



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 95
Friday, 8 August 2008

Published under authority by Government Advertising

LEGISLATION

Proclamations



New South Wales

Commencement Proclamation

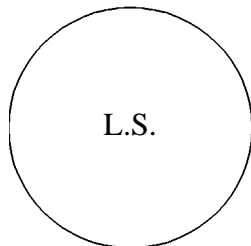
under the

Statute Law (Miscellaneous Provisions) Act 2008 No 62

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 (2) of the *Statute Law (Miscellaneous Provisions) Act 2008*, do, by this my Proclamation, appoint 8 August 2008 as the day on which Schedule 1.41 to that Act commences.
Signed and sealed at Sydney, this 6th day of August 2008.

By Her Excellency's Command,



L.S.

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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence amendments to the *Wesley College Incorporation Act 1910*.



New South Wales

Commencement Proclamation

under the

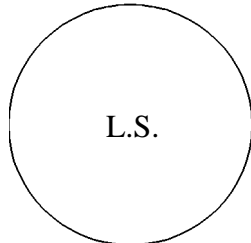
Water Industry Competition Act 2006 No 104

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 *Water Industry Competition Act 2006*, do, by this my Proclamation, appoint 8 August 2008 as the day on which that Act commences.

Signed and sealed at Sydney, this 6th day of August 2008.

By Her Excellency's Command,



NATHAN REES, M.P.,
Minister for Water

GOD SAVE THE QUEEN!

Regulations



New South Wales

Education (School Administrative and Support Staff) Regulation 2008

under the

Education (School Administrative and Support Staff) Act 1987

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Education (School Administrative and Support Staff) Act 1987*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Education and Training

Explanatory note

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minor amendments, the provisions of the *Education (School Administrative and Support Staff) Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

- (a) the medical assessment of a person for the purposes of determining whether the person is fit to carry out the duties of a permanent position, and
- (b) savings and formal matters.

This Regulation is made under the *Education (School Administrative and Support Staff) Act 1987*, including sections 10 and 38 (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.

Clause 1 Education (School Administrative and Support Staff) Regulation 2008

Education (School Administrative and Support Staff) Regulation 2008

under the

Education (School Administrative and Support Staff) Act 1987

1 Name of Regulation

This Regulation is the *Education (School Administrative and Support Staff) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Education (School Administrative and Support Staff) Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

- (1) In this Regulation:
the Act means the *Education (School Administrative and Support Staff) Act 1987*.
- (2) Notes in this Regulation do not form part of this Regulation.

4 Health assessments

- (1) For the purposes of section 10 of the Act, a person satisfies a medical assessment or examination as to the person's health if the person is found to be fit to carry out the duties of the position after a health assessment under this clause.
- (2) Fitness to carry out the duties of the position includes the ability to carry out those duties without endangering the health and safety of the public, of other persons employed within the Department and of the person concerned.
- (3) The health assessment is to be in the form considered necessary by the Director-General.
- (4) That form may include (but is not limited to) any one or more of the following:
 - (a) a declaration (which may be a statutory declaration if required) provided by the person concerning any illness, disability or

-
- condition of which the person is aware that might make the person unfit to carry out the duties of the position,
- (b) a medical examination by a medical practitioner approved by the Director-General,
 - (c) an examination by a medical practitioner, an optometrist or other appropriately qualified health care professional approved by the Director-General of a particular aspect of the person's health likely to detrimentally affect the person's capacity to carry out the duties of the position.
- (5) The Director-General is to give the health care professional providing the health assessment referred to in subclause (4) (c) any requested information about the duties of the position concerned that is reasonably required for the purpose of providing the health assessment.

5 Savings

Any act, matter or thing that, immediately before the repeal of the *Education (School Administrative and Support Staff) Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.



New South Wales

Liquor Amendment (Special Events— Extended Trading Periods) Regulation 2008

under the

Liquor Act 2007

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

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

Explanatory note

The object of this Regulation is to prescribe certain periods, coinciding with the 2008 Olympic Games, as extended trading periods during which hotels and clubs are permitted to trade beyond the standard trading period.

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

Clause 1 Liquor Amendment (Special Events—Extended Trading Periods)
 Regulation 2008

Liquor Amendment (Special Events—Extended Trading Periods) Regulation 2008

under the

Liquor Act 2007

1 Name of Regulation

This Regulation is the *Liquor Amendment (Special Events—Extended Trading Periods) Regulation 2008*.

2 Amendment of Liquor Regulation 2008

The *Liquor Regulation 2008* is amended by inserting after clause 38 the following clause:

38A Special events extended trading periods for hotels and clubs

For the purposes of section 13 of the Act, the following periods are prescribed as periods during which liquor may be sold or supplied for consumption on the premises to which a hotel licence or club licence relates:

- (a) the period of 2 hours from midnight on Friday 8 August 2008 until 2 am on Saturday 9 August 2008,
- (b) the period of 2 hours from 10 pm until midnight on any of the following days:
 - (i) Sunday 10 August 2008,
 - (ii) Sunday 17 August 2008,
 - (iii) Sunday 24 August 2008.



New South Wales

Institute of Teachers Amendment (Quality Teaching Council) Regulation 2008

under the

Institute of Teachers Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Institute of Teachers Act 2004*.

JOHN HATZISTERGOS, M.L.C.,
Acting Minister for Education and Training

Explanatory note

The object of this Regulation is to enable the term of office of elected members of the Quality Teaching Council established under the *Institute of Teachers Act 2004* to be extended for a period not exceeding 12 months.

This Regulation is made under the *Institute of Teachers Act 2004*, including section 52 (the general regulation-making power) and clause 2 (2) of Schedule 2.

Clause 1 Institute of Teachers Amendment (Quality Teaching Council) Regulation
2008

Institute of Teachers Amendment (Quality Teaching Council) Regulation 2008

under the

Institute of Teachers Act 2004

1 Name of Regulation

This Regulation is the *Institute of Teachers Amendment (Quality Teaching Council) Regulation 2008*.

2 Amendment of Institute of Teachers Regulation 2005

The *Institute of Teachers Regulation 2005* is amended as set out in Schedule 1.

Institute of Teachers Amendment (Quality Teaching Council) Regulation
2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

elected member means an elected member of the Council as referred to in section 13 (1) (a) of the Act.

[2] Clause 14 Definitions

Omit the definition of *elected member*.

[3] Part 6

Insert after Part 5:

Part 6 Term of office of elected members

70 Extension of term of office of elected members

- (1) The Minister may, by notice in writing to an elected member, extend the term of office of the elected member for a period not exceeding 12 months.
- (2) Subclause (1) has effect despite clause 2 (2) of Schedule 2 to the Act, but is otherwise subject to the provisions of that Schedule.
- (3) This clause extends to persons holding office as elected members immediately before the commencement of this clause.



New South Wales

Water Industry Competition (General) Regulation 2008

under the

Water Industry Competition Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Industry Competition Act 2006*.

NATHAN REES, M.P.,
Minister for Water

Explanatory note

The object of this Regulation is to make provision with respect to various matters, including:

- (a) the licensing of network operators and retail suppliers under Part 2 of the *Water Industry Competition Act 2006*, and
- (b) the declaration of retailers of last resort, and the obligations of persons so declared, under Division 3 of Part 5 of that Act.

This Regulation adopts the following publications:

- (a) the *Australian Drinking Water Guidelines*, published by the Australian Government, the National Health and Medical Research Council and the Natural Resource Management Ministerial Council, as in force from time to time,
- (b) the *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phases 1 and 2)*, published by the Environment Protection and Heritage Council, the Natural Resource Management Ministerial Council and the Australian Health Ministers' Conference, as in force from time to time,
- (c) Edition No 3 of the code of practice produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales on 1 July 2006 under the title *New South Wales Code of Practice for Plumbing and Drainage*,
- (d) the Australian Standard entitled *AS ISO 10002—2006, Customer Satisfaction—Guidelines for complaints handling in organizations*, as published by Standards Australia in April 2006.

This Regulation is made under the *Water Industry Competition Act 2006*, including section 101 (the general power to make regulations), sections 5, 9, 10, 13, 20, 47, 49, 55, 56 and 57 and clause 1 of Schedule 4 (the power to make regulations of a savings or transitional nature).

Water Industry Competition (General) Regulation 2008

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Water Industry Competition (General) Regulation 2008

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Clause 1	Water Industry Competition (General) Regulation 2008
Part 1	Preliminary

Water Industry Competition (General) Regulation 2008

under the

Water Industry Competition Act 2006

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Industry Competition (General) Regulation 2008*.

2 Commencement

This Regulation commences on 8 August 2008.

3 Definitions

(1) In this Regulation:

approved auditor—see clause 31.

Australian Drinking Water Guidelines means the document entitled *Australian Drinking Water Guidelines*, published by the Australian Government, the National Health and Medical Research Council and the Natural Resource Management Ministerial Council, as in force from time to time.

Australian Guidelines for Water Recycling means the document entitled *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phases 1 and 2)*, published by the Environment Protection and Heritage Council, the Natural Resource Management Ministerial Council and the Australian Health Ministers' Conference, as in force from time to time.

authorised purpose, in relation to non-potable water, means any purpose specified in the relevant network operator's licence as a purpose for which the water may be used.

drinking water means water that is intended, or likely, to be used:

- (a) for human consumption, or

Water Industry Competition (General) Regulation 2008

Clause 3

Preliminary

Part 1

- (b) for purposes connected with human consumption, such as the washing or cooling of food or the making of ice for consumption or for the preservation of unpackaged food,

whether or not the water is used for other purposes.

Note. This definition corresponds to the definition of *drinking water* in Part 2B (Safety of drinking water) of the *Public Health Act 1991*.

infrastructure operating plan means a plan prepared in accordance with clause 6 or 13 of Schedule 1, and includes any amendment of that plan that the Minister directs to be made to that plan.

market means to promote the supply of water by a licensed retail supplier, or the provision of sewerage services by a licensed retail supplier, for the purpose of attracting customers for the supplier.

marketer means any of the following persons who promote the supply of water or the provision of sewerage services for the purpose of attracting or retaining customers:

- (a) a person who is a licensed retail supplier,
- (b) a person who, pursuant to a retail supplier's licence, is authorised to supply water or provide sewerage services,
- (c) a person who acts as agent of a licensed retail supplier, including a licensed network operator,
- (d) a person who acts as an intermediary between one or more customers and a licensed retail supplier.

marketing code of conduct means a code of conduct for the marketing of water supplies and sewerage services, as established by the Minister in accordance with clause 26, and as amended from time to time.

non-potable water means water that is not drinking water.

Plumbing and Drainage Code of Practice means Edition No 3 of the code of practice produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales on 1 July 2006 under the title *New South Wales Code of Practice for Plumbing and Drainage*.

Note. Copies of the Code are available from the Secretariat of the Committee, which can be contacted at the Department of Water and Energy.

Register of Licences means the register referred to in section 20 of the Act.

retail supply management plan means a plan prepared in accordance with clause 8 or 15 of Schedule 2, and includes any amendment of that plan that the Minister directs to be made to that plan.

sewage management plan means a plan prepared in accordance with clause 14 of Schedule 1, and includes any amendment of that plan that the Minister directs to be made to that plan.

small retail customer—see clause 5.

Clause 4	Water Industry Competition (General) Regulation 2008
Part 1	Preliminary

supply failure customer means a person who, pursuant to section 57 (3) of the Act, becomes a customer of a retailer of last resort as a result of a declaration of supply failure under section 56 of the Act.

the Act means the *Water Industry Competition Act 2006*.

transfer—see clause 4.

transfer code of conduct means a code of conduct for the transfer of water supplies or sewerage services, as established by the Minister in accordance with clause 27, and as amended from time to time.

water industry code of conduct means a code of conduct in relation to the respective responsibilities of licensed network operators, licensed retail suppliers and public water utilities, as established by the Minister in accordance with clause 25, and as amended from time to time.

water quality plan means a plan prepared in accordance with clause 7 of Schedule 1, and includes any amendment of that plan that the Minister directs to be made to that plan.

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

4 Transfers of water supplies and sewerage services

- (1) Water supply to any premises is **transferred**:
- from one licensed retail supplier to another, or
 - from a licensed retail supplier to a public water utility, or
 - from a public water utility to a licensed retail supplier,
- if the ending, whether in whole or in part, of the supply of water to those premises by the one (the **transferor**) occurs for the purposes of, or at the same time as, the beginning of the supply of water to those premises by the other (the **transferee**).
- (2) Sewerage services to any premises are **transferred**:
- from one licensed retail supplier to another, or
 - from a licensed retail supplier to a public water utility, or
 - from a public water utility to a licensed retail supplier,
- if the ending, whether in whole or in part, of the provision of such services to those premises by the one (the **transferor**) occurs for the purposes of, or at the same time as, the beginning of the provision of such services to those premises by the other (the **transferee**).
- (3) For the purposes of this clause it is immaterial whether the occupier of the premises is or is not the owner of the premises.

Water Industry Competition (General) Regulation 2008

Clause 5

Preliminary

Part 1

5 Small retail customers

- (1) A person is a small retail customer in relation to water supply if the maximum rate at which water is supplied, pursuant to one or more water supply contracts, to all premises that the person owns, leases or occupies is less than 15 megalitres per year.
- (2) A person is a small retail customer in relation to the provision of sewerage services if the maximum rate at which sewage is discharged, pursuant to one or more sewerage service contracts, from all premises that the person owns, leases or occupies is less than 10.5 megalitres per year, as determined in accordance with guidelines issued by IPART.

Clause 6 Water Industry Competition (General) Regulation 2008

Part 2 Licensing of network operators and retail suppliers

Part 2 Licensing of network operators and retail suppliers

Division 1 Network operators

6 Applications for licences

- (1) An application for a network operator's licence for water infrastructure must address each of the matters referred to in section 10 (4) (a)–(e) of the Act that is relevant to that kind of licence and must include, or be accompanied by:
- (a) information as to the activities for which the licence is sought and the area within which those activities are proposed to be carried out, and
 - (b) a comprehensive statement as to:
 - (i) the events and circumstances that could adversely affect the applicant's ability to carry out the activities for which the licence is sought, and
 - (ii) the probability of the occurrence of any such event or circumstance, and
 - (iii) the measures to be taken by the applicant to prevent or minimise the likelihood of any such event or circumstance, and
 - (c) a comprehensive statement as to the arrangements that the applicant has made, or proposes to make, in relation to:
 - (i) the design, construction, operation and maintenance of the infrastructure, including particulars as to the life-span of the infrastructure, the system redundancy built into the infrastructure and the arrangements for the renewal of the infrastructure, and
 - (ii) the continued safe and reliable performance of the infrastructure, and
 - (iii) the continuity of water supply, and
 - (iv) alternative water supplies when the infrastructure is inoperable, and
 - (v) the maintenance, monitoring and reporting of standards of service, and
 - (d) a comprehensive statement, in relation to the water supplied from the infrastructure, that specifies:
 - (i) if the water so supplied is drinking water, how the 12 elements of the framework for the management of drinking water quality, as detailed in the Australian Drinking Water

Water Industry Competition (General) Regulation 2008

Clause 6

Licensing of network operators and retail suppliers

Part 2

-
- Guidelines, have been addressed and will be implemented and maintained, and
- (ii) if the water so supplied is non-potable water, how the 12 elements of the framework for the management of recycled water quality and use, as detailed in the Australian Guidelines for Water Recycling, have been addressed and will be implemented and maintained and, having regard to those guidelines, the purposes for which the water may be used and the purposes for which the water may not be used, and
 - (e) any other information that will be required for inclusion in the Register of Licences.
- (2) An application for a network operator's licence for sewerage infrastructure must address each of the matters referred to in section 10 (4) (a)–(e) of the Act that is relevant to that kind of licence and must include, or be accompanied by:
- (a) information as to the activities for which the licence is sought and the area within which those activities are proposed to be carried out, and
 - (b) a comprehensive statement as to:
 - (i) the events and circumstances that could adversely affect the applicant's ability to carry out the activities for which the licence is sought, and
 - (ii) the probability of the occurrence of any such event or circumstance, and
 - (iii) the measures to be taken by the applicant to prevent or minimise the likelihood of any such event or circumstance, and
 - (c) a comprehensive statement as to the arrangements that the applicant has made, or proposes to make, in relation to:
 - (i) the design, construction, operation and maintenance of the infrastructure, including particulars as to the life-span of the infrastructure, the system redundancy built into the infrastructure and the arrangements for the renewal of the infrastructure, and
 - (ii) the continued safe and reliable performance of the infrastructure, and
 - (iii) the continuity of sewerage services, and
 - (iv) alternative sewerage services when the infrastructure is inoperable, and

Clause 7 Water Industry Competition (General) Regulation 2008

Part 2 Licensing of network operators and retail suppliers

- (v) the maintenance, monitoring and reporting of standards of service, and
- (d) a comprehensive statement, in relation to the conveyance, treatment and disposal of sewage by means of the infrastructure, as to:
 - (i) the manner in which health and ecological assessments will be undertaken and any concerns arising from any such assessment addressed, and
 - (ii) the arrangements for the disposal of waste from the infrastructure, and
- (e) any other information that will be required for inclusion in the Register of Licences.
- (3) An applicant for a network operator's licence for sewerage infrastructure is exempt from the requirements of subclause (2) (b) to the extent to which the infrastructure is the subject of a licence under the *Protection of the Environment Operations Act 1997*.
- (4) For the purpose of considering the application, either the Minister or IPART may direct the applicant to furnish further information within a specified time.

7 Matters as to which Minister must be satisfied in relation to licence applications: section 10 (4) (e)

Before granting a network operator's licence, the Minister must be satisfied that the applicant has the capacity to carry out the activities that the licence (if granted) would authorise in a manner that does not present a significant risk of harm to the environment.

8 Purposes for which non-potable water may be used

- (1) A network operator's licence for the construction, maintenance and operation of water infrastructure for the supply of non-potable water must specify the purposes for which the water may be used (referred to as *authorised purposes*).
- (2) The purposes for which non-potable water may be used are to be determined in accordance with the 12 elements of the framework for the management of recycled water quality and use, as detailed in the Australian Guidelines for Water Recycling.

9 Prescribed licence conditions: section 13 (1) (a)

The conditions to which a network operator's licence is subject are:

- (a) in relation to a licence for the construction, maintenance and operation of water infrastructure, the conditions set out in Parts 1 and 2 of Schedule 1, and

Water Industry Competition (General) Regulation 2008

Clause 10

Licensing of network operators and retail suppliers

Part 2

- (b) in relation to a licence for the construction, maintenance and operation of sewerage infrastructure, the conditions set out in Parts 1 and 3 of Schedule 1.

Note. Other conditions may be imposed by the Minister under section 13 (1) (b) of the Act.

Division 2 Retail suppliers

10 Applications for licences

- (1) An application for a retail supplier's licence for the supply of water must address each of the matters referred to in section 10 (4) (a)–(e) of the Act that are relevant to that kind of licence, and must include, or be accompanied by:
 - (a) information as to the activities for which the licence is sought and the area within which those activities are proposed to be carried out, and
 - (b) a comprehensive statement as to:
 - (i) the events and circumstances that could adversely affect the applicant's ability to supply water, and
 - (ii) the probability of the occurrence of any such event or circumstance, and
 - (iii) the measures to be taken by the applicant to prevent the occurrence, or minimise the effect, of any such event or circumstance, and to arrange for alternative supplies of water in response to any such event or circumstance, and
 - (iv) the arrangements that the applicant has made, or proposes to make, in relation to complaint and debt recovery procedures, and
 - (c) any other information that will be required for inclusion in the Register of Licences.
- (2) An application for a retail supplier's licence for provision of sewerage services must address each of the matters referred to in section 10 (4) (a)–(e) of the Act that are relevant to that kind of licence and must include, or be accompanied by:
 - (a) information as to the activities for which the licence is sought and the area within which those activities are proposed to be carried out, and
 - (b) a comprehensive statement as to:
 - (i) the events and circumstances that could adversely affect the applicant's ability to provide sewerage services, and

Clause 11 Water Industry Competition (General) Regulation 2008

Part 2 Licensing of network operators and retail suppliers

- (ii) the probability of the occurrence of any such event or circumstance, and
 - (iii) the measures to be taken by the applicant to prevent the occurrence, or minimise the effect, of any such event or circumstance, and to arrange for the provision of alternative sewerage services in response to any such event or circumstance, and
 - (iv) the arrangements that the applicant has made, or proposes to make, in relation to complaint and debt recovery procedures, and
 - (c) any other information that will be required for inclusion in the Register of Licences.
- (3) For the purpose of considering the application, either the Minister or IPART may direct the applicant to furnish further information within a specified time.

11 Matters as to which Minister must be satisfied in relation to licence applications: section 10 (4) (e)

Before granting a retail supplier's licence, the Minister must be satisfied that the applicant has the capacity to carry out the activities that the licence (if granted) would authorise in a manner that does not present a significant risk of harm to the environment.

12 Purposes for which water may be supplied under a retail supplier's licence

- (1) A retail supplier's licence must not authorise the supply of drinking water unless the water infrastructure from which the water is to be supplied is also authorised in relation to the supply of drinking water.
- (2) A retail supplier's licence that authorises the supply of non-potable water must indicate the authorised purposes for that water, being the authorised purposes specified in the licence for the water infrastructure from which the water is to be supplied.

13 Prescribed licence conditions: section 13 (1) (a)

- (1) The conditions to which a retail supplier's licence is subject are:
 - (a) in relation to a licence for the supply of water, the conditions set out in Parts 1 and 2 of Schedule 2, and
 - (b) in relation to a licence for the provision of sewerage services, the conditions set out in Parts 1 and 3 of Schedule 2.

Note. Other conditions may be imposed by the Minister under section 13 (1) (b) of the Act.

Water Industry Competition (General) Regulation 2008

Clause 14

Licensing of network operators and retail suppliers

Part 2

- (2) Clauses 2, 3, 4, 5, 13 and 18 of Schedule 2 apply only to those licensees that supply water, or provide sewerage services, to small retail customers.

Division 3 General

14 Applications for variation of licence conditions

- (1) An application under section 15 of the Act:
- (a) must be in such form as the Minister may approve, and
 - (b) must be accompanied by such fee as the Minister may determine, and
 - (c) must be lodged at the office of IPART.
- (2) The provisions of clause 6 (1), (2) and (4) apply to an application in relation to the conditions of a network operator's licence, but to the extent only to which they are relevant to the application, in the same way as they apply to an application for that kind of licence.
- (3) The provisions of clause 10 (1), (2) and (3) apply to an application in relation to the conditions of a retail supplier's licence, but to the extent only to which they are relevant to the application, in the same way as they apply to an application for that kind of licence.
- (4) In considering the conditions to which a licence should be subject, regard is to be had to the principles set out in section 7 (1) of the Act.
- (5) Subclause (4) does not restrict the matters to which regard may be had in considering the matters referred to in that subclause.

15 Combined applications

A single application under section 8 or 15 of the Act may relate both to a network operator's licence and to a retail supplier's licence.

16 Combined plans

- (1) An infrastructure operating plan, water quality plan, sewage management plan and retail supply management plan (being plans prepared on behalf of the holder of one or more licences) may be contained in a single document.
- (2) Subclause (1) does not apply to the extent to which the Minister directs to the contrary by written notice given to the licensee concerned.
- (3) Any required plan for water or sewerage infrastructure that is intended to connect with other such infrastructure:
- (a) must be consistent with any other required plan for the other infrastructure, and

Clause 17 Water Industry Competition (General) Regulation 2008

Part 2 Licensing of network operators and retail suppliers

(b) must demonstrate that the infrastructure to which it relates is compatible with the other infrastructure.

(4) In subclause (3), *required plan* means:

- (a) an infrastructure operating plan, a water quality plan or a sewage management plan, or
- (b) in relation to a public water utility's infrastructure, any requirements in the nature of such a plan to which the public water utility is subject under its operating licence or otherwise.

17 Person to be notified as to licence applications: section 9 (1) (b) (iii)

IPART must furnish the following additional persons with copies of any application for a network operator's or retail supplier's licence:

- (a) the Minister administering the *Environmental Planning and Assessment Act 1979*,
- (b) the Minister administering the *Protection of the Environment Operations Act 1997*.

18 Register of Licences

(1) The Register of Licences is to include the following information in relation to each licence:

- (a) the name of the licensee,
- (b) the name of each person (other than the licensee) who is specified in the licence as being authorised:
 - (i) to construct, maintain and operate the water or sewerage infrastructure specified in the licence, or
 - (ii) to supply water, or provide sewerage services, by means of the water or sewerage infrastructure so specified,
 as the case requires,
- (c) the kind of licence (network operator's or retail supplier's) held by the licensee,
- (d) the activities that the licensee is authorised to carry out, as specified in the licence,
- (e) the date on which the licence was granted,
- (f) the licensee's area of operations under the licence,
- (g) any conditions imposed on the licence by the Minister under section 13 (1) (b) of the Act,
- (h) any variation of licence conditions under section 15 of the Act,
- (i) details of any action taken against the licensee under section 16 of the Act,

Water Industry Competition (General) Regulation 2008

Clause 18

Licensing of network operators and retail suppliers

Part 2

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- (j) such other information as is required by subclause (2), (3), (4) or (5).
- (2) In the case of a network operator's licence for water infrastructure, the Register of Licences must also include the following information:
- (a) each source from which the water handled by the infrastructure is derived,
 - (b) in the case of non-potable water, the authorised purposes for that water,
 - (c) the identity of each licensed retail supplier or public water utility that has access to the infrastructure services provided by the infrastructure for the purpose of supplying water to its customers,
 - (d) a description of any other water infrastructure to which the infrastructure is connected.
- (3) In the case of a network operator's licence for sewerage infrastructure, the Register of Licences must also include the following information:
- (a) the identity of each licensed retail supplier or public water utility that has access to infrastructure services provided by the infrastructure for the purpose of providing sewerage services to its customers,
 - (b) a description of any other sewerage infrastructure with which the infrastructure is connected,
 - (c) a description of the arrangements for the disposal of waste from the infrastructure.
- (4) In the case of a retail supplier's licence for the supply of water, the Register of Licences must also include the following information:
- (a) a list of each licensed network operator or public water utility from whose water infrastructure the licensee supplies water to its customers,
 - (b) each source from which the water handled by the infrastructure is derived,
 - (c) a statement as to whether or not any of the licensee's customers are small retail customers,
 - (d) details of any order under section 54 of the Act by which the licensee is declared to be a retailer of last resort.
- (5) In the case of a retail supplier's licence for the provision of sewerage services, the Register of Licences must also include the following information:

Clause 19 Water Industry Competition (General) Regulation 2008

Part 2 Licensing of network operators and retail suppliers

- (a) a list of each licensed network operator or public water utility by means of whose sewerage infrastructure the licensee provides sewerage services to its customers,
- (b) a statement as to whether or not any of the licensee's customers are small retail customers,
- (c) details of any order under section 54 of the Act by which the licensee is declared to be a retailer of last resort.

