full names (consecutively numbered and listed in alphabetical order) and addresses of each person who is a qualified voter, and
 - (b) an appropriately addressed label, or an appropriately addressed envelope, for each person whose name is included in that roll.

7 Conduct of ballot

- (1) If a ballot is to be held, the returning officer:
- (a) must determine the order in which the candidates' names are to be listed on the ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and

Nurses and Midwives Regulation 2008

Election of Board members

Schedule 1

-
- (b) must cause sufficient ballot-papers to be printed so that a ballot-paper can be sent to each qualified voter, and
 - (c) if a candidate information sheet has been drawn up, must cause sufficient copies of it to be printed so that a copy can be sent to each qualified voter.
- (2) The ballot-paper must contain:
- (a) the names of the candidates, arranged in the order determined in accordance with subclause (1) (a), with a small square opposite each name, and
 - (b) if the returning officer considers that the names of 2 or more candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
 - (c) directions as to the manner in which a vote is to be recorded and returned to the returning officer.
- (3) The returning officer must, at least 20 days before the date fixed for the close of the ballot, post to each qualified voter:
- (a) a ballot-paper initialled by the returning officer, and
 - (b) an envelope marked "ballot paper only" (the *inner envelope*),
 - (c) a business reply envelope (the *outer envelope*) addressed to the returning officer containing on the rear flap spaces for the insertion of a voter's name, address and signature, and
 - (d) where appropriate, a candidate information sheet relating to the candidates included in the poll.
- (4) In order to vote at an election, a qualified voter:
- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
 - (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the inner envelope, and
 - (c) must seal the inner envelope, and
 - (d) must complete, on the back of the inner envelope, the person's full name and address as it appears on the roll, and
 - (e) must sign the back of the inner envelope, and
 - (f) must place the inner envelope inside the outer envelope, and
 - (g) must return the outer envelope containing the inner envelope to the returning officer so as to be received before the close of the ballot.

Nurses and Midwives Regulation 2008

Schedule 1 Election of Board members

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- (5) The returning officer may, on written application made to the returning officer, and if satisfied that a ballot-paper has been lost or destroyed, supply a duplicate ballot-paper to the person to whom the lost or destroyed ballot-paper was issued.
- (6) An election is not invalid because:
- (a) a qualified voter did not receive a ballot-paper, or
 - (b) the returning officer did not receive a ballot-paper sent to the returning officer.

8 Examination of envelopes

- (1) The returning officer must, as soon as practicable after the receipt of an outer envelope purporting to contain an inner envelope:
- (a) open the outer envelope and remove the inner envelope, and
 - (b) examine the inner envelope for the purpose of deciding whether to accept or reject the inner envelope.
- (2) The returning officer is to reject an inner envelope if:
- (a) the envelope does not have legibly marked on its rear flap a name, address and signature that appear to the returning officer to be those of a qualified voter, or
 - (b) the envelope is not sealed, or
 - (c) the envelope is received by the returning officer after the close of the ballot.

9 Scrutiny of votes

- (1) The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.
- (2) The scrutiny of votes is to be conducted as follows:
- (a) the returning officer is to produce, unopened, all the inner envelopes received (except those envelopes rejected under clause 8 (2)),
 - (b) the returning officer is then to open each envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,
 - (c) when the ballot-papers from all such envelopes have been placed in the ballot-box, the returning officer is then to unlock the ballot-box and remove the ballot-papers,
 - (d) the returning officer is then to examine each ballot-paper and reject those that are informal,

Nurses and Midwives Regulation 2008

Election of Board members

Schedule 1

-
- (e) the returning officer is then to proceed to count the votes in accordance with clause 10 and ascertain the result of the election.
 - (3) The returning officer is to reject a ballot-paper as being informal if:
 - (a) the ballot-paper contains any matter by which the voter may be identified, or
 - (b) the ballot-paper is not completed in accordance with the directions printed on the ballot-paper.
 - (4) Each candidate is entitled to appoint a scrutineer to represent the candidate at all stages of the scrutiny.
 - (5) A candidate who appoints a scrutineer must cause written notice of the appointment to be given to the returning officer.

10 Method of voting and counting

- (1) At an election a qualified voter is:
 - (a) in the case of an election under section 9 (2) (a) of the Act, required to record a vote for 3 candidates, and
 - (b) in the case of an election under section 9 (2) (b) or (c) of the Act, required to record a vote for 1 candidate, and
 - (c) permitted to record a vote for as many more candidates as the voter pleases,so as to indicate, in such manner as is required by this Part, the candidates for whom the voter votes and the order of the voter's preference for them.
- (2) In the case of an election under section 9 (2) (a) of the Act, where there are 3 persons to be elected, the method of counting the votes is to be according to an optional multi-preferential system in which the first, second and third preference votes (represented by the numbers "1", "2" and "3", respectively, marked on the ballot-paper) are regarded as primary votes.
- (3) In the case of an election under section 9 (2) (b) or (c) of the Act, where there is only one person to be elected:
 - (a) the method of counting the votes is to be as set out in Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and
 - (b) for the purpose of applying the provisions of that Part to the election, a reference in those provisions to the returning officer is taken to be a reference to the returning officer within the meaning of this Schedule.

Nurses and Midwives Regulation 2008

Schedule 1 Election of Board members

11 Returning officer's decision final

If the returning officer is by this Regulation permitted or required to make a decision on any matter relating to the conduct of an election under this Schedule, the decision of the returning officer on that matter is final.

12 Report of election

When he or she first ascertains the result of an election, the returning officer must furnish a report, in writing, of the result to the Minister and the Registrar and must cause the result to be published in the Gazette and in at least one daily newspaper circulating generally in New South Wales.

13 Death of a candidate

If a candidate dies after the close of nominations and before the close of the ballot:

- (a) the returning officer is to cause notice of the death to be published in the Gazette, and
- (b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and must be taken again.

14 Offences

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in an election in which the person is not entitled to vote, or
- (c) make a statement that the person knows to be false or misleading in a material particular (not being a statement verified by statutory declaration):
 - (i) to the returning officer in connection with an election, or
 - (ii) in any document that the person furnishes for the purposes of an election.

Maximum penalty: 5 penalty units.

Nurses and Midwives Regulation 2008

Forms

Schedule 2

Schedule 2 Forms

(Clause 18)

Form 1 Certificate of temporary registration to practise nursing

Nurses and Midwives Act 1991 (section 24)

This is to certify that the Nurses and Midwives Board has temporarily registered *[name]* under the *Nurses and Midwives Act 1991* as a nurse, and has authorised that person as a nurse practitioner,* subject to the following conditions:*

.....

from *[date]* to *[date]*.

This certificate was issued at Sydney on *[date]*.

President of the Board

Registrar

* Delete the words “and has authorised that person as a nurse practitioner,” or “subject to the following conditions:” if they are not appropriate.

Form 2 Certificate of temporary registration to practise midwifery

Nurses and Midwives Act 1991 (section 24)

This is to certify that the Nurses and Midwives Board has temporarily registered *[name]* under the *Nurses and Midwives Act 1991* as a midwife, and has authorised that person as a midwife practitioner,* subject to the following conditions:*

.....

from *[date]* to *[date]*.

This certificate was issued at Sydney on *[date]*.

President of the Board

Registrar

* Delete the words “and has authorised that person as a midwife practitioner,” or “subject to the following conditions:” if they are not appropriate.

Form 3 Certificate of temporary enrolment

Nurses and Midwives Act 1991 (section 28B)

This is to certify that the Nurses and Midwives Board has temporarily enrolled *[name]* under the *Nurses and Midwives Act 1991* as a nurse, subject to the following conditions:*

.....

from *[date]* to *[date]*.

This certificate was issued at Sydney on *[date]*.

President of the Board

Registrar

* Delete the words “subject to the following conditions:” if they are not appropriate.

Nurses and Midwives Regulation 2008

Schedule 3 Fees

Schedule 3 Fees

(Clauses 6 and 21)

Fees under the Act

Section 16 (5)	\$10
Section 18 (1)	\$80
Section 19 (1)	\$80
Section 19A (4)	\$150
Section 20 (4)	\$150
Section 22 (3)	\$12
Section 23 (1) (d)	nil
Section 24 (1)	\$80
Section 26 (7)	\$10
Section 27 (1)	\$80
Section 28	\$80
Section 28A (1) (d)	nil
Section 28B (1)	nil
Section 33 (1)	\$70
Section 33 (4)	\$80

Fees under this Regulation

Clause 6 (1)	\$20
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Nurses and Midwives Regulation 2008

Infection control standards

Schedule 4

Schedule 4 Infection control standards

(Clause 22)

Part 1 Preliminary

1 Definitions

(1) In this Schedule:

AS/NZS 4815 means AS/NZS 4815:2006, *Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.*

AS/NZS 4187 means AS/NZS 4187:2003, *Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities.*

body substance includes any human bodily secretion or substance other than blood.

invasive procedure means any one or more of the following:

- (a) surgical entry into body tissue, cavities or organs,
- (b) surgical repair of injuries,
- (c) cardiac catheterisation and angiographic procedures,
- (d) vaginal or caesarean delivery or any other obstetric procedure during which bleeding may occur,
- (e) the manipulation, cutting, or removal of any oral or peri-oral tissue, including tooth structure, during which bleeding may occur.

patient includes (but is not limited to) a person who is accessing medical or health services or who is undergoing any medical or health procedure.

sharps means any objects capable of inflicting penetrating injury, and includes hollow bore needles, suture needles, scalpel blades, wires, trocars, auto lancets, stitch cutters and broken glassware.

(2) The requirements set out in this Schedule apply to a nurse or midwife who is assisting in performing a procedure in the same way as they apply to a nurse or midwife who is actually performing the procedure.

Nurses and Midwives Regulation 2008

Schedule 4 Infection control standards

Part 2 General standards applying to nurses and midwives**2 General precautions and aseptic techniques**

- (1) Precautions must be taken to avoid direct exposure to a patient's blood or other body substances. This requirement applies regardless of whether there is any perceived risk of infection.
- (2) Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

3 Hand and skin cleaning

- (1) Hands must be cleaned:
 - (a) immediately before and after any direct patient care, and
 - (b) immediately after handling blood or other body substances.
- (2) Subclause (1) does not apply in circumstances where treatment is required to be performed urgently and cleaning facilities are not readily available.
- (3) Hands may be cleaned by:
 - (a) using washing facilities involving water and a soap or antiseptic, or
 - (b) using non-water cleansers or antiseptics.
- (4) Hands or other skin surfaces that are contaminated with a patient's blood or other body substances must be cleaned as soon as it is practicable to clean them.
- (5) The requirement to clean hands applies regardless of whether gloves are also required to be worn.

4 Protective gowns and aprons

A gown or apron made of impervious material must be worn while performing any procedure where there is a likelihood of clothing being splashed or contaminated with blood or other body substances.

5 Gloves

- (1) Gloves must be worn while handling blood or other body substances.
- (2) In particular, gloves must be worn:
 - (a) during any procedure where direct contact is anticipated with a patient's blood or other body substances, mucous membranes or non-intact skin, and

Nurses and Midwives Regulation 2008

Infection control standards

Schedule 4

-
- (b) while suctioning a patient, and
 - (c) while handling items or surfaces that have come into contact with blood or other body substances, and
 - (d) while performing an invasive procedure, venipuncture or a finger or heel stick.
- (3) Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
- (4) Gloves must be changed and discarded:
- (a) as soon as they are torn or punctured, and
 - (b) after contact with each patient.
- (5) Gloves must also be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

6 Masks and protective eye wear

- (1) A fluid repellent mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or other body substances.
- (2) A mask must be worn when in close contact with patients known to have an infectious disease (or suspected of having such a disease) if the disease is capable of being transmitted by the airborne or droplet route. A particulate mask capable of filtering to 0.3µm must be worn when in close contact with a patient known or suspected to be infected with tuberculosis.
- (3) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (4) A mask must be discarded once it has been worn and it must not be used again.
- (5) In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (6) Protective eye wear must be discarded once it has been worn and not used again unless it is reusable in which case it is to be cleaned in accordance with the manufacturer's instructions.

7 Sharps

- (1) Sharps must not be passed by hand between a nurse or midwife and any other person. However, this requirement does not apply if, in any case involving an invasive procedure, the proper conduct of the procedure would be adversely affected.

Nurses and Midwives Regulation 2008

Schedule 4 Infection control standards

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- (2) A puncture-resistant tray must be used to transfer sharps.
 - (3) A needle must not be removed from a disposable syringe for disposal, or be purposely broken or otherwise manipulated by hand, unless:
 - (a) it is necessary to remove the needle for technical reasons, or
 - (b) the nurse or midwife is performing a procedure in which the needle is required to be bent.
 - (4) A needle must not be bent after it is contaminated with blood or other body substances.
 - (5) In any case where resheathing of a needle is required:
 - (a) the needle must be properly recapped, and
 - (b) the sheath must not be held in the fingers, and
 - (c) either a single-handed technique or forceps, or a suitable protective guard designed for the purpose, must be used.
 - (6) Reusable sharps must, immediately after being used, be placed in a puncture-resistant container specially kept for that purpose and labelled as such.
 - (7) Non-reusable sharps must, immediately after being used, be disposed of in a puncture-resistant container.

8 Management of waste

- (1) Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
- (2) Splashing or contamination of skin while disposing of blood or other body substances must be avoided as far as practicable.
- (3) Nothing in this clause limits any other requirement under this Part.

Part 3 Specific standards applying to nurses and midwives**9 Sterile medications and solutions**

- (1) A sterile needle and syringe must be used to withdraw any medication or solution from a vial or ampoule (or other similar container).
- (2) The needle and syringe must be discarded once the needle and syringe have been used.
- (3) A medication or solution may be taken from a multi-dose vial or ampoule (or other similar container) only if the medication or solution is not reasonably available in another form.

Nurses and Midwives Regulation 2008

Infection control standards

Schedule 4

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- (4) Precautions must be taken to ensure that contaminated material or fluid is not injected into a multi-dose vial or ampoule (or other similar container).

10 Anaesthetic breathing circuits

- (1) This clause applies in any case where an anaesthetic breathing circuit is used.
- (2) If the breathing circuit uses a filter:
- (a) the filter must be discarded after each patient, and
 - (b) the part of the breathing circuit between the patient and the filter must be discarded, or cleaned and disinfected, after each patient, and
 - (c) the part of the breathing circuit between the carbon dioxide absorber and the filter must be discarded, or be cleaned and disinfected, at the end of each procedure list.
- (3) If the breathing circuit does not use a filter, the breathing circuit must be discarded, or be cleaned and disinfected, after each patient.

11 Invasive procedures

- (1) In cases where it is technically feasible, retractors must be used for exposure and access during invasive procedures.
- (2) Fingers must not be used for the purposes of an invasive procedure to expose or increase access for the passage of a suture.
- (3) Only one sharp at a time is to be placed in a sharps tray that is being used in connection with an invasive procedure.
- (4) Forceps or a needle holder must be used when carrying out suturing both to pick up the suture needle and to draw it through tissue.

Part 4 Processing of instruments and equipment

12 Cleaning of instruments and equipment

- (1) Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
- (2) Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
- (3) The process of cleaning must involve water and mechanical or physical action (such as washing machines) and a cleaning agent.

Nurses and Midwives Regulation 2008

Schedule 4 Infection control standards

- (4) All cleaning agents must be removed from instruments and equipment by rinsing prior to further processing.
- (5) In this clause, *cleaning agent* means a detergent and includes proteolytic enzyme substances.
- (6) The method of cleaning must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

13 Disinfection of instruments and equipment

- (1) Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must be disinfected before it is used with a disinfectant specified in the Australian Register of Therapeutic Goods (within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth), and the relevant manufacturer's instructions must be followed.
- (2) The process of disinfection must involve either thermal or chemical methods. Chemical disinfection may only be used in cases where thermal methods are unsuitable.
- (3) The method of disinfection must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

14 Sterilisation of instruments and equipment

- (1) Any instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances, or the vascular system of a patient, must be sterilised before it is used.
- (2) The method of sterilisation must be compatible with the particular type of instrument or equipment concerned and consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- (3) If a steriliser is used (whether it is a benchtop or portable steriliser or a permanently plumbed or wired steriliser), the following criteria must be met:
 - (a) the relevant manufacturer's instructions must be followed,
 - (b) an ongoing monitoring program must be followed which reflects the requirements of Table 7.1 Calibration, Monitoring and Maintenance of Sterilizers of AS/NZS 4187 or (in the case of an office-based practice) Table 7.1 Performance Testing, Monitoring, Calibration and Maintenance of Sterilizers of AS/NZS 4815.



New South Wales

Occupational Health and Safety Amendment (Clothing Factory Registration) Regulation 2008

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

ERIC ROOZENDAAL, M.L.C.,
Acting Minister Assisting the Minister for Finance

Explanatory note

The object of this Regulation is to include in the *Occupational Health and Safety Regulation 2001*, the provisions of the *Occupational Health and Safety (Clothing Factory Registration) Regulation 2001* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the registration of premises, used in connection with certain aspects of the clothing industry, as registered clothing factories,
- (b) the display of certificates of registration,
- (c) the manner of giving notice to WorkCover,
- (d) the keeping of a public register by WorkCover of registered clothing factories,
- (e) savings and formal matters.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including sections 33 (the general regulation-making power) and 35.

Clause 1 Occupational Health and Safety Amendment (Clothing Factory Registration)
Regulation 2008

Occupational Health and Safety Amendment (Clothing Factory Registration) Regulation 2008

under the

Occupational Health and Safety Act 2000

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment (Clothing Factory Registration) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

3 Amendment of Occupational Health and Safety Regulation 2001

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

Occupational Health and Safety Amendment (Clothing Factory Registration)
Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Chapter 10A

Insert after Chapter 10:

Chapter 10A Registration of clothing factories

Part 10A.1 Preliminary

330A Definitions

In this Chapter:

certificate of registration means a certificate of registration of a clothing factory issued by WorkCover under this Chapter, and includes a replacement certificate of registration issued under this Chapter.

clothing factory means any building or place in which:

- (a) four or more persons are engaged directly or indirectly in any handicraft or process in or incidental to the making, altering, preparing, ornamenting or finishing of any clothing, fabrics, footwear, hats, buttons or related products for trade, sale or gain, or
- (b) mechanical power is used in aid of any handicraft or process in or incidental to the making, altering, preparing, ornamenting or finishing of any clothing, fabrics, footwear, hats, buttons or related products for trade, sale or gain.

clothing industry award means:

- (a) any of the following awards made under the *Workplace Relations Act 1996* of the Commonwealth:
 - (i) the *Clothing Trades Award 1999*,
 - (ii) the *Felt Hatting Industry Award 1999*,
 - (iii) the *Footwear Industries Award 2000*,
 - (iv) the *Textile Industry Award 2000*, or
- (b) any of the following awards made under the *Industrial Relations Act 1996*:
 - (i) the *Button Makers (State) Award* (Award Code: 077),

Occupational Health and Safety Amendment (Clothing Factory Registration)
Regulation 2008

Schedule 1 Amendment

- (ii) the *Clothing Trades (State) Award* (Award Code: 139),
- (iii) the *Footwear Manufacturing Industry (State) Award* (Award Code: 168),
- (iv) the *Textile Industry (State) Award* (Award Code: 212).

occupier means, in relation to a clothing factory, the person, partnership, association, or corporation employing persons in the clothing factory, or occupying the clothing factory, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of the clothing factory.

mechanical power means power generated by water, steam, gas, oil, electricity, or any power other than manual power.

registered clothing factory means premises in respect of which a certificate of registration is for the time being in force.

Part 10A.2 Registration

330B Clothing factories to be registered

An occupier of a clothing factory who is an employer and is a respondent to, or subject to, a clothing industry award, is guilty of an offence unless the clothing factory is a registered clothing factory.

Maximum penalty: 20 penalty units.

330C Registration of clothing factories

- (1) An application for the registration of premises as a clothing factory is to be made to WorkCover in an approved form.
- (2) WorkCover must, if the application is duly made, register the premises as a clothing factory and issue to the applicant a certificate of registration for the premises.
- (3) A certificate of registration takes effect from the date of issue of the certificate, and remains in force until it ceases to have effect under this Regulation.

330D Change in use of clothing factory or in occupier details

- (1) A certificate of registration ceases to have effect if:
 - (a) the premises in respect of which the certificate was issued cease to be used as a clothing factory, or

Occupational Health and Safety Amendment (Clothing Factory Registration)
Regulation 2008

Amendment

Schedule 1

-
- (b) a person other than a person named in the certificate of registration as the occupier of the clothing factory to which the certificate applies becomes the occupier of the clothing factory, or
 - (c) the person named in the certificate of registration as the occupier of the clothing factory to which the certificate applies changes his or her name.

- (2) A person named in a certificate of registration as the occupier of the clothing factory to which the certificate applies must notify WorkCover in writing if the certificate ceases to have effect under this clause, within 14 days after it ceases to have effect.

Maximum penalty: 20 penalty units.

Note. A new certificate of registration may be applied for in respect of the factory under clause 330C.

330E Replacement certificate

- (1) WorkCover may at any time issue to the occupier of premises that are registered as a clothing factory a replacement certificate of registration for those premises.
- (2) A certificate of registration for any premises ceases to be in force if WorkCover issues a replacement certificate of registration for those premises.
- (3) An application for a replacement certificate of registration is to be made to WorkCover in an approved form.

330F Certificate of registration to be displayed

The occupier of a registered clothing factory must cause a copy of a certificate of registration that is in force in respect of the clothing factory to be displayed at the clothing factory in a conspicuous position at or near the principal entrance to the clothing factory.

Maximum penalty: 2 penalty units.

Part 10A.3 Miscellaneous

330G Manner of giving applications and notices

An application or notice under this Regulation is to be given to WorkCover by leaving it at, or sending it by post to, an office of WorkCover.

Occupational Health and Safety Amendment (Clothing Factory Registration)
Regulation 2008

Schedule 1 Amendment

330H Public register

- (1) WorkCover is to keep a public register in accordance with this clause.
- (2) WorkCover is to record in the register details of each certificate of registration issued under this Chapter, including such of the following details as WorkCover considers appropriate:
 - (a) the registered business name or trading name (if any) of the occupier of the clothing factory,
 - (b) the address of the clothing factory,
 - (c) a description of the type of building or place in which the clothing factory is located (such as whether the factory forms part of an industrial estate or complex),
 - (d) the type of work being carried out in the clothing factory,
 - (e) the number of employees working in the clothing factory.
- (3) However, WorkCover is not to record in the register any information that would disclose:
 - (a) the name of an individual, or
 - (b) any manufacturing or commercial secrets or working processes.
- (4) The register may be kept in any form determined by WorkCover.
- (5) The register is to be available for public inspection, free of charge, at the principal office of WorkCover during ordinary office hours.
- (6) A copy of any entry in the register may be taken on payment of such fee as may be determined by WorkCover.

Part 10A.4 Savings and transitional provisions

330I Savings and transitional provisions

- (1) Any act, matter or thing that, immediately before the repeal of the *Occupational Health and Safety (Clothing Factory Registration) Regulation 2001*, had effect under that Regulation, continues to have effect under this Regulation.
- (2) A reference in a clothing industry award or other instrument to a factory registered under a law of New South Wales (however expressed) is taken (unless the context otherwise requires) to be a reference to a factory registered under this Chapter, until otherwise provided by the award or instrument.



New South Wales

Parking Space Levy Amendment Regulation 2008

under the

Parking Space Levy Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parking Space Levy Act 1992*.

JOHN WATKINS, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Parking Space Levy Regulation 1997* to extend the exemption that applies to the owners of certain premises that are located in the City of Sydney that, immediately before 8 May 2003, were not part of the City of Sydney. The extended exemption applies to:

- (a) any requirement to pay the levy that would otherwise be payable on 1 September 2008, and
- (b) any requirement to furnish a return that would otherwise be required to be furnished on 1 September 2008.

This Regulation is made under the *Parking Space Levy Act 1992*, including section 31 (the general regulation-making power).

Clause 1 Parking Space Levy Amendment Regulation 2008

Parking Space Levy Amendment Regulation 2008

under the

Parking Space Levy Act 1992

1 Name of Regulation

This Regulation is the *Parking Space Levy Amendment Regulation 2008*.

2 Amendment of Parking Space Levy Regulation 1997

The *Parking Space Levy Regulation 1997* is amended by omitting “or 1 September 2007” from clause 10A (a) and (b) wherever occurring and by inserting instead “, 1 September 2007 or 1 September 2008”.



New South Wales

Physiotherapists Regulation 2008

under the

Physiotherapists Act 2001

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

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Physiotherapists Regulation 2002* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation includes a new provision that requires a physiotherapist who changes his or her mailing address to notify the Physiotherapists Registration Board (*the Board*) of that change.

This Regulation also makes provision with respect to the following:

- (a) the procedures for meetings of the Board,
- (b) the information to be specified in an annual return,
- (c) the offences (being certain offences relating to traffic and parking) that are not required to be notified to the Board,
- (d) the procedures for notifying the Registrar of the Board that a registered physiotherapist has become a mentally incapacitated person,
- (e) the procedures for appeals on a point of law where the Board deals with a complaint against a registered physiotherapist,
- (f) the conduct of elections for elected members of the Board,
- (g) an offence dealing with advertising of physiotherapy services,
- (h) the fees for inspection of the Register or recording additional information in the Register,
- (i) the infection control standards that physiotherapists must comply with,

Physiotherapists Regulation 2008

Explanatory note

(j) savings and formal matters.

This Regulation is made under the *Physiotherapists Act 2001*, including sections 21 (1) (1) and (3), 22 (2), 23 (2), 24, 78 (2) and 88 (1) (a) and 133 (the general regulation-making power) and clauses 4 (1) (a), 21 (5) and 22 (3) of Schedule 1.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Physiotherapists Regulation 2008

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Clause 1 Physiotherapists Regulation 2008

Part 1 Preliminary

Physiotherapists Regulation 2008

under the

Physiotherapists Act 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Physiotherapists Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Physiotherapists Regulation 2002* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

- (1) In this Regulation:
the Act means the *Physiotherapists Act 2001*.
- (2) Notes in this Regulation do not form part of this Regulation.

Physiotherapists Regulation 2008

Clause 4

Proceedings of Board

Part 2

Part 2 Proceedings of Board

4 Ordinary meetings

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member of the Board at least 3 days notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

5 Special and urgent meetings

- (1) The President or any 3 members of the Board may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member of the Board at least 24 hours notice in writing of the time and place of any special or urgent meeting.

6 Lack of quorum

If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members of the Board present.

7 Transaction of business by telephone, closed-circuit television or other means

- (1) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (2) For the purposes of a meeting held in accordance with this clause, the President and each member of the Board have the same voting rights as they have at an ordinary meeting of the Board.

Clause 8 Physiotherapists Regulation 2008

Part 3 Miscellaneous

Part 3 Miscellaneous

8 Information to be specified in annual return

For the purposes of section 21 (1) (l) of the Act, the return must specify the following information:

- (a) whether the registered physiotherapist has practised as a physiotherapist during the return period,
- (b) if so, the period of practice, and whether the physiotherapist practised full-time or part-time,
- (c) if the physiotherapist practised part-time, the approximate number of hours per week that the physiotherapist practised,
- (d) whether the physiotherapist engaged in any university or other tertiary studies related to the practise of physiotherapy during the return period.

9 Excluded offences

- (1) Sections 21 (1) (a), 22 (1) (a) and 23 of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause:

excluded offence means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) except for the following offences:

- (a) an offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998*,
- (b) an offence under section 171 (2) of the *Road Transport (General) Act 2005*,
- (c) an offence under section 9, 12 (1), 42 (2), 43 or 70 of the *Road Transport (Safety and Traffic Management) Act 1999*,
- (d) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999*, but only if the registered physiotherapist is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
- (e) any other offence under the road transport legislation if the court orders the disqualification of the registered physiotherapist from holding a driver licence.

Physiotherapists Regulation 2008

Clause 10

Miscellaneous

Part 3

10 Notice of mental incapacity of registered physiotherapist

- (1) For the purposes of section 24 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
 - (a) in the case of a registered physiotherapist who is a mentally incapacitated person and becomes a patient at a mental health facility because of that incapacity—the medical superintendent of the facility, or
 - (b) in the case of a registered physiotherapist who is a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 24 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered physiotherapist is admitted to the facility or becomes a protected person, and is to specify the following:
 - (a) the name and residential address of the physiotherapist,
 - (b) the date on which the physiotherapist was admitted to the facility at which the physiotherapist is a patient or became a protected person.
- (3) In this clause:
patient means a person to whom medical treatment or other medical services are provided.

11 Notification of change of mailing address

A registered physiotherapist who changes his or her mailing address is to notify the Board of the change within a reasonable time.

12 Appeal on point of law

An appeal referred to in section 78 of the Act is to be made:

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 78 (1), to the Deputy Chairperson so nominated), and
- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

13 Election of Board members

For the purposes of section 88 (1) (a) of the Act, the election of elected members of the Board is to be held and conducted in the manner set out in Schedule 1.

Clause 14 Physiotherapists Regulation 2008

Part 3 Miscellaneous

14 Advertising

A person must not advertise physiotherapy services 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 physiotherapy services.

Maximum penalty: 10 penalty units.

15 Fees

- (1) For the purposes of clause 21 (5) of Schedule 1 to the Act, the maximum fee the Board may charge for an inspection of the Register is \$20.
- (2) For the purposes of clause 22 (3) of Schedule 1 to the Act, the fee to record additional particulars in the Register is \$20.

16 Infection control standards

- (1) A physiotherapist must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 2 to the extent that they apply to the physiotherapist in the practice of physiotherapy.
- (2) In determining whether or not a physiotherapist has a reasonable excuse for failing to comply with an infection control standard, particular consideration is to be given to the following:
 - (a) whether the circumstances involved the provision of emergency treatment,
 - (b) whether the physiotherapist's employer failed to provide the necessary equipment, including providing access to it and training in its use, that would have enabled the physiotherapist to comply with the infection control standard and whether the failure to provide such equipment was reported by the physiotherapist to the Director-General.

17 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Physiotherapists Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

Physiotherapists Regulation 2008

Election of Board members

Schedule 1

Schedule 1 Election of Board members

(Clause 13)

1 Definitions

In this Schedule:

close of nominations for an election means the final time and date fixed by the returning officer for the close of nominations for the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

election means an election conducted under section 88 (1) (a) of the Act for the purpose of electing members of the Board.

inner envelope and *outer envelope* have the same meanings as in clause 7.

qualified voter means a person who is a registered physiotherapist at the time that the Registrar is notified by the returning officer under clause 6.

returning officer means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer for an election.

2 Notice of election

- (1) The returning officer must, as soon as practicable after being notified in writing by or on behalf of the Minister that an election is required to be held, cause to be published in the Gazette and in at least one daily newspaper circulating generally in New South Wales a notice that:
 - (a) states that an election is to be held, and
 - (b) calls for the nomination of candidates, and
 - (c) advises where nomination forms may be obtained, and
 - (d) states the place where nominations may be lodged, and
 - (e) fixes the times and dates for the close of nominations, and
 - (f) fixes the times and dates for the close of the ballot (being at least 60 days after the date on which the notice is published).
- (2) The returning officer may, by a further notice published in accordance with this clause, fix a later time and date for the close of nominations.