19 Exemptions from the requirement for a licence: section 5 (4) (b)

The following water or sewerage infrastructure is prescribed as infrastructure to which section 5 of the Act does not apply (and so is exempt from the requirement for a licence):

- (a) water or sewerage infrastructure that is constructed, maintained or operated for or on behalf of a licensee or a public water utility,
- (b) a water supply work within the meaning of the *Water Management Act 2000* that is used solely for the purpose of taking water pursuant to an entitlement under Chapter 3 of that Act,
- (c) a work to which Part 2 or 5 of the *Water Act 1912* applies that is used solely for the purpose of taking water pursuant to an entitlement under Part 2 or 5 of that Act,
- (d) water or sewerage infrastructure:
 - (i) that is wholly situated on premises owned by the one person, whether or not the whole or any part of those premises are leased to, or occupied by, some other person, and
 - (ii) that is owned or controlled by the person by whom those premises are owned,
- (e) any work that is used solely for stormwater drainage purposes.

Water Industry Competition (General) Regulation 2008

Clause 20

Retailers of last resort

Part 3

Part 3 Retailers of last resort

20 Contingency plans: section 55

The contingency plan prepared by a retailer of last resort:

- (a) must identify the water or sewerage infrastructure from which it proposes to supply water, or provide sewerage services, to supply failure customers, and
- (b) must outline the arrangements that it has, or proposes to make, with the service provider for that infrastructure for supplying water, or providing sewerage services, to supply failure customers, and
- (c) must indicate the additional costs that it is likely to incur if it has to supply water, or provide sewerage services, to supply failure customers, and
- (d) must indicate any limitations (such as limitations as to capacity and reliability) in its ability to supply water, or provide sewerage services, to supply failure customers, and
- (e) must indicate any consequential effects on its ability to supply water, or provide sewerage services, to its other customers that are likely to arise if it is has to supply water, or provide sewerage services, to supply failure customers.

21 Declaration of supply failure: section 56 (2)

- (1) The following circumstances are prescribed as circumstances in which the Minister may declare a supply failure in relation to a licensed retail supplier:
 - (a) where, as a consequence of action taken under section 15 or 16 of the Act, the licensee is no longer authorised to supply water or provide sewerage services, as the case may be, to its customers in the whole or any part of its area of operations,
 - (b) where the licensee has refused to supply water or provide sewerage services to its small retail customers in the whole or any part of its area of operations without having made adequate arrangements for the transfer of the water supply or sewerage services to some other licensed retail supplier or public water utility,
 - (c) where the licensee has given written notice to the Minister of its intention to terminate the supply of water, or the provision of sewerage services, to some or all of its customers,

Clause 22 Water Industry Competition (General) Regulation 2008

Part 3 Retailers of last resort

- (d) where the licensee is unable, or the Minister is satisfied that it is imminently likely to become unable, to supply water or provide sewerage services to its customers in the whole or any part of its area of operations.
- (2) As soon as practicable after a supply failure is declared in relation to a licensed retail supplier, the supplier must provide the relevant retailer of last resort with such information as the transfer code of conduct requires to be provided in those circumstances.

22 Special circumstances contracts: section 57 (3)

- (1) The terms on which a retailer of last resort supplies its small retail customers are prescribed as the terms of that retailer's special circumstances contract.
- (2) If the retailer of last resort supplies different small retail customers under different contracts, the prescribed terms are the terms of such of those contracts as the Minister may notify the retailer as having been approved by the Minister for that purpose.

23 Retailer of last resort supply fee

A retailer of last resort may require a transferred customer to pay a last resort supply fee not exceeding an amount determined by the Minister on the recommendation of IPART.

24 Notice of special circumstances contract to be sent to customers

As soon as practicable after a person becomes a customer of a retailer of last resort pursuant to section 57 of the Act, the retailer of last resort must cause notice of that fact, together with a copy of the relevant special circumstances contract, to be sent to the customer.

Water Industry Competition (General) Regulation 2008

Clause 25

General

Part 4

Part 4 General

25 Establishment of water industry code of conduct

- (1) The Minister may, by order published in the Gazette, establish a code of conduct in relation to the respective responsibilities of licensed network operators, licensed retail suppliers and public water utilities.
- (2) The water industry code of conduct may make provision with respect to such matters concerning the responsibilities referred to in subclause (1) as the Minister considers appropriate.
- (3) Without limiting subclause (2), the water industry code of conduct may make provision with respect to the following matters:
 - (a) responsibility for water quality,
 - (b) liability in the event of the unavailability of water,
 - (c) liability in the event of infrastructure failure,
 - (d) fees and charges payable in respect of the use of infrastructure,
 - (e) responsibility for handling customer complaints.
- (4) A licensed network operator, licensed retail supplier or public water utility must not contravene the water industry code of conduct.
Maximum penalty: 200 penalty units (in the case of a corporation) or 50 penalty units (in any other case).

26 Establishment of marketing code of conduct

- (1) The Minister may, by order published in the Gazette, establish a code of conduct for the marketing of water supplies and sewerage services.
- (2) The marketing code of conduct may make provision with respect to such matters concerning the marketing of water supplies and sewerage services as the Minister considers appropriate.
- (3) Without limiting subclause (2), the marketing code of conduct may make provision with respect to the following matters:
 - (a) standards of conduct to be observed by marketers, whether marketing in person or by phone, by letter, by fax or by email,
 - (b) the information to be provided by marketers to persons to whom they are marketing,
 - (c) the cooling-off periods to be available to new customers.
- (4) A marketer must not contravene the marketing code of conduct.
Maximum penalty: 200 penalty units (in the case of a corporation) or 50 penalty units (in any other case).

Clause 27 Water Industry Competition (General) Regulation 2008

Part 4 General

27 Establishment of transfer code of conduct

- (1) The Minister may, by order published in the Gazette, establish a code of conduct for the transfer of water supplies or sewerage services to, from or between licensed retail suppliers.
- (2) The transfer code of conduct may make provision with respect to such matters concerning the transfer of water supplies or sewerage services as the Minister considers appropriate.
- (3) Without limiting subclause (2), the transfer code of conduct may make provision with respect to the following matters:
 - (a) the information that a licensed retail supplier must provide to the relevant retailer of last resort in the event that a supply failure is declared in relation to the retail supplier,
 - (b) the procedures to be observed by transferors, transferees and relevant service providers when water supplies or sewerage services are transferred,
 - (c) the period of time within which transferors, transferees and relevant service providers must comply with their obligations under the code.
- (4) A transferor, transferee or relevant service provider must not contravene the transfer code of conduct.
Maximum penalty: 200 penalty units (in the case of a corporation) or 50 penalty units (in any other case).

28 Water restrictions

- (1) This clause applies to any part of a licensee's area of operations in respect of which an order under:
 - (a) the *Local Government Act 1993*, or
 - (b) the *Water Management Act 2000*, or
 - (c) the *Hunter Water Act 1991*, or
 - (d) the *Sydney Water Act 1994*,restricts the use or consumption of water supplied by a public water utility (a **local water restrictions order**).
- (2) The Minister may, by notice published in the Gazette, declare that a local water restrictions order, as in force from time to time, applies to and in respect of the use or consumption of water supplied by the licensee in the same way as it applies to and in respect of the use or consumption of water supplied by the public water utility.

Water Industry Competition (General) Regulation 2008

Clause 29

General

Part 4

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- (3) Such a declaration may not be made if the licensee derives its water from a different water source to that from which the public water utility derives its water unless the Minister is satisfied that the circumstances giving rise to the local water restrictions order apply to both water sources.
 - (4) The Minister may, by order in writing, authorise a public water utility by which a local water restrictions order may be made to make a declaration under this clause on the Minister's behalf.
 - (5) A declaration made by a public water utility so authorised may be included in the same instrument as the local water restrictions order to which it relates.
 - (6) A person who uses or consumes water in contravention of a local water restrictions order, as applied by this clause, is guilty of an offence.
Maximum penalty: 50 penalty units (in the case of a corporation) and 5 penalty units (in any other case).

29 Internal review: section 47 (2) (c)

- (1) A failure to make a decision on an application for a review under section 47 of the Act within 20 business days after the application is made is taken to be a refusal to alter the decision to which the application relates.
- (2) In this clause, *business day* means any day that is not a Saturday, Sunday or public holiday.

30 Approved ombudsman scheme: section 49 (1) (b)

- (1) The following classes of disputes and complaints are prescribed as disputes and complaints in relation to which an ombudsman scheme may be approved:
 - (a) disputes and complaints in relation to the marketing of water supplies or sewerage services,
 - (b) disputes and complaints arising in connection with water supply contracts and sewerage service contracts,
 - (c) disputes and complaints in relation to the transfer of water supplies or sewerage services.
- (2) The ombudsman appointed under an approved ombudsman scheme:
 - (a) must cause copies of all public reports issued by the ombudsman to be given to the Minister, and
 - (b) must cause notice to be given to the Minister of changes in the policies and procedures to be adopted in connection with the scheme.

Clause 31 Water Industry Competition (General) Regulation 2008

Part 4 General

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- (3) Without limiting subclause (2), the Minister may from time to time require the ombudsman appointed under an approved ombudsman scheme to provide the Minister with reports on the operation of the scheme, including:
- (a) particulars as to the extent to which the scheme is meeting the objectives referred to in section 49 (2) of the Act, and
 - (b) particulars as to the extent to which the scheme has met relevant best practice benchmarks, and
 - (c) particulars as to the extent to which licensees or specified licensees and other persons bound by the scheme have complied with their obligations under the scheme.

31 Approved auditors

For the purposes of this Regulation, a reference to an *approved auditor*, in relation to any matter affecting a licensee, is a reference to:

- (a) a person nominated by IPART, or
- (b) a person chosen by the licensee from a panel of persons nominated by IPART, or
- (c) a person nominated by the licensee and approved by IPART.

32 Availability of guidelines

Paper copies of the Australian Drinking Water Guidelines and the Australian Guidelines for Water Recycling are to be kept available for inspection by the public at the offices of IPART and electronic copies are to be made accessible to the public on or from IPART's website.

33 Exemption from licensing requirements: transitional provision

- (1) This clause applies to any water or sewerage infrastructure:
 - (a) whose construction commenced before 8 August 2008, or
 - (b) that was being operated immediately before 8 August 2008.
- (2) Water or sewerage infrastructure to which this clause applies is exempt from the operation of section 5 of the Act:
 - (a) until 8 August 2009, or
 - (b) if an application for a licence in relation to the infrastructure is lodged at the office of IPART before that date:
 - (i) until the application is finally determined, or
 - (ii) until the applicant is notified by IPART that the applicant has failed to comply with a direction to supply further information under clause 6 (4) or 10 (3),
 whichever first occurs.

Water Industry Competition (General) Regulation 2008

Clause 33

General

Part 4

- (3) In their application to infrastructure to which this clause applies:
- (a) clauses 6 (1) and 7 (1) of Schedule 1 are to be construed as if the words “Before commencing to operate water infrastructure commercially” were replaced by the words “Within 6 months after being granted a network operator’s licence for water infrastructure”, and
 - (b) clauses 13 (1) and 14 (1) of Schedule 1 are to be construed as if the words “Before commencing to operate sewerage infrastructure commercially” were replaced by the words “Within 6 months after being granted a network operator’s licence for sewerage infrastructure”.

Water Industry Competition (General) Regulation 2008

Schedule 1 Conditions for network operators' licences

Schedule 1 Conditions for network operators' licences

(Clause 9)

Part 1 Licence conditions for all licences**1 Provision of information**

- (1) The licensee must provide the Minister or IPART with such information as the Minister or IPART may from time to time direct in relation to the licensee's activities under the licence, and must provide it within such time as is specified in that direction.
- (2) The licensee must immediately notify:
 - (a) IPART, and
 - (b) the Minister administering the *Public Health Act 1991*, and
 - (c) the Minister administering Part 2 of the *Water Industry Competition Act 2006*, and
 - (d) any licensed retail supplier that supplies water or provides sewerage services by means of the licensee's infrastructure, and
 - (e) any other licensed network operator or public water utility whose infrastructure is connected to the licensee's infrastructure,of any incident in the conduct of its activities that threatens, or could threaten, water quality, public health or safety.
- (3) The licensee must permit:
 - (a) the publication on IPART's website of such matters concerning the licensee as are required to be recorded on the Register of Licences, and
 - (b) the disclosure between relevant government agencies of any information that the licensee has provided to any one of them, and
 - (c) the disclosure to the general public of information as to any incidents reported under subclause (2).
- (4) In this clause, **relevant government agency** means any Minister or Division of the Government Service that is involved in the administration of the Act, or to which information is provided pursuant to the Act, this Regulation or any licence condition.

2 Commercial operation of water or sewerage infrastructure

- (1) The licensee must not bring any new water or sewerage infrastructure into commercial operation without the written approval of the Minister.

Water Industry Competition (General) Regulation 2008

Conditions for network operators' licences

Schedule 1

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- (2) Such an approval is not to be given unless the Minister has been provided with a report, prepared by an approved auditor in such manner and form as the Minister may direct, that indicates that the infrastructure:
- (a) complies with the requirements of this Regulation and any licence conditions, and
 - (b) is capable of operating safely and in accordance with its infrastructure operating plan and its water quality or sewage management plan, as the case requires.
- (3) For the purposes of this clause, infrastructure that extends or expands existing infrastructure is not new infrastructure unless its design, construction or operation:
- (a) involves different technology to that used in connection with the existing infrastructure, or
 - (b) is inconsistent with the infrastructure operating plan, or the water quality plan or sewage management plan, for the existing infrastructure.

3 Safe and reliable network

The licensee must ensure that its water or sewerage infrastructure is properly designed and constructed, operated in a safe and reliable manner and maintained in a proper condition, having regard to:

- (a) the purposes for which it is licensed, and
- (b) the licence conditions, and
- (c) any publicly available standards or codes relating to its design, construction, operation and maintenance.

4 Environmental protection

- (1) The licensee must comply with the requirements of:
- (a) the *Environmental Planning and Assessment Act 1979* and any environmental planning instruments under that Act, and
 - (b) the *Protection of the Environment Operations Act 1997* and any regulations under that Act,
- in relation to the protection of the environment.
- (2) Subclause (1) applies only in relation to the licensee's activities under the licence.

Water Industry Competition (General) Regulation 2008

Schedule 1 Conditions for network operators' licences

5 Codes of conduct

To the extent that it applies to a network operator, the licensee must comply with any water industry code of conduct, marketing code of conduct and transfer code of conduct.

Part 2 Additional conditions for licences for water infrastructure**6 Infrastructure operating plans**

- (1) Before commencing to operate water infrastructure commercially, the licensed network operator for the infrastructure must prepare, and forward to IPART, an infrastructure operating plan that indicates the arrangements that the licensee has made, or proposes to make, in relation to:
 - (a) the design, construction, operation and maintenance of the infrastructure, including particulars as to the life-span of the infrastructure, the system redundancy built into the infrastructure and the arrangements for the renewal of the infrastructure, and
 - (b) the continued safe and reliable performance of the infrastructure, and
 - (c) the continuity of water supply, and
 - (d) alternative water supplies when the infrastructure is inoperable, and
 - (e) the maintenance, monitoring and reporting of standards of service.
- (2) The licensee:
 - (a) must ensure that its infrastructure operating plan is fully implemented and kept under regular review and, in particular, that all of its activities are carried out in accordance with that plan, and
 - (b) must, if the Minister so directs, amend its infrastructure operating plan in accordance with the Minister's direction.
- (3) If the Minister or IPART so demands, or if any significant change is made to its infrastructure operating plan, the licensee:
 - (a) must provide the Minister or IPART with a report, prepared by an approved auditor in such manner and form as the Minister or IPART may direct:
 - (i) as to the adequacy of the plan, and

Water Industry Competition (General) Regulation 2008

Conditions for network operators' licences

Schedule 1

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- (ii) as to the condition of its infrastructure, having regard to the purpose for which it is licensed, or
 - (b) must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan or the condition of its infrastructure.

7 Water quality plans

- (1) Before commencing to operate water infrastructure commercially, the licensed network operator for the infrastructure must prepare, and forward to IPART, a water quality plan, in relation to the water supplied from the infrastructure, that specifies:
 - (a) if the water so supplied is drinking water, how the 12 elements of the framework for the management of drinking water quality, as detailed in the Australian Drinking Water Guidelines, have been addressed and will be implemented, and
 - (b) if the water so supplied is non-potable water, how the 12 elements of the framework for the management of recycled water quality and use, as detailed in the Australian Guidelines for Water Recycling, have been addressed and will be implemented and, having regard to those guidelines, the purposes for which the water may be used and the purposes for which the water may not be used.
- (2) A water quality plan in relation to water infrastructure for drinking water must be consistent with the Australian Drinking Water Guidelines.
- (3) A water quality plan in relation to water infrastructure for non-potable water must be consistent with the Australian Guidelines for Water Recycling.
- (4) The licensee:
 - (a) must ensure that its water quality plan is fully implemented and kept under regular review and, in particular, that all of its activities are carried out in accordance with that plan, and
 - (b) must, if the Minister so directs, amend its water quality plan in accordance with the Minister's direction.
- (5) If the Minister or IPART so demands, or if any significant change is made to its water quality plan, the licensee:
 - (a) must provide the Minister or IPART with a report, prepared by an approved auditor in such manner and form as the Minister or IPART may direct, as to the adequacy of the plan, or
 - (b) must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan.

Water Industry Competition (General) Regulation 2008

Schedule 1 Conditions for network operators' licences

8 Water meters

- (1) Any water meter that is connected to a licensee's water main must comply with the requirements of the Plumbing and Drainage Code of Practice.
- (2) While water is being supplied to premises in respect of which a water meter has been installed, the licensee must ensure that:
 - (a) the water meter is properly maintained and periodically tested, and
 - (b) the water meter is read at intervals of no more than 4 months, and
 - (c) written notice of each meter reading is sent to the relevant licensed retail supplier.

9 Drinking water

The licensee under a licence for water infrastructure to supply drinking water must ensure that the water supplied:

- (a) is fit for human consumption, and
- (b) complies with any requirements of the licence conditions, and
- (c) complies with any requirements under the *Public Health Act 1991* in relation to the supply of safe drinking water.

10 Non-potable water

The licensee under a licence for water infrastructure to supply non-potable water for a particular purpose must ensure that the water supplied:

- (a) is fit for that purpose, and
- (b) complies with any requirements of the licence conditions.

11 Customer connections

The licensee must not allow a customer's installation to be connected to the licensee's water main unless the installation complies with the Plumbing and Drainage Code of Practice.

12 Matters to be contained on licensee's website

The licensee must have an internet website on which the following matters are available for inspection by members of the public:

- (a) a plan showing the nature and general location of the infrastructure,
- (b) the licensee's infrastructure operating plan,
- (c) the licensee's water quality plan,

Water Industry Competition (General) Regulation 2008

Conditions for network operators' licences

Schedule 1

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- (d) the most recent auditor's report under clause 6 that applies to the licensee,
 - (e) the most recent auditor's report under clause 7 that applies to the licensee.

Part 3 Additional conditions for licences for sewerage infrastructure

13 Infrastructure operating plans

- (1) Before commencing to operate sewerage infrastructure commercially, the licensed network operator for the infrastructure must prepare, and forward to IPART, an infrastructure operating plan that indicates the arrangements that the licensee has made, or proposes to make, in relation to:
 - (a) the design, construction, operation and maintenance of the infrastructure, including particulars as to the life-span of the infrastructure, the system redundancy built into the infrastructure and the arrangements for the renewal of the infrastructure, and
 - (b) the continued safe and reliable performance of the infrastructure, and
 - (c) the continuity of sewerage services, and
 - (d) alternative sewerage services when the infrastructure is inoperable, and
 - (e) the maintenance, monitoring and reporting of standards of service.
- (2) The licensee:
 - (a) must ensure that its infrastructure operating plan is fully implemented and kept under regular review and, in particular, that all of its activities are carried out in accordance with that plan, and
 - (b) must, if the Minister so directs, amend its infrastructure operating plan in accordance with the Minister's direction.
- (3) If the Minister or IPART so demands, or if any significant change is made to its infrastructure operating plan, the licensee:
 - (a) must provide the Minister or IPART with a report, prepared by an approved auditor in such manner and form as the Minister or IPART may direct:
 - (i) as to the adequacy of the plan, and
 - (ii) as to the condition of its infrastructure, having regard to the purpose for which it is licensed, or

Water Industry Competition (General) Regulation 2008

Schedule 1 Conditions for network operators' licences

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- (b) must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan or the condition of its infrastructure.

14 Sewage management plans

- (1) Before commencing to operate sewerage infrastructure commercially, the licensed network operator for the infrastructure must prepare, and forward to IPART, a sewage management plan, in relation to the conveyance, treatment and disposal of sewage by means of the infrastructure, that indicates:
 - (a) the manner in which health and ecological assessments will be undertaken and any concerns arising from any such assessment addressed, and
 - (b) the arrangements for the disposal of waste from the infrastructure.
- (2) An applicant for a network operator's licence for sewerage infrastructure is exempt from the requirement for a sewage management plan to the extent to which the infrastructure is the subject of a licence under the *Protection of the Environment Operations Act 1997*.
- (3) The licensee:
 - (a) must ensure that its sewage management plan is fully implemented and kept under regular review and, in particular, that all of its activities are carried out in accordance with that plan, and
 - (b) must, if the Minister so directs, amend its sewage management plan in accordance with the Minister's direction.
- (4) If the Minister or IPART so demands, or if any significant change is made to its sewage management plan, the licensee:
 - (a) must provide the Minister or IPART with a report, prepared by an approved auditor in such manner and form as the Minister or IPART may direct, as to the adequacy of the plan, or
 - (b) must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan.

15 Customer connections

The licensee must not allow a customer's installation to be connected to the licensee's sewer main unless the installation complies with the Plumbing and Drainage Code of Practice.

Water Industry Competition (General) Regulation 2008

Conditions for network operators' licences

Schedule 1

16 Matters to be contained on licensee's website

The licensee must have an internet website on which the following matters are available for inspection by members of the public:

- (a) a plan showing the nature and general location of the separate components of the infrastructure (that is, each component that is used for the treatment, storage, conveyance or reticulation of sewage),
- (b) the licensee's infrastructure operating plan,
- (c) the licensee's sewage management plan,
- (d) the most recent auditor's report under clause 13 that applies to the licensee,
- (e) the most recent auditor's report under clause 14 that applies to the licensee.

Water Industry Competition (General) Regulation 2008

Schedule 2 Conditions for retail suppliers' licences

Schedule 2 Conditions for retail suppliers' licences

(Clause 13)

Part 1 Licence conditions for all licences**1 Provision of information**

- (1) The licensee must provide the Minister or IPART with such information as the Minister or IPART may from time to time direct in relation to the licensee's activities under the licence, and must provide it within such time as is specified in that direction.
- (2) The licensee must immediately notify:
 - (a) IPART, and
 - (b) the Minister administering the *Public Health Act 1991*, and
 - (c) the Minister administering Part 2 of the *Water Industry Competition Act 2006*, and
 - (d) any licensed network operator by means of whose infrastructure the retailer supplies water or provides sewerage services,of any incident in the conduct of its activities that threatens, or could threaten, water quality, public health or safety.
- (3) The licensee must permit:
 - (a) the publication on IPART's website of such matters concerning the licensee as are required to be recorded on the Register of Licences, and
 - (b) the disclosure between relevant government agencies of any information that the licensee has provided to any one of them, and
 - (c) the disclosure to the general public of information as to any incidents reported under subclause (2).
- (4) In this clause, **relevant government agency** means any Minister or Division of the Government Service that is involved in the administration of the Act, or to which information is provided pursuant to the Act, this Regulation or any licence condition.

2 Implementation of government policy with respect to social programs

- (1) The licensee:
 - (a) must implement any relevant government policy that applies to it, and
 - (b) must ensure that details of any such policy are forwarded to each of its customers at least once every quarter, and

Water Industry Competition (General) Regulation 2008

Conditions for retail suppliers' licences

Schedule 2

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- (c) must furnish a report to IPART and to the relevant Department Head, as soon as practicable after the end of each quarter, as to:
 - (i) the identity of each customer to whom any payment assistance, discount or rebate has been given during that quarter pursuant to any such policy, and
 - (ii) the amount of any such payment assistance, discount or rebate, and
 - (d) must furnish a report to any licensee to which there is a transfer of water supplies or sewerage services in respect of a customer referred to in paragraph (c) (i), as soon as practicable after the transfer takes effect, as to:
 - (i) the fact that the customer has been receiving any payment assistance, discount or rebate pursuant to any such policy, and
 - (ii) the amount of any such payment assistance, discount or rebate.
 - (2) This clause does not apply to a licence for the supply of water to a customer who also receives water from a public water utility, another licensee or some other person unless the water supplied under the licence is or includes drinking water.
 - (3) In this clause:

quarter means the 3-month period ending 31 March, 30 June, 30 September or 31 December in any year.

relevant Department Head means:

- (a) in relation to customers whose premises are located within the area of operations of a water supply authority, council or county council, the Director-General of the Department of Local Government, and
- (b) in relation to customers whose premises are located within the area of operations of the Sydney Water Corporation or Hunter Water Corporation, the Director-General of the Department of Water and Energy.

relevant government policy means government policy with respect to social programs for the supply of water and the provision of sewerage services, as referred to in section 13 (3) (a) of the Act.

3 Customers to be notified of translation services

- (1) Any notice that the licensee is required to send to its customers, whether by the Act, this Regulation or a licence condition, must include, or be accompanied by, information as to the existence of, and the telephone numbers for, any community translation services that are available.

Water Industry Competition (General) Regulation 2008

Schedule 2 Conditions for retail suppliers' licences

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- (2) Such information is to be given:
- (a) in English, Arabic, Cantonese, Greek, Italian, Spanish and Vietnamese, and
 - (b) in such other languages as are spoken by more than 3 per cent of the population within the licensee's area of operations.

4 Code of practice for customer complaints

- (1) The licensee:
- (a) must establish and comply with a code of practice for customer complaints, whether in relation to:
 - (i) the supply of water, or the provision of sewerage services, by the licensee, or
 - (ii) the operation of the water or sewerage infrastructure from which that water is supplied or those services provided, and
 - (b) must provide copies of that code of practice to the Minister, IPART and to the ombudsman, and
 - (c) must keep its customers informed as to:
 - (i) the provisions of that code of practice, and
 - (ii) the existence of the ombudsman, and the procedure for referring complaints or disputes to the ombudsman, and
 - (d) must furnish periodic reports to the Minister and IPART, in relation to the complaints it receives, in such form, and containing such information, as the Minister or IPART requires.
- (2) A code of practice referred to in subclause (1) must conform to the requirements of AS/ISO 10002—2006.
- (3) In subclause (2), *AS/ISO 10002—2006* means the Australian Standard entitled AS ISO 10002—2006, *Customer Satisfaction—Guidelines for complaints handling in organizations*, as published by Standards Australia in April 2006.

5 Code of practice for debt recovery

- (1) The licensee:
- (a) must establish and comply with a code of practice for debt recovery, and
 - (b) must provide copies of that code of practice to the Minister, IPART and to the ombudsman, and
 - (c) must keep its customers informed as to the provisions of that code of practice.

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Conditions for retail suppliers' licences

Schedule 2

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- (2) The code must provide for the deferment, in whole or in part, of payments owed by customers suffering financial hardship.

6 Codes of conduct

The licensee must comply with any water industry code of conduct, marketing code of conduct and transfer code of conduct.

7 Environmental protection

- (1) The licensee must comply with the requirements of:
- (a) the *Environmental Planning and Assessment Act 1979* and any environmental planning instruments under that Act, and
 - (b) the *Protection of the Environment Operations Act 1997* and any regulations under that Act,
- in relation to the protection of the environment.
- (2) Subclause (1) applies only in relation to the licensee's activities under the licence.

Part 2 Additional conditions for licences for water supply

8 Retail supply management plans

- (1) Before commencing to carry out activities under a retail supplier's licence for the supply of water, the licensee must prepare, and forward to IPART, a retail supply management plan that indicates the arrangements that the licensee has made, or proposes to make, in relation to:
- (a) the events and circumstances that could adversely affect the licensee's ability to supply water, and
 - (b) the probability of the occurrence of any such event or circumstance, and
 - (c) the measures to be taken by the licensee:
 - (i) to prevent the occurrence, or minimise the effect, of any such event or circumstance, and
 - (ii) to arrange for alternative supplies of water in response to any such event or circumstance, and
 - (d) the arrangements that the licensee has made, or proposes to make, to ensure that it complies with:
 - (i) its code of practice for customer complaints and its code of practice for debt recovery, and

Water Industry Competition (General) Regulation 2008

Schedule 2 Conditions for retail suppliers' licences

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- (ii) the marketing code of conduct and the transfer code of conduct.
- (2) The licensee:
 - (a) must ensure that its retail supply management plan is fully implemented and kept under regular review and, in particular, that all of its activities are carried out in accordance with that plan, and
 - (b) must, if the Minister so directs, amend its retail supply management plan in accordance with the Minister's direction.
 - (3) If the Minister or IPART so demands, or if any significant change is made to its retail supply management plan, the licensee:
 - (a) must provide the Minister or IPART with a report, prepared by an approved auditor in such manner and form as the Minister or IPART may direct, as to the adequacy of the plan, or
 - (b) must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan.

9 Non-potable water to match customer's needs

- (1) The licensee under a retail supplier's licence for the supply of non-potable water:
 - (a) must inform any customer to which such water is supplied as to the authorised purposes in relation to that water, and
 - (b) must not supply such water to any customer for use for any other purpose.
- (2) Subclause (1) (b) does not prevent the supply of non-potable water to a customer for use for an unauthorised purpose if the water is to be processed by the customer so as to become water for which that purpose is an authorised purpose.

10 Obligation not to over-commit

- (1) The licensee must not enter into water supply arrangements under which it assumes obligations that it is unable to meet, or advertise that it is willing to enter into such arrangements, having regard to:
 - (a) the capacity of the relevant water source to supply water or the volume of water available to the licensee from that water source, and
 - (b) the quality of the water derived from that water source, and
 - (c) the water infrastructure from which the water is to be supplied, and

Water Industry Competition (General) Regulation 2008

Conditions for retail suppliers' licences

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- (d) the conditions on which the licensee has access to the infrastructure services provided by that infrastructure, whether pursuant to an access agreement or access determination or otherwise.
 - (2) The licensee must not enter into a water supply arrangement with a customer unless the premises to which the water is to be supplied are connected to, or readily connectible to, a water main to which the licensee has access, whether pursuant to an access agreement or access determination or otherwise.

11 Notice of intended termination of water supply

- (1) The licensee must not terminate the supply of water to any of its customers within the whole or any part of its area of operations unless it has caused at least 14 days' written notice of its intention to do so to be given to the Minister and to IPART.
- (2) This clause does not apply in relation to any customer (other than a small retail customer) with whom the licensee has entered into a water supply arrangement that sets out procedures to be followed in connection with the interruption or termination of water supply.

12 Notice of water restrictions

The licensee must ensure that its customers are kept informed of any water restriction that applies to them in any bill or other correspondence that it sends to them while the restriction is in force.

13 Matters to be contained on licensee's website

- (1) The licensee must have an internet website on which the following matters are available for inspection by members of the public:
 - (a) the licensee's standard water supply contract for small retail customers,
 - (b) the licensee's retail supply management plan,
 - (c) the licensee's code of practice for customer complaints,
 - (d) the licensee's code of practice for debt recovery,
 - (e) details of any relevant government policy that applies to the licensee,
 - (f) the most recent auditor's report under clause 8 that applies to the licensee,
 - (g) the existence of any water restriction order that is in force in its area of operations.

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- (2) In this clause, *relevant government policy* means government policy with respect to social programs for the supply of water, as referred to in section 13 (3) (a) of the Act.

14 Water to be supplied under contract to small retail customers

- (1) The licensee must not supply water to a small retail customer otherwise than under a water supply contract.
- (2) Such a contract must address each of the matters referred to in the Table to this clause.
- (3) Such a contract must also provide that the licensee must not:
- (a) disconnect the customer's premises from the licensee's water main, or
 - (b) reduce the flow of drinking water from that main below that necessary for basic sustenance and hygiene,
- as a consequence of the customer's non-payment of a debt.
- (4) A licensee that proposes to supply water to a small retail customer on terms that are different to those set out in the licensee's standard water supply contract referred to in clause 13 (1) (a) must notify the customer of the various differences before the customer enters into the contract.
- (5) Before entering into a contract to supply water to a small retail customer, the licensee must provide the customer with a disclosure notice that specifies:
- (a) the customer's name, and the address of the premises to be supplied, and
 - (b) the date on which supply is to commence, and
 - (c) the fees and charges that will be payable in respect of the supply, and
 - (d) the circumstances in which the customer's premises may be disconnected from the water main, and
 - (e) the licensee's procedures for handling customer complaints, and
 - (f) the existence of any government-funded rebates for which the customer may be eligible, and
 - (g) where the customer can obtain a copy of the contract.

Table

The name and address of the customer

The location of the premises to which water is to be supplied

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The date on and from which (and, if applicable, the date until which) water is to be supplied

The licensee's current charges for the supply of water

The way in which the customer will be notified of any change in the licensee's charges for the supply of water

The availability of payment assistance, discounts and rebates under any government policy with respect to social programs for the supply of water

The information to be included in any bill for the supply of water, which must include information as to past and present water consumption

The length of the billing period for any such bill

The time allowed for payment of any such bill and the manner in which payment may be made

The procedures available for dealing with disputed bills, including procedures for reconciling under- or over-charging

The charges applicable to overdue accounts and dishonoured payments

The charges applicable to connecting the customer's premises to the relevant water main

Any other charges that may be applicable

The arrangements for responding to requests by customers for meter testing

A description of the customer's connection point to the relevant water main

The identity of the service provider by means of whose infrastructure water is to be supplied to the consumer

The licensee's postal address and telephone number

The arrangements under which access may be gained to the customer's premises for meter inspection and other purposes

The arrangements to be made in the event that the customer vacates the premises to which the licensee supplies water

The allocation of responsibility for maintaining and testing water meters

The water source (or water sources) from which the licensee derives its supply of water

The rate at which water is to be available for supply to the customer's premises, whether generally or during specified periods

The minimum pressure at which water is to be supplied

The purposes for which the water may be used

The precautions that have been taken to prevent cross-contamination with other water

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The precautions that the customer must take to prevent cross-contamination with other water and contamination of any water source

The circumstances in which water may not be available for supply to the customer's premises, the notice that will be given to customers and the arrangements that are in place for the supply of water in those circumstances

Part 3 Additional conditions for licences for sewerage services supply

15 Retail supply management plans

- (1) Before commencing to carry out activities under a retail supplier's licence for the provision of sewerage services, the licensee must prepare, and forward to IPART, a retail supply management plan that indicates the arrangements that the licensee has made, or proposes to make, in relation to:
 - (a) the events and circumstances that could adversely affect the licensee's ability to provide sewerage services, and
 - (b) the probability of the occurrence of any such event or circumstance, and
 - (c) the measures to be taken by the licensee:
 - (i) to prevent the occurrence, or minimise the effect, of any such event or circumstance, and
 - (ii) to arrange for the provision of alternative sewerage services in response to any such event or circumstance, and
 - (d) the arrangements that the licensee has made, or proposes to make, in relation to complaint and debt recovery procedures.
- (2) The licensee:
 - (a) must ensure that its retail supply management plan is fully implemented and kept under regular review and, in particular, that all of its activities are carried out in accordance with that plan, and
 - (b) must, if the Minister so directs, amend its retail supply management plan in accordance with the Minister's direction.
- (3) If the Minister or IPART so demands, or if any significant change is made to its retail supply management plan, the licensee:
 - (a) must provide the Minister or IPART with a report, prepared by an approved auditor in such manner and form as the Minister or IPART may direct, as to the adequacy of the plan, or
 - (b) must pay the Minister's or IPART's costs of conducting an investigation into the adequacy of the plan.

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Conditions for retail suppliers' licences

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16 Obligation not to over-commit

- (1) The licensee must not enter into sewerage service arrangements under which it assumes obligations that it is unable to meet, or advertise that it is willing to enter into such arrangements, having regard to:
 - (a) the sewerage infrastructure from which those services are to be provided, and
 - (b) any limitations on the capacity of that infrastructure to dispose of waste, and
 - (c) the conditions on which the licensee has access to the infrastructure services provided by that infrastructure, whether pursuant to an access agreement or access determination or otherwise.
- (2) The licensee must not enter into a sewerage service arrangement with a customer unless the premises to which the service is to be provided are connected to, or readily connectible to, a sewer main to which the licensee has access, whether pursuant to an access agreement or access determination or otherwise.

17 Notice of intended termination of sewerage services

The licensee must not terminate the provision of sewerage services to any of its customers within the whole or any part of its area of operations unless it has caused at least 14 days' written notice of its intention to do so to be given to the Minister and to IPART.

18 Matters to be contained on licensee's website

- (1) The licensee must have an internet website on which the following matters are available for inspection by members of the public:
 - (a) the licensee's sewerage service contract for small retail customers,
 - (b) the licensee's retail supply management plan,
 - (c) the licensee's code of conduct for customer complaints,
 - (d) the licensee's code of conduct for debt recovery,
 - (e) details of any relevant government policy that applies to the licensee,
 - (f) the most recent auditor's report under clause 15 that applies to the licensee.
- (2) In this clause, *relevant government policy* means government policy with respect to social programs for the provision of sewerage services, as referred to in section 13 (3) (a) of the Act.

Water Industry Competition (General) Regulation 2008

Schedule 2 Conditions for retail suppliers' licences

19 Sewerage services to be provided under contract

- (1) The licensee must not provide a sewerage service to a small retail customer otherwise than under a sewerage service contract.
- (2) Such a contract must address each of the matters referred to in the Table to this clause.
- (3) Such a contract must also provide that the licensee must not:
 - (a) disconnect the customer's premises from the licensee's sewer main, or
 - (b) reduce the flow of sewage into that main below that necessary for basic hygiene,
 as a consequence of the customer's non-payment of a debt.
- (4) Before entering into a contract to supply a sewerage service to a small retail customer, the licensee must provide the customer with a disclosure notice that specifies:
 - (a) the customer's name, and the address of the premises to be supplied, and
 - (b) the date on which supply is to commence, and
 - (c) the fees and charges that will be payable in respect of the supply, and
 - (d) the circumstances in which the customer's premises may be disconnected from the sewer main, and
 - (e) the licensee's procedures for handling customer complaints, and
 - (f) the existence of any government-funded rebates for which the customer may be eligible, and
 - (g) where the customer can obtain a copy of the contract.

Table

The name and address of the customer

The location of the premises to which sewerage services are to be provided

The date on and from which (and, if applicable, the date until which) sewerage services are to be provided

The precautions to be taken by the customer to prevent blockages or damage to the sewer main

The licensee's current charges for the provision of sewerage services

The way in which the customer will be notified of any change in the licensee's charges for the provision of sewerage services

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The availability of payment assistance, discounts and rebates under any government policy with respect to social programs for the provision of sewerage services

The information to be included in any bill for the provision of sewerage services, which (where sewage discharge is metered) must include information as to past and present sewage discharge

The length of the billing period for any such bill

The time allowed for payment of any such bill and the manner in which payment may be made

The procedures available for dealing with disputed bills, including procedures for reconciling under- or over-charging

The charges applicable to overdue accounts and dishonoured payments

The charges applicable to connecting the customer's premises to the relevant sewer main

Any other charges that may be applicable

A description of the customer's connection point to the relevant sewer main

The identity of the service provider by means of whose sewerage infrastructure sewerage services are to be provided to the consumer

The licensee's postal address and telephone number

The arrangements under which access may be gained to the customer's premises for meter inspection and other purposes

The arrangements to be made in the event that the customer vacates the premises to which the licensee provides sewerage services

The nature of the matter to be discharged into the sewer main

The rate at which matter may be discharged into the sewer main from the customer's premises, whether generally or during specified periods

The arrangements that are in place to deal with sewage blockages or overflows

The arrangements that are in place in relation to the repair and maintenance of the sewerage infrastructure from which the sewerage service is to be provided

The precautions that the customer must take to prevent contamination of any water source

The circumstances in which the sewerage service may not be available for the customer's premises, the notice that will be given to customers and the arrangements that are in place for the provision of sewerage services in those circumstances

Rules



New South Wales

District Court Rules (Amendment No 1) 2008

under the

District Court Act 1973

The District Court Rule Committee made the following rules of court under the *District Court Act 1973* on 24 July 2008.

A R Grew
Secretary to the Rule Committee

Explanatory note

The object of these Rules is to amend the *District Court Rules 1973* so as to omit Parts 6, 24C, 24D, 24E, 24F, 26 and 39B, and certain related definitions in Part 1 rule 4, as a consequence of amendments to the *Uniform Civil Procedure Rules 2005* that replicate those provisions.

Rule 1 District Court Rules (Amendment No 1) 2008

District Court Rules (Amendment No 1) 2008

under the

District Court Act 1973

1 Name of Rules

These Rules are the *District Court Rules (Amendment No 1) 2008*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Rules (Amendment No 1) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Part 1, rule 4 (1)

Omit the definitions of *coal miner*, *coal miner's claim*, *compensation*, *conciliator*, *Special Statutory Compensation Act*, *special statutory compensation claim*, *WorkCover Authority* and *Workers Compensation Acts*.

[2] Parts 6, 24C, 24D, 24E, 24F, 26 and 39B

Omit the Parts.



New South Wales

Uniform Civil Procedure Rules (Amendment No 22) 2008

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 4 August 2008.

Jennifer Atkinson
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* so as:

- (a) to replicate parts of Schedule J to the *Supreme Court Rules 1970* (see new Schedule 10), and
- (b) to replicate Parts 6, 24C, 24D, 24E, 24F and 39B of the *District Court Rules 1973* (see new Divisions 6 and 7 of Part 50 and new Schedule 11), and
- (c) to make other minor, consequential and ancillary amendments.

Rule 1 Uniform Civil Procedure Rules (Amendment No 22) 2008

Uniform Civil Procedure Rules (Amendment No 22) 2008

under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 22) 2008*.

2 Amendment of Uniform Civil Procedure Rules 2005

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Uniform Civil Procedure Rules (Amendment No 22) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Part 1, Division 6

Insert after Division 5 of Part 1:

Division 6 Procedure in particular circumstances

1.26 Procedure under particular Acts

- (1) The provisions of Schedule 10 apply to proceedings under the Acts referred to in that Schedule.
- (2) A reference in any such provision to “the Act” is a reference to the Act referred to in the heading beneath which that provision appears.

1.27 Procedure in particular District Court lists

The provisions of Schedule 11 apply to proceedings in the District Court that are assigned to the Coal Miners’ Workers Compensation List or the Special Statutory Compensation List.

[2] Rule 3.7 Electronic issuing of a document

Insert after rule 3.7 (2):

- (3) When issued by means of the ECM system, a document that is required to be signed by a person is taken to have been duly authenticated for the purposes of section 14E of the *Electronic Transactions Act 2000* if the person’s name is printed where his or her signature would otherwise appear.

[3] Rule 4.2 Documents to be filed to contain certain information

Insert after rule 4.2 (3A):

- (3B) Subrule (3A) does not apply to documents that are filed in the Land and Environment Court in relation to proceedings in Class 1, 2 or 3 of that Court’s jurisdiction.

[4] Rule 6.33 Definitions

Insert at the end of the rule:

- (2) A reference in this Division to the Supreme Court includes a reference to the Court of Appeal where the proceedings concerned are assigned to or in the Court of Appeal.

Uniform Civil Procedure Rules (Amendment No 22) 2008

Schedule 1 Amendments

[5] Rule 6.34

Omit the rule. Insert instead:

6.34 Application of Division

This Division applies to proceedings in the Supreme Court for an order with respect to a referred matter under a legislative provision, including (but not limited to) the following provisions:
Administrative Decisions Tribunal Act 1997, section 118 or 118D,

Constitution Further Amendment (Referendum) Act 1930, section 28,

Consumer, Trader and Tenancy Tribunal Act 2001, section 66,

Powers of Attorney Act 2003, section 39,

Real Property Act 1900, section 123 or 124,

Note. This Division also applies by force of rules 12.1A and 15.1 of the *Supreme Court (Corporations) Rules 1999* to questions referred to the Supreme Court under the following Commonwealth legislation:

Australian Securities and Investments Commission Act 2001, section 61,

Corporations Act 2001, section 659A.

[6] Rule 6.35 Originating process

Omit rule 6.35 (1).

[7] Rule 6.35 (4) and (6)

Insert “(or as respondents where the proceedings are in the Court of Appeal)” after “defendants” wherever occurring.

[8] Rule 6.39 Insufficient case

Omit “alteration, or” from rule 6.39 (2) (b). Insert instead “alteration.”.

[9] Rule 6.39 (2) (c)

Omit the paragraph.

[10] Rule 18.3 Contents of notice of motion

Insert after rule 18.3 (1):

- (1A) In the case of proceedings in Class 1, 2, 3 or 4 of the Land and Environment Court’s jurisdiction, a notice of motion must identify a person who is not yet a party to the proceedings by name alone, and not as the applicant or respondent as required by subrule (1) (a) (ii) or (b) (ii).

Uniform Civil Procedure Rules (Amendment No 22) 2008

Amendments

Schedule 1

[11] Rule 37.4A

Insert after rule 37.4:

37.4A Payment of instalments under instalment order

- (1) Unless the court for special reasons orders otherwise, the judgment debtor must pay the amounts under an instalment order to the judgment creditor.
- (2) This rule does not apply to money recovered on behalf of a person under legal incapacity.

Note. The payment of money recovered on behalf of a person under legal incapacity is regulated by section 77 of the *Civil Procedure Act 2005*.

[12] Rules 37.1 and 37.1A

Renumber rule 37.1 as rule 37.1A, and insert before rule 37.1A (as renumbered):

37.1 Instalments under Fines Act 1996

This Part does not apply to a fine in relation to which enforcement action is being taken under Division 4 of Part 4 of the *Fines Act 1996*.

Note. The *Fines Act 1996* has its own regime for the payment of fines by instalments.

[13] Rule 37.7 Effect of instalment order on judgment debt

Omit “rule 37.1”. Insert instead “rule 37.1A”.

[14] Rule 39.21 Judgment creditor’s notice to judgment debtor

Insert at the end of rule 39.21 (1):

Note. Section 72 of the *Fines Act 1996* provides that a property seizure order under that section operates as a writ for the levy of property issued by a Local Court and, for that purpose, that the State Debt Recovery Office is taken to be the judgment creditor.

[15] Rule 39.21 (1A)

Insert after rule 39.21 (1):

- (1A) A copy of the advice referred to in subrule (1) (b) must be annexed to the affidavit.

Uniform Civil Procedure Rules (Amendment No 22) 2008

Schedule 1 Amendments

[16] Rule 42.19 Proceedings discontinued

Insert after rule 42.19 (2):

- (3) Despite subrule (2), the defendant's costs in an appeal to the District Court under section 91 of the *Children and Young Persons (Care and Protection) Act 1998* are not payable by the plaintiff unless the court finds there are special circumstances to justify an order for their payment by the plaintiff.

[17] Rule 50.12 Leave to appeal

Insert after rule 50.12 (4):

- (5) This rule does not apply to an appeal under section 39 of the *Victims Support and Rehabilitation Act 1996*.

Note. See instead rule 50.23.

[18] Rule 50.12, note

Omit the note at the end of the rule.

[19] Part 50, Divisions 6 and 7

Insert after Division 5 of Part 50:

Division 6 Appeals to District Court under section 91 of Children and Young Persons (Care and Protection) Act 1998

50.17 Definitions (cf DCR Part 6, rule 35)

In this Division:

appeal means appeal to the District Court under section 91 of the *Children and Young Persons (Care and Protection) Act 1998*.

child, Children's Court, Department and *Director-General* have the same meanings as they have in the *Children and Young Persons (Care and Protection) Act 1998*.

Children's Registrar has the same meaning as it has in the *Children's Court Act 1987*.

50.18 Defendants in appeal (cf DCR Part 6, rule 37)

- (1) The defendants in an appeal against a decision in respect of the care of a child are as follows:
- (a) if the Director-General is not the plaintiff, the Director-General,
- (b) if the child is of or above the age of 10 years and is not the plaintiff, the child,

Uniform Civil Procedure Rules (Amendment No 22) 2008

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-
- (c) any person (not being the plaintiff or an officer of the Department) who is responsible for the child and can reasonably be located,
 - (d) any person (not being the plaintiff or an officer of the Department) to whom leave was granted under section 98 (3) of the *Children and Young Persons (Care and Protection) Act 1998* in respect of the proceedings leading to the decision,
 - (e) any person whom the District Court orders be joined as a defendant in the appeal.
- (2) An order may be made as referred to in subrule (1) (e) only if the District Court considers that the person's joinder as a defendant is necessary to the determination of the appeal.

50.19 Children's Court record (cf DCR Part 6, rule 41)

As soon as practicable after the filing in the Children's Court of a copy of the summons commencing an appeal against a decision of that Court under rule 50.6, a Children's Registrar must forward the record of the proceedings leading to the decision to the registrar of the District Court at the proclaimed place (within the meaning of the *District Court Act 1973*) where the listing of the appeal for directions is to occur.

50.20 Notice of fresh evidence (cf DCR Part 6, rule 43)

If a party to an appeal against a decision intends to adduce on the appeal fresh evidence, or evidence in addition to or in substitution for the evidence on which the decision was made, the party must, as soon as practicable after becoming aware of the fresh, additional, or substituted evidence, serve on every other party notice of the nature and extent of that evidence.

Division 7 Appeals to District Court under section 39 of Victims Support and Rehabilitation Act 1996

50.21 Definitions (cf DCR Part 6, rule 60A)

In this Division:

appeal means appeal under section 39 of the *Victims Support and Rehabilitation Act 1996*.

application for leave means application for the leave of the District Court under section 39 (1) of the *Victims Support and Rehabilitation Act 1996* to institute an appeal.

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Schedule 1 Amendments

Tribunal means the Victims Compensation Tribunal constituted under section 59 of the *Victims Support and Rehabilitation Act 1996*.

50.22 Venue (cf DCR Part 6, rule 60B)

Subject to any order of the Court for a change of venue, an application for leave and an appeal may each be heard and determined at any proclaimed place (within the meaning of the *District Court Act 1973*).

50.23 Application for leave (cf DCR Part 6, rule 60C)

- (1) An application for leave must be made by summons.
- (2) An application for leave must be filed within:
 - (a) the period specified in section 39 (2) (a) of the *Victims Support and Rehabilitation Act 1996*, or
 - (b) such further time as the Court may allow under section 39 (2) (b) of that Act.
- (3) An application to allow further time to appeal under section 39 (2) (b) of the *Victims Support and Rehabilitation Act 1996* must be made by summons.
- (4) An application for leave must include or be accompanied by a statement identifying the determination sought to be appealed against, a statement of the question of law on which it is sought to appeal and the grounds of the proposed appeal.
- (5) The defendant in an application for leave or an application to allow further time to appeal is the Victims Compensation Fund Corporation constituted under section 66 of the *Victims Support and Rehabilitation Act 1996*.

50.24 Tribunal record (cf DCR Part 6, rule 60D)

The Registrar of the Tribunal must, as soon as practicable after delivery of a copy of a summons commencing an appeal under rule 50.6, forward to the registrar of the District Court at the proclaimed place (within the meaning of the *District Court Act 1973*) at which the appeal is to be heard the record of the proceedings in the Tribunal leading to the determination sought to be appealed against.

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50.25 Appeal (cf DCR Part 6, rule 60E)

If the Court grants leave to institute an appeal, it may give directions as to the extent to which matters before it, and decisions made by it, on the application for leave are admissible or binding on the hearing of the appeal, and may:

- (a) proceed immediately to hear and determine the appeal, or
- (b) give such directions as to filing and service of documents, conferences, fixing of a hearing date, and any other matter as appear requisite for the hearing and determination of the appeal.

[20] Rule 51.56 Discontinuance of proceedings in Court

Omit rule 51.56 (1). Insert instead:

- (1) The initiating party in any appeal proceedings may discontinue the proceedings by filing a notice of discontinuance and serving it on each respondent who has been served with the relevant notice of appeal or summons seeking leave to appeal.