Physiotherapists Regulation 2008

Schedule 1 Election of Board members

3 Nominations

- (1) A nomination must be lodged with the returning officer before the close of nominations and must set out the following particulars:
 - (a) the full name of the candidate nominated,
 - (b) the residential address of that candidate,
 - (c) an endorsement of that candidate's consent to his or her nomination,
 - (d) the full names, residential addresses and signatures of at least 2 nominators, being registered physiotherapists other than that candidate.
- (2) A nomination may only be made in respect of a candidate who is qualified to be elected in the election.
- (3) A candidate may withdraw his or her nomination for an election by notification in writing delivered to the returning officer at any time until the close of nominations for the election.

4 Candidate information sheet

- (1) A candidate for election may, at any time before the close of nominations, submit in writing to the returning officer information intended for inclusion in a candidate information sheet.
- (2) As soon as practicable after the close of nominations, the returning officer must, if a ballot is required to be held for the election, draw up a candidate information sheet consisting of the information, if any, submitted to the returning officer under this clause.
- (3) The returning officer may, when drawing up a candidate information sheet, reject any information submitted if the returning officer considers that the information is:
 - (a) inappropriate for inclusion in a candidate information sheet, or
 - (b) misleading in a material particular, or
 - (c) more than 100 words in length.
- (4) If the returning officer rejects information under subclause (3), he or she is to give the candidate notice that the information is unsuitable and give the candidate 7 days to provide suitable information.
- (5) If the candidate does not provide information that the returning officer considers to be suitable within those 7 days, no information about the candidate is to be included on the candidate information sheet.
- (6) Information concerning candidates must appear on a candidate information sheet in the same order in which the candidates are listed on the ballot-paper relating to them.

Physiotherapists Regulation 2008

Election of Board members

Schedule 1

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- (7) The returning officer must not include on the candidate information sheet any non-business telephone number or email address, or residential address, of a candidate.

5 Procedure on close of nomination

- (1) If, after the close of nominations, there is not a greater number of persons nominated than are required for election, the returning officer is to declare those persons duly elected.
- (2) If, after the close of nominations, the number of persons nominated is greater than the number required for election, a ballot is to be held.

6 Electoral roll

- (1) As soon as practicable after it becomes apparent that a ballot must be held for an election, the returning officer must notify the Registrar:
- (a) that a ballot is to be held for the election, and
 - (b) that an electoral roll for the election is required.
- (2) The Registrar must (within 7 days) provide the returning officer with:
- (a) a roll containing the full names (consecutively numbered and listed in alphabetical order) and addresses of each person who is a qualified voter, and
 - (b) an appropriately addressed label, or an appropriately addressed envelope, for each person whose name is included in that roll.

7 Conduct of ballot

- (1) If a ballot is to be held, the returning officer:
- (a) must determine the order in which the candidates' names are to be listed on the ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and
 - (b) must cause sufficient ballot-papers to be printed so that a ballot-paper can be sent to each qualified voter, and
 - (c) if a candidate information sheet has been drawn up, must cause sufficient copies of it to be printed so that a copy can be sent to each qualified voter.
- (2) The ballot-paper must contain:
- (a) the names of the candidates, arranged in the order determined in accordance with subclause (1) (a), with a small square opposite each name, and

Physiotherapists Regulation 2008

Schedule 1 Election of Board members

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- (b) if the returning officer considers that the names of 2 or more candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
- (c) directions as to the manner in which a vote is to be recorded and returned to the returning officer.
- (3) The returning officer must, at least 20 days before the date fixed for the close of the ballot, post to each qualified voter:
- (a) a ballot-paper initialled by the returning officer, and
- (b) an envelope marked "ballot paper only" (the *inner envelope*),
- (c) a business reply envelope (the *outer envelope*) addressed to the returning officer containing on the rear flap spaces for the insertion of a voter's name, address and signature, and
- (d) where appropriate, a candidate information sheet relating to the candidates included in the poll.
- (4) In order to vote at an election, a qualified voter:
- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the inner envelope, and
- (c) must seal the inner envelope, and
- (d) must complete, on the back of the inner envelope, the person's full name and address as it appears on the roll, and
- (e) must sign, the back of the inner envelope, and
- (f) must place the inner envelope inside the outer envelope, and
- (g) must return the outer envelope containing the inner envelope to the returning officer so as to be received before the close of the ballot.
- (5) The returning officer may, on written application made to the returning officer, and if satisfied that a ballot-paper has been lost or destroyed, supply a duplicate ballot-paper to the person to whom the lost or destroyed ballot-paper was issued.
- (6) An election is not invalid because:
- (a) a qualified voter did not receive a ballot-paper, or
- (b) the returning officer did not receive a ballot-paper sent to the returning officer.

Physiotherapists Regulation 2008

Election of Board members

Schedule 1

8 Examination of envelopes

- (1) The returning officer must, as soon as practicable after the receipt of an outer envelope purporting to contain an inner envelope:
 - (a) open the outer envelope and remove the inner envelope, and
 - (b) examine the inner envelope for the purpose of deciding whether to accept or reject the inner envelope.
- (2) The returning officer is to reject an inner envelope if:
 - (a) the envelope does not have legibly marked on its rear flap a name, address and signature that appear to the returning officer to be those of a qualified voter, or
 - (b) the envelope is not sealed, or
 - (c) the envelope is received by the returning officer after the close of the ballot.

9 Scrutiny of votes

- (1) The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.
- (2) The scrutiny of votes is to be conducted as follows:
 - (a) the returning officer is to produce, unopened, all the inner envelopes received (except those envelopes rejected under clause 8 (2)),
 - (b) the returning officer is then to open each envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,
 - (c) when the ballot-papers from all such envelopes have been placed in the ballot-box, the returning officer is then to unlock the ballot-box and remove the ballot-papers,
 - (d) the returning officer is then to examine each ballot-paper and reject those that are informal,
 - (e) the returning officer is then to proceed to count the votes in accordance with clause 10 and ascertain the result of the election.
- (3) The returning officer is to reject a ballot-paper as being informal if:
 - (a) the ballot-paper contains any matter by which the voter may be identified, or
 - (b) the ballot-paper is not completed in accordance with the directions printed on the ballot-paper.
- (4) Each candidate is entitled to appoint a scrutineer to represent the candidate at all stages of the scrutiny.

Physiotherapists Regulation 2008

Schedule 1 Election of Board members

-
- (5) A candidate who appoints a scrutineer must cause written notice of the appointment to be given to the returning officer.

10 Method of voting and counting

- (1) At an election a qualified voter is:
- (a) required to record a vote for 3 candidates, and
 - (b) permitted to record a vote for as many more candidates as the voter pleases,
- so as to indicate, in such manner as is required by this Part, the candidates for whom the voter votes and the order of the voter's preference for them.
- (2) Ballot-papers must be counted, and the candidates who are elected determined, by the returning officer according to an optional multi-preferential system in which the first, second and third preference votes (represented by the numbers "1", "2" and "3", respectively, marked on the ballot-paper) are regarded as primary votes.

11 Returning officer's decision final

If the returning officer is by this Regulation permitted or required to make a decision on any matter relating to the conduct of an election under this Schedule, the decision of the returning officer on that matter is final.

12 Report of election

When he or she first ascertains the result of an election, the returning officer must furnish a report, in writing, of the result to the Minister and the Registrar and must cause the result to be published in the Gazette and in at least one daily newspaper circulating generally in New South Wales.

13 Death of a candidate

If a candidate dies after the close of nominations and before the close of the ballot:

- (a) the returning officer is to cause notice of the death to be published in the Gazette, and
- (b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and must be taken again.

Physiotherapists Regulation 2008

Infection control standards

Schedule 2

Schedule 2 Infection control standards

(Clause 16)

Part 1 Preliminary

1 Definitions

(1) In this Schedule:

body substance includes any human bodily secretion or substance other than blood.

invasive procedure means any one or more of the following:

- (a) surgical entry into body tissue, cavities or organs,
- (b) surgical repair of injuries.

patient includes a person who is accessing physiotherapy or health services or who is undergoing any physiotherapy or health procedure.

sharps means any object capable of inflicting penetrating injury, and includes acupuncture needles, hollow bore needles, suture needles, scalpel blades, wires, trocars, auto lancets, stitch cutters and broken glassware.

(2) The requirements set out in this Schedule apply to a physiotherapist who is assisting in performing a procedure in the same way as they apply to a physiotherapist who is actually performing the procedure.

Part 2 General infection control standards applying to physiotherapists

2 General precautions and aseptic techniques

- (1) Precautions must be taken to avoid direct exposure to a patient's blood or other body substance. This requirement applies regardless of whether there is any perceived risk of infection.
- (2) Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

3 Hand and skin cleaning

- (1) Hands must be cleaned:
 - (a) immediately before and after any direct patient care, and
 - (b) immediately after handling blood or other body substances.

Physiotherapists Regulation 2008

Schedule 2 Infection control standards

- (2) Subclause (1) does not apply in circumstances where physiotherapy treatment is required to be performed urgently and cleaning facilities are not readily available.
- (3) Hands may be cleaned by:
 - (a) using washing facilities involving water and a soap or antiseptic, or
 - (b) using non-water cleansers or antiseptics.
- (4) Hands or other skin surfaces that are contaminated with a patient's blood or other body substance must be cleaned as soon as it is practicable to clean them.
- (5) The requirement to clean hands applies regardless of whether gloves are also required to be worn.

4 Protective gowns and aprons

A gown or apron made of impervious material must be worn during any procedure where there is a likelihood of clothing being splashed or contaminated with blood or other body substances.

5 Gloves

- (1) Gloves must be worn while handling blood or other body substances.
- (2) In particular, gloves must be worn:
 - (a) during any procedure where direct contact is anticipated with a patient's blood or other body substance, mucous membranes or non-intact skin, and
 - (b) while suctioning a patient, and
 - (c) while handling items or surfaces that have come into contact with blood or other body substances, and
 - (d) while performing an invasive procedure, venipuncture or a finger or heel stick.
- (3) Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
- (4) Gloves must be discarded:
 - (a) as soon as they are torn or punctured, and
 - (b) after contact with each patient.
- (5) Nothing in subclause (4) affects the operation of subclauses (1)–(3).
- (6) Gloves must be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

Physiotherapists Regulation 2008

Infection control standards

Schedule 2

6 Masks and protective eye wear

- (1) A fluid repellent mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or other body substances.
- (2) A mask must be worn when in close contact with patients known by the physiotherapist to have an infectious disease (or suspected by the physiotherapist of having such a disease) if the disease is capable of being transmitted by the airborne or droplet route. If the disease is tuberculosis, the mask must be a particulate mask that is capable of filtering to 0.3µm.
- (3) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (4) A mask must be discarded once it has been worn and it must not be used again.
- (5) In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (6) Protective eye wear must be discarded once it has been worn and not used again unless it is reusable (in which case it is to be cleaned in accordance with the manufacturer's instructions).

7 Sharps

- (1) Sharps must not be passed by hand between a physiotherapist and any other person. However, this requirement does not apply if, in any case involving an invasive procedure, the proper conduct of the procedure would be adversely affected.
- (2) A puncture resistant tray must be used to transfer sharps.
- (3) A needle must not be removed from a disposable syringe for disposal, or be purposely broken or otherwise manipulated by hand, unless:
 - (a) it is necessary to remove the needle for technical reasons, or
 - (b) the physiotherapist is performing a procedure in which the needle is required to be bent.
- (4) A needle must not be bent after it is contaminated with blood or other body substances.
- (5) In any case where resheathing of a needle is required:
 - (a) the needle must be properly recapped, and
 - (b) the sheath must not be held in the fingers, and
 - (c) either a single handed technique, forceps or a suitable protective guard designed for the purpose must be used.

Physiotherapists Regulation 2008

Schedule 2 Infection control standards

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- (6) Reusable sharps must, immediately after being used, be placed in a puncture resistant container specially kept for that purpose and labelled as such.
 - (7) Non-reusable sharps must, immediately after being used, be disposed of in a puncture resistant container.

8 Management of clinical waste

- (1) Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
Note. The disposal of clinical waste is regulated by the *Protection of the Environment Operations Act 1997* and the regulations under that Act.
- (2) Splashing or contamination of skin while disposing of blood or other body substances must be avoided as far as practicable.
- (3) Nothing in this clause limits any other requirement under this Part.

Part 3 Processing of instruments and equipment**9 Definitions**

In this Part:

AS/NZS 4187 means AS/NZS 4187:2003, *Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities.*

AS/NZS 4815 means AS/NZS 4815:2006, *Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.*

10 Cleaning of instruments and equipment

- (1) Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
- (2) Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
- (3) The process of cleaning:
 - (a) must involve water and physical or mechanical action (such as washing machines) and a cleaning agent (with the cleaning agent being removed from instruments and equipment by rinsing), and
 - (b) must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

Physiotherapists Regulation 2008

Infection control standards

Schedule 2

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- (4) In this clause:
cleaning agent means a detergent and includes proteolytic enzyme substances.

11 Disinfection of instruments and equipment

- (1) Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must, before it is used, be disinfected with a disinfectant specified in the Australian Register of Therapeutic Goods that is maintained under the *Therapeutic Goods Act 1989* of the Commonwealth, and the relevant manufacturer's instructions must be followed.
- (2) The process of disinfection:
- (a) must involve either thermal methods or (if thermal methods are unsuitable) chemical methods, and
 - (b) must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

12 Sterilisation of instruments and equipment

- (1) Any instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances, or the vascular system of a patient, must be sterilised before it is used.
- (2) The method of sterilisation must be:
- (a) compatible with the particular type of instrument or equipment concerned, and
 - (b) consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- (3) If a steriliser is used (whether it is a benchtop or portable steriliser or a permanently plumbed or wired steriliser), the following criteria must be met:
- (a) the relevant manufacturer's instructions must be followed,
 - (b) an ongoing monitoring program must be followed which reflects the requirements of Table 7.1 Calibration, Monitoring and Maintenance of Sterilizers of AS/NZS 4187 or (in the case of an office-based practice) Table 7.1 Performance Testing, Monitoring, Calibration and Maintenance of Sterilizers of AS/NZS 4815.

Physiotherapists Regulation 2008

Schedule 2 Infection control standards

13 Respiratory equipment

- (1) Any respiratory equipment that is designed for single use must be discarded once it is used.
- (2) Any other respiratory equipment must be cleaned and disinfected after each time the equipment is used.



New South Wales

Public Trustee Regulation 2008

under the

Public Trustee Act 1913

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Trustee Act 1913*.

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

Explanatory note

The object of this Regulation is to remake the *Public Trustee Regulation 2001* which is due to be repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following matters:

- (a) the fees, commission and charges payable in connection with the administration of estates by the Public Trustee,
- (b) the fees payable for managing the common fund under section 36A of the *Public Trustee Act 1913* and for trust investment planning by the Public Trustee,
- (c) other matters required to be prescribed in relation to the administration of estates,
- (d) the duty of the Public Trustee to maintain an index of wills,
- (e) the duties of members of staff of the Public Trustee.

In remaking the *Public Trustee Regulation 2001*, this Regulation makes the following substantive changes:

- (a) expressing the maximum fees that may be charged by the Public Trustee for certain attendances, and for real estate inspections and valuations, and the maximum charges that may be imposed by the Public Trustee for searches of records, in terms of an hourly rate rather than a single amount,
- (b) providing for an increase in:
 - (i) the maximum fees that may be charged, or the rate at which fees may be charged, by the Public Trustee under the Regulation, and

Public Trustee Regulation 2008

Explanatory note

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- (ii) the maximum charges that may be imposed, or the rate at which charges may be imposed, by the Public Trustee under the Regulation, and
 - (iii) the minimum charges that may be imposed by the Public Trustee in relation to certain commissions payable under the Regulation, in connection with the administration of estates by the Public Trustee,
 - (c) changing the basis for determining fees chargeable under the Regulation in relation to the lodgment of tax returns on behalf of estates and the remuneration of registrars engaged as agents in the administration of estates,
 - (d) removing the power of the Public Trustee to charge a fixed commission on the income received on the account of any trust committed to its administration or management for 2 years or more and introducing instead a progressive scale of trust fees chargeable by the Public Trustee in respect of any such long-term trust.

This Regulation is made under the *Public Trustee Act 1913*, including sections 9 (1), 18A, 34A (1), 34C (1), 50 and 59 (the general regulation-making power).

Public Trustee Regulation 2008

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Public Trustee Regulation 2008

Clause 1

Preliminary

Part 1

Public Trustee Regulation 2008

under the

Public Trustee Act 1913

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Public Trustee Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Public Trustee Regulation 2001* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

estate includes trust or fund.

the Act means the *Public Trustee Act 1913*.

trustee includes an administrator or executor or any other person acting in a similar fiduciary capacity.

(2) Notes in the text of this Regulation do not form part of this Regulation.

Clause 4 Public Trustee Regulation 2008

Part 2 Fees, commissions and charges

Part 2 Fees, commissions and charges

Division 1 Fees

4 Taxation returns

If, in any estate in respect of which the Public Trustee acts either solely or jointly with any other person or persons as trustee, returns are required by any authority of the Commonwealth or of this or any other State or Territory for the purpose of assessment of any tax or duty, the Public Trustee may charge to the estate:

- (a) an investigation fee, and
- (b) an additional fee for each return lodged,
that the Public Trustee determines to be appropriate.

5 Real estate inspections and valuations

The Public Trustee may charge the following fees:

- (a) a fee (not exceeding \$150 per hour) for any inspection, valuation or report regarding real estate,
- (b) a fee (not exceeding \$150 per hour) for preparation of specifications for repairs or renovations to any building or work,
- (c) a fee (not exceeding \$116 per hour) for a second or subsequent inspection (including a report arising from the inspection) on the progress of any such repairs or renovations.

6 Dealings affecting shares in an estate

- (1) The Public Trustee may charge a fee (not exceeding \$68) for the notation and recording of the assignment or mortgage of, or of any dealing affecting, a beneficiary's share in an estate.
- (2) Any such fee is payable from the share of the beneficiary concerned.

7 Attendance fees

The Public Trustee may charge the following fees:

- (a) a fee (not exceeding \$40) for attending at the Office of State Revenue for the purpose of search, or of marking or stamping documents, or at Land and Property Information New South Wales for the purpose of search, or of lodging or uplifting documents,
- (b) a fee (not exceeding \$75) for obtaining an exemplification of grant of probate or administration and preparation of a power of attorney for the purpose of collecting assets situated outside New South Wales,

Public Trustee Regulation 2008

Clause 8

Fees, commissions and charges

Part 2

-
- (c) a fee (not exceeding \$150 per hour) for any other attendances outside the offices used by members of staff.

8 Work done if representation not subsequently obtained

If, for the purpose of obtaining representation in an estate, the Public Trustee takes steps incidental to the Public Trustee's duties but does not subsequently obtain representation, the Public Trustee may charge to the estate a fee (not exceeding \$450) for the work involved.

9 Attempted realisation of assets

If:

- (a) the Public Trustee attempts, at the request of a beneficiary, to realise an asset in an estate, and
- (b) the asset is subsequently transferred or delivered unconverted into money to the beneficiary,

the Public Trustee may charge to the estate a fee (not exceeding \$300) for the work involved.

10 Carrying on business

If the Public Trustee finds it necessary to carry on a business in connection with the Public Trustee's administration of an estate, the Public Trustee may charge to the estate a fee that, having regard to the work involved, the Public Trustee considers just and reasonable.

11 Administration account and audit fee

The Public Trustee may, on a monthly basis, charge to an estate administered by the Public Trustee an administration account and audit fee (not exceeding \$10) on each account kept by the Public Trustee in respect of the estate.

12 Remuneration of registrars of Local Court

If the Public Trustee appoints a Local Court registrar to act as agent of the Public Trustee, under section 10 of the Act, in respect of the administration of an estate, the Public Trustee may charge to the estate such fee as the Public Trustee considers just and reasonable to cover the remuneration payable to the registrar for acting as such an agent.

13 Fee for management of common fund

- (1) The Public Trustee is entitled to receive from or out of the income received by the common fund under section 36A of the Act a fee (according to the value of the work done and the services rendered) for the establishment, keeping (including the keeping of books of account) and conduct of the common fund.

Clause 14 Public Trustee Regulation 2008

Part 2 Fees, commissions and charges

- (2) The fee is to be calculated at a rate not exceeding 1.0% per year on the capital sums invested in the common fund during the period in respect of which the income is received or allocated.

14 Fee for trust investment planning

The Public Trustee may charge a fee (not exceeding \$150 per hour) for preparing, managing and reviewing an investment plan in respect of a trust.

15 Trust fee for long-term trusts

- (1) The Public Trustee is entitled to receive an annual trust fee in respect of any trust (other than a charitable trust) committed to its administration or management for 2 years or more, not exceeding the maximum fee determined in accordance with subclause (2).
- (2) The maximum annual trust fee is:
- (a) if the corpus or capital value of the trust property at the time of calculation is \$250,000 or less, an amount equal to 0.5% of the corpus or capital value, or
 - (b) if the corpus or capital value of the trust property at the time of calculation is greater than \$250,000 and not more than \$500,000, an amount equal to the sum of:
 - (i) \$1,250, and
 - (ii) 0.75% of the amount by which the corpus or capital value exceeds \$250,000, or
 - (c) if the corpus or capital value of the trust property at the time of calculation is more than \$500,000, an amount equal to the sum of:
 - (i) \$3,125, and
 - (ii) 1% of the amount by which the corpus or capital value exceeds \$500,000.
- (3) The trust fee to which the Public Trustee is entitled under this clause is to be paid by quarterly or half-yearly instalments, as determined by the Public Trustee, by such dates as are determined by the Public Trustee.
- (4) A quarterly instalment is to be equal to one-quarter, and a half-yearly instalment to one-half, of the annual fee. However, if the Public Trustee administers or manages a trust to which this clause applies for only part of the quarter or half-year period to which an instalment relates, the amount of the instalment is to be reduced on a pro rata basis, according to the proportion that the period of the Public Trustee's administration or management of the trust in that quarter or half-year bears to 3 or 6 months, respectively.

Public Trustee Regulation 2008

Clause 16

Fees, commissions and charges

Part 2

-
- (5) The annual trust fee to which the Public Trustee is entitled under this clause may be paid wholly from the corpus or capital of the trust property or partly from the corpus or capital of the trust property and partly from the income of the trust property.
- (6) The Public Trustee is to consult with the beneficiaries, if it is practicable to do so, before determining from where a trust fee is to be paid. The Public Trustee must attempt such consultation at least once every two years.
- (7) In this clause:
charitable trust means a trust established for charitable purposes and includes a trust established for charitable purposes and also for non-charitable purposes.
corpus or capital value, in relation to a trust committed to the administration or management of the Public Trustee, means the gross amount of the value of the assets (whether real or personal) of the trust without deduction of debts or liabilities secured or unsecured.

Division 2 Scales of commission

16 Commission where Public Trustee realises capital

- (1) The Public Trustee is authorised to charge to an estate commission in respect of any matter in which the Public Trustee is appointed or acts (either solely or jointly with any other person or persons) as trustee in respect of the estate, calculated at the rate of:
- 4% on the first \$100,000, and
 - 3% on the next \$100,000, and
 - 2% on the next \$100,000, and
 - 1% on any amount exceeding \$300,000.
- (2) The Public Trustee may impose a minimum charge under this clause of \$250 in respect of an estate.
- (3) Commission under this clause is payable on a capital asset at the time it is realised unless the Public Trustee directs that payment be deferred, either wholly or partially, until the period of any distribution.

17 Commission on capital realised by former trustees

- (1) The Public Trustee is authorised to charge to an estate commission, at the rate of:
- 4% on the first \$100,000, and
 - 3% on the next \$100,000, and
 - 2% on the next \$100,000, and

Clause 18 Public Trustee Regulation 2008

Part 2 Fees, commissions and charges

- (d) 1% on any amount exceeding \$300,000, on such of the capital of the estate realised by a former trustee as becomes vested in the Public Trustee.
- (2) The Public Trustee may impose a minimum charge under this clause of \$250 in respect of an estate.
- (3) Commission under this clause is payable on a capital asset as at the time it becomes vested in the Public Trustee unless the Public Trustee directs that payment be deferred, either wholly or partially, until the period of any distribution.

18 Commission on unrealised property

- (1) The Public Trustee is authorised to charge to an estate commission on the value (as fixed by the Public Trustee) of unrealised real or personal property (except money) transferred or delivered unconverted into money to a devisee, legatee, beneficiary, widower, widow, next of kin or other similar class of person, under any will, settlement, trust or intestacy administered by the Public Trustee in respect of the estate, calculated at the rate of:
 - (a) 4% on the first \$100,000, and
 - (b) 3% on the next \$100,000, and
 - (c) 2% on the next \$100,000, and
 - (d) 1% on any amount exceeding \$300,000.
- (2) The Public Trustee may impose a minimum charge under this clause of \$250 in respect of an estate.

19 Commission on income

- (1) The Public Trustee is authorised to charge to an estate (other than a trust to which clause 15 applies) commission on the gross amount of income received by the Public Trustee in respect of any matter in which the Public Trustee is acting as trustee in respect of the estate.
- (2) The commission is to be calculated at the rate of:
 - (a) except as provided by paragraph (b)—5.25%, or
 - (b) in the case of gross income received by way of rent that is subject to an agency charge for collection—2.5%.

20 Commission where Public Trustee acts as attorney or agent

The commission that is payable to the Public Trustee in any matter in which the Public Trustee is acting as attorney or agent is, in respect of both capital and income, to be as arranged between the principals and the Public Trustee.

Public Trustee Regulation 2008

Clause 21

Fees, commissions and charges

Part 2

21 Locating beneficiaries

- (1) If:
 - (a) the existence or identity of any or all of the persons beneficially entitled to share in an estate or of the next of kin is unknown or is not definitely established, and
 - (b) it is necessary for the Public Trustee to make inquiries or to advertise for the purpose of locating any such persons or next of kin,
the Public Trustee is authorised to charge to the estate, or to the share of the estate in respect of which it is necessary to make inquiries or advertise, a commission that the Public Trustee considers just and reasonable.
- (2) The amount of the commission is not to exceed 5% of the net value of the estate after payment of original claims.

Division 3 Charges

22 Charges incidental to exercise of power of sale

- (1) If, in respect of an estate, the Public Trustee is authorised by an order of a court to sell land, the Public Trustee may (unless otherwise directed by the court) impose a charge on the estate.
- (2) If the land is sold, the charge on the estate is not to exceed:
 - (a) 4% on the first \$100,000, and
 - (b) 3% on the next \$100,000, and
 - (c) 2% on the next \$100,000, and
 - (d) 1% on any amount exceeding \$300,000.
- (3) If the land is not sold, the amount that may be charged is not to exceed \$450.

23 Execution of documents

The Public Trustee may (except in respect of an estate administered by the Public Trustee) impose the following charges in respect of the execution of documents:

- (a) a charge (not exceeding \$68) for executing any assurance of property by direction,
- (b) a charge (not exceeding \$68) for executing any assurance by way of confirmation,
- (c) a charge (not exceeding \$68) for executing any necessary consent for a mortgagee to exercise powers in respect of a mortgage.

Clause 24	Public Trustee Regulation 2008
Part 2	Fees, commissions and charges

24 Production of documents

The Public Trustee may impose a charge (not exceeding \$40) for producing any deeds or documents of title.

25 Search of records

- (1) The Public Trustee may impose a charge for making a search of records held by the Public Trustee in any case in which, in the opinion of the Public Trustee, an amount should be charged because of the time involved or of the nature or volume of the information sought.
- (2) The amount that may be charged is not to exceed \$150 per hour.

26 Legal advice and proceedings

The Public Trustee may charge to an estate an amount to cover all costs and expenses incurred by the Public Trustee in providing any legal advice, or in conducting any legal proceedings, in connection with that estate.

27 General power to charge for services

The Public Trustee may charge such amount, for any service or matter not otherwise mentioned in this Regulation, as is agreed on or (in the absence of agreement) as the Public Trustee determines to be just and reasonable.

Division 4 General**28 Fees cumulative**

Any fee, commission or charge that is payable from an estate under a provision of this Regulation is additional to any other fee, commission or charge, and to any other cost or expense, that is payable from the estate.

29 Amount of fees to be determined by Public Trustee

The amount of any fee, commission or charge payable in any particular case is, subject to this Regulation, to be determined by the Public Trustee.

30 Reduction and waiver of fees

The Public Trustee may reduce or dispense with any fee, commission or charge payable under this Regulation if, in any particular case, the Public Trustee considers that it is just and reasonable to do so.

Public Trustee Regulation 2008

Clause 31

Fees, commissions and charges

Part 2

31 Deduction of fees etc from funds

The Public Trustee may deduct any fee, commission or charge that is payable under this Regulation in connection with an estate from any money that belongs to the estate and that is held by the Public Trustee or is under the Public Trustee's control.

32 GST may be added to fees, commission or charges

- (1) The Public Trustee may, in addition to any fee, commission or charge payable under this Regulation, charge the amount of any GST payable in respect of the service for which the fee, commission or charge is payable.
- (2) Subclause (1) does not permit the Public Trustee to charge an amount that is greater than:
 - (a) 10% of the maximum amount payable to the Public Trustee apart from that subclause, or
 - (b) the amount permitted under the New Tax System Price Exploitation law,
 whichever is the lesser.
- (3) This clause has effect despite any other provision of this Regulation limiting an amount that may be charged by the Public Trustee.
- (4) In this clause:

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

New Tax System Price Exploitation law means:

 - (a) the New Tax System Price Exploitation Code, as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, or
 - (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

Clause 33 Public Trustee Regulation 2008

Part 3 Miscellaneous

Part 3 Miscellaneous

33 Duties and obligations of members of staff

Each member of staff:

- (a) is to perform such duties as are allotted to the member from time to time by the Public Trustee, and
- (b) is required to bind himself or herself by written promise of secrecy in relation to the affairs of any estate administered by the Public Trustee.

34 Index of wills

The Public Trustee is to maintain an index of all wills lodged with the Public Trustee for safe custody.

35 Small estates etc

- (1) For the purposes of section 18A (1), (2) and (3A) (a) of the Act, the Public Trustee may administer property or an estate (as referred to in the subsection concerned) by election if the gross value of the property or estate does not exceed \$100,000.
- (2) For the purposes of section 18A (5) of the Act, the Public Trustee must file a memorandum and obtain probate or letters of administration as referred to in that subsection if the gross value of the property to be administered exceeds \$120,000.
- (3) For the purposes of section 34A (1) of the Act, the Public Trustee may deal with an estate without probate or administration if the net value of the estate does not exceed \$20,000.
- (4) For the purposes of section 34C (1) of the Act, the Public Trustee may deal with money payable by the Public Trustee in the manner referred to in that subsection if the amount of the money does not exceed \$20,000.

36 Prescribed signatories

For the purposes of sections 18A (1), (2), (3A) (a), (5) and (5A) and 50 (1) and (2) of the Act, any member of staff holding or acting in any of the following positions is a prescribed person:

- (a) Branch Manager,
- (b) Assistant Branch Manager.

Public Trustee Regulation 2008

Clause 37

Miscellaneous

Part 3

37 Savings

Any act, matter or thing that, immediately before the repeal of the *Public Trustee Regulation 2001*, had effect under that Regulation continues to have effect under this Regulation.



New South Wales

Status of Children Regulation 2008

under the

Status of Children Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Status of Children Act 1996*.

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

Explanatory note

The object of this Regulation is to remake, with some changes, the provisions of the *Status of Children Regulation 2003*, which is to be repealed by section 10 (2) of the *Subordinate Legislation Act 1989* on 1 September 2008.

This Regulation makes provision with respect to the following:

- (a) parentage testing procedures and reports on such procedures,
- (b) the form in which an acknowledgment of paternity is to be made and the persons who may witness such an acknowledgment,
- (c) the persons (in addition to those specified in section 21 (1) of the *Status of Children Act 1996*) who can apply to the Supreme Court for declarations of parentage,
- (d) matters of a savings and transitional nature.

The new Regulation removes certain requirements that are not consistent with the *Family Law Regulations 1984* of the Commonwealth. This Regulation is made under the *Status of Children Act 1996*, including the definition of **parentage testing procedure** in section 3 (1) and sections 19 (1) (a) and (b), 21 (1) (e), 33 (2) (c) and 36 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Status of Children Regulation 2008

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Status of Children Regulation 2008

Clause 1

Preliminary

Part 1

Status of Children Regulation 2008

under the

Status of Children Act 1996

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Status of Children Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Status of Children Regulation 2003* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

accredited laboratory means a laboratory accredited by NATA to carry out parentage testing procedures.

donor means the person required to provide a bodily sample for the purposes of a parentage testing procedure.

HLA means human leucocyte antigen.

NATA means the National Association of Testing Authorities, Australia.

nominated reporter means the person nominated by an accredited laboratory to prepare a report relating to the information obtained as a result of carrying out a parentage testing procedure.

putative parent means a person who claims to be, or whom another person claims is, a parent of a child.

report means a report prepared in accordance with clause 14.

representative means, subject to subclause (4):

- (a) in relation to a donor under the age of 18 years—a parent or guardian of the donor, or

Clause 3 Status of Children Regulation 2008

Part 1 Preliminary

- (b) in relation to a donor who has a disability:
- (i) a trustee or manager in relation to the donor under a law of the State or Territory whose laws apply to that person, or
 - (ii) a person who is legally responsible for the care, welfare and development of the donor.

sample means a sample taken from a donor for the purposes of a parentage testing procedure.

sampler means a person who takes (or proposes to take) a bodily sample from a donor for the purposes of a parentage testing procedure.

testing means the implementation, or any part of the implementation, of a parentage testing procedure.

the Act means the *Status of Children Act 1996*.

- (2) In relation to any requirement of this Regulation imposed on or in relation to a donor, a reference to a donor who is suffering from a disability is a reference to a donor who has a disability described in section 5 (1) of the *Disability Services Act 1993*:
- (a) that results in the donor lacking the legal capacity to comply with or consent to the requirement (as the case may be), or
 - (b) that otherwise prevents the donor from being able to comply with the requirement or consent to it being carried out (as the case may be).
- (3) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.
- (4) The Supreme Court may appoint a person to be the representative of a donor for the purposes of this Regulation in relation to a particular matter if the Court is satisfied that there is no other representative who is available or who is suitable in the circumstances.
- (5) Notes included in this Regulation do not form part of this Regulation.

Status of Children Regulation 2008

Clause 4

Parentage testing procedures and reports

Part 2

Part 2 Parentage testing procedures and reports

Division 1 General

4 Application of Part

This Part applies to a parentage testing procedure that is required to be carried out on a person under a parentage testing order.

5 Parentage testing procedures

For the purposes of the definition of *parentage testing procedure* in section 3 (1) of the Act, the following medical procedures are prescribed:

- (a) a red cell antigen blood grouping,
- (b) a red cell enzyme blood grouping,
- (c) HLA tissue typing,
- (d) testing for serum markers,
- (e) DNA typing.

6 Compliance with this Regulation

A parentage testing procedure is taken to be carried out in accordance with this Regulation only if:

- (a) it is carried out:
 - (i) in compliance with Division 2, and
 - (ii) at an accredited laboratory, and
 - (iii) in accordance with the standards of practice that entitle a laboratory to be accredited by NATA, and
- (b) it is supplemented by a report under Division 3, and
- (c) any bodily sample that is taken as part of the procedure is taken by a qualified person within the meaning of section 33 of the Act.

Division 2 Collection, storage and testing of samples

7 Provision of information by donor or representative—Form 1

- (1) A sampler must not take a bodily sample from a donor unless the donor or, if appropriate, a person described in subclause (3), has:
 - (a) immediately before the sampler takes the bodily sample, completed an affidavit in accordance with Form 1, to which is attached a recent photograph of the donor named in the affidavit, and

Clause 8	Status of Children Regulation 2008
Part 2	Parentage testing procedures and reports

- (b) either:
 - (i) provided to the sampler a recent photograph of the donor, measuring approximately 45 millimetres by 35 millimetres, that shows a full face view of the donor's head and the donor's shoulders against a plain background, or
 - (ii) made a written arrangement with the sampler for a photograph of that kind to be taken.
- (2) The photograph required by subclause (1) (b) is in addition to the photograph that is required to be attached to Form 1.
- (3) If the donor is under the age of 18 years, or a person who is suffering from a disability, the affidavit referred to in subclause (1) (a) may be completed only by a representative of the donor.

8 Collection of blood samples

- (1) A sampler may take a sample of blood from a donor only with a needle or syringe that:
 - (a) has not been used for any purpose, and
 - (b) is sterile, and
 - (c) is disposable.
- (2) Before taking a sample of blood from a donor, the sampler must ensure that the area of the donor's skin into which the needle is to be inserted to withdraw the blood has been cleaned with an antiseptic.

9 Collection of bodily samples for DNA typing

- (1) This clause applies to the taking of a bodily sample (other than a blood sample) from a donor for the purposes of a parentage testing procedure that is DNA typing.
- (2) A sampler must not take a bodily sample from a donor with a swab unless the swab:
 - (a) has not been used for any purpose, and
 - (b) is sterile.
- (3) A sampler must not take a bodily sample from a donor that is a skin scraping or hair root unless the implement used by the sampler to take the sample is sterile.

10 Container to be sealed and labelled

- (1) If a bodily sample is taken from a donor, the sampler must ensure that:
 - (a) the sample is placed in a container:

Status of Children Regulation 2008

Clause 11

Parentage testing procedures and reports

Part 2

-
- (i) immediately after it is taken, and
 - (ii) in the presence of the donor, and
 - (b) the container has not previously been used for any purpose, and
 - (c) the container is sealed in a way that, if it were opened after being sealed, that fact would be evident on inspection of the container, and
 - (d) the container is labelled in a way that:
 - (i) if the label, or part of the label, were removed, or
 - (ii) if the writing on the label were impaired by alteration or erasure,
 the removal of the label or the impairment would be evident on inspection of the container, and
 - (e) the particulars on the label are inscribed in ink and include:
 - (i) the full name of the donor, and
 - (ii) the date of birth and sex of the donor, and
 - (iii) the date and time at which the sample was taken, and
 - (f) the label inscribed with the particulars referred to in paragraph (e) is signed in ink by the sampler and the donor.
- (2) If the donor is a person under the age of 18 years, the procedure specified in subclause (1) (a) and (f) must be completed in the presence of the person's representative.
- (3) If the donor is a person who is suffering from a disability:
- (a) the procedure specified in subclause (1) (a) must be completed in the presence of the person's representative, and
 - (b) the procedure specified in subclause (1) (f) is taken to have been complied with only if the label is signed by the person's representative.

11 Statement by sampler—Form 2

After taking a bodily sample from a donor, the sampler must:

- (a) complete a statement in accordance with Form 2, and
- (b) affix the photograph of the donor referred to in clause 7 (1) (b) to that statement, and
- (c) sign his or her name partly on the photograph and partly on the statement in a way that, if the photograph were later removed from the statement, the removal would be evident from inspection of the statement.

Clause 12 Status of Children Regulation 2008

Part 2 Parentage testing procedures and reports

12 Packing and storage requirement

- (1) A bodily sample must be packed, stored and transported to a laboratory for testing in a manner that:
 - (a) will preserve the integrity of the sample, and
 - (b) ensures that the testing of the sample will produce the same results as would have been obtained if the sample had been tested immediately after collection.
- (2) The sampler must ensure that the following documents are sent to the laboratory with the sample:
 - (a) the affidavit completed under clause 7,
 - (b) the statement completed under clause 11.

13 Testing of bodily samples

- (1) A laboratory to which a bodily sample has been sent for testing must ensure that the testing is completed:
 - (a) if the proposed testing procedure is red cell antigen blood grouping, red cell enzyme blood grouping or testing for serum markers—within 6 days after the sample is taken, or
 - (b) if the proposed testing procedure is HLA tissue typing—within 3 days after the sample is taken, or
 - (c) if the proposed testing procedure is DNA typing—within a reasonable time after the sample is taken.
- (2) If the proposed parentage testing procedure is red cell enzyme blood grouping or testing for serum markers, subclause (1) (a) is complied with if a dried sample of the bodily sample to be tested is prepared within 6 days after the sample is taken from the donor.

Division 3 Reports

14 Reports—Form 3

- (1) A report must be prepared in accordance with this clause relating to the information obtained as a result of carrying out a parentage testing procedure.
- (2) The report must be in accordance with Form 3.
- (3) Part 1 of the report must be completed by the nominated reporter identified in the report.
- (4) Part 2 of the report must be completed by:
 - (a) the person who carried out the parentage testing procedure, or

Status of Children Regulation 2008

Clause 14

Parentage testing procedures and reports

Part 2

-
- (b) the person under whose supervision the parentage testing procedure was carried out.
- (5) A report completed otherwise than in accordance with this Regulation is taken to be of no effect.

Clause 15 Status of Children Regulation 2008

Part 3 Miscellaneous

Part 3 Miscellaneous

15 Paternity acknowledgments—Form 4

- (1) For the purposes of section 19 (1) (a) of the Act, the prescribed form of an instrument acknowledging paternity of a child is Form 4.
- (2) For the purposes of section 19 (1) (b) of the Act, the following classes of persons are prescribed:
 - (a) Australian legal practitioners within the meaning of the *Legal Profession Act 2004*,
 - (b) officers of the Registry of Births, Deaths and Marriages nominated for the time being by the Registrar for the purposes of this paragraph.

16 Applications for declarations by the Supreme Court of paternity or maternity

For the purposes of section 21 (1) (e) of the Act, the following persons are prescribed persons:

- (a) the Public Trustee,
- (b) private trustee companies,
- (c) an executor, trustee or administrator of an estate.

17 Persons prescribed as “qualified persons” under section 33 of the Act

For the purposes of section 33 (2) (c) of the Act, persons employed by a hospital, pathology practice, parentage testing practice or a medical practitioner for the purpose of taking a bodily sample from a donor are prescribed as qualified persons.

18 Savings

Any act, matter or thing that had effect under the *Status of Children Regulation 2003* immediately before the commencement of this Regulation is taken to have effect under this Regulation.

Status of Children Regulation 2008

Forms

Schedule 1

Schedule 1 Forms

(Clauses 7, 11, 14 and 15)

Form 1 Parentage testing procedure affidavit by/in relation to donor

(Status of Children Act 1996)

(Clause 7 (1) (a))

Name of child whose parentage is in issue:

Name of donor:

Date of birth of donor:

*Relationship/*Putative relationship of donor to child whose parentage is in issue (if donor is not the child whose parentage is in issue, insert relationship of donor to child):

Date of taking sample from donor:

I, (name), of (address), (occupation) *make oath and say/*affirm:

(Either Part 1 or Part 2 of this form must be completed and duly sworn or affirmed by the person completing it, and the signature witnessed, on the day the donor's sample is taken)

Part 1

(Part 1 must be completed if the person swearing or affirming the affidavit is the donor)

- 1 I am the person appearing in the photograph attached to this affidavit, being Attachment 'A'.
- 2 My racial background is (give details).
- 3 In the last 2 years:
 - (a) I *have/*have not suffered from leukaemia.
 - (b) I *have/*have not received a bone marrow transplant.
- *4 The particulars of the *leukaemia/*bone marrow transplant are as follows: (give particulars)
- 5 I *have/*have not received a transfusion of blood or a blood product within the last 6 months.
- *6 The particulars of the transfusion of blood or blood product are as follows: (give particulars)
- 7 I consent to:
 - (a) the taking of *a bodily sample/*bodily samples from me on (insert date sample is to be taken) at (insert place sample is to be taken) for the purposes of *a parentage testing procedure/*parentage testing procedures, and
 - (b) the carrying out of *that procedure/*those procedures on the *sample/*samples.

Status of Children Regulation 2008

Schedule 1 Forms

Part 2

Part 2 must be completed on behalf of a child or adult who is not capable of swearing or affirming the affidavit. Under section 28 of the Act, a parentage testing procedure must not be carried out in relation to a child without the consent of a parent or guardian of the child.

- 1 I am the *(state relationship or other status in relation to the donor)* of *(name of donor)* who was born on *(date of birth of donor)*.
- 2 (Name of donor) is the person appearing in the photograph attached to this affidavit, being Attachment 'A'.
- 3 *(Name of donor)* is a person whose racial background is *(give details)*.
- 4 In the last 2 years:
 - (a) the donor **has/*has not* suffered from leukaemia.
 - (b) the donor **has/*has not* received a bone marrow transplant.
- *5 The particulars of the **leukaemia/*bone marrow transplant* are as follows: *(give particulars)*
- 6 The donor **has/*has not* received a transfusion of blood or a blood product within the last 6 months.
- *7 The particulars of the transfusion of blood or blood product are as follows: *(give particulars)*
- 8 I consent to:
 - (a) the taking of **a bodily sample/*bodily samples* from the donor on *(insert date sample is to be taken)* at *(insert place sample is to be taken)* for the purposes of **a parentage testing procedure/*parentage testing procedures*, and
 - (b) the carrying out of **that procedure/*those procedures* on the **sample/*samples*.

**SWORN/*AFFIRMED* by the

deponent at

on 20 .

.....

(Signature of deponent)

Before me:

.....

(Signature of person before whom the affidavit is sworn or affirmed)

Attach a recent photograph of the donor named in the affidavit, measuring approximately 45 millimetres by 35 millimetres, that shows a full face view of the donor's head and the donor's shoulders against a plain background. The photograph must be marked 'A', and must bear a statement, signed by both the person before whom the affidavit is sworn or affirmed and the deponent, identifying it as the photograph mentioned in the affidavit.

**Delete if not applicable.*

Status of Children Regulation 2008

Forms

Schedule 1

Form 2 Parentage testing procedure collection of bodily sample statement by sampler

(Status of Children Act 1996)

(Clause 11)

Name of child whose parentage is in issue:

- 1 I, (*name of sampler*), of (*professional address*), (*occupation*), took the bodily *sample/*samples specified below at (*time*) *am/*pm on (*date*) at (*place of collection*) from the following *person/*persons:
 - (a) (*name of person and type of bodily sample stated and person's photograph affixed*),
 - * (b) (*name of person and type of bodily sample stated and person's photograph affixed*),
 - * (c) (*name of person and type of bodily sample stated and person's photograph affixed*),
 - * (d) (*name of person and type of bodily sample stated and person's photograph affixed*).
- 2 When I took the bodily *sample/*samples specified above, I strictly observed the procedures provided under the *Status of Children Regulation 2008*.
- 3 I placed *the bodily sample/*each of the bodily samples specified above in a container that was immediately sealed and then labelled in accordance with clause 10 of the *Status of Children Regulation 2008*.

Dated 20 .

.....

(*Signature of sampler*)

*Delete if not applicable.

Form 3 Report

(Status of Children Act 1996)

(Clause 14)

Name of child whose parentage is in issue:

Part 1

- 1 I, (*name of nominated reporter*), of (*address*), am a person nominated by the laboratory specified below to prepare a report in accordance with clause 14 of the *Status of Children Regulation 2008*.
- 2 I report that a parentage testing *procedure/*procedures, being:
 - * (a) red cell antigen blood grouping,
 - * (b) red cell enzyme blood grouping,
 - * (c) testing for serum markers,

Status of Children Regulation 2008

Schedule 1 Forms

*(d) HLA tissue typing,

*(e) DNA typing,

*has/*have been carried out on the bodily *sample/*samples contained in the sealed *container/*containers bearing the *name/names of the following *donor/*donors:

(a) *(donor's name, date of birth and relationship to the child whose parentage is in issue),*

*(b) *(donor's name, date of birth and relationship to the child whose parentage is in issue),*

*(c) *(donor's name, date of birth and relationship to the child whose parentage is in issue),*

*(d) *(donor's name, date of birth and relationship to the child whose parentage is in issue).*

3 Each bodily sample referred to in item 2 is the same bodily sample as the bodily sample specified in the statement completed on *(date)* by *(name of sampler)* in accordance with clause 11 of the *Status of Children Regulation 2008*.

4 The parentage testing *procedure was/*procedures were carried out at *(name of laboratory or laboratories)*.

5 The results of the parentage testing *procedure/*procedures are set out in Part 2 of this report.

*6 I report that the results of the parentage testing *procedure/*procedures carried out on the bodily *sample/*samples of the donors specified above show that *(name of putative parent)* is not excluded from identification as the *father/*mother of *(name of child whose parentage is in issue)*.

[OR]

*6 I report that the results of the parentage testing *procedure/*procedures carried out on the bodily *sample/*samples of the donors specified above show that *(name of putative parent)* is excluded from identification as the *father/*mother of *(name of child whose parentage is in issue)*.

*7 I further report that the probability that *(name of putative parent)* is the genetic *father/*mother of *(name of child whose parentage is in issue)* has been calculated as follows:

*Paternity/*Maternity Index *(figure)* to 1

Relative chance of *Paternity/*Maternity *(percentage)* %

[OR]

*7 I further report that the exclusion is based on contradictions to the laws of genetic inheritance in *(amount)* of the *(amount)* genetic markers tested. The contradictions occurred in the following genetic markers: *(names of genetic markers and whether the contradictions were of the first or second order)*.

Status of Children Regulation 2008

Forms

Schedule 1

*8 I further report (if necessary, provide further explanation of results detailed in items 6 and 7).

Dated 20 .

.....
(Signature of nominated reporter)

Part 2

1 The bodily *sample/*samples referred to in Part 1 *was/*were received at (name of laboratory at which the parentage testing *procedure was/*procedures were carried out) on 20 .

2 The following identification numbers were allocated respectively to the bodily *sample/*samples in the *container/*containers in which the *procedure was/*procedures were carried out:

- (a) (name of person and identification number),
- * (b) (name of person and identification number),
- * (c) (name of person and identification number),
- * (d) (name of person and identification number).

3 The results obtained from the parentage testing *procedure/*procedures are as follows: (set out the results)

*4 The results set out in item 3 refer to the parentage testing *procedure/*procedures carried out *by me/*under my supervision on (date). The bodily *sample was/*samples were tested against the same reagents and in parallel with appropriate known controls. Results from controls show that all reagents were of correct specificity and normal potency. I am satisfied that the results obtained are true and that they have been correctly transcribed from the laboratory records.

[OR]

*4 The results set out in item 3 refer to the parentage testing *procedure/*procedures carried out *by me/*under my supervision on (date). The bodily *sample was/*samples were tested with the same probes/primers and in parallel with appropriate known controls. Fragment length and/or hybridisation patterns were in accordance with scientifically accepted standards. I am satisfied that the results obtained have been correctly coded from the fragment and/or hybridisation pattern and that they have been correctly transcribed from the laboratory records.

Dated 20 .

.....
(Signature of person who carried out parentage testing procedure or person under whose supervision procedure was carried out)

*Delete if not applicable.

Status of Children Regulation 2008

Schedule 1 Forms

Form 4 Paternity acknowledgment

(Status of Children Act 1996, section 19)

(Clause 15 (1))

Note:

SIGNATURES MUST BE WITNESSED BY AN AUSTRALIAN LEGAL PRACTITIONER OR BY AN OFFICER OF THE REGISTRY OF BIRTHS, DEATHS AND MARRIAGES NOMINATED BY THE REGISTRAR.

IF A PARTY IS UNAVAILABLE TO SIGN THIS FORM, THE LAST KNOWN ADDRESS OF THE PERSON SHOULD BE PROVIDED IN THE APPROPRIATE SECTION IMMEDIATELY BELOW.

I

(full name of mother)

of

.....

Postcode: Ph:

I

(full name of father)

of

.....

Postcode: Ph:

hereby acknowledge that we are the natural mother and father of the child named below. We request that the Registrar include details of the father (as stated below) on the birth record of the child.

CHILD'S PARTICULARS

.....

(given names)

(family name)

Sex:

born on /..... /.....

at, New South Wales.

FATHER'S PARTICULARS (at time of child's birth)

.....

(given names)

(family name)

Occupation:

born on /..... /.....

at

Status of Children Regulation 2008

Forms

Schedule 1

This acknowledgment is made believing that the information provided is true to the best of our knowledge and belief.

.....
(mother's signature)

.....
(father's signature)

Signed at

Signed at

on

on

Witnessed by

Witnessed by

Qualification

Qualification

(Legal practitioner/Registry officer)

(Legal practitioner/Registry officer)

.....

.....

(name, address and telephone no. of witness) (name, address and telephone no. of witness)



New South Wales

Tow Truck Industry Regulation 2008

under the

Tow Truck Industry Act 1998

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

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

Explanatory note

The object of this Regulation is to remake, with minor changes, the *Tow Truck Industry Regulation 1999* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

- (a) further particulars that are to be included in an application for a tow truck operators licence (*a licence*) and in an application for a tow truck drivers certificate (*a drivers certificate*),
- (b) the payment of application fees for licences and drivers certificates,
- (c) the prescribed offences that disqualify an applicant from holding a licence or drivers certificate for a period of 10 years from the date the applicant was convicted or found guilty of the offence,
- (d) further grounds on which the Roads and Traffic Authority may refuse an application for a licence or drivers certificate,
- (e) further licence and drivers certificate conditions,
- (f) an exemption from holding “on-hook” liability insurance in respect of tow trucks used solely for towing vehicles for wrecking purposes,
- (g) other miscellaneous matters relating to licences and drivers certificates, including the variation of conditions and pending applications,
- (h) the manner in which towing authorisations are to be completed, signed and dealt with,
- (i) additional licence conditions and requirements in relation to holding yards,

Tow Truck Industry Regulation 2008

Explanatory note

- (j) other miscellaneous offences, including offences relating to misuse of licences and drivers certificates, the inspection of tow trucks, conduct of the tow truck drivers, record-keeping and invoices,
- (k) the offences that are prescribed so that they may be dealt with by way of penalty notice and the penalty payable when dealt with in that manner,
- (l) certain other miscellaneous matters, including exemptions for interstate tow trucks, tow truck drivers and operators.

This Regulation is made under the *Tow Truck Industry Act 1998*, including section 105 (the general regulation-making power).

Tow Truck Industry Regulation 2008

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Clause 1 Tow Truck Industry Regulation 2008

Part 1 Preliminary

Tow Truck Industry Regulation 2008

under the

Tow Truck Industry Act 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Tow Truck Industry Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Tow Truck Industry Regulation 1999* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

imprisonment includes penal servitude, home detention, periodic detention or a suspended sentence of imprisonment.

owner of a motor vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 2005*.

the Act means the *Tow Truck Industry Act 1998*.

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

4 Meaning of “tow” and “tow truck”

(1) In accordance with paragraph (e) of the definition of ***tow*** in section 3 (1) of the Act, ***tow*** includes tow by use of a rigid frame, rigid bar or similar device.

(2) In accordance with section 4 (2) of the Act, car carriers are declared not to be tow trucks for the purposes of the Act.

Tow Truck Industry Regulation 2008

Clause 4

Preliminary

Part 1

(3) In subclause (2):

car carrier means a motor vehicle combination that is designed or adapted for use for the transport of motor vehicles, being a combination:

- (a) that is not equipped or fitted with any lifting equipment (whether portable or fixed) to load the motor vehicles to be transported, and
- (b) onto which the motor vehicles to be transported are loaded by travelling along a ramp under their own propulsion.

Clause 5 Tow Truck Industry Regulation 2008

Part 2 Licences and drivers certificates

Part 2 Licences and drivers certificates

Division 1 Provisions relating to licences

5 Particulars to be included in licence applications

For the purposes of section 17 (2) (g) of the Act, the following particulars are prescribed:

- (a) if the applicant is an individual—the name of the applicant (including any aliases by which the applicant is or was known), and the applicant’s current residential address and date of birth,
- (b) if the applicant is a corporation—the name of the corporation, the name and residential address of each director, the address of the registered office of the corporation (if different from the applicant’s place of business) and the certificate of incorporation,
- (c) in the case of a business that is to be carried on in partnership—the name of the partnership and the name, current residential address and date of birth of each partner,
- (d) the trading name (if any) of the business that is to be operated under the authority of the licence and evidence that it has been registered as a registered business name,
- (e) the name, current residential address and date of birth of each person who is employed or engaged by the applicant to drive, use or operate tow trucks as part of the applicant’s business,
- (f) the name, current residential address and date of birth of each close associate of the applicant (including any aliases by which the close associate is or was known),
- (g) proof that the applicant owns or is the lessee of any place specified for use as a holding yard in carrying on the applicant’s business,
- (h) proof that the applicant has obtained public liability insurance and “on-hook” liability insurance (unless the applicant would be exempt from the requirement to hold such insurance in accordance with clause 12).

Note. Under section 17 (2) (g) of the Act, an application for a licence must also contain such other particulars as are required by the approved application form.

6 Application for licence

- (1) In this clause, *licence application fee* means the fee referred to in section 17 (2) (h) of the Act.
- (2) The RTA may refuse to determine an application for a licence until the licence application fee is paid.

Tow Truck Industry Regulation 2008

Clause 7

Licences and drivers certificates

Part 2

-
- (3) If the application is made in respect of a business carried on in partnership, a single licence application fee is payable.
 - (4) A licence application fee is non-refundable.

7 Offences that disqualify applicants for licences

- (1) For the purposes of section 18 (2) (b) and (3) (i) of the Act, the following offences are prescribed (regardless of whether they were committed in New South Wales):
 - (a) any offence involving an assault of any kind against a person,
 - (b) any offence relating to the possession or use of a firearm or other weapon,
 - (c) any offence involving the supply or possession of a prohibited drug, or the cultivation (for a commercial purpose), supply or possession of a prohibited plant, within the meaning of the *Drug Misuse and Trafficking Act 1985*,
 - (d) any offence involving fraud, dishonesty or stealing,
 - (e) any offence involving robbery (whether armed or otherwise),
 - (f) any offence involving the recruitment of another person to carry out or assist in carrying out a criminal activity within the meaning of section 351A of the *Crimes Act 1900*,
 - (g) any offence involving participation in a criminal group or participation in any criminal activity of a criminal group within the meaning of Division 5 of Part 3A of the *Crimes Act 1900*,
being an offence in respect of which the penalty imposed was imprisonment, a direction under a community service order that the offender perform community service work for 100 or more hours or a monetary penalty of \$1,000 or more, or a combination of any of those penalties.
- (2) However, if in the case of an applicant for a subsequent licence, the applicant, or a close associate of the applicant, was convicted of an offence specified in subclause (1):
 - (a) before 1 December 2006 (being the commencement date of the *Tow Truck Industry Amendment (Miscellaneous) Regulation 2006*), and
 - (b) in respect of which the only penalty imposed was a direction under a community service order that the offender perform community service work for 100 or more hours,that offence is not, in so far as the application is concerned, a prescribed offence for the purposes of section 18 (2) (b) and (3) (i) of the Act.

Clause 8 Tow Truck Industry Regulation 2008

Part 2 Licences and drivers certificates

- (3) In subclause (2), *applicant for a subsequent licence* means a person who applies for a licence before, or within 10 days of, the expiry of his or her licence.

8 Qualifications of tow truck operators

- (1) The RTA may determine competency standards in relation to tow truck operators. The standards may include levels of accreditation.
- (2) The standards may be developed by the RTA in consultation with the tow truck industry, or be prepared by any other person or body and endorsed by the RTA.
- (3) If the RTA determines any such competency standards, the standards must be published in the Gazette.
- (4) For the purposes of section 18 (3) (g) of the Act, any competency standards determined by the RTA and published in the Gazette are prescribed.

9 Additional grounds for refusing licence application

For the purposes of section 18 (4) of the Act, an application for a licence may be refused if:

- (a) any close associate of the applicant has, within the period of 10 years before the application for the licence was made:
- (i) been refused a licence, or
 - (ii) had his or her licence permanently revoked, or
 - (iii) been the subject of disciplinary action under Division 4 of Part 3 of the Act that resulted in the close associate being disqualified from holding a licence or having his or her licence suspended or permanently revoked, or
- (b) the RTA reasonably believes that information given in the licence application is false or misleading.

10 Payment of licence fee

- (1) In this clause, *licence fee* means the fee referred to in section 21 of the Act.
- (2) The RTA may refuse to grant a licence until the licence fee is paid.
- (3) If a licence is granted in respect of a business carried on in partnership, a single licence fee is payable for the licence.

Tow Truck Industry Regulation 2008

Clause 11

Licences and drivers certificates

Part 2

11 Licence conditions

For the purposes of section 20 (2) (1) of the Act, the following conditions are prescribed:

- (a) the licensee must ensure that each person who is employed or engaged by the licensee to drive a licensed tow truck is provided with, and is given an opportunity to read, a copy of an approved summary of the Act and this Regulation,
- (b) the licensee must explain to each such person the provisions of the approved summary,
- (c) the licensee must ensure that each person who is employed or engaged by the licensee to drive a licensed tow truck signs and dates a written declaration to the effect that the person understands his or her obligations under the Act and this Regulation,
- (d) the licensee must sign and date a written declaration to the effect that the licensee has complied with the conditions referred to in paragraphs (a)–(c),
- (e) the licensee must keep each such signed declaration at the licensee’s place of business for such time as the person remains employed or engaged by the licensee and for a period of 2 years from the date that the person ceases employment with, or was last engaged by, the licensee,
- (f) the licensee must produce a copy of any such signed declaration on request to an authorised officer or send a copy to the RTA on receipt of a notice in writing by the RTA,
- (g) the licensee must ensure that each driver complies with any directions of the RTA relating to the wearing or use of clothing or equipment for protection or safety purposes,
- (h) the licensee must keep a record of the registration details of each tow truck operated by the licensee,
- (i) except as provided by clause 54, the licensee may only operate under the authority of the licence the licensed tow trucks that are specified in the licence,
- (j) the licensee must hold public liability and “on-hook” liability insurance.

12 Exemption from “on-hook” liability insurance requirement

A licensee is exempt from the requirement, under clause 11 (j), that the licensee maintain “on-hook” liability insurance in respect of any tow truck that is used, or intended to be used, solely for towing motor

Clause 13 Tow Truck Industry Regulation 2008

Part 2 Licences and drivers certificates

vehicles for the purposes of metal recycling or vehicle demolishing or dismantling by a vehicle-wrecker.

13 Exemption from certain licence conditions for tow trucks registered interstate

- (1) This clause applies to a licensee who intends to operate tow trucks that are registered outside New South Wales.
- (2) A licensee to which this clause applies is exempt from the provisions of section 20 (2) (e) of the Act, but only if the licensee ensures that each licensed tow truck displays, on the front and back of the tow truck in an approved manner, and so as to be clearly legible, a sign approved for the purposes of this clause.

Division 2 Provisions relating to drivers certificates

14 Particulars to be included in drivers certificate applications

For the purposes of section 25 (2) (b) of the Act, the following particulars are prescribed:

- (a) the name of the applicant (including any aliases by which the applicant is or was known), and the applicant's current residential address and date of birth,
- (b) if applicable, the name and licence number of the applicant's current or prospective employer,
- (c) a recent colour photograph (as specified in the approved application form) of the applicant's head and shoulders only, that clearly shows the applicant's face.

Note. Under section 25 (2) (b) of the Act, an application for a drivers certificate must also contain such other particulars as are required by the approved application form.