[21] Rule 51.56 (7) and (8)

Insert after rule 51.56 (6):

- (7) The discontinuance of appeal proceedings does not require the consent of any respondent or the leave of the Court.
- (8) Rule 42.19 applies to the discontinuance of appeal proceedings under this rule in the same way as it applies to the discontinuance of proceedings under rule 12.1.

[22] Schedule 2 Local rules that prevail over these rules

Omit the matter relating to the *District Court Rules 1973*.

[23] Schedule 8 Assignment of business in the Supreme Court

Omit the following matter from Part 1 of the Schedule:

Mental Health Act 1990 Section 174, 281 or 285 Equity

Insert instead the following matter:

Mental Health Act 2007 Section 163 or 166 Equity

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[24] Schedules 10 and 11

Insert after Schedule 9:

Schedule 10 Provisions regarding procedure under particular legislation

(Rule 1.26)

Part 1 New South Wales legislation**Associations Incorporation Act 1984****1 Winding up**

The rules relating to the winding up of bodies other than companies (including, if applicable, the *Supreme Court (Corporations) Rules 1999*) apply, so far as applicable, to, and in relation to, the winding up by the Supreme Court of an incorporated association.

2 Appeal from liquidator etc: section 58

- (1) A liquidator or provisional liquidator referred to in section 58 of the Act may, on application in writing, grant, by notice in writing, an extension of the time limited for instituting an appeal from his or her act, omission or decision except where the Supreme Court has limited the time for instituting an appeal.
- (2) If the liquidator or provisional liquidator extends the time for instituting an appeal, he or she must deliver the notice referred to in subclause (1) to the applicant, who must file the notice with the originating process instituting the appeal.
- (3) An application referred to in subclause (1) must be made to the person before the expiration of the time allowed for instituting an appeal.

Australian Mutual Provident Society (Demutualisation and Reconstruction) Act 1997**Application of other rules of court**

- (1) The provisions of Part 80A of the *Supreme Court Rules 1970*, so far as applicable and making such changes as it is necessary to make, apply to proceedings under the Act commenced before the *Supreme Court (Corporations) Rules 1999* commenced.

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- (2) The provisions of the *Supreme Court (Corporations) Rules 1999*, so far as applicable and making such changes as it is necessary to make, apply to all other proceedings under the Act.

Confiscation of Proceeds of Crime Act 1989

1 Statement in summons

- (1) The applicant for an order under the Act must file with his or her summons a statement in summary form of the general nature of the facts and circumstances relied on.
- (2) This clause does not apply to an application under section 77 or 82 of the Act.

2 Notice of discharge of order: section 26

Notice of discharge of a pecuniary penalty order, as referred to in section 26 (2) of the Act, must be given by the appropriate officer on whose application the order was registered by filing, in the court in which the order was registered, a notice:

- (a) that states that the order has been discharged, and
- (b) that annexes a sealed copy of the order by which the relevant conviction was quashed (as referred to in section 26 (1) (a) of the Act) or the pecuniary penalty order was discharged (as referred to in section 26 (1) (b) of the Act).

3 Form of acceptance etc of allegation: section 31

An allegation may be accepted or a matter may be indicated for the purposes of section 31 (5) (b) of the Act in writing signed by the relevant party's legal representative or, if the person is unrepresented, by the relevant party.

4 Form of notice: section 44 (2)

The form of notice prescribed for the purposes of section 44 (2) of the Act is a form in writing signed by the appropriate officer or the appropriate officer's legal representative.

5 Examination order: prescribed officer: section 45

For the purposes of section 45 (1) (c) of the Act, a registrar is a prescribed officer of the Supreme Court.

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6 Information for production order or search warrant: sections 58 (1) and 66 (1)

An information setting out the grounds referred to in section 58 (1) or 66 (1) of the Act may be laid before the Supreme Court by filing an affidavit setting out those grounds.

7 Registration of interstate orders: section 77

- (1) A summons seeking registration of an interstate order must join as defendant the person against whom the order was made.
- (2) Unless the Supreme Court otherwise orders, the plaintiff may proceed without service on the defendant of the summons.
- (3) If the plaintiff includes in the summons a request that the application be granted under this subclause, the Supreme Court may deal with the application in the absence of the public and without any attendance by or on behalf of the plaintiff.
- (4) If an order is made for registration of an interstate order, the plaintiff must forthwith serve on the defendant both the interstate order and a sealed copy of the order for registration of the interstate order.
- (5) A copy referred to in section 77 (2) of the Act is registered when the order for its registration is entered.
- (6) The registration of an order referred to in section 82 (1) of the Act is cancelled when the order cancelling its registration is entered.

Contractors Debts Act 1997**1 Application: section 7 (1)**

- (1) This clause applies if an application for a debt certificate under section 7 (1) or (1A) of the Act is made, otherwise than at the hearing of proceedings, in relation to a judgment for the recovery of money owed (the *subject debt*).
- (2) The application must be made by notice of motion in the proceedings in which the judgment was given or entered or in which an adjudication certificate was filed.
- (3) The evidence in support of the application must include evidence showing:
 - (a) how much of the subject debt is for work done or for materials supplied, and
 - (b) whether the subject debt consists of daily, weekly or monthly wages, and

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- (c) if the subject debt consists of daily, weekly or monthly wages, whether the subject debt exceeds 120 days' wages, and
 - (d) if the subject debt consists of daily, weekly or monthly wages and exceeds 120 days' wages, that the amount to be certified in the certificate does not exceed 120 days' wages, and
 - (e) whether work resulting in the subject debt was done on something moveable, and
 - (f) if the work resulting in the subject debt was done on something moveable, whether it would be practicable for the applicant to exercise a lien by retaining possession of the thing.
- (4) Unless the court otherwise orders, the applicant may proceed without service of the notice of motion on any person.
 - (5) The notice of motion may be dealt with by the court in the absence of the public and without any attendance by or on behalf of any person.

2 Application: section 14 (1)

On an application under section 14 (1) of the Act, the applicant may, unless the court otherwise orders, proceed without service of the relevant notice of motion on any person.

Conveyancing Act 1919**1 Prescribed officer: section 66G (5) (b)**

For the purposes of section 66G (5) (b) of the Act, the Registrar in Equity is a prescribed officer of the Supreme Court.

2 Prescribed officer: section 98 (1F)

For the purposes of section 98 (1F) of the Act, the Registrar in Equity is a prescribed officer of the Supreme Court.

Co-operative Housing and Starr-Bowkett Societies Act 1998**Application of Supreme Court (Corporations) Rules 1999**

The provisions of the *Supreme Court (Corporations) Rules 1999* relating to applications under the *Corporations Act 2001* of the Commonwealth, so far as applicable and making such changes as it is necessary to make, apply to applications under the Act.

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Co-operatives Act 1992**Application of other rules of court**

- (1) The provisions of the *Supreme Court (Corporations) Rules 1999* relating to applications under the *Corporations Act 2001* of the Commonwealth, so far as applicable and making such changes as it is necessary to make, apply to:
 - (a) proceedings under the Act commenced in the Supreme Court after those rules commence, and
 - (b) applications made under the Act in those proceedings.
- (2) The provisions of Part 80A of the *Supreme Court Rules 1970* relating to applications under the *Corporations Law*, so far as applicable and making such changes as it is necessary to make, apply to:
 - (a) proceedings under the Act commenced in the Supreme Court after 31 March 1994 and before the *Supreme Court (Corporations) Rules 1999* commence, and
 - (b) applications made under the Act after 31 March 1994 in proceedings in the Supreme Court commenced before the *Supreme Court (Corporations) Rules 1999* commence.
- (3) The provisions of Part 80 of the *Supreme Court Rules 1970* relating to applications under the Companies Code and under the *Corporations Law*, so far as applicable and making such changes as it is necessary to make, apply to all other proceedings commenced and applications made under the Act.

Criminal Assets Recovery Act 1990**1 Statement in application for order**

The applicant for an order under the Act must file with the summons a statement in summary form of the general nature of the facts and circumstances relied on.

2 Prescribed officer: section 12

For the purposes of section 12 (1) (b) and (b1) of the Act, a registrar is a prescribed officer of the Supreme Court.

3 Information for production order

An information setting out the grounds referred to in section 33 (1), 44 or 48 (1) of the Act may be laid before the Supreme Court by filing an affidavit setting out those grounds.

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Electricity Supply Act 1995

Service of certificate

The Minister must, as soon as practicable, file and serve on all active parties any certificate made pursuant to section 95 (3) of the Act.

Federal Courts (State Jurisdiction) Act 1999

1 Definitions

In these clauses, *ineffective judgment* and *relevant order* have the same meanings as they have in the Act.

2 Application for order under section 7

A person seeking the aid of the Supreme Court in respect of a right or liability to which section 7 of the Act applies, otherwise than in respect of an appeal:

- (a) must commence proceedings in the Division of the Supreme Court to which the proceedings in which the ineffective judgment was given would have been assigned if they had been commenced in the Court, and
- (b) must join as defendants all persons whose interests may be affected by the application.

3 Application for order under section 10

An applicant for an order under section 10 of the Act:

- (a) must commence proceedings for the order in the Division of the Supreme Court to which the proceedings in which the ineffective judgment was given would have been assigned if they had been commenced in the Supreme Court, and
- (b) must join as defendants all other parties to the proceedings in which the ineffective judgment was given.

4 Application for order under section 11 (2)

- (1) In this clause:

relevant proceedings means the proceedings in which a relevant order has been made.

section 11 order means an order under section 11 (2) of the Act.

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- (2) An applicant for a section 11 order:
 - (a) must commence proceedings for the order:
 - (i) in the Division of the Supreme Court to which the proceedings in which the relevant order was made would have been assigned if they had been commenced in the Supreme Court, or
 - (ii) in the Court of Appeal if the proceedings in which the relevant order was made would have been assigned to the Court of Appeal had the proceedings been commenced in the Supreme Court, and
 - (b) must join as defendants all other parties to the relevant proceedings.
- (3) If a section 11 order is made subject to any order of the Supreme Court:
 - (a) the registrar or clerk of the court in which the relevant proceedings were brought must send the record of the proceedings to the Supreme Court, and
 - (b) the Supreme Court must proceed as if:
 - (i) the relevant proceedings had been originally commenced in the Supreme Court, and
 - (ii) the same steps had been taken in the Supreme Court as have been taken in any other court in which the relevant proceedings have at any time been pending, and
 - (iii) any order made by any other court in which the relevant proceedings have at any time been pending had been made by the Supreme Court.
- (4) Within 28 days of the order being made, the plaintiff must move the Supreme Court for directions.

Gas Supply Act 1996**Service of certificate**

The Minister must file and serve on all active parties any certificate made pursuant to section 17 (3) of the Act.

Motor Accidents Act 1988**1 Statement of claim** (cf DCR Part 24C, rule 2)

- (1) The statement of claim must specify the date on which the accident to which the proceedings relate occurred.

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- (2) A document must be filed with the statement of claim, being a document that includes:
- (a) a statement that the accident was reported in compliance with section 42 of the Act, or an indication of what explanation will be offered to the court for non-compliance, and
 - (b) a statement to the effect that a claim was made in respect of the accident in compliance with section 43 of the Act, or an indication of what explanation will be, or has been, provided under section 43A of the Act, and
 - (c) if the proceedings are commenced before the time prescribed by section 52 (1A) of the Act, a statement of the grounds on which the plaintiff relies as referred to in section 52 (2) of the Act, and
 - (d) if the proceedings are commenced after the time prescribed by section 52 (4) of the Act, a statement that the court has granted leave as referred to in that subsection.

2 Service of statement of claim (cf DCR Part 24C, rule 3)

- (1) The statement of claim must be served on both the defendant and the defendant's insurer.
- (2) Service of the statement of claim may be effected as though it were a notice or other document referred to in section 133 of the Act.
- (3) The requirement in subclause (1) for service on the defendant's insurer is satisfied by service:
 - (a) if the defendant is the Nominal Defendant under the Act, on the Nominal Defendant, or
 - (b) if the defendant is an insured person for the purposes of the Act, on the defendant's third party insurer, or
 - (c) if the defendant is insured, in respect of the liability alleged in the proceedings, under a policy issued elsewhere than in New South Wales, on the insurer who issued the policy.

3 Non-compliance with Act (cf DCR Part 24C, rule 8)

A notice of motion by the defendant to dismiss the proceedings on the ground that:

- (a) the accident the subject of the proceedings was not reported in compliance with section 42 of the Act, or

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(b) the proceedings were commenced outside the time limited by section 52 of the Act, must be filed no later than 2 months after service of the statement of claim on the defendant's insurer.

4 Examination: section 66A (cf SCR Schedule J)

- (1) Unless the court otherwise orders, the following applications to the court must be made by notice of motion:
 - (a) an application under section 66A (1) of the *Motor Accidents Act 1988*,
 - (b) an application for leave under section 66A (3) or (4) of that Act.
- (2) Unless the court otherwise orders, the notice of motion must be filed no later than 6 weeks before the date fixed for the trial of the proceedings.
- (3) Unless the court otherwise orders, the notice of motion must be served on all parties to the proceedings (other than the applicant) and on such other persons as the court directs.
- (4) If the court is satisfied that an insurer has not made out its allegation that a claim has not been made in good faith, the court may if it thinks fit order the insurer to pay the costs of the whole or any specified part of the proceedings incurred by any owner or driver or any witness whom the insurer has sought leave to examine or cross-examine.

Motor Accidents Compensation Act 1999**1 Statement of claim** (cf DCR Part 24C, rule 11)

- (1) The statement of claim must specify the date on which the accident to which the proceedings relate occurred.
- (2) A document must be filed with the statement of claim, being a document that includes:
 - (a) a statement that the accident was reported in compliance with section 70 of the Act, or an indication of what explanation will be offered to the court for non-compliance, and
 - (b) a statement to the effect that a claim was made in respect of the accident in compliance with section 72 of the Act, or an indication of what explanation will be, or has been, provided under section 73 of the Act, and

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- (c) a statement that a certificate in respect of the claim has been issued under section 92 or 94 of the Act and as to the provision under which that certificate was issued, and
 - (d) if the proceedings are commenced after the time prescribed by section 109 of the Act, a statement that the court has granted leave as referred to in that section.

2 Service of statement of claim (cf DCR Part 24C, rule 12)

- (1) The statement of claim must be served on the defendant and, if the defendant's insurer is a third-party insurer within the meaning of the Act, on the defendant's insurer.
- (2) Service of the statement of claim may be effected as though it were a notice or other document referred to in section 222 of the Act.
- (3) The requirement in subclause (1) for service on the defendant's insurer is satisfied by service:
 - (a) if the defendant is the Nominal Defendant under the Act, on the Nominal Defendant, or
 - (b) if the defendant is insured, in respect of the liability alleged in the proceedings, under a policy issued elsewhere than in New South Wales, on the insurer who issued the policy.

3 Non-compliance with Act (cf DCR Part 24C, rule 8)

A notice of motion by the defendant to dismiss the proceedings on the ground that:

- (a) the accident the subject of the proceedings was not reported in compliance with section 70 of the Act, or
- (b) the proceedings were commenced outside the time limited by section 109 of the Act,

must be filed no later than 2 months after service of the statement of claim on the defendant's insurer.

4 Examination: section 119 (cf SCR Schedule J)

- (1) The following applications to the court must be made by notice of motion:
 - (a) an application under section 119 (1) of the Act,
 - (b) an application for leave under section 119 (3) or (4) of the Act.

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- (2) Unless the court otherwise orders, the notice of motion must be filed no later than 6 weeks before the date fixed for the trial of the proceedings.
 - (3) Unless the court otherwise orders, the notice of motion must be served on all parties to the proceedings (other than the applicant) and on such other persons as the court directs.
 - (4) If the court is satisfied that an insurer has not made out its allegation that a claim has not been made in good faith, the court may if it thinks fit order the insurer to pay the costs of the whole or any specified part of the proceedings incurred by any owner or driver or any witness whom the insurer has sought leave to examine or cross-examine.

New South Wales Crime Commission Act 1985**Review of decision**

- (1) For the purposes of section 19 of the Act, the appropriate officer is the Prothonotary.
- (2) For the purposes of section 19 of the Act, the appropriate Registry is the Registry of the Common Law Division of the Supreme Court.

Offshore Minerals Act 1999**Commencement of proceedings under section 354**

Proceedings for an order under section 354 (1) of the Act must join as defendants both the Minister and each person who is directly affected by the relief sought in the proceedings.

Professional Standards Act 1994**Commencement of proceedings**

- (1) An application for an order under section 15 of the Act in respect of a scheme must join as a defendant the occupational association on whose application the scheme was approved by the Professional Standards Council.
- (2) Within one day of commencing proceedings, the plaintiff must lodge a copy of the summons at the office of the Professional Standards Council.

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Public Health Act 1991

1 Definitions

In these clauses:

Director-General means the Director-General, Department of Health.

medical practitioner means the medical practitioner on whom it is sought, by the order applied for in a section 18 application, to serve a notice under section 19 of the Act.

person concerned means the person whose name and address would be required to be supplied if the District Court made the order sought in the section 18 application.

section 18 application means an application under section 18 of the Act.

2 Section 18 applications

- (1) The summons must join the medical practitioner as a defendant.
- (2) A document must be filed with the summons, being a document that includes:
 - (a) particulars of the grounds on which the Director-General applies for the order sought, or a reference to the affidavit in which those particulars are contained, and
 - (b) a notice to the medical practitioner explaining the requirement imposed on him or her by clause 3, and
 - (c) a notice to the person concerned explaining the person's right to be heard in reply to the summons, in a closed court, without the person's name or address being publicly disclosed.

3 Medical practitioner to advise registrar

- (1) A medical practitioner on whom the summons is served must as soon as practicable (and in any case not later than 7 days after service) advise the registrar, by letter, facsimile, email or telephone, of the name and address of the person concerned, so far as that name and address are known to the medical practitioner.
- (2) After a medical practitioner has complied with the requirements of subclause (1), the medical practitioner need take no further part in the proceedings on the section 18 application other than to comply with any notice authorised by the District Court to be served on him or her.

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- (3) If a medical practitioner fails to comply with the requirements of subclause (1) and the Director-General files an affidavit of service of the summons on the medical practitioner, the District Court may proceed to hear and determine the section 18 application even though clause 4 has not been complied with if it thinks fit to do so.

4 Registrar to advise person concerned

- (1) The registrar must as soon as practicable after receiving advice under clause 3 (1) send a sealed copy of the summons, together with a copy of the document referred to in clause 2 (2), by post addressed to the name and address advised to the registrar under that subclause.
- (2) The registrar must, when sending a copy under subclause (1), enclose the copy in an envelope endorsed with the return address of the registrar and marked "Confidential".

Restricted Premises Act 1943**Application for declaration: section 3 (1)**

The Supreme Court or the District Court may make a declaration under section 3 (1) of the Act even if the summons has not been served on the owner or occupier of the premises.

Retirement Villages Act 1999**Consent of administrator**

In proceedings for an order under section 84 of the Act, the plaintiff:

- (a) must file the consent referred to in section 85 of the Act with the summons, and
- (b) must serve the consent with the summons.

Status of Children Act 1996**1 Parentage testing procedure: service of notice of motion on non-party**

Unless the Supreme Court otherwise orders, a notice of motion seeking an order under section 26 of the Act that requires a parentage testing procedure to be carried out on a person who is not a party to the proceedings must be served personally on that person.

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2 Service of notice of motion on person under legal incapacity

If:

- (a) a notice of motion for an order requiring a parentage testing procedure to be carried out on a person is to be served personally on a person under legal incapacity, and
- (b) the person served under rule 10.12 does not appear to have the care and control of the person under legal incapacity,

then, unless the Supreme Court otherwise orders, the notice of motion must also be served personally both on the person who appears to have that care and control and on such other person as the Court may direct.

3 Service of order on person under legal incapacity

If:

- (a) an order under section 26 (1) of the Act is to be served on a person under legal incapacity, and
- (b) the person served is not the person having the care and control of the person under legal incapacity,

then, unless the Supreme Court otherwise orders, the order must also be served personally both on the person having that care and control and on such other person as the Court may direct.

4 Service of report

On receipt of a report prepared in accordance with the regulations under the Act in relation to the results of a parentage testing procedure, the registrar must send a copy of the report:

- (a) to the parties to the proceedings, and
- (b) to any person (not being a party to the proceedings) from whom the taking of bodily samples was directed.

Strata Schemes (Freehold Development) Act 1973

1 Commencement of proceedings

In any proceedings under section 32 (1), 50 (1) or 51 (1) of the Act, the persons referred to in section 32 (2), 50 (2) or 51 (2) of the Act, respectively, must be joined as defendants.

2 Service of notice

Notice under section 32 (2), 50 (2) or 51 (2) of the Act is served by serving the summons.

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Strata Schemes (Leasehold Development) Act 1986**1 Commencement of proceedings**

In any proceedings under section 37 (4), 61 (1), 79 (1) or 80 (1) of the Act, the persons referred to in section 37 (5), 61 (2), 79 (2) or 80 (3) of the Act, respectively, must be joined as defendants.

2 Service of notice

Notice under section 37 (5) or (8), 61 (2), 79 (2) or 80 (3) of the Act is served by serving the summons.

Taxation Administration Act 1996**Evidence of jurisdiction**

- (1) The plaintiff in proceedings seeking a review under section 97 of the Act must file an affidavit specifying:
 - (a) that the application is made under section 97 (1) (a) of the Act, or
 - (b) that:
 - (i) the application is made under section 97 (1) (b) of the Act, and
 - (ii) the application is not in breach of the time prescribed by section 97 (1) (b) of the Act, and
 - (iii) section 100 (1) of the Act has been complied with.
- (2) The affidavit must also show that the application is not in breach of section 97 (2) of the Act.

Victims Support and Rehabilitation Act 1996**1 Statement in application**

The plaintiff in proceedings for an order under the Act must file with the summons a statement in summary form of the general nature of the facts and circumstances relied on.

2 Prescribed officer: section 58H (2) (a)

For the purposes of section 58H (2) (a) of the Act, a registrar of the Supreme Court is a prescribed officer.

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Witness Protection Act 1995

Section 19 (2) and 34 (2) applications

The plaintiff in proceedings for an order under section 19 (2) or 34 (2) of the Act must join as a defendant the person against whom the order is sought.

Part 2 Commonwealth legislation

Crimes (Superannuation Benefits) Act 1989

Statement in application

The plaintiff in proceedings for an order under the Act must file with the summons a statement in summary form of the facts and circumstances relied on.

International War Crimes Tribunals Act 1995

Registration: section 45

- (1) The plaintiff in proceedings for registration of an order to which section 45 (1) of the Act applies must join as a defendant the person against whom the order was made.
- (2) Unless the Supreme Court otherwise orders, the plaintiff may proceed without service of the summons on the defendant.
- (3) If the plaintiff adds to the application a request that the application be granted under this subclause, the Supreme Court may make the order in the absence of the public and without any attendance by or on behalf of the plaintiff.
- (4) The plaintiff must file with the summons an affidavit setting out such particulars as are necessary to enable the Supreme Court to comply with section 45 (1) of the Act.
- (5) If an order is made under section 45 (1) of the Act for registration of an order, the plaintiff must serve on the defendant both the registered order and the order for registration.

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Offshore Minerals Act 1994**Commencement of proceedings under section 354**

The plaintiff in proceedings for an order under section 354 (1) of the Act must join as defendants both the Designated Authority and each person who is directly affected by the relief sought in the proceedings.

Proceeds of Crime Act 1987**1 Statement in application**

The plaintiff in proceedings for an order under the Act must file with the summons a statement in summary form of the facts and circumstances relied on.

2 Information for production order or search warrant: sections 66 (1) and 71 (1)

An information setting out the grounds referred to in section 66 (1) or 71 (1) of the Act may be laid before the Supreme Court by filing an affidavit setting out those grounds.

Retirement Savings Accounts Act 1997**1 Application by Regulator: section 119 (3)**

- (1) A certificate under section 119 (2) of the Act must be filed with the summons commencing proceedings for an inquiry or order under section 119 (3) of the Act.
- (2) The summons commencing proceedings for an inquiry or order under section 119 (3) of the Act must join as a defendant the person who is the subject of the certificate.

2 Notice of certain applications to be given to Regulator

Unless the Supreme Court otherwise orders, a person seeking an order under section 158 (1) or (4) or 160 (5) of the Act must, as soon as practicable after filing the summons or notice of motion, serve a copy of it and its supporting affidavit on the Regulator.

3 Intervention by Regulator

- (1) The Regulator may intervene under section 168 of the Act by filing a notice of appearance that includes a statement that the Regulator intervenes under that section.

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- (2) On complying with subclause (1), the Regulator must be added as a defendant.

Schedule 11 Provisions regarding procedure in certain lists in the District Court

(Rule 1.27)

Part 1 Preliminary

1 Definitions

In this Schedule:

coal miner means a worker employed in or about a mine to which the *Coal Mine Health and Safety Act 2002* applies.

coal miner's claim means a claim for compensation pursuant to the Workers Compensation Acts in respect of any injury received by a coal miner.

compensation includes any monetary benefit under the Workers Compensation Acts or a Special Statutory Compensation Act.

conciliator means a District Court conciliator being an officer or employee of the Court nominated by the registrar to carry out conciliation in connection with a coal miner's claim.

registrar means registrar of the District Court.

Special Statutory Compensation Act means the *Police Act 1990*, the *Police Regulation (Superannuation) Act 1906*, the *Sporting Injuries Insurance Act 1978*, the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* and the *Workers' Compensation (Dust Diseases) Act 1942*.

special statutory compensation claim means a claim for compensation pursuant to a Special Statutory Compensation Act.

the 1926 Act means the *Workers' Compensation Act 1926*.

the 1987 Act means the *Workers Compensation Act 1987*.

the 1998 Act means the *Workplace Injury Management and Workers Compensation Act 1998*.

WorkCover Authority means the WorkCover Authority constituted under the 1998 Act.

Workers Compensation Acts means the 1926 Act, the 1987 Act and the 1998 Act.