15 Application for drivers certificate

- (1) In this clause, *drivers certificate application fee* means the fee referred to in section 25 (2) (c) of the Act.
- (2) The RTA may refuse to determine an application for a drivers certificate until the drivers certificate application fee is paid.
- (3) A drivers certificate application fee is non-refundable.

16 Offences that disqualify applicants for drivers certificates

- (1) For the purposes of section 26 (2) (b) of the Act, the following offences are prescribed (regardless of whether they were committed in New South Wales):
 - (a) any offence involving an assault of any kind against a person,

Tow Truck Industry Regulation 2008

Clause 17

Licences and drivers certificates

Part 2

-
- (b) any offence relating to the possession or use of a firearm or other weapon,
 - (c) any offence involving the supply or possession of a prohibited drug, or the cultivation (for a commercial purpose), supply or possession of a prohibited plant, within the meaning of the *Drug Misuse and Trafficking Act 1985*,
 - (d) any offence involving fraud, dishonesty or stealing,
 - (e) any offence involving robbery (whether armed or otherwise),
 - (f) any offence involving the recruitment of another person to carry out or assist in carrying out a criminal activity within the meaning of section 351A of the *Crimes Act 1900*,
 - (g) any offence involving participation in a criminal group or participation in any criminal activity of a criminal group within the meaning of Division 5 of Part 3A of the *Crimes Act 1900*,
being an offence in respect of which the penalty imposed was imprisonment, a direction under a community service order that the offender perform community service work for 100 or more hours or a monetary penalty of \$1,000 or more, or a combination of any of those penalties.
- (2) However, if in the case of an applicant for a subsequent drivers certificate, the applicant, or a close associate of the applicant, was convicted of an offence specified in subclause (1):
- (a) before 1 December 2006 (being the commencement date of the *Tow Truck Industry Amendment (Miscellaneous) Regulation 2006*), and
 - (b) in respect of which the only penalty imposed was a direction under a community service order that the offender perform community service work for 100 or more hours,
- that offence is not, in so far as the application is concerned, a prescribed offence for the purposes of section 26 (2) (b) of the Act.
- (3) In subclause (2), ***applicant for a subsequent drivers certificate*** means a person who applies for a drivers certificate before, or within 10 days of, the expiry of his or her drivers certificate.

17 Qualifications of tow truck drivers

- (1) The RTA may determine competency standards in relation to tow truck drivers. The standards may include levels of accreditation.
- (2) The standards may:
 - (a) be developed by the RTA in consultation with the tow truck industry, or

Clause 18 Tow Truck Industry Regulation 2008

Part 2 Licences and drivers certificates

- (b) be prepared by any other person or body and endorsed by the RTA.
- (3) If the RTA determines any such competency standards, the standards must be published in the Gazette.
- (4) For the purposes of section 26 (3) (b) of the Act, any competency standards determined by the RTA and published in the Gazette are prescribed.

18 Additional grounds for refusing application for drivers certificate

- (1) For the purposes of section 26 (4) of the Act, the grounds on which an application for a drivers certificate must be refused include any case in which:
 - (a) the applicant has been disqualified from holding a driver licence, or
 - (b) the applicant's driver licence has been suspended or cancelled (other than for fine default under the *Fines Act 1996*),on more than one occasion during the period of 3 years immediately before the application for the driver certificate was made.
- (2) For the purposes of subclause (1), it does not matter that any of the periods of disqualification, suspension or cancellation occurred during only part of the 3-year period.

19 Particulars on drivers certificate

For the purposes of section 28 (2) (d) of the Act, a drivers certificate must contain the following particulars:

- (a) the expiry date of the certificate,
- (b) the driver licence number of the certified driver.

20 Conditions of drivers certificate

For the purposes of section 29 (2) (c) of the Act, the following conditions are prescribed:

- (a) the certified driver must comply with any directions of the RTA relating to the wearing or use of clothing or equipment for protection or safety purposes,
- (b) the certified driver must, before towing a motor vehicle, ensure that the type of tow truck intended to be used is suitable for towing that particular motor vehicle.

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Clause 21

Licences and drivers certificates

Part 2

21 Payment of drivers certificate fee

The RTA may refuse to grant a drivers certificate until the fee referred to in section 30 of the Act is paid.

Division 3 General provisions

22 Variation of licence conditions

If a licensee or certified driver applies for an amendment of the licence or drivers certificate concerned in accordance with section 35 of the Act, the RTA may charge the applicant a fee of \$50 in respect of the application.

23 Refund of fees if licence or drivers certificate voluntarily surrendered

- (1) If a licensee or certified driver voluntarily surrenders the licence or drivers certificate in accordance with section 40 of the Act, the RTA may, but is not required to, refund part of the fee paid for the granting of the licence or drivers certificate. The amount to be refunded is to be determined by the RTA.
- (2) In determining the amount of any such refund, the RTA may retain an administration fee of \$50.

24 Pending application for subsequent licence or drivers certificate

If:

- (a) a person who is the holder of a licence or drivers certificate (*the current licence or drivers certificate*) applies for a subsequent licence or drivers certificate before the term of the current licence or drivers certificate expires, and
- (b) the person has paid the relevant application fee for the subsequent licence or drivers certificate, and
- (c) the application has not been dealt with by the time the current licence or drivers certificate expires,

the authority conferred by the current licence or drivers certificate continues until 90 days after the expiry of the current licence or drivers certificate, or until such time as the person is notified of the granting or refusal of the subsequent licence or drivers certificate, whichever is the sooner.

25 Furnishing of information

A person who is the holder of a licence or drivers certificate must notify the RTA in writing of the following, as soon as practicable after it occurs:

- (a) any change in the person's residential address,

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Part 2 Licences and drivers certificates

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- (b) any change in the person's postal address,
 - (c) any change in the status of the person's driver licence.
- Maximum penalty: 5 penalty units.

Tow Truck Industry Regulation 2008

Clause 26

Towing authorisations

Part 3

Part 3 Towing authorisations

26 Definition

In this Part:

towing authorisation book means a book, comprising approved towing authorisation forms, issued by the RTA.

27 Exception from requirement to obtain towing authorisations for towing work

In accordance with section 49 (2) (b) of the Act, a person is not required to obtain a towing authorisation for towing work if:

- (a) an authorised officer has indicated to the person that a towing authorisation is not required for the towing work, and
- (b) the towing is carried out in accordance with the directions of the authorised officer.

28 Requirement to leave accident scene once towing authorisations obtained

If, in relation to an accident involving one or more motor vehicles, a person or persons have obtained the required towing authorisations, any other person who has attended the scene of the accident for the purpose of obtaining towing work by the use of a tow truck (but who has not obtained a towing authorisation) must not remain at the scene of the accident.

Maximum penalty: 50 penalty units.

29 Persons who may give towing authorisations

A towing authorisation for the towing of a motor vehicle by a tow truck may only be given by:

- (a) the owner or driver of the motor vehicle to be towed, or
- (b) a police officer, or
- (c) an authorised officer.

30 Completion of, and dealing with, towing authorisations

For the purposes of section 51 (4) of the Act, a person who obtains a towing authorisation must ensure:

- (a) that the authorisation:
 - (i) is in the approved form, and
 - (ii) is included in a towing authorisation book, and

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Part 3 Towing authorisations

- (iii) is signed by the person and by the person giving the authorisation, and
 - (iv) specifies a place as the place to which the motor vehicle is to be towed, and
 - (v) is otherwise completed (to the extent that is reasonably practicable in the circumstances) in the approved manner and by the insertion of the information required by the approved form, and
- (b) that the original towing authorisation and 2 copies are completed, and
- (c) that the towing authorisation used is the next available towing authorisation in order of serial number.

31 False information in towing authorisations

A person must not record anything in a towing authorisation that the person knows to be false or misleading.

Maximum penalty: 20 penalty units.

32 Other requirements relating to towing authorisations

- (1) A person who obtains a towing authorisation for the towing of a motor vehicle by a tow truck must:
- (a) immediately provide a copy of the towing authorisation to the person giving the authorisation, and
 - (b) within 72 hours of completing the towing work to which the towing authorisation relates, deliver the original towing authorisation to the holder of the licence under which the tow truck is operated, and
 - (c) keep a copy of the towing authorisation in the towing authorisation book.
- Maximum penalty: 50 penalty units.
- (2) A person who obtains a towing authorisation must, before towing the motor vehicle by a tow truck, complete and attach to the motor vehicle in the approved manner a notice (*the towing notice*) that is in the approved form and that contains the following information:
- (a) the serial number of the towing authorisation to which the towing notice relates,
 - (b) the name of the licensee and the number of the licence under which the tow truck is authorised to be operated,
 - (c) the name, and drivers certificate number, of the person who obtained the towing authorisation,

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Clause 33

Towing authorisations

Part 3

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- (d) the registration number of the motor vehicle to which the towing authorisation relates,
 - (e) the place to which the motor vehicle is to be towed.
- Maximum penalty: 50 penalty units.
- (3) A person must not remove a copy of a towing notice that is attached to a motor vehicle in accordance with subclause (2) unless:
 - (a) the person is the insurer of the motor vehicle, or
 - (b) in any case where the motor vehicle is not insured—the person is the owner or driver of the motor vehicle, or
 - (c) the person is acting under the written authority of a person referred to in paragraph (a) or (b).
- Maximum penalty: 50 penalty units.
- (4) A licensee must ensure that each tow truck driver who is employed or engaged by the licensee complies with the requirements of this clause.
- Maximum penalty: 50 penalty units.

33 Towing authorisation books

- (1) The RTA may, on application by a licensee and on payment of the approved fee, issue the licensee with a towing authorisation book for each tow truck operating under the licence.
 - (2) A licensee must provide a towing authorisation book to each certified driver carrying out towing work under the licence that requires a towing authorisation.
- Maximum penalty: 25 penalty units.
- (3) A certified driver must not carry out any towing work that requires a towing authorisation unless the driver is in possession of a towing authorisation book.
- Maximum penalty: 15 penalty units.
- (4) A certified driver must produce any towing authorisation book in the driver's possession for inspection on demand by an authorised officer or police officer and allow the person to whom it is produced to take extracts from, or to make copies of, any entry in that book.
- Maximum penalty: 15 penalty units.
- (5) As soon as a certified driver completes a towing authorisation book, the driver must deliver the book to the licensee who gave it to the driver.
- Maximum penalty: 15 penalty units.

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Part 3 Towing authorisations

34 Keeping and production of towing authorisations

- (1) A copy of any towing authorisation received by a licensee must be provided by the licensee to the RTA within 28 days of the towing authorisation being completed.

Maximum penalty: 5 penalty units.

- (2) A licensee must:

- (a) keep the following for at least 5 years at the licensee's place of business as specified in the licence:

- (i) the original of each completed towing authorisation that relates to a tow truck operated under the licence,
(ii) any towing authorisation book that has been issued to the licensee, and

- (b) immediately on demand by an authorised officer or a police officer, produce for inspection any such towing authorisation or towing authorisation book kept by the licensee or any copy of such an authorisation to which the licensee has reasonable access, and

- (c) allow the person to whom such a towing authorisation or towing authorisation book is produced to take extracts from, or to make copies of, the authorisation or book or to remove the authorisation or book for the purposes of evidence.

Maximum penalty: 20 penalty units.

- (3) If a licence expires or is revoked or surrendered, the person to whom the licence was issued must return to the RTA within 7 days of the expiration, revocation or surrender:

- (a) any completed original towing authorisation that has been delivered to the person, and
(b) any towing authorisation books supplied to the person, and
(c) any towing notice that has not been completed.

Maximum penalty: 20 penalty units.

Tow Truck Industry Regulation 2008

Clause 35

Holding yards

Part 4

Part 4 Holding yards

35 Location of holding yards

It is a condition of a licence that any holding yard of the licensee must, unless otherwise approved, be located no more than 10 kilometres from the licensee's place of business.

36 Security requirements

- (1) Except as provided by subclause (2), a licensee must ensure that any holding yard of the licensee:
 - (a) is surrounded by a security fence that is not less than 2 metres high and that has gates with locks, and
 - (b) has flood lighting installed, and
 - (c) has an approved security alarm system installed.

Maximum penalty: 5 penalty units.

- (2) The RTA may, by notice in writing, exempt a licensee from any requirement under subclause (1). Such an exemption may be granted subject to the condition that the licensee comply with a requirement specified in the notice.
- (3) A licensee must ensure that the security fence surrounding any holding yard of the licensee is properly maintained and, if damaged, is repaired as soon as possible.

Maximum penalty: 5 penalty units.

37 Storage capacity

It is a condition of a licence that any holding yard of the licensee is capable of storing any motor vehicle towed under the authority of the licence to the holding yard.

38 Access to holding yard

It is a condition of a licence that any holding yard of the licensee is accessible at all times by each licensed tow truck operated by the licensee.

39 Holding yard register

- (1) It is a condition of a licence that the licensee must keep a register (the *holding yard register*) in the approved form and manner, and in accordance with this clause, in relation to any holding yard of the licensee.

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Part 4 Holding yards

- (2) The following particulars are to be recorded in the holding yard register:
- (a) the time and date on which each motor vehicle is towed into and out of the holding yard,
 - (b) the name of the tow truck driver who towed the motor vehicle to the holding yard,
 - (c) the name and contact details of the person who authorised the release of the motor vehicle from the holding yard,
 - (d) the make, model, type and colour of the motor vehicle,
 - (e) the registration number of the motor vehicle, or, if there is no registration number, the chassis number or the engine number (if any) of the vehicle,
 - (f) the serial number of the towing authorisation obtained in relation to the motor vehicle.
- (3) The holding yard register is to contain a copy of any written authorisation for the release of a motor vehicle from the holding yard that is received by the licensee.

40 Certain operators not required to maintain a holding yard

- (1) Nothing in the Act requires the following tow truck operators to maintain a holding yard:
- (a) a tow truck operator who only operates tow trucks with a gross combination mass of 25 tonnes or more,
 - (b) a tow truck operator who operates tow trucks only for towing motor vehicles for the purposes of metal recycling or vehicle demolishing or dismantling by a vehicle-wrecker.
- (2) A person towing a motor vehicle for any such tow truck operator is exempt from section 51 (3) of the Act.

Tow Truck Industry Regulation 2008

Clause 41

Other offences and requirements

Part 5

Part 5 Other offences and requirements

41 Offence to incite or encourage commission of offence

A person must not:

- (a) incite or encourage any other person to commit an offence under the Act or this Regulation, or
- (b) offer any inducement to another person that is likely to result in the other person committing an offence under the Act or this Regulation.

Maximum penalty: 50 penalty units.

42 Misuse of licences and drivers certificates

A person must not:

- (a) forge or fraudulently alter a licence or drivers certificate (whether or not it is in force), or
- (b) give possession of a licence or drivers certificate to another person for the purpose of using it unlawfully, or
- (c) steal a licence or drivers certificate, or
- (d) knowingly have possession of a forged, fraudulently altered, borrowed or stolen licence or drivers certificate.

Maximum penalty: 50 penalty units.

43 Lost or stolen etc licences and drivers certificates

A licensee or certified driver must, within 7 days of becoming aware that the licence or drivers certificate has been lost, stolen, damaged, destroyed, altered or defaced:

- (a) notify the RTA in writing of that occurrence, and
- (b) in the case of a damaged, altered or defaced licence or drivers certificate—return it to the RTA.

Maximum penalty (paragraph (a)): 5 penalty units.

Maximum penalty (paragraph (b)): 20 penalty units.

44 Tow truck equipment

- (1) It is a condition of a licence that each tow truck operated under the authority of the licence must be fitted with the following equipment:
 - (a) a flashing or rotating warning light that is of an approved kind,
 - (b) fully adjustable mounted lights to enable the safe loading and unloading of motor vehicles onto or from the tow truck when it is dark.

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Part 5 Other offences and requirements

- (2) It is a condition of a licence that each tow truck operated under the authority of the licence to do accident towing must be equipped with:
- (a) a broom, shovel and durable rubbish container for the removal of accident debris, and
 - (b) a foam or dry chemical powder fire extinguisher of at least 4.5 kg capacity, and that the fire extinguisher is maintained in a serviceable condition.
- (3) In this clause:
- broom** means a brush or similar implement of bristles, nylon or twigs with a handle at least 1.2 metres long.
- shovel** means an implement consisting of a broad metal blade or scoop attached to a handle at least 1.2 metres long and designed for taking up and removing loose matter (such as earth, snow, coal and the like).

45 Particulars to be displayed on tow trucks

A person must not drive, stand or operate, or allow to be driven, stood or operated, a tow truck that is being operated under the authority of a licence unless there is displayed (by being printed in block letters and figures at least 50 mm high) on the right-hand or off-side of the tow truck and so as to be clearly legible:

- (a) the name of the person who is the licensee holding the licence under which that tow truck is operated, and
- (b) the number of the licence.

Maximum penalty: 10 penalty units.

46 Inspection of tow trucks

- (1) The RTA or an authorised officer may, by notice in writing given to a tow truck operator (*an inspection notice*), require the production of a specified tow truck under the operator's control for inspection by a person authorised by the RTA.
- (2) The tow truck operator must comply with the requirement.
Maximum penalty: 20 penalty units.
- (3) An inspection notice must:
 - (a) specify the time and place for the inspection of the tow truck, and
 - (b) allow at least 24 hours from the time the notice is given for the operator to comply with the requirement.
- (4) The person authorised by the RTA to carry out the inspection of the tow truck is, following the inspection, to provide the tow truck operator with an assessment notice.

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Other offences and requirements

Part 5

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- (5) The assessment notice may:
- (a) require the carrying out of such repairs or modifications as are specified in the notice, and
 - (b) require those repairs or modifications to be completed within a specified period.
- (6) The tow truck operator must comply with any such requirement.
Maximum penalty: 20 penalty units.
- (7) The tow truck operator must provide the RTA with the following:
- (a) a copy of the assessment notice within 24 hours of receiving it from the person who carried out the inspection,
 - (b) within 24 hours of completing any repairs or modifications required by the assessment notice—a certificate, in the approved form, declaring that the repairs or modifications have been completed.
- Maximum penalty: 10 penalty units.
- (8) Any costs associated with the inspection of a tow truck under this clause, or with the carrying out of any repairs or modifications of a tow truck, are to be paid by the tow truck operator concerned.

47 Tow truck number-plates to be visible while towing

If any number-plate issued under section 57 of the Act in respect of a tow truck is likely to be obscured by a motor vehicle that is to be towed by the tow truck, the driver of the tow truck must ensure that the number-plate is:

- (a) displayed at the rear of the towed vehicle, or
- (b) displayed in such other manner that it remains clearly visible.

Maximum penalty: 5 penalty units.

48 Conduct and duties of tow truck drivers

- (1) The driver of a tow truck that is authorised to be operated under the authority of a licence must:
- (a) behave in an orderly manner and with civility and propriety while:
 - (i) operating the tow truck, or
 - (ii) attending the scene of a motor vehicle accident, or
 - (iii) complying with a requirement under paragraph (b) or (c), and

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(b) comply with any reasonable requirement made of the driver by an authorised officer or police officer in relation to the administration of the Act or this Regulation, and

(c) comply with any reasonable requirement made of the driver by a member of staff of the Ambulance Service of NSW, or an emergency services officer (within the meaning of section 32A of the *State Emergency and Rescue Management Act 1989*), who is attending the scene of a motor vehicle accident.

Maximum penalty (subclause (1) (a)): 25 penalty units.

Maximum penalty (subclause (1) (b) and (c)): 50 penalty units.

(2) The licensee holding the licence under which the tow truck is being operated must ensure that each tow truck driver whose services are being used by the licensee complies with subclause (1).

Maximum penalty: 10 penalty units.

49 Licensee required to keep certain records of non-accident towing work

(1) A licensee must make a record of the following matters in relation to each occasion on which a licensed tow truck is used or operated by a relevant tow truck driver for any towing work other than accident towing work:

(a) the time and date on which a motor vehicle is towed,

(b) details of where the motor vehicle is towed from and the destination of the tow,

(c) the registration number of the motor vehicle, or, if there is no registration number, the chassis number or the engine number (if any) of the vehicle,

(d) the name and contact details of the person who arranged for the motor vehicle to be towed,

(e) the name and contact details of any person who takes possession of the towed motor vehicle at the destination of the tow,

(f) details of any charges made by the licensee in relation to the tow.

Note. Section 60 of the Act also requires certain information to be recorded by a licensee on each occasion on which a licensed tow truck is used or operated by a tow truck driver.

(2) Any such record must:

(a) be in the approved form, and

(b) include particulars of the name and business address of the licensee, and

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- (c) be completed in the approved manner and as soon as practicable in relation to each occasion on which the licensed tow truck is used or operated.
- (3) The licensee must keep the record at the licensee's place of business for at least 5 years after the information is recorded.
- (4) If the licence is revoked or suspended or otherwise ceases to be in force, the licensee must provide to the RTA any records kept in accordance with this section.
- (5) The licensee must, on demand by an authorised officer or a police officer, provide the officer with the name and address of any tow truck driver whose services have been or are being used by the licensee.
Maximum penalty (subclauses (1)–(5)): 50 penalty units.
- (6) In this clause, *relevant tow truck driver* means a tow truck driver who is employed or engaged by the licensee or whose services are otherwise used by the licensee.

50 Records relating to charges

- (1) It is a condition of a licence that a licensee must, in accordance with this clause, make and keep a fully itemised record of the charges made by the licensee in relation to each motor vehicle that is towed under the authority of the licence.
- (2) Each such record must provide details justifying the amounts charged in relation to the towing, salvage or storage concerned.
- (3) The licensee must:
 - (a) keep a copy of the record at the licensee's place of business for at least 5 years after it is completed, and
 - (b) keep any document or material that justifies the charging of a particular amount, and
 - (c) produce any such record or related document for inspection by an authorised officer or a police officer if requested to do so, and
 - (d) permit the person to whom the record or related document is produced to make copies of or take extracts from the record or document or remove the record or document for the purposes of evidence.
- (4) On expiry, cancellation or surrender of a licence, the former licensee must provide to the RTA any records or documents kept in accordance with this clause.
Maximum penalty (subclause (4)): 50 penalty units.

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Part 5 Other offences and requirements

51 Invoices

- (1) A licensee, or a person acting on behalf of a licensee, must include the following in any invoice for towing work:
- (a) the name of the licensee as shown in the licensee's licence,
 - (b) the business name (if any) of the licensee and the relevant ABN,
 - (c) the name of the person to whom the invoice is issued,
 - (d) a description of the towing work to which the invoice relates,
 - (e) such fees (in itemised form) as are charged by the licensee in relation to the following:
 - (i) any salvage relating to the relevant vehicle,
 - (ii) the towing of the relevant vehicle,
 - (iii) any storage of the relevant vehicle,
 - (f) any other fee charged by the licensee in relation to the vehicle, fully described and set out in itemised form.

Maximum penalty: 10 penalty units.

- (2) A licensee must not request or require payment of a fee charged in relation to towing work unless a copy of the invoice for that work is provided to the person to whom the invoice is issued.

Maximum penalty: 10 penalty units.

- (3) A person must not include any matter that the person knows to be false or misleading in a material particular in an invoice for any towing work.

Maximum penalty: 50 penalty units.

- (4) A licensee must:

- (a) keep at the licensee's place of business (as specified in the licence) a copy of each invoice issued by, or on behalf of, the licensee for a period of 5 years after its issue, and
- (b) on demand by an authorised officer or a police officer within that period of 5 years, produce for inspection the copy of any such invoice, and
- (c) allow the person to whom the copy is produced to take extracts from, or to make copies of, the invoice, or to remove the invoice for the purposes of producing it as evidence in any proceedings.

Maximum penalty: 10 penalty units.

52 Disposal of unclaimed motor vehicles

- (1) This clause applies to any motor vehicle that:
- (a) has a value of less than \$500, and

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Other offences and requirements

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- (b) has been towed to any holding yard of a licensee, and
- (c) is being held by the licensee.
- (2) If:
- (a) a motor vehicle to which this clause applies has been held by the licensee for more than 28 days, and
- (b) no arrangement has been made during that period by the owner of the vehicle for its collection,
- the licensee may take action, in accordance with this clause, to sell or otherwise lawfully dispose of the vehicle.
- (3) The licensee must give the owner of the motor vehicle written notice of the licensee's intention to dispose of the motor vehicle. However, the licensee is not required to notify the owner if the licensee is, after making all reasonable inquiries, unable to identify or locate the owner.
- (4) If the owner of the motor vehicle fails to arrange for the collection of the motor vehicle within 28 days of the notice being given to the owner, the licensee may dispose of the vehicle.
- (5) If the motor vehicle is sold and the owner of the vehicle subsequently makes a claim in respect of the vehicle, the licensee is to refund to the owner the difference (if any) between the amount for which the vehicle was sold and the amount of money payable to the licensee by the owner in respect of the towing and storage of the vehicle (including all the costs incurred by the licensee in connection with this clause).
- (6) A licensee cannot dispose of a motor vehicle to which this clause applies unless the Commissioner of Police has issued the licensee with a certificate to the effect that the vehicle is not for the time being stolen.
- (7) A licensee is not liable for any damages arising out of the disposal of a motor vehicle to which this clause applies.
- (8) A licensee is not entitled to rely on this clause unless the licensee establishes that the motor vehicle disposed of had, at the time of disposal, a value of less than \$500.
- (9) A licensee who disposes of a motor vehicle under this clause must, within 7 days after the disposal, make a record that includes the following details:
- (a) the date on which the motor vehicle was disposed of,
- (b) the manner in which the motor vehicle was disposed of,
- (c) if the motor vehicle was sold—the name and address of the person to whom the motor vehicle was sold and the amount for which it was sold,

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Part 5 Other offences and requirements

- (d) the make, model, type, colour, registration number (if any), chassis number (if any) and engine number (if any) of the motor vehicle.

Maximum penalty: 5 penalty units.

- (10) Any such record made must be kept for at least 5 years after it is made.
Maximum penalty: 20 penalty units.

53 Prohibited tow trucks

- (1) Subject to subclause (2), one-tonne tow trucks are prescribed as a class of prohibited tow truck for the purposes of section 56 of the Act.
- (2) A one-tonne tow truck that is operated under the authority of a licence is not a prohibited tow truck if the RTA has approved its use and operation as a condition of the licence.
- (3) In this clause:
one-tonne tow truck means any tow truck that does not comply with the following requirements:
- a load capacity of at least 1.2 tonnes,
 - a lifting apparatus with a safe working load of one tonne or more,
 - capacity to tow vehicles that exceed 2 tonnes.

54 Stand-by tow trucks

- (1) If a licensed tow truck is temporarily out of operation while undergoing repair or service, the licensee concerned may use and operate a tow truck (other than a tow truck specified in the licence) in place of the licensed tow truck, but only with the approval of the RTA. Such a tow truck is referred to in this clause as a **stand-by tow truck**.
- (2) A licensee may apply to the RTA, in the approved form and manner, for approval of the use and operation of a stand-by tow truck. Such an application must be made at least 72 hours (or such other time as may be approved by the RTA) before the stand-by tow truck is used and operated in place of the licensed tow truck specified in the application.
- (3) The RTA may approve the use and operation of a stand-by tow truck only if the RTA is satisfied that the following requirements are complied with:
- the number-plate issued under section 57 of the Act to the licensed tow truck that is being replaced must be displayed on the stand-by tow truck,
 - the stand-by tow truck must be registered under the *Road Transport (Vehicle Registration) Act 1997* and display its registration number-plates,

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Other offences and requirements

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- (c) the stand-by tow truck must comply with the requirements of the Act and this Regulation, and with the conditions of the licence concerned, in relation to tow trucks,
 - (d) the stand-by tow truck must display in the approved manner an approved sign indicating that the tow truck is a stand-by tow truck.
- (4) A licensee who is using or operating a stand-by tow truck must:
- (a) ensure that the requirements specified in subclause (3) are complied with, and
 - (b) maintain a record, in the approved form, of the use and operation of the stand-by tow truck and keep that record in the approved manner.
- Maximum penalty: 20 penalty units.
- (5) A person must not hire, lease or supply a tow truck to a licensee for use and operation as a stand-by tow truck without the approval of the RTA.
Maximum penalty: 20 penalty units.
- (6) Any such approval may only be given if an application is made to the RTA in the approved form and manner.
- (7) While a stand-by tow truck is being used and operated in place of a licensed tow truck in accordance with this clause, the stand-by tow truck is taken to be a licensed tow truck for the purposes of the Act and this Regulation.

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Part 6 Miscellaneous provisions

Part 6 Miscellaneous provisions

55 Exemption relating to interstate tow truck drivers and operators

- (1) A person who holds a licence, permit or other authority issued under the law of another State or Territory that authorises the person to drive or operate a tow truck in that State or Territory is exempt from the requirements under the Act to hold a licence or drivers certificate.
- (2) Such an exemption does not apply to or in respect of any towing work if the towing of the vehicle concerned starts in this State.
- (3) This clause does not affect any entitlement, under the *Mutual Recognition (New South Wales) Act 1992*, of a person who holds a licence, permit or other authority issued under the law of another State or Territory to drive or operate a tow truck (including in respect of the towing of a vehicle that starts in this State) without holding a licence or drivers certificate under the *Tow Truck Industry Act 1998*.

Note. The *Mutual Recognition (New South Wales) Act 1992* requires the tow truck driver or operator to notify and register with the RTA. The RTA may impose conditions on such registration so that the only towing work that may be carried out is towing work of a type authorised by the interstate licence, permit or other authority held by the tow truck driver or operator.

56 Penalty notices

For the purposes of section 89 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as an offence for which a penalty notice may be issued, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1.

57 Savings

Any act, matter or thing that had effect under the *Tow Truck Industry Regulation 1999* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Tow Truck Industry Regulation 2008

Penalty notice offences

Schedule 1

Schedule 1 Penalty notice offences

(Clause 56)

Column 1	Column 2
Offence	Penalty
Offences under the Act	
Section 15	\$2,200
Section 23	\$1,100
Section 37 (1)	\$550
Section 49 (1)	\$1,100
Section 49A (1)	\$440
Section 50 (1)	\$1,100
Section 51	\$1,100
Section 53	\$1,100
Section 56 (1)	\$2,200
Section 57 (2)	\$550
Section 58	\$1,100
Section 59	\$1,100
Section 60	\$1,100
Section 61 (1)	\$550
Section 61 (2) or (3)	\$2,200
Section 62	\$1,100
Section 63 (1)	\$1,100
Section 64	\$2,200
Section 65	\$250
Section 66 (1)	\$1,100
Section 67	\$1,100
Section 68	\$1,100
Section 69	\$550
Section 70	\$550
Section 71	\$1,100

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Tow Truck Industry Regulation 2008

Schedule 1 Penalty notice offences

Column 1	Column 2
Offence	Penalty
Section 72 (1)	\$1,650
Section 72 (2)	\$550
Section 73	\$550
Section 74	\$1,100
Section 75	\$1,100
Offences under this Regulation	
Clause 25	\$110
Clause 28	\$1,100
Clause 32	\$1,100
Clause 33 (2)	\$550
Clause 33 (3), (4) or (5)	\$335
Clause 34 (1)	\$110
Clause 34 (2) or (3)	\$440
Clause 42 (c)	\$1,100
Clause 43 (a)	\$110
Clause 43 (b)	\$440
Clause 45	\$355
Clause 46 (2) and (6)	\$440
Clause 46 (7)	\$220
Clause 47	\$110
Clause 48 (1)	\$550
Clause 49	\$440
Clause 51 (1)	\$220
Clause 52 (9)	\$110
Clause 52 (10)	\$440
Clause 54 (4) or (5)	\$440



New South Wales

Young Offenders Amendment (Victim Statements) Regulation 2008

under the

Young Offenders Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Young Offenders Act 1997*.

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

Explanatory note

If an offence is committed by a child and the child is to receive a caution for the offence under the *Young Offenders Act 1997* (*the Act*), the Act provides that the victim of the offence may prepare a written statement describing the harm occasioned to the victim by the offence. The statement may be read to the child during the caution.

Clause 23A of the *Young Offenders Regulation 2004* prescribes the form and content of these statements and currently provides that a victim cannot include in a statement a request for an apology from the child. This Regulation removes that restriction, so that a statement may include a request for an apology from the child.

This Regulation is made under the *Young Offenders Act 1997*, including sections 24A and 73 (the general regulation-making power).

Clause 1 Young Offenders Amendment (Victim Statements) Regulation 2008

Young Offenders Amendment (Victim Statements) Regulation 2008

under the

Young Offenders Act 1997

1 Name of Regulation

This Regulation is the *Young Offenders Amendment (Victim Statements) Regulation 2008*.

2 Amendment of Young Offenders Regulation 2004

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

Young Offenders Amendment (Victim Statements) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 23A Form and content of written victim statements

Omit “an apology,” from clause 23A (h).

[2] Clause 23A, note

Omit the note.



New South Wales

Workers Compensation Amendment (Latest Index Number) 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.,
Acting Minister Assisting the Minister for Finance

Explanatory note

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

This Regulation is made under the *Workers Compensation Act 1987*, including sections 79 (which defines, among other things, *latest index number*) and 280 (the general regulation-making power).

Clause 1 Workers Compensation Amendment (Latest Index Number) Regulation
 2008

Workers Compensation Amendment (Latest Index Number) Regulation 2008

under the

Workers Compensation Act 1987

1 Name of Regulation

This Regulation is the *Workers Compensation Amendment (Latest Index Number) Regulation 2008*.

2 Amendment of Workers Compensation Regulation 2003

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

1 October 2008

212.1

WORKERS COMPENSATION ACT 1987 - NOTICE
(Concerning indexation of WorkCover benefits and damages)

The WorkCover Authority of New South Wales, pursuant to section 82 of the *Workers Compensation Act 1987*, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from **1st October 2008**, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision Specifying, or providing for, the adjustable amount	Column 1	Column 2
	Adjustable Amount	Adjustable Amount
<i>WORKERS COMPENSATION ACT 1987</i>		
s.25 (1)(a)	\$211,850.00	\$343,550.00
s.25 (1)(b)	\$66.60	\$108.00
s.35	\$1,000.00	\$1,621.60
s.37 (1)(a)(i)	\$235.20	\$381.40
s.37 (1)(a)(ii)	\$187.10	\$303.40
s.37 (1)(a)(iii)	\$170.00	\$275.70
	\$153.00	\$248.10
s.37 (1)(b)	\$62.00	\$100.50
s.37 (1)(c)	\$44.30	\$71.80
	\$99.10	\$160.70
	\$164.16	\$266.20
	\$230.90	\$374.40
	\$66.60	\$108.00
s.63A (3)	\$1,500.00	\$2,432.30
s.40	\$1,000.00	\$1,621.60
Sch.6Pt.4Cl.7	\$341.30	\$553.40

(Latest Index Number: 212.1)

JON BLACKWELL
 Chief Executive Officer
 Workcover Authority

WORKERS COMPENSATION ACT 1987 - NOTICE
(Concerning indexation of benefits covered by
Workers Compensation Act 1926)

The WorkCover Authority of New South Wales, pursuant to section 82 of, and Parts 3-4 of Schedule 6 to the *Workers Compensation Act 1987*, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from **1st October 2008**, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision Specifying, or providing for, the adjustable amount	Column 1	Column 2
	Adjustable Amount	Adjustable Amount
<i>WORKERS COMPENSATION ACT 1987 (re 1926 ACT)</i>		
Sch.6 Pt.3Cl. 2(2)	\$76,700.00	\$124,400.00
Sch.6 Pt.3Cl. 2(3)	\$38.30	\$62.10
Sch.6Pt.4Cl.4 (1)(b)(i)	\$44.80	\$72.60
Sch.6Pt.4Cl.4 (1)(b)(ii)	\$22.50	\$36.50
Sch.6Pt.4Cl.4A (2)(a)	\$196.00	\$317.80
Sch.6Pt.4Cl.4A (2)(b)	\$155.90	\$252.80
Sch.6Pt.4, Cl.4A (2)(c)	\$141.60	\$229.60
	\$127.50	\$206.70

(Latest Index Number: 212.1)

JON BLACKWELL
 Chief Executive Officer
 Workcover Authority

**WORKERS' COMPENSATION (DUST DISEASES) ACT 1942 - NOTICE
(Concerning indexation of benefits)**

The WorkCover Authority of New South Wales, pursuant to section 8(3)(d) of the *Workers' Compensation (Dust Diseases) Act 1942*, declares, by this Notice, that each of the adjustable amounts specified in Column 1 of the following Table is, on and from **1st October 2008**, to be construed as the adjusted amount specified opposite it in Column 2 of the Table.

TABLE

Provision Specifying, or providing for, the adjustable amount	Column 1	Column 2
	Adjustable Amount	Adjustable Amount
<i>WORKERS COMPENSATION (DUST DISEASES) ACT 1942</i>		
s.8 (2B)(b)(i)	\$141,250.00	\$229,050.00
s.8 (2B)(b)(ii)	\$137.30	\$222.60
s.8 (2B)(b)(iii)	\$69.40	\$112.50

(Latest Index Number: 212.1)

JON BLACKWELL
Chief Executive Officer
Workcover Authority

Orders



New South Wales

Subordinate Legislation (Postponement of Repeal) Order 2008

under the

Subordinate Legislation Act 1989

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 11 of the *Subordinate Legislation Act 1989*, make the following Order.

Dated, this 13th day of August 2008.

By Her Excellency's Command,

JOSEPH TRIPODI, M.P.,
Minister for Regulatory Reform

Clause 1 Subordinate Legislation (Postponement of Repeal) Order 2008

Subordinate Legislation (Postponement of Repeal) Order 2008

under the

Subordinate Legislation Act 1989

1 Name of Order

This Order is the *Subordinate Legislation (Postponement of Repeal) Order 2008*.

2 Commencement

This Order commences on 31 August 2008.

3 Postponement of repeal of certain statutory rules

The repeal, by section 10 of the *Subordinate Legislation Act 1989*, of the statutory rules listed in Schedule 1 is postponed from 1 September 2008 to 1 September 2009.

Subordinate Legislation (Postponement of Repeal) Order 2008

Statutory rules

Schedule 1

Schedule 1 Statutory rules

(Clause 3)

Aboriginal Land Rights Regulation 2002
Adoption Regulation 2003
Associations Incorporation Regulation 1999
Casino Control Regulation 2001
Child Protection (Offenders Registration) Regulation 2001
Children and Young Persons (Care and Protection) Regulation 2000
Civil Liability Regulation 2003
Consumer Credit Administration Regulation 2002
Consumer, Trader and Tenancy Tribunal Regulation 2002
Driving Instructors Regulation 2003
Electricity Supply (General) Regulation 2001
Employment Protection Regulation 2001
Environmental Planning and Assessment Regulation 2000
Fisheries Management (Aquatic Reserves) Regulation 2002
Fisheries Management (General) Regulation 2002
Gaming Machines Regulation 2002
Gas Supply (Gas Meters) Regulation 2002
Gas Supply (Natural Gas Retail Competition) Regulation 2001
Holiday Parks (Long-term Casual Occupation) Regulation 2003
Hunter Water (Special Areas) Regulation 2003
Industrial Relations (General) Regulation 2001
Landlord and Tenant (Rental Bonds) Regulation 2003
Marine Parks Regulation 1999
Mining Regulation 2003
Motor Vehicle Repairs Regulation 1999
National Parks and Wildlife Regulation 2002
Occupational Health and Safety Regulation 2001
Pesticides Regulation 1995
Poultry Meat Industry Regulation 2003
Property, Stock and Business Agents Regulation 2003
Protection of the Environment Operations (Clean Air) Regulation 2002

Subordinate Legislation (Postponement of Repeal) Order 2008

Schedule 1 Statutory rules

Protection of the Environment Operations (General) Regulation 1998
Public Health (Disposal of Bodies) Regulation 2002
Public Health (General) Regulation 2002
Public Health (Microbial Control) Regulation 2000
Public Health (Skin Penetration) Regulation 2000
Public Health (Swimming Pools and Spa Pools) Regulation 2000
Public Health (Tobacco) Regulation 1999
Public Sector Employment and Management (General) Regulation 1996
Public Sector Management (Goods and Services) Regulation 2000
Radiation Control Regulation 2003
Rail Safety (Drug and Alcohol Testing) Regulation 2003
Rail Safety (General) Regulation 2003
Retirement Villages Regulation 2000
Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999
Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999
Road Transport (Safety and Traffic Management) Regulation 1999
Rookwood Necropolis Regulation 2002
Rural Lands Protection (General) Regulation 2001
Threatened Species Conservation Regulation 2002
Weapons Prohibition Regulation 1999
Workers Compensation Regulation 2003

OFFICIAL NOTICES

Appointments

EDUCATION ACT 1990

Notification of Appointments to the Board of Studies

I, JOHN HATZISTERGOS, Acting Minister for Education and Training, in pursuance of Schedule 1, clause 8 of the Education Act, 1990, appoint MS CINDY BERWICK as a Member of the Board of Studies, being a nominee provided by section 100(3)(j) of the said Act, for a term commencing on and from 1 September 2008 until 31 August 2011.

JOHN HATZISTERGOS, M.L.C.,
Acting Minister for Education and Training

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6770 3100 Fax (02) 6771 5348

PROPOSED REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales in accordance with section 84 of the Crown Lands Act 1989, to revoke the dedication of Crown land specified in Schedule 1 hereunder to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

Land District: Walcha	Local Government Area:
Dedication No. 1000358	Walcha Council
Public Purpose: Hospital Site	Notified: 4 June 1892
File Reference: 08/4583	Area:

SCHEDULE 2

The whole being

<i>Lot</i>	<i>Sec.</i>	<i>D.P. No.</i>	<i>Parish</i>	<i>County</i>
1	17	759035	Walcha	Vernon

of an area of 2.426ha

SCHEDULE 3

Surplus Government Property - Investigations for Sale.

NOTICE OF INTENTION TO REVOKE A RESERVATION OF CROWN LAND

IN pursuance of section 90 (2) of the Crown lands Act 1989, it is notified that the Minister administering the Crown Lands Acts intends at the expiration of 14 days after the date of this notice to publish a notification in the Government Gazette under section 90 (1) of that Act revoking the following reservation of Crown Land.

Reserve No: 78109

Purpose: Hospital,
Addition

Notified: 25 November 1955

Locality: Walcha, Parish of Walcha, County of Vernon

Comprised of: Lot 7025 in D.P. 756502
Lot 4, Section 36 in D.P. 759035
of an area of 1.052ha

(Note: Sale of Land as Surplus Government Property)

Any comments must be lodged with the District Manager at the Armidale Office of the above Department, 108 Faulkner Street Armidale NSW 2350, PO Box 199A Armidale NSW 2350, within fourteen (14) days from the date of this advertisement.

File No: 08/4583. Inquiries:

Bec Boesch (02) 6764 5144.

Crown Lands Division, Armidale.

DUBBO OFFICE
142 Brisbane Street (PO Box 865), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6882 6920

**REVOCATION OF RESERVATION OF CROWN
LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedules hereunder, is revoked to the extent 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: Merrilba.
Reserve No.: 13005.
Public Purpose: Travelling
stock.
Notified: 29 November 1890.
Lot 7002, DP No. 752889#,
Parish Merrilba, County Flinders;
Lot 12, DP No. 728790,
Parish Red Gilgais, County Flinders;
Lot 25, DP No. 752919,
Parish Wicklow, County Flinders;
Lot 7001, DP No. 94049,
Parish Wicklow, County Flinders;
Lot 7002, DP No. 94049,
Parish Wicklow, County Flinders;
Lot 1, DP No. 752889,
Parish Merrilba, County Flinders.
File No.: DB06 H 105.

Column 2

The part being Lot 1,
DP No. 752889, Parish
Merrilba, County Flinders,
of an area of 213.96 hectares.

Note: Land is now Freehold.

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

SCHEDULE 2

Column 1

Land District: Coonamble.
Local Government Area:
Coonamble Shire Council.
Locality: Carwell.
Reserve No.: 24829.
Public Purpose: Travelling
stock.
Notified: 3 October 1896.
Lot 7001, DP No. 96348,
Parish Mungery, County Leichhardt;
Lot 81, DP No. 40736,
Parish Carwell, County Leichhardt;
Lot 7004, DP No. 754192#,
Parish Carwell, County Leichhardt.
File No.: DB03 H 591.

Column 2

The part being Lot 81,
DP No. 40736, Parish
Carwell, County Leichhardt,
of an area of 53.7 hectares.

Note: Conversion of Perpetual Lease 62631.

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

SCHEDULE 3

Column 1

Land District: Nyngan.
Local Government Area:
Lachlan Shire Council.
Locality: Beaconsfield.
Reserve No.: 76933.
Public Purpose: Generally.
Notified: 30 July 1954.
Lot 121, DP No. 753968,
Parish Beaconsfield, County Kennedy;
Lot 5, DP No. 753968,
Parish Beaconsfield, County Kennedy.
File No.: DB04 H 340.

Column 2

The part being Lot 5,
DP No. 753968, Parish
Beaconsfield, County
Kennedy, of an area of 906.9
hectares.

Note: Converted to Incomplete Purchase 2019.

SCHEDULE 4

Column 1

Land District: Dubbo.
Local Government Area:
Gilgandra Shire Council.
Locality: Breelong.
Reserve No.: 77829.
Public Purpose: Generally.
Notified: 19 August 1955.
File No.: DB04 H 408.

Column 2

The whole being Lot 5,
DP No. 754294, Parish
Breelong, County Lincoln,
of an area of 1591 hectares.

Note: Land now freehold.

SCHEDULE 5

Column 1

Land District: Warren.
Local Government Area:
Warren Shire Council.
Locality: Umangla.
Reserve No.: 80953.
Public Purpose: Future
public requirements.
Notified: 22 August 1958.
Lot 132, DP No. 752595,
Parish Umangla, County Ewenmar;
Lot 152, DP No. 752595,
Parish Umangla, County Ewenmar.
File No.: DB04 H 268.

Column 2

The part being Lot 112,
DP No. 752595, Parish
Umangla, County Ewenmar,
of an area of 16.19 hectares.

Note: Lot 112, DP 752595 is now freehold.

SCHEDULE 6

Column 1

Land District: Coonamble.
Local Government Area:
Coonamble Shire Council.
Locality: Toora.
Reserve No.: 94086.
Public Purpose: Future
public requirements.
Notified: 19 December 1980.
Lot 112, DP No. 752595,
Parish Umangla, County Ewenmar;
Lot 27, DP No. 754257,
Parish Toora, County Leichhardt;
Lot 34, DP No. 754257,
Parish Toora, County Leichhardt.
File No.: No file.

Column 2

The part being Lot 27,
DP No. 754257, Parish
Toora, County Leichhardt,
of an area of 623.42 hectares.

Note: Lot 27, DP 754257 now Freehold Land.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>					<i>Column 2</i>				
Land District: Coonamble									
Local Government Area: Coonamble Shire Council									
Locality: Coonamble									
Reserve No. 94138									
Public Purpose: Future Public Requirements									
Notified: 2 January 1981									
<i>Lot</i>	<i>Sec.</i>	<i>D.P. No.</i>	<i>Parish</i>	<i>County</i>	The part being				
73		754240	Ningear	Leichhardt	<i>Lot</i>	<i>Sec.</i>	<i>D.P. No.</i>	<i>Parish</i>	<i>County</i>
84		754240	Ningear	Leichhardt	78		754240	Ningear	Leichhardt
74		754240	Ningear	Leichhardt	of an area of 202ha				
79		754240	Ningear	Leichhardt					
78		754240	Ningear	Leichhardt					
83		754240	Ningear	Leichhardt					

File Reference: 08/724

Notes: Purchase of Perpetual Lease 128277 by I D McKenzie

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

Local Government Area & Land District of Dubbo

Lot 1 DP 1126735, Parish of Dungary, County of Narromine (not being land under the Real Property Act).
File No: 08/2059.

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

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

**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>
Lands Administration Ministerial Corporation	Oyster Creek Reserve Trust	Reserve No. 16030 Public Purpose: Public Recreation Notified: 23 July 1892 File Reference: GF84R28

For a term commencing the date of this notice.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Oyster Creek Reserve Trust	Reserve No. 16030 Public Purpose: Public Recreation Notified: 23 July 1892 File Reference: GF 84 R 28

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, 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>
Geoff Firkin	Yamba Pilot Station (R8920) Reserve Trust	Reserve No. 75324 Public Purpose: Future Public Requirements Notified: 5 September 1952 Reserve No. 8920 Public Purpose: Pilot Station Notified: 4 May 1889

Reserve No. 140026
Public Purpose:
Public Recreation
Preservation of Native Flora
Notified: 11 September 1987
Reserve No. 89602
Public Purpose: Girl Guides
Notified: 3 October 1975
File Reference: GF01R56

For a term commencing the date of this notice.

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 – Glen Innes;
LGA – Guyra*

Road Closed: Lot 3, DP1126694 at Guyra, Parish Ryanda, County Clarke.

File Reference: AE06H122.

Schedule

On closing, the land within Lot 3, DP1126694 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Inverell;
LGA – Inverell*

Road Closed: Lot 1, DP 1127009 at Wallangra, Parish Macintyre, County Arrawatta.

File Reference: AE06H227.

Schedule

On closing, the land within Lot 1, DP1127009 remains vested in the State of New South Wales as Crown Land.

Description

*Land District –Taree;
LGA – Greater Taree*

Road Closed: Lot 1, DP 1128057 at Cedar Party, Parish Dawson, County Macquarie.

File Reference: TE05H40.

Schedule

On closing, the land within Lot 1, DP1128057 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Grafton;
LGA – Clarence Valley*

Road Closed: Lot 1, DP 1129104 at Ulmarra, Parish Ulmarra, County Clarence.

File Reference: GF05H621.

Schedule

On closing, the land within Lot 1, DP1129104 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Casino;
LGA – Rous*

Road Closed: Lot 1, DP 1127883 at North Casino, Parish Rous, County Casino.

File Reference: GF05H741.

Schedule

On closing, the land within Lot 1, DP1127883 remains vested in the State of New South Wales as Crown Land.

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Bruce Ross (re-appointment)	Gundurimba Flood Refuge	Reserve No. 38468 Public Purpose:
Sandra Leigh O'Connor (re-appointment)	Reserve Trust	Refuge In Time of Flood Notified: 22 October 1904 File Reference: GF81R21/2
Dennis Patrick O'Connor (re-appointment)		
Alan Hoskins (re-appointment)		
Lochlan John Forsyth (new member)		

For a term commencing 22 August 2008 and expiring 21 August 2013.

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

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Finley Airport Trust	Reserve No. 88889 Public Purpose: Aviation Purposes Notified: 6 April 1973 File Reference: HY80R136

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Deniliquin Local Government Area: Conargo Shire Council Locality: Banangalite Reserve No. 94004 Public Purpose: Future Public Requirements Notified: 14 November 1980 File Reference: HY05H44/1	The whole being Lot PT 91, Section D.P. No. 756245, Parish Banangalite, County Townsend of an area of 3ha

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
David Edward Fisk Trust (new member) Public Purpose: Racecourse Showground Notified: 12 April 1940 File Reference: HY80R96/3	Hillston Showground	Dedication No. 550021

For a term commencing the date of this notice and expiring
 16 September 2009.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****ERRATUM**

IN the notification appearing in the New South Wales Government Gazette of 15 August 2008, Folio 7613, under the heading 'Notification of Closing of Roads' the second description should be deleted in full and replaced by the following description.

Description

*Land District – Moree;
Council – Moree Plains Shire;
Parishes – Currotha and Hill;
County – Courallie*

Lots 10, 11, 12, 13 and 14 DP 1091116.

File Reference: ME01H226.

Note: Upon closure the lands remain vested in the Crown as Crown land.

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

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

Column 1

Land District: Bingara
Local Government Area:
Gwydir Shire
Reserve No: 77911
Purpose: General
Notified: 26 August 1955
File No: ME07H148

Column 2

The whole being Lot 24
DP 754817 Parish Austen
County Murchison of 522.5 ha.

NOTIFICATION OF CLOSING OF A ROAD

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

TONY KELLY, MLC.,
Minister for Lands

Description

*Land District – Moree;
Council – Moree Plains Shire;
Parishes – Currotha and Hill;
County – Courallie*

Lots 10, 11, 12, 13 and 14 DP 1091116.

File Reference: ME01H226.

Note: Upon closure the lands remain vested in the Crown as Crown land.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

—————
SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Martine Mathieson (new member)	Pambula Wetlands and Heritage	Reserve No. 1004108
Graham Waldon (new member)	Reserve Trust	Public Purpose:
Robyn Dawn Kesby (re-appointment)		Public Recreation and Coastal Environmental Protection
Robert Allen Bruce (re-appointment)		Notified: 4 October 2002
Barbara Jones (re-appointment)		File Reference: NA03R4/1
Anabel MacDonald (re-appointment)		

For a term commencing 12 September 2008 and expiring 11 September 2013.

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

—————
SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Gerald Tarlinton (new member)	North Bega Park Recreation Trust	Dedication No. 580105
Albert Ralph Hetherington (re-appointment)		Public Purpose:
Stan West (re-appointment)		Public Recreation
Harold Leslie Monck (re-appointment)		Notified: 18 January 1884
Peter Colin Blacka (re-appointment)		File Reference: NA79R73/1

For a term commencing 19 September 2008 and expiring 18 September 2013.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Parish – Three Brothers;
County – Bathurst;
Land District – Bathurst;
Shire – Blayney

Road Closed: Lot 1 in Deposited Plan 1126905.

File No.: OE01H302.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Parish – Towac;
County – Wellington;
Land District – Orange;
Shire – Cabonne

Road Closed: Lot 1 in Deposited Plan 1129071.

File No.: OE05H76.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Parish – Cox;
County – Cook;
Land District – Lithgow;
Shire – Lithgow

Road Closed: Lot 1 in Deposited Plan 1127043.

File No.: OE05H514.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Parish – Peel;
County – Roxburgh;
Land District – Bathurst;
Shire – Bathurst Regional

Road Closed: Lot 1 in Deposited Plan 1128082.

File No.: OE86H655.

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

ASSIGNMENT OF NAME TO A RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Forbes Pool & Recreation Reserve Trust	Reserve No. 70665 Public Purpose: Public Baths Notified: 7 August 1942 File Reference: OE94A5/2

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

**DECLARATION OF A PUBLIC PURPOSE
PURSUANT TO SECTION 3 OF THE CROWN
LANDS ACT, 1989**

PURSUANT to Section 3 of the Crown Lands Act, 1989 "Electricity Generation and Supply" is declared to be a public purpose for the purposes of Section 80, 87, 135 and 136 of the said Act.

TONY KELLY, MLC.,
Minister for Lands

Signed under delegation 30D.1.1. 38D.1.3 and 38D.1.5.

WARWICK WATKINS,
Director General

NOTIFICATION OF CLOSING OF ROAD

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

TONY KELLY, MLC.,
Minister for Lands

Descriptions

Land District – Metropolitan;
L.G.A. – Baulkham Hills

Lot 91, DP 1128437 at Glenorie, Parish Maroota, County Cumberland. MN07H16.

Note: (1) On closing, title for the land in lot 91 remains vested in Baulkham Hills Shire Council as operational land.

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

NOTIFICATION OF CLOSING OF A ROAD**SCHEDULE 2**

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified 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.

Roads Authority: Tamworth Regional Council
 File No: TH86H152

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

Description

Locality – Nemingha;
Land District – Tamworth;
L.G.A. – Tamworth Regional

Roads Closed: Lot 1 in Deposited Plan 1127600,
 Parish Nemingha, County Parry.

File Reference: TH06H57.

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to Council

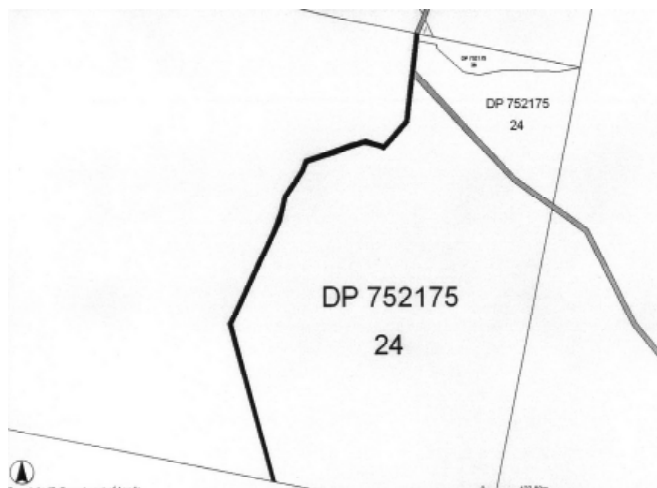
IN pursuance of provisions of section 151, Roads Act 1993, The Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown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

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

SCHEDULE 1

Parish – Bundarra;
County – Darling;
Land District – Tamworth;
L.G.A – Tamworth Regional Council

Crown public road as shown on diagram hereunder.



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

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule is dissolved.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Girvan Youth Hostel Trust	Reserve No: 96287 Public Purpose: Charitable Organisation Notified: 27 August 1982
File: TE83R26	

REVOCAION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Gloucester Local Government Area: Great Lakes Locality: Girvan Reserve No: 96287 Public Purpose: Charitable Organisations Notified: 27th August 1982	The whole being Lot 110 DP753190 Parish: Nerong County: Gloucester Area: 8094m2
File: TE83H26	

WAGGA WAGGA OFFICE

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

REVOCAION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Gundagai Local Government Area: Gundagai Shire Council Locality: North Gundagai Reserve No. 92484 Public Purpose: Future Public Requirements Notified: 6 June 1980 File Reference: WA00H79	The whole being <i>Lot Sec. D.P. No. Parish County</i> 523 751421 North Clarendon Gundagai of an area of 157.8ha

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: Gundagai Local Government Area: Gundagai Shire Council Locality: North Gundagai <i>Lot Sec. D.P. No. Parish County</i> 523 751421 North Clarendon Gundagai Area: About 157.8ha File Reference: 08/6747	Reserve No. 1015368 Public Purpose: Environmental Protection Heritage Purposes Public Recreation

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

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>
Curlwaa Oval Reserve Trust	Reserve No. 73211 Public Purpose: Public Recreation Notified: 10 June 1949 File Reference: WL07R05/1

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>
Wentworth Shire Council	Curlwaa Oval Reserve Trust	Reserve No. 73211 Public Purpose: Public Recreation Notified: 10 June 1949 File Reference: WL07R5/1

For a term commencing the date of this notice

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: Walgett North Local Government Area: Walgett Shire Council Locality: Finch (County) <i>Lot Sec. D.P. No. Parish County</i> 1 1104383 Wallangulla Finch Area: 116.51ha File Reference: WL06R17/1	Reserve No. 1013799 Public Purpose: Future Public Requirements Notified: 29 June 2007

APPOINTMENT OF CORPORATION TO MANAGE COMMON TRUST

PURSUANT to Division 1, Section 7, Subsection (6) of the Commons Management Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the common trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Central Darling Shire Council	Menindee Common Trust	Public Purpose: Commonage and Temporary Common Notified: 17 April 1886, 26 August 1870, 21 January 1972, 15 July 1977 and 25 May 1945 File Reference: WL04R38

For a term three year commencing this day.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Administrative District:
Shire:

Road closed: Lot 39 DP 1126448 at Broken Hill, Parish Picton, County Yancowinna.

File No: WL07H49.

Schedule

On closing, the land with Lot 39 remains vested in the State of New South Wales as Crown land.

GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

The Conditions and Reservations annexed to the leases are those published in the Government Gazette of 25 May 2007, Folios 2974 and 2975.

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

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

Administrative District – Walgett North;

Shire – Walgett;

Parish – Wallangulla/Mebea;

County – Finch

WLL no.	Name of Lessee	Lot	Deposited Plan no.	Folio identifier	Area M ²	Term of Lease	
						From	to
14609	Colin David COOPER	3002	1123921	3002//123921	2505	18-Aug-2008	17-Aug-2028
14942	Felix Peter ANDRENSEK, Ivan OBAD and Julie CAR as Joint Tenants	189	1076808	189/1076808	2450	18-Aug-2008	17-Aug-2028
14952	Desmond Eric SCHULTZ	65	1076808	65/1076808	2316	18-Aug-2008	17-Aug-2028
14968	Graeme STOVE	168	1073508	168/1073508	2754	18-Aug-2008	17-Aug-2028
14971	Colin Edward SUMMERS	71	1076808	71/1076808	2184	18-Aug-2008	17-Aug-2028
15002	Kylie Rebekah JONES	385	1076808	385/1076808	2491	18-Aug-2008	17-Aug-2028
15073	Elizabeth TRAFFORD-SMITH	282	1076808	282/1076808	1996	18-Aug-2008	17-Aug-2028
15075	Edith Jane NASH	78	1073508	78/073508	3362	18-Aug-2008	17-Aug-2028

Department of Planning



New South Wales

Great Lakes Local Environmental Plan 1996 (Amendment No 55)

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*. (NEW0000372PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 55)

Great Lakes Local Environmental Plan 1996 (Amendment No 55)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 55)*.

2 Aims of plan

This plan aims:

- (a) to give effect to the revised *Development Control Plan No 28—Exempt and Complying Development*, as adopted by Great Lakes Council on 13 May 2008, to enable minor development activities to be undertaken without the need to obtain development consent, and
- (b) to provide for an appropriate level of development assessment for certain small scale businesses and agricultural buildings.

3 Land to which plan applies

This plan applies to all land to which *Great Lakes Local Environmental Plan 1996* applies.

4 Amendment of Great Lakes Local Environmental Plan 1996

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

Great Lakes Local Environmental Plan 1996 (Amendment No 55)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Zone objectives and development control table

Insert “family day care homes;” and “home businesses;” in alphabetical order in item 3 of the matter relating to Zones Nos 1 (d), 1 (d1), 2 (a), 2 (b) and 2 (c).

[2] Clause 8, Development Control Table

Omit “; family day care homes; home occupations” from item 2 of the matter relating to Zone No 2 (f).

[3] Clause 14 Exempt and complying development

Omit “24 August 1999” from clause 14 (1). Insert instead “13 May 2008”.

[4] Clauses 14B and 14C

Insert after clause 14A:

14B Buildings associated with agriculture

Objective of Provision

To identify certain activities which require the consent of the Council.

Buildings associated with agriculture

- (1) Despite any other provision of this plan, a person must not erect a building, other than a fence or gate, for the purposes of agriculture on land within Zone No 1 (a) or 4 (a) except with development consent.
- (2) Nothing in subclause (1) prevents the carrying out of development that is exempt development or complying development under clause 14.

14C Home occupation

Despite any other provision of this plan, development for the purposes of a home occupation is permitted without development consent.