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Part 2 Coal Miners' Workers Compensation List**Division 1 Proceedings generally**

- 2 Proceedings under the Workers Compensation Acts** (cf DCR Part 24D, rule 1)
- (1) In this Part:
List means the Coal Miners' Workers Compensation List.
proceedings under the Acts means proceedings commenced under the Workers Compensation Acts.
 - (2) This Division applies to proceedings under the Acts whether commenced in the District Court or transferred from the Compensation Court.
 - (3) Where there is an inconsistency in the operation of these rules and the provisions of this Division, the provisions of this Division shall apply.
- 3 Commencement of proceedings** (cf DCR Part 24D, rule 1A)
- Subject to these rules, proceedings under the Acts must be commenced by statement of claim.
- 4 Coal Miners' Workers Compensation List** (cf DCR Part 24D, rule 2)
- (1) The registrar for Sydney and the registrar for Newcastle shall each maintain a Coal Miners' Workers Compensation List and shall enter in that List any proceedings under the Acts as soon as the proceedings are commenced or transferred under section 7 (1) (a) of the *Compensation Court Repeal Act 2002*.
 - (2) The statement of claim in proceedings under the Acts shall bear in the heading the words "Coal Miners' Workers Compensation List", and shall be in the approved form.
 - (3) A summons in proceedings under the Acts shall bear in the heading the words "Coal Miners' Workers Compensation List", and shall be in the approved form.
 - (4) If a statement of claim or a summons in proceedings under the Acts is lodged with a registrar for a proclaimed place other than Sydney or Newcastle, the registrar at that other place shall forward the statement of claim or summons to the registrar for Sydney or Newcastle, whichever appears the most expedient, for filing and entry in the List maintained by that registrar.
 - (5) Proceedings under the Acts, and any ancillary proceedings, may be set down for hearing at any proper place.

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5 Functions of the registrar (cf DCR Part 24D, rule 3)

A conciliator has and may exercise all the functions of the registrar for Sydney in respect of proceedings in the Coal Miners' Workers Compensation List.

6 Compliance with statutory restrictions on commencement of proceedings under the 1998 Act (cf DCR Part 24D, rule 4)

- (1) This clause is made pursuant to section 104 of the 1998 Act.
- (2) This clause applies to claims for compensation referred to in sections 101, 102 and 103 of the 1998 Act, as modified by clauses 235, 236 and 237 respectively of the *Workers Compensation Regulation 2003*.
- (3) A party seeking to commence any proceedings in respect of any such claim shall file with the initiating process a certificate of compliance in the form stipulated by subclause (5) certifying that the commencement of such proceedings is not contrary to the provisions of section 101, 102 or 103 of the 1998 Act, as modified by clauses 235, 236 and 237 respectively of the *Workers Compensation Regulation 2003*, as the case may be.
- (4) Any initiating process not accompanied by such appropriate certificate shall not be accepted for filing.
- (5) Such certificate of compliance shall be in or to the effect of the approved form or such portion or portions thereof as may be relevant to the particular matter.
- (6) Where, leave of the District Court having been previously obtained, a party seeks to file an amended statement of claim adding an additional party or parties to the current proceedings then the provisions of this clause apply with all necessary modifications in respect of the proposed application against such added party or parties.

7 Particular proceedings commenced by summons (cf DCR Part 24D, rule 5)

- (1) The following proceedings shall be commenced by summons where no proceedings have been commenced in relation to the subject matter in dispute:
 - (a) for an order for costs pursuant to section 112 of the 1998 Act,
 - (b) for an order for refund of weekly payments pursuant to section 58 of the 1987 Act,

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- (c) for apportionment between dependants pursuant to section 29 of the 1987 Act or for variation of any previous apportionment pursuant to section 30 of the 1987 Act,
 - (d) where liability has been admitted, for an order for payment in respect of dependent children pursuant to section 31 of the 1987 Act,
 - (e) for variation in the manner in which the Public Trustee invests, applies, pays out or otherwise deals with money paid to the Public Trustee pursuant to section 85 of the 1987 Act. The Public Trustee shall be made a respondent to any such application,
 - (f) for any order, direction or authorization in respect of the payment of compensation pursuant to sections 83, 85 and 85A of the 1987 Act,
 - (g) for suspension of a weekly payment, or for a declaration that a worker's right to take or prosecute any proceedings under the 1998 Act has been suspended, until, pursuant to section 120 of that Act, the worker submits to medical examination,
 - (h) for an order under section 53 of the 1987 Act,
 - (i) for an order in respect of an objection to a reference to a medical referee or medical panel pursuant to Part 3,
 - (j) for a determination under section 224 (1) or 225 (3) of the 1998 Act, as saved by clause 3 (1) of Part 18 of Schedule 6 to the 1987 Act, in respect of the Uninsured Liability and Indemnity Scheme.
- (2) Where proceedings are pending in relation to the subject matter of any application referred to in subclause (1), such application shall be made by notice of motion in the proceedings.

8 Affidavits in support of summons under section 53 of the 1987 Act

(cf DCR Part 24D, rule 6)

- (1) A summons for an order pursuant to clause 7 (1) (h) shall be supported by affidavits by the worker and a medical practitioner who has examined the worker.
- (2) The affidavits referred to in subclause (1) shall verify:
 - (a) the circumstances in which the application is made,
 - (b) the age and a description of the applicant sufficient to identify him or her,

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- (c) particulars as to the injury, the nature and extent of the incapacity resulting from the injury, and the history and treatment of the worker since the injury,
 - (d) the amount and duration of the weekly payment,
 - (e) the worker's present and proposed places of residence, and
 - (f) the detail of any award or previous proceedings in respect of the injury.

9 Applications for contribution, indemnity or apportionment (cf DCR Part 24D, rule 7)

- (1) The following applications shall be made by notice of motion where proceedings are pending in relation to the subject matter of the application:
 - (a) for contribution subject to section 15, 16 or 17 of the 1987 Act,
 - (b) for indemnification pursuant to section 20 of the 1987 Act,
 - (c) for apportionment pursuant to section 22 or 22A of the 1987 Act,
 - (d) for a determination pursuant to section 22B of the 1987 Act.
- (2) Where there are no proceedings in relation to the subject matter of an application under subclause (1), proceedings shall be commenced by statement of claim.

10 Application for further medical expenses etc (cf DCR Part 24D, rule 8)

Where a worker who has commenced proceedings for compensation seeks to apply for a direction under section 62 (6A) of the 1987 Act he or she may so apply by notice of motion in the proceedings.

11 Application for suspension of weekly payment (cf DCR Part 24D, rule 9)

An application for an order for suspension of a weekly payment, or for a declaration that a worker's right to take or prosecute any proceedings under the 1998 Act, has been suspended, until, pursuant to section 120 of that Act, the worker submits to medical examination may be made, where proceedings have been commenced in respect of the subject matter to which the weekly payment relates, by notice of motion.

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- 12 Uninsured Liability and Indemnity Scheme** (cf DCR Part 24D, rule 10)
- (1) The WorkCover Authority shall be a necessary party to any application under section 224 (1) or 225 (3) of the 1998 Act, as saved by clause 3 (1) of Part 18 of Schedule 6 to the 1987 Act.
 - (2) Where a matter or question for determination by the District Court under the Uninsured Liability and Indemnity Scheme is already the subject of proceedings, proceedings to determine the matter or question may be made by notice of motion in the proceedings.
- 13 Applications in the case of death of worker** (cf DCR Part 24D, rule 11)
- (1) In proceedings for the benefit of dependants in the case of the death of a worker pursuant to the 1987 Act and the 1998 Act, the following persons shall be joined as defendants:
 - (a) the personal representative (if any) of the worker, if that personal representative is not already an applicant,
 - (b) if the proceedings are brought by or on behalf of some only of the dependants, the other dependants,
 - (c) any other person claiming to be a dependant.
 - (2) Where an injured worker dies leaving no dependants, proceedings to recover reasonable burial or cremation expenses pursuant to section 27 of the 1987 Act may be continued:
 - (a) by the personal representative of the worker, or
 - (b) by any person to whom any such expenses are due or who has paid any such expenses.
 - (3) In proceedings brought under subclause (2) (b):
 - (a) the personal representative (if any) of the worker, and any person referred to in subclause (2) (b) who has not been joined as an applicant, shall be joined as a defendant,
 - (b) if the amount awarded is insufficient to meet the expenses sought to be recovered, the District Court may give directions for the apportionment of that amount.
- 14 Service on insurer** (cf DCR Part 24D, rule 12)
- Where any insurer of a defendant is named in an originating process, a copy of that originating process shall be served on any such insurer as well as on the defendant.

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15 Service on WorkCover Authority (cf DCR Part 24D, rule 13)

Service on the WorkCover Authority may be effected by delivering a copy to an officer of the Authority at Legal Group, WorkCover, Level 1, 60–70 Elizabeth Street, Sydney, or by sending a copy by post addressed to the Authority, at GPO Box 2677 Sydney NSW 2001, or by leaving a copy, addressed to the Authority, in the Authority's exchange box in a document exchange of Australian Document Exchange Pty Limited, or at another exchange box for transmission to that exchange box.

16 Submission to award (cf DCR Part 24D, rule 14)

- (1) An employer who is a party to proceedings for an award of compensation or for determination of any question as to the employer's liability to pay compensation may, at any stage of the proceedings, and whether or not the employer admits any liability to pay compensation, file and serve a notice stating that the employer is willing to submit to an award of compensation in the terms set out in the notice.
- (2) If the worker who is a party, or the dependants who are parties, to the proceedings file and serve notice of his, her or their willingness to accept the award as set out in the notice given under subclause (1), the registrar shall cause the proceedings to be listed before the District Court, and the District Court may make such award or give such directions as to it may appear proper.
- (3) If notice under subclause (2) is not filed and served within 28 days after the service of notice under subclause (1) the proceedings shall be continued as though the notice under subclause (1) had not been filed.
- (4) If proceedings are continued under subclause (3), before the record of the proceedings is brought before the District Court for any hearing of the proceedings, the registrar shall seal within the record the notice filed under subclause (1) and any information contained in the record in respect of that notice, but the District Court need not disqualify itself from hearing the proceedings only because it becomes aware in any manner of the notice or of any such information.

17 Offer of compromise (cf DCR Part 24D, rule 15)

The provisions of Division 4 of Part 20 do not have application to proceedings entered in the Coal Miners' Workers Compensation List.

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18 Schedule of earnings (cf DCR Part 24D, rule 16)

In any statement of claim where the quantum of weekly compensation is or may be an issue and there is or may be a dispute in respect of the actual or probable earnings of a worker during any relevant period the following provisions shall, unless the District Court otherwise orders, have effect:

- (a) the plaintiff shall file and serve on each other party not later than 10 days before conciliation of a coal miner's claim or, where there is no conciliation, 21 days before the hearing date, a schedule containing full particulars of such earnings during such period,
- (b) if any party disputes the accuracy of any matter in the schedule that party shall, not later than 7 days after service of the schedule or 28 days after expiry of the time prescribed for filing a statement of defence pursuant to rule 14.3, whichever is the later, file and serve a schedule containing its allegations of such earnings,
- (c) a matter not so disputed shall be deemed to be admitted.

19 Proceedings deemed dismissed (cf DCR Part 24D, rule 17)

- (1) Where in respect of any proceedings on a claim for compensation:
 - (a) a defendant has not filed a notice of appearance or notice of defence, and
 - (b) the plaintiff has not filed an affidavit of service of the originating process on that defendant,within 3 months after the date of commencement of the proceedings, the proceedings as against that defendant are deemed to have been dismissed, and no further step may be taken in those proceedings other than an application referred to in subclause (3) until the proceedings have been restored to the list.
- (2) Where proceedings which have not been heard, part heard or discontinued, and in which a preliminary advice of hearing or notice of call-over has been issued, have not been before the District Court during any period of 6 months, the proceedings are, unless the District Court otherwise orders, deemed to have been dismissed.
- (3) The Court may, on application by a party and on terms, restore to the list any proceedings deemed to have been dismissed under subclauses (1) and (2).

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20 Dismissal of proceedings (cf DCR Part 24D, rule 18)

- (1) The Court may if it thinks fit dismiss any proceedings at any time on terms and without affecting the generality of the foregoing provisions of this clause, the District Court may dismiss any proceedings if:
 - (a) no party appears, or
 - (b) a defendant does, but the plaintiff does not, appear.
- (2) Where proceedings are dismissed under subclause (1) the District Court may, on the application of any party, order that the proceedings be reinstated on terms, and without affecting the generality of the foregoing provisions of this subclause, the proceedings may be reinstated upon such terms and conditions as to costs and the priority of the hearing of the proceedings as the District Court thinks fit.
- (3) Subclause (2) applies except where otherwise provided in section 112 of the 1998 Act.

21 Medical examination (cf DCR Part 24D, rule 19)

- (1) Except by leave of the District Court, which may be given on terms, or consent of the worker, a notice shall not be given under rule 23.2 requesting that a worker submit to examination:
 - (a) by a medical expert specialising in a particular field of practice if the worker has already been examined, at the request of the party giving the notice, by another medical expert specializing in that field, or
 - (b) by the one medical expert:
 - (i) more than twice in respect of the one proceedings, or
 - (ii) at intervals of less than 2 months.
- (2) An examination to which the worker submits himself or herself for the purposes of section 119 of the 1998 Act is not an examination by a medical expert for the purposes of subclause (1).

22 Expert evidence and hospital reports (cf DCR Part 24D, rule 20)

- (1) In this clause *expert's report* and *hospital report* have the same meaning as in rule 31.18 and *party* includes any person who has filed a notice of appearance or notice of grounds of defence.

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- (2) This clause applies in respect of any proceedings subject to the *Evidence Act 1995*, the Workers Compensation Acts and any regulations made thereunder and to any orders of the District Court or agreement between the parties not inconsistent with such Acts or regulations.
 - (3) Primary expert's reports must be served by each party in any proceedings prior to conciliation and any reports in reply or refresher reports must be served not later than 28 days before the hearing.
 - (4) Where an expert's report is served in accordance with subclause (3), or an order is made under subclause (2), the report is admissible, without further evidence, oral or otherwise, as evidence of the expert's opinion and, where the expert's direct oral evidence of a fact upon which the opinion was formed would be admissible, as evidence of that fact.
 - (5) Except where otherwise provided in the Workers Compensation Acts, and unless the District Court otherwise orders, a party may require the attendance for cross examination of the expert.
 - (6) A party who requires the attendance of a person under subclause (5) shall procure that attendance, and, whether the party procures the attendance by the issue and service of a subpoena or otherwise, the person shall not thereby become the party's witness except for the purpose of determining any liability for conduct money or witness' expenses.
 - (7) A party who requires the attendance of a person as referred to in subclause (6) shall as soon as practicable inform all other parties to the proceedings that he or she has done so.
 - (8) Where a person who has made a report is cross-examined, the party tendering the report may re-examine that person.
 - (9) Where a hospital report is served in accordance with subclause (3) or an order is made under subclause (2), the report is admissible.
 - (10) In reckoning the period of 28 days referred to in subclause (3):
 - (a) any day on which the matter is listed for hearing shall not be counted, and
 - (b) where the hearing is not on consecutive days, any period of less than 28 days between hearing days shall not be counted.

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- (11) Where a party has been served with an expert's report or a hospital report by another party and the first party seeks to rely on such report, it shall not be necessary to serve a copy of that report on the party who served it but the first party shall give notice of intention to rely on the report to the party who served it and to each other party in the proceedings, within the time prescribed by subclause (3).

23 Discontinuance (cf DCR Part 24D, rule 22)

- (1) A party may discontinue proceedings so far as concerns the whole or any part of any claim made by him or her:
- (a) if no preliminary advice of hearing has been issued in the proceedings—without leave of the District Court or consent of any other party, or
 - (b) after a preliminary advice of hearing has been issued in the proceedings—with the consent of all other parties or by leave of the District Court.
- (2) Application for the leave of the District Court as referred to in subclause (1) (b) may be made:
- (a) if made on not less than 3 days' notice to all other parties at a time when the proceedings are before the District Court for another purpose—orally, or
 - (b) if made otherwise—by motion.

24 Settling of awards (cf DCR Part 24D, rule 23)

- (1) Where the District Court gives a decision or makes a final order disposing of any proceedings in the Coal Miners' Workers Compensation List, the registrar shall as soon as convenient prepare and settle a form of award engrossing the decision or order.
- (2) The registrar shall sign and seal any form of award settled by the registrar, and as soon as practicable cause a copy to be forwarded to each party, and any insurer of a respondent, to the proceedings.

Division 2 Conciliation of coal miners' claims**25 Referral** (cf DCR Part 24D, rule 24)

The registrar shall, not later than 3 months after the filing of a statement of claim in respect of a coal miner's claim, or at such earlier time as the parties may request, refer the matter to a conciliator for conciliation.

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26 General powers of a conciliator (cf DCR Part 24D, rule 25)

- (1) Without limiting the powers of a conciliator pursuant to Divisions 3 and 4 of Part 2 of Chapter 4 of the 1998 Act, a conciliator may:
 - (a) make a recommendation to parties prior to conciliation, and
 - (b) determine whether to hold a conference or return the matter to the registrar, and
 - (c) direct the production of any document by any party to proceedings, and
 - (d) generally control any proceedings before the conciliator, and
 - (e) do such other things as the rules specifically provide or the District Court otherwise directs.
- (2) The conciliator may, if the conciliator thinks fit, on terms dispense with compliance with any of the requirements of this Part, either before or after the occasion for the compliance arises.

27 Directions (cf DCR Part 24D, rule 26)

Without limiting the powers of a conciliator to give directions, a conciliator may give directions relating to preparation for and the conduct of the conciliation conference including:

- (a) a direction to a party to provide any other party or the conciliator with further particulars of any allegation or claim made in the proceedings, and
- (b) a direction to a party to lodge further documents with the conciliator, and
- (c) a direction to a party to make available to any other party a copy of a specified document (not being a document that is privileged from production), and
- (d) a direction revoking or varying any direction made at a conciliation conference.

28 Conciliation conference procedure (cf DCR Part 24D, rule 27)

- (1) Unless the conciliator otherwise directs, a conciliation conference shall be attended by:
 - (a) subject to paragraph (b), each party or, where a party is a company, an officer of the company having authority to settle the proceedings, or

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- (b) if the conduct of the proceedings by a party is controlled by an insurer, an officer of the insurer having authority to settle the proceedings.
 - (2) A party may be accompanied at the conciliation conference by a barrister or solicitor retained by or on behalf of the party.
 - (3) A conciliator may from time to time adjourn the conciliation of a dispute which the conciliator has commenced to conduct.
 - (4) A conciliator must not adjourn a matter beyond 35 days from the date of first notification of the conciliation conference, except with the consent of the parties.
 - (5) A matter shall not be adjourned beyond 90 days from the date of first notification of the conciliation conference except by leave of the District Court.

29 Conduct of a conciliation conference (cf DCR Part 24D, rule 28)

A conciliation conference shall be conducted:

- (a) following reasonable notice to the parties, and
- (b) as a structured process in which the conciliator endeavours to assist the parties to:
 - (i) communicate effectively with each other about the issues in dispute, and
 - (ii) narrow the issues in dispute and obtain appropriate concessions, and
 - (iii) reach a settlement of the matter, and
 - (iv) record details of any settlement.

30 Confidentiality (cf DCR Part 24D, rule 29)

Evidence of anything said or of any admission made in a conciliation conference is not admissible in any proceedings before the District Court except:

- (a) with the consent of the parties, and
- (b) where the evidence is referred to in a conciliation certificate but only to the extent so referred, and
- (c) where the evidence is relevant to an issue as to costs.

31 Dismissal of proceedings (cf DCR Part 24D, rule 30)

- (1) The conciliator may, if the conciliator thinks fit, dismiss any proceedings if:
 - (a) no party appears, or

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(b) a defendant does, but the plaintiff does not, appear.

- (2) The conciliator or the District Court may, on application by a party and on terms, restore any proceedings dismissed under subclause (1).

32 Conciliation notifications (cf DCR Part 24D, rule 31)

- (1) The conciliator is taken to have notified the parties that a dispute has been referred to conciliation when the conciliator issues a notice of listing of the conciliation conference.
- (2) The conciliator shall, within 7 days of the conclusion of the conciliation conference, advise the registrar of the fact that the conciliation conference has been concluded but not of the details thereof.
- (3) A conciliator must, within a reasonable time after the conciliation conference, issue a conciliation certificate under section 84 of the 1998 Act.

33 Guidelines (cf DCR Part 24D, rule 32)

Except to the extent of any inconsistency with these rules, or unless the District Court otherwise orders, the parties shall comply with the requirements of any Conciliation Guidelines issued by the Chief Judge.

Part 3 Medical panel procedures**34 Transferred applications** (cf DCR Part 24E, rule 1A)

Applications under section 122 of the 1998 Act that have been transferred under section 7 (1) (a) of the *Compensation Court Repeal Act 2002* are to be dealt with under this Part.

35 Application for reference (cf DCR Part 24E, rule 2)

- (1) An application for reference to a medical referee or medical panel pursuant to section 122 of the 1998 Act shall be lodged with the registrar together with sufficient copies for every respondent to the application.
- (2) The registrar shall endorse on or attach to the application and on sufficient copies of the application a notice containing the following matter:

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- (a) that any respondent to the application who objects to the reference applied for may, within 21 days from the date of the notice, request that the application be listed before the registrar for argument and determination,
 - (b) that any such request shall be made in accordance with clause 7 (1) (i),
 - (c) that, in certain circumstances, a certificate or determination of a medical referee or medical panel may be conclusive evidence of the worker's condition, and shall send a copy of the application so endorsed to every respondent to the application.
- (3) In the application of section 122 of the 1998 Act for the purposes of section 122 (12) of that Act, section 122 (2) of that Act shall be construed as requiring any application to be made jointly by the worker and the employer.

36 Order for report (cf DCR Part 24E, rule 3)

Where an order is made by the District Court or a conciliator referring a matter to a medical referee or medical panel for report pursuant to section 124 of the 1998 Act, the registrar shall, as soon as practicable, refer all relevant court papers and supporting material to the medical referee or medical panel for a report to be furnished in accordance with the terms of reference.

37 Reports for medical panels (cf DCR Part 24E, rule 4)

Additional medical reports in respect of applications under section 122 of the 1998 Act shall be filed not later than 7 days prior to the date set for the medical examination.

38 Certificate (cf DCR Part 24E, rule 5)

- (1) A certificate given under section 122 (5) of the 1998 Act shall be in or to the effect of the approved form.
- (2) The registrar shall as soon as practicable after receiving a certificate furnish a copy to each party to the application.

Part 4 Special Statutory Compensation List**39 Proceedings under the Special Statutory Compensation Acts**

(cf DCR Part 24F, rule 1)

- (1) In this Part:
List means the Special Statutory Compensation List.

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proceedings includes proceedings on an appeal and proceedings on an application.

proceedings under the Acts means proceedings under any of the following provisions:

- (a) *Police Regulation (Superannuation) Act 1906*, section 21,
 - (b) *Police Act 1990*, section 216A,
 - (c) *Sporting Injuries Insurance Act 1978*, section 29,
 - (d) *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, section 16 or 30,
 - (e) *Workers' Compensation (Dust Diseases) Act 1942*, section 8I.
- (2) This Part applies to proceedings under the Acts whether commenced in the District Court or transferred from the Compensation Court.
 - (3) Where there is an inconsistency in the operation of these rules and the provisions of this Part, the provisions of this Part shall apply.

40 Commencement of proceedings (cf DCR Part 24F, rule 1A)

Subject to these rules, proceedings under the Acts must be commenced by statement of claim.

41 Special Statutory Compensation List (cf DCR Part 24F, rule 2)

- (1) The registrar for Sydney shall maintain a Special Statutory Compensation List and shall enter into that List any proceedings under the Acts as soon as the proceedings are commenced or transferred under section 7 (1) (a) of the *Compensation Court Repeal Act 2002*.
- (2) The statement of claim in proceedings under the Acts shall bear in the heading the words "Special Statutory Compensation List", and shall be in the approved form.
- (3) If a statement of claim in proceedings under the Acts is lodged with a registrar for a proclaimed place other than Sydney, the registrar at that other place shall forward the statement of claim to the registrar for Sydney for filing and entry in the List.
- (4) Proceedings under the Acts, and any ancillary proceedings, may be set down for hearing at any proper place.

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42 Directions (cf DCR Part 24F, rule 3)

- (1) Where any proceedings are entered in the List, the registrar shall, as soon as convenient and not later than 3 months after the filing of a statement of claim, list the proceedings before a Judge (appointed by the Chief Judge for the control of proceedings in the List) for directions under this clause, and shall advise the parties of the listing.
- (2) Where any proceedings are before a Judge for directions under this clause, the Judge may give such directions as may be thought fit concerning the preparation of the proceedings for hearing, the conduct of the hearing and the adducing of evidence at or before the hearing.
- (3) Without limiting the generality of subclauses (1) and (2), directions which may be given under this clause include directions as to the times within which, and the modes in which, particulars are to be given, documents are to be prepared and exchanged, documents are to be inspected, a further directions hearing and an order fixing a hearing date.
- (4) A direction given under this clause, and an order made in respect of non-compliance with such a direction, shall apply notwithstanding any time, mode, or penalty for non-compliance otherwise fixed by the rules or the practice of the District Court.
- (5) In this clause:
document includes an affidavit or statement of evidence and experts' reports (including any made by a medical practitioner).

43 Expert evidence and hospital reports (cf DCR Part 24F, rule 4)

The provisions of Division 2 of Part 31 apply to proceedings in the List subject to the following modifications:

- (a) each party to proceedings must, as soon as possible after their receipt and at least 28 days before any hearing date is allocated to the proceedings, serve experts' reports and hospital reports on each party who has an address for service in the proceedings,
- (b) a party who requires the attendance of a person for cross-examination under rule 31.19 must inform the District Court and all other parties to the proceedings that the party has done so or wishes to do so at a directions hearing before any hearing date is allocated to the proceedings.

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44 Oral expert evidence (cf DCR Part 24F, rule 5)

- (1) Unless the District Court otherwise orders, where a party has served reports by more than one expert in the same field, that party shall not call more than one of those experts to give oral evidence.
- (2) This clause does not affect:
 - (a) the right of a party to tender reports by more than one expert in the same field, or
 - (b) the right of a party to require an expert to attend for cross-examination.

45 Settling of orders (cf DCR Part 24F, rule 6)

- (1) Where the District Court gives a decision or makes a final order disposing of any proceedings in the List, the registrar shall as soon as convenient prepare and settle a form engrossing the decision or order.
- (2) The registrar shall sign and seal any form of decision or order settled by him or her, and as soon as practicable cause a copy to be forwarded to each party to the proceedings.