[5] Dictionary

Insert in alphabetical order:

family day care home means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

Great Lakes Local Environmental Plan 1996 (Amendment No 55)

Schedule 1 Amendments

-
- (a) the service is appropriately licensed under the *Children and Young Persons (Care and Protection) Act 1998*,
 - (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the business,

but does not include a bed and breakfast establishment or the use of premises for the provision of sexual services in exchange for payment.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that

Great Lakes Local Environmental Plan 1996 (Amendment No 55)

Amendments

Schedule 1

dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a bed and breakfast establishment or the use of premises for the provision of sexual services in exchange for payment.

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Notice of Receipt of Application for Aquaculture Lease
Notification under s.163 (7) of the Fisheries Management
Act 1994 and Cl.33 of the Fisheries Management
(Aquaculture) Regulation 2007

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

- Approx. 3.0 hectares over previously unleased ground, in front of former oyster lease OL70/185 (to be known as AL08/014, if granted).

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL08/014 to be signed and dated with a return address.

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

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

Director,
Fisheries Conservation and Aquaculture Branch,
Aquaculture Administration Section,
Port Stephens Fisheries Centre,
Locked Bag 1, Nelson Bay NSW 2315.

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

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Notice of Receipt of Application for Aquaculture Lease
Notification under s.163 (7) of the Fisheries Management
Act 1994 and cl.33 of the Fisheries Management
(Aquaculture) Regulation 2007

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

rock oysters. Location is the Manning River, described as follows:

- 1.1408 hectares over former oyster lease OL77/093.

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL77/093 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director,
Fisheries Conservation and Aquaculture Branch,
Aquaculture Administration Section,
Port Stephens Fisheries Centre,
Locked Bag 1, Nelson Bay NSW 2315.

BILL TALBOT,
Director,
Fisheries Conservation and Aquaculture,
Fisheries, Compliance and Regional Relations,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 and Section 11 Notification – Fishing Closure
Commercial Catch Limits for shark species harvested in
the Ocean Trap and Line Fishery

I, IAN MACDONALD, MLC, Minister for Primary Industries, do by this notification:

1. pursuant to section 11 of the Fisheries Management Act 1994 (“the Act”), on 1 September 2008 revoke the notification titled “Commercial Fishing Catch Limits for Shark Species” published in the NSW Government Gazette No. 114 of 8 September 2006 at page 7935 and any notification revived as a result of this revocation;
2. pursuant to section 8 of the Act, prohibit the taking of fish of the species specified in Schedule 1 to this notification (“Schedule 1 Species”), from all waters, by all endorsement holders in the Ocean Trap and Line Fishery, except when those species of fish are taken in accordance with the conditions specified in Schedule 2 to this notification.

This fishing closure is effective from 1 September 2008 to 30 June 2009, unless sooner amended or revoked.

SCHEDULE 1

Species

<i>Common Name</i>	<i>Scientific Name</i>
Whaler (all species)	<i>Carcharhinus</i> spp.
Blue shark (whaler)	<i>Prionace glauca</i>
Hammerhead shark	<i>Sphyrna</i> spp.
Mako shark	<i>Isurus</i> spp.
Tiger shark	<i>Galeocerdo cuvier</i>

SCHEDULE 2

Commercial fishing catch limit conditions

- All endorsement holders must keep a daily record of fishing activities relating to Schedule 1 Species using the prescribed form issued by the NSW Department of Primary Industries for this purpose. A copy of the daily record must be provided to the Director-General within 24 hours of landing from a trip during which fishing activities relating to Schedule 1 Species occurred, and the original of the record must be provided to the Director-General within 28 days of landing from that trip.
- If, during the period 1 September 2008 to 30 June 2009, the total catch of Schedule 1 Species (excluding sandbar sharks - *Carcharhinus plumbeus*) by all endorsement holders, other than by those endorsement holders who have been issued with a valid permit, is less than or equal to 60 tonnes landed weight, all endorsement holders who have not been issued with a permit:
 - subject to condition 2(c) below, may take up to 2000 kilograms landed weight of any Schedule 1 Species, or combination of any Schedule 1 Species, in any one week, commencing midnight Sunday to midnight the following Sunday; and
 - may take no more than 2 sandbar sharks (*Carcharhinus plumbeus*) per trip; and
 - must not take Schedule 1 Species if the landed weight of Schedule 1 Species on the boat at any one time exceeds 2000 kilograms.
- If, during the period 1 September 2008 to 30 June 2009, the total catch of Schedule 1 Species (excluding sandbar sharks - *Carcharhinus plumbeus*) by all endorsement holders, other than by those endorsement holders who have been issued with a valid permit, is more than 60 tonnes landed weight, all endorsement holders who have not been issued with a permit:
 - subject to condition 3(b) below, may take up to 4 carcasses or 200kg landed weight of a Schedule 1 Species, or combination of any Schedule 1 Species, in any one week, commencing midnight Sunday to midnight the following Sunday; and
 - must not take Schedule 1 Species if the landed weight of Schedule 1 Species on the boat at any one time exceeds 4 carcasses or 200 kilograms.
- Endorsement holders in the Ocean Trap and Line Fishery are not permitted to have shark fins on the boat if they are not attached to a carcass.

In this notification:

“endorsement holders” means endorsement holders in the Ocean Trap and Line Fishery.

“Ocean Trap and Line Fishery” means the share management fishery of that name, as described in Schedule 1 to the Fisheries Management Act 1994.

“permit” means a permit to take sandbar sharks that is valid during the period 1 September 2008 until 30 June 2009.

“landed weight” means the weight after the fish have been gutted and the heads and gills have been removed.

“trip” means the time from departure of the boat from port to the time of return of the boat or the catch to port, whichever occurs first, within a period of 24 consecutive hours.

The provisions of this fishing closure in respect of endorsement holders in the Ocean Trap and Line Fishery have effect despite any provision in the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

Dated this 30th day of July 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:

OL67/227 within the estuary of Port Stephens, having an area of 0.4255 hectares to Peter Mooney of Karuah, NSW, for a term of 15 years expiring on 7 April 2023.

Clause 39 (4) - Notice of Aquaculture Lease Renewal
THE Minister has renewed the following class 1 Aquaculture Leases:

OL91/020 within the estuary of Merimbula Lake, having an area of 1.5325 hectares to Robert Sherlock and Rodney Rutter of Tathra, NSW, for a term of 15 years expiring on 30 April 2023.

OL63/097 within the estuary of Wallis Lake, having an area of 0.2293 hectares to The Estate of the Late Donald George Cain of Forster, NSW, for a term of 15 years expiring on 17 May 2023.

OL77/146 within the estuary of Port Stephens having an area 0.3819 hectares to Yorduma Pty Ltd of Karuah, NSW, for a term of 15 years expiring on 21 December 2022.

OL77/044 within the estuary of Crookhaven River, having an area of 1.6984 hectares to John and Annette Collison of Nowra Hill, NSW, for a term of 15 years expiring on 30 May 2023.

BILL TALBOT,
Director, Fisheries Conservation & Aquaculture
Fisheries, Compliance and Regional Relations
NSW Department of Primary Industries

**NSW WINE INDUSTRY RESEARCH AND
DEVELOPMENT ADVISORY COUNCIL**

Appointment of Member

I, IAN MACDONALD, MLC Minister for Primary Industries hereby appoint the following person as a member of the NSW Wine Industry Research and Development Advisory Council for a term commencing from the date hereof for a period of three years.

Manners, Michael

Dated this 29th day of July 2008.

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

HEMP INDUSTRY REGULATION 2008

NOTICE is given in accordance with section 5 of the Subordinate Legislation Act 1989 of the intention to make a regulation under the Hemp Industry Act 2008.

The Hemp Industry Act 2008 authorises and regulates the cultivation and supply of low-THC hemp for commercial production and other legitimate uses.

The proposed Hemp Industry Regulation 2008 is made under the Hemp Industry Act 2008. The object of the proposed Regulation is to make provision for the following matters under the Act:

- (a) further particulars that are to be included in an application for a licence to cultivate or supply low-THC hemp,
- (b) applications for the renewal or transfer of a licence,
- (c) further grounds on which the Director-General of the Department of Primary Industries may refuse to grant, or revoke, a licence,
- (d) further licence conditions (including conditions requiring licensees to pay an annual licence fee, to keep a register and to report to the Director-General on an annual basis),
- (e) prescribing the maximum amount of the fees that may be approved by the Director-General in relation to licence applications,
- (f) prescribing the offence under section 6 of the Act of not complying with a licence (including the conditions of the licence) as an offence that may be dealt with by way of a penalty notice.

The proposed Regulation and Regulatory Impact Statement will be available for public comment from Friday 22 August until Friday 19 September, and can be accessed via the Department of Primary Industries website <http://www.dpi.nsw.gov.au/regulation-review> or by contacting:

Ms Beverley Zurbo
Leader Quality Management
Agriculture, Biosecurity and Mine Safety
NSW Department of Primary Industries
Wagga Wagga Agricultural Institute
PMB Pine Gully Rd
Wagga Wagga NSW 2650
Telephone: (02) 6938 1976
Fax: (02) 6938 1995
Email: beverley.zurbo@dpi.nsw.gov.au

Submissions on the proposed Regulation are invited and can be made by mail, fax or email as above. Submissions close at 5:00pm on Friday, 19 September 2008.

Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Bolwarra
in the Maitland 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 land situated in the Maitland City Council area, Parish of Middlehope and County of Durham, shown as Lot 23 Deposited Plan 1122972, being part of the land in Certificate of Title 5/843686.

The land is said to be in the possession of Maitland City Council.

(RTA Papers: FPP 8M3591; RO 307.1243)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Kiama in the Kiama Municipal 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 that piece or parcel of land situated in the Kiama Municipal Council area, Parish of Kiama and County of Camden, shown as Lot 2 Deposited Plan 1126570.

(RTA Papers: FPP 8M1860; RO 1/236.116)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Lawson in
the Blue Mountains City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in Schedule 1 and the interest in land described in Schedule 2 below are 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 1

ALL that piece or parcel of land situated in the Blue Mountains City Council area, Parish of Jamison and County of Cook, shown as Lot 2 Deposited Plan 1119071, being part of the land in Certificate of Title Auto Consol 7235 – 210.

The land is said to be in the possession of Joseph Nelson Joyce and Sharon Coralie Joyce (registered proprietors) and I M B Limited (mortgagee).

SCHEDULE 2

The lessee's interest, vide dealing AB570694, of Eureka Operations Pty Ltd in Lots 54 and 55 Deposited Plan 1116686, being part of the land in Certificates of Title 1/663658 and 2/5/2700.

(RTA Papers: FPP 8M1472)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Alymerton in the Wingecarribee 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 that piece or parcel of land situated in the Wingecarribee Shire Council area, Parish of Mittagong and County of Camden, shown as Lot 2 Deposited Plan 1127110.

(RTA Papers: 2/287.172)

ROADS ACT 1993**Order – Section 257****ERRATUM**

THE Roads and Traffic Authority of New South Wales by this order under Section 257 of the Roads Act 1993, corrects an error published in Government Gazette No 61, of 30 May 2008 on page 4079, under the heading “Notice of Dedication of Land as Public Road at Cassilis in the Mid Western Regional Council area” by making the following alterations to the notice:

deleting all references to -
“Mid Western Regional Council”; and

substituting -
“Upper Hunter Shire Council”.

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

(RTA Papers: FPP 4M4331; RO 27/285.557)

ROAD TRANSPORT (GENERAL) ACT 2005

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

TUMBARUMBA 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 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

BRIAN PEARSON,
General Manager
Tumbarumba Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

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

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Maragle Rd, Tumbarumba Shire	Intersection with Tooma Rd (MR628)	Forests NSW boundary	<p>1. Route to be used in dry weather only</p> <p>2. Forests NSW use to be in accordance with Memorandum of Understanding between Forests NSW and Tumbarumba Shire Council, signed by the TSC General Manager 12th July, 2002</p> <p>3. Gazettal to remain in force until 30th September, 2010</p>

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Date: 5 August 2008.

PETER BROOKS,
General Manager
Griffith City Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

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

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force for a period of 12 months from the gazettal date 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

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25		Boorga Road	McCarthy Rd	Wyangan Ave	
25		Wyangan Avenue	Boorga Road	Palla Street	
25		Palla Street	Wyangan Ave	Kooringal Ave	
25		Kooringal Avenue	Palla Street	Kookora Street	
25		Kookora Street	Kooringal Ave	Willandra Avenue	

ROAD TRANSPORT (GENERAL) ACT 2005

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

SUTHERLAND 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.

Dated 8 August 2008.

JOHN RAYNER,
General Manager
Sutherland Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Sutherland 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

Type	Road Name	Starting Point	Finishing Point
25	Bay Rd, Taren Point	Alexander Av	31 Bay Rd

Department of Water and Energy

WATER ACT 1912

APPLICATIONS for licenses under Section 10 of Part 2 of the Water Act have been received as follows:

Hunter

WYONG SHIRE COUNCIL for a pumping plant on the Wyong River on Lot 1 DP420408 and Lot 41 DP1122514, both Parish Ourimbah, County Northumberland, for town water supply (Gosford/Wyong) purposes (exempt from current embargo, replaces license 20SL039830) 20SL061688.

WYONG SHIRE COUNCIL for an overshot dam on the Wyong River on part Lot 5 DP105405, Parish Tuggerah and part Lots 30 and 31 DP5019, Parish Munmorah, both County Brisbane, for conservation of water for town supply (Gosford/Wyong) purposes (exempt from current embargo, replaces license 20SL028527) 20SL061758.

Written objections to the application specifying grounds thereof must be lodged with the Department of Water & Energy, PO Box 796, Murwillumbah NSW 2484 within 28 days of the date of publication.

DENNIS MILLING,
Manager Licensing

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement Of Cancelled
Association Pursuant To
Section 54a

THE incorporation of Australian Business Aircraft Association Inc cancelled on 11 July 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 20th day of August 2008.

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

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE NOTICE that the Company

Young & District Greyhound Racing Club Ltd

formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act 1984 as

Young & District Greyhound Racing Club Inc

Effective 20 August 2008.

KERRI GRANT,
Delegate of Commissioner

Office of Fair Trading
19 August 08

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.

Association of Khmer In Australia Inc Y0854612
Attunga Residents Action Group Inc Y1092342
The Australian Society of Ceramics & Porcelain Teachers (Riverina Branch) Inc Y0982944
The Australian Citizens Radio Monitors (Nsw) Inc Y0863807
Blacktown & Districts Mini Bike & Mini Cycle Club Inc Y0849307
Branxton Rugby Union Football Club Inc Y0977835
Ballina Ultralight Flying Club Inc Y1022027
Branxton Rugby League Football Club Inc Y0948109
Blackheath Tennis Club Inc Y1020817
Casa De Chile En Australia Inc Y1029104
Casino Touch Association Inc Y1057343

Clinical Educators of Australia National Association Inc Y1007216
Culburra & Orient Point Tennis Association Incorporated Y1052505
Central Charlestown Basketball Club Incorporated Y1002721
Cabramatta Pailau Beautification Association Inc Y1004617
East Sydney Afc Incorporated Y1026309
The Guyra Tennis Club Inc. Y0844224
Glen Innes Aero Club Inc. Y0979241
Hunter Industry Training & Education Council (H.I.T.E.C.) Inc Y0880024
Lebanese Senior Citizens Association Australia Inc. Y0923818
Murwillumbah Autumn Club Inc Y0844812
Moulamein Golf Club Inc Y1056101
Moree Trail Riders Incorporated Y1131413
Maria S.S. Delle Grazie Inc Y0854906
Narrabri and District Squash Club Inc Y0964309
North Balgowlah Community Centre Inc Y1064446
New South Wales Paintball Sporting Association Inc Y0958203
Oaklands Golf Club Inc Y0966401
Petersham - Marrickville District Cricket Club Incorporated Y0673127
Penrith Drug Crisis Accommodation Self Help House Inc Y0956307
Philippine Talent Society Inc Y0993741
Paterson River Pony Club Inc Y0998726
Rotary Club of Narrabeen Lakes Inc Y1084144
Rotaract Club of Maclean Inc Y0893403
Rotary Club of Jerilderie Inc Y1005418
Reaching You in God Inc Y0987439
Sydney Chinatown Chamber Of Commerce Inc Y0714535
Sung-Eun Church of Australia Inc Y0849111
Summerland Skate Club Inc Y0769647
South Grafton Polocrosse Club Inc Y1066146
Sherwood Bowling and Recreation Club Inc Y0928117
Sapphire Coast Tourist Association Inc Y0932327
South Grafton Junior Rugby League Club Inc Y0944023
Tornadoes Indoor Soccer Inc Y1089913
United Caravanners & Campers Association Central Coast Inc Y0962119
Wisemans Ferry and Districts Progress Association Incorporated Y0876843
Whitton Harness Racing Club Incorporated Y0990407

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

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

The Pelican Creek Landcare Group Incorporated
Y2429715

Face Franco-Australian Association for Children's
Education Incorporated Inc9882923

Greyscall Homes Incorporated Inc9887146

Holy Family Lindfield Netball Club Incorporated
Y2143642

Hallidays Point Community Library & Information
Centre Incorporated Y2499148

Tweed Valley Mental Health Carers Network
Incorporated Inc9884626

Breakfast Creek Landcare Group Incorporated
Y1980111

North Arm Cove Bridge Club Incorporated
Inc9885235

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

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.

Guildford Community Safety Committee Incorporated
- INC9874318

Hawkesbury Non Profit Community Children's
Services Incorporated - Y2704919

Liberty Plains Chamber of Commerce & Industry
Incorporated - Y2069915

Parke Country Tennis Club Incorporated -
Y2171734

Parkview Tennis Club Inc - Y0298712

The Nsw Odyssey Racing Club Inc - Y1027845

Town and Country Tennis Association Incorporated -
Y1879534

Tweed/Byron Life Education Centre Incorporated -
Y0488706

Youth for Life Incorporated - Y2944109

Camden Sports Club Incorporated - INC9879205

Dubbo Enterprise Society Inc - Y1590421

Endeavour Caving and Recreational Club Inc -
Y0717624

Freedom Christian Centre Incorporated -
INC3433611

Friends of Old Toongabbie Forest Incorporated -
INC3484508

Gilmore Landcare Group Incorporated - Y2461233

Australian Chinese Medical Pain Society Incorporated
- INC9881922

Australian Chinese-Western Medical Pain Research
Institute Incorporated - INC9881923

Australian Chinese-Western Medical Pain Research
Society Incorporated - INC9881921

Barnabas Discipleship Training Ministries Inc -
INC9882033

Brunswick Byron Junior Soccer Association Inc -
Y1097719

Australian Egyptian Friendship Association Inc -
Y0010827

Australian Lebanese Muslim Federation Inc -
Y0428534

Blayney United Rugby League Inc - Y0085000

Fund Raising Committee for Bam Earthquake Victims
Incorporated - INC9880988

Mudgee Business Association Inc - Y0428730

Mullumbimby Winter and Mixed Touch Association
Incorporated - Y1671421

Mummulgum Tennis Club Incorporated - Y1097523

The Egyptian Association for Islamic Culture Inc -
Y0007908

The Egyptian Community Centre 'Beit Masr' Inc -
Y0000243

The National Federation of Islamic Societies Australia
Inc - Y0052119

The National Islamic Education Council of Australia
Inc - Y0060905

Unique Australian Horsesports Incorporated -
Y2736117

Wailua Moana Outrigger Canoe Club Incorporated -
INC9878621

South Coast In-Line Hockey Association Incorporated
- INC9879410

Thai Australian Chamber of Commerce Incorporated
- INC3308902

The National Association of Muslim Scientists and
Engineers Australia Inc - Y0167242

The National Association of Muslim Teachers Australia
Inc - Y0167046

The National Association of Muslim Women of
Australia Inc - Y0166931

The National Islamic Medical Association of Australia
Inc - Y0167144

The National Muslim Youth Association of Australia
Inc - Y0167340

Zia Shaul's Boys Incorporated - INC9879901

Council of Egyptian Organisations in New South Wales
Incorporated - Y0010729

Council of Islamic Organisation in New South Wales
Inc - Y0052217

Egyptian Islamic Association Inc - Y0064403

Islamic Trust of Australia 'Al-Wakf El Islamic Fi
Australia' Incorporated - Y0614540

Kafr Shalan Charitable Association Inc - Y0520308
 Voice Of Islam "Saut El-Islam" Inc - Y0071604
 National Islamic Centre Inc - Y0064207
 Mid North Coast Regional Economic Development
 Organisation Incorporated - Y2104508
 Karingal Aboriginal Youth Crisis Services Incorporated
 - Y2061645
 Hunter Basketball Incorporated - INC9875748
 Harden Murrumburrah Netball Association Inc -
 Y1482522
 Egyptian Islamic Centre Inc - Y0064109
 Egyptian Arabic Ethnic Schools Inc - Y0064305
 Rotaract Club of Ballina Inc - Y0807819
 Australian Islamic Council for Halal Meat Inc -
 Y0071800
 Coffs Harbour Northern Beaches Lions Club
 Incorporated - INC9876428
 Dangarsleigh Hall and Progress Association
 Incorporated - Y2384417
 Ethnic Legal Advice Services (ELAS) Incorporated -
 INC9881045
 Hunter Lesbian and Gay Interagency Incorporated -
 Y2103315
 Lambton Junior Tennis Club Inc - Y1331305
 Nundle Rough Riding Committe Incorporated -
 Y1829113
 Skirmish/Paintball Operators Association of New South
 Wales Incorporated - Y1975247
 The S M Club (Samahang Magigiting) Incorporated
 - Y1804234
 Tumut Blue Light Disco Incorporated - Y0369618
 Vaisnavi Asraya Incorporated - INC9879945
 Wagga Wagga Blue Light Incorporated - Y2834314
 Warialda Blue Light Disco Inc - Y0431012
 Werris Creek Blue Light Disco Inc - Y0450007
 Wilcannia Blue Light Incorporated - Y2647605
 Wingecarribee Blue Light Disco Inc - Y0369520

CHRISTINE GOWLAND,
 Manager,
 Financial Analysis,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce
 31 July 2008

Australian Independent Show Traders Association
 Inc - Y0938701
 Bathurst District Rugby League Association Inc -
 Y1013812
 Border Skateboard & Freestyle Groups Inc -
 Y1008213
 Central Coast Rugby Union Inc - Y0832528
 Coleambally Darlington Point Junior Rugby League
 Inc - Y0868106
 Coleambally Squash Club Inc - Y0808326
 Ethnic Broadcasters Council of Albury Wodonga Inc
 - Y0924717
 Federation for a Democratic China (Australia) Inc -
 Y0983745
 Grafton Powerboat Club Inc - Y0684904
 Gloucester Occasional Care Inc - Y1043947
 Hills District Basketball Association Inc - Y0929604
 Healthy Cities Lake Illawarra Awareness Committee
 Inc - Y0782415
 Ham St Neighbourhood Centre Inc - Y0967937
 Hope Association Inc - Y0848604
 Mediaswitch Inc - Y0799047
 Moorebank Sports Magpies Australian Football Club
 Incorporated - INC9876659
 Macarthur Computer Users Association Inc -
 Y0871809
 Macquarie Park Club Inc - Y0882606
 The New South Wales Debating Union Inc -
 Y0738221
 Newcastle/Maitland District Mini Trot Association
 Inc - Y0858600
 OK Music Association Inc - Y0777404
 Piccolo Teatro Italiano - P.T.I. Theatre Company Inc
 - Y0785112
 Turner Syndrome Association Inc - Y0899924
 Wakool Progress Assoc Inc - Y0870224

CHRISTINE GOWLAND,
 Manager,
 Financial Analysis,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce
 14 August 2008

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.

Australian College of Cosmetic Medicine Incorporated
 - INC9884808
 Australian Poker Association & Club Inc - Y0818322
 The Arthur Phillip Society Inc - Y0823235
 Australian Solidarity with Poland Fund Inc -
 Y0798148
 Alzahra Muslim Womens Association Incorporated -
 Y1120420

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Hawkesbury Canoe Club Inc - Y0165738
 Graham Bush Fire Brigade Incorporated - Y1680812
 Tamworth Evening Garden Club Inc - Y1423739
 Wellington Country Music Club Incorporated -
 INC9888335
 Sydney Agricultural, Rural and Public Lands Trust
 Incorporated - INC9880175

Probus Club of Hamilton Inc - Y1608526
 Bega Valley Christian College Foundation Incorporated
 - INC9876407
 Tumut Envirocare Incorporated - Y0280446
 Australian Rope Skipping Association Incorporated -
 Y1903820
 Professional Association of Road Safety Officers in
 N.S.W. Incorporated - Y2983733
 Wee Waa Rodeo & Bushmans Carnival Incorporated
 - Y1252544
 Parkes & District Woodworkers Association
 Incorporated - INC9881509
 Vineyard Oak Golf Club Incorporated - Y3047139
 Musikk Fabrikk Incorporated - INC9884901
 Lower Hunter Rugby League Inc - Y0870322
 Coutts Crossing Heartstart Inc - INC9882872
 Armidale Symphony Orchestra Inc - Y0597602
 Dungog/Gloucester Dairy Development Team
 Incorporated - Y2595743
 Qua Mara Pony Club Inc - Y0567124
 Pellet Energy Association Incorporated - Inc9878695
 Coles Myer Ltd NSW Employee Association
 Incorporated - Y2943112

CHRISTINE GOWLAND,
 Manager,
 Financial Analysis Branch,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce
 14 August 2008

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE NOTICE that THE SCONE CHAMBER OF
 COMMERCE & INDUSTRY LIMITED formerly registered
 under the provisions of the Corporations Act 2001 is now
 incorporated under the Associations Incorporation Act 1984
 as

*Scone Chamber Of Commerce & Industry
Incorporated*

effective 18 August 2008.

KERRI GRANT,
 Delegate of Commissioner
 Office of Fair Trading
 18 August 08

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE NOTICE that NEW SOUTH WALES GLIDING
 ASSOCIATION LTD formerly registered under the provisions
 of the Corporations Act 2001 is now incorporated under the
 Associations Incorporation Act 1984 as

New South Wales Gliding Incorporated

effective 19 August 2008.

KERRI GRANT,
 Delegate of Commissioner
 Office of Fair Trading
 19 August 08

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Bethungra Notification Area

THE Dams Safety Committee pursuant to Section 369 of
 the Mining Act 1992, hereby declares that with regard to
 Bethungra Dam, being a prescribed dam under the Dams
 Safety Act 1978, the land described in the schedule hereto
 is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following
 5 ordered points on map Junee 8428-II & III; the points are
 specified by Map Grid of Australia 1994 co-ordinates in
 Zone 55:

Point	MGA94 East	MGA94 North
1	583700	6154000
2	584600	6153400
3	584200	6151100
4	582300	6149700
5	580500	6153000

Australian Map Grid and Integrated Survey Grid co-
 ordinates for the above points, as well as plan NA-154
 showing the area, are available from the Dams Safety
 Committee.

L. A. McDONALD,
 Chairman

Dams Safety Committee
 PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Blowering Notification Area

THE Dams Safety Committee pursuant to Section 369 of
 the Mining Act 1992, hereby declares that with regard to
 Blowering, Jounama, Talbingo and Tumut 3 Inlet Structure
 Dams, being prescribed dams under the Dams Safety Act
 1978, the land described in the schedule hereto is the
 notification area of the said dams.