Part 5 Costs in Coal Miners' Workers Compensation List and Special Statutory Compensation List matters**46 Application** (cf DCR Part 39B, rule 1)

- (1) The provisions of this Part apply subject to their terms, to proceedings entered in the Coal Miners' Workers Compensation List and the Special Statutory Compensation List in respect of costs payable or to be assessed under any order of the Court or under these rules.
- (2) Where there is an inconsistency in the operation of these rules and the provisions of this Part the provisions of this Part shall apply.
- (3) The application of these rules and of this Part is subject to:
 - (a) the *District Court Act 1973*, and
 - (b) the Workers Compensation Acts and the regulations made under those Acts, and
 - (c) a Special Statutory Compensation Act and the regulations made under that Act, and

Uniform Civil Procedure Rules (Amendment No 22) 2008

Amendments

Schedule 1

(d) the *Legal Profession Act 2004* and the regulations made under that Act.

47 Interpretation (cf DCR Part 39B, rule 2)

In this Part, and unless the context or subject matter otherwise indicates or requires, a reference to costs is a reference to costs payable between party and party in respect of proceedings, including disbursements.

48 Time for dealing with costs (cf DCR Part 39B, rule 3)

The Court may in any proceedings exercise its powers and discretions as to costs at any stage of the proceedings or after the conclusion of the proceedings.

49 Claimant's costs (cf DCR Part 39B, rule 4)

Where in any proceedings the Court makes a final order, or gives a final decision, in favour of the claimant, the claimant shall, unless the Court otherwise orders, be entitled to recover the claimant's costs of the proceedings against the employer against whom the final order or decision was made or given.

50 Redemption cases (cf DCR Part 39B, rule 5)

Where an employer commences proceedings for redemption under section 15 of the *Workers' Compensation Act 1926*, as preserved by Part 18 of Schedule 6 to the *Workers Compensation Act 1987*, with the consent of the claimant, the employer shall, unless the Court otherwise orders, pay the costs of the claimant of the proceedings whatever be the result of the proceedings.

51 Costs where other proceedings (cf DCR Part 39B, rule 6)

Where in any proceedings a claimant is entitled to recover costs against an employer or insurer, those costs shall not be reduced or apportioned because any part of them was incurred also in respect of proceedings under the Uninsured Liability and Indemnity Scheme, or in respect of proceedings against another person against whom no award has been made, except to the extent that any such part has been received by the claimant.

52 Assessed costs and other provisions (cf DCR Part 39B, rule 7)

- (1) Subject to this Part, where, by or under these rules or any order of the Court, costs are to be paid to any person, that person shall be entitled to assessed costs.

Uniform Civil Procedure Rules (Amendment No 22) 2008

Schedule 1 Amendments

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- (2) Where the Court orders that costs be paid to any person, the Court may, at any time prior to the costs being referred for assessment, further order that, as to the whole or any part (specified in the order) of the costs, instead of assessed costs, that person shall be entitled to:
- (a) a proportion specified in the order of the assessed costs, or
 - (b) the assessed costs from or up to a stage of the proceedings specified in the order, or
 - (c) a gross sum specified in the order instead of the assessed costs.

53 Preliminary discovery (cf DCR Part 39B, rule 8)

The Court may in any proceedings require any person to pay the costs of any party of proceedings under Part 5 of these rules (Preliminary discovery and inspection) in respect of those proceedings including payments of conduct money and payments on account of expenses and loss under that Part.

54 Agreement as to costs (cf DCR Part 39B, rule 9)

- (1) Where costs are payable by one party to another, those parties may agree as to the amount of the costs.
- (2) An amount of costs agreed to under subclause (1) shall not be included in any process of enforcement unless the agreement is embodied in a form of order bearing the consent of the party required to pay the costs and lodged for the signature of the registrar.

55 Agreement as to part of costs (cf DCR Part 39B, rule 10)

- (1) Notwithstanding anything in this Part, where costs are payable by one party to another, the parties may agree as to the amount of those costs payable in respect of any item or items of work done.
- (2) An amount of costs agreed to under subclause (1) shall not be included in any process of enforcement unless the agreement is embodied in a form of order bearing the consent of the party required to pay the costs and lodged for the signature of the registrar.

56 When costs payable (cf DCR Part 39B, rule 11)

- (1) Where, before the conclusion of any proceedings, the Court makes an order for the payment of costs or a motion is refused with costs, the costs shall not, unless the Court otherwise orders, be payable until after the conclusion of the proceedings.

Uniform Civil Procedure Rules (Amendment No 22) 2008

Amendments

Schedule 1

-
- (2) Where, in any proceedings, it appears to the registrar, on application, that there is no likelihood of any further order being made in the proceedings, the registrar may order that any costs ordered to be paid shall be payable forthwith.

57 Party and party basis (cf DCR Part 39B, rule 12)

Costs payable by or under these rules or any order of the Court shall be payable on a party and party basis unless these rules or an order provide that they are payable on an indemnity basis.

58 Indemnity basis (cf DCR Part 39B, rule 13)

On an assessment on the indemnity basis, all costs shall be allowed except in so far as they are of an unreasonable amount or have been unreasonably incurred, and any doubts which the assessor may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the receiving party.

59 Costs order to confirm earlier costs orders (cf DCR Part 39B, rule 14)

An order as to costs made in proceedings after 30 June 1994 shall unless the Court otherwise orders, be taken to expressly confirm all earlier orders as to costs made in the proceedings.

[25] Dictionary

Insert in alphabetical order:

Uninsured Liability and Indemnity Scheme means the scheme constituted under Division 6 of Part 4 of the *Workers Compensation Act 1987*.



New South Wales

Supreme Court Rules (Amendment No 414) 2008

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 4 August 2008.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Supreme Court Rules 1970* so as to omit certain provisions of Schedule J (which prescribes the procedure to be followed in relation to proceedings under particular legislation) as a consequence of amendments to the *Uniform Civil Procedure Rules 2005* that replicate those provisions.

Rule 1 Supreme Court Rules (Amendment No 414) 2008

Supreme Court Rules (Amendment No 414) 2008

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 414) 2008*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended by omitting:

- (a) all of the provisions in Part 1 of Schedule J other than those relating to the *Family Provision Act 1982* and the *Testator's Family Maintenance and Guardianship of Infants Act 1916*, and
- (b) Part 2 of Schedule J.

Other Legislation



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to omit reference to the following species as a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by omitting from Part 1 under the heading “Pteropodidae” (under the heading “Mammals”):

Pteropus alecto Temminck, 1837

Black Flying-fox

Dated, this 30th day of July 2008.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.

OFFICIAL NOTICES

Appointments

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable PAUL LYNCH, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council (NSWALC), do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act) appoint Mr David Lombe as Administrator to the Metropolitan Local Aboriginal Land Council for a period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of the Metropolitan Local Aboriginal Land Council excepting those functions specified under sections 52(2)(g) and 52(4)(b) of the Aboriginal Land Rights Act 1983 and any other duties as specified by the instrument of appointment. The Administrator's remuneration and expenses are not to exceed \$240 000 excluding GST without the prior approval of NSWALC. The Administrator's remuneration may include fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator.

Signed and sealed this 4 day of August 2008.

PAUL LYNCH, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the minister for Gaming and Racing and Minister for Sport and Recreation

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon BM Perry MP, Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Premier on Citizenship, to act for and on behalf of the Minister for Gaming and Racing, and Minister for Sport and Recreation as on and from 12 August 2008, with a view to her performing the duties of the Honourable GJ West MP, during his absence from duty.

MORRIS IEMMA, M.P.,
Premier

Department of Premier and Cabinet,
Sydney 2008.

STATE RECORDS ACT 1998

Appointment of Member

Board of the State Records Authority of New South Wales
HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to Section 69 of the State Records Act 1998, the re-appointment of Mr Stephen Davies as a member of the Board of the State Records Authority of New South Wales. The re-appointment is for a second term beginning 1 January 2009 until 31 December 2011.

Her Excellency the Governor, with the advice of the Executive Council gave approval of the nominations on 30 July 2008.

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

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6770 3100 Fax (02) 6771 5348

ROADS ACT 1993

ORDER

Transfer of a Crown road to a Council

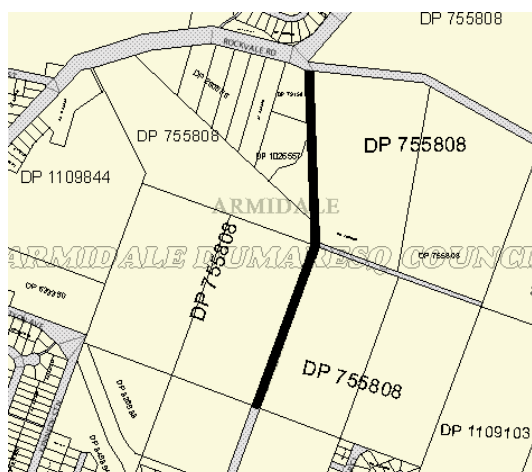
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in each Schedule 1 are transferred to the Roads Authority specified in the corresponding Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each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

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

SCHEDULE 1

*Parish – Armidale; County – Sandon;
Land District – Armidale; L.G.A. – Armidale Dumaresq*

The Crown road 20.115 metres wide and variable at Armidale known as Box Hill Drive, as shown by solid black shading on the diagram hereunder.



SCHEDULE 2

Roads Authority: Armidale Dumaresq Council.

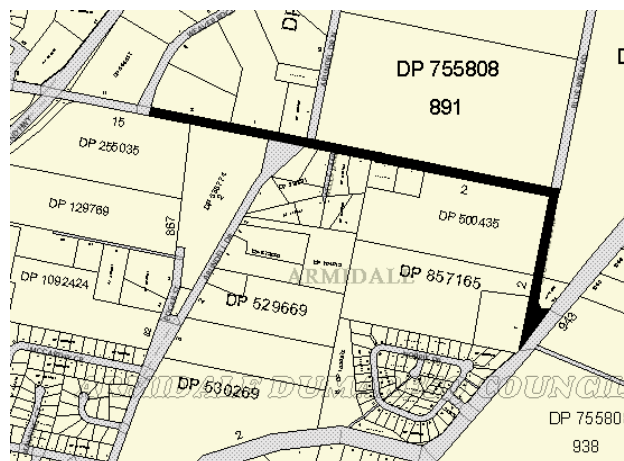
File No.: AE07 H 18:W409519.

Councils Reference: A02/0006-2.

SCHEDULE 1

*Parish – Armidale; County – Sandon;
Land District – Armidale; L.G.A. – Armidale Dumaresq*

The Crown road 20.115 metres wide and variable at Armidale known as Stony Ridge Road, as shown by solid black shading on the diagram hereunder



SCHEDULE 2

Roads Authority: Armidale Dumaresq Council.

File No.: AE07 H 18:W409521.

Councils Reference: A02/0006-2.

BOARD OF SURVEYING AND SPATIAL INFORMATION
Panorama Avenue (PO Box 143), Bathurst NSW 2795
Phone: (02) 6332 8238 Fax: (02) 6332 8240

SURVEYING ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Paul BRANDON.	Campbell and Anderson Surveyors, 357 Bong Bong Street, Bowral NSW 2576.	1 July 2008.
Phillip John CHAMBERLAIN.	1/68 Queen Street, Grafton NSW 2460.	3 July 2008.
Gregory Michael COLLYER.	26/35-41 Sturdee Parade, Dee Why NSW 2099.	8 July 2008.
Carlo Raymond FATTORE.	61 Dresden Avenue, Castle Hill NSW 2154.	11 July 2008.
William Leonard HAMER.	Proust & Gardner Consulting, 406 Pacific Highway, Lindfield NSW 2070.	1 July 2008.
Roderick JAMISON.	William L Backhouse Surveyors, Suite 8/38 Brookhollow Avenue, Baulkham Hills NSW 2153.	3 July 2008.
Cameron Sydney JOHNSON.	KF Williams & Associates Pty Ltd, 28 Auburn Street, Wollongong NSW 2500.	14 July 2008.
Gregory David PETTIT.	74 Wairakei Road, Wamberal NSW 2640.	4 July 2008.
John WALTON.	2 Durhan Street, Stanmore NSW 2048.	1 July 2008.

SURVEYING ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10(1)(b), the undermentioned person has been Registered as Mining Surveyors (Unrestricted) in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Daniel Patrick HART.	234 Morgan Street, Merewether NSW 2291.	11 July 2008.

W. A. WATKINS, President
S. G. GLENCORSE, Registrar

SURVEYING ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying Act 2002, section 10 (1) (a), the undermentioned Land Surveyor has been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
Kurt Brendon INGLE.	1 April 2003.	1 September 2006.	8 July 2008.
Leslie Norman WALTER.	6 December 1979.	1 November 1999.	1 July 2008.

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

**ASSIGNMENT OF CORPORATE NAME OF
RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Girl Guides NSW Reserve Trust.	Reserve No.: 87658. For: Girl Guides. Notified: 6 February 1970. File No.: GF06 R 38.

CANCELLATION OF NOTIFICATION

Land District – Murwillumbah; Council – Tweed

THE notification appearing in the *New South Wales Government Gazette* of 10 June 1994, Folio 2858, under the heading "Appointment of Trustees" in respect of Reserve 91428, is hereby cancelled.

File No.: GF89 R 31.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

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

Road Closed: Lots 1, DP 1125837 at Bexhill, Parish Bexhill, County Rous.

File No.: GF04 H 24.

Schedule

On closing, the land within Lots 1, DP 1125837 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Kyogle

Road Closed: Lot 1, DP 1126981 at Duck Creek, Parish Buller, County Buller.

File No.: GF05 H 145.

Schedule

On closing, the land within Lot 1, DP 1126981 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1127877 at Main Arm, Parish Mullumbimby, County Rous.

File No.: GF05 H 96.

Schedule

On closing, the land within Lot 1, DP 1127877 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 2, DP 1127877 at Main Arm, Parish Mullumbimby, County Rous.

File No.: GF07 H 60.

Schedule

On closing, the land within Lot 2, DP 1127877 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1126950 at Calliope, Parish Ulmarra, County Clarence.

File No.: GF05 H 584.

Schedule

On closing, the land within Lot 1, DP 1126950 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1126949 at Dorrigo Mountain, Parish Leigh, County Fitzroy.

File No.: GF04 H 218.

Schedule

On closing, the land within Lot 1, DP 1126949 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Taree; L.G.A. – Greater Taree

Road Closed: Lot 1, DP 1127874 at Burrell Creek, Parish Bootoowaa, County Gloucester.

File No.: TE05 H 275.

Schedule

On closing, the land within Lot 1, DP 1127874 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Kempsey; L.G.A. – Kempsey

Road Closed: Lot 1, DP 1127884 at Mooneba, Parish Yarravel, County Dudley.

File No.: TE05 H 39.

Schedule

On closing, the land within Lot 1, DP 1127884 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Port Macquarie;
L.G.A. – Port Macquarie-Hastings*

Road Closed: Lots 1, 2, 3 and 4, DP 1126939 at Boorganna, Parish Innes, County Macquarie.

File No.: TE05 H 186.

Schedule

On closing, the land within Lots 1, 2, 3 and 4, DP 1126939 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Glen Innes; L.G.A. – Guyra

Road Closed: Lots 1 and 2, DP 1124927 at Tubbamurra, Parish Towagal, County Clarke.

File No.: AE06 H 136.

Schedule

On closing, the land within Lots 1 and 2, DP 1124927 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Inverell; L.G.A. – Inverell

Road Closed: Lots 1 and 2, DP 1126390 at Gum Flat, Parish Auburn Vale, County Hardinge.

File No.: AE04 H 41.

Schedule

On closing, the land within Lots 1 and 2, DP 1126390 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1127935 at The Channon, Parish Dunoon, County Rous.

File No.: GF05 H 305.

Schedule

On closing, the land within Lot 1, DP 1127935 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Tenterfield

Road Closed: Lot 1, DP 1126980 at Tabulam, Parish Fairfield, County Drake.

File No.: GF05 H 239.

Schedule

On closing, the land within Lot 1, DP 1126980 remains vested in the State of New South Wales as Crown Land.

HAY OFFICE

126 Lachlan Street (PO Box 182), Hay NSW 2711

Phone: (02) 6990 1800 Fax: (02) 6993 1135

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Land District of Deniliquin; L.G.A. – Conargo

Road Closed: Lot 1, DP 1123852 at Blighty, Parish of Yalgadoori, County of Townsend.

File No.: HY91 H 105.

Schedule

On closing, title for the land within Lot 1, DP 1123852 remains vested in the State of New South Wales as Crown Land.

Description

Land District of Hay; L.G.A. – Hay

Road Closed: Lot 1, DP 1128992 at Hay South, Parish of Hay South, County of Waradgergy.

File No.: 07/6134.

Schedule

On closing, title for the land within Lot 1, DP 1128992 remains vested in the State of New South Wales as Crown Land.

MAITLAND OFFICE

Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323

Phone: (02) 4937 9306 Fax: (02) 4934 8417

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 – Mulbring; County – Northumberland;
Land District: – Maitland; L.G.A. – Cessnock*

Road Closed: Lot 1, DP 1125351 (not being land under the Real Property Act).

File No.: MD06 H 217.

Schedule

On closing, the land within Lot 1 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, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Kevin John THOMPSON (new member), Glenn James WRIXON (new member).	Belmont Wetlands State Park Trust.	Reserve No.: 1011388. Public Purpose: Public recreation, coastal environmental protection, tourist facilities and services. Notified: 3 March 2006. File No.: MD06 R 3/1.

Term of Office

For a term commencing the date of this notice and expiring 2 March 2011.

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 Schedules hereunder, are appointed for the terms of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedules.

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Leonard Anthony GAZZARD (new member), Shannon BRENNAN (new member), Richard ROBERTS (new member), Michael MARSHMAN (re-appointment).	Tathra Forest Wildlife Reserve Trust.	Reserve No.: 180014. Public Purpose: Promotion of the study and conservation of native flora and fauna. Notified: 10 April 1987. File No.: NA87 R 14/1.

Term of Office

For a term commencing the date of this notice and expiring
7 August 2013.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Trevor KINCAID (new member), Steve APPLETON (re-appointment), Richard Peter BRUINSMA (re-appointment), Elizabeth Margaret KINCAID (re-appointment), Charles William SAUL (re-appointment), Kerry Louise CARRADUS (re-appointment).	Nerrigundah Tennis and Recreation Trust.	Reserve No.: 180024. Public Purpose: Public recreation. Notified: 4 March 1988. File No.: NA87 R 38/1.

Term of Office

For a term commencing the date of this notice and expiring
7 August 2013.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Phillip TARGETT (new member), Stephen George TARGETT (re-appointment), Ian William LUCAS (re-appointment), Judith Anne WINTERS (re-appointment), Linda Carol RANSON (re-appointment), Raymond Clifford RYAN (re-appointment)	Tantawanglo Recreation Reserve Trust.	Dedication No.: 580059. Public Purpose: Public recreation. Notified: 14 March 1881. File No.: NA80 R 426/1.

Term of Office

For a term commencing the date of this notice and expiring
7 August 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 – Kenilworth; County – Bathurst;
 Land District – Cowra; Shire – Cowra*

Road Closed: Lot 1 in Deposited Plan 1117504.
 File No.: OE05 H 524.

Schedule

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

 Description

*Parish – Copperhanna; County – Georgiana;
 Land District – Blayney; Shire – Bathurst Regional*

Road Closed: Lot 1 in Deposited Plan 1123122.
 File No.: OE05 H 268.

Schedule

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

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

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

 SCHEDULE 1

Parish – Hartley; County – Cook; Land District – Lithgow
 Crown public road east of Lot 67, DP 751644.

 SCHEDULE 2

Roads Authority: Lithgow City Council.
 Council Reference: DA 603/04.
 File No.: 08/3177.

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

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, M.L.C.,
 Minister for Lands

Description

Land District – Metropolitan; L.G.A. – Baulkham Hills
 Lot 91, DP 1128437 at Glenorie, Parish Maroota, County Cumberland.

File No.: MN07 H 16.

Note: On closing, title for the land in Lot 91 remains vested in Baulkham Hills Shire Council as operational land.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Land District – Kempsey;
Local Government Area – Kempsey

Road Closed: Lot 1, DP 1119443 at Seven Oaks, Parish of Cooroobongatti, County of Dudley.

File No.: TE05 H 173.

Note: On closing, the land within Lot 1 is vested in the State of New South Wales as Crown Land.

ROADS ACT 1993**ORDER**

Transfer of Crown Public Road to a Council

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

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

SCHEDULE 1

Parish – Bulahdelah; County – Gloucester;
Village – Bulahdelah; Land District – Gloucester;
Local Government Area – Great Lakes Council

Crown public roads being:

Harold Street between Blanch Street and Mead Street and between Church and Anne Streets.

Booloombayt Lane within section 27 between Pacific Highway and Church Street.

SCHEDULE 1

Parish – Forster; County – Gloucester;
Village – Bungwahl; Land District – Gloucester;
Local Government Area – Great Lakes Council

Crown public road being Barrack Lane within section 9 between High Street and Minnow Street.

SCHEDULE 1

Parish – Forster; County – Gloucester;
Village – Forster; Land District – Taree;
Local Government Area – Great Lakes Council

Crown public roads being:

Macintosh between South Street and southern boundary Lot 16, DP 215397.

Kularoo Drive between Macintosh Street and eastern boundary Lot 13, DP 21236.

SCHEDULE 1

Parish – Forster; County – Gloucester;
Village – Seal Rocks; Land District – Gloucester;
Local Government Area – Great Lakes Council

Crown public road being Seal Rocks Road between western boundary Lot 1, DP 251204 and eastern boundary Thomas Road.

SCHEDULE 1

Parish – Myall; County – Gloucester;
Land District – Gloucester;
Local Government Area – Great Lakes Council

Crown public road being Markwell Road on eastern boundary Lot 74, DP 753189 and Lot A, DP 435802 and western boundary Lot 21, DP 1118570.

SCHEDULE 2

Roads Authority: Great Lakes Council.

File No.: 08/5594.

WAGGA WAGGA OFFICE

Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650

Phone: (02) 6937 2700 Fax: (02) 6921 1851

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.	Muttama Recreation Reserves Trust.	Reserve No.: 55507. Public Purpose: Public recreation. Notified: 16 June 1922. Reserve No.: 85395. Public Purpose: Public recreation. Notified: 16 July 1965. File No.: WA80 R 40.

PROPOSED DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE

IT is intended, following the laying before both Houses of Parliament in the State of New South Wales of an abstract of the proposed dedication in accordance with section 82 of the Crown Lands Act 1989, to dedicate the Crown Land specified in Column 1 of the Schedule hereunder, for the public purpose 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: Albury. Local Government Area: Albury City Council. Locality: Albury. Lot 7, DP No. 1123527, Parish Mungabarina, County Goulburn; Lot 205, DP No. 1112899, Parish Bowna, County Goulburn; Lot 303, DP No. 1124543, Parish Bowna, County Goulburn;	Dedication No.: 1015348. Public Purpose: Environmental protection, access and public recreation.

Column 1 *Column 2*

Lot 3, DP No. 1083506,
Parish Bowna, County Goulburn;
Lot 4, DP No. 1031998,
Parish Bowna, County Goulburn;
Lot 4, DP No. 1033551,
Parish Bowna, County Goulburn;
Lot 5, DP No. 1077859,
Parish Albury, County Goulburn;
Lot 28, DP No. 1123667,
Parish Albury, County Goulburn;
Lot 29, DP No. 1123667,
Parish Albury, County Goulburn;
Lot 30, DP No. 1123667,
Parish Albury, County Goulburn;
Lot 31, DP No. 1123667,
Parish Albury, County Goulburn;
Lot 32, DP No. 1123667,
Parish Albury, County Goulburn;
Lot 33, DP No. 1123667,
Parish Albury, County Goulburn;
Lot 2, DP No. 1123527,
Parish Mungabarina, County Goulburn;
Lot 4, DP No. 1123527,
Parish Mungabarina, County Goulburn;
Lot 31, DP No. 1121090,
Parish Mungabarina, County Goulburn;
Lot 32, DP No. 1121090,
Parish Mungabarina, County Goulburn;
Lot 35, DP No. 1121146,
Parish Jindera, County Goulburn.
Area: About 182.2 hectares.
File No.: WA06 H 111/1.

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

GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

The Conditions and Reservations annexed to such leases are those Conditions published in the *New South Wales Government Gazette* of 25 May 2007, Folios 2974 – 2975.

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

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

SCHEDULE

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

WLL No.	Name of Lessee	Lot	Deposited Plan No.	Folio Identifier	Area	Term of Lease	
						From	To
WLL15042	Peter John SIMPSON	60	1073508	60/1073508	3053m2	05-Aug-2008	04-Aug-2028
WLL15028	Raymond HANLY	43	1073508	43/1073508	3334m2	05-Aug-2008	04-Aug-2028
WLL16006	Ian John WOODCOCK	155	1073508	155/1073508	2431m2	05-Aug-2008	04-Aug-2028
WLL16059	Lloyd THOMPSON and Dorothy Amy THOMPSON as Joint Tenants	84	1120765	84/11207655	2123m2	05-Aug-2008	04-Aug-2028
WLL15086	John EMERSON	31	1076808	31/1076808	2479m2	05-Aug-2008	04-Aug-2028
WLL16023	Allan BROWN and Rosalind BROWN as Joint Tenants	5	1120765	5/1120765	1732m2	05-Aug-2008	04-Aug-2028
WLL16035	Pavel TRNKA	3004	11123921	3004/11123921	2407m2	05-Aug-2008	04-Aug-2028
WLL14918	Anthony Andrew LEEDER	170	1076808	170/1076808	2636m2	05-Aug-2008	04-Aug-2028
WLL16025	Karel KRASNY	151	1073508	151/1073508	2477m2	05-Aug-2008	04-Aug-2028
WLL14901	Cheryl Anne RORKE	387	1076808	387/1076808	2724m2	05-Aug-2008	04-Aug-2028
WLL16030	Ernest Edward MARIS	115	1073508	115/1073508	2849m2	05-Aug-2008	04-Aug-2028
WLL14957	Rudolf SKERTIC	11	1076808	11/1076808	2439m2	05-Aug-2008	04-Aug-2028
WLL15067	Craig William DIXON	63	1076808	63/1076808	2205m2	05-Aug-2008	04-Aug-2028
WLL15024	Linsay Louise WALSH	114	1073508	114/1073508	2602m2	05-Aug-2008	04-Aug-2028
WLL14785	Wolter GRAHAM	267	1076808	267/1076808	2731m2	05-Aug-2008	04-Aug-2028
WLL15011	Dorothy Grace KIRBY	66	1076808	66/1076808	2000m2	05-Aug-2008	04-Aug-2028
WLL14842	Ray COLLINS	400	1076808	400/1076808	2684m2	05-Aug-2008	04-Aug-2028
WLL14769	Allan RAYNER	135	1073508	135/1073508	2435m2	05-Aug-2008	04-Aug-2028
WLL15089	Melissa Kay BRODERICK and Dean John BRODERICK as Joint Tenants	217	1076808	217/1076808	2473m2	05-Aug-2008	04-Aug-2028
WLL15041	Jillian STAINES	1	1066289	1/1066289	2685m2	05-Aug-2008	04-Aug-2028
WLL14792	Kevin Arthur HOUSE	107	1073508	107/1073508	2464m2	05-Aug-2008	04-Aug-2028
WLL14731	Maxima RIVERA	49	1076808	49/1076808	2714m2	05-Aug-2008	04-Aug-2028
WLL14984	Peter ROITMAN	144	1073508	144/1073508	2527m2	05-Aug-2008	04-Aug-2028
WLL14987	Bruce Leslie BAKER and Denise Anne BAKER as Joint Tenants	156	1073508	156/1073508	2378m2	05-Aug-2008	04-Aug-2028

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 Lease of the land specified has been granted to the undermentioned persons.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder and to the special conditions, provisions, exceptions, covenants and reservations set out hereunder.