SCHEDULE

The area bounded by straight lines joining the following
 12 ordered points on maps Ravine 8526-2-N, Talbingo
 8526-1-S, Tumut 8527 and Yarrangobilly 8526; the points
 are specified by Map Grid of Australia 1994 co-ordinates
 in Zone 55:

Point	MGA94 East	MGA94 North
1	610900	6084300
2	615900	6082200
3	617800	6077300
4	615700	6070800
5	620700	6065100
6	625500	6039700
7	623100	6033500
8	616100	6049900
9	614700	6057600
10	610500	6065800
11	610800	6070900
12	611700	6076300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-111 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Bonalbo Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Bonalbo Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Bonalbo 9440-IV-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	461900	6822800
2	464900	6822800
3	464900	6819800
4	461900	6819800

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-144 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Borenore Creek Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Borenore Creek Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Molong 8631- I & IV; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	683900	6328100
2	686100	6326100
3	684000	6324000
4	681700	6326100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-155 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Cadiangullong Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Cadiangullong Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 6 ordered points on map Cudal 8631-II-III; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	684400	6300700
2	684800	6300800
3	686300	6299500
4	686500	6297900
5	684100	6297700
6	684100	6299300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-116 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Captains Flat Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Captains Flat Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Captains Flat 8726-1N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	720100	6059400
2	723000	6059400
3	723000	6056300
4	720100	6056300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-117 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Coeypollly Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Coeypollly Creek No 2 Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on map Quipolly 9035-3-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	282900	6524200
2	284800	6522100
3	281400	6519300
4	279100	6521700
5	280500	6522800

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-120 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Dungowan Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Dungowan Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 6 ordered points on map Scott 9135-II-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	344000	6527200
2	345500	6526600
3	345500	6524700
4	342500	6523200
5	341700	6523300
6	342500	6526300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-129 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Geehi Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Geehi Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 6 ordered points on map Kosciusko 8525; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	618400	5984100
2	619500	5984100
3	619800	5981200
4	618100	5979800
5	616500	5981400
6	616500	5981900

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-107 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Hume Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Hume Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 18 ordered points on maps Holbrook 8326 and Tallangatta 8325; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	501200	6025100
2	503400	6025100
3	515100	6017800

4	516000	6013500
5	529200	6013700
6	533400	6023500
7	544500	6024000
8	544500	6020500
9	536500	6016000
10	531800	6005100
11	508500	6008500
12	511100	5994600
13	525600	5995700
14	524200	5987000
15	506600	5986200
16	499100	6000500
17	505100	6012600
18	501300	6019000

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-133 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Inverell Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Inverell Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on map Inverell 9138-III-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	320100	6704000
2	323700	6702900
3	323700	6700700
4	318600	6701000
5	318300	6703700

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-141 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Khancoban Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Khancoban Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps Scammells Lookout 8525-3N and Swampy Plain 8525-4S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	602300	5992700
2	601400	5965200
3	598300	5985200
4	598000	5992300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-202 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Lake Canobolas Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Lake Canobolas Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Orange 8731-III-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	687900	6315200
2	690900	6314200
3	689900	6311400
4	686800	6312400

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-195 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Lake Pambulong Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Lake Pambulong Detention Basin Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 7 ordered points on map Wallsend 9232-3-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	368500	6358000
2	369100	6357800
3	369300	6357000
4	368700	6356500
5	368300	6356500
6	367700	6357000
7	367800	6357600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-201 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Menindee Lakes Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Menindee Storages Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 7 ordered points on maps Manara SI/54-4 and Menindee SI/54-3; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 54:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	661700	6447700
2	674200	6442100
3	655700	6423800
4	633600	6413000
5	606000	6357500
6	586700	6403700
7	615000	6428900

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-200 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Molong Creek Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Molong Creek Dam, being a prescribed dam under the Dams Safety

Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on map Hill End 8731-I & IV; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	687400	6327500
2	689200	6326300
3	689200	6324700
4	685100	6322600
5	685800	6326400

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-139 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Mt Annan Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Mt Annan Wetland No 1 Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps Camden 9029-4N and Campbelltown 9029-1N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	291100	6229600
2	294100	6229600
3	294100	6226600
4	291100	6226600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-188 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992
Narara Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Narara Horticultural Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Gosford 9131-II-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	345200	6306300
2	346200	6303300
3	343400	6302300
4	342300	6305300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-189 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Oberon Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Oberon Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 9 ordered points on map Oberon 8830-I-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	766500	6266500
2	767400	6264100
3	765200	6262100
4	763300	6262500
5	762800	6259800
6	761400	6259800
7	761400	6261800
8	760100	6264300
9	760900	6266200

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-197 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Pindari Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Pindari Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 7 ordered points on map Ashford 9139-II & III; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	332200	6750400
2	337700	6748400
3	339500	6745000
4	338600	6744500
5	328600	6746300
6	327800	6747700
7	329100	6750800

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-145 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Port Macquarie Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Port Macquarie Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Port Macquarie 9435-II-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	488800	6520600
2	492600	6520600
3	492600	6517600
4	488800	6517600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-146 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Redbank Creek Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Redbank Creek Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Mudgee 8832 I & IV; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	739900	6389100
2	743000	6389100
3	743000	6385300
4	739900	6385300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-156 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on map Kingsdale 8828-4-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	747400	6158300
2	746500	6153800
3	744800	6153000
4	743100	6154500
5	744700	6157600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-158 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Rylstone Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Rylstone Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps Kandos 8832-2-N and Olinda 8932-3-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	782900	6370200
2	783500	6368000
3	778700	6365900
4	777700	6369100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-157 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Spring Creek Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Spring Creek Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on map Orange 8731-III-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	696600	6312300
2	699400	6310200
3	699300	6308300
4	696600	6307500
5	695400	6311600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-159 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Sooley Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Sooley Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Steuart McIntyre Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Steuart McIntyre Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps Kempsey 9435-1N and Sherwood 9435-4N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	476100	6567900
2	478000	6564800
3	475400	6563000
4	473300	6566000

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-150 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on maps Rules Point 8626-IV-S and Tantangra 8626-3N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	651600	6050100
2	654600	6050100
3	651400	6036100
4	649700	6035400
5	643200	6040400

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-198 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Suma Park Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Suma Park Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on map Orange 8731-III-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	699200	6318500
2	701100	6317800
3	701600	6312300
4	699400	6312600
5	697800	6317100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-160 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Tilba Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Tilba Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Central Tilba 8925-III-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	235300	5977200
2	237100	5974800
3	234600	5973100
4	232900	5975400

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-153 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Tantangra Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Tantangra Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Tooma Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Tooma Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Khancoban 8525-I & IV; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	616000	6011400
2	617000	6008100
3	613100	6003200
4	612200	6010600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-199 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

SCHEDULE

The area bounded by straight lines joining the following 5 ordered points on maps Cabramurra 8526-1-S and Toolong Range 8525-1N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	624100	6020600
2	628600	6020500
3	630700	6017500
4	630500	6015200
5	623500	6018000

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-132 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Toonumbar Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Toonumbar Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 6 ordered points on maps Afterlee 9440-I-N, Capeen 9440-IV-N and Ettrick 9440-I-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	475800	6838500
2	478100	6836700
3	481800	6834900
4	480100	6831800
5	475500	6835100
6	474600	6838100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-161 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Waverley Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Waverley Reservoir WS133 Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps Bondi 9130-2S and Botany Bay 9130-3S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	337300	6249600
2	340300	6249600
3	340300	6246600
4	337300	6246600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-163 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Tumut Pond Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Tumut Pond Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Winburndale Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Winburndale Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Meadow Flats 8831-II-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	759600	6303900
2	759900	6300700
3	757100	6300300
4	756600	6303100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-164 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Windamere Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Windamere Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 7 ordered points on maps Kandos 8832-2-N and Lue 8832-1-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	760100	6377500
2	768600	6368000
3	772100	6369400
4	774500	6364000
5	765100	6364000
6	756900	6370900
7	756900	6376500

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-165 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Wyangala Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Wyangala Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 13 ordered points on maps Abercromie 8730-S and Cowra 8630-S; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	696400	6250700
2	699900	6244800
3	701300	6238100
4	700000	6236800
5	697300	6240100
6	696500	6243100
7	690600	6244500
8	693100	6236100
9	690100	6232600
10	682100	6235300
11	677900	6237700
12	681800	6247100
13	690100	6249300

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-166 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Yarrowonga Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Yarrowonga Weir Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 10 ordered points on maps Buraja 8126, Dookie 8025 and Wangaratta 8125; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	412500	6020300
2	422400	6016500
3	423100	6016600
4	431300	6014900
5	434100	6013700
6	427100	6005100
7	424100	6011900
8	416600	6012000
9	408900	6012500
10	407100	6017100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-167 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Yass Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Yass Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on map Yass 8628-II & III; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	674800	6146100
2	677600	6144800
3	679300	6141900
4	673900	6142600

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-172 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Yellow Pinch Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Yellow Pinch Dam, being a prescribed dam under the Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 6 ordered points on map Wolumla 8824-2-N; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	750300	5919600
2	752200	5918600
3	751700	5916400
4	750100	5916100
5	748500	5917400
6	748500	5918100

Australian Map Grid and Integrated Survey Grid co-ordinates for the above points, as well as plan NA-168 showing the area, are available from the Dams Safety Committee.

L. A. McDONALD,
Chairman

Dams Safety Committee
PO Box 3720 Parramatta NSW 2124

DISTRICT COURT OF NEW SOUTH WALES

Direction

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

Griffith 10.00am 8 December 2008 (2 weeks)

Dated this 15th day of August 2008.

R. O. BLANCH,
Chief Judge

GEOGRAPHICAL NAMES ACT 1966

Notice of proposal to Amend Address Locality Boundary

Within the Rockdale Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the address locality boundary between Rockdale and Brighton-Le-Sands in the Rockdale Local Government Area as shown on map GNB3584-1.

The proposed amended boundary as shown on map GNB3584-1 may be viewed at Rockdale Council Customer Service Centre, 2 Bryant Street, Rockdale NSW from Thursday 21 August 2008 until Monday 22 September 2008. A copy of the above map will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 during the above dates.

Any person wishing to make comment upon this proposal may prior to 22 September 2008 write to the Secretary of the Board with that comment. This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au.

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

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder as geographical names.

Assigned Name:	Yachett Point
Designation:	Point
L.G.A.:	Port Stephens Council
Parish:	Tomaree
County:	Gloucester
L.P.I. Map:	Port Stephens
1:100,000 Map:	Port Stephens 9332
Reference:	GNB 5192

Assigned Name: Yachett Point Reserve
 Designation: Reserve
 L.G.A.: Port Stephens Council
 Parish: Tomaree
 County: Gloucester
 L.P.I. Map: Port Stephens
 1:100,000 Map: Port Stephens 9332
 Reference: GNB 5192

The position and the extent for these features are recorded and shown within the Geographical Names Register of New

South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au

WARWICK WATKINS,
 Chairperson

Geographical Names Board
 P O Box 143
 Bathurst NSW

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7(1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name listed hereunder as a recorded name.

Assigned Name: Camerons Camp
 Designation: Rural Place
 L.G.A.: Port Macquarie - Hastings Council
 Parish: Morton
 County: Macquarie
 L.P.I. Map: Banda Banda
 100,000 Map: Cowarral 9335
 Reference: GNB 3284

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

WARWICK WATKINS,
 Chairperson

Geographical Names Board
 PO Box 143, Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Determine Address Locality Names and Boundaries

Within the Lockhart 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 address locality names and boundaries in the Lockhart Local Government Area as shown on map GNB3780.

The following twenty two names are proposed for address localities as shown on map GNB3780: Alma Park, Bidgeemia, Boree Creek, Brookong, Cullivel, Fargunyah, French Park, Henty, Lockhart, Milbrulong, Munyabla, Osborne, Pleasant Hills, Rand, Ryan, The Rock, Tootool, Urana, Urangeline East, Urangeline, Wrathall, Yerong Creek.

Map GNB3780 may be viewed at Lockhart Council Administrative Offices, 69 Green Street, Lockhart, The Rock Post Office and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Ave, Bathurst NSW 2795 for a period of one month from 22 August 2008.

This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au during the one month consultation period.

Any person wishing to make comment upon this proposal may prior to 22 September 2008 write to the Secretary of the Board with that comment. This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au.

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

WARWICK WATKINS,
 Chairperson

Geographical Names Board
 PO Box 143
 BATHURST NSW 2795

NATIONAL PARKS AND WILDLIFE ACT, 1974

Erratum

IN the proclamation notice of addition to Kalyarr State Conservation Area published in the NSW Government Gazette No.97, folio 7639 dated 15 August 2008, the description in the Schedule should be amended to replace in line 4, 'inclusive of Crown Public road within Lot 130' with 'inclusive of Crown Public road within Lot 13'.

LISA CORBIN,
 Director-General
 Department of Environment and Climate Change

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Dural Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 13th day of August, 2008.

MARIE BASHIR,
 Governor

By Her Excellency's Command,

VERITY FIRTH, M.P.,
 Minister for Climate Change
 and the Environment

GOD SAVE THE QUEEN

SCHEDULE

*Land District – Metropolitan;
 LGA – Hornsby*

County Cumberland, Parish South Colah, about 9.3 hectares, being lot 5554 in DP871139 and Crown Public Road separating Lots 21 & 22 in DP561579 from Lot 5554: DECC/04/08968 & 04/08969.

NATIONAL PARKS AND WILDLIFE ACT, 1974

Terramungamine Aboriginal Place

IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for Climate Change and Environment, do, by this my order, declare such of the lands described hereunder as an Aboriginal Place. The place shall be known as the Terramungamine Aboriginal Place.

The special significance of the Aboriginal Place includes a traditional Aboriginal burial ground and the use of the place during the historic period as a contemporary Aboriginal burial ground. The place forms part of a wider complex of culturally valued sites including carved trees and grinding grooves and other Aboriginal objects.

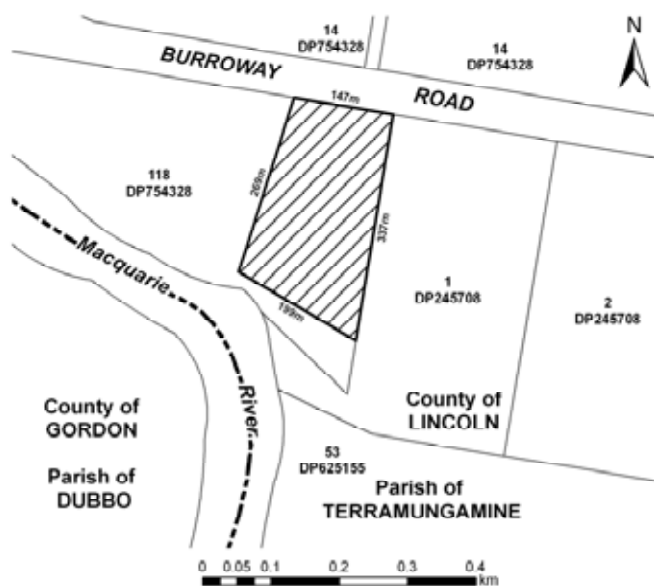
VERITY FIRTH, M.P.,
Minister for Climate Change and Environment

Activities which might damage, destroy or deface this place include but are not limited to any activities within the boundary of the place which impacts the traditional and contemporary burial grounds, the carved trees and grinding grooves and other Aboriginal objects.

SCHEDULE

*Land District – Dubbo;
LGA – Dubbo*

County Lincoln, Parish Terramungamine, about 5.1 hectares, being that part of Lot 118 in DP754328 shown by hatching in the diagram here under: DECC/07/4314

**NATIONAL PARKS AND WILDLIFE ACT, 1974**

Notice of Reservation of a National Park

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Washpool National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 13th day of August, 2008.

MARIE BASHIR,
Governor

By Her Excellency's Command,

VERITY FIRTH, M.P.,
Minister for Climate Change
and the Environment

GOD SAVE THE QUEEN

SCHEDULE

*Land District – Glen Innes;
LGA – Glen Innes Severn*

County Clive, Parish Moogem, 264.4 hectares, being lots 18, 58 & 59 in DP751530: DECC/F/1676.

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Coneac State Conservation Area, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 13th day of August, 2008.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

VERITY FIRTH, M.P.,
Minister for Climate Change
and the Environment

GOD SAVE THE QUEEN

SCHEDULE

*Land District – Gloucester;
LGA – Gloucester*

County Gloucester, Parish Craven, 355.4 hectares, being lot 2 in DP1112256: DECC/05/01625

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to Section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

COL RANNARD,
A/Manager Dangerous Goods
Department of Environment
and Climate Change (NSW)
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr Christopher Holden Farm 2352 McClure Road YENDA NSW 2681	13 August 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 Stamatios Ktenas, MPO: 257090, of 186 Maroubra Road, Maroubra 2035 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 19 August 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales
Sydney, 13 August 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 Kinga Gorondy-Novak, MPO: 033652, of 186 Maroubra Road, Maroubra 2035 prohibiting her, until further notice, as a medical practitioner from supplying or having possession of 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 22 August 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales
Sydney, 13 August 2008.

PRACTICE NOTE DC (CIVIL) NO. 13

Amendments To Case Management

THIS Practice Note is issued under Sections 56 to 62 of the Civil Procedure Act 2005. It applies to all matters in the Sydney Civil List. Commencing 1 September, 2008:

1. All cases in the case managed list, with the exception of defamation and child care cases, will be listed for pre-trial conference 2 months after the filing of the statement of claim.
2. No case may be entered into the Commercial, Construction or Professional Negligence lists before the pre-trial conference.
3. An application may be made at the pre-trial conference for a case to be placed in one of the specialist lists. Any application must be supported by an affidavit setting out the reasons for entering a case in the list. The Court will carefully consider each application, even if both parties consent. Any application to enter one of these lists after the pre-trial conference should be made to the Civil List Judge by notice of motion.
4. Cases will generally not be put into specialist lists for case management unless they are of a significant value and/or complexity so as to require detailed management. Cases concerning a claim of less than \$150,000 and cases which do not require specialist case management will not usually be listed in the Commercial List or the Construction List. The majority of cases will be managed in the General List.
5. All cases, except for those which for good reason cannot be heard within 12 months of commencement, will be required to take a hearing date within a period between 8 and 11 months from commencement. Cases will still be able to take a hearing date from a pre-trial conference.
6. The Court, until further notice, will no longer have a Property Relationship and Family Provision Act list. These cases will be managed in the General List.
7. Cases in the General List will be required to take a hearing date at the status conference as set out above even though there are still some matters to be completed before the hearing. Appropriate orders will be made.
8. When parties attend a status conference they must have details of the availability of their client, witnesses and counsel together with an estimate of the length of the case to allow a hearing date to be fixed.
9. If a party does not comply with orders and, as a consequence, the hearing date is in jeopardy then the other party must immediately approach the Court by way of notice of motion to have this matter dealt with. Costs orders will be made including costs orders against practitioners where applicable.
10. Motions relating to case management should be so endorsed and will be placed in a special motions list and dealt with urgently by the Judicial Registrar or the Civil List Judge.
11. Hearing dates will not be adjourned except in unusual circumstances. The failure to comply with Court orders will normally not be a reason for adjournment. Parties who breach orders may be restricted in the evidence which they can rely on at the hearing.
12. Any cases, except those which have a genuine need for an additional time for preparation, will be subject to an enquiry as to why they have not been prepared for hearing, orders will be made for their further preparation and costs orders will be made. Some of those costs orders may be made against members of the profession.
13. In cases not ready to proceed to a hearing the party responsible will have to show cause why the proceedings or cross claim should not be dismissed or the defence struck out.
14. Cases in which parties have failed to comply with Court orders will be referred to the Civil List Judge at an early time.
15. The Court requires proper representation at all appearances before the Court. Parties should be represented by the solicitor on the record or the solicitor with carriage of the proceedings or by counsel. Cases should not be mentioned by consent unless they are settled or ready

for a hearing date. If parties are represented by an agent that agent should have full instructions to deal with any questions asked by the Court. If there is no proper representation the case will either be stood down or stood over to another day to allow proper representation at the cost of the party not properly represented and usually such costs will be payable by that party's legal representative.

16. The following parts of current Practice Notes are suspended until further notice:

- Practice Note 2: 2.1
Practice Note 3: 4.1
Practice Note 4: Totally.

The Hon. Justice R.O.BLANCH, A.M.,
Chief Judge
20th August 2008

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

SPORTING INJURIES COMMITTEE

SYDNEY, 14 August 2008

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

Central Coast Comets

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Indoor Soccer.

Date: 14 August 2008.

MURRAY MCLACHLAN,
Deputy Chairperson

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of land for the purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that the interests described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act, 1988 being for rail facilities in connection with the Epping Chatswood Rail Link.

Dated this 8th day of August 2008.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE

All that piece or parcel of land situated at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales being Lots 3, 5 & 12 in Deposited Plan 1047085 comprising the residue of land after acquisition of Lot 2 being contained within CT Vol 14418 Folio 145 (formerly known as Lot 12

in Deposited Plan 614852) identified as Part proposed Lot 120 in Surveyors Plan Reference D895-004a and D895-006a, available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of AMP Macquarie Pty Ltd and Westfield Management Limited.

All that piece or parcel of land situated at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales being Lot 4 in DP 1047085 being part of Road and being part of the land comprised in CT Vol 12776 Folios 196A & 196B identified as Part proposed Lot 120 in Surveyors Plan Reference D895-004a and D895-006a, available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of City of Ryde.

Part of that piece or parcel of land situated at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales being Part Road widening dedicated to the public as Road by DP614852 and restricted in depth by DP1046092 identified as proposed Lot 121 in Surveyors Plan Reference D895-004a and D895-006a, available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of City of Ryde.

TIDC Reference: 352405_2

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of compulsory acquisition of land for the purposes of the Transport Infrastructure Development Corporation

THE Transport Infrastructure Development Corporation, with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that the interests described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Transport Infrastructure Development Corporation, as authorised by the Transport Administration Act, 1988 being for rail facilities in connection with the Epping Chatswood Rail Line project.

Dated this 8th day of August 2008.

CHRIS LOCK,
Chief Executive Officer

SCHEDULE

All that piece or parcel of land at Epping in the Local Government Area of Hornsby, Parish of Field of Mars, County of Cumberland and State of New South Wales being that part of Beecroft Road Epping shown as Lot 2 and coloured red in the Plan of Acquisition of Part of Beecroft Road, surveyors reference 31150DP/1 available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of Hornsby Shire Council.

All that piece or parcel of land at Epping in the Local Government Area of Hornsby, Parish of Field of Mars, County of Cumberland and State of New South Wales being that part of Langston Place (formerly known as Sutherland Road) shown as Lot 2 and coloured yellow and red in the Plan of Acquisition of Road in E.1.2635 available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of Hornsby Shire Council.

All that piece or parcel of sub-surface land at Epping in the Local Government Area of Parramatta, Parish of Field of Mars, County of Cumberland and State of New South Wales being that part of High Street Epping shown as Lot 1 and coloured yellow in the Plan of Acquisition of Road in D.5.2545 available in the office of the Transport Infrastructure Development Corporation and said to be in the possession of Parramatta City Council

TIDC Reference: 351958_2

WILDERNESS ACT 1987

Declaration of Wilderness Areas

I, VERITY FIRTH, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the lands described in the Schedule hereunder, within Cathedral Rock National Park, to be part of the Cathedral Rock Wilderness Area under the provisions of section 8(1A) of the Wilderness Act 1987.

VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

SCHEDULE

Land District – Armidale; L.G.A. – Armidale Dumaresq

County Clarke, Parish Snowy, 133.55 hectares, being Lots 40 and 41, DP 751477.

NPWS/02/00165.

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Her Excellency the Governor

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 224 of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation vary the proclamation of John Morony Correctional Complex published in the Government Gazette on 23 January 2004, and in variation there of I declare John Morony Correctional Complex to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Penrith City, Parish of Londonderry and County of Cumberland, being part of lot 1 and lot 2 Deposited Plan 740367 shown by shading as John Morony Correctional Complex on Plan Catalogue Number 55779 in the NSW Department of Commerce Plan Room reproduced hereunder and having a total area of 225.9 hectares or thereabouts.

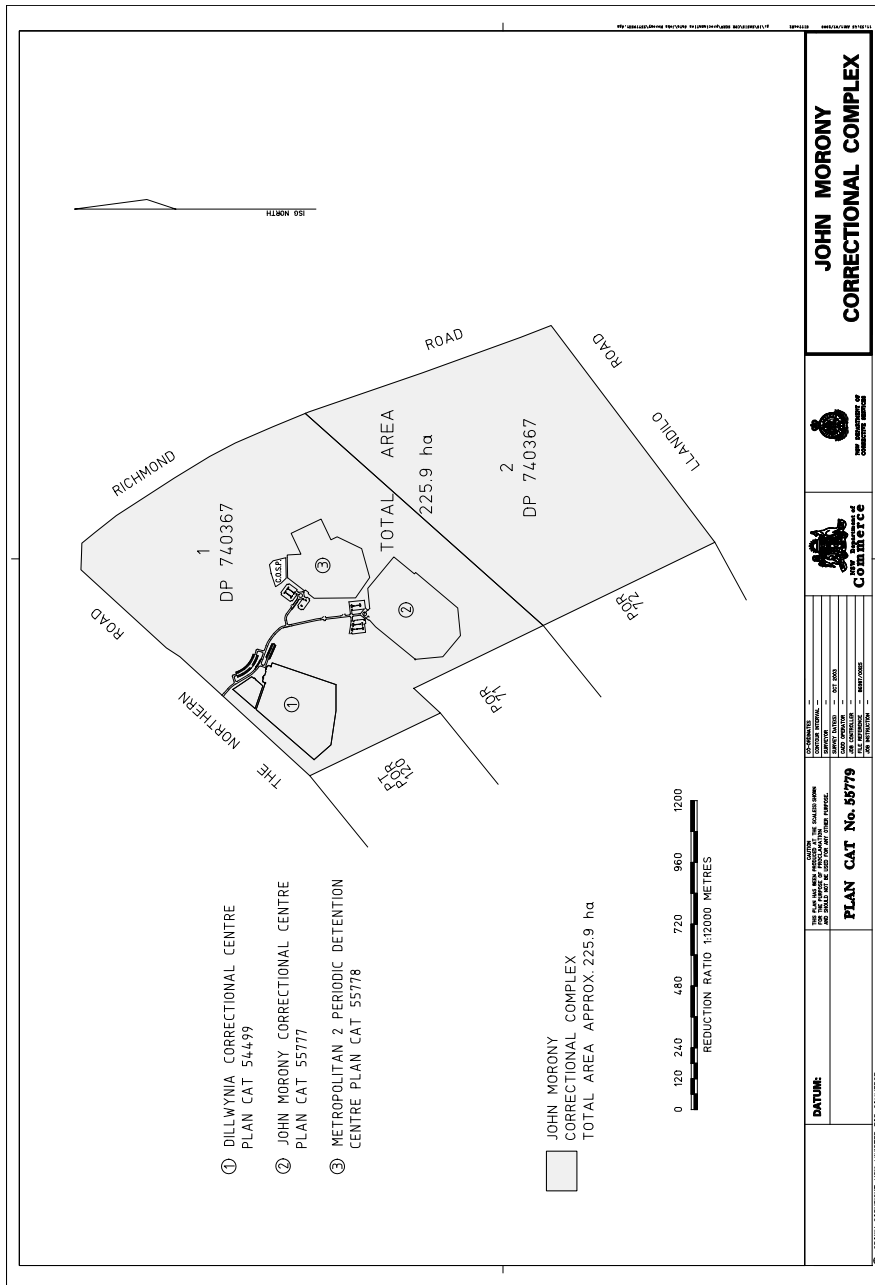
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 20th day of August 2008.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Her Excellency the Governor

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225 of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation vary the proclamation of John Morony Correctional Centre published in the Government Gazette on 23 January 2004, and in variation there of I declare John Morony Correctional Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Penrith City, Parish of Londonderry and County of Cumberland, being part of lot 1 Deposited Plan 740367 shown by shading as John Morony Correctional Centre on Plan Catalogue Number 55777 in the NSW Department of Commerce Plan Room reproduced hereunder and having a total area of 9.215 hectares or thereabouts.

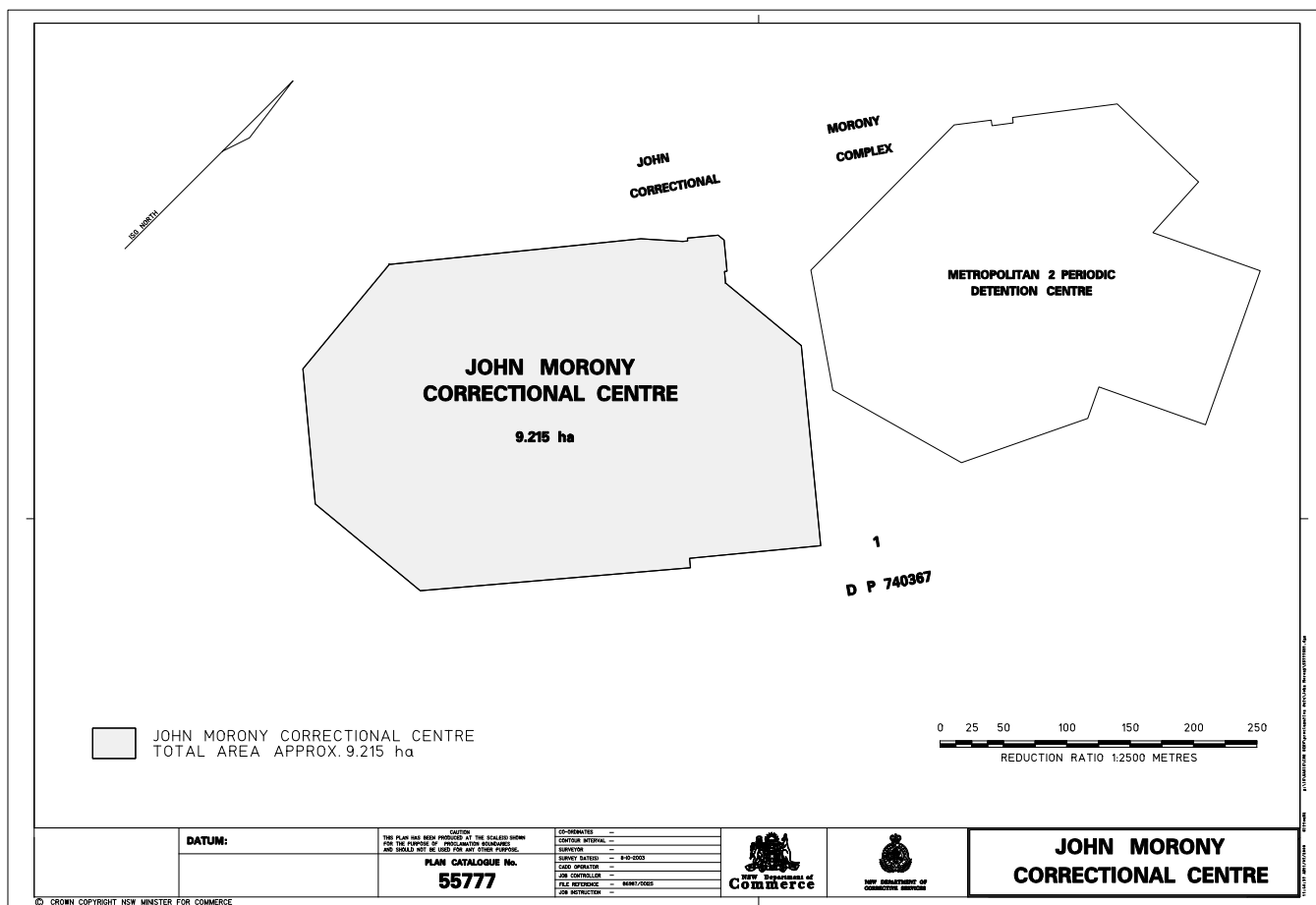
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 20th day of August 2008.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C., Minister for Justice

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Her Excellency the Governor

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to sections 225 and 226 of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional centre and a periodic detention centre within the meaning of the Crimes (Administration of Sentences) Act 1999 and I further declare that the periodic detention centre shall be known as Metropolitan 2 Periodic Detention Centre, viz.:

All that piece or parcel of land situate in the Local Government Area of Penrith City, Parish of Londonderry and County of Cumberland, being part of lot 1 Deposited Plan 740367 shown by shading as Metropolitan 2 Periodic Detention Centre on Plan Catalogue Number 55778 in the NSW Department of Commerce Plan Room reproduced hereunder and having a total area of 6.74 hectares or thereabouts.

I further declare that the General Manager of Dillwynia Correctional Centre is to be responsible for the Metropolitan 2 Periodic Detention Centre.

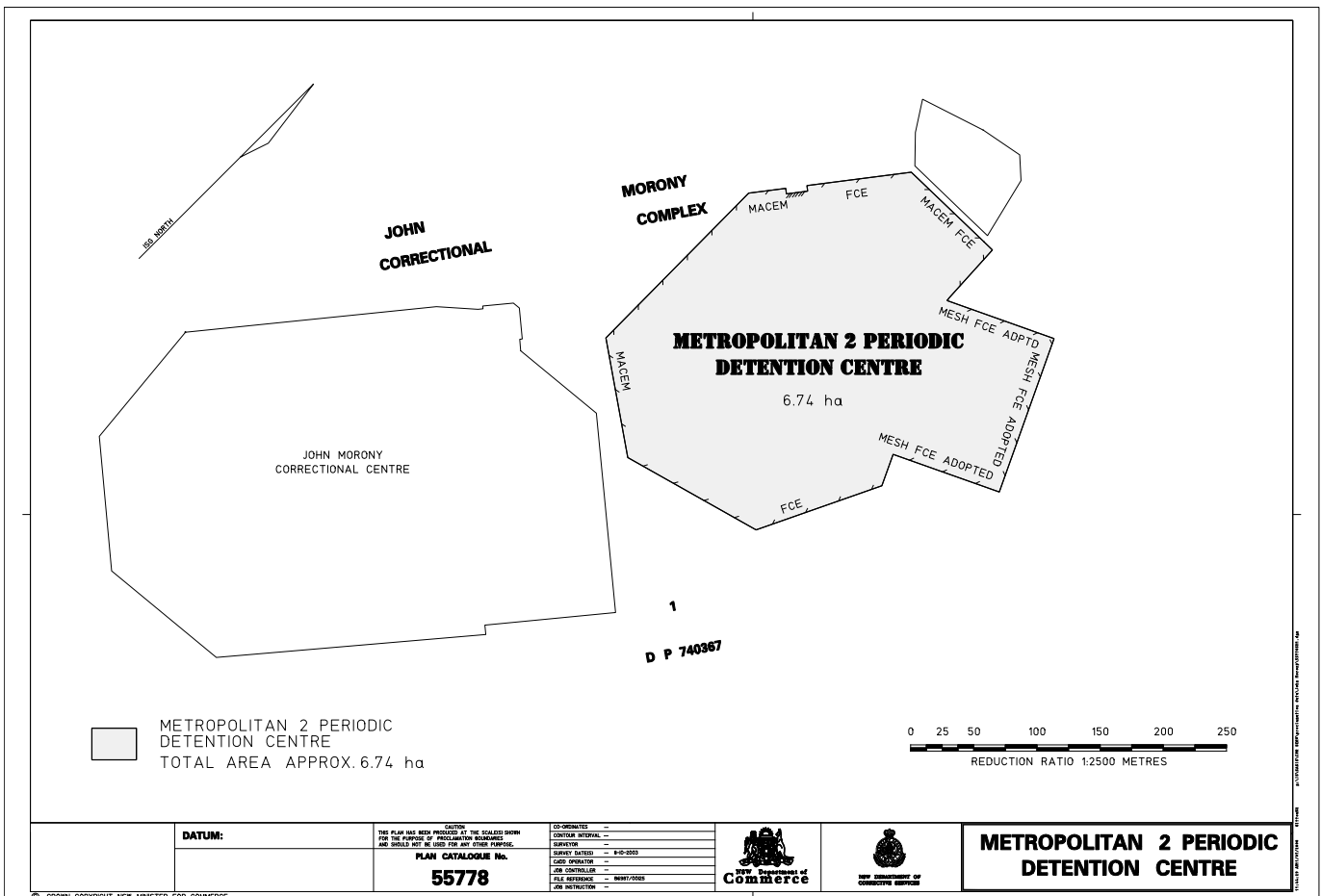
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 20th day of August 2008.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,
Minister for Justice

GOD SAVE THE QUEEN!



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LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES**Practice Note****Class 2 Tree Applications****Commencement**

1. This practice note commences on 1 September 2008.

Application of Practice Note

2. This practice note applies to all applications under the *Trees (Disputes Between Neighbours) Act 2006* (the Trees Act) in Class 2 of the Court's jurisdiction.
3. Applications subject to this practice note are referred to as "tree applications". This practice note is to be known as *Practice Note – Class 2 Tree Applications*.

Note: Additional explanatory material about applications under the Trees Act; links to cases which may provide guidance about the Court's processes under the Trees Act; and a range of additional material about the Trees Act can be found in the Tree Dispute Practice Collection on the Court's web site (www.lawlink.nsw.gov.au/lec via the "Quick Link" to Tree Disputes).

Purpose of Practice Note

4. The purpose of this practice note is to set out the process leading up to a final hearing of a tree application to ensure the just, quick and cheap resolution of tree applications.

Responsibility of parties, legal practitioners and agents to facilitate just, quick and cheap resolution

5. It is the responsibility of each party, their legal practitioners and agents (as applicable) to consider the orders and directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of the tree application.

Note: The parties will be the applicant and the tree owner. In addition, the local council and the Heritage Council are entitled to be a party and, if the premises where the tree is located is tenanted, the tenant is also entitled to be a party if they wish. The Court may also direct that other people can be made parties if special circumstances exist making this appropriate.

6. If any party reasonably considers that compliance with this practice note will not be possible, or will not be conducive to the just, quick and cheap resolution of the tree application, the party should apply to be relieved from compliance on the basis that an alternative process will be more conducive to such resolution.
7. If an application is made pursuant to paragraph 6, that party is to notify all other parties of the proposed alternative process as soon as practicable and is to make available to the Court a short document reflecting that alternative process.
8. Parties are to ensure that all directions which they seek with respect to tree applications will assist in enabling such applications to be dealt with at the final hearing with as little formality and technicality, and as quickly as the requirements of the Trees Act and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see s 38 of *the Land and Environment Court Act 1979*).

Legal practitioners and agents of parties to be prepared at any hearing

9. Each party not appearing in person shall be represented at any hearing before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.

Making a tree application

10. Applications under the Trees Act are to be made on the Tree Dispute Application form. In addition, one or more of the Supplementary Tree Dispute forms (Compensation, Damage to Property or Risk of Injury to People) will also need to be completed having regard to the nature of the orders sought.

Note: The application form and supplementary forms for applications under the Trees Act can be found in the Court Forms section on the Court's web site – accessed through the link "Forms and Fees" at www.lawlink.nsw.gov.au/lec.

Before the preliminary hearing

11. Tree applications will be given a date, time and place for a preliminary hearing which corresponds with the next available preliminary hearing after the expiry of the statutory period of 21 days for service of the tree application. This will usually be 4 to 6 weeks after filing of the tree application. The preliminary hearing will usually be before a Commissioner of the Court.
12. Tree applications are to be served on the tree's owner (and any other person or organisation specified by the Court at the time of lodgement) at least 21 days before the date of the preliminary hearing.

Notes:

- (a) Parties may apply to the Court for an early preliminary or final hearing of the proceedings if appropriate – see paragraph 22 below.
- (b) An applicant may also apply for a later date for the preliminary hearing if the applicant demonstrates that service cannot be achieved within the time required. The Court may also extend the period if circumstances, such as public holidays, make it appropriate that a longer period be allowed for parties to take the action required by this practice note before or by the return of the proceedings.

At the preliminary hearing

13. At the preliminary hearing, the parties should expect that the usual directions set out in **Schedule A** will be made setting a timetable for exchange of relevant information prior to the final hearing date for the application. When an application is made pursuant to s 10(2)(b) of the Trees Act (the tree "is likely to cause injury") and the "injury" is an illness, allergy or similar medical condition, the supplementary directions set out in **Schedule B** will be made concerning evidence in such cases.
14. A final hearing date will also be set for the application and this final hearing date will usually be not more than 6 weeks after the preliminary hearing.
15. Parties may also propose alternative directions if they have a reasonable basis for considering that alternative directions will better facilitate the just, quick and cheap resolution of the tree application. If alternative directions are proposed, the party seeking those directions is to notify all other parties before the preliminary hearing and ensure that a document setting out the proposed alternative directions has been provided to the other parties and is available to be handed to the Court at the preliminary hearing.
16. The parties are to inform the Court whether there is any reason for the proceedings not to be fixed for a final hearing at the site where the tree is located.
17. If any party seeks to raise an issue of fact or law that it contends precludes the determination of the proceedings one way or another, then the party raising that issue is to identify it in writing and provide a copy to the other party, the relevant local council and to the Court not less than 2 days prior to the preliminary hearing.

18. If any party seeks to have any issue dealt with separately before the final hearing, then the party raising that issue is to identify it in writing and provide a document setting out the issue and the reasons why it should be dealt with separately with a copy to the other parties and to the Court not less than 2 days prior to the preliminary hearing. Any such separate issue will either be dealt with by the presiding Commissioner at the preliminary hearing or by a Commissioner at a short separate hearing shortly after the preliminary hearing. However, the presiding Commissioner at the preliminary hearing may still fix a date for the final hearing at the site where the tree is located.
19. The parties are to be sufficiently prepared at the preliminary hearing to assist the Court in making and to accept a timetable up to and including the final hearing.
20. Legal practitioners and other representatives of the parties are to advise the parties of their obligation to be ready to agree to a timetable up to and including the final hearing and are to obtain full and timely instructions to ensure the parties comply with this obligation.
21. The Court will usually allocate a maximum of three hours for the final hearing on the day set for that hearing.

Applications for an early preliminary hearing or final hearing

22. Any party may make an application for an early hearing of a tree application. Early hearings can be sought for either the preliminary hearing or the final hearing or both. Any such application must be in writing and supported with a short statement setting out the reasons in support of having an early hearing. Any such application must be given to the other parties as well as to the Court. Applications for an early hearing may be dealt with by the Court “on the papers” after telephone consultation with all parties or by a quick hearing on this application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court].

Notification if breach of the Court’s directions

23. If there is any significant breach of the Court’s directions, including a breach sufficient to cause slippage in a timetable, the parties must promptly, by e-mail communication or fax to the Registrar, notify the Registrar of the breach. The Registrar may require the parties to attend before the Court if it is considered that the reasons for the breach are not adequately explained in that e-mail communication or facsimile or if the breach might materially affect the timetable. Parties are reminded that where the conduct of either party unnecessarily or unreasonably increases the number of appearances in Court, that party may be at risk of the making of a costs order against them.

Applications to vary the Court’s directions

24. Any party to a tree application may apply to the Court to vary the Court’s directions, including the timetable leading to the final hearing or the date fixed for the final hearing. Any application to vary the Court’s directions must be in writing setting out the changes proposed and the reason for them. The person making such an application must provide a copy of the application to the other party, the relevant local council and to the Court.
25. Applications to vary an existing timetable may be dealt with by the Court “on the papers” after telephone consultation with all parties or by a quick hearing on this application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court].

Liberty to approach the Court

26. Parties have liberty to approach the Court without a notice of motion on two working days' notice or earlier if urgency requires. A party seeking to make urgent application should, if possible, make prior arrangement with, or give appropriate notice to, any other party, and should send an e-mail communication or fax to the Registrar.

Amendments to tree applications

27. An applicant requires permission from the Court to amend a tree application.
28. Any application to amend is to be in writing and accompanied by a short statement in support explaining the reasons for seeking permission to amend. Applications to amend may be dealt with by the Court "on the papers" after telephone consultation with all parties or by a quick hearing on this application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court] or during either the preliminary hearing or the final hearing of the application.

Applications to change hearing dates and for adjournments

29. Tree applications will not be adjourned generally. If a tree application is to be adjourned, it will be adjourned to a specific date, time and place that will be notified to the parties by the Court.
30. Tree applications usually will not be adjourned because of failure to comply with this practice note or Court directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of the proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
31. Applications to change hearing dates fixed by the Court are to be in writing, with a statement in support explaining the circumstances of the application and the reasons the hearing date should be changed. Applications to change a hearing may be dealt with by the Court "on the papers" after telephone consultation with all parties or by a quick hearing on this application [such a hearing may be conducted by telephone to avoid the need for the parties attending at the Court].

Applications for final orders by consent of parties

32. If the parties settle the dispute and its resolution does not require the Court to make orders under the Trees Act, the applicant is to file a notice of discontinuance of the tree application signed by all parties.
33. If parties settle the dispute and its resolution does require the Court to make orders under the Trees Act, it will be necessary for the Court to determine the tree application rather than filing terms of agreement with the Court registry. The parties are to exercise the liberty to approach the Court (under paragraph 26 above) and request that the application for final orders by consent be listed for determination by the Court. The parties are to file the proposed consent orders signed by all parties before the date fixed by the Court for hearing and determining the application for final orders by consent.
34. At the hearing of the application for final orders by consent the parties will be required to present such evidence as is necessary to allow the Court to determine whether it is lawful and appropriate to make the consent final orders, having regard to the matters in sections 9, 10 and 12 of the Trees Act. In particular, no final order by consent for interference with or removal of a tree will be made without the Court being satisfied that at least one of the jurisdictional tests in s 10(2) of the Trees Act is met. This may require the Court to inspect the tree.

Expert evidence

35. Parties are encouraged to consider whether expert evidence is genuinely necessary to resolve the issues in dispute in tree applications. Unnecessary expert evidence substantially increases the time and cost of hearings.
36. In this context, parties are to pay regard to the Court's usual practice that tree applications seeking interference with or removal of a tree are fixed, whenever possible, for final hearing before at least one Commissioner who is an arborist. If the Court is not able to list a Commissioner who is an arborist for the final hearing of such applications, if time and circumstances permit, the Court will notify the parties of this fact. A Commissioner who is an arborist may not be required to be listed for tree applications seeking compensation for damage only.
37. Where expert evidence is proposed to be considered at a final hearing, the Court usually accepts that evidence in written form and does not require attendance of the expert, unless attendance is required by another party (see paragraph 44 below).
38. It is not the role of any expert to express an opinion whether a tree application should be granted or dismissed. Expert opinions in reports and joint reports are to deal with the relevant issues raised by the parties. Any other matter relevant to the expert's expertise, which the expert feels obliged to draw to the attention of the parties and the Court, may also be noted.
39. An expert and the expert's report are to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules 2005 and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
40. An expert witness should identify any pre-existing relationship between the expert witness, or their firm or company, and a party to the application.
41. If experts are directed by the Court to confer, experts are to ensure that their joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
42. Legal representatives and parties to the application are not to attend joint conferences of experts or be involved in the preparation of joint reports without permission being given by the Court.
43. Where expert evidence from more than one expert in the same discipline is to be given at the final hearing, the experts will give such evidence concurrently (subject to any order to the contrary by the presiding Commissioner hearing the tree application).
44. If a party requires any expert for cross-examination, notice is to be given at least 5 working days before the final hearing.
45. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.

Non compliance and costs

46. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.

47. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be provided to the Court during any hearing of a tree application. Unnecessary documents may attract adverse costs orders.
48. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

Applications for a cost order

49. Where a Commissioner has heard and determined a tree application, any party seeking an order for costs of the proceedings must apply for costs by notice of motion filed within 28 days of the final orders in the proceedings.

Note: Pt 3 r 3.7 of the Land and Environment Court Rules 2007 provides that for proceedings in Class 2 of the Court's jurisdiction, including tree applications, the Court "is not to make an order for the payment of costs unless the Court considers that the making of an order as to the whole or any part of the costs is fair and reasonable in the circumstances": Pt 3 r 3.7(2). Some of the circumstances in which the Court might consider the making of a costs order to be fair and reasonable are listed in Pt 3 r 3.7(3).

50. The notice of motion for costs will be heard and determined by either the Registrar or a Judge of the Court.

The Honourable Justice Brian J Preston
Chief Judge
15 August 2008

Schedule A

Usual directions on the preliminary hearing for tree applications [blanks will be completed at the preliminary hearing; relevant directions ticked and those not needed will be crossed out].

- 1. The matter is set down for hearing on site at am/pm on;
- 2. The applicant's/tree owner's legal representative is to lodge a Notice of Appearance with the Court and give a copy to the owner of the tree/ applicant, by 4.30pm on,
- 3. The applicant is to give a copy of these directions to the owner of the tree and to the council by 4.30 pm on
- 4. The applicant is to lodge a statutory declaration or other proof of service demonstrating compliance with direction (3) with the Court by 4.30 pm on
- 5. The applicant is to lodge with the Court and give a copy to the owner of the tree and to the council, by 4.30pm on, any further statements, reports, affidavits, photographs or any other documents upon which the applicant intends to rely; Note: When an application is made pursuant to s 10(2)(b) of the Act (the tree "is likely to cause injury") and the "injury" is an illness, allergy or similar medical condition, specific supplementary directions will be made concerning evidence in such cases.
- 6. For compliance with Direction (5), for all claims for compensation for damage or claims for orders to rectify damage, the applicant is to provide details (including copies of any correspondence) of when and how the damage was brought to the attention of the owner of the tree (if this information has not been provided as part of the application);
- 7. The applicant's documents are to detail the basis of any amount claimed for past damage (including all relevant receipts and/or invoices) and any quotations for proposed works which the applicant seeks that the Court orders be undertaken (whether such proposed works are to the applicant's property or to the property where the tree is located);
- 8. Leave is granted to either party to issue subpoenas to produce with such subpoenas to be returnable not later than
- 9. In addition to the deadline in (5) to the applicant for providing further material, the applicant may lodge with the Court and give a copy to the owner of the tree and to the council, by 4.30pm on, any subpoenaed material upon which the applicant intends to rely;
- 10. The owner of the tree is also to lodge with the Court and give a copy to the applicant and to the council, by 4.30pm on, any statements, reports, affidavits, photographs or any other documents (including subpoenaed documents) upon which the owner of the tree intends to rely;
- 11. The owner of the tree is also to lodge with the Court and give a copy to the applicant and to the council, by 4.30pm on, any order pursuant to s 9 of the *Trees (Disputes Between Neighbours) Act 2006* (including any alternative orders concerning amount of compensation or any works proposed by the applicant) which the owner of the tree proposes as an alternative to or in addition to the orders sought by the applicant;

- 12. The council is to lodge with the Court and is also to provide the applicant and the owner of the tree, by 4.30 pm on, any statements, reports, affidavits, photographs or any other documents upon which the council intends to rely;
- 13. The parties are to permit access to their property to the representatives and expert advisors of the other party or the council provided that this is on reasonable notice (given to the party's legal representative or, if the party does not have a legal representative, direct to the party) and at a reasonable time. The parties are permitted to supervise any such access on behalf of the other party or the council;
- 14. Any expert giving written or oral evidence on behalf of a party or the council is to be advised that:
 1. Any expert engaged to give opinion evidence in these proceedings has an overriding duty to assist the Court impartially on matters relevant to the expert's area of expertise;
 2. Such expert witness's paramount duty is to the Court and not to the person retaining the expert; and
 3. Such expert witness is not an advocate for the party who has engaged that expert;

Any written expert evidence is to include acknowledgement that the expert has read and agrees to be bound by the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules 2005; and

- 15. Each party has liberty to re-list the matter before the Court on two days notice to the other party, the Court and the Council.

Schedule B

Supplementary Directions given when application is made pursuant to s 10(2)(b) of the Trees Act and the "injury" is an illness, allergy or similar medical condition.

- 1. Further to Direction (5) of the principal directions in this matter, the applicant is to provide, by the close of business on, any statement of medical or arboricultural evidence and any supporting medical or arboricultural peer reviewed literature relied upon in support of a claim that a tree which is the subject of the application is a "likely cause of injury to any person";
- 2. Any expert evidence concerning matters contained in (1) above is to include acknowledgement that the expert has read and agrees to be bound by the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules 2005.

NATIONAL PARKS AND WILDLIFE ACT, 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of **Botany Bay National Park**, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

SIGNED and SEALED at Sydney this 13th day of August, 2008.

MARIE BASHIR
Governor,
By Her Excellency's Command,

VERITY FIRTH
Minister for Climate Change
and the Environment

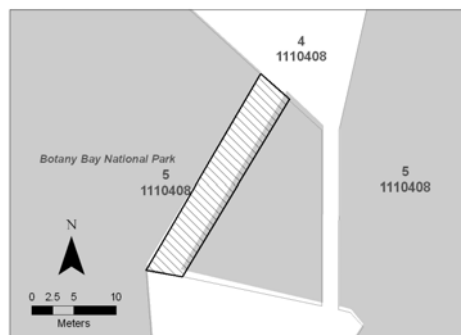
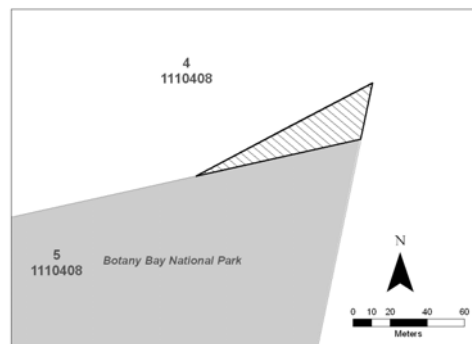
GOD SAVE THE QUEEN

SCHEDULE

Land District – Metropolitan

LGA – Randwick

County Cumberland, Parish Botany, about 1355 square metres, being those parts of lot 5 DP1110408 shown by hatching in the diagrams following;
DECC 03/00154.



PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURYCITY COUNCIL

Roads Act 1993, Section 162

Naming of Roads

Notice is given that AlburyCity Council, in pursuance of Section 162 of the Roads Act 1993, has named the road described hereunder:

<i>Location</i>	<i>Name Adopted</i>
Existing 40m long road running west from Dellven Drive where Dellven Drive changes direction to run approximately north-south	Irish End

Mr LESLIE G. TOMICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640. [4110]

BURWOOD COUNCIL

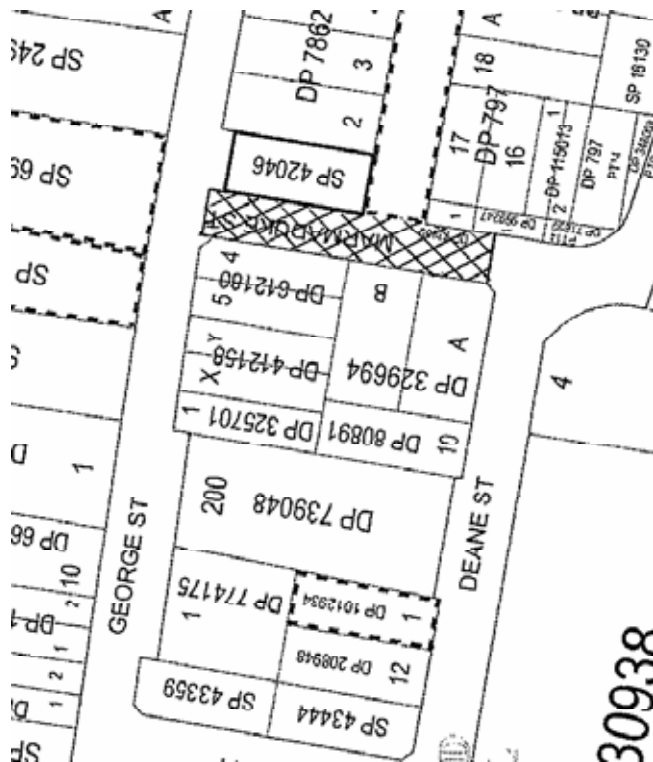
Roads Act 1993, Section 16

Dedication of Land as Public Road

NOTICE is hereby given that Burwood Council in pursuance of section 16 of the Roads Act 1993, dedicates the land described in the Schedule as public road. P. ROMANO, General Manager, Burwood Council, PO Box 240, Burwood NSW 1805.

SCHEDULE

That part of Marmaduke Street, Burwood, being the land contained in Conveyance Book 45 No 660, and Conveyance Book 292 No 621, Parish of Concord, County of Cumberland and Local Government Area of Burwood, as shown cross-hatched on the accompanying plan.



[4111]

BURWOOD COUNCIL

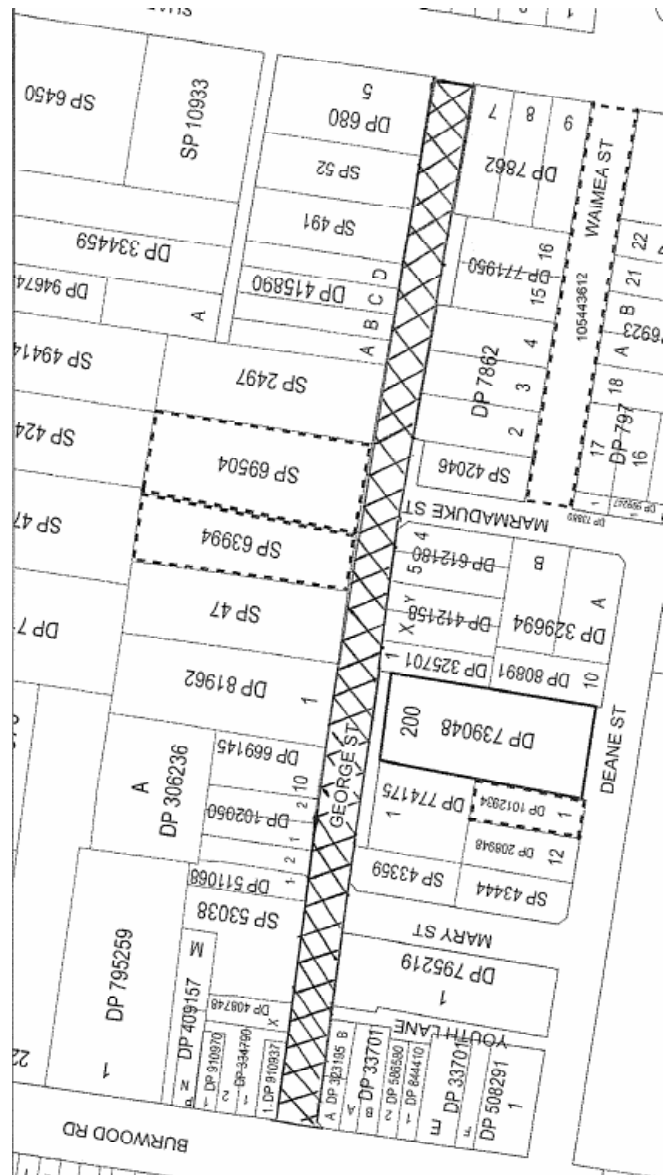
Roads Act 1993, Section 16

Dedication of Land as Public Road

NOTICE is hereby given that Burwood Council in pursuance of section 16 of the Roads Act 1993, dedicates the land described in the Schedule as public road. P. ROMANO, General Manager, Burwood Council, PO Box 240, Burwood NSW 1805.

SCHEDULE

That part of George Street, Burwood, being the land contained in Deed of Conveyance Number 660 Book 45 and Deed of Conveyance Number 585 Book 757, Parish of Concord, County of Cumberland and Local Government Area of Burwood, as shown cross-hatched on the accompanying plan.



[4112]

COFFS HARBOUR CITY COUNCIL

Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of Section 162 of the Roads Act 1993, has named roads as follows

<i>Location</i>	<i>New name</i>
New roads off Torrens Way, North Boambee Valley	<ul style="list-style-type: none"> • Fidler Way • Barrington Close • Wendouree Court

STEPHEN SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450.

[4113]

CONARGO SHIRE COUNCIL

Naming of Road

NOTICE is given by Council in pursuance of section 162.1 of the Roads Act 1993, as amended, and the Roads (General) Regulation 2000 – Reg 9, Council has named the portion of public road between Lot 129 DP 661865 and Lot 52 DP 567324, Lot A DP 416151 Parish of Narrama, running north of Moonee Swamp Road. No objections to the proposed name was received within the advertising period. BARRY W BARLOW, General Manager, Conargo Shire Council, PO Box 56, DENILQUIN NSW 2710.

[4114]

GUNNEDAH SHIRE COUNCIL

Roads Act 1993

Naming of Roads

NOTICE is hereby given that Gunnedah Shire Council has pursuant to Section 162 of the Roads Act 1993, named the following existing road:

Main Street, Breeza NSW, being the existing service road, adjacent to, & within the road reserve of, the Kamilaroi Highway, within the village of Breeza.

Authorised by resolution of the Council on 15 August, 2007. GENERAL MANAGER, Gunnedah Shire Council, PO Box 63, Gunnedah, NSW 2380, tel.: (02) 6740 2100.

[4115]

LITHGOW CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that in accordance with section 162 (1) and (2) of the Roads Act 1993, Council has named the following roads as described below:

<i>Location</i>	<i>Names</i>
Lot 252 DP 1045308, Sweetbriar Estate, Great Western Highway, Bowenfels. Off Sweetbriar Drive and adjacent to Sheppard Way.	Pentwyn Crescent
Laneway between Cullen Street and Wolgan Street, Portland, formally known as Williwa Street Lane.	Scheidel Lane
New 5 lot subdivision at 1389 Mudgee Road Lidsdale, off Castlereagh Highway.	Karawatha Drive

New Strathlone Estate subdivision at South Bowenfels continuing from current roads.

Sandalwood Drive
Woodlands Drive

S. Greensill, Acting General Manager, Lithgow City Council, PO Box 19, Lithgow, NSW 2790.

[4116]

QUEANBEYAN CITY COUNCIL

Roads Act 1993, Section 10

NOTICE is hereby given that in accordance with section 10 of the Roads Act 1993, the Queanbeyan City Council dedicates the land described in Schedule 1 hereunder as public road. Dated 18th August 2008, GARY CHAPMAN, General Manager, Queanbeyan City Council, PO Box 90, Queanbeyan NSW 2620.

SCHEDULE 1

Lots 6 to 14 inclusive, Deposited Plan 1076321.

[4117]

SHELLHARBOUR CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

UNDER Section 162 of the Roads Act 1993, Shellharbour City Council has named the following road:

<i>Location</i>	<i>Name</i>
Shellharbour	Wollongong Lane

Authorised by resolution of the Council on Tuesday 1st July 2008. BRIAN A WEIR, General Manager, Shellharbour City Council, P.O Box 155, Shellharbour Square, SHELLHARBOUR CITY CENTRE NSW 2529.

[4118]

SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Public Road

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

SCHEDULE

Lot 7 DP870223; Lots 28 to 59 (inclusive) and 61, DP863737; Lots 33 and 34, DP861840; Lots 31, 31, 32 and 33, DP861348; Lots 39 and 40, DP873507; Lots 1 to 6 (inclusive), DP873509; and Lots 62, 64, 68, 69 and 70, DP874040 at Beecroft Peninsula, Kinghorne, Wollumboola and Vincentia

[4119]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MURRAY HETHERINGTON late of North Sydney in the State of New South Wales, money broker, who died between 12 January 2006 and 13 January 2006, must send particulars of their claim to the Executor Karen Hetherington c/o HWL Ebsworth, Lawyers, Level 14, Australia Square, 264-278 George Street, Sydney 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 distribution the executor has notice. Administration was granted in New South Wales on 7 August 2008. PETER KENNEDY, Lawyer, Australia Square, 264-278 George Street, Sydney 2000, tel.: 9334 8844. [4120]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of SARAH ELLEN LOMASNEY (known as Sadie) late of Strathfield, in the State of New South Wales, retired teacher, who died on 17 January, 2008 must send particulars of his/her claim to the executor, Dean Joseph Mitchelmore c.o. C. P. White & Sons (Burwood), Solicitors, 15 Belmore Street, Burwood, within one 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. Probate was granted in New South Wales on 14 July, 2008. C. P. WHITE & SONS, Solicitors, 15 Burwood Street, Burwood NSW 2134 (DX 8550, Burwood), tel.: (02) 9744 2198. [4121]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of HUGH MILLER ELDER CLARK, late of Wyoming, in the State of New South Wales, who died on 1 June 2008, must send particulars of his claim to the Executrix, JENNIFER ANNE CLARK care of Newnhams Solicitors, 122 Castlereagh Street, Sydney, within one calendar month from publication of this notice. After that time the Executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 1 August 2008. NEWNHAMS Solicitors, 122 Castlereagh Street, Sydney, tel.: (02) 9264 7788. [4122]

COMPANY NOTICES

NOTICE of members' voluntary liquidation.—HIGHRENT PASTORAL CO PTY LTD, ACN 000 551 039.—Notice is hereby given that at an extraordinary general meeting of the abovenamed company, held on the 4 August 2008, the following special resolution was duly passed: "That the company be wound up voluntarily". On the same day pursuant to section 495(1), Mr Alan Donges of Messrs Roberts & Morrow, was appointed liquidator. Dated this 9th day of August 2008. Mr ALAN DONGES, Liquidator, c.o. Messrs Roberts & Morrow, Chartered Accountants, 212 Rouse Street, Tenterfield, NSW 2372, tel.: (02) 6736 1033.

[4123]

NOTICE of resolutions passed (Appointment of Liquidator). – In The Matter of W & G MILHAM TRANSPORT PTY LIMITED (ACN 117 364 397), and in the matter of the Corporations Law. – Notice is hereby given that at a meeting of members and of creditors of the abovenamed company held on 30 July 2008 at 1.00 p.m. the following special and ordinary resolutions respectively were passed: "That the company be wound up voluntarily" and "That Adam Shepard of Setter Shepard, Level 6, 69 Reservoir St, Surry Hills NSW be appointed Liquidator of the company". Dated this 19th day of August 2008. ADAM SHEPARD, Liquidator, C/- Setter Shepard, Chartered Accountants, Level 6, 69 Reservoir Street, SURRY HILLS NSW, tel: (02) 8218 2193. [4124]

NOTICE of members' Final Meeting – Notice is hereby given that in the terms of Section 509 of the Corporations Law a final General Meeting of the Company will be held at the offices of the Liquidator, 154 Elizabeth Street, Sydney on the 19 September, 2008 at 9.00 am for the purpose of having laid before it by the liquidator an account showing how the winding-up has been conducted and the property of the Company was disposed. COLIN J. WILSON, Wilson Porter Services Pty, Liquidators. [4125]

NOTICE of voluntary liquidation section 491(2) Corporations Act 2001, LAYRIP PTY LTD, (In Liquidation), A.C.N. 002 337 171 – Notice is hereby given that at a meeting of Shareholders of LAYRIP PTY LTD duly convened and held on the 19 August 2008 it was resolved that the Company be wound up voluntarily as a Members Voluntary Liquidation and that the assets of the Company may be distributed in whole or in part to the members in specie should the Liquidator so desire and by ordinary resolution that BRENT ANTONY PERKINS be appointed Liquidator. Dated: 19 August 2008. BRENT ANTONY PERKINS, Liquidator, Brent.p@cws.biz, Box 29 Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000, fax: (02) 4923 4040. [4126]