The land is to be used only for the purpose for which the lease is granted.

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 – Broken Hill;
Shire – Broken Hill City;
Parish – Picton; County – Yancowinna*

Western Lands Lease 16024 was granted to Broken Hill City Council, comprising Lot 5893, DP 241855 (folio identifier 5893/241855) of 1.215 hectares at Broken Hill, for the purpose of Business Purposes – Museum, Car Park, Recreation and Tourism for a term in perpetuity commencing 5 August 2008.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 16024

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
(b) The lessee agrees to occupy use and keep the Premises at the risk of the lessee and hereby releases to the full extent permitted by law the Lessor from all claims and demands of every kind resulting from any accident damage or injury occurring therein and the lessee EXPRESSLY AGREES that the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or the personal property of the lessee.
(c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The lessee will (without in any way limiting the liability of the lessee under any other provision of this lease) forthwith take out and thereafter during the Term keep current a public risk insurance policy for \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the lessee) whereby the Minister shall during the continuance of this lease be indemnified against all actions suits claims demands proceedings losses damages compensations costs charges and expenses mentioned or referred to in this lease to which the Minister shall or may be liable.
- (5) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (6) The rent shall be due and payable annually in advance on 1 July in each year.
- (7) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
(b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (8) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (9) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (10) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (11) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (12) The land leased shall be used only for the purpose of Business Purposes – Museum, Car Park, Recreation and Tourism.
- (13) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or

- the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (14) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (15) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (16) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (17) The lessee shall comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (18) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (19) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (20) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (21) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (22) The lessee shall pay to the Crown the proportional part of the costs of road construction as notified by the Department of Lands within 3 months of the date of gazettal of the granting.
- (23) If the lessee is an Australian registered company than the following conditions shall apply:
- I/ The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
- II/ Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
- III/ Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
- IV/ A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

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: Willyama. Local Government Area: Broken Hill City Council. Locality: Broken Hill. Reserve No.: 230015. Public Purpose: Museum. Notified: 6 March 1987. File No.: WL86 R 323/1.	The whole being Lot 5893, DP No. 241855, Parish Picton, County Yancowinna, of an area of 1.215 hectares.

Note: The land will be held under Western Lands Lease 16024.

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>
Broken Hill Museum (R230015) Reserve Trust.	Reserve No.: 230015. Public Purpose: Museum. Notified: 6 March 1987. File No.: WL86 R 323/1.

Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(08-4778)

No. 3560, DIRECTOR GENERAL NSW DEPT OF PRIMARY INDUSTRIES ON BEHALF OF THE CROWN, area of 2683 square kilometres, for Group 9, dated 30 July 2008. (Armidale Mining Division).

(T08-0187)

No. 3561, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 62 units, for Group 1, Group 2 and Group 5, dated 30 July 2008. (Sydney Mining Division).

(T08-0188)

No. 3562, MINERAL INNOVATIONS PTY LIMITED (ACN 120 836 508), area of 4 units, for Group 1, dated 1 August 2008. (Armidale Mining Division).

(T08-0189)

No. 3563, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), area of 91 units, for Group 1, dated 1 August 2008. (Orange Mining Division).

(T08-0190)

No. 3564, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), area of 99 units, for Group 1, dated 1 August 2008. (Orange Mining Division).

(T08-0191)

No. 3565, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), area of 88 units, for Group 1, dated 1 August 2008. (Orange Mining Division).

(T08-0193)

No. 3567, TECK COMINCO AUSTRALIA PTY LTD (ACN 091 271 911), area of 386 units, for Group 1, dated 4 August 2008. (Cobar Mining Division).

(T08-0195)

No. 3569, TECK COMINCO AUSTRALIA PTY LTD (ACN 091 271 911), area of 395 units, for Group 1, dated 4 August, 2008. (Cobar Mining Division).

(T08-0196)

No. 3570, TECK COMINCO AUSTRALIA PTY LTD (ACN 091 271 911), area of 390 units, for Group 1, dated 4 August 2008. (Wagga Wagga Mining Division).

(T08-0197)

No. 3571, TECK COMINCO AUSTRALIA PTY LTD (ACN 091 271 911), area of 372 units, for Group 1, dated 4 August 2008. (Wagga Wagga Mining Division).

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

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATION

(T08-0113)

No. 3507, NSW OPALS PTY LTD (ACN 129 874 960), County of Finch, County of Leichhardt and County of Narran, Map Sheets (8337, 8338, 8437, 8438). Withdrawal took effect on 21 July 2008.

PETROLEUM APPLICATION

(T03-1081)

No. 6 lodged by EASTERN STAR GAS LIMITED (ACN 094 269 780) over 191.2 hectares in the (Gunnedah Basin).

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

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

(08-6186)

Authorisation No. 173, ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED (ACN 002 028 257), area of 129 hectares. Application for renewal received 30 July 2008.

(T98-1093)

Exploration Licence No. 5514, GATEWAY MINING NL (ACN 008 402 391), area of 92 units. Application for renewal received 30 July 2008.

(06-148)

Exploration Licence No. 6623, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), area of 40 units. Application for renewal received 28 July 2008.

(06-237)

Exploration Licence No. 6624, REVEAL RESOURCES PTY LIMITED (ACN 120 095 141), area of 159 units. Application for renewal received 1 August 2008.

(06-224)

Exploration Licence No. 6630, PLATSEARCH NL (ACN 003 254 395), area of 70 units. Application for renewal received 5 August 2008.

(06-224)

Exploration Licence No. 6631, PLATSEARCH NL (ACN 003 254 395), area of 78 units. Application for renewal received 6 August 2008.

(T02-538)

Mining Purposes Lease No. 215 (Act 1973), Gerard Vincent HUTCHINSON, area of 1.004 hectares. Application for renewal received 5 August 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C87-202)

Authorisation No. 399, CENTENNIAL NEWSTAN PTY LIMITED (ACN 101 508 865), County of Northumberland, Map Sheets (9231, 9232), area of 693 hectares, for a further term until 17 November 2012. Renewal effective on and from 22 July 2008.

(08-2671)

Exploration Licence No. 4962, TRITTON RESOURCES PTY LTD (ACN 100 095 494), County of Canbelego, Map Sheets (8234, 8235), area of 123 units, for a further term until 25 April 2010. Renewal effective on and from 29 July 2008.

(T99-034)

Exploration Licence No. 5571, JERVOIS MINING LIMITED (ACN 007 626 575), County of Monteaale, Map Sheet (8529), area of 10 units, for a further term until 5 May 2010. Renewal effective on and from 31 July 2008.

(08-4150)

Exploration Licence No. 5740, ILUKA RESOURCES LIMITED (ACN 008 675 018), Counties of Taila and Wentworth, Map Sheets (7329, 7429), area of 101 units, for a further term until 6 June 2010. Renewal effective on and from 31 July 2008.

(T01-210)

Exploration Licence No. 5942, ALKANE RESOURCES LTD (ACN 000 689 216), County of Narromine, Map Sheet (8532), area of 19 units, for a further term until 2 May 2010. Renewal effective on and from 25 July 2008.

(T03-836)

Exploration Licence No. 6162, TRIAKO RESOURCES LIMITED (ACN 008 498 119), Counties of Flinders and Mouramba, Map Sheet (8133), area of 49 units, for a further term until 25 November 2009. Renewal effective on and from 4 August 2008.

(T03-1001)

Exploration Licence No. 6224, COMPASS RESOURCES NL (ACN 010 536 820), Counties of Killara and Landsborough, Map Sheet (7736), area of 40 units, for a further term until 4 April 2010. Renewal effective on and from 31 July 2008.

(05-281)

Exploration Licence No. 6552, CLANCY EXPLORATION LIMITED (ACN 105 578 756), County of Gipps, Map Sheet (8331), area of 19 units, for a further term until 2 April 2010. Renewal effective on and from 25 July 2008.

(05-287)

Exploration Licence No. 6573, DEEP YELLOW LIMITED (ACN 006391948), County of Farnell, Map Sheet (7135), area of 120 units, for a further term until 7 June 2010. Renewal effective on and from 24 July 2008.

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

NON-INDIGENOUS ANIMALS ACT 1987

Delegation of functions of the Director-General

I, Richard Frederick Sheldrake, Director-General of the Department of Primary Industries:

1. pursuant to section 29A of the *Non-Indigenous Animals Act 1987* ("the Act"):

- (a) revoke the delegation under the Act made on 14th September 2004 and any delegations revived as a result of this revocation;
- (b) delegate the function listed in Column 1 of the Schedule below to the NSW Department of Primary Industries position listed in Column 2; and
- (c) delegate the function, as described in the definition of "authorised person" in section 3(1), of authorising persons to exercise the functions of an authorised officer for the purposes of the Act and the Regulations to the Manager, Agricultural Compliance.

Schedule

Column 1	Column 2
Section 25(2)	Executive Director, Fisheries, Compliance and Regional Relations
Section 25(5)	Executive Director, Fisheries, Compliance and Regional Relations
Sections 14, 15, 16, 17, 18 & 19	Director, Compliance Standards and RLPB Alliance

Dated this 3rd day of July 2008.

R. F. SHELDRAKE,
Director-General
NSW Department of Primary Industries

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Road Transport (Mass, Loading and Access) Regulation 2005

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority pursuant to Clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005, do, by this Notice, exempt controlled access buses on specified approved trial routes from the total mass limit specified in Clause 6(a) and (c), of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005, the vehicles described in Part 2 of the Schedule subject to any condition or requirement set out in that Schedule.

LES WIELINGA,
Chief Executive
Roads and Traffic Authority

SCHEDULE

PART 1 — PRELIMINARY

1.1 Citation

This Notice may be cited as the Metropolitan High Capacity Bus Trial Mass Limit Exemption Notice 2008.

1.2 Commencement

This Notice takes effect from the date of publication in the NSW Government Gazette.

1.3 Effect

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

1.4 Interpretation

- 1.4.1 Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005 (the Regulation).
- 1.4.2 Notes do not form part of this Notice.

PART 2 — APPLICATION

2.1 Application

- 2.1.1 This Notice applies to buses operating under the Metropolitan High Capacity Bus Trial on approved trial routes specified in Part 3 that meet the mass limits in this Part.
- 2.1.2 Where the trial bus is a rigid ultra-low floor bus not longer than 14.5 metres that has a rear tandem axle group fitted with single tyres on one axle and dual tyres on the other axle, the following mass limits apply:
- (a) 6.5-tonnes on the front axle;
 - (b) 14.5-tonnes on the rear axle group; and
 - (c) 20.8 tonnes total when loaded.
- 2.1.3 Where the trial bus is an articulated ultra-low floor bus that has no axle groups and only three single axles, the following mass limits apply:
- (a) 6-tonnes on the front axle;
 - (b) 9-tonnes on the central axle;
 - (c) 11.8 tonnes on the rear axle; and
 - (d) 26.8 tonnes total when loaded.

PART 3 — OPERATION AND TRAVEL REQUIREMENTS

3.1 Mass Limits

- 3.1.1. The sum of the mass on the axle groups of an ultra-low floor trial bus to which this Notice applies may exceed the total mass limit specified in Schedule 1 Clause 6 (a) and (c) of the Regulation by up to 800kg.

3.2 Travel Limits

- 3.2.1 This Notice applies to buses operating on the approved route set out in Table 1.

Table 1 Metropolitan High Capacity Bus Trial Route

Eastbound	Westbound
Lords Road(terminus);	General Bridges Crescent (terminus);
left Flood Street;	left Bunnerong Road;
right Marion Street;	left Anzac Parade;
right Norton Street;	Flinders Street;
left Parramatta Road;	left Oxford Street;
Broadway;	Liverpool Street;
George Street;	right Elizabeth Street;
right Bathurst Street	left Park Street;
right Elizabeth Street	left George Street;
left Liverpool Street;	Broadway;
Oxford Street;	Parramatta Road;
right Flinders Street;	right Norton Street;
Anzac Parade;	left Marion Street;
right Gardeners Road;	left Foster Street;
left General Bridges Crescent (terminus)	left Lords Road (terminus)

PART 4 NOTICE NOT REQUIRED TO BE CARRIED

A copy of this Notice is not required to be carried in the driving compartment of a vehicle, operating under this Notice.

PART 5 DEFINITIONS

“Ultra-low floor bus” means a bus that:

- (a) is equipped with a stairless entry, and
- (b) is designed to be accessible by wheelchairs, and
- (c) is licensed to carry standing passengers

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25m B-Doubles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25m B-Doubles Route Repeal Notice No. 02/2008.

2. Commencement

This Notice takes effect on “the date of gazettal”.

3. Amendment

The 25m B-Doubles Route Notice is amended by omitting the following from that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25.	MR611, Lake Entrance Road.	New Lake Entrance, Oak Flats.	Shellharbour Road (MR522), Warilla.
25.	MR611, New Lake Entrance Road, Oak Flats.	Pioneer Drive (MR611).	Lake Entrance Road (MR611).
25.	MR611, Pioneer Drive, Oak Flats.	Princess Highway (SH1).	New Lake Entrance Road (MR611).

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25m B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25m B-Double Notice No. 3/2008.

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 25m 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

Insert the following route in Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 - B-Double routes in NSW

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
25.	611.	Lake Entrance Road, Oak Flats.	HW1 Princes Highway, Oak Flats.	MR522, Shellharbour Road, Warilla.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Repeal Notice No. 09 /2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

Omit the following routes from Part 1 B-Double Routes in New South Wales.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	1.	Princes Highway.	Intersection of Bridge and West Streets, Bega.	NSW/Vic border.	Southbound travel only is permitted between the intersection of Bridge and West Streets, Bega and Kerrisons Lane.
25.	1.	Princes Highway.	Snowy Mountains Highway (SH4).	Intersection of Bridge and West Streets, Bega.	

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Double vehicles may be used.

LES WIELINGA,
Acting Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Repeal Notice No. 7/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

Omit the following routes from Part 2 – B-Double Routes in New South Wales (excluding the Sydney Region) of Appendix 2 – B-Double Routes in New South Wales.

Type	Road No.	Road Name	Start Point	Finish Point	Conditions
25.	108.	Teal Street, Kooragang Island.	Cormorant Road (MR108).	Fullerton Road, Fern Bay.	Connects with Nelson Bay Road, Fern Bay.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, 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.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 10/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

4. Application

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

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25.	1.	Princes Highway.	Northern Abutment of Bridge over Bega River, North of Bega.	NSW/Vic border.	Southbound travel only is permitted between the Northern Abutment of Bridge over Bega River, North of Bega and Kerrisons Lane.
25.	1.	Princes Highway.	Snowy Mountains Highway (SH4).	Northern Abutment of Bridge over Bega River, North of Bega.	

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this notice, specify the route and area on or in which B-Double vehicles may be used subject to any requirements or conditions set out in the Schedule

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25 metre B-Double Route Notice No. 8/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
25.	108.	Teal Street then via Stockton Bridge, Kooragang Island to Stockton.	Cormorant Road (MR108).	Fullerton Street.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25m B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25m B-Double Notice No. 3/2008.

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 25m 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

Insert the following route in Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 - B-Double routes in NSW.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
25.	611.	Lake Entrance Road, Oak Flats.	HW1 Princes Highway, Oak Flats.	MR522 Shellharbour Road, Warilla.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 19m B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 19m B-Double Notice No. 5/2008.

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 19m 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

Insert the following route in Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 - B-Double routes in NSW.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
19.	560.	Beach Road, Batemans Bay.	HW1 Princes Highway.	Petrol Station, App 3kms from HW1 Princes Highway.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25m B-Doubles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25m B-Doubles Route Repeal Notice No. 02/2008.

2. Commencement

This Notice takes effect on "the date of gazettal".

3. Amendment

The 25m B-Doubles Route Notice is amended by omitting the following from that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25.	MR611 Lake Entrance Road.	New Lake Entrance, Oak Flats.	Shellharbour Road (MR522), Warilla.
25.	MR611 New Lake Entrance Road, Oak Flats.	Pioneer Drive (MR611).	Lake Entrance Road (MR611).
25.	MR611 Pioneer Drive, Oak Flats.	Princess Highway (SH1).	New lake Entrance Road (MR611).

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25m B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25m B-Double Notice No. 4/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25m 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

Insert the following route in Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 - B-Double routes in NSW.

<i>Type</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>	<i>Conditions</i>
25.	Harris Street.	Five Islands Road.	Entire length.	E/B entry via Harris Street. Exit from property driveway left out only.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Double vehicles may be used.

LES WIELINGA,
Acting Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Repeal Notice No. 7/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

Omit the following routes from Part 2 – B-Double Routes in New South Wales (excluding the Sydney Region) of Appendix 2 – B-Double Routes in New South Wales.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>	<i>Conditions</i>
25.	108.	Teal Street, Kooragang Island.	Cormorant Road (MR108).	Fullerton Road, Fern Bay.	Connects with Nelson Bay Road, Fern Bay.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority B-Double Repeal Notice No. 09 /2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

Omit the following routes from Part 1 B-Double Routes in New South Wales.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	1.	Princes Highway.	Intersection of Bridge and West Streets, Bega.	NSW/Vic border.	Southbound travel only is permitted between the intersection of Bridge and West Streets, Bega and Kerrisons Lane.
25.	1.	Princes Highway.	Snowy Mountains Highway (SH4).	Intersection of Bridge and West Streets, Bega.	

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this notice, specify the route and area on or in which B-Double vehicles may be used subject to any requirements or conditions set out in the Schedule.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 25 metre B-Double Route Notice No. 8/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Start Point</i>	<i>Finish Point</i>
25.	108.	Teal Street then via Stockton Bridge, Kooragang Island to Stockton.	Cormorant Road (MR108).	Fullerton Street.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, LES WIELINGA, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, 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.

LES WIELINGA,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 10/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	1.	Princes Highway.	Northern Abutment of Bridge over Bega River, North of Bega.	NSW/Vic border.	Southbound travel only is permitted between the Northern Abutment of Bridge over Bega River, North of Bega and Kerrisons Lane.
25.	1.	Princes Highway.	Snowy Mountains Highway (SH4).	Northern Abutment of Bridge over Bega River, North of Bega.	

ROAD TRANSPORT (GENERAL) ACT 2005

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

CONARGO 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 Road Train Vehicles may be used subject to any requirements or conditions set out in the Schedule.

BARRY W. BARLOW,
General Manager,
Conargo Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as Conargo Shire Council Notice No. 1/2008.

2. Commencement

This Notice takes effect on the date of publication in the *New South Wales Government Gazette*.

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 Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
RT.	Wandook Road.	MR 552.	Nesbits Road.	Seasonal – Open November, December, March, April and May.
RT.	Aratula Road South.	Riverina Highway.	Shire Boundary.	Seasonal – Open November, December, March, April and May.

ROAD TRANSPORT (GENERAL) ACT 2005

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

CONARGO 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.

BARRY W. BARLOW,
General Manager,
Conargo Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as Conargo Shire Council 25 Metre B-Double route Notice No. 2/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Barnes Road.	Shire boundary.	Martins Road.
25.	Moonee Swamp Road.	Coree Road.	1.5 km west to G Hay's property.
25.	Moonee Swamp Road.	Blighty Hall Road.	1.7 km east to unnamed road then north 1.5 km to M Farley's property.
25.	Blighty Hall Road.	Moonee Swamp Road.	200 metres south to continuation of Moonee Swamp Road.
25.	Mayrung Road.	Moonee Swamp Road.	9 km north to Willis's property.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

MARK RILEY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)
Dated: 5 August 2008

SCHEDULE

1. Citation

This Notice may be cited as Dubbo City Council 25 Metre B-Double route Notice No. 5/2008.

2. Commencement

This Notice takes effect at 6:00 a.m., on Monday, 18 August 2008.

3. Effect

This Notice remains in force until 6:00 p.m., on Wednesday, 20 August 2008 unless it is amended or repealed earlier.

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	000.	Myall Street, Dubbo.	Golden Highway (Cobbora Road).	Whealers Lane.

ROADS ACT 1993

Order - Section 52

Liverpool City Council area

Declaration as tollway of the Moorebank Avenue and M5 Motorway interchange at Moorebank

I, the Minister for Roads, pursuant to section 52 of the Roads Act 1993 by this order declare to be a tollway the road described in the Schedule under.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE

The part of the Moorebank Avenue and M5 Motorway interchange at Moorebank comprising Lots 2, 3 and 4 Deposited Plan 1063765 and shown as land to be declared tollway on RTA Plan 6005 259 AC 4002.

(RTA Papers F5/259.1690 Pt 7)

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

Notice of Compulsory Acquisition of Land at Conjola Mountain in the Shoalhaven City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of His Excellency the Lieutenant 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 public road situated in the Shoalhaven City Council area, Parish of Conjola and County of St Vincent, shown as Lot 7 Deposited Plan 1125483.

(RTA Papers FPP 8M2825; RO 1/404.11137)

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

Notice of Compulsory Acquisition of Land at Kyeamba in the Wagga Wagga City Council area

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

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

SCHEDULE

ALL those pieces or parcels of public road situated in the Wagga Wagga City Council area, Parish of Kyeamba and County of Wynyard, shown as Lots 4 and 5 Deposited Plan 1120589 being parts of the land in Certificate of Title Volume 43 Folio 179.

(RTA Papers: FPP 8M2603; RO 2/468.1122)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Ryde in the Ryde City Council area

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

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

SCHEDULE

ALL that piece or parcel of land situated in the Ryde City Council area, Parish of Hunters Hill and County of Cumberland, shown as Lot 1 Deposited Plan 249251.

(RTA Papers: 387.1856)

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

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

- Transport and Logistics (Warehousing and Storage)
- Transport and Logistics (Road Transport)
- Transport and Logistics (Road Transport – Driving Instruction).
- Transport and Logistics (Stevedoring)
- Transport and Logistics (Rail Operations)
- Transport and Logistics (Rail Infrastructure)
- Transport and Logistics (Logistics Operations)

under Section 6 of the *Apprenticeship and Traineeship Act 2001*.

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

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

A copy of the Orders may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/373.htm>

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.

- Waaruu Sporting Club Incorporated INC9879067
- Cancer Kids Inc INC9875444
- Hastings Valley Archers Incorporated INC9878523
- South African Australian Muslim Association Incorporated INC9878646
- Boojum Enterprises Inc Y0737910
- Wollongong Macedonia United Soccer Club Inc Y0906033
- Lightning Ridge Chamber Of Commerce and Industry Inc. Y0917712
- Australian Project Private Sector Group Incorporated INC9877002
- Al-Mahdy Institution Incorporated INC9877053
- Big River Squash Club Inc Y0603302
- Belar Creek School of Arts Inc Y0726721
- Colo Colo Sports Social Club Incorporated INC9876401
- Citywide Christian Fellowship Incorporated INC9877069
- Christians for Social Action Inc Y0706141
- Dee Why 2000 Mainstreet Program Incorporated Y2551820
- Deniliquin Canoe Club Inc Y0707236
- Economic Modelling Bureau of Australia Inc Y0799243

- Friends in Sport Incorporated INC9876403
- Gloucester ABD District Country Music Club Inc. Y0615439
- Gloucester Motorcycle Touring Association Inc Y0778646
- Harvest Christian Fellowship Inc Y0776113
- Indidjeridu Productions Incorporated INC9884315
- Jerilderie District Race Club Inc Y0635039
- The Latin American Dance Association Incorporated Y2588101
- South Granville Touch Football Association Inc Y0658806
- Sydney Supra Club Incorporated INC9876956
- Southern Riverina Community Arts Council Inc Y0789443
- Te Puna Waiora O Te Iwi Whanui O Nga Hau E Wha Incorporated Y0876402
- The Word for Today Incorporated Y0776211
- Wallabadah Adult Learning Association Incorporated Y0422944
- Wollongong Agricultural Horticultural and Industrial Society Incorporated Y0684120
- Youth Driver Awareness Incorporated INC9876334
- Logging Industry Skill Centre Inc. Y0662820
- Nambucca Valley Tourist Promotions Inc Y0670234
- Parents Association - Australian Islamic College of Sydney Incorporated INC9883741
- National Indigenous Arts Advocacy Association Incorporated Y1056444
- Apex Club of Gloucester Inc Y0292534

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

Dated 6 August 2008.

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to Section 54A

THE incorporation of Rotary Club of Bellbridge-Lake Hume Inc cancelled on 25 July 2008, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

The incorporation of Tomingley West Land Care Association Incorporated cancelled on 25 July 2008, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 30th day of July 2008.

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

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of remediation site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21121; Area Number 3237

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

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

This declaration applies to Lot 1 in DP 80007 and Lot 1 in DP 84511 located at Gosport Street, Moree NSW 2400 in the local government area of Moree Plains and known as the former Mobil Fuel Depot.

2. Nature of contamination affecting the site:

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

- Benzene, toluene, ethyl benzene and xylene; and
- Total petroleum hydrocarbons.

3. Nature of harm that the contaminants may cause:

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

- The groundwater at the site has been degraded by widespread separate phase and dissolved phase hydrocarbon contamination at concentrations significantly exceeding relevant guideline levels.
- The contamination consists of a mixture of chemicals that is toxic to humans and includes benzene, a known human carcinogen.
- The contamination has migrated off-site in groundwater in both separate phase and dissolved phase. There is potential for the contaminated groundwater to continue migrating offsite if left unchecked.
- There are potential exposure pathways to the contamination through the extraction and beneficial use of groundwater in the vicinity of the site if not managed.

4. Further action under the Act

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

5. Submissions invited

The public may make written submissions to the EPA on:

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

Submissions should be made in writing to:

Manager Contaminated Sites
Department of Environment and Climate Change
PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to 02 9995 5930
by not later than 29 August 2008

JOHN COFFEY,

Acting Manager Contaminated Sites

Department of Environment and Climate Change

Date: 1 August 2008.

NOTE:**Remediation order may follow**

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

Variation/Revocation

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

Information recorded by the EPA

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

Information recorded by councils

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

Relationship to other regulatory instrument

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

ERRATUM

INSTRUMENTS published in Government Gazette Nos 93 and 94 of 1 August 2008, folios 7347, 7349, 7350, 7353, 7354, 7356, 7364, 7368, 7379, 7382, 7384 and 7435 were considered by the Executive Council at its meeting on 30 July 2008 which was presided over by the Lieutenant-Governor. Accordingly:

- references in those instruments to Professor Marie Bashir, Governor should be read as references to the Honourable James Jacob Spigelman, Lieutenant-Governor, and
- references in those instruments to Her Excellency the Governor should be read as references to His Excellency the Lieutenant-Governor.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the Fire Brigades Act 1989, do, by this my Order, vary the Orders published in *New South Wales Government Gazette* No. 140 of 18 November 2005 (Sydney Fire District in Baulkham Hills Shire) and reconstitute the Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 30th day of July 2008.

By Her Excellency's Command,

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

SCHEDULE

In this Schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the *New South Wales Government Gazette*.

Sydney Fire District

Comprising the existing Fire District in Baulkham Hills Shire Council, with additions and deletions as delineated on Map No. 095/07/1 kept in the office of the NSW Fire Brigades.

MENTAL HEALTH ACT 2007

Section 109

I, Professor Debora Picone AM, Director-General of the NSW Department of Health, pursuant to section 109 of the Mental Health Act 2007 DO HEREBY:

- (a) DECLARE the premises of Braeside Hospital known as the Aged Care Psychiatry Unit to be a mental health facility for the purposes of the Mental Health Act 2007; and
- (b) DECLARE such facility to be designated a "mental health inpatient treatment" facility.

Signed, this 18th day of July 2008.

Professor DEBORA PICONE, AM,
Director-General

NATIONAL PARKS AND WILDLIFE ACT 1974

Kosciuszko National Park Geotechnical and Water Management Amendments to the Plan of Management

DRAFT amendments to the plan of management for Kosciuszko National Park have been prepared are available free of charge from the NPWS offices at Kosciuszko Road, Jindabyne; at Kosciuszko Road, Perisher Valley; at 6 Rutledge Street, Queanbeyan; at the Department of Environment and Climate Change Information Centre, Level 14, 59-61 Goulburn Street, Sydney and on the website: www.environment.nsw.gov.au. Written submissions on the amendments must be received by The Manager, Environmental Services Unit, NPWS, PO Box 2228, Jindabyne NSW 2627, by 17 November 2008.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on these amendments may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

POISONS & THERAPEUTIC GOODS ACT 1966

Restoration of Drug Authority

IN accordance with the provisions of clause 171(1) of the Poisons & Therapeutic Goods Regulation 2002, a direction has been issued that the order prohibiting Dr Rahul Sant Ram of 71/14-18 Thomas Street, Hornsby, 2077, 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, for the purpose of his profession as a medical practitioner, shall cease to operate from 8 August 2008.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales,
Sydney, 6 August 2008

STATE OWNED CORPORATIONS ACT 1989

Direction to the Board of Integral Energy Australia under Section 20P

Notice of Reasons for giving the Direction

I am satisfied that there are exceptional circumstances that render it necessary to give this direction in the public interest.

An expert inquiry by Professor Anthony Owen in 2007, Inquiry into Electricity Supply in NSW (Owen Inquiry), indicated that:

- NSW must begin preparations now for additional electricity supply to be available by 2013-14;
- if significant private sector investment is not forthcoming, the impact on the State could be up to \$15 billion over the next 10-15 years to ensure security of supply, compliance with regulatory requirements and business competitiveness;
- to secure on-going private sector investment in generation that is adequate, economic and timely, the Government should transfer its retail and generation interests to the private sector.

The Owen Inquiry noted that the NSW Government has indicated on a number of occasions over recent years its strong preference for the private sector to invest in new power generation.

In response to Professor Owen's inquiry, the Government announced the Electricity Generation and Retail project:

1. leasing the existing State-owned generators (Macquarie Generation, Delta Electricity and Eraring Energy) to the private sector;
2. moving the State-owned electricity retail activities and functions (Country Energy, EnergyAustralia and Integral Energy) to the private sector;
3. retaining public ownership of the network "poles and wires" assets of the electricity distributors (Country Energy, EnergyAustralia, Integral Energy).

The Government is considering a public share offer of a new vertically integrated business comprising Integral Energy's retail activities and Eraring Energy.

It is necessary for the public-offer entity to be a vertically integrated retail and generation business, to position it on a sound competitive footing with the other private sector market participants.

The Government expects the initial public offer will take place in late 2009, subject to market conditions and

expert financial advice. However, it is necessary for Eraring Subsidiary to be operational as early as possible in the 2008-09 financial year. The Government's expert advisors on the Electricity Generation and Retail Project have recommended that any IPO offer document contain as much actual financial results for 2008 09 of the combined Integral Energy retail / Eraring Energy business as possible.

Floating the merged entity by a public share offer is likely to increase competition among prospective lessees and purchasers of the other generators and retailers. This is in the public interest as it is likely to result in the community receiving a better financial return for its electricity assets.

The combined Integral Energy retail / Eraring Energy business has the potential to be a major new entrant that would promote competition in the National Electricity Market. Competition is in the public interest as it incentivises the private sector to continually improve services while keeping prices as low as possible.

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

Dated: 21 July 2008.

STATE OWNED CORPORATIONS ACT 1989

Direction to the Board of Eraring Energy under Section 20P

Notice of Reasons for giving the Direction

I am satisfied that there are exceptional circumstances that render it necessary to give this direction in the public interest.

An expert inquiry by Professor Anthony Owen in 2007, Inquiry into Electricity Supply in NSW (Owen Inquiry), indicated that:

- NSW must begin preparations now for additional electricity supply to be available by 2013-14;
- if significant private sector investment is not forthcoming, the impact on the State could be up to \$15 billion over the next 10-15 years to ensure security of supply, compliance with regulatory requirements and business competitiveness;
- to secure on-going private sector investment in generation that is adequate, economic and timely, the Government should transfer its retail and generation interests to the private sector.

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2. moving the State-owned electricity retail activities and functions (Country Energy, EnergyAustralia and Integral Energy) to the private sector;
3. retaining public ownership of the network "poles and wires" assets of the electricity distributors (Country Energy, EnergyAustralia, Integral Energy).

The Government is considering an initial public offer in relation to a new vertically integrated business comprising Integral Energy's retail activities and Eraring Energy.

It is necessary for the public-offer entity to be a vertically integrated retail and generation business, to position it on a sound competitive footing with the other private sector market participants.

The Government expects the initial public offer will take place in late 2009, subject to market conditions and expert financial advice. However, it is necessary for Eraring Subsidiary to be operational as early as possible in the 2008-09 financial year. The Government's expert advisors on the Electricity Generation and Retail Project have recommended that any IPO offer document contain as much actual financial results for 2008 09 of the combined Integral Energy retail / Eraring Energy business as possible.

Floating the merged entity by a public share offer is likely to increase competition among prospective lessees and purchasers of the other generators and retailers. This is in the public interest as it is likely to result in the community receiving a better financial return for its electricity assets.

The combined Integral Energy retail / Eraring Energy business has the potential to be a major new entrant that would promote competition in the National Electricity Market. Competition is in the public interest as it incentivises the private sector to continually improve services while keeping prices as low as possible.

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

Dated: 21 July 2008.

TRANSPORT ADMINISTRATION ACT 1988 NO 109

The Minister for Transport has approved of the closure of the following private level crossings under section 99 B of the Transport Administration Act 1988 No 109:

Private Accommodation Level Crossings at Braunstone on the North Coast Rail Line at rail kilometres 684.032 and 684.615

All rights, easements and privileges in relation to these railway level crossings are now extinguished.

A Private Accommodation Railway Level Crossing at rail kilometres 684.520 will be opened in lieu of the permanent closure of the above railway level crossings.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

TRANSPORT ADMINISTRATION ACT 1988 NO 109

The Minister for Transport has approved of the closure of the following railway level crossing under section 99B of the Transport Administration Act 1988 No 109:

Private Accommodation Level Crossing near Grafton on the Grafton to Casino Section of the North Coast line at rail kilometres 700.004

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ARTHUR WATKINS, M.P.,
Minister for Transport

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

COFFS HARBOUR CITY COUNCIL

Renaming of Existing Pacific Highway at Bonville

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>
The Pacific Highway affected by realignment at Bonville from the intersections at Lyons Road and Mailmans Track Road.	Pine Creek Way.

STEPHEN SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450. [4079]

COONAMBLE SHIRE COUNCIL

Erratum

Correction Notice under Section 162 of the Roads Act 1993

A notice published in the *New South Wales Government Gazette* of 25 July 2008, Number 92, Folio 7340, the spelling of the following names was in error and is corrected as follows:

6km south east	SR 17a	Shanklin Road
38km north	SR 54	Floddenfield Road
53km south south east	SR 129	Warrawong Road

JOHN J. GRIFFITHS, General Manager, Coonamble Shire Council, PO Box 249, Coonamble NSW 2829. [4080]

EUROBODALLA SHIRE COUNCIL

ERRATUM

THE Eurobodalla Shire Council notice published in the *New South Wales Government Gazette* of 20 June 2008, No. 72, Folio 5708, omitted the description of the affected properties. The notice is now republished in full and the gazettal date remains 20 June 2008.

Roads Act 1993

Revocation of Road Widening Order

NOTICE is hereby given that Eurobodalla Shire Council in pursuance of section 27(b) of the Roads Act 1993 and with consent of the Minister for Local Government revokes the Road widening Order that appeared in *New South Wales Government Gazette* No. 56 on 14 March 1952, over land adjoining the Princes Highway at Bodalla being Lots 39 to 44 inclusive in Deposited Plan 13566, Parish of Bodalla. PAUL ANDERSON, General Manager, Eurobodalla Shire Council, PO Box 99, Moruya NSW 2537. [4081]

PENRITH CITY COUNCIL

Road Name

PURSUANT to Clause 9 of the Roads (General) Regulation 2000, notice is hereby given of the naming of the following road:

<i>Location</i>	<i>Name</i>
Previously known as Lenore Lane located off Erskine Park Road, Erskine Park.	Lenore Drive.

For further information please contact Andrew Wood on (02) 4732 7772. A. STONEHAM, General Manager, Penrith City Council, PO Box 60, Penrith NSW 2751. [4082]

SUTHERLAND SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Sutherland Shire Council, by resolution of the Council dated 10 June 2008, and pursuant to section 10 of the Roads Act 1993, hereby dedicates, as public road, the land described in the Schedule below:

SCHEDULE

All those pieces or parcels of land situated in the Local Government Area of Sutherland Shire, Parish of Sutherland and County of Cumberland, shown as:

Lot 1, Deposited Plan 326725;
 Lot 15, Deposited Plan 234991;
 Lot 9, Deposited Plan 4752;
 Lot 1, Deposited Plan 180781;
 Lot 4, Deposited Plan 563913;
 Lot 15, Deposited Plan 237129;
 Lot 31, Deposited Plan 222804;
 Lot 1, Deposited Plan 26449;
 Lot 10, Deposited Plan 243898;
 Lot 145, Deposited Plan 6797; and
 Lot 23, Deposited Plan 604698.

SCHEDULE

All those pieces or parcels of land situated in the Local Government Area of Sutherland Shire, Parish of Holsworthy and County of Cumberland, shown as:

Lot 514, Deposited Plan 252768;
 Lot 286, Deposited Plan 259283;
 Lot 14, Deposited Plan 262955;
 Lot 325, Deposited Plan 259617;
 Lot 3, Deposited Plan 609118;
 Lot 7, Deposited Plan 259973;
 Lot 15, Deposited Plan 263409; and
 Lot 77, Deposited Plan 774588.

SCHEDULE

All those pieces or parcels of land situated in the Local Government Area of Sutherland Shire, Parish of Heathcote and County of Cumberland, shown as:

Lot 18, Deposited Plan 618317;
 Lot 19, Deposited Plan 618317;

Lot 2, Deposited Plan 243228; and
Lot 24, Deposited Plan 231793.

SCHEDULE

All those pieces or parcels of land situated in the Local Government Area of Sutherland Shire, Parish of Wattamolla and County of Cumberland, shown as:

Lot 21, Deposited Plan 625016; and

Lot 22, Deposited Plan 625016.

Dated at Sutherland, this 4th day of August 2008. J. W. RAYNER, General Manager, Sutherland Shire Council, Eton Street, Sutherland NSW 2232. [4083]

WILLOUGHBY CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

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

Lane	Name	Location
Lane W22.	George Brain.	From Victoria Avenue to Victoria Avenue between High and Penshurst Streets, Chatswood.
Lane W27.	Warrah.	From Penshurst Street to Warrah Street, Chatswood.
Lane W28.	Hahn.	From Ashley Street to Warrah Lane, Chatswood.
Lane W38.	Boyd Willis.	From Darling Street to Ferncourt Avenue, Roseville.
Lane W39.	Mein.	From Macquarie Street to Ferncourt Avenue, Roseville.
Lane W41.	Hillcrest.	From William Street to Mein Lane, Roseville.
Lane W46.	Poole.	From Woonona Road (westwards), Northbridge.
Lane W47.	Ted Brown.	From Weemala Road to Wollombi Road, Northbridge.
Lane W52.	Jeffery.	Off Woonona Road (eastwards), Northbridge.
Lane W55.	Murray.	From Cliff Avenue to Ulric Lane, Northbridge.
Lane W57.	Phillips.	From Baroona Road to Marana Road, Northbridge.
Lane W71.	Chandler.	From Raeburn Avenue to Eastern Valley Way, Castlecrag.
Lane W79.	Gardiner.	From Henry Lane to Corbett Lane, Naremburn.
Lane W85.	John Allen.	From Station Street to Francis Street, Naremburn.
Lane W90.	Hesky (Combine with W92).	From Dickson Avenue to Taylor Lane, Artarmon.
Lane W92.	Hesky (Combine with W90).	From Dickson Avenue to Freeway, Artarmon.

Lane	Name	Location
Lane W108.	Chaffer.	From Oakville Road (northwards), parallel to Penshurst Street, Willoughby.
Lane W109.	Medway.	From Oakville Road (southwards), parallel to Penshurst Street, Willoughby.
Lane W124.	Wattle.	From Archer Street to Anderson Street between Daisy and Kirk Streets, Chatswood.
Lane W157.	Arkley.	From Neerim Road to Warrawee Road, Castle Cove.

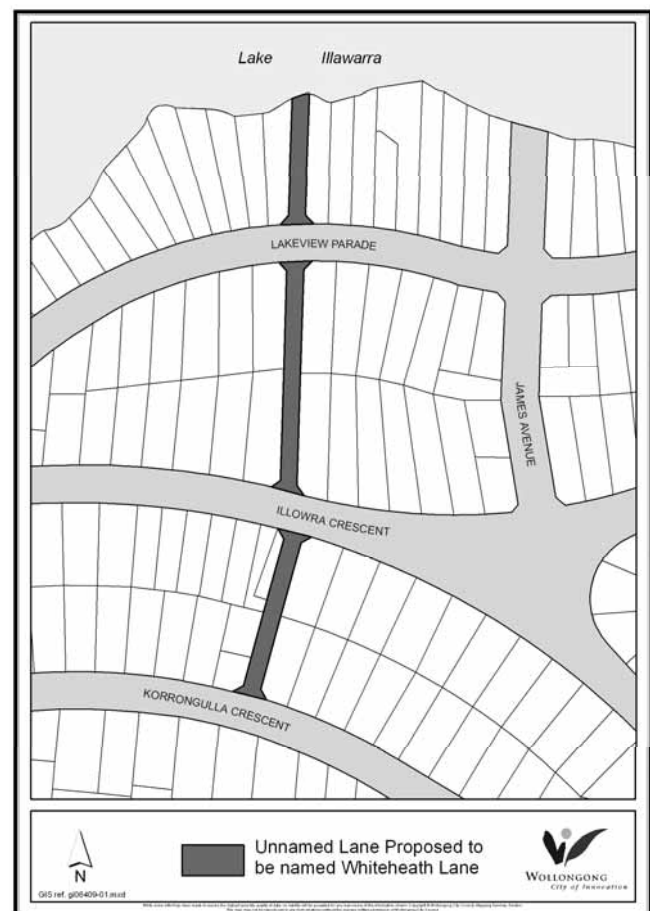
NICK TOBIN, General Manager, Willoughby City Council, PO Box 57, Chatswood NSW 2057. [4084]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Notice of Road Naming

NOTICE is hereby given that Wollongong City Council has now named the road shown on the accompanying plan as "Whiteheath Lane", Primbee, as proposed earlier in accordance with the Roads Act 1993.



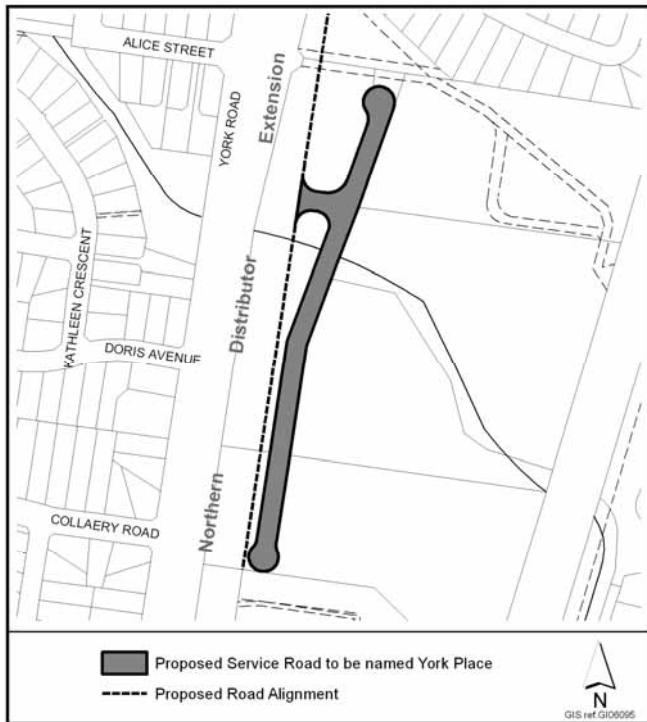
D. FARMER, General Manager, Wollongong City Council, Locked Bag 8821, Wollongong NSW 2500. [4085]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Notice of Road Naming

NOTICE is hereby given that Wollongong City Council has now named the road shown on the accompanying plan as “York Place”, Woonona, as proposed earlier in accordance with the Roads Act 1993.



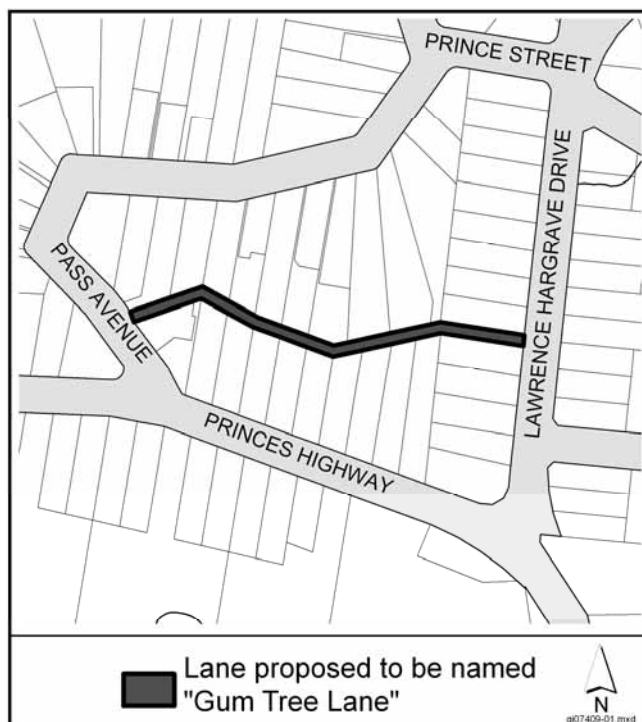
D. FARMER, General Manager, Wollongong City Council, Locked Bag 8821, Wollongong NSW 2500. [4086]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Notice of Road Naming

NOTICE is hereby given that Wollongong City Council has now named the road shown on the accompanying plan as “Gumtree Lane”, Thirroul, as proposed earlier in accordance with the Roads Act 1993.



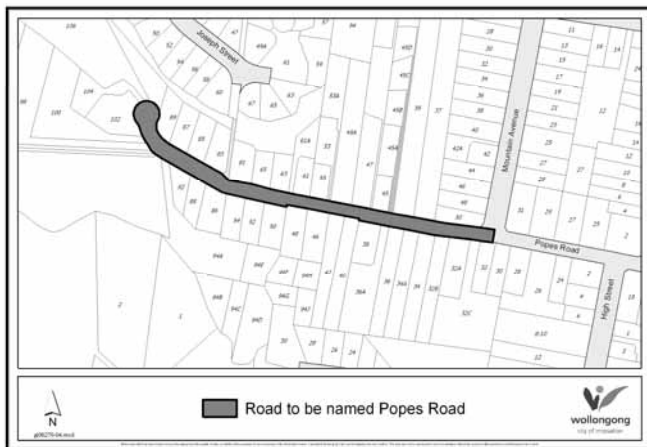
D. FARMER, General Manager, Wollongong City Council, Locked Bag 8821, Wollongong NSW 2500. [4088]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 162

Notice of Road Naming

NOTICE is hereby given that Wollongong City Council has now named the road shown on the accompanying plan as “Popes Road”, Woonona, as proposed earlier in accordance with the Roads Act 1993.



D. FARMER, General Manager, Wollongong City Council, Locked Bag 8821, Wollongong NSW 2500. [4087]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN LESLIE GRIFFITHS, late of Mona Vale, in the State of New South Wales, retired milk vendor, who died on 1 May 2008, must send particulars of their claim to the executors, Ross John Griffiths and Joan Elizabeth Spedding, c.o. Truman Hoyle Lawyers, Level 11, 68 Pitt Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executors had notice. Probate was granted in New South Wales on 16 July 2008. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street, Sydney NSW 2000 (DX263, Sydney), tel.: (02) 9226 9888. Reference: SR 8342. [4089]

COMPANY NOTICES

NOTICE of voluntary liquidation.—GILGANDRA MEDICAL CENTRE PTY LIMITED, ACN 104 742 029 (in voluntary liquidation).—In the matter of the Corporations Law and in the matter of the abovenamed company notice is hereby given that at a general meeting of members, duly convened and held at Suite 12c, 44 Oxford Road, Ingleburn, on Wednesday, 30 July 2008, at 10:00 a.m., the following resolution was passed

as a special resolution: "That the company be wound up voluntarily and that Stanley Moriarty be appointed liquidator for the purposes of winding up". S. MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12c, 44 Oxford Road (PO Box 818), Ingleburn NSW 2565, tel.: (02) 9605 1344. [4090]

NOTICE of dissolution of partnership.—Pursuant to section 36 of the Partnership Act 1892 (NSW), Peter John McMahon hereby gives notice that the Partnership between him and Sandra Byron Gallery Pty Ltd (trading as Byron McMahon Gallery), of 88 George Street, Redfern NSW, has been dissolved. Peter McMahon, PO Box 20039, World Square 2002. [4091]

OTHER NOTICES

COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land
Electrical Substation at Payten's Bridge

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 8th day of August 2008.

CRAIG MURRAY,
Managing Director,
Country Energy,
PO Box 718,
Queanbeyan NSW 2620

SCHEDULE 1

Locality: Payten's Bridge.

L.G.A.: Forbes.

Title: Crown Land within Travelling Stock Reserve 2677 being Lot 102 in DP 1119072.

Parish: Nanima.

County: Forbes.

SCHEDULE 2

In so far as any Native Title rights and interests may exist over any of the Land in Schedule 1, the "non-extinguishment principle" as defined in section 238 Native Title Act 1993 (Cth) applies to this acquisition. [4092]

HUNTER WATER CORPORATION

Hunter Water Act 1991

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of an Easement at Belmont

HUNTER WATER CORPORATION declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Easement described in the Schedule to this Notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for sewerage purposes under the Hunter Water Act 1991.

Dated at Newcastle, this 10th day of April 2007.

KEVIN JOHN YOUNG,
Managing Director,
Hunter Water Corporation

SCHEDULE

Interest in Land

Easement rights as described under the heading Easement for Sewermain in Memorandum 0352656 filed in the Land and Property Information NSW over the site shown as:

"(F) PROPOSED EASEMENT FOR SEWERMAIN 4 WIDE in Deposited Plan 1048534 within Lot 1 DP 573398"

"(J) PROPOSED EASEMENT FOR SEWERMAIN 4 WIDE in Deposited Plan 1048534 within Lot 1 DP 573398"

"(K) PROPOSED EASEMENT FOR SEWERMAIN 4 WIDE in Deposited Plan 1048534 within Lot 2 DP 573398"

"(M) PROPOSED EASEMENT FOR SEWERMAIN 4 WIDE in Deposited Plan 1048534 within Lot 2 DP 573398"

"(G) PROPOSED EASEMENT FOR SEWERMAIN 4 WIDE in Deposited Plan 1048534 within Lot 1 DP 573398"

The following easements are excepted from this acquisition in accordance with section 20(2) of the Land Acquisition (Just Terms Compensation) Act 1991:

1. The existing easement (P144050) for pipeline and access 6.095 wide which burdens Lot 1 in Deposited Plan 573398,
2. The existing easement (E1 09455) for electricity transmission line and access 20 wide 'which burdens Lot 1 in Deposited Plan 573398,
3. The existing easement (P333862) for pipelines which burdens Lot 2 in Deposited Plan 573398,
4. The existing easement (E109455) for electricity transmission line and access which burdens Lot 2 in Deposited Plan 573398.

(C5/111255).

[4093]

ISSN 0155-6320

Authorised to be printed
DENIS H. HELM, Government Printer